Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Report

Developments of National Significance Application

Section62D of the Town and Country Planning Act 1990
The Developments of National Significance (Wales) Regulations 2016

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by A L McCooey BA MSc MRTPI

An Inspector appointed by the Welsh Ministers

Report Date: 24.10.2025

Reference: DNS/3253253 - Plas Power Estate Solar Farm

Site address: Plas Power Estate, Ruthin Road, Wrexham LL11 3BS

The application was made by Lightsource BP.

The application was confirmed as valid on 17 February 2025.

The proposed development is a ground mounted photo voltaic solar farm, including battery energy storage system, together with associated equipment, infrastructure and ancillary works.

A site visit was made on 14 July 2025.

Secondary consents applied for were as follows:

An application made under section 2(3) of the Ancient Monuments and Archaeological Areas Act 1979 by Lightsource BP for works affecting a scheduled monument at Offa's Dyke near Cadwgan Hall, Wrexham (Withdrawn).
An application made under section 247(1) of the Town and Country Planning Act 1990 by Lightsource BP for an order to authorise the stopping up and diversion of highways: parts of PRoW 1178 (Bersham Footpath 1) and PRoW 1159 (Bersham footpath 8) at Land at Plas Power Estate, north and south of Ruthin Road, Wrexham.

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Application A – Developments of National Significance (DNS) Application DNS/3253253 **Summary of Recommendation: That planning permission be granted subject to conditions.**
Application B – application for an order to authorise the stopping up and diversion of highways DNS/3253253 s.247 **Summary of Recommendation: That the order be confirmed subject to planning permission being granted for DNS Application DNS/3253253.**

Procedural Matters

1. The application proceeded by the written representations procedure. I visited the site and surrounding area on 14 July 2025, viewing the site from public rights of way and the important viewpoints identified in evidence.
2. The determination period was suspended from 4 April 2025 to 4 July 2025 to enable the submission of further information in response to issues raised by consultees. Further information was also requested from Wrexham CBC in relation to concerns raised in the LIR.
3. During that period the applicant applied to vary the application. The variations were accepted because they were minor, and did not substantially or materially change the character, scale or nature of the proposed development. Full details are set out in the Notice under Article 27(7) of the DNS Procedure Order accepting the proposed variations to the application (Ref: EXNOTE007, dated 10 June 2025).
4. Two routes for the grid connection crossing Offa's Dyke are shown on the plans. The preferred option crosses an unscheduled part of the dyke via an existing road. The other option would cross near Cadwgan Hall and would require Scheduled Monument Consent (SMC). The application for the requisite SMC was stated to be in outline only. An outline application for SMC is not legally possible. The secondary consent application was withdrawn because full details of the proposal were not yet known.
5. The decision of Wrexham CBC to adopt the Wrexham Local Development Plan (LDP) has been quashed by order of the High Court. The LDP is no longer part of the development plan for Wrexham and is a non-adopted plan, albeit one that has been found sound following examination. The development plan for Wrexham now comprises Future Wales and the Wrexham Unitary Development Plan (UDP) 1996-2011, adopted 2005. Despite its age, the UDP enjoys development plan status under S38(6) of the Planning and Compulsory Purchase Act 2004. The Council and applicant were invited to highlight whether UDP policy accords with national policy and guidance, in particular Future Wales, and comment on the UDP policies of relevance, by a notice dated 21 July 2025.
6. The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) / National Landscape (NL) is located 2km to the west (at its nearest point) of the site. Welsh Government has set out its intention to designate a new National Park in Wales based on the existing AONB/NL. The views of the parties and Natural Resources Wales (NRW) were sought on the implications of this proposed designation for the development proposal. A recent further consultation on the designation order incorporating a revised boundary has been noted. The boundary changes do not affect the application as they are some distance from the site. In these circumstances it was not considered necessary to seek the parties' views on this matter.

The Site and Surroundings

7. The site comprises 21 fields totalling around 136ha to the west of Wrexham. Most of the site is to the south of the A525 Ruthin Road. This portion is bounded by the A525 to the north, the A483 trunk road to the east and the Clywedog valley/ Bersham to the south. The smaller northern portion is north of the A525 and consists of 4 fields extending close to Higher Bersham Road, just to the east of Coedpoeth. The fields are currently in agricultural use, mostly for grazing.
8. The Site was historically part of an open cast coal mine in 1964 with subsequent landform reinstatement in 1976. Offa's Dyke runs along to the west of the site.

The proposed development

9. The proposed development is for a solar project with a battery energy storage system (BESS). It would have an installed generation capacity of approximately 57MW and the BESS would have a similar storage capacity. The solar panels would have a maximum height of 3.2m, as would most of the substations and transformers. The tallest structures would be around 4m high. The security fencing would be approximately 2m high and 2.5m high around the BESS.
10. There would be 3 access points off the A525: the main access (Access 1) would be close to the eastern boundary serving the southern portion of the site, Access 2 would serve the northern parcel via an existing farm access, Access 3 is the existing Home Farm access which would be used for maintenance traffic once the site is operational. Access 4 to the southern parcel from the south along Rhos Berse Road would only be used in exceptional circumstances and only by smaller vehicles.
11. The construction programme indicates that the solar energy development would be constructed first in around 12-18 months. Construction of the BESS would follow some 5-6 years later and construction would last for 6-9 months. It is expected that there will be a maximum of 75 staff on the site at any one time. The main construction compound will be located in the southern parcel and will be accessed by construction vehicles via Access 1.

Planning Policy

The Development Plan

12. The Council's decision to adopt Wrexham Local Development Plan (LDP) (2013-2028) on the 20 December 2023 was quashed by the High Court on 19 May 2025. The LDP is no longer part of the development plan for Wrexham and is a non-adopted plan, albeit one that has been found sound following examination. Wrexham Council has voted to ask Welsh Government to withdraw the LDP.
13. The development plan comprises Future Wales (FW) and the Wrexham Unitary Development Plan (UDP) 1996-2011, adopted 2005. FW Policy 17 gives significant weight to meeting Wales' international commitments and the Government's target to generate 70% electricity by renewable means by 2030. Solar farms should not have an unacceptable adverse impact on the environment. Policy 18 is permissive of low carbon energy projects subject to Policy 17 and there being no unacceptable adverse impacts on, amongst other things, landscape (especially on the settings of AONBs), ecology, heritage assets and the living conditions of nearby residents. Policy 9 requires biodiversity enhancement to be demonstrated as part of development proposals.
14. UDP Policy PS12 is supportive of renewable energy proposals provided that the wider environmental benefits are not outweighed by any detrimental impacts of the proposed development on the landscape, public safety, and the local environment.

15. Policy EC1 Green Barriers states that development will only be granted planning permission if it is for agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it. Policy EC5 states that within Special Landscape Areas (SLAs), priority will be given to the conservation and enhancement of the landscape.

16. Other policies of relevance include:

- Policy EC2 – Agricultural Land
- Policy EC4 – Hedgerows, Trees and Woodland
- Policy EC6 – Biodiversity Conservation
- Policy EC9 – Listed Buildings of Special Architectural or Historic Interest
- Policy EC11 – Archaeology
- Policy EC12 – Development and Flood Risk
- Policy T6 – Primary and Core Highway Network
- Policy GDP1 – Development Objectives
- Policy MW9 – Protection and Minerals Resources

17. The Local Planning Authority's Supplementary Planning Guidance (SPG) documents includes:

- No.7 Landscape and Development
- No. 17 Trees and Development
- No. 32 Biodiversity and Development
- No. 34 Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

National Policy

18. Planning Policy Wales (PPW) states that low carbon electricity must become the main source of energy in Wales (5.7.1) and the planning system should secure an appropriate mix of energy provision whilst minimising environmental and social impacts (5.7.6). Energy storage has an important part to play in managing the transition to a low carbon economy. Proposals for new storage facilities should be supported wherever possible (5.7.12). Planning applications for renewable and low carbon energy developments should be determined based on the merits of the individual proposal (5.9.15) taking into account the contribution to meeting identified Welsh, UK and European targets.

19. The following Technical Advice Notes (TANs) also contain relevant guidance:

TAN 5	Nature Conservation and Planning
TAN 10	Tree Preservation Orders
TAN 11	Noise
TAN 12	Design
TAN 13	Tourism
TAN 15	Development and Flood Risk
TAN 18	Transport
TAN 23	Economic Development
TAN 24	The Historic Environment

Main Parties Comments on the UDP Policies and preparatory Studies for the LDP

Wrexham CBC

20. Policy PS2 is generally consistent with the placemaking principles in Future Wales and PPW and the commitment to good design set out in TAN12. Future Wales and PPW provide more detailed policy and guidance than Policy PS2. The UDP does not have a specific policy relating to the Clwydian Range and Dee Valley National Landscape.

21. Policy PS12 on Renewable Energy makes no reference to climate change, Wales's international commitments to renewable energy contribution or the crucial role of the planning system supporting the transition to a low carbon economy. A strict application of PS12 would be overly restrictive to renewable energy projects, contrary to Future Wales and PPW's positive support for renewables.

22. FW Policy 18 is a specific policy for DNS proposals. FW is the most up to date part of the development plan for the area and where there is conflict, will carry greater weight than the UDP.

23. Policy GDP1 is generally consistent with national policy for issues of character and appearance, highway safety and neighbour amenity.

Policy EC1 Green Barriers

24. The site is situated in the Green Barrier as defined by the UDP. Renewable and low carbon energy generation may be appropriate in the green wedge provided they preserve its openness and do not conflict with the purposes of including land within it (PPW 3.77).

25. However, the UDP settlement and Green Barrier (Green Wedges in PPW) boundaries were drawn for a plan period that ended 14 years ago from an evidence base over 20 years old. The methodology for the deciding the UDP Green Barrier is not available. The UDP Green Barrier designations conflict with national policy in PPW12 at paragraphs 3.67, 3.68 and 3.72.

26. For the LDP, a Strategic Green Wedge Review was undertaken (EBNB011) that determined the land containing this proposal did not perform the functions set out in PPW para 3.67. The Green Wedge east of Coedpoeth and south of the B5430 relates to the proposal area. The Review commented that the designation does not serve the same purpose to the south (the part containing the application site). Given the distance between the settlements, the lack of development pressure and the fact that development in this location would be controlled by the presence of a settlement limit along with national (and if needed) local policies presuming against development in the open countryside, the designation was not carried over to the LDP.

27. The evidence in EBNB01 demonstrates the Green Barrier as drawn in the UDP, and specifically for this site, does not perform the functions established by national policy, therefore the UDP designation would conflict with the purposes set out in PPW 3.67. Nor does the designation ensure that a sufficient range of development land is available as required by PPW 3.72.

Policy EC5 Special Landscape Area

28. Parts of the site to the south of the A525 are designated as an SLA in the UDP. The UDP SLA was prepared over 20 years ago in a very different policy context, the methodology underpinning it is not available but it was not prepared using current datasets or methodology required by PPW 6.3.12-13 (LANDMAP).

29. Furthermore, it is not clear from EC5 (and its lack of supporting evidence) which landscape features, characteristics or qualities require extra protection or how the policy or designation will achieve protection, again a requirement under PPW.

30. The boundaries of the SLAs as defined in the unadopted LDP were informed by the Special Landscape Areas Study 2017 EBNB032. The methodology of the review followed that recommended by NRW and is consistent with PPW12 para 6.3.12. This study did not identify an SLA within the area for this proposed development.

The Applicant

31. The Applicant generally agrees with the comments of the LPA. The following is a summary of the submissions on the relevance of or background to the UDP Policies of particular importance to the determination of the application.

32. Paragraph 7.8 of Welsh Government's Development Plans Manual (Edition 3) advises that where development plans are outdated, Local Planning Authorities should give the plan decreasing weight in favour of other material considerations, such as national planning policy.

33. Although the LDP has been "un-adopted", it was subject to a full and independent examination by Planning Inspectors, found sound, and was adopted by the Council before being quashed on procedural grounds rather than on the merits of its content. As such, its evidence base, policies, and spatial strategy reflect a more up-to-date assessment of Wrexham's development needs than the currently adopted UDP, which expired in 2011. It is the Applicant's view that the LDP remains a material consideration of significant weight, particularly where there is a clear departure from outdated UDP policy. Alongside Future Wales, the LDP and its evidence base should carry greater weight in decision-making where policy conflict arises.

34. The proposed development aligns with: Relevant UDP policies that are up to date, the evidence base and strategy of the quashed LDP, the most recent national policy framework, including FW, Planning Policy Wales (Edition 12), and the Well-being of Future Generations (Wales) Act 2015.

35. Regarding the green barrier designation, the Council's own Strategic Green Wedge Review, prepared as part of the LDP evidence base, concluded that the site no longer justifies this designation due to its separation from neighbouring settlements, limited development pressure, and defined settlement boundaries. Although the LDP was quashed, this evidence remains a valid and highly material consideration. In the absence of an up-to-date local development plan, decisions should be guided by national policy and credible, up-to-date local evidence. As a result, it is the Applicant's position that the historic green barrier designation should not constrain appropriate development at this location, that is otherwise compliant with FW.

36. Even if a degree of policy conflict is considered to remain, a planning balancing exercise must be undertaken. The proposal would deliver clear and demonstrable benefits, including the generation of renewable energy, alignment with national climate objectives, and support for infrastructure needed to accommodate housing growth. These benefits are considered to significantly outweigh any residual harm associated with the historic green wedge designation, particularly given the designation's outdated basis and the robust evidence supporting its removal.

The case for the applicant

37. The following is a summary of the applicant's Environmental Statement (ES), Planning Statement and further information.

The need for renewable energy

38. The need for the proposed development stems from two sources:

    1. Energy security in the context of increasing demand for electricity; and

    2. The need to decarbonise energy systems and combat the potentially devastating effects of climate change on the environment, and current and future generations.

39. National Grid anticipates annual electricity demand in the UK could more than double from 288 TWh in 2022 to up to 726 TWh in 2050. There is an urgent need to increase electricity capacity in the UK to ensure a secure and stable supply in the future and achieve renewable energy and net zero targets. In April 2019, the Welsh Government declared a climate emergency and in February 2021 set a more ambitious target of net zero emissions by no later than 2050. In March 2021, the 2030 target was increased from 45% to 63% below the 1990 baseline, and the 2040 target was increased from 67% to 89% below the 1990 baseline by new legislation. Consequently, there is an urgent need to install renewable electricity generating stations such as the proposed development.

40. The proposed development will provide a source of renewable energy, helping to reduce carbon emissions and contribute to Wales' net-zero goals. It will also contribute to the UK's ambition of a fivefold increase in solar energy generation, up to 70GW by 2035 as set out in the UK's Net Zero and Energy Security Strategy. It is estimated that the solar project could generate up to 57MW, saving between 83,100 tCO2e and 988,234 tCO2e of avoided emissions of carbon over its operational lifetime. The range represents both conservative and optimistic assessments of avoided emissions given the scenarios used to calculate operational avoided emissions. Additionally, the energy produced once the proposed development is operational will reduce reliance on imported fossil fuel energy sources, providing greater energy security at a national scale.

41. The BESS will have an important part to play in managing the transition to a low carbon economy. The supply generated from the solar PV on the site, along with other renewable energy in Wales will be intermittent in supply, and energy storage can help balance supply and demand.

42. The area covered by solar panels would be approximately 136ha hectares. The panels will be positioned at an angle of between 15-25 degrees, with a proposed height of up to 3.055m to the top of the panel frame on level ground, including 1m of ground clearance to enable maintenance access below the PV modules. Where there the ground undulates there may be minor variability to the maximum height up to 3.20m. The solar panels would be set back from the site boundaries to allow for landscaping and screen planting, perimeter security fencing, CCTV coverage, access tracks and maintenance access. A summary of the key parameters for all elements of the proposal is contained within Table 2.2 of the ES.

43. The proposed development will include a 33kV cable that will connect the solar, BESS and associated infrastructure to the Legacy Substation located approximately 1.2km to the south-west of the site, north of the B5246. Two cable route options are currently under consideration and have been assessed in the ES.

44. The BESS is part of the proposed development and has therefore been assessed as such within the technical environmental assessments contained within this ES. If the construction of the BESS were not to take place, the land where the BESS is currently

proposed would be used to place solar panels instead. If the BESS were not built, the environmental effects would be equal to or less than those currently presented within the technical chapters that are associated with the BESS. As a result, the assessments present a worst-case scenario and allow the flexibility for either option to be brought forward in the future

Key benefits

45. The benefits of the proposed development include:

- The generation of renewable energy with an output capacity of up to 57MWac of electricity, which is equivalent to providing enough power to meet the annual electricity needs of approximately 22,700 homes, saving between 83,100 tCO2e and 988,234 tCO2e of avoided emissions of carbon over its lifetime, and contributing to the target to generate 70% of consumed energy by renewable means by 2030. Solar is currently one of the cheapest forms of energy generation and this solar farm can help contribute to reducing customers energy bills.
- Solar and BESS projects can help sustain the farming businesses for the long-term future by establishing a valuable revenue stream.
- A community benefit fund of £57,000 will jointly be established for Coedpoeth and Esclusham Community Councils, and a further £400,000+ will be invested in local projects and initiatives.
- The proposal would significantly improve biodiversity in the local area. The new native tree and hedgerow planting, along with new wildflower meadows will create new and enhanced habitats for wildlife.
- The development would generate business rates to Wrexham Council of around £3.3 million associated with the operation of the solar panels over its 40-year operational lifespan, this figure would increase upon commissioning of the BESS.

Landscape

46. The north of the site sits in the context of the urban fringe of Wrexham and the south in the context of Bersham Conservation Area that contains the historic associations that include the iron museum works and recreational associations with the Clywedog Trail running adjacent to the River Clywedog. Subtle historic references to the former Plas Power Estate remain, including the estate walling, listed buildings and planted parkland trees would all remain intact.

47. Given the proposed development would be long-term, but fully reversible and at a low level, the landscape structure can be retained and improved, and the site is well contained, there are no significant effects upon the local landscape character due to the proposed development anticipated.

48. In terms of views, the site is low lying and well buffered by existing boundary vegetation with views being close ranging, from the PRoW (BER/1) that runs within the site and longer distance views being obtained from elevated land to the east that includes the Clwydian Range and Dee Valley AONB. It is anticipated that a solar scheme of this scale would cause some localised obstruction to near views with Viewpoints (VPs) 1 and 2 that are located within the site experiencing significant visual effects during construction and in year 1 of operation. However, the full extents of the scheme would not be viewed in its entirety, given the existing baseline context includes field boundary hedgerows and areas of woodland within the view, and accounting for the mitigation proposed as part of the proposed development these effects would not be considered significant by year 15 of operation.

49. Distant views would be longer ranging and encompass a larger extent of the scheme, however given the distance the solar panels would not form an overly prominent feature in the view with long and short distance views often being interrupted by vertical elements of pylons. No other likely significant effects arising from the proposed development are anticipated.

50. The significance of effect on VP1 (nearby on access 3) and VP2 (within the site) at winter year 1 is likely to be Major Adverse which is significant in EIA terms. The impact is due to close-range views being channelled along the route of the green corridor that forms the route of the PRoW. The channelling of open views would be partially offset by enhancements to the setting of the PRoW that include wildflower grassland and hedgerow improvements.

51. In terms of design, the proposed development includes a range of measures that have been specifically designed to reduce or avoid significant adverse landscape and visual effects including the removal of field parcels which were assessed to have had the most significant adverse impact on both the landscape itself, and the visual experience of the landscape. Existing field boundary planting including trees and hedgerows have been retained and enhanced as part of the proposed development through a carefully selected planting palette of native species trees, hedgerows and scrub areas. Existing woodlands have been enhanced through woodland edge tree planting and appropriate stand-offs. These measures have been designed specifically to align with the landscape and heritage qualities of the wider context through protecting and enhancing the natural environment and improving connectivity, protection of valuable features and provision of mitigation measures as appropriate

52. In terms of the proposed National Park Designation based on the existing Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) (now known as a 'National Landscape'. The designation of AONB / National Landscape and National Park have equal status and are both afforded the highest level of conservation and protection in Wales. Both designations are concerned with conserving, enhancing, and safeguarding natural beauty. Whilst it is considered the proposed National Park would slightly increase the sensitivity of both LCAs, it is considered this would not be of such a significance to result in the overall significance of effects increasing above 'Minor adverse' for both LCAs, which is not significant in Environmental Impact Assessment (EIA) terms. The same would be true for visual impacts.

53. In summary, there are several similarities between the proposed National Park and the existing AONB/NL as detailed above and it is considered impacts and effects identified within the ES would not significantly alter should the proposal for a new National Park be implemented. The proposed development would not be located within the National Park, nor would there be significant adverse effects as a result of this designation being made.

54. The summary of landscape and visual effects is: The full extents of the scheme would not be viewed in its entirety and, given the existing baseline context that includes field boundary hedgerows and areas of woodland within the view, this would not be considered significant. Distant views would be longer ranging and encompass a larger extent of the scheme, however given the distance the solar panels would not form an overly opponent feature in the view with long and short-distance views often being interrupted by vertical elements of pylons. The proposed development provides opportunities for enhancements to the existing field structures and ecological value of the site that would be long term and beyond the 40-year duration of the proposed development. Overall, the quality and character of the landscape and visual resources would be maintained and would have the capacity to accommodate the proposed development without significant effects

Ecology

55. The application is supported by extensive species and habitat surveys. The Landscape and Ecological Management Plan (LEMP) sets out the measures which will be undertaken during the operational stage of the proposed development. The Applicant will be responsible for implementing the measures set out in the LEMP throughout the operational phase. A detailed LEMP will provide further information on the habitat management for biodiversity and the delivery mechanisms that will be in place for the operational life of solar farm. It is anticipated that the preparation of the detailed LEMP would be secured through a planning condition and subject to Local Planning Authority (LPA) approval.

56. The detailed LEMP would include prescriptions as set out in the response provided by Natural Resources Wales relating to the following:

    • Delivery mechanism for the implementation of conservation management and responsibilities

    • Species specific aims and objectives aligned to habitat management

    • Protected species legislation

    • Non-native species legislation

57. The assessment contained within Environmental Statement, Volume 1, Chapter 6 has taken into consideration PPW and guidance in relation to providing a Net Benefit for Biodiversity, Ecosystem Resilience and the DECCA Framework relating to diversity, extent, connectivity, context and adaptability. The Green Infrastructure Statement submitted with the DNS application outlines the approach.

58. The proposed development has been designed to avoid the loss of highest value habitat; woodland, watercourses, ponds and the hedgerow network. Where avoidance has not been possible impacts have been minimised. Stand-offs will be implemented around higher value habitat including field boundaries and adjoining woodland, watercourses and waterbodies. The substantial separation of the working area from the River Clywedog will avoid potential impact pathways. Existing field entrances will be used where possible and there will be minimal extensions of existing gaps in hedgerows to widen access points. Mitigation includes provision of tussocky grassland of field margins on land that are currently cultivated and sown with crops.

59. The existing wildlife corridors within and around the site will be protected to retain strong connectivity with the wider landscape. The biodiversity value of the site will be maintained and enhanced through sensitive design enabling the retention of all higher value features and the creation of new habitats with value for wildlife. The Proposed Development would result in the conversion of low value habitat, primarily arable farmland to grazing pasture with neutral grassland boundaries. Management of habitats during the operational life of the solar farm will be aligned to biodiversity objectives – floristic diversity, pollen and nectar sources, provision of winter food resources. Features will be maintained to promote the conservation status of great crested newt and maintain the value of the site for bat species and barn owl.

60. As examples, increasing the extent of grassland, diversifying grassland structure and allowing hedgerow canopies to develop through less frequent cutting will all contribute the DECCA attributes and the biodiversity value of the site. Together, the measures will provide a Net Benefit for Biodiversity consistent with PPW and the above guidance.

61. The Council's ecologist has identified a Barn Owl nest site within the application site. A Barn Owl Survey was undertaken in April 2025 and results are detailed in the appended Barn Owl Survey Report. In response to the nest site, the Site Layout Plan has been updated to provide protection to the context of the tree in which barn owl are known to intermittently nest. The proposed access route to the north of the location has been re-routed through an existing access point to be over 60 m south of the nest site at the closest point. The alignment of the perimeter fence, around the solar arrays, will be set back at least 20m from the tree. New 20m wide strips of tussocky grassland alongside the hedgerows connected to the tree will increase connectivity between the nest site and the fields and hedgerow network outside the site boundary. The proposed approach for the protection of the nest site was agreed with the Council's Ecologist.

62. As a biodiversity enhancement measure it is also proposed that a barn owl nest box of an appropriately durable design will be installed within the central section of the site. Provision for this is made in the updated Outline LEMP.

63. Replacement foraging habitat for wintering birds will be created. The creation of new ponds, hedgerows, tussocky grassland and wildflower grassland will benefit a range of species including Great Crested Newt (GCN). GCN surveys have been undertaken, which revealed the presence of GCN in ponds nearby. A GCN mitigation strategy has been prepared to ensure that there are no adverse impacts on this protected species. Grassland and pond creation alongside hedgerows will maintain flightlines and have the potential improve the value of the site for foraging bats. The otter population for which the River Clywedog forms part of their territory will not be affected by the proposals. The long-term management with biodiversity objectives, supported by targeted monitoring, is designed to deliver benefits for habitats and species. Overall, the Proposed Development will develop higher value for biodiversity than the existing site.

64. The potential likely significant effects of the proposal on protected sites – Special Areas of Conservation (SACs), have been assessed and a shadow Habitats Regulations Assessment provided. This concludes that subject to appropriate mitigation measures (which can be controlled by conditions), the proposal would not be detrimental to any of the SACs involved.

Cultural Heritage

65. The development has been assessed for potential impacts on the historic environment. It assesses the likely significant effects on known and potential buried archaeological remains within and in proximity to the site, as well effects to archaeological and built heritage assets in the surrounding area. This assessment has been informed by the results of an Archaeological Desk-Based Assessment, Built Heritage Statement, Geophysical Surveys and Trial Trenching.

66. The construction of the project would have limited effects on features of limited archaeological interest have been identified by the geophysical survey and trial trenching. There would be negligible potential for hitherto unrecorded archaeology to be affected. Effects of the proposed grid connection on Offa's Dyke can be mitigated in line with the recommendations of Cadw or Heneb depending on which route is chosen.

67. The proposal would potentially affect the settings of fifteen heritage receptors through changes to their extended settings. For the identified heritage receptors, no effects greater than of Minor Adverse significance were identified which is not significant in EIA terms.

Highway safety

68. The development would consist of two elements: the solar farm and the BESS, and the traffic impacts of the construction of both have been considered. The application is supported by a Transport Statement which considers existing traffic conditions and speeds, trip generation and the impact of traffic from the proposal. This refers to an outline Construction Traffic Management Plan (CTMP), which also has been submitted. It is intended to guide the delivery of materials, construction workers and equipment to and from the application site during the construction phase of the development in a manner that minimises nuisance and disturbance to the existing road network. The CTMP sets out the strategies to reduce impacts associated with construction phase traffic and workforce travel plan. It will form the basis of more detailed plans to be required as pre-commencement planning conditions.

69. The comments of the local highway authority were discussed at a meeting and the applicant has responded to the concerns raised. The vehicle speed surveys were undertaken outside school holidays. The required visibility splays can be subject to a relaxation of two steps in Design Manual for Roads and Bridges (DMRB). The available splays exceed the two-step relaxation in SSD of 90m and are therefore DMRB compliant. The traffic management regime proposed under the CTMP would control the traffic movements and restrict deliveries to outside busy periods. There would be no intensification in the use of the northern access. Insistence on this the maximum splays would involve greater loss of existing stone walls, trees and hedgerows at both access points. In all these circumstances, the full DMRB visibility splays would not be necessary or appropriate at the two principal access points. The other issues raised can be addressed as the scheme develops by the CTMP.

Hydrology and Flooding

70. A Flood Consequences Assessment (FCA) and Conceptual Sustainable Drainage Strategy has been prepared which has assessed the Site to have a very low risk of flooding from fluvial and sea sources, a low risk of flooding from surface water and a very low to negligible risk of flooding from all other sources. The FCA and Conceptual Drainage Strategy demonstrate that appropriate mitigation measures, a suitable drainage strategy / network, would be incorporated into the design to reduce the adverse impacts and attenuate any increase in surface water runoff. The FCA demonstrates that the proposed development meets the requirements of local and national policy.

71. Relevant permits and consents will be obtained from NRW and the Council prior to construction, these would include land drainage consents as required.

Noise

72. A Noise Impact assessment (including a background noise survey) has been undertaken. The results show that emissions from the solar element of the proposed development would be free from noise and vibration at levels likely to cause pollution outside the site. There would be some noise emissions associated with the BESS element of the proposed development, specifically in relation to the Power Conversion Systems. These elements will be contained within an acoustic barrier and fitted with filters to reduce the noise generated to an acceptable level.

Soils

73. The development area was selected to avoid areas of Best and Most Versatile (BMV) land. An area of 1.6 ha was identified from field survey to be subgrade 3a “good” quality land. This involved a small strip of land bordering the northern boundary of the Site. The

design of the development was amended to exclude this area. None of the site contains any BMV land.

74. An outline Soil Resources Management Plan has been produced to ensure that soils and land quality will be managed carefully during construction, operation and decommissioning of the proposal. The installation process involves only small areas of land for tracks and transformer bases to be disturbed. Soil that is excavated for these areas will be stored so that the same soil can be used for the restoration of these areas at the decommissioning phase.

Response to comments of the Woodland Trust

75. The Tree Survey and Arboricultural Impact Assessment (ES Appendix 5.8) details all tree and woodland constraints, including ancient woodland and veteran trees together with details of tree and woodland protection during construction. All veteran trees have been afforded root protection areas which are consistent with BS5837, and tree buffer zones in line with recognised guidance i.e. 15 times the stem diameter of the tree. A minimum buffer of 25m (BS5837) has been allowed between the development and Plas Power Woodland, with all land inside of the zone retaining a naturalistic / soft landscape character.

Response to BESS Issues raised

76. The ES contains an Outline Battery Safety Management Plan (OBSMP) which aims is to define the proposed safety strategy, requirements, and processes necessary to meet derived safety objectives. Relevant guidance from the National Fire Chiefs Council (NFCC) Report on BESS, Planning Practice Guidance and industry sources has been used to derive these standards. Consultation with the North Wales Fire and Rescue Service has taken place and no objections were raised. The OBSMP concludes that, as far as reasonably practicable, currently foreseeable hazards associated with the equipment have been identified. The plans to address these hazards will be actively managed throughout the life of the installation and added to as necessary as the BESS project develops and will be reported on regularly.

77. The FCA addresses the issues of firewater containment. There is little guidance so that produced by Essex and Oxford Fire and Rescue Services has been considered. This guidance suggests allowing for containment of an estimated 350M^3 would be appropriate. This allows for contingencies. The BESS area will be lined to ensure that, in the unlikely event of a fire, water runoff does not infiltrate into the ground. To ensure adequate water storage capacity a small storage tank has been added to the scheme near the BESS. This was an independent design decision, unrelated to any representations.

78. An onsite fire containment strategy will be incorporated into the overall site drainage design. The attenuation pond will be designed to accommodate the required firefighting water. In the highly unlikely event of a fire, the unit on fire will be left to burn out, in accordance with general guidance for battery units, whilst water will be focused on the adjacent battery units to ensure the fire is contained. As a consequence, the runoff generated is less likely to pose a contamination risk. A penstock will be installed downstream of the pond to allow further containment of potentially contaminated water for testing prior to either tanking offsite if contaminated or alternatively discharged in accordance with the approved drainage strategy.

79. The battery units would be the NFCC Planning Guidance recommended 25m minimum distance from any vegetation and the area around the units is laid over to gravel to prevent any fire spread. Further to this a water supply is available to assist with boundary cooling and the prevention of fire spread outside of the BESS compound. Information is

provided showing that there have only been two BESS fires in the UK since 2006. No damage to third party land or injuries was reported.

SP Energy Networks (SPEN)

80. The Applicant has been carrying out continued engagement with SPEN regarding the potential impact of the development on its network. Following discussions with SPEN, it was agreed that a Construction Environmental Management Plan (CEMP) would not be an appropriate control. Consequently, the condition requiring a CEMP has been amended to remove the wording suggested by SPEN, and a new condition has been added to secure a standalone construction management plan. This new condition will ensure that measures to manage and mitigate impacts on the electricity network are secured.

Wrexham County Borough Council

81. The following is a summary of the Local Planning Authority's Local Impact Report (LIR) and further submissions made.

Landscape and Visual impact

82. The site is located within National Landscape Character Area 13: Deeside and Wrexham. The applicant accurately summarises the detailed information the LANDMAP provides in relation to the site. The ES assesses the potential landscape and visual impacts for the construction, operational and decommissioning phases. It also provides an assessment of potential cumulative effects.

83. Despite the potential for mitigation measures to help minimise impacts from the proposed development, the development will result in significant adverse landscape impacts. The development would be a prominent and distinctive urbanising feature in the landscape. The development is located on lower ground within a rural setting and the development would contribute to the urban sprawl of Wrexham. The conclusions of the LVIA and thus the ES chapter broadly underplay the level of impact upon both landscape character at a local and district level, and visual impacts for the operational phase.

84. The conclusions regarding the impact on the AONB/NL are supported. In terms of the intention to designate a new National Park in Wales based on the existing Clwydian Range and Dee Valley AONB, does not have significant implications for this decision as the existing AONB benefits from significant policy protection akin to that of a National Park.

Ecology

85. The application documents set out how the proposals would take into account the stepwise approach in PPW. The ES conclusions that the proposed development would develop higher value biodiversity than the existing site resulting in a minor positive effect of significance, are agreed.

86. The council's ecologist advises that any long-term mitigation must be manged in perpetuity, but the project does not provide sufficient and long-term enhancement. Greater consideration is required, with exact methods of management and security developed.

87. The surveys, whilst completed to an acceptable standard on the whole, have failed to pick up the presence of a breeding barn owl nest site within the application site. As it is proposed to remove trees and hedgerows in this area, the Council would strongly object, unless the development is moved away from this habitat to avoid the natural nest site for barn owl. Provided this is done and the enhancement measures are secured by suitable

conditions and/or a Section 106 obligation, the operational impact would be considered to be positive.

Residential Amenity

88. The LPA is satisfied that noise impacts can be suitably controlled by means of conditions requiring the approval of the CEMP, construction hours of operation and an operational noise management plan. Similarly, any issues with lighting and air quality can be controlled by conditions.

89. A glint and glare assessment has been provided with the application and includes an assessment of the impacts on residential properties, roads and selected ZTV viewpoints. For each receptor it was found that no significant impacts were predicted with no mitigation required. The Council does not dispute the conclusion of the assessment and acknowledges that existing vegetation/ hedgerows and proposed landscaping would obscure any glint/glare.

90. Despite these conclusions the LPA indicated a negative impact for all phases. The council clarified that it did not dispute that there would not be significant impacts upon residential and public amenity. The council do however maintain that the impacts would be negative through all phases primarily owing to the disturbance (noise, air quality and lighting) during construction and decommissioning despite the opportunity to manage impacts via appropriate management schemes secured by condition. During operation the reasoning for concluding a negative impact primarily relates to noise generation at nighttime (Bersham Bank and Bersham Lodge). Whilst the LPA considers there would be negative impacts it is accepted that adverse effects could be prevented by conditions.

Archaeology and Cultural/Built Heritage

91. The iterative design of the development also sought to avoid / reduce impacts upon features by avoiding potential features identified during the design process. Also, additional screening planting has been provided to reduce impacts. To mitigate the impacts of the proposal upon Offa's Dyke the cabling would be either routed via the road to utilise an existing break in the feature or the cabling will be buried at a depth using horizontal directional drilling so as to not disturb the monument.

92. The assessments indicate at most a single minor adverse impact on historic hedgerows during construction. The operational impacts are confined to a minor adverse impact on the settings of assets, with no cumulative impacts.

93. Despite these conclusions the LPA indicated a negative impact during construction and operation. Clarification confirmed that the worst predicted impacts upon settings of identified assets during construction is deemed to be negligible. These impacts are not disputed. The construction phase is most likely to result in impacts upon archaeological features due to disturbance by piling for arrays and other construction operations. Once operational, there would be impacts upon the setting of listed assets which would be adverse.

Highway safety

94. The Highway Authority raised concerns with the main site access arguing that the maximum required visibility splays were not provided, swept path analysis was required and that further information to address the stage 1 road safety audit and on traffic surveys, on cable routes, and on travel plans should be provided. There was no response to the applicant's further information on these issues, following a meeting with the Authority.

Other matters

95. The Council had indicated a negative impact on flooding as a result of the proposal. This was queried as no reasons were given. The LPA replied that the FCA was not considered in detail at the time of writing the LIR. The basis for the conclusion of negative impacts during construction and decommissioning largely owes to the fact the proposed cabling would pass over the River Clywedog and therefore areas at high risk of flooding. During operation the cabling would be a benign feature unlikely to be at any risk from flooding nor would it increase flood risk.

96. The site is within a minerals safeguarding area and Policy SP16 of the LDP (now Policy MW9 of the UDP) directs new development away from areas underlain by mineral of importance unless a resource assessment has been provided to demonstrate that no exploitable reserves exist beneath the site. The application is supported by a Mineral Resource Assessment which concludes that the viability of extraction of potential mineral underlying the site to be low. It is also stated that the temporary nature of the development means any mineral resource is not permanently sterilised. The application therefore complies with the policy.

Consultation Replies

97. The following is a summary of representations received, updated as appropriate in the light of further information provided by the applicant during the examination.

Cadw

98. No objections: agree with the conclusions of the ES that the proposal would not have a significant effect on the settings of designated heritage assets or non-designated archaeological features.

Department for Climate Change and Rural Affairs Soil Policy & Agricultural Land Use Planning Unit

99. The Agricultural Land Classification (ALC) Survey is accurate. The proposed development site does not include any Best and Most Versatile agricultural land and therefore the Department has no objections to the proposal

NRW

100. Concerns regarding protected species, protected sites and land contamination can be addressed by conditions. In relation to Great Crested Newts (GCN), conditions requiring approval of final versions of the Landscape and Environmental Management Plan, GCN Mitigation Strategy and a GCN Conservation Plan are suggested.

101. The Barn Owl survey has been carried out to an acceptable standard. The report identifies a suitable tree nesting feature for Barn Owl within the application site. The mitigation proposed within the report should be adhered to in order to avoid adverse impacts on Barn Owl.

102. There would be no adverse effect on the integrity of the relevant SACs and their mobile features (see also Appendix B).

103. Had expressed concerns with the application due to inadequate information regarding the designated landscape of the Clwydian Range and Dee Valley National Landscape (NL, formerly AONB). Upon receipt of further information, NRW confirmed that the impacts are unlikely to be significant in relation to the conservation of the natural beauty and special qualities of the designated landscape or its users. This is due to the extensive landscape context in which the proposals would be seen when viewed from the

NL, the influence of existing development and settlement on these views, and the screening influence of existing and proposed vegetation.

104. Regarding potential implications of the proposed new national park, no boundary changes are proposed that would result in new areas of designated landscape being impacted by the proposed development. Whilst the statutory purposes of a National Park designation differ to that of a AONB designation, the purpose of conserving and enhancing natural beauty – which is the focus of NRW comments - is common between the two designations. Designation as a National Park would not change their advice.

105. NRW concerns regarding the Battery Energy Storage System (BESS) and associated infrastructure related to the prevention of polluted water in the event of a fire from entering the nearby watercourse. Details of drainage proposals, water containment and other mitigation measures can be controlled by adequate conditions.

106. There are no objections to the development proposal on flood risk grounds. The applicant's preliminary risk assessment shows the presence of backfilled opencast workings, remnants of mining infrastructure and unidentified buildings as potential sources of contamination. NRW records show made ground to be present across large areas of the proposed development. Conditions are suggested to address the issues of dealing with contamination.

Welsh Government Highway Authority

107. Welsh Government as Highway Authority for the A483 Trunk Road does not issue a direction for this application.

The Mining Remediation Authority

108. Notes the past surface mining and potential presence of shallow workings and recommends conditions requiring the undertaking of site investigations in those areas identified as being at risk of surface instability and the carrying out of any remedial works necessary where structures to support the solar project are proposed. This can be addressed by a suitable condition.

Heneb (Clwyd Powys Archaeology)

109. Much of the eastern half of the Site has been previously quarried out for opencast coal extraction and the remainder of the site has well scattered remains of generally Post Medieval date and Low significance. Heneb would therefore agree that the potential for unrecorded archaeology is negligible. No further mitigation is therefore required for the main development site.

110. The preferred route for the grid connection cable to the legacy substation is via an existing road that crosses through an unscheduled section of Offa's dyke. Archaeological monitoring and recording will need to take place, which would be within the remit of the agreed conditions supplied by the LPA.

SP Energy Networks

111. SP Energy Networks suggest that measures for protecting the network could be part of the CEMP required by condition.

Woodland Trust

112. Seeks assurances that the construction of the security fencing would not impact on the root systems of trees on the woodland edge. Also concerned about the proximity of the BESS to Plas Power Wood in the event of a fire. If re-location is not possible then a fire management plan should be required to provide assurances against damage to the wood.

113. Veteran trees have not been identified in the ES information – they should be protected and retained

Other interested parties

114. 5 representations were received from local residents and Councillors during the initial and second rounds of consultation. Key matters raised include:

- The landscape character will be adversely affected close to a proposed NP.
- Adverse impact on wildlife, hedges and trees.
- proposed ecological compensation areas inadequate.
- Congestion on the A525 would be increased as a result of construction traffic.
- Traffic impacts in terms of congestion and mud on the A525 must be avoided by approval of a Transport Assessment and Travel Plan
- Whilst supportive of the development, as views over farmland would be lost, compensation and consideration should be given to this.
- Risks from the BESS – pollution of groundwater, fire, etc. its proximity to the River Clywedog, threatens the ecology of the River Dee catchment area. Opposed in principle to such unproven technology battery storage despite any assurances given.
- Adverse impacts from noise should be avoided.
- Potential problems with land stability caused by past mining
- Any work that has the possibility to compromise Offa's Dyke should not be allowed.
- Letter of support from a local family living close to the proposal welcoming the benefits that the proposal and the biodiversity zone nearby will bring.

Appraisal

115. The main considerations are the impact of the proposed development on:

- the character and appearance of the area.
- Whether the green wedge designation in the UDP should preclude the development.
- ecology

Character and appearance

116. The site lies within a gently sloping countryside close to the edge of Wrexham. Two main roads and some pylons adjoin the site, which impact on its character. There are also smaller settlements nearby, the closest being Coedpoeth, and scattered dwellings, some associated with the former Plas Power Estate. The existing development is mostly well-screened from the site. The site adjoins areas of Ancient Woodland. The River Clywedog runs to the south of the site at a lower level and contains the Clywedog Trail, Bersham Paper Mill and Ironworks. Public Right of Way BER/1 runs through the southern part and BER/8 through the northern part of the site and both provide access and recreational opportunities with the Site. The Eclusham mountains upland area is to the west of the site and forms part of the AONB / National Landscape (NL).

117. I consider that the Special Landscape Area (SLA) designation should be given less weight because of the length of time that has elapsed since the preparatory work for the UDP was undertaken. The dataset recommended by PPW (LANDMAP) was not used.

Policy EC5 does not clearly set out which landscape features, characteristics or qualities require extra protection or how the policy or designation will achieve that protection, which is required by PPW. In contrast the revised boundaries for SLAs in the LDP were informed by a study that used the methodology approved by NRW and compliant with PPW. The site was not in an SLA in the LDP.

118. Furthermore, only a small part of the site is within the SLA. Four fields in total with three of them containing few panels therein. This part of the site is sloping and well-contained by trees and hedges. Additional planting and landscaping is also proposed. This would safeguard the important features of the SLA and limit views of the development. I consider that the landscape character of the SLA would not be adversely affected.

119. The solar panels would have a maximum height of 3.2m, other elements would occupy a smaller area and would be around 4m in height. A combination of roadside vegetation/walls, hedges and woodland means that views would generally be limited and short duration. The majority of trees and hedgerows would be retained and supplemented by additional planting.

120. The visual impacts were assessed from the agreed representative viewpoints. I visited the site and viewpoints and have reached the following conclusions. The greatest visual impact would be from the viewpoints (VPs) within and closest to the site. Of significance are the PRoWs running through the site from north to south. It is proposed to plant new hedgerows where the footpaths are not enclosed by existing planting. This planting would assist with screening the panels from views by Year 15. Other close and medium range views would be screened by trees and hedgerows. There are no views from the majority of Bersham Conservation Area due to a significant difference in level.

121. In terms of longer-range views, including from the NL, a combination of distance away, existing and proposed screening and the backdrop of the pylons and built development around the site leads me to conclude that the landscape and visual impact of the proposal would be low. I note that NRW agree with this assessment. My assessment would not change if the NL were to become a National Park because the relevant tests remain largely the same, as pointed out by the parties.

122. Turing to cumulative effects, other schemes that are allocated, consented or for which planning permissions are currently being sought within 5 km have been assessed. They include an approved BESS at the existing legacy substation and a current planning application for a small residential development. Developments at the pre-application stage were an application for a large residential development and for an energy plant next to an industrial estate.

123. The site is close to the urban fringe of Wrexham and satellite settlements where the LDP proposed allocations for residential development. There is now some doubt about these allocations given the fact that the LDP is no longer part of the development plan for Wrexham. However, whilst the in-combination visual effects would be significant for construction impacts on close range views and at viewpoint 13 (with a development allocated in the LDP), there would be no significant impacts at the operational stage. The cumulative impacts would be to increase the overall level of built development within the landscape. However, from my observations I judge that the area has the capacity to absorb the cumulative schemes and the proposal without any significant cumulative effects on landscape character.

124. I conclude that the proposed development would not have an unacceptable impact on the landscape character or appearance of the area. Its visual impact would be

appropriately mitigated to avoid unacceptable impacts. The proposal complies with FW Policies 17 and 18 and UDP Policies PS12 and GDP1.

UDP Green Wedge designation

125. PPW states that green wedges have essentially the same purpose as Green Belts and may be used to provide a buffer between the settlement edge, and their essential characteristic is their openness. To maintain openness, development within a green wedge must be strictly controlled and there is a general presumption against development which is inappropriate. PPW goes on to state that renewable and low carbon energy generation developments may be appropriate within a green wedge provided they preserve its openness and do not conflict with the purposes of including land within it.

126. The development would have an adverse impact on the openness of the green wedge as defined in the UDP. The various elements of the development would undoubtedly result in an adverse impact on the openness of the green wedge but would infill any buffer between existing settlements. The proposal constitutes inappropriate development within a green wedge. Inappropriate development should not be granted planning permission unless there are very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the green wedge.

127. The was not in a green wedge in the LDP. A review of all green wedges was undertaken. The conclusions reached were that this green wedge did not comply with PPW and it was unnecessary as the green wedge would not serve the purposes identified in Policy EC1 itself. The LDP was found to be sound following examination and conforms with national planning policy. The requirements/aims of UDP Policy EC1 have been superseded by later developments in national policy in terms of the purposes of green belts (or wedges) in PPW. The above study supports this conclusion. I find national policy and the evidence that supported the drafting of the LDP to be material considerations to be weighed against any conflict with Policy EC1.

128. The UDP's green wedge designations are based on a strategy which is over 20 years old. In contrast, the LDP's equivalent designations are founded on a strategy and evidence of need which was scrutinised at examination and found to be sound. In the absence of any evidence to the contrary, I consider the fact that the LDP did not include the site within its green wedge designations and later developments in national policy in terms of the purposes of green belts (or wedges) in PPW are material considerations to be taken into account.

129. Nevertheless, the site is within a green wedge in the UDP and would have a detrimental effect on its openness. I shall address whether exceptional circumstances exist in this case within my overall conclusions below.

Ecology

130. The application site comprises predominantly improved grassland currently grazed by sheep, with some arable land in the northern portion. The proposal involves retention of the trees on site and boundary and internal hedges. A Green Infrastructure Statement sets out how the design of the scheme has been undertaken in line with the 12 building with nature standards, the DECCA Framework and the stepwise approach set out within PPW, to build and sustain resilient ecological networks to avoid, mitigate, compensate and secure enhancement to deliver a net benefit for biodiversity and ecosystem resilience. The Biodiversity Net Gain Report sets out the enhancement measures and provides details on improvements to the habitats and hedgerows as a result. The mitigation, enhancement and maintenance/monitoring measures would be secured by compliance with the Landscape and Environmental Management Plan (LEMP). I am

therefore satisfied that the ecological compensation and enhancement proposals are acceptable.

131. The River Clywedog is a tributary flowing into the River Dee and Bala Lake SAC designation approximately 17.57 km downstream. As it is close to the southern boundary of the site, it is a potential pathway for pollutants to enter the SAC. There would not be any toilet facilities discharging to water as part of the development or during its construction. NRW had raised concerns with the BESS in terms of contamination of water used to combat any fire resulting in pollution of the river. I am satisfied that appropriate measures to contain and dispose of polluted water can be controlled by conditions addressing the drainage of the site as part of the Battery Safety Management Plan. Issues of pollution prevention more generally would be controlled under the CEMP.

132. The presence of Otter has been reported as using the River Clywedog. Otters are an Annex II species that are qualifying features for the River Dee and Bala Lake SAC – classed as mobile features. The applicant proposes a 60 m buffer between the development and the river. This would be acceptable to NRW. I therefore conclude that there would be no adverse impact on the otter population as a result of the development.

133. Johnstown Newt Sites SAC and underpinning Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI) lies around 2km south of the site and is designated for its populations of Great Crested Newt (GCN). Surveys have established the presence of GCN at ponds close to the application site. Whilst no works are proposed around these ponds, there is potential for GCN to be disturbed or killed. The applicant proposes mitigation measures addressing habitat protection, habitat creation/enhancement species protection measures and management and monitoring proposals. Details of these measures are set out in the LEMP and GCN Mitigation Strategy. NRW has considered this information and provided details of further elements to be included within these documents. NRW has also confirmed that its suggested conditions would address the protection of the species. Adherence to these conditions would ensure that the proposed development would not be likely to damage the features for which Johnstown Newt Sites SAC and Stryt Las a'r Hafod Site SSSI are of special interest.

134. An Appropriate Assessment (AA) which considers the impact on the above SACs has been undertaken and is attached at Annex B. The AA concludes that subject to mitigation measures outlined in the Battery Safety Management Plan, the approved CEMP, the approved LEMP and the GCN Mitigation Strategy being implemented and secured by planning conditions, the proposed development would not have an adverse effect on the integrity of the River Dee and Bala Lake SAC and the Johnstown Newt Sites SAC (and underpinning Stryt Las a'r Hafod SSSI).

135. The applicant submitted an ecological survey and report (Doc. 5.1.20) which identified a tree within the development area used in the past as a barn owl nesting site. The layout of the development was amended to establish a 20m buffer around the nest site and remove a proposed access route. 20m wide strips of tussocky grassland alongside the hedgerows connected to the tree will increase connectivity between the nest site and the fields and hedgerow network outside the site boundary. A barn owl nest box will also be provided in the central section of the site. These measures have been agreed with the Council's ecologist and by NRW.

136. The LEMP has been amended to include the above measures for barn owl and also to address concerns raised by interested parties that the project does not provide sufficient and long-term enhancement. The applicant has made it clear that a detailed LEMP to be submitted for the approval of the LPA would be required by a planning condition. This would address the additional matters raised by NRW and in the LIR. Specific reference is made to a delivery mechanism for the implementation of conservation management and

responsibilities; Species specific aims and objectives aligned to habitat management; protected species legislation and invasive non-native species legislation.

137. No impacts have been identified on other statutory designated sites (including three SSSIs within 2km). No adverse impacts on other protected species or habitats have been identified. I have seen no cogent evidence to suggest that the Tree Survey and Arboricultural Impact Assessment has failed to identify all trees and woodland including Ancient Woodland and veteran trees, on and around the site. This document sets out measures for the protection of trees. The applicant indicates that all veteran trees have been afforded root protection areas and buffer zones consistent with relevant guidance in BS5837. Plas Power Woodland (Ancient Woodland) would have a minimum buffer zone of 25m in line with BS5837. I conclude that these issues are adequately addressed in the scheme.

138. I conclude that the proposal would not have any adverse impacts on protected sites or species. The scheme would result in an overall positive effect on biodiversity and would have a positive effect on ecological interests and features within and adjacent to the site. Consequently, the development would be in accordance with FW Policies 9 and 18 and relevant parts of PPW and TAN 5 'Nature Conservation and Planning'. It would also comply with UDP Policies PS2, PS11, EC4 and EC6.

Other matters

Living conditions

139. A Residential Visual Amenity Assessment has been undertaken. The impact on properties was assessed with the test being whether the arrays would result in a harmful effect on the residential visual amenity of dwellings through an overbearing or over dominant effect to such an extent as for them to become unattractive places in which to live. This assessment led to further mitigation in the form of setback of panels and additional planting. The proposal would only have a significant effect on one property. The owner is financially involved in the development. The remainder would experience at most a moderate adverse residual significance of effect. In any event, the above test was met in each case.

140. Any adverse impacts through noise disturbance and vibration (piling and construction vehicles) would occur only during the construction and decommissioning phases. These impacts would be temporary and can be reduced through the mitigation and management measures included within the CEMP and CTMP, and by controls on hours of operation. A noise survey and impact assessment has been carried out. The results indicated that the rating level at the nearest noise sensitive receptors during the operation would be below representative background level at every receptor. Any residual noise impacts during operation of the proposed solar panels or BESS can be controlled under a noise management condition.

141. There is no convincing evidence that disputes the applicant's glint and glare assessment. The short daily duration and limited number of days, combined with extensive screening by vegetation and distance from the panels means that potential for reflecting solar panels would be significantly reduced. It is unlikely the arrays would result in significant glint or glare impacts to nearby residents, or users of PROW and nearby roads.

142. For the reasons set out above, I conclude that, subject to appropriate conditions, the proposal would not harm the well-being or living conditions of residents who live within or in proximity to the site. In this regard, the proposal would accord with the objectives of FW policy 18 and UDP policies PS 2, and 3.

BESS

143. The applicant has addressed the issue of battery safety in the event of a fire by means of the Outline Battery Safety Management Plan (OBSMP). This has been prepared in accordance with all the available guidance, including from the National Fire Chiefs Council. The guidance has been followed in the design of the scheme. I am satisfied that the appropriate measures to contain any fire and stop it spreading beyond the immediate environs of the BESS have been included in the OBMSP. As well as the OBMSP, both the Flood Consequences Assessment and Design and Access Statement have addressed the issue of the size of the attenuation pond necessary to contain firewater. This will be provided for in the overall drainage strategy. Approval and implementation of the final OBMSP can be required by condition.

Historic assets

144. The largest construction effects on heritage assets were assessed to be negligible. Operational effects on the settings of heritage assets identified a minor adverse impact on a section of Offa's Dyke in Plas Power Park. There would be no impact on Bersham Conservation Area or its listed buildings or Bersham Ironworks complex of monuments. The impact on the settings of the other listed buildings taken through to assessment i.e. the group of buildings around the stables; the walls, railings and gate lodge (all associated with Plas Power Estate), Higher Berse Farm and Tyn-y-Coed was assessed to be negligible due to screening and set back of the proposal. Cadw and Heneb agreed with the assessments and had no objections. I see no reason to disagree.

145. The potential impacts on heritage assets have been comprehensively assessed. A limited number are close to the development. Having visited the site, I note that Bersham Conservation Area, listed buildings and Ironworks complex are at a lower level and so the proposal would not affect the setting of the heritage assets. The other listed buildings and monuments are well-screened from the solar arrays and the scheme has been amended to ensure that effects are minimised.

146. The design of the proposed development was informed by an archaeological desk-based assessment, surveys and trial trenches. A large part of the site had been subject to open cast coal mining in the past and the results of the site investigations was that there was little of archaeological interest on the development site for the solar farm and BESS.

147. The only part of the development that would cross Offa's Dyke is the proposed grid connection (two routes are shown on the plans). The preferred option crosses an unscheduled part of the dyke via an existing road. A condition is recommended by Heneb to require the submission of a historic environment mitigation scheme to safeguard archaeological interest if this route were chosen.

148. The other option would pass through a scheduled part of the dyke near Cadwgan Hall and that would require Scheduled Monument Consent (SMC). The evidence was that adverse impacts could be avoided by utilising Horizontal Direct Drilling, which was accepted as suitable in principle by Cadw. I therefore conclude that adverse impacts would be controlled under a separate application for SMC.

149. Overall, I conclude that there would be a minor adverse impact on the setting of a 640m section of Offa's Dyke. The setting of all other heritage assets would not be affected. The proposal complies with PPW, TAN24 and UDP Policies EC7, EC9 and EC11.

Highway safety

150. The Welsh Government Highway Authority has confirmed that there are no objections to the scheme in relation to impacts on the A483 Trunk Road. The proposed site accesses are from the A525 close to this trunk road.

151. The concerns of the local highway authority have been answered by further information supplied by the applicant including a revised Transport Plan and CTMP. Measured traffic speeds mean that visibility splays can be subject to a relaxation as set out in Design Manual for Roads and Bridges (DMRB), giving a y distance of 90m. The available splays would exceed this distance and are therefore DMRB compliant. The traffic management regime proposed under the CTMP would control the traffic movements and restrict deliveries to outside busy periods. There would be no intensification in the use of the northern access. Insistence on the maximum splays would involve significant loss of existing stone walls, trees and hedgerows at both access points. The environmental consequences of increased visibility splays in terms of the loss of hedges trees and walls would not be justified in these circumstances. In all these circumstances, the full DMRB visibility splays would not be necessary or appropriate at the two principal access points.

152. The vast majority of traffic movements generated by the proposed development would be during the construction period, and construction activities are expected to last initially 12-18 months for the solar farm and 6-9 months for the BESS, which would be some years later. Traffic generated during the operational phase would not be significant as it would be limited to occasional visits for maintenance purposes.

153. There would inevitably be some disruption to local traffic during the construction period. However, the use of the suggested traffic management regimes would minimise any difficulties. Whilst there may be a degree of inconvenience to users of the local road network this would be for a relatively short period of time.

154. Subject to appropriate mitigation measures (in the CTMP and CEMP), I consider that the proposed development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network, and it would provide suitable and safe access arrangements. Overall, therefore, I conclude that the proposed development would satisfy UDP Policies T6 and GDP1 and FW Policy 18 in that there would be no unacceptable adverse impacts on the transport network.

Soils and Agriculture

155. The Welsh Government Soil Policy & Agricultural Land Use Planning Unit has confirmed that the soil survey is accurate. The design of the scheme has been amended to avoid best and most versatile land. The above statutory consultee has no objections to the proposal. A Soil Resources Management Plan has been produced. It aims to ensure that soils and land quality will be managed carefully during construction, operation and decommissioning of the proposal. Approval and implementation of this plan can be secured by a condition. I have not received any evidence to indicate that the proposal would have any adverse effects on agriculture.

Flooding and Drainage

156. The applicant's evidence is that the proposal is not in an area of land susceptible to any flooding and it would not cause flooding elsewhere if the Drainage Strategy is implemented. Surface water drainage is also subject to a separate consenting procedure. NRW has not raised any issues with flooding or drainage of the site. The grid connection cable route crosses the River Clywedog. The chosen method would not cause pollution or have any impact on flood risk.

Minerals Safeguarding

157. The applicant's evidence that the proposal complies with the relevant policies is accepted by the LPA. I agree with the applicant's assessment.

Conditions

158. The applicant and LPA have included the conditions suggested by NRW in the list of agreed conditions. The presence of made ground and past mining activities indicates that the suggested conditions to address contamination and land stability issues are necessary. NRW's suggested condition on piling was considered to be unnecessary by the applicant. NRW agreed with this conclusion in respect of the solar farm but considered that it may be appropriate for the BESS element due to the weight of the battery system and the site's proximity to the River Clywedog. I consider that the suggested condition on piling is necessary for the BESS only.

159. The conditions suggested by NRW in relation to ecology matters have been included. The LEMP has been amended to address the protection measures for barn owl. There is therefore no need to specify the barn owl survey within the approved plans/documents as suggested by NRW.

160. The Woodland Trust seek a condition requiring a scheme setting out tree and hedgerow protection measures during construction. Tree and hedgerow protection measures can be added to the specified items in the LEMP. The submission of these details can draw upon the AIA, which can be referred to by the LPA in considering the details.

161. SPEN whilst not objecting to the development had raised concerns that measures for protecting its network should be addressed by condition. Discussions have been ongoing between the applicant and SPEN and an agreed wording has been supplied in the suggested conditions.

162. The LPA has not submitted an adequate explanation for the removal of permitted development rights by condition. In the circumstances of this site and development I consider that this suggested condition does not meet the legal tests and I do not recommend that it be included.

163. In the event that the Welsh Ministers decide to approve the application, I consider the conditions set out in the attached Annex to be necessary and they would satisfy the tests in Circular 16/14: The Use of Planning Conditions in Development Management. I have adjusted the wording of some of the conditions in the interest of clarity and precision. The conditions seek to ensure that the development avoids, or where that is not possible, mitigates as far as is reasonable, the potentially harmful effects of the scheme, alongside securing enhancements as sought by national policy

Conclusions

164. The proposed development is in accord with the ambitions of Policy 17 of Future Wales. It would see the generation and storage capacity of approximately 57MW of electricity, which is equivalent to providing enough power to meet the annual electricity needs of approximately 22,700 homes and saving between 83,100 tCO2e and 988,234 tCO2e of avoided emissions of carbon over its operational lifespan. The proposed development would therefore make a meaningful contribution to WG's commitment to developing large scale renewable and low carbon energy to meet future energy needs and combat the climate emergency. It is clearly material to note that the proposed development would assist in realising WG's support for developing large scale renewable

and low carbon energy to meet future energy needs. These aspects weigh heavily in favour of the proposal.

165. I note the other benefits of the proposal as outlined by the applicant above to which I would add the employment creation potential of the scheme. Biodiversity enhancements would be provided as part of the development. The extensive green infrastructure works would result in habitat retention and management that would benefit protected and other species on the site.

166. I have concluded that the landscape has the capacity to accommodate the proposed development without harm, especially to the nearby National Landscape (AONB). Subject to the proposed conditions, the proposal would not have any significant adverse impacts on the living conditions of nearby residents, heritage assets, ecological interests or highway safety.

167. I have concluded that the development would have an adverse impact on the openness of the green wedge as defined in the UDP. I have set out in my appraisal the reasons why this designation should be afforded less weight, in particular that it is out of date and does not accord with PPW. The benefits of the scheme together with the policy support in FW Policy 17 and role the development would play in meeting Welsh Government's renewable energy targets outweigh the harm identified to the green wedge and the conflict with UDP Policy EC1.

168. I conclude that the proposal complies with the development plan as a whole and national policy in PPW and accompanying Technical Advice Notes.

Application B: The Section 247 Application: Appraisal

Procedural Matters

169. The Order was made because it appeared to the Welsh Ministers that it was necessary to permanently divert Footpath 1178 Bersham 1 and Footpath 1159 Bersham 8 in order to enable development to be carried out in accordance with planning permission granted under Part III of the 1990 Act, in this case the DNS application for a solar energy and battery storage facility.

170. Following the making of the Order no objections were received from any member of the public or those whose rights would be affected by the Order. Comments were received from the Senior Definitive Map Officer of Wrexham County Borough Council. Of particular note, the need to specify the width of the new sections of footpath was highlighted. These comments were related to detailed technical matters and have been incorporated into the Order presented for the consideration of Ministers.

171. I undertook a site visit and was able to walk the existing and proposed routes.

The main issues

172. The main issues of relevance to confirmation of this Order are:

- Section 257 of the 1990 Act requires that I must be satisfied that it is necessary to divert the footpaths in question to allow development to be carried out in accordance with the planning permission DNS 3253253.
- In the event that it is considered necessary for the paths to be diverted to allow the development to be carried out, confirmation of the Order is discretionary. In reaching a decision consideration must be given to the merits or disadvantages of

the proposed diversions in relation to the facts of the case, and in particular the effect of the Order on those entitled to the rights that would be affected by the Order

Whether the diversion of the path is necessary to allow development to be carried out in accordance with planning permission

173. The layout has been designed to meet environmental and biodiversity objectives. A key element was to try and retain the existing hedgerow network. To this end there are several locations where the two footpaths in question do not follow field boundaries and in one case an existing access lane. The proposed stopping up and diversion would be necessary for the development to take place on the adjoining fields. Examination of the approved layout shows that the existing footpaths would pass through areas of solar panels and associated works. I am therefore satisfied that it is necessary for the paths to be stopped up and be diverted to enable the development to be carried out in accordance with the approved plans.

The effect of the Order on those whose rights would be affected by it

174. Footpath 1178 Bersham 1 currently runs through fields that are part of the Plas Power estate. It is proposed to divert the footpath on a parallel alignment to the east for a distance of around 1211m from its starting point in Bersham (Plas Buckley Road) northwards. This would divert the footpath to follow a hedgeline then on to an existing track and re-join the existing footpath. The diverted route would be slightly longer at around 1259m and the evidence is that this route is currently used by walkers. Footpath 1159 Bersham 8 runs north from the A525 at a point to the west of Home Farm and connects to Higher Berse Road. It is proposed to divert around 411m of the footpath to the west following natural features and then re-join the existing footpath. The diverted footpath route would be slightly longer at around 451m.

175. The diversions would be relatively minor revisions to the existing alignment that would not be substantially less convenient to the public. The terrain and surfacing for the diversion route would be more favourable that the existing Footpath 1178. The diversion of Footpath 1159 would be within the same fields and would have similar features to the existing. There would be some interaction with the proposed site access road. However, significant activity on this route would be for a temporary period limited to the construction and de-commissioning of the development.

176. I consider that the diversion of the footpaths would not result in a significant loss of enjoyment for the public. The route would travel through a solar energy development. This would apply equally to the existing and diverted routes. The applicant proposes hedgerow planting along the routes where appropriate. This would assist in screening views of the solar arrays. There would be no loss of connectivity with existing start and end points unaffected.

177. Overall, I conclude that any loss of public enjoyment would be outweighed by the very significant public benefit of increased energy generation from renewable sources.

Conclusion

178. For the reasons given above, I conclude that it is expedient for the Order to be confirmed.

Recommendations

Application A: DNS Application Ref: DNS/3253253

179. That planning permission be granted for a ground mounted photo voltaic solar farm, including battery energy storage system, together with associated equipment, infrastructure and ancillary works, subject to the conditions attached at Appendix A.

Application B: Section 247 Application Ref: S247/3253253

180. I recommend that the Order under Section 247 of the Town and Country Planning Act 1990 be confirmed.

181. In making these recommendations, I have taken into account the requirements of sections 3 and 5 of the Well-being of Future Generations (Wales) Act 2015. [I/We] consider that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of embedding our response to the climate and nature emergency in everything we do.

A L McCooey

Inspector

APPENDIX A: Schedule of Recommended Planning Conditions

Condition 1: Time Limit

The development shall begin no later than five years from the date of this decision.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 and to prevent the unnecessary accumulation of unimplemented permissions and on expiry of the permission to permit a review of circumstances by the planning authority.

Condition 2: Plans

Subject to the conditions attached to this permission, the development shall be carried out in accordance with the following plans:

• Site Location Plan (JPW1473-DNS-007)

• Indicative Site Layout Plan (Solar and Battery) (LP2-PDL)

• Indicative Site Layout Plan (Solar) (LP2-PDL-S)

• Illustrative Landscape and Ecology Masterplan

• Southern Site Access - Access 1 (330610724-SK-1200-001)

• Southern Site Access Cross Section – Access 1 (330610724-SK-1200-005)

• Northern Site Access - Access 2 (330610724-SK-1200-003)

• Indicative Panel Elevation with Concrete Feet (FT-2P-25-6854-cf)

• Indicative Panel Elevation (FT-2P-25-6854)

• Inverters (GBR_EPD_INV)

• Transformers (GBR_EPD_TFM)

• Switchgear Substations (GBR_EPD_SWG)

• Auxiliary Transformer (GBR_EPD_AUX)

• PV Intake Substation (GBR_EPD_PVI)

• Customer Substation (GBR_EPD_CSS)

• GRP Substation (GBR_EPD_GRP)

• Monitoring House (GBR_EPD_MH/CB)

• Spares Container 40ft BESS Twin Battery Blocks (GBR_EPD_S40)

• Indicative BESS Layout (BESS_LYT)

• BESS Enclosures (K_EPD_BSS)

• BIC (GBR_EPD_BIC)

• Twin MV Skid (UK_EPD_TWS-NR)

• BESS Backup Generator (GBR_EPD_G20)

• BESS Spares Container 20ft (GBR_EPD_S20)

Ref: DNS3253253

• BESS Intake Substation (GBR_EPD_BIS)

• BESS Security Fencing (GBR_EPD_BSF)

• BESS CCTV (GBR_EPD_BCC)

• BESS Gate (GBR_EPD_BSG)

• BESS Lighting Pole (GBR_EPD_BLG)

• Security Fencing (GBR_EPD_FNC)

• Gates (GBR_EPD_GTD)

• Solar CCTV (GBR_EPD_CTV)

• Composting Toilet (GBR_EPD_TLT)

• Indicative Road Cross Section (GBR_EPD_RCS)

REASON: To ensure that the development is carried out in accordance with the approved plans submitted with the application and to conform with the requirements of Section 91 (3) of the Town and Country Planning Act 1990.

Condition 3: Visual Impact (Solar)

No development shall take place until details (including design, materials, external finishes and locations) of all above ground structures of the solar farm (not including the battery energy storage system) are submitted to and approved in writing by the local planning authority. The development must be constructed in accordance with the approved details.

REASON: To ensure the development is carried out in a manner which minimises the visual impact of the proposal in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 4: Visual Impact (BESS)

No development of the battery energy storage system shall take place until full details (including design, materials, external finishes, and locations) of all above ground structures of the battery energy storage system are submitted to and approved in writing by the local planning authority. The development must be constructed in accordance with the approved details.

REASON: To ensure the development is carried out in a manner which minimises the visual impact of the proposal in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 5: Permission Time Limit

The permission is granted for a period of 40 years from the date when electricity is first exported to the grid excluding testing and commissioning (the “First Export Date”). Written confirmation of the First Export Date shall be sent to local planning authority within one month of the First Export Date.

REASON: To establish the duration of this permission in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Ref: DNS3253253

Condition 6: Decommissioning and Restoration

No later than 12 months before the end of the 40-year operating period (or within 6 months of the permanent cessation of electricity production) a decommissioning and site restoration scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include:

i. Details of the removal of all the solar arrays, the BESS, and the surface elements of the development and
ii. A Decommissioning Environmental Management Plan (DEMP) informed by appropriate survey work.

Decommissioning of the site shall be carried out in accordance with the approved decommissioning scheme and DEMP.

REASON: In the interests of the character and appearance of the area and the protection of soil resources in accordance with policy GDP1 and PS2 of the Wrexham Unitary Development Plan.

Condition 7: Construction Operating Hours

Unless otherwise agreed in writing by the Local Planning Authority, construction works, including the maintenance of plant and machinery, shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays, and not at all on Sundays or Bank/Public Holidays.

Works outside these hours are only permitted in exceptional circumstances, such as emergencies where there is an immediate risk to life, limb, or property. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

REASON: In the interests of residential amenity in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 8: Impact on Countryside

All temporary construction areas and temporary access tracks must be removed within three months after construction (including any testing and commissioning activity) is completed. Similarly, any temporary tracks used for decommissioning must be removed and the land restored within three months of the decommissioning process ending, or otherwise in accordance with the details and programme set out in the Decommissioning and Site Restoration Scheme and/or Decommissioning Environmental Management Plan.

REASON: To protect the character, appearance and quality of the countryside in which the development is positioned in accordance with policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

Condition 9: Construction Environmental Management Plan

No site clearance or construction can begin until a Construction Environmental Management Plan (CEMP) is submitted and approved. This plan must detail site layout, pollution control, parking arrangements, wheel washing facilities, waste disposal, noise mitigation, lighting, community communication, species protection, and other environmental and operational safeguards.

The development shall thereafter be carried out in accordance with the approved scheme.

REASON: In the interests of protecting residential amenity, and pollution prevention and control in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 10: Construction Traffic Management Plan

No development or site clearance shall take place until a Construction Traffic Management Plan is approved. The plan shall include details of HGV routes, traffic control measures, on-site turning areas, bilingual signage, and access/egress details with monitoring, and a staff travel plan.

The development shall thereafter be carried out in accordance with the approved scheme.

REASON: To ensure the formation of safe and satisfactory means of access to the site, in the interests of maintaining highways safety in accordance with policies GDP1 and PS8 of the Wrexham Unitary Development Plan.

Condition 11: Soil Resources Management Plan

No development shall take place until a Soil Resources Management Plan is submitted to and approved by the Local Planning Authority. The plan shall include details on soil stripping, handling, storage (including size and location of dumps), and restoration.

The development shall thereafter be carried out in accordance with the approved scheme.

REASON: In the interest of soil resources and preserving agricultural land quality in accordance with policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

Condition 12: Battery Safety Management Plan

Prior to the commencement of construction of the Battery Energy Storage System, a detailed Battery Safety Management Plan shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out strictly in accordance with the approved scheme thereafter.

REASON: In the interests of the safe operation of the development in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 13: Noise Management Plan

Prior to commencement, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan must include noise mitigation practices, management controls, measures to reduce noise emissions, and procedures for handling complaints about excessive noise.

The development shall thereafter be carried out in accordance with the approved scheme.

REASON: In the interests of amenity in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 14: External Lighting Scheme (Solar)

Within 3 months of commencement of the development hereby permitted, an external lighting scheme for the Solar site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of lighting installations and usage. No lighting shall be erected or operated other than in accordance with the approved scheme thereafter.

REASON: In the interests of nature conservation, visual, landscape character, and residential amenity in accordance with policies PS2 and GDP1 of the Wrexham Unitary Development Plan.

Condition 15: Site Investigation Report

No development shall take place until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the local planning authority. The results of the site investigation shall be submitted to the local planning authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. Remedial measures shall be carried out prior to the operation of the development in accordance with the approved details and retained in perpetuity. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved details.

REASON: To ensure that the risks associated with past coal mining are adequately managed in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 16: Great Crested Newts

No development, including site clearance, shall commence until a Great Crested Newt (GCN) Conservation Plan has been submitted to and approved in writing by the Planning Authority. The Conservation Plan should build upon the principles outlined in the Great Crested Newt Mitigation strategy and include:

The submission (to include proposed timescales and reporting requirements) of further details and associated plans concerning GCN avoidance and mitigation measures including:

»Fence specification, locations, construction and maintenance (one-way amphibian fence, prior to and throughout the duration of construction operations)
»Considerations of access issues (including PROW if applicable)
»Monitoring and maintenance requirements and supervised removal measures to be carried out that demonstrate that each component working area is clear of GCN prior to the commencement of subsequent construction works.
»Details of timing, phasing and duration of construction activities and conservation measures
»Biosecurity to include measures to prevent the introduction of and where present control, removal or for the long-term management of invasive species both during construction and operation
»Ecological Compliance Audit. This is to include external ecological compliance audit and proposed key performance indicators.

The development shall be carried out in accordance with the approved details.

REASON: To ensure that GCN are protected by the development in accordance with policy EC6 of the Wrexham Unitary Development Plan.

Ref: DNS3253253

Condition 17: Risk Assessment

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has first been submitted to and approved in writing by the Local Planning Authority. The methodology shall include measures for unforeseen contamination found during construction. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted, including timescales, shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved details..

REASON: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 18: Piling (BESS)

No development shall commence within the battery energy storage system (BESS) site until details of the foundation design for the BESS have been submitted to and approved in writing by the Local Planning Authority. The piling shall be implemented in accordance with the approved details.

REASON: To ensure there is no unacceptable risk to groundwater during construction in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 19: Unsuspected Contamination

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.

REASON: To ensure the risks associated with previously unsuspected contamination at the site are dealt with in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 20: Landscape and Environmental Management Plan

Prior to the commencement of any groundworks on site or any site clearance a detailed Landscape and Ecology Environmental Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

i. a planting strategy (with species, sizes, and locations);
ii. specifications for plant establishment;
iii. an implementation timeline;
iv. a replacement plan for any damaged or dead plants;
v. details of the hedgerow management regime, including long-term management for the period of operation;
vi. indications of all existing trees (including spread and species) and hedgerows on and adjoining the land, identifying those on the land to be retained;

vii. measures for the protection of the identified trees and hedgerows throughout the course of development (during both construction and operational phases);
viii. the species and sourcing of additional/replacement hedgerow planting;
ix. details of the seed mix for grassland habitat to be created and details of control of weeds including brambles;
x. a schedule of management activities, that takes account of good practice working periods;
xi. a review of the management activities within the LEMP every five years for the period of operation, informed by monitoring of condition of habitats;
xii. details of works pertaining to all trees on site;
xiii. management responsibilities and maintenance schedules for all landscape areas;
xiv. biodiversity enhancement measures including details of any bird/bat box provision and any additional ecological enhancements;
xv. defined aims and objectives (including defined key performance indicators for long term monitoring indicators) for great crested newts;
xvi. biosecurity measures which consider invasive non-native species and specific diseases (e.g. Chytrid) to prevent the introduction of and where present control, removal or for the long-term management of invasive species both during construction and operation.
xvii. measures to avoid disturbance to protected species and breeding birds;
xviii. details of the maintenance regime of drainage ditches;
xix. and details of deer fencing.

The LEMP shall be implemented in accordance with the approved details and in accordance with the timescale as detailed in the approved LEMP.

REASON: In the interests of safeguarding the ecology and trees/hedges on the site and to ensure mitigation and enhancement of the ecological value of the site in accordance with policies EC4 and EC6 of the Wrexham Unitary Development Plan.

Condition 21: Cable Route Option

Prior to the commencement of development, full details of the cable route connecting the solar arrays to the Legacy Substation shall be submitted to and approved in writing by the Local Planning Authority. The details shall include which of the routing options presented on drawing number LP2-PDL are to be utilised for the duration of the development, sections and excavation methods, including which cable trench construction method will be used if the north cable route option is utilised and how it will mitigate for potential direct impacts to the unscheduled section of Offa's Dyke DE132 and potentially impacts to any former defensive ditch associated with Cadwgan Hall Mound DE131. The cable route shall be developed in full compliance with the approved details.

REASON: For the avoidance of doubt, to confirm the details of the development and to avoid harm to archaeology in accordance with EC11 of the Wrexham Unitary Development Plan.

Ref: DNS3253253

Condition 22: Written Scheme of Investigation

No site clearance or construction work shall take place until a written scheme of historic environment mitigation for the areas where the proposed cable route crosses Offa's Dyke has been submitted to and approved in writing by the local planning authority. The programme of work shall be carried out in accordance with the requirements, standards and timescales of the approved written scheme

REASON: In the interest of archaeological features which may be disturbed by the development in accordance with policy EC11 of the Wrexham Unitary Development Plan.

Condition 23: Drainage Strategy (BESS)

Prior to the commencement of development, a detailed drainage strategy for the Battery Energy Storage System shall be submitted and approved in writing by the Local Planning Authority. The strategy should demonstrate how contaminated firewater is prevented from infiltrating the ground or any offsite drainage networks with the use of impermeable surfaces, secondary containment and sealed drainage systems. Details of precautions that will be in place to contain any fire water produced and how fire water will be disposed of without causing pollution. Pollution prevention measures in the event of any chemical leakages across the site shall also be detailed.

The development shall thereafter be carried out in accordance with the approved scheme.

REASON: In the interests of surface water management and contamination prevention in accordance with policy GDP1 of the Wrexham Unitary Development Plan.

Condition 24: External Lighting Scheme (BESS)

Prior to the construction of the BESS development, an external lighting scheme for the BESS shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include detail lighting installations and usage. No lighting shall be erected or operated other than in accordance with the approved scheme thereafter.

REASON: In the interests of nature conservation, visual, landscape character, and residential amenity in accordance with policies EC6 and GDP1 of the Wrexham Unitary Development Plan.

Condition 25: Construction Management Plan - electricity network

Prior to the commencement of the development, a Construction Management Plan including details of how impacts on the electricity network will be managed and mitigated, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

REASON: In the interests of protecting SP Energy Networks assets in accordance with policy GDP1 of the Wrexham Unitary Development Plan

APPENDIX B: HRA/Appropriate Assessment.

Introduction

1. The need for Habitats Regulations Assessment (HRA) is set out within Article 6 of the EC Habitats Directive 1992, which is transposed into British Law by the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations require decision makers, in this case the Welsh Ministers, to undertake an Appropriate Assessment (AA) where significant effects on a national network site are likely and only to give consent if there are no adverse effects on the integrity of a national network site unless other legal tests have been met.

The Site

2. The site comprises 21 fields totalling around 136ha to the west of Wrexham. Most of the site is to the south of the A525 Ruthin Road. This portion is bounded by the A525 to the north, the A483 trunk road to the east and the Clywedog valley/ Bersham to the south. The smaller northern portion is north of the A525 and consists of 4 fields extending close to Higher Bersham Road, just to the east of Coedpoeth. The fields are currently in agricultural use, mostly for grazing.

The proposed development

3. The proposal is for a solar farm with Solar panels and frames, inverters, transformers, substation, Battery Energy Storage System and grid connection. The solar panels would be static and have a maximum height of 3m with the lowest part of the arrays being 0.8m above ground level. The solar panels would be arranged in rows running east to west across the various fields and would be connected by cabling (largely below ground level) to transformers and substations and Battery Energy Storage System. The majority of the Site will continue to be managed as sheep-grazed pasture. Arable fields will be sown with grassland and grazed by sheep. Tussocky grassland will be created between the perimeter fencing and field boundaries

Screening

4. A screening assessment considered the impact on the following Special Areas of Conservation (SAC) and Ramsar Sites:

    a) River Dee and Bala Lake SAC
    b) Johnstown Newt Sites SAC
    c) Berwyn and South Clwyd Mountain SAC
    d) Midland Meres and Mosses Phase 2 Ramsar Site

5. The potential for likely significant effects on these sites during construction and operation, is dependent on a number of things including; qualifying features, distance and the presence/absence of a hydrological connection.

6. Berwyn and South Clwyd Mountains SAC and Midland Meres & Mosses Phase 2 Ramsar are both designated for the habitats they support. As they are located over 2.36 km and 5.87 km from the proposed development no impact pathways have been identified. There are no likely significant effects and they are therefore screened out of further assessment.

The special features of the SACs

River Dee and Bala Lake SAC

7. River Dee and Bala Lake SAC comprises of a watercourse and natural lake which has its source in Snowdonia and extend to the Dee estuary. The SAC covers over 1300 ha. The River Clywedog is a tributary following into the River Dee and SAC designation 7.11 km downstream of the Site in a straight line; and approximately 17.57 km downstream in terms of length of channel.

8. Annex I habitats that are a primary reason for the Site designation are water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation. Annex II species that are a primary reason for Site selection include Atlantic salmon (Salmo salar) and floating water-plantain (Luronium natans). Annex II species that are qualifying features for Site selection include sea lamprey (Petromyzon marinus), brook lamprey (Lampetra planeri), river lamprey (Lampetra fluviatilis), bullhead (Cottus gobio) and otter (Lutra lutra).

9. The Conservation Objectives for the SAC are to maintain the key features in favourable condition. The features will be considered to be in favourable condition when certain conditions are met. These conditions are set out in detail in the shadow HRA and, relevant to this assessment, include the population of European otter.

Johnstown Newt Sites SAC

10. Johnstown Newt Sites SAC lies 1.94 km south of the solar arrays and 1.58km south of the site boundary at the closest point. The SAC is designated for its population of Great Crested Newts (Triturus cristatus) (GCN) which is one of the largest known breeding populations in Britain.

11. The Conservation Objective for the SAC is for the Site's GCN population to have a favourable conservation status. The favourable conservation status is measured by factors such as population size, number of breeding ponds, the presence and extent of other species including fish and invasive plants, and the presence of disease.

Appropriate Assessment

12. The River Clywedog is a tributary flowing into the River Dee and Bala Lake SAC designation approximately 17.57 km downstream. As it is close to the southern boundary of the site, it is a potential pathway for pollutants to enter the SAC. There would not be any toilet facilities discharging to water as part of the development or during its construction. NRW had raised concerns with the BESS in terms of water used to combat any fire resulting in off-site water contamination from fire water. I am satisfied that appropriate measures to contain and dispose of polluted water can be controlled by conditions addressing the drainage of the site as part of the Battery Safety Management Plan and drainage strategy. Issues of pollution prevention more generally would be controlled under the Construction Environmental Management Plan (CEMP).

13. Otter has been reported using the River Clywedog. The applicant proposes a 60 m buffer between the development and the river. NRW agrees with the conclusions in the shadow HRA that there will be no adverse effect on the integrity of the River Dee and Bala Lake SAC and it's mobile features (otters). I therefore conclude that there would be no adverse impact on the SAC overall as a result of the development.

14. Surveys have established the presence of GCN at ponds close to the application site. No works are proposed around these ponds. There is a potential for GCN to be disturbed or killed. The applicant proposes mitigation measures addressing habitat protection, habitat creation/enhancement species protection measures and management and monitoring proposals. Details of these measures are set out in the LEMP and GCN Mitigation Strategy. NRW has considered this information and provided details of further elements to be included within these documents. NRW has confirmed that its suggested conditions would address the protection of the species. Adherence to these conditions would ensure the proposed development would not be likely to damage the features for which Johnstown Newt Sites SAC is of special interest.

15. In terms of the LEMP and GCN Mitigation Strategy, NRW advised that: Whilst the draft documents provide an adequate basis upon which to consider the potential impacts of the scheme on this species, aspects of the proposed scheme will require further development. However, this further information can be provided via suitably worded conditions.

16. NRW advises that provided the measures outlined to protect GCN are undertaken the proposed development is not likely to damage the features for which Johnstown Newt Sites SAC and is of special interest. I consider that provided the mitigation measures set out in the LEMP and the GCN Mitigation Strategy are required by the recommended conditions then the proposal is unlikely to have an adverse impact on the SAC and its qualifying features.

17. The shadow HRA has considered in-combination effects with possible nearby development that has been approved or is in planning or is at the pre-application stage. The assessment concludes that given the low impact nature of the proposed development and distance between the SAC, proposed development and nearby developments, the potential for in-combination impacts in terms of loss of habitat is negligible and will not adversely affect the status of the local populations of GCN or the integrity of the Johnstown Newt Sites SAC.

18. Construction effects on the otter population may occur in the absence of control measures. However, the assessment concludes that the potential for cumulative impacts is limited because there is a low potential for this proposal to result in disturbance and any disturbance would be for a limited time only. Therefore, any in-combination effects would not have adverse impact on the otter population or on the integrity of the River Dee and Bala Lake SAC. There is no overlap between the GCN habitat on the site and that present on the other development sites. Construction would not therefore have any in-combination effects on GCN. I agree with this assessment.

19. Considering all of the identified likely significant effects together with the proposed mitigation measures, including the design and layout of the proposed development, and the planning conditions that have been recommended, I find that the scheme would cause no adverse effect on any internationally protected sites.

Conclusion

20. A review of the conservation objectives and potential threats to site integrity for the SACs was undertaken to identify whether they would be impacted by the proposed development. I have taken into account all the available evidence and have adopted the precautionary principle in carrying out this AA. I have considered the potential impacts on the integrity of the sites that have been identified by the applicant and others.

21. I conclude that it is beyond reasonable scientific doubt that the scheme, neither alone nor in combination with other projects, would not have an adverse effect on the integrity of the River Dee and Bala Lake SAC or the Johnstown Newt Sites SAC. This conclusion is based on the circumstances of this case and subject to securing the mitigation measures through the imposition of and compliance with the recommended planning conditions.

Recommendation

22. For the reasons given above, and having regard to all other matters raised, I recommend that this report be accepted as an Appropriate Assessment which complies with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

A L McCooey

Inspector

APPENDIX C Acronyms Used in this Report

AONB	Area of Outstanding Natural Beauty
BESS	Battery Energy Storage System
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
DNS	Developments of National Significance
DMRB	Design Manual for Roads and Bridges
EIA	Environmental Impact Assessment
ES	Environmental Statement
FCA	Flood Consequences Assessment
FW	Future Wales
GCN	Great Crested Newt
HRA	Habitats Regulations Assessment
LDP	Local Development Plan
LEMP	Landscape and Ecology Management Plan
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
NFCC	National Fire Chiefs Council
NL	National Landscape
NRW	Natural Resources Wales
OBSMP	Outline Battery Safety Management Plan
PPW	Planning Policy Wales
SAC	Special Area of Conservation
SLA	Special Landscape Area
SPEN	SP Energy Networks
TAN	Technical Advice Note
UDP	Unitary Development Plan
VP	Viewpoint