

AGENDA ITEM NO.

REPORT TO:	Planning Committee
REPORT NO.	COEP/16/26
DATE:	2 March 2026
REPORTING OFFICER:	Interim Chief Officer Economy and Planning
CONTACT OFFICER:	Matthew Phillips – Extension 8780
SUBJECT:	Non-determination appeal
WARD:	Ponciau/Ponciau

1.0 PURPOSE OF THE REPORT

- 1.1 For Members to determine the Council's position at the forthcoming non-determination appeal.

2.0 INFORMATION

- 2.1 The applicant of the planning application Ref: P/2024/0155: Land North of Bronwylfa Road, Rhostyllen has lodged an appeal on the grounds that the Council has not determined the application within the statutory 8 week determination period or and agreed an extension of time.
- 2.2 The start date for the appeal was the 19th of February 2026. The Council now has until the 19th of March 2026 to submit a statement of case.

3.0 RECOMMENDATION

- 3.1 That Members consider the attached report.

4.0 BACKGROUND PAPERS

- 4.1 None.

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Application Reference

P/2024/0155

Applicant

Innova Renewables Developments

Agent

MR LEO HORTON-TAYLOR STANTEC

Site Address

LAND NORTH OF BRONWYLFA ROAD RHOSTYLLEN WREXHAM

Description of Development

GOSOD A GWEITHREDU SYSTEM STORIO YNNI, YN CYNNWYS UNEDAU STORIO YNNI, IS-ORSAF, MYNEDIAD I'R SAFLE, CYSYLLTIAD CEBL, TIRLUNIO AC ISADEILEDD ATEGOL / INSTALLATION AND OPERATION OF AN ENERGY STORAGE SYSTEM (ESS) INCLUDING ENERGY STORAGE UNITS, SUBSTATION, SITE ACCESS, CABLE CONNECTION, LANDSCAPING AND ANCILLARY INFRASTRUCTURE

Ward

Ponciau/Ponciau

Community

Esclusham/Esclusham

Recommendation

That Members resolve that the Council's position at the forthcoming appeal is that planning permission should be granted, subject to the completion of a Planning Obligation under S106 of the Town and Country Planning Act 1990 to secure the long term management of the off-site ecological mitigation area.

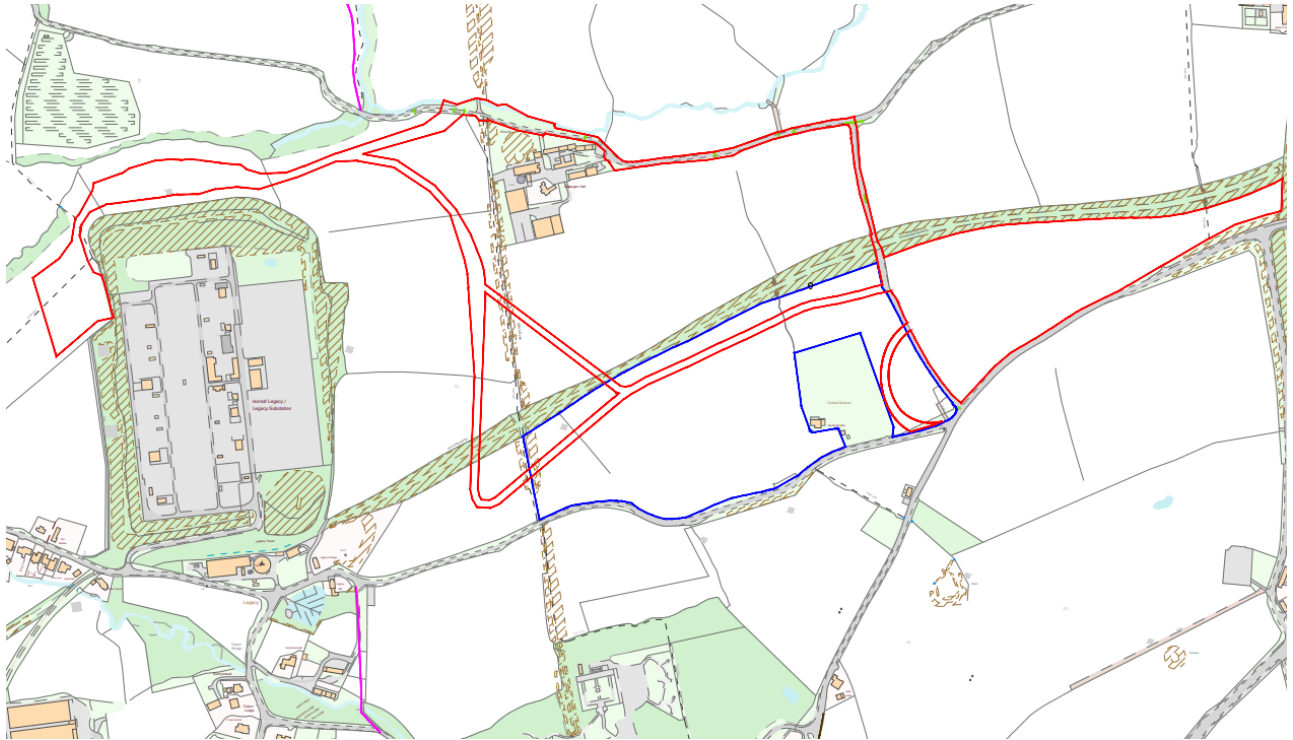
Officer Report

Site Description

The application site extends to a total of 10 hectares, consisting of a field of approximately 5.5ha of land to the north of the B5097 to the west of Rhostyllen and the A483 together with 4 corridors to the north and west of the field. One corridor immediately to the west of the field would be utilised for vehicular access. The other 3 would be utilised to provide the infrastructure required to connect the proposed development to the sub-station at Legacy.

Part of one of the corridors connecting the site with the Legacy sub-station already benefits from planning permission as part of the recently granted Development of National Significance (DNS) Ref DNS/3253253.

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Proposal

The application seeks planning permission for the installation of a battery storage facility, together, associated infrastructure to provide connections to the substation at Legacy, vehicular access and landscaping.

Site History

DNS/3253253 THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016 APPLICATION BY LIGHTSOURCE BP FOR A PROPOSED GROUND MOUNTED PHOTO VOLTAIC SOLAR FARM, INCLUDING BATTERY ENERGY STORAGE SYSTEM, TOGETHER WITH ASSOCIATED EQUIPMENT, INFRASTRUCTURE AND ANCILLARY WORKS AT PLAS POWER ESTATE, RUTHIN ROAD, WREXHAM, LL11 3BS

SECONDARY CONSENT APPLICATION UNDER SECTION 247(1) OF THE TOWN AND COUNTRY PLANNING ACT 1990 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.

Granted 12.2026

Development Plan

Unitary Development Plan

UDP PS1 - The Broad Location Of Development

UDP PS2 - The Broad Location of Development

UDP PS3 - The Broad Location of Development

UDP Policy PS9 - Minerals

UDP Policy PS11 - Biodiversity

UDP Policy PS12 - Renewable Energy

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UDP Policy GDP1 - Development Objectives
UDP Policy EC4 - Hedgerows, Trees and Woodland
UDP Policy EC2 - Agricultural Land
UDP Policy EC5 - Special Landscape Areas
UDP Policy EC6 - Biodiversity Conservation
UDP Policy EC11 - Archaeology
UDP Policy MW9 - Protection of Mineral Resources

Relevant National Policy

Planning Policy Wales
Technical Advice Note 5: Nature Conservation and Planning
Technical Advice Note 18: Transport
Future Wales: The National Plan 2020

Consultation Responses

Community Council:

Requests that planning permission not be granted and raises the following concerns:

- The proposed site is outside the settlement boundary and would erode any benefit of a 'green wedge' around rural communities;
- The proposed site is very close to the large villages of Rhostyllen and Bersham, and only a little further from Rhosllannerchrugog and Ponciau. There are a number of schools, including the one at Rhostyllen, situated within a close distance to the site.
- The site is a much-valued rural break between the two former villages and the latter;
- Questions the applicant's statement that there will be no impact on the local population and services of Rhostyllen. Comments that there is substantial concern regarding the planned development and its impact on the nearby residents;
- The proximity of the proposed site to the local crematorium at Pentrebychan is a concern in view of the rural nature of the surrounding area;
- The proposed site is on Grade 2 Green Agriculture land, and therefore classed as 'Best and Most Versatile' agriculture land. The application is supported by a Site Selection Report, which only considered options within a 2.5Km study area from the Legacy National Grid Substation. Questions why, other brownfield sites further away were not considered;
- The probable major impact that the proposed development will have on the immediate environment is of concern, and, indeed, the report 'About the Project' appears to intimate that the scheme will have some major adverse impacts. The applicant's responses to concerns raised regarding the impact on the environment, as mentioned in the PAC, do not, in the opinion of the Community Council: "considered to have been addressed in full";
- The proximity of the proposed site to the Dee Valley and Clwydian Range Area of Outstanding Natural Beauty is a concern, with the applicant stating that the proposed site is only 1.8km west of the AONB. Questions

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if the possible creation of a new National Park from parts of the AONB and possible surrounding countryside could be impacted by the proposed development;

- The proposed site will have a major impact on the ecology of the area in question;
 - i. There are a number of mature trees on, or near, the proposed site. Both the WG Nature and Forestry and the Woodland Trust expressed concerns when responding to the initial consultation.
 - ii. The local fauna includes lapwings, who, it is understood, are regular visitors to the field in question. Red kites have also been mentioned recently as having been seen near the site. In addition there are, as the report 'About the Project' states: "the site supports foraging bats and an assemblage of breeding birds of value at the local scale".
 - iii. There are a number of hedgerows in the area, some possibly ancient, which the Council would wish to protect and preserve. Any moderate beneficial impact identified will not be evidence until year 15;
- The proposed site will undoubtedly impact Heritage and Archaeology sites, some of which are situated very close to the proposed site. Whilst the response from the applicant to public comments confirms that the proposal provides some mitigation to the impact, there remains a possible substantial heritage impact;
- The proposed site and nearby fields are prone to flooding;
- Serious concerns about the number of steel box containers that would appear alien to the rural environment. Their proximity to a major thoroughfare, the A483, will, without doubt, be somewhat of a blot on the landscape. The proposed plans to reduce the visual impact do not alleviate concerns; and
- Noise concerns, both during the construction phase, and subsequently thereafter.

Local Members:

Councillor Paul Pemberton: Expresses concerns which are shared by members of the community.

Councillor Fred Roberts: Raises no concerns.

Natural Resources Wales:

Raise no objection regarding protected species, pollution of controlled waters and pollution provision subject to appropriately worded conditions being imposed.

Raises concerns about the potential for construction works to result in pollution of the River Clywedog and therefore recommends that a condition to require the implementation of a Construction Environment Management Plan.

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Comments that adequate measures should be put in place for the containment and removal of fire water, to include measures to minimise the risk of pollution from contaminated water.

Advises that the submitted Ecology Reports provide an adequate basis upon which to consider the potential impacts of the development on Great Crested Newts (GCN), subject to the implementation of a long term management plan for GCN habitats.

Comments that the Preliminary Ecological Appraisal confirms that there are records of bat species within the application site, that bats may be present within suitable trees and that the site may be used by foraging/commuting bats. Advises that the development is likely to harm or disturb bats. However, advises that provided a lighting scheme is implemented, the development is not likely to harm the maintenance of the population of bat species at a favourable conservation status in its natural range.

Recommends that cross sections would be beneficial to assist assessing the impact of the development upon the AONB.

Comments that small areas of the site fall within Zone 2 but advises that given the limited extent and location of flood risk, the proposals would be acceptable.

Comments that the development is unlikely to be a source of nutrients entering the River Dee and Bala Lake SAC.

Dwr Cymru Welsh Water:
Raises no objection.

Welsh Government (Trunk Roads):
Directs that a condition be imposed to require a site and slope stability assessments if planning permission is granted.

Welsh Government (Department for Climate Change):
Comments that:

- The Agricultural Land Classification Survey Report is validated and confirms that it has been completed to an acceptable standard;
- The Agricultural Land Classification Survey Report confirms the site is Grade 2 agricultural land. The site is therefore entirely Best and Most Versatile agricultural land and PPW12 paragraphs 3.58 and 3.59 apply;
- Consider the status of the site in the Site Selection Report that contain BMV inconsistent;
- Consider it unclear how considerable weight has been given in the search sequence or assessment to protective BMV land from development;
- The weight given to BMV land compared to other constraints is unclear;
- It is unclear if there is an overriding need for use of BMV land; and
- Questions how the application of the sequential test was undertaken.

Advises that the Council will need to consider whether the assessment undertaken addresses PPW12 paragraphs 3.58 and 3.59.

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Health and Safety Executive:

Do not advise against granting planning permission on safety grounds.

Highway Officer:

Raises no objections.

Comments that operational traffic for maintenance of approximately 2 two way tips per month would be considered low.

Advises on the requirements for a Construction Traffic Management Plan that should be submitted prior to commencement of development and that could be secured by planning condition.

Confirms that visibility at the main construction access would be acceptable.

Public Rights of Way Officer

Advises that if any Public Rights of Way require closure to the public during the works, the developer would need to formally apply for a temporary closure.

Notes that a permissive footpath is proposed along the northern boundary of the development. Comments that this is a welcome addition to public access in this area but that the permissive nature of the proposed footpath means that access may be withdrawn at any time in the future. Comments that it would be preferable for there to be a legally created route through an agreement under section 25 of the Highways Act 1980 and also for the path to be extended further west to link in with Esclusham Above Footpath no. 1 as shown by the black dashed line on the attached map. Advises that this would provide pedestrians with a safer east-west route than that currently provided by the B5097 Bronwylfa Road.

Contaminated Land Officer:

No comments.

Public Protection Officer:

Raises no objection. Comments that the proposed would not advise affect the nearest sensitive receptors in terms of noise. Recommends a planning condition to limit noise levels to existing background levels.

Recommends advisory notes regarding construction impacts.

Arboricultural Officer:

Expresses concerns about the proximity of the storage facility to trees along the disused railway corridor. Comments that this should be afforded appropriate protection and recommends the plans be amended to provide a buffer zone. Also comments that appropriate protection be provided to a sycamore tree in the south-west corner of the site by increasing the size of the roof protection area.

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Ecology Officer:

Comments that the development would result in the loss of up to 54m of Ancient, species rich, hedgerow, which area culturally important and mark historical boundaries. Advises that PPW12 states the permeant removal of trees, woodland and hedgerow will only be permitted where it would achieve significant public benefits and where sufficient mitigation at a ratio of 3:1 can be achieved. Also comments that PPW12 states that ancient hedgerows are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such hedgerows are to be afforded protection from development which would result in their loss or deterioration unless very exceptionally there are significant and clearly defined public benefits.

Advises the mitigation and enhancement proposals would be the required replacement planting ratio, but raises concerns about the loss of hedgerow solely to provide for abnormal load vehicles to gain access.

Also comments that some narrow sections of ancient hedgerow would be removed for the proposed cable routes and notes that open trenches instead of boring has been discounted.

Advises where there are significant public benefits to justify the loss of hedgerow needs to be considered.

Cadw:

Raise no objections. Agree with the conclusions of the Archaeological Assessments. Confirm that the Archaeological Assessments undertaken provide sufficient information for agreement in principle the options for the cable routes, which include 2 that cross the scheduled area of Offa's Dyke.

Advise that ordinarily, it would be recommended that the determination of an application for development that requires Scheduled Monument Consent be deferred until after SMC had been granted. However, in this case, there is a viable route that would not require SMC so advises that there would be no need to defer determination of the application.

HENEB:

Advise that Archaeological Monitoring and Recording would be required for whichever of the 3 options for the cable round is selected. Recommended that the implementation of a scheme of Archaeological Monitoring and Recording is secured by planning condition.

Fire and Rescue Authority:

Not able to comment in detail. Refer to the National Fire Chiefs Council document Grid Scale Battery Energy Storage System planning – Guidance for FRS

Ramblers Association:

Comments that the site is near Public Rights of Way Esclusham nos.1 and 3, which should not be directed or blocked up by the development or during construction.

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AONB Joint Advisory Committee:

Raises no objections. Comments that national planning policy strongly supports the delivery of such energy storage systems and that there is an over-riding need for the development.

Notes the site is approximately 2km to the west of the AONB. Comments that given the distance involved and the nature of the topography and intervening natural vegetation, impact upon the setting is limited. Also comments that the site is relatively well contained within the landscape and that the screening proposed would ensure no adverse impact upon the AONB, particularly in terms of views out from the designated landscape.

Flood & Water Management Officer:

Raises no objection. Notes that areas of flood risk have been identified on the site, advises that the developer is aware of this and has developed an appropriate strategy to manage this. Does not consider that the highly vulnerable elements of the development would be at risk, nor that the development would pose a flood risk to existing people or property.

Publicity Undertaken

Press Notice

Site Notice

Notification Letters

Responses to Publicity:

A total of 486 representations received broken down as follows:

- 274 representations objecting to the development, including 174 standard pre-prepared letters;
- 211 representations in support of the proposed development on standard pre-prepared letters;
- 1 representation not expressing support or objection to the development but on a standard pre-prepared letter.

Concerns raised by objectors:

- Safety/fire risk;
- Proximity to/impact on the A483;
- Impact on Bersham, Rhostyllen, Legacy and Johnstown;
- Danger to public health;
- Loss of agricultural land;
- Impact on rural landscape;
- Industrialisation of rural landscape;
- Does not serve the local community;
- Impact on/loss of wildlife;
- Use of/loss of Greenbelt land;
- Not green/renewable energy but storage using fossil fuels;
- Does not conserve or enhance the landscape;
- Impact of social wellbeing;
- Risk of toxic gasses;

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- Location chosen because it is the cheapest route to the grid;
- Outside of the defined settlement limit;
- Risk of pollution – land and water contamination;
- Proximity to a school and medical centre;
- Proximity to housing;
- Proximity to crematorium;
- Proximity to lanes which are prone to flooding;
- Noise;
- Carbon footprint of lithium batteries;
- Impact on local road network;
- Loss of hedgerows and trees;
- Loss of a recognised green wedge between Rhostyllen, Aberoer and Johnstown;
- HGV traffic during construction;
- Greater carbon footprint, with 13% of energy lost;
- Too close to Rhostyllen and Bersham;
- Dust;
- Location of the site on country lanes – potential difficulties for emergency response;
- Traffic safety and congestion during construction;
- Impact on Offa's Dyke and other historic sites;
- Unproven technology;
- AONB;
- Impact on tourism;
- Should utilise brownfield land, land in industrial estates or close to power stations;
- Impact of low frequency magnetic fields – potentially carcinogenic; and
- Better use of land would be for food production.

Comments made in support:

- Need for renewable energy
- Energy storage has an important role in managing the transition to a low carbon economy;
- Growth in energy generation from renewables requests the management of the resulting intermittency of supply;
- Lower emissions of carbon dioxide and particulate matter from conventional power generation;
- Reduced reliance on fossil fuels;
- UK target of net zero by 2050 and WG target for Wales to meet 70% of electricity demand from renewable sources by 2030;
- PPW states proposals for new storage facilities should be supported wherever possible; and
- Preferable to nuclear power.

Principle of Development

The UDP does not have specific policies concerning the location of development associated with energy infrastructure. The application site is located outside of a

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defined settlement limit. Policy PS1 directs new development for housing, employment and community services to sites within defined settlement limits and employment areas. However, it does not specify that developments for the generation of energy from renewable sources should be directed to sites within defined settlement limits or employment areas.

The UDP has a general policy regarding developments that generate energy from renewable sources. Policy PS12 supports this type of development provided the wider environmental benefits outweigh any detrimental impacts on the landscape, public safety and the local environment.

Planning Policy Wales (PPW) 12 para 5.7.1 states that low carbon and renewable energy must become the main source of energy in Wales, with para 5.7.6 emphasising the paramount importance of the benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security. It goes on to state that the planning system should, amongst other things, optimise energy storage and maximise renewable and low carbon energy generation. PPW12 para 5.7.10 requires Local Planning Authorities to plan positively for grid infrastructure. Para 5.7.14 confirms the Welsh Government's target for Wales to generate 70% of its energy consumption from renewable energy by 2030, with paragraph 5.7.15 identifying the Planning system as having an active role to meet this target. Para 5.7.12 deals specifically with energy storage, stating that:

Energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply, and energy storage can help balance supply and demand. Proposals for new storage facilities should be supported wherever possible.

Policy 17 of Future Wales (FW) strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our energy needs. The policy states that significant weight must be given to the need to meet Wales' international commitments and Welsh Government targets to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

FW policy 17 does not deal specifically with energy storage, however, the policy must be considered in conjunction with the relevant paragraphs of PPW12 referred to above. When considered together, there is a very clear planning policy framework that not only supports the generation and distribution of energy from low carbon and renewable sources, but also the infrastructure required to do so. Battery storage provides a means of managing the fluctuations between the peak supply from renewable sources and peaks in demand. It is therefore a key piece of infrastructure in supporting the generation of energy by renewable sources and its subsequent distribution.

Best and Most Versatile Land

The application site comprises entirely of Best and Most Versatile (BMV) agricultural land. The Welsh Government's Predictive Agricultural Land

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Classification map shows Grade 2 land within where the battery storage development would take place. It also confirms that the majority of the land required to provide the associated connection to the Legacy substation is also Grade 2, with the land immediately to the north and west of the substation being Grade 3b.

The application is accompanied by an Agricultural Quality Report which concludes that the land where the battery storage development would take place is Grade 2. The Welsh Government Department for Climate Change have reviewed the Report and have confirmed it can be accepted as an accurate reflection of the quality of agricultural land within the site.

Policy EC2 states that development on agricultural land of Grades 1, 2 and 3a (i.e BMV land) will only be permitted if it does not lead to irreversible loss of that land. Although PPW12 paragraph 3.58 states that BMV land should be conserved as a finite resource, PPW12 does not seek to prevent development on BMV land entirely. Paragraph 3.59 of PPW12 advises that BMV land should only be developed where there is an overriding need for the development and either previously developed land or land in low is unavailable, or subject to other constraints that outweighs the agricultural considerations. Where BMV land needs to be developed and there is a choice of land available, PPW12 advises that development should be directed to land of the lowest grade. The UDP is now outdated. It is underpinned by an evidence base approaching 25 years old. Moreover, it pre-dates PPW12 and therefore policy EC2 should be afforded less than full weight. As such, the proposed development has been considered in light of paragraphs 3.58 and 3.59 of PPW12.

Having regard to the provisions of PPW12 and FW discussed earlier in the report, in particular the Welsh Government's target for Wales to generate 70% of its electricity from renewable energy by 2030, there is a very clear and overriding need for the infrastructure required to facilitate and support this.

The application is accompanied by a Site Selection Report which outlines the considerations that resulted in the application site selected for the proposed development. A key consideration in the site selection process has been proximity to the Legacy Substation. The Site Selection Report indicates that the feasibility of achieving a technically and commercially feasible connection route to a grid connection point diminishes with distance. The further a battery storage is away from a substation, the greater the cost in terms of cables, their installation, landowner negotiations as well as environmental management and mitigation. The site Selection Reports that the optimum distance between the site and its grid connection (i.e. Legacy Substation) is 3km.

The Site Selection Report considers a total of 29 sites within a 2.5km radius of the Legacy Substation. The reason for not considering sites up to 3km away is it would include urban areas or land within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). It also would not yield any significant areas of previously developed land. Of the 29 sites considered, 11 (including the application site) contained BMV land and of those 7 contained either Grade 3b or a mix of Grade 2 and 3b land. However, the sites discounted

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(whether containing BMV land or not) are subject to one or more other constraints to development. These include:

- Access difficulties;
- Topography (e.g. sloping sites);
- Proximity to residential properties;
- Proximity to historic designations, such as listed buildings or Schedule Monument; and
- Proximity to AONB

Although noting the comments made by the Department of Climate Change, the Site Selection Report has considered a range of planning constraints, in addition to BMV land, when assessing the suitability of sites. None of the sites considered are entirely constraint free. However, the application site is one of the least constrained sites. Moreover, and perhaps critically, access to the site from the A483 is relatively unconstrained compared to some of the other sites assessed.

It is considered that the Site Selection Report demonstrates that there are no sites that the alternative sites considered are subject to constraints that would render them unsuitable or unavailable for the proposed development. Having regard to this, paragraphs 3.58 and 3.59 of PPW12.

Special Landscape Area

The site is within a Special Landscape Area (SLA) as defined by the UDP. The boundaries of many UDP SLAs predate LANDMAP, the nationwide set of spatial datasets covering five topic areas; Cultural Landscape, Geological Landscape, Historic Landscape, Landscape Habitat, Visual and Sensory.

As part of the preparation of the unadopted LDP, a Special Landscape Areas Study 2017 (the Study) was undertaken to review the boundaries of the SLAs. The methodology of the review followed that recommended by NRW and is consistent with PPW12 para 6.3.12, which recommends that LANDMAP and any associated landscape character assessments (including the register of historic landscapes in Wales) should be used to inform local landscape policies and to help identify or revise SLAs. Informed by the findings of the findings of the Study, the application site lies in an area that is not a Special Landscape Area designation in the unadopted LDP.

The LDP has been subject to Examination in Public, with the LDP Inspectors concluding that subject to the binding changes set out in their report (which were incorporated into the final version of the written statement and proposals maps), *'the Wrexham Local Development Plan satisfies the requirements of section 64(5) of the 2004 Act and meets the procedural requirements and tests of soundness'*. On the specific point of SLA designations, the LDP Inspectors concluded that the unadopted LDP properly defines local areas of high landscape importance, which may be unique, exceptional or distinctive to the area, consistent with national planning policy. They also concluded that the LDP's natural environment policies are based on robust and credible evidence.

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Bearing in mind that the UDP became time expired in 2011, and the conclusions of the LDP Inspectors, it is considered that the LDP SLA boundaries represent a more robust and suitable basis against which landscape impacts should be considered.

The fact that the Study did not propose to bring forward the SLA designation in this location is a material consideration of significant weight and means that policy EC5 is outdated and should be afforded little weight. Nevertheless, policy EC5 states that developments *other than* essential operational requirements by utility providers will be strictly controlled. Battery storage is a relatively recent form of development and is unlikely to have been one anticipated by the policy. However, having regard to the important role it has in the storage and distribution of energy, it is arguably a category of development that, in principle, policy EC5 anticipated may need to be sited within SLAs.

Green Barrier and Green Belt

The site is not located in a Green Barrier as defined in by the UDP. The boundaries of the UDP Green Barriers were reviewed in the Strategic Green Wedge Review (GWR) October 2017 as part of the process of preparing the unadopted LDP. Informed by the findings of the GWR, the application site lies in an area that is not a Green Wedge designation in the unadopted LDP. Local and national policies that seek to prevent inadaptation development within Green Barriers/Green Wedges are therefore not applicable.

Future Wales identifies an Area for Consideration for Designation as a Green Belt to manage urban form and growth around Wrexham and Flintshire. The boundaries of the Green Belt will be finalised in the Strategic Development Plan (SDP). However, to safeguard the Area for Consideration in advance of the preparation of the SDP, FW Policy 22 resists major development within it unless there are very exceptional circumstances. The Area for Consideration includes land to the north and east of Wrexham. The application site lies to the south-west of Wrexham and is therefore outside of the Area for Consideration. The proposed development would therefore not conflict with FW Policy 22.

Having regard to all of the above, the principle of development is acceptable.

Design

The main part of the application site is an open field enclosed by a combination of fences and hedgerow. This is reinforced by a belt of trees along an approximately 150m section of south-eastern corner of the site. The embankment of a dismantled railway line runs parallel to the northern boundary. The embankment is occupied by extensive mature tree coverage. The application site slopes upwards on a gentle gradient from the south-east to the north-west, resulting in a height difference of approximately 8 metres across the site.

The application site also includes three potential routes for electricity cables that would connect the battery storage facility with the Legacy substation. Only one of the cable routes would be utilised should planning permission be granted.

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The proposed development would result in the installation of 118 battery storage units on the main part of the site. They would be arranged in south-west to north-east rows parallel to the B5097 rows of batteries, together with a substation and associated electrical infrastructure. There would also be a number of containers sited on the land for storage, site office facilities and water storage, as well as a Gas Insulated Switchgear (GIS) Hall. The GIS Hall would be the largest structure erected on site, being approximately 57m long, 28.5m wide and 14m high. A new access road would also be constructed adjacent to the junction of the B5097 and Bronwylfa Road. This would cross a field to the south-west of the site and then cross the lane that forms the western boundary of the site. To enable the construction of the new access and access road, 54 metres of existing boundary hedge would be removed.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). This concludes that the impacts from the proposed development would localise, with major adverse effects from nearby vantage points, but minor adverse impacts in a wider landscape context. The LVIA also concludes that the development would have no effect on the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). The boundary of the AONB is approximately 1.8km to the west of the application site.

The development would occupy the majority of the main part of the site and would inevitably result in a significant change in its appearance. A proposed landscaping scheme would result in tree planting and the enhancement of existing hedgerows in the spaces between the development and the highway. This would help soften the impact of the development, but would not screen it entirely from view.

The embankment of the former railway line, including the mature trees on it, would largely screen the development from vantage points to the north. From other longer distance vantage points, including within the AONB, views of the proposed development would be limited, being obscured by features within the wider landscape, such as physical topography, trees and hedgerows. The proposed development would therefore not have a significant or detrimental impact on the character and appearance of the landscape beyond the site and its immediate surroundings.

The proposed development would be highly visible from vantage points close to the site on the B5097. It would also be visible from the B5098 when travelling northwards to the junction between the B5098 and B5097 adjacent to the south-eastern corner of the site, although the belt of trees referred above would provide some screening. Views of the development would also be possible from the A483 when travelling over the flyover at junction 3, although trees and hedges between the site and the A483 would provide some screening, although the development would also be viewed against the backdrop of the embankment of the former railway line.

The cables would be installed underground. Although this would involve construction works, the changes to the appearance of the area would be short

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term. Restoration of the land post construction would ensure no long-term visual impacts.

Although the development would have a harmful impact upon the character and appearance of the area. However, visual and landscape impacts would be relatively localised. When this and the overriding need for the development discussed earlier in the report are considered, the benefits of the development are considered to outweigh the harm. The proposed development therefore accords with policy PS2 and, subject to suitably worded conditions to secure the implementation and long-term management of the proposed landscaping measures, policy GDP1.

Impact on Neighbouring Amenity

The nearest residential properties are approximately 150 metres from the main part of the site and lie on the opposite (east) side of the A483 and approximately 250m from where the battery units would be placed. There nearest residential properties to the site that lie on the west side of the A483 are approximately 200m to the north. The distance to the nearest dwellings means the proposed development would have no impact upon living conditions by way of visual over dominance.

The application is accompanied a Noise Impact Assessment (NIA). This concludes that the proposed development would not give rise to noise levels that exceed existing background levels and is therefore considered to be low impact. Existing background noise levels in the vicinity of the site are influenced by the A483 trunk round. The Council's Public Protection Officer has reviewed the NIA and raises no objection to the application, subject to a suitably worded condition to require that noise levels do not exceed existing background levels.

There is potential for construction works to give rise to noise and other impacts, such as dust. These impacts would be relatively short term and could be minimised by employing appropriate mitigation measures via a Construction Environment Management Plan (CEMP). A CEMP could be secured by a suitably worded condition.

Subject to the conditions discussed above, the proposed development is unlikely to have a significant harmful effect on the living conditions of occupiers of dwellings in the locality. It therefore accords with policy GDP1.

Highway Considerations

The application site would be accessed via the B5097 Bronwylfa Road. As noted above, new access road would also be constructed adjacent to the junction of the B5097 and Bronwylfa Road. This would cross a field to the south-west of the site and then cross the lane that forms the western boundary of the site. The new access is necessary to enable large vehicles to enter and leave the site when delivering abnormal loads during construction. The development would also utilise an existing access onto Bronwylfa Road. Appropriate visibility spays from the latter could be provided and maintained.

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The construction period for the development would be approximately 2 years. During that time there would be up to 55 construction workers on site at any one time. Over the construction period, it is likely there would be up to 80 two-way trips associated within construction staff travelling to/from the site and 13 two-way trips associated within delivery and servicing. There would also be 6 two-way trips over the course of the construction period where vehicles would be delivering abnormal loads. Once operational, there would be up to 2 two-way trips per month associated with maintenance.

The local highway network would be able to safely accommodate the majority of construction traffic. However, particular care would need to be taken with the abnormal loads. Measures to managing these deliveries in order to minimise disruption and also ensure the safety of other highway users could be secured via a Construction Traffic Management Plan. The low levels of traffic that would be generated once the development is operational would not give rise to highway capacity or safety concerns.

Subject to appropriate measures being put in place to manage construction traffic, the proposed development would not give rise to highway safety concerns.

Historic Environment

The application is accompanied by a suite of Archaeological Assessment. These have considered the impact of the development on the following:

Scheduled Monuments

DE165 Wat's Dyke: Section South of Ruthin Road
DE191 Wat's Dyke: Section SSW of Wrexham Station, 130m Long
DE244 Meadow Shaft, Minera
DE199 Bersham Colliery: No 2 Winding Gear
DE131 Cadwgan Hall Mound
DE137 Offa's Dyke: Pentre-Bychan Hall Section, extending 540m S from Bron-Wylfa
DE047 Hadfod-y-Bwlch Round Barrow
DE048 Croes-Foel Round Barrow
DE179 Offa's Dyke: Sections N & S of Bryn yr Owen Colliery
DE180 Offa's Dyke: Section in Plas Power Park
DE017 Erddig Mound & Bailey Castle
DE139 Offa's Dyke: Plas Power Section
DE173 Wat's Dyke: Sections N & S of the Court
DE181 Offa's Dyke: South Section at Coedpoeth
DE182 Offa's Dyke: North Section at Coedpoeth
DE183 Offa's Dyke Section South of River Gwenfro
DE178 Offa's Dyke: Section S of Aberderfyn Road
DE193 Moated Site near Groesfoel Farm, Rhostyllen
DE174 Offa's Dyke: Section S of Bryn yr Owen Farm
DE153 Wat's Dyke: Section extending from Middle Sontley to Black Brook Bridge
DE241 New Minera Lead Mine
DE163 Fairy Oak Round Barrow
DE164 Hillbury Round Barrow

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DE152 Wat's Dyke: Section extending from Erddig Park to Middle Sontley
DE189 Bersham Ironworks
DE194 Offa's Dyke: Section extending 120m from Railway to Bronwylfa Road,
Legacy DE23 Nant Mill Wood Shaft Mounds
DE113 Offa's Dyke: Vron Farm Section
DE132 Offa's Dyke: Cadwgan Hall Section, extending from River Clywedog to
the Railway
DE290 Gatewen Hall round barrow

Registered Parks and Gardens:

Erddig GW
Wrexham Cemetery

The Archaeological Assessments concluded that the proposed development would not have an impact upon all but four of the proposed historic assess.

Further Settings Assessments were undertaken on 4 of the above assets:
DE047 Hadfod-y-Bwlch Round Barrow;
DE048 Croes-Foel Round Barrow;
DE137 Offa's Dyke: Pentre-Bychan Hall Section, extending 540m S from Bron-
Wylfa;
DE193 Moated Site near Groesfoel Farm

The assessments concluded that the proposed development would have a low negative impact upon DE137 and negligible impact upon the other 3. Cadw have confirmed they agree with the outcome of the assessments.

All three of the proposed routes for the cables connecting the main part of the site to Legacy Substation the cross alignment Offa's Dyke, a Scheduled Monument. One of the routes would avoid the scheduled area whereas the other two would cross it. Should either of the two options that cross the scheduled area be selected, Schedule Monument Consent (SMC) would also be required. Any application for SMC would be considered separately by Cadw. Cadw have advised that ordinarily they would recommended that the determination of an application for development that requires Scheduled Monument Consent be deferred until after SMC had been granted. However, because there is a viable route that would not require SMC, they have advised that there would be no need to defer determination in this case. Cadw raise no objections to the application.

HENEB have advised that Archeological Monitoring and Recording would be required for whichever of the 3 options for the cable round is selected. This could be secured by a suitably worded condition.

Having regard to the above, the proposed development would not give rise to archaeological concerns and therefore accords with policy EC11.

Natural Environment

The application site is accompanied by Ecological Assessments. These identify the main part of the application site as improved grassland of low ecological

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importance. The former railway corridor to the north of the application site is occupied by broadleaved woodland that has the potential as habitat for roosting bats, nesting birds and badgers. The western boundary of the site is enclosed by species rich native hedgerow, classified as ancient hedgerow.

The development of the main part of the site would result in the loss improved grassland and around 54m of the species rich native ancient hedgerow. The proposed development would not result in the complete removal of any section of ancient hedgerows, but rather the removal of relatively short sections. Hedgerow removal is made necessary by the need to provide an access for the vehicles that would deliver the largest components of the development to the site. Short sections of species rich hedgerow would also be removed to enable the cables to be laid between the main application site and the Legacy Substation. The Council's Ecology Officer has advised that the sections of hedgerow to be removed are classed as ancient hedgerows.

The loss of improved grassland would not have any significant ecological impacts. Paragraph 6.4.43 of PPW12 states that ancient hedgerows are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. It goes on to state that ancient hedgerows are to be afforded protection from development which would result in their loss or deterioration unless very exceptionally there are significant and clearly defined public benefits.

The proposed development would make an important contribution towards equipping the energy grid to enable it to manage peaks and troughs in supply and demand for energy and towards the Welsh Government's target of generating the majority of energy by low carbon and new sources. This is a very clear and significant wider benefit that weighs heavily in favour of the proposed development.

The broad-leaved woodland that occupies the former railway corridor to the north of the site is subject to a Tree Preservation Order (TPO), WCBC no.198. A sycamore tree in the south-west corner of the main application site, adjacent to the proposed access, is also subject to TPO WCBC no.231. The application is accompanied by an Arboricultural Impact Assessment (AIA). This identifies the majority of the individual trees subject to TPO no.198 to be Category B (moderate quality) and Category C (low quality). However, it also identifies three trees as Category A (High Quality). The tree protected by TPO no. 231 is also identified as Category A.

The development would not result in the loss of any mature trees. The Tree Protection Plan within the AIA also confirms that all construction works would be situated outside of the Root Protection Areas of the trees. Although the Council's Arboricultural Officer has advised that a more extensive buffer zone be provided along the northern boundary, the absence of this would not, by itself, be a valid reason for refusal. Appropriate measures could be put in place to protect these trees, as well as the tree protected by TPO no.231, during construction. An Arboricultural Method Statement could be secured by a suitably worded condition.

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The trees and hedgerows enclosing and in close proximity to the site offer roost and foraging habitat potential to bats. To avoid adverse impacts upon bat species, the type and position of any external lighting would need to be carefully considered. A lighting scheme could be secured by a suitably worded condition. There are records of Great Crested Newts within the vicinity of one of the potential cable routes. Reasonable Avoidance Measures (RAMs) would therefore need to be put in place during construction.

The Ecology Report and landscaping scheme outline a number of ecological mitigation and enhancement proposals. These would include replacement hedgerow planting at a ratio of 3:1 for the sections of hedgerow removed, in accordance with PPW12 paragraph 6.4.42 and the creation of ecological enhancement area in a field to the west of the application site. Within the field, additional habitat for butterflies and GCN would be created. Ten new oak trees would also be planted.

Subject to the implementation of the measures outlined above, the proposed development would not have an adverse impact upon statutorily protected species and would deliver net benefit to biodiversity, therefore complying with PPP12 paragraph 6.4.5 and policy EC6. The long-term management of the off-site habitat enhancement area would need to be secured by a Planning Obligation.

Flood Risk

The Council's Flood & Water Management Officer raises no objection. None of the main part of the site would be at risk of flooding. Part of one of the potential cable routes would fall within Flood Zones 2 and 3 (Rivers), as defined on Flood Maps for Planning. Given the nature of the development, it would not be at unacceptable risk of flooding, nor would it give rise to an increase in the risk of off-site flooding.

Parts of the application site are identified on Flood Maps for Planning as being at risk of surface water flooding, falling Zones 2 and 3 (surface water and small water courses). However, neither of these areas is where the proposed batteries or associated equipment would be located. As such, no highly vulnerable parts of the development would be at risk from surface water flooding.

Having regard to the above, there would be no conflict with TAN15 or UDP policy EC12.

Drainage

The proposed development would result in extensive areas of hardstanding being laid on the main part of the application site, giving rise to a need to manage surface water. The submitted plans provide for a surface water attenuation basin close to the eastern boundary of the site for that purpose. The proposed development would also require separate approval for the surface

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water drainage arrangements from the Council as Sustainable Drainage Systems Approval Body (SAB) before development commences on site. This is a statutory requirement. The need to obtain SAB approval means that there are adequate controls in place to ensure surface water is properly managed.

Other Considerations

Safety

Considerable concern has been raised about the risk of fire associated with the operation of the proposed battery storage facility. The proposed battery units would be approximately 200 metres away from the nearest dwellings. The Croesfoel Industrial Estate lies approximately 150m to the south-east of the proposed development on the opposite side of the A483. Having regard to these distances, the risk of fire affecting the nearest residential areas or the Croesfoel Industrial Estate would be relatively low. Moreover, no compelling evidence has been submitted to demonstrate that the proposed development would be hazardous or incompatible with its location in open countryside.

The application is accompanied by a Outline Battery Safety Management Plan (OBSMP), which has been prepared having regard to available guidance, including the National Fire Chiefs Council. The OBSMP sets out measures that would be implemented to manage the operation of the site and the risk of fire.

The attention of Members is drawn to the conclusions of a Planning Inspector in respect of a recent appeal decision for a similar (albeit smaller) development on land north of Styles Close, Frome, Somerset (Ref: APP/E335/W25/3369276):

“a report by the Environment Agency details that lithium-ion batteries, such as those proposed, are the favoured choice for battery energy storage. A briefing paper prepared by the House of Commons Library in April 2024 titled ‘Battery energy storage systems’ estimates that only 1 in 40 million battery cells experience a failure that results in fire. It also stated that only one fire incident has occurred in the UK. This fire related to nickel manganese cobalt batteries, which are a different chemical composition to that proposed. Interested parties have referred to three other fires that have occurred at BESS sites this year, including one in Essex. However, it is unclear if these used the same batteries. In any event, the fires were quickly brought under control. Overall, the evidence before me strongly indicates that fires are very rare and in the unlikely event they occur, the incident can be brought under control with effective emergency planning by the site owner and fire services”.

The proposed development would use the same Lithium Ferrous Phosphate batteries that were proposed in the Somerset appeal case.

The attention of Members is also drawn to the recent DNS decision on land at Plas Power Estate, Ruthin Road which granted planning permission for a large scale solar farm as well as battery storage. On the matter of battery storage, the Minister concluded that *“The applicant has submitted an Outline Battery Safety Management Plan (OBSMP). The Inspector is satisfied the OBSMP, which would be secured by condition, contains appropriate measures to contain any fire associated with the BESS”*. The planning permission was granted subject to

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a condition to require a detailed Battery Safety Management Plan to be submitted for approval and implemented.

In the event of a fire, the site would be readily accessible by a fire tender and it is of note that the Council's Highway Officer raises no concerns in this regard. Moreover, a Battery Safety Management Plan and an Emergency Response Plan could be secured by a suitably worded conditions to require the implementation of measures, including the firefighting provision, water supply reliance and measures to control run-off.

Concerns have been raised about pollution. As with fire risk, no compelling evidence has been submitted to demonstrate that the proposed development would give rise to a significant risk of pollution. NRW have raised concerns about the potential risk of pollution of the River Clywedog from construction works. However, NRW have also advised they have would no objection to the application subject to the implementation of a Construction Environment Management Plan (CEMP). A CEMP would set out measures for managing construction works in a manner that minimises the risk of pollution and could be secured by a suitably worded condition.

Having regard to the above, the proposed development would not conflict with policy GDP1.

Minerals

Approximately half of the site is subject to UDP policy MW9, which applies to areas where there are potentially exploitable mineral reserves. Policy MW9 states that non-mineral development will not be permitted unless it has been demonstrated that no exploitable mineral reserves existing within the site. Where a development materially prejudices mineral resources, the policy requires provision to be made for prior removal of the mineral resources.

The application is not accompanied by an assessment of whether there are any exploitable mineral reserves within the site. However, when considered in the context of potentially exploitable mineral resources within wider locality and the wider County Borough as a whole, any exploitable reserves within the site are likely to be extremely small. Moreover, the development would not prejudice the extraction of minerals in the wider locality, should a need to do so be identified.

Having regard to the above, together with the Welsh Government's target for Wales to generate 70% of its electricity from renewable energy by 2030 and the need for the infrastructure required to facilitate and support this is taken into account, the conflict with policy MW9 would not, by itself, be a significant enough issue to warrant refusal of the application.

Conclusion

The proposed development would play an important role in supporting the transition of the energy grid in Wales to one where the majority of energy is generated by low carbon and renewable sources. As such, there is an overriding need for the development which is considered to outweigh the loss of BMV land within the site.

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Although recognising the significant visual impacts as site level, the proposed development would not give rise to wider landscape and visual impact concerns. Landscaping measures can also assist in mitigating visual impacts a local level.

Subject to appropriate measures being secured by suitably worded planning permission, the proposed development would not give rise to residential amenity, highway safety, ecological, pollution or fire risk concerns. It therefore accords with the relevant UDP policies, as well as Future Wales and Planning Policy Wales 12.