PLANNING STATEMENT

RETROSPECTIVE APPLICATION FOR THE INSTALLATION OF SOLAR PANELS AT CAE NEWYDD, WERN, BERSHAM LL14 4LT

1. Introduction

This is a retrospective planning application for the installation of a single array of solar panels on a small section of an existing field, to the rear of Cae Newydd Hillside, Wern, near Bersham. The panels have been in place for over 18 months and the application has been made at the request of the Planning Enforcement Officer to regularise the situation.

There are 24 panels arranged in a single array, forming a low level linear panel measuring 2m width x 25m length. It is south facing at an angle of 35 degrees and follows the line of the adjoining field hedgerow which runs south from the existing dwelling and farm complex. No further panels are proposed. The existing solar panels will be contained by the planting of a new hedgerow which will also help screen the development. The panels are ground mounted and can be dismantled and removed at the end of its life span, preventing any permanent or irreversible impact upon the landscape.

This statement provides an assessment of the proposal against the relevant policies in the Local Development Plan and other material considerations. The statement is designed to aid the Planning Officer in making their recommendation.

The following plans/documents and reports are submitted in support of the planning application.

Completed Application Form and Certificates

This Planning Statement

Green Infrastructure Statement

Location Plan

Site Plan

Photographs of the Solar Panels in situ

The assessment seeks to demonstrate that the proposed development can be accommodated in this location without giving rise to any unacceptable impacts upon local amenity and surrounding open countryside.

The following sections of the statement identify the relevant issues pertinent to the consideration of the application submission and include:

- A description of the application site and details of the proposed development;
- An overview of the relevant planning policy;
- An assessment of the application proposals against the Development Plan and relevant material considerations such as the Planning Policy Wales and Supplementary Planning Documents.

Overall, this statement will assess in detail all the planning aspects associated with the application, with reference to the above supporting information which forms the planning application. It will be shown that the proposals are in accordance with both national and local planning policy.

Site Description

The site location plan shows the site in its immediate context.

The proposed development comprises a small ground mounted panel installation located to the rea of Cae Newydd. The linear arrangement of panels follows the line of the existing hedgerow and does not form an incursion into the field. It effectively extends from the farmhouse/complex southwards along the field boundary. The land rises and the panels follow the natural topography of the site. There has been no cut and fill operation involved to accommodate the proposed development. It is generally well enclosed with very few public vantage points, allowing views into the site due to surrounding vegetation and the lie of the land. The topography together with the existing dwelling and agricultural buildings screen it entirely from Bronwylfa Road.

There are no residential properties near the site and the only clear views are from more elevated vantage points to the south, but these are some considerable distance away and there are no public rights of way which afford a clear view of the solar panels. The existing complex of buildings, the topography and surrounding field hedgerows and vegetation help minimise views into the site.

Application Details

The equipment and infrastructure consists of a single photovoltaic (PV) array, based on a simple metal framework and placed into the ground, eliminating the need for substantial foundations. No cut and fill has been undertaken to accommodate the panels which fall west to east following the hedgerow. The installation has a footprint of approximately 100sq metres and a maximum height of 1.5metres.

The key design features include the following –

Panels are dark in colour as a result of their non-reflective coating to maximise the absorption of light. In terms of their impact upon the landscape they would not be dissimilar to polytunnels, silage bales wrapped in black plastic when viewed from a distance. There are no views from behind the panels due to their position backing into existing farm buildings.

Panels are encased in an aluminium frame, supported by steel stands. The panels are fixed and do not rotate.

Panels are held at a fixed angle of approximately 30 degrees from horizontal, facing south to maximise absorption of energy from the sun.

It consists of a slender single array, reducing the mass of the installation. It extends from the farm complex along the hedge to minimise footprint and reflect the existing field pattern. Maximum height is approximately 1.5 metres.

It should be noted that there were no impacts from construction. This application is retrospective and the panels are already in place.

Its purpose is to serve Cae Newydd, a working farm. No other structures or connections are proposed and the use is reversible.

Access to the site is from the existing main vehicular access serving Cae Newydd from the B5426. No other tracks or access points are required.

An existing public right of way runs to the north and beyond to the west behind the existing dwelling and agricultural buildings, but the panels are not visible from this point.

The agricultural use of the site will remain.

4. Planning Policy

Planning Policy Wales (PPW)

PPW sets out the land use planning policies of the Welsh Government and is supplemented by a series of TAN's. The primary objective of the PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

PPW Edition 12 and Future Wales – The National Plan 2024 set out the national development plan context for energy and provides specific policies for renewable energy development. PPW 12 is supplemented by Technical Advice Notes (TANS), such as TAN 8 on Renewable Energy. This policy encourages the development of renewable energy projects and aims for 100% of electricity consumption to come from renewables by 2035, with 70% by 2030.

The Welsh Government states that the planning system has an active role to help ensure the delivery of these targets, in terms of new renewable energy generating capacity and the promotion of energy efficiency measures n buildings. The Welsh Government's policy is to secure zero carbon buildings while continuing to promote a range of low and zero carbon technologies as a means to achieve this.

It is widely acknowledged that Welsh Government through PPW recognise the importance of renewable energy with low carbon electricity becoming the main source of energy in Wales. The general presumption is that the planning system should be an enabler of this transition and encourage the principle of renewable energy generation. PPW 12 states the (para 5.7.1) "Low carbon electricity must become the main source of energy in Wales". Paragraph 5.9 'Renewable and Low Carbo Energy'...states that Local Authorities should facilitate all forms of renewable and low carbon energy development and in doing so planning authorities should ensure development plan policies are supportive of renewable and low carbon energy development in all parts of Wales.

PPW also states that local authorities should facilitate all forms of renewable and low carbon energy development. In doing so planning authorities should seek to ensure their areas full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved.

It is therefore fair to say that Welsh Government's position is that it supports the adoption of renewable energy technologies to address the effects of climate change. However, support for renewables has to be balanced with other commitments and aspirations to conserve and enhance the natural heritage and landscape quality. The objective is to direct and control the impact of renewable energy technology to those landscapes best able to accommodate them. Basically, how they can be sited appropriately and designed to best accommodate their setting and minimise landscape and visual impacts.

It should be noted that different landscapes possess different characteristics and what is considered acceptable in one place may not be acceptable in another. In this case, its siting close to existing buildings and the retention of mature hedgerows, screening the development from key public viewpoints help mitigate any impact and allow for successful assimilation into the landscape. The linear siting of the solar panels reflect the existing field

boundary pattern and will not be seen as a significant visual intrusion into the field. They follow the line of the hedgerow and are well contained within a small slender section of the field. Although visible their siting and linear form help contain and assimilate the development into the landscape. They form an extension of the existing group of buildings and will not be seen as an isolated and exposed feature in the landscape. The planting of a new boundary hedge around the installation will provide visual and biodiversity benefits. It will naturally contain the site. There are no requirements for any fencing, transformer equipment housing or any other paraphernalia associated with this development.

Development Plan

Following the quashing of the decision of the Council to adopt the Local Development Plan (LDP) means that the former Wrexham Unitary Development Plan is returned to the status of the adopted development plan under section 27A of the Town & Country Planning Act 1990. Section 27A was inserted by section 20 of the Local Government (Wales) Act 1994. This provided a transitional period between 15th October 2005 and the date an LDP was adopted whereby a UDP would be the development plan for the area for the purposes of section 38(4) of the 2004 Act.

However, as the UDP was formally adopted in 2005 the evidence base is significantly out of date and some UDP policies do not align to more recent national planning policy PPW 12 or TANS.

The un-adopted LDP is more up to date and more aligned with current national policy. Consequently, it remains a significant material consideration in the determination of planning applications. Difficulties obviously arise when there is a conflict between the two plans. In this instance however, the planning status of the site as designated open countryside in both plans is unchanged.

Relevant Wrexham Unitary Development Plan Policies

Policy PS 2 Development must not materially detrimentally affect countryside/townscape character, open space, or the quality of the natural environment.

Policy PS 12 Proposals for the generation of energy from renewable sources will be supported provided the wider environmental benefits are not outweighed by any detrimental impacts of the proposed development on the landscape, public safety, and the local environment.

Policy GDP1 General Development Control Policy

Policy EC2 Development on Agricultural land of grades 1,2, or 3a will only be permitted if it does not lead to the irreversible loss of hat land.

Policy EC5 Within Special Landscape Areas, priority will be given to the conservation and enhancement of the landscape. Development, other than for agriculture, small-scale farm based and other rural enterprises, and essential operational development by utility service providers will be strictly controlled. Development will be required to conform to a high standard of design and landscaping and special attention will be paid to minimising its visual impact on both nearby and distant viewpoints.

Relevant Local Development Plan policies

Policy SP14: Natural Environment

Development will only be permitted where it seeks to protect, conserve and enhance the natural environment, including amongst other criteria, 'natural landscape features and Green Infrastructure such as trees, hedges and woodland which contribute to the quality and diversity of the natural environment and play an important role in mitigating the impact of climate change.'

Policy SP16: Minerals Supply and Safeguarding

The policy seeks to protect minerals from unnecessary sterilisation by directing new development away from areas underlain by mineral of importance.

Policy SP18: Climate Change

To mitigate against the effects of climate change and to adapt to its impacts, development proposals will need to demonstrate that they have taken into account the following

Reducing Carbon emissions

Adapting to the implications of Climate change at both strategic and detailed design level

Promoting energy efficiency and increasing the supply of renewable energy etc.

Policy RE2 Renewable Energy Schemes

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

Policy SP19: Green Infrastructure

This seeks to protect, conserve and enhance natural heritage networks.

Policy NE3: Trees, Woodlands and Hedgerows

This policy ensures that development will only be permitted where it does not cause unacceptable harm to trees, woodlands and hedgerows etc.

Policy DM1: Development Management Considerations

Development proposals, where relevant, must:

i. Accord with or enhance the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/ townscape in terms of their siting, layout, scale, height, design, density, use of materials and landscaping;

ii. Not have an unacceptable effect on the amenity of the occupiers of nearby properties/land; and provide a satisfactory standard of amenity for the occupiers/users of the development itself;

iii. Safeguard the environment from the adverse effects of pollution of water, land, noise, light or air, or land instability, arising from development;

iv. Take account of personal and community safety and security in their design and layout;

v. Prioritise walking, cycling and public transport use ahead of travel by car;

vi. Not give rise to highway safety, pedestrian safety or parking problems on site or in the locality;

vii. Contribute to low carbon communities through energy efficiency, be designed to minimise the use of non-renewable energy, water and the production of waste both during construction and when in use;

viii. Not increase the risk of flooding but make adequate provision for sustainably dealing with foul and surface water drainage and not result in an unacceptable impact upon the water environment;

ix. On sites which have previously been developed, new development proposals should make use of existing suitable building materials wherever possible for appropriate uses in order to re-use recyclable materials and reduce the amount of imported materials; and

x. Ensure that any risks arising from past coal mining, as indicated on the constraints map, can be adequately managed.

Policy MW1: Minerals Safeguarding

Similar to SP16, this policy seeks to ensure non-mineral development does not sterilise the resource. Criterion I and iv is particularly relevant in the mineral underlying the site does not merit extraction and the development is of a temporary nature or can be removed within the timescales within which the mineral is likely to be needed.

There does not appear to be any conflict between the policies within the respective plans. In fact, there are a number of synergies. For instance, there is a presumption in support of proposals to generate energy from renewable and low carbon energy. The site is shown as unannotated land outside settlement limits on LDP Map no 5, but within a Special Landscape Area within the UDP. Both plans seek to prevent loss of agricultural land and mineral sterilisation and generally ensure there is no detrimental impact upon landscape and the natural environment.

The following section will address how the proposal meets these policy requirements.

5. Planning Assessment and Key Material Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.12 of Planning Policy Wales emphasise that planning decision should be made in accordance with the Development Plan unless material considerations indicate otherwise.

The key planning considerations relate to the following which will be addressed in turn below:

Principle of Development

Both national and local planning policies support the principle of generating energy from renewable sources provided there are no unacceptable impacts on the environment. Whilst this support is unquestionable it needs to be balanced with other commitments and aspirations to conserve and enhance natural heritage and landscape quality. The objective is to direct and control the impact of renewable energy technologies to those landscapes best able to accommodate them. It is not uncommon to see solar panels in the open countryside and the issue is whether they can be sited appropriately and designed to best relate to their

setting to minimise the impact upon the wider landscape. It should be noted in assessing the suitability that different landscapes contain different characteristics, and what is considered acceptable in one place, may not be in another.

The principle of this type of use within the open countryside has been established across the country and indeed there are numerous examples within WCBC where similar proposals have been approved.

The principle is therefore supported by national Planning Policy Wales Edition 12 and TAN 8 Renewable Energy and it complies with UDP policies PS12 and LDP policies SP18 and RE12.

Impact upon the Open Countryside

The proposed development is relatively small scale in terms of its impact upon the wider visual amenity of the surrounding area. It occupies a small section of the field and is viewed within the context of a backdrop of existing buildings. It not an isolated or exposed installation and its siting close to existing buildings with limited public viewpoints reduce the visual impact. In addition, the retention of existing hedgerows and the planting of a new hedge around the solar panels will help contain the development and allow for successful assimilation into the landscape. The panels are low level and represent a slender extension of the farm complex. Running parallel and following the line of the existing hedgerow reduces the visual impact and any unsightly and incongruous incursion into an open field. They are not highly visible from outside the site or land in the applicant's ownership. The panels have a dark recessive colour and in terms of any potential issues of glint and glare there are no residential properties opposite to the south east of the PV Solar Panel development. Given the existing agricultural use of the land it is fair to say that buildings and installations allowed under agricultural permitted development rights could give rise to a greater visual impact upon the landscape.

The panels are not particularly visible beyond the field itself which is well contained within the landscape and although visible from more elevated areas to the south this is some distance away and the panels would be viewed side on, their linear form reducing the visual impact. Neither does the development involve the removal of hedgerows or other vegetation and no damage has occurred to existing landscape features during construction. Given these circumstances the development itself does not lead to a perceived increase in human influence on the landscape.

Furthermore, there is no fencing or external lighting proposed and the agricultural use of the land will remain, as the development is reversible and can be restored to agricultural use.

In this regard the proposal would not conflict with UDP policies PS2, EC5 or GDP1 and LDP policies SP14 and DM1

Loss of Agricultural Land

National and local planning policies seek to protect the best and most versatile agricultural land. However, the proposed development would not result in the permanent loss of BMV agricultural land. The field will remain in agricultural use and the installation did not require excavation or removal of soil. The situation is reversible and the land would be returned to agriculture. Besides that, it is intended that livestock will be housed within the fields on occasions.

In this regard the proposal would not conflict with UDP policy EC2

Minerals

LDP policies SP16 and MW1 seek to safeguard the mineral reserve. The site lies within a safeguarding zone. However, the solar panels would not prejudice the possible working of any mineral reserve in future. The field will remain as it is and there will be no excavation or built development of the land that could sterilise any resource.

The proposals therefore accord with LDP policies SP16 and MW1.

Biodiversity, Hedgerows and Trees

There are no statutory ecological designations on the application site or within the wider area. There will be no loss of trees or hedgerow and the proposals therefore accord with LDP policies SP14, SP19 and NE3. A separate green infrastructure statement has been submitted.

Flood Risk

The proposed use is not vulnerable to flood risk as identified by NRW. Nor will it give rise to increased flood risk in the local area.

6. Conclusion

The solar panel development has been in situ for over 12 months and this application is made retrospectively to regularise the situation. The scheme of renewable energy is supported by national and local planning policy and it can be demonstrated that there are no adverse impacts in terms of amenity, mineral safeguarding, agricultural land, biodiversity, trees and hedgerows, flood risk or the impact upon the character and appearance of the landscape.

It is relatively small scale and well contained within the landscape. In many respects the agricultural use of the land could pose more of an impact in terms of storage, other paraphernalia and the use of agricultural permitted developments rights. There are limited views into the site and it lies immediately adjacent to an existing group of buildings. A new native hedge will be planted around the periphery of the installation. Given that the development is reversible and the agricultural use of the land will remain, it is therefore respectfully requested that planning permission be granted.