



**PLANNING, PUBLIC
PROTECTION & COUNTRYSIDE SERVICES**

**ELWY SOLAR ENERGY FARM
DNS APPLICATION**

LOCAL IMPACT REPORT

Town and Country Planning Act 1990 (as amended) ('The 1990 Act')

The Developments of National Significance (Wales) Regulations 2016 (as amended) ('The DNS Regulations')

The Developments of National Significance (Procedure) (Wales) Order 2016 (as amended) ('The DNS Procedure Order')

Planning Inspectorate Reference: DNS/3247619

Local Planning Authority Reference: 40/2021/0655

Applicant: Chris Banks (Solar Century Holdings Ltd)

Site address: Land at Gwernigron Farm, The Roe, St. Asaph, Denbighshire.

Proposal: Application for permission for a Development of National Significance (Wales) Section 62D for the construction of a solar farm and energy store hybrid park, together with all associated works, equipment and necessary infrastructure

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PART A: BACKGROUND AND CONTEXT

1. INTRODUCTION

- 1.1 An application for a Solar Park at land at Gwernigron Farm, The Roe, St. Asaph with an export capacity of 62MW was originally submitted to Welsh Ministers by Solar Century Holdings Ltd on the 22nd March 2020 for consideration under the Developments of National Significance (Wales) Regulations 2016 (hereto referred to as the Elwy Solar Energy Farm). The original application was not considered valid, and an amended application was submitted on 11 April 2021. The amended application was deemed valid on 22 June 2021.
- 1.2 The report below is an assessment of the likely local impacts from the perspective of Denbighshire County Council as the Local Planning Authority (LPA).

2. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE AND SURROUNDINGS

- 2.1 The 156 hectare site is located on land to the north-west of the city of St. Asaph, and is approximately 2km to the east of the town of Bodelwyddan and approximately 2.5km to the south-east of the town of Rhuddlan. The Bodelwyddan Key Strategic Site, which the adopted Denbighshire Local Development Plan (LDP) has allocated for mixed use development, lies immediately to the east, and which lies between the application site and the Bodelwyddan settlement further to the east.
- 2.2 The site for the solar energy farm comprises agricultural land to the north of the A55, with the A525 running along the eastern boundary, and there are existing trees and hedgerow along the site boundary and within the site.
- 2.3 There are a cluster of dwellings at Gwernigron Farm within the centre of the site (Gwernigron Farmhouse, 11 residential properties in converted former outbuildings and a commercial unit), and a further dwelling (The Coach Home) and care home (Plas Coch) in the eastern section of the site, which are excluded from, but surrounded by, the red line boundary. The Talardy hotel and three residential dwellings (Tudor Lodge, Parkfield, and Dolhyfryd) are adjacent to the south-eastern site boundary. There are two further dwellings to the north-east, which are close to the site boundary (Blaremore House and Glyn Derw Farm).
- 2.4 The grid connection corridor crosses the A55 and through the St Asaph Business Park to the south of the A55, and would then connects to the existing National Grid Bodelwyddan Substation which lies to the south of B5381 Glascoed Road.
- 2.5 The application site lies outside of any development boundary defined by the LDP and is within a designated Mineral Safeguarding Area (sand and gravel). The site is therefore considered to be in open countryside. The grid connection corridor crosses through the St Asaph Business Park; the business park does not benefit from a development boundary, however land has been allocated for employment use in the LDP. A plan showing the LDP allocations and accompanying plan legend at attached as APPENDIX 1 and APPENDIX 2 respectively.
- 2.6 The site is also situated within a C1 flood risk area as defined by Technical Advice Note 15 (TAN15) and according to Welsh Government's agricultural land classification system it is considered to be a mix of Grade 2, Grade 3a and Grade 3b land, with Grade 2 and 3a land being considered the Best and Most Versatile agricultural land.
- 2.7 There are listed buildings on the immediate periphery of the development site, including:

- Grade II Listed Gwernigron Farmhouse
 - Grade II* Listed Gwernigron Dovecote
 - Grade II Listed Talardy Hotel
 - Grade II Listed Greenhouse at Talardy Hotel
 - Grade II Listed Walled Garden at Talardy Hotel
 - Grade II Listed Plas Coch Rest Home (main block only).
- 2.8 There are further listed buildings and structures within close proximity to the site, including Grade II* Bodelwyddan Castle to the south-east and Grade II* Church of St Margaret (the Marble Church) to the east.
- 2.9 There are Scheduled Ancient Monuments within the vicinity of the site, including:
- First World War Practice Trenches at Bodelwyddan Park to the south-west;
 - Rhuddlan Castle to the north-east (also Grade I Listed)
 - Part of Site of Norman Borough to the north-east
 - Rhuddlan town banks to the north-east
 - Twthill (Motte & Bailey) to the north-east
 - Rhuddlan Bridge to the north-east.
- 2.10 There are designated Conservation Areas in St. Asaph, Bodelwyddan and Rhuddlan and the Bodelwyddan Castle Historic Park and Garden lies to the south-west.
- 2.11 A plan showing the location of built heritage assets in the vicinity of the site is attached as APPENDIX 3.
- 2.12 There are no statutory or non-statutory wildlife designations within the site boundary, however designated local wildlife sites are within the vicinity of the site, including:
- Clwyd Estuary and adjacent fields local wildlife site to the north and north-east.
 - Afon Clwyd and flood plain local wildlife site to the east
 - Coed Cord, block to NW and Coed y Saeson (3 areas) local wildlife site and ancient semi-natural woodland to the south of the St Asaph business park.
- 2.13 A plan showing the location of the local wildlife sites is attached as APPENDIX 4.
- 2.14 The development area is traversed by public rights of way. A plan showing the location of public rights of way is attached as APPENDIX 5.
- 2.15 There is existing energy infrastructure within the locale of the site. The National Grid Bodelwyddan Substation (which the solar energy farm proposes to connect to) lies to the south of the B5381 Glascoed Road, and is adjacent to two further substations which serve the respective Gwynt y Mor and Burbo Bank Extension offshore windfarms. The offshore windfarms are connected to their respective substations via high voltage underground export cables which extend from landfall locations at Rhyl / Prestatyn, and which may cross through the development area. There is also a Scottish Power Distribution Network Substation and a flexible gas fired power station located on land close to the St. Asaph Business Park. There are also high voltage overhead pylons and electricity lines within the vicinity of the site which connect to the respective National Grid and Scottish Power substations. A plan showing the location of electricity infrastructure relative to the development area is attached as APPENDIX 6.

3. DESCRIPTION OF THE PROPOSED DEVELOPMENT

3.1 The development proposals comprise the Elwy Solar Energy Farm. The main element of the proposal is the installation of a ground mounted solar farm to achieve a generating capacity of approximately 62MW. The electrical connection infrastructure also forms part of this planning application.

3.2 The solar energy farm would comprise of the following elements:

- Photovoltaic (PV) arrays (fixed panels);
- 25 Substations (40ft) positioned around the site;
- Customer Switchgear building;
- Battery Storage Compound;
- Boundary fencing;
- A CCTV system on c.3m poles, located at strategic points around the site;
- Associated access tracks, including a permanent access track and temporary construction only access track;
- The main site access will be into the south-eastern boundary of the site from St Asaph Road (A525). An additional access has been proposed into the eastern site boundary, this access is intended for use during the construction phase only. Some widening works are required at these entrances to allow safe access for construction vehicles;
- Storage container(s) for spare parts etc.;
- Relevant communications and monitoring equipment located in / on the other structures of the development listed above;
- Underground cable connecting the site with the electricity grid at the Bodelwyddan National Grid substation.

3.3 A site compound is also shown on the layout plans. It is not clear if this is proposed as a construction site compound or if it would be retained during the operational phase. This should be clarified by the applicant, however for the purposes of this Local Impact Report, the Council has assumed the site compound would be required for construction purposes only, and that it would be removed from site once the solar energy farm begins generation.

4. RELEVANT PLANNING HISTORY

4.1 There is no relevant planning history pertaining to energy generation within the application site.

PART B: RELEVANT PLANNING POLICIES AND GUIDANCE

5. NATIONAL PLANNING POLICY AND LEGISLIATION

5.1 The Council considers the following UK and Welsh Government policy and legislation are relevant:

5.2 Legislation

- The Environment (Wales) Act 2016
- The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 which set an amended target of reducing carbon emissions in Wales to net zero by 2050.

5.3 Planning Policy Wales (Edition 11)

- Chapter 3 – Strategic and Spatial Choices. In particular section 3.58-3.59 inclusive which relates to the best and most versatile agricultural land and section 5.60 to which relates to development in the countryside and supporting infrastructure
- Chapter 5 – Production and Enterprising Place. In particular Section 5.7 – 5.9 inclusive, which sets out the policy framework for energy and renewable energy development and Section 5.14.7 to 5.14.9 inclusive which relates to safeguarding mineral resources and infrastructure.
- Chapter 6 - Distinctive and Natural Places. In particular Section 6.1: The Historic Environment; Chapter 6.3: Landscape; Chapter 6.4: Biodiversity and Ecological Networks; Chapter 6.6: Water and Flood Risk; Chapter 6.7: Air Quality and Soundscape; and Chapter 8: Lighting.

5.4 Future Wales: The National Plan 2040 forms part of the adopted development plan for the County

- Future Wales Policy 17 sets out strong support to the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. It states that, in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and the Welsh Government target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.
- Future Wales Policy 18 states proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance will be permitted, subject to compliance with the policy criteria.

5.5 Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009)

5.6 Technical Advice Note (TAN) 6 - Planning for Sustainable Rural Communities (2010)

5.7 Technical Advice Note (TAN) 11 – Noise (1997)

5.8 Technical Advice Note 9TAN) 13 - Tourism (1997)

5.9 Technical Advice Note (TAN) 15 – Development and Flood Risk (2004)

5.10 Technical Advice Note (TAN) 18 – Transport (2007)

5.11 Technical Advice Note (TAN) 23 – The Historic Environment (2017)

5.12 Welsh Government Practice Guidance: Planning Implications of Renewable Energy and Low Carbon Energy (February 2011)

5.13 Welsh Government Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (September 2015)

6. LOCAL PLANNING POLICY

- 6.1 The Denbighshire Local Development Plan (LDP) 2006 – 2021 (adopted June 4th 2013) sets out the Authority's policies and proposals for future development and use of land.
- 6.2 Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'
- 6.3 Whilst the LDP should be read as a whole, the following LDP policies (in order of appearance in the LDP) are considered relevant to the consideration of the proposed Elwy Solar Energy Farm:
- Policy PSE 5 – Rural economy
 - Policy PSE 15 – Safeguarding Minerals
 - Policy VOE 1 – Key areas of importance
 - Policy VOE 2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty
 - Policy VOE 5 – Conservation of natural resources
 - Policy VOE6 – Water management
 - Policy VOE 10 – Renewable energy
 - Policy ASA 3 – Parking standards

- 6.4 LDP planning policy text:

Policy PSE 5 – Rural Economy

In order to help to sustain the rural economy, tourism and commercial development, including agricultural diversification, will be supported throughout the County subject to detailed criteria, which include making a significant contribution to sustainable development and recognising the special status of the Area of Outstanding Natural Beauty/Area of Outstanding Beauty.

Appropriate employment proposals for both conversions and new build outside of development boundaries will be supported provided the following criteria are met:

- i. the proposal is appropriate in scale and nature to its location; and*
- ii. any suitable existing buildings are converted or re-used in preference to new build; and*
- iii. proposals for new buildings are supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities; and*
- iv. within the AONB/AOB, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas, take full account of and seek to enhance the nature and distinctive qualities of the local landscape. In line with national policy any proposals that are considered to be detrimental to the quality of the AONB and World Heritage Site will be refused.*

Policy PSE 15 - Safeguarding Minerals

High quality resources of minerals, including limestone, sand and gravel,

Denbigh Gritstones, igneous and volcanic deposits will be safeguarded from development that would result in its permanent loss or hinder future extraction. Development will only be permitted where:

- i. it can be demonstrated that the need for the development outweighs the need to protect the mineral resource; or*
- ii. where such development would not have a significant impact on the viability of that mineral being worked; or*
- iii. where the mineral is extracted prior to the development.*

Policy VOE 1 – Key Areas of importance

The following areas will be protected from development that would adversely affect them. Development proposals should maintain and, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire:

- Statutory designated sites for nature conservation;*
- Local areas designated or identified because of their natural landscape or biodiversity value;*
- Sites of built heritage; and*
- Historic Landscape, Parks and Gardens.*

Policy VOE 2 - Area of Outstanding Natural Beauty and Area of Outstanding Beauty

In determining development proposals within or affecting the Area of Outstanding Natural Beauty (AONB) and Area of Outstanding Beauty (AOB), development that would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation will not be permitted.

Policy VOE 5 – Conservation of natural resources

Development proposals that may have an impact on protected species or designated sites of nature conservation will be required to be supported by a biodiversity statement which must have regard to the County biodiversity aspiration for conservation, enhancement and restoration of habitats and species.

Where the overall benefits of a development outweigh the conservation interest of a locally protected nature site, mitigation and enhancement measures in or adjacent to these sites should be an integral part of the scheme.

If necessary, measures required to mitigate likely adverse effects on the qualifying features of statutory designated sites should be put in place prior to the commencement of development. Measures required to offset any likely adverse effects will be secured by planning conditions and/ or planning obligations.

Planning permission will not be granted for development proposals that are likely to cause significant harm to the qualifying features of internationally and nationally designated sites of nature conservation, priority habitats, priority species, regionally important geodiversity sites, or to species that are under threat.

Policy VOE 6 – Water Management

All development will be required to incorporate water conservation measures, where practicable. Major development proposals (greater than 1,000 sqm floorspace or 10 dwellings) should be accompanied by a Water Conservation Statement.

All development will be required to eliminate or reduce surface water run-off from the site, where practicable. The run-off rates from the site should maintain or reduce pre-development rates

Policy VOE 10 Renewable energy technologies

Development proposals which promote the provision of renewable energy technologies may be supported providing they are located so as to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity. In areas that are visually sensitive, including the AONB, Conservation Areas, World Heritage Site and Buffer Zone and in close proximity to historic buildings, visually intrusive technologies will not be permitted unless it can be demonstrated that there is no negative impact on the designation or there is an overriding public need for the development.

Policy ASA 3 – Parking standards

Development proposals, including changes of use, will be expected to provide appropriate parking spaces for cars and bicycles. If the use of a property or premises requires parking infrastructure for mobility impaired people, these facilities will be taken into account when determining the amount of parking space required. Consideration will be given to the following circumstances (where they apply) in determining parking provision:

- *The site is located within a high-densely populated area;*
- *Access to and availability of public transport is secured;*
- *Parking is available within reasonable distance of the site;*
- *Alternative forms of transport are available in the area.*

6.5 The Denbighshire LDP is available to view in its entirety on the Council website at www.denbighshire.gov.uk.

7. SUPPLEMENTARY PLANNING GUIDANCE

7.1 The following Supplementary Planning Guidance Notes (SPG) are of relevance to the proposed scheme:

- Archaeology SPG
- Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) SPG
- Conservation and Enhancement of Biodiversity SPG
- Listed Buildings SPG
- Parking Requirements in New Developments SPG
- Planning Obligations SPG

- Renewable Energy SPG
 - Trees and Landscaping SPG
- 7.2 Copies of all adopted SPGs are available to view in its entirety on the Council website at www.denbighshire.gov.uk.
- 7.3 Section 8.4 of the Clwydian Range and Dee Valley AONB SPG provides guidance on setting. The following sections of the AONB SPG are considered to be material to the consideration of the application:

8.4 Setting

8.41 Any new development should be assessed against its immediate environment and within its wider landscape setting. This is especially true in a protected landscape where long distance views are important and need to be protected. Higher ground opens wider vistas over the surrounding countryside allowing the eye to scan greater distances. Very often the visibility of development from greater distances is overlooked and although scale is diminished by distance, from certain viewpoints, development can look out of place and prominent. The same can apply when looking up at higher ground which is visible from valley bottoms. Care should therefore be taken to steer development away from the skyline, open elevated ground or sites overlooked from higher ground. The visible impact of new development will be minimised if sited in more enclosed landscapes, hidden by existing landforms and a screen of hedgerows, trees and woodland. Development should work with the contours/flow of the landform and prevailing patterns of land cover to minimise disturbance. Whilst elements of the landscape may be locally changed to accommodate development, the prevailing character of the landscape should remain intact. Visual prominence is when development forms a new focal point in the landscape which detracts from the general scene, visual focus and sense of place.

8.42 In this context, new development outside the AONB but close to the boundary can impact on the setting of the AONB and its natural beauty. Consideration should therefore also be given, as stated in Planning Policy Wales (2016), to development outside the AONB which can have an impact on the designated area. The extent of the impact is likely to depend on scale and proximity to the boundary. In some instances, the accumulation of development can, over time, begin to have an adverse impact on setting. This is termed “cumulative impact” of smaller developments. Although a proposal by itself might not be significant, in combination with similar proposals in the vicinity, it has passed the threshold of acceptability.

8.43 A good example of the concept of setting is in the way the Pontcysyllte Aqueduct and Canal World Heritage Site has been designated. The actual designation follows the Llangollen canal from Horseshoe Falls near Llangollen via the Pontcysyllte Aqueduct through to Chirk Bank in Shropshire. However, a wider ‘buffer zone’ following adjoining hillside ridgelines has also been identified acknowledging a wider setting for the canal and aqueduct. One of the overall aims is to “manage the World Heritage Site and Buffer Zone in a sustainable manner to conserve, enhance and present the Outstanding Universal Value of the site locally and internationally” (refer to the SPG on the World Heritage Site which should be read in conjunction with this guidance if the proposal is within the WHS or its buffer zone). Long distance landscape views are important and new development should avoid intruding on the focus and appreciation of these views. For major developments within or adjacent to the AONB a landscape and visual impact assessment in accordance with the Guidelines for Landscape and Visual Impact Assessment (third edition) is recommended, with advice provided by a professional with landscape assessment and design experience.

8.44 There is therefore a recognition that setting goes beyond the immediate vicinity of a building or structure and that a wider perspective needs to be considered. Before embarking on a project, the following questions on setting should be considered.

8.45 It's a question of setting

- *Is the site visible from a wider surrounding area and is it visually prominent in the landscape?*
- *Can a building be sited in the fold of the landscape and screened by natural vegetation?*
- *Will the development spoil important views from within or outside the AONB and impact on its wider setting? Does a proposal outside but close to the boundary of the AONB impact on its setting and special qualities?*

7.4 Section 8 of the Renewable Energy SPG sets guidance on the land use planning considerations in relation to solar energy schemes and which is considered to be material to the consideration of the application. A copy of the Renewable Energy SPG is however attached as APPENDIX 7 to the Report.

8. OTHER MATERIAL CONSIDERATIONS

8.1 The Council consider the following to technical and guidance documents are material planning considerations:

- Welsh Government LANDMAP: the all-Wales Geographical Information (GIS) based resource for assessing landscape character and quality. LANDMAP is the formally adopted methodology for landscape assessment in Wales and informs planning related uses and landscape baseline conditions at both local and landscape scale.
- Cadw guidance document 'Setting of Historic Assets in Wales Guidance' (CADW, May 2017)

8.2 Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

PART C: ASSESSMENT OF IMPACTS

9. PRINCIPLE OF DEVELOPMENT / CLIMATE CHANGE

9.1 The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 has set an amended target of reducing carbon emissions in Wales to net zero by 2050.

9.2 Planning Policy Wales provides strategic policy support for renewable energy developments of all scales. At 5.7.14 it states the Welsh Government has set targets for the generation of renewable energy, which includes a target of 70% of electricity consumption in Wales to be generated from renewable energy by 2030.

9.3 Future Wales, the National Plan 2040 forms part of the adopted development plan for the County.

9.4 Future Wales Policy 17 sets out strong support to the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. It states that, in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to

the need to meet Wales' international commitments and the Welsh Government target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

- 9.5 Future Wales Policy 18 states proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance will be permitted, subject to compliance with the policy criteria.
- 9.6 LDP Policy VOE 10 supports renewable energy proposals where they are located to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of natural conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity
- 9.7 The Council's adopted Renewable Energy SPG provides further guidance on solar energy developments.
- 9.8 Denbighshire County Council declared a Climate and Ecological Emergency in July 2019 and aim to become a net carbon zero and ecologically positive council by 2030.
- 9.9 The proposal would have strategic benefits in terms of increased renewable energy generation, contribute to the de-carbonisation of the energy supply network and towards combating the climate emergency.
- 9.10 Having regard to the above, the principle of a solar energy farm park of the scale proposed is considered to be in general accord with national and local planning policies.
- 9.11 Conclusion on assessment of impact:
 - Construction Phase: **NEUTRAL**
 - Operational Phase: **POSTIVE**

10. BEST AND MOST VERSATILE AGRICULTURAL LAND

- 10.1 Planning Policy Wales (PPW 11) Section 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural land Classification (ALC). PPW 11 notes this land is considered to be the best and most versatile and justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.
- 10.2 An agricultural land classification assessment has been undertaken which identifies 6 hectares as Grade 2 and 14.8 hectares as Grade 3a. These areas are primarily covered with the solar panels, and therefore the proposal would result in a 20.8 hectares of the best and most versatile agricultural land within the site being taken out of productive agricultural use during the construction and operational phase. The Council would note that the lifetime of the proposal is 37 years, and the solar panels could be removed from the site at the decommissioning phase and the land could be restored to agricultural use upon the sites' cessation as a solar farm.
- 10.3 The Council have also reviewed the applicant's Consultation Report and note that Welsh Government Agricultural Unit in their pre-application consultation response had raised significant concerns with the accuracy of the ALC assessment undertaken. The applicant proposes a condition to secure a Soil Management Plan

would be sufficient to address concerns raised by the Welsh Government Agricultural Unit.

- 10.4 However, the Council disagree this is a matter which can be resolved by condition; an accurate agricultural land classification assessment for the site should be undertaken and agreed with the Welsh Government Agricultural Unit prior to the determination of the application, as it is essential to establish the correct area of best and most versatile agricultural land that would be lost in order to fully assess the impact of the development.
- 10.5 The Council also consider a condition is necessary requiring the land to be restored at the end of the lifetime of the solar energy farm in accordance with a scheme to be agreed with the local planning authority, in order to ensure the land reverts back to agricultural land in the long term.
- 10.6 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **NEGATIVE**

11. LANDSCAPE CHARACTER AND VISUAL AMENITY

- 11.1 The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.
- 11.2 PPW 11 Section 6.3.3 states 'All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.'
- 11.3 LDP Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation. This reflects guidance in Planning Policy Wales (PPW 11) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Proposals in AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered.
- 11.4 Policy VOE10 supports renewable energy developments providing they are located to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity. In areas that are visually sensitive, including the AONB, Conservation Areas, World Heritage Site and Buffer Zone and in close proximity to historic buildings, visually intrusive technologies will not be permitted unless it can be demonstrated that there is no negative impact on the designation or there is an overriding public need for the development.

- 11.5 The Clwydian Range and Dee Valley AONB SPG provides guidance on proposal within or affecting the protected landscape, and Section 8 provided guidance on assessment of setting. At 8.41 it provides a narrative regarding impact of developments on views from within AONB.
- 11.6 Section 8 of the Council's Renewable Energy SPG provides advice and guidance on solar energy development.
- 11.7 The proposed solar energy farm is significant in scale, with the area being similar in size to the whole St Asaph settlement area. Together with the ancillary infrastructure (battery storage facility, inverters / transformers, fencing, CCTV, etc.) the scheme would appear industrial in scale and form, and it would be a noticeable development in the open countryside. The site is low lying land, and is bounded by major A roads including the A55, the main vehicular gateway into North Wales, and the A525 which is the main route into Rhuddlan, Rhyl and Prestatyn. The site is also close to the residential areas of St Asaph and Rhuddlan and is close to a number of sensitive receptors including public rights of way and historic / cultural assets.
- 11.8 The site also lies some 3.5km to the west of the Clwydian Range and Dee Valley AONB and given the scale of the development, the proposed solar farm would be a visible feature from higher ground within the AONB, and therefore the potential impact on key outward views from within the AONB and the setting of the AONB would be material to the assessment of impact.
- 11.9 The proposals will effectively 'urbanise' an extensive tract of green, open countryside which currently separates the settlements of St Asaph and Bodelwyddan and, when taken together with the Bodewyddan Key Strategic Site allocated in the Denbighshire LDP which lies to the west of the application site, further development on the St. Asaph business park and the LDP allocated employment land which would extend the St Asaph Business Park on land to the south of the A55, the cumulative effect of this urban coalescence will be magnified.
- 11.10 Whilst existing trees and hedgerow along the site boundary and new planting would help screen the site from views within the immediate locale of the site, elements of the proposal would still be visible from local viewpoints and the Council consider the proposal would have a detrimental impact on visual amenity of a number of receptors and due to the scale of the development; local landscape character would also be detrimentally impacted.
- 11.11 Due to the very large scale and extent of the solar farm proposed, the proposal will also inevitably have an impact on the setting of the protected landscape which lies to the east. This is as a result of the intervisibility between the site and an extensive area of the higher ground which lies within the AONB to the east, north east and south east of the site. The ability to '*experience space and freedom and uninterrupted and extensive views from high places*' is one of the defined Special Qualities of the AONB set out in the AONB Management Plan, and the impact on views from the AONB and impacts on setting are material considerations to be apportioned weight.
- 11.12 The Council consider the proposal would undermine this special quality, without sufficient mitigation.
- 11.13 The LVIA which forms part of the ES concludes that the development will have no significant effects on the AONB and that the impact from the selected viewpoints in the AONB will be moderate or negligible. However, whilst it is accepted that the impact will diminish with distance, the sheer scale and extent of the proposals will result in some negative change to the view from the protected landscape, especially when the proposal is viewed in combination with other development referred to at 11.9 above.

- 11.14 Middle distance views into the Vale of Clwyd from the higher ground of the AONB will be affected as the open and undeveloped character of a large tract of open countryside is changed. The very extensive arrays of solar panels will contrast with and appear anomalous in the landscape, particularly if glint and glare is an issue. It is noted the glint and glare study only assessed the impact within a 1km buffer zone around the site and did not include any receptors within the AONB, and therefore the impact on the AONB has not been fully assessed.
- 11.15 It is noted the plans include a number of measures to mitigate landscape impacts, including proposals to retain existing woodland, trees and hedges and to undertake some new landscape planting. The LVIA comments that the mitigation measures will limit intervisibility and the potential impact on views from the AONB. However current landscaping proposals are not considered to be sufficient to mitigate the impact on local views, and on views from the higher ground of the AONB and therefore a more extensive landscaping scheme is required, which should further reinforce and extend the existing landscape framework to help break up views of the massed areas of solar panels. This should include more substantial woodland planting along the A525, additional blocks of woodland within the site and breaking up the site with additional hedge planting supplemented with hedgerow trees to replicate the traditional character of the Vale of Clwyd landscape.
- 11.16 A long term Landscape Management Plan should also be a required to ensure landscaping is managed for the lifetime of the development.
- 11.17 Details of operational lighting have not be finalised, and a lighting assessment and lighting plan should also be secured to ensure that any operational external lighting is designed and managed to minimise any impacts on visual amenity of local area, the AONB's dark sky and nocturnal wildlife in the vicinity of the site. Lighting also needs to be carefully designed to ensure it does not detriment highway safety.
- 11.18 The colour and finish of ancillary infrastructure and buildings would also have an influence on visual amenity and it is noted that elevation plans do not provide detail on colour and finish of the 40ft substation container, 40ft battery storage container and the customer switchgear building, and fencing details only partially provide details of materials and colours. The Council consider all ancillary infrastructure and buildings should have a dark, recessive colour to help them assimilate against the rural backdrop.
- 11.19 Conditions are therefore considered necessary to secure the submission of an enhanced landscaping scheme, a long term Landscape Management Plan, a lighting assessment and details of external lighting, and to control the colour and finish of ancillary infrastructure and buildings.
- 11.20 In conclusion, the Council consider the proposal will have a detrimental impact on visual amenity, local landscape character and the setting of the AONB and conditions are necessary to secure suitable mitigation. However, it has to be acknowledged that conditions cannot completely mitigate all detrimental impacts, and there would still be residual harm to visual amenity and landscape character as a result of the development.
- 11.21 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **NEGATIVE**

12. ECOLOGY / BIODIVERSITY

- 12.1 LDP Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.
- 12.2 This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.
- 12.3 Planning Policy Wales (PPW 11) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).
- 12.4 Policy VOE10 supports renewable energy developments providing they are located to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.
- 12.5 The site comprises undeveloped greenfield agricultural land which is enclosed by mature trees and hedgerow, with watercourses present on site. The site supports a range of flora and fauna as detailed in Chapter 6 of the ES and the accompanying surveys.
- 12.6 It should also be stressed that St Asaph, and in particular land in the St Asaph Business Park and surrounding land is host to a Great Crested Newt (GCN) population of national importance. GCN are a European protected species, and the proposal has the potential to cause disturbance to GCN and / or loss or damage to their breeding and resting places and therefore impact on GCN is a material consideration to be afforded significant weight. As noted in the Environmental Statement, other protected species are also present within, and in close proximity to the site.
- 12.7 The Council would be in general agreement with the conclusions of Chapter 3 of the Environmental Statement, however would stress that, in order to ensure compliance with Planning Policy Wales and the new duties set out in the Environment (Wales) Act, the development is required to incorporate biodiversity enhancements measures in addition to necessary ecological mitigation and compensation, in order to achieve a net gain to biodiversity interests of the site.
- 12.8 New hedgerow planting is proposed as ecological enhancement measures, however landscaping plans submitted with the application are not sufficiently detailed. A condition is therefore required to secure details of landscaping, to include planting schedules and species lists, and all new hedgerow planting should comprised a mix of species rich native hedgerow.

- 12.9 The Council also consider conditions are required to be imposed to ensure a Construction Environmental Management Plan (CEMP) and long term Biodiversity Management Plan.
- 12.10 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **POSTIVE**

13. RESIDENTIAL / PUBLIC AMENITY

- 13.1 The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.
- 13.2 Policy VOE10 supports renewable energy developments providing they are located to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.
- 13.3 Impacts on residential amenity can arise from construction disturbance, noise, glint and glare and operational lighting.
- Construction disturbance:
- 13.4 The construction phase has the potential to adversely impact on the amenity of residential properties and public amenity, including impact upon users of public roads, Public Rights of Way and footways.
- 13.5 A site compound is proposed in very close proximity to the complex of dwellings at Gwernigrion Farm, and the Council would question the logic of siting the compound in such close proximity to residential receptors and would recommend the compound should be relocated to a location away from residential properties.
- 13.6 Due to the proximity to residential receptors, the Council consider the use of the site compound needs to be carefully controlled, and the hours of works also need to be limited to protect residential amenity.
- 13.7 It is not clear if the site compound would be removed from site following completion of construction phase, however for the purposes of this Local Impact Report, it is assumed that it would be. For the avoidance of doubt, conditions should be imposed to require the site compound to be removed and the land restored following completion of construction works.
- 13.8 A condition should also be imposed to secure the submission of a Construction Method Statement and the condition should prescribe the detailing to be included in the Statement to include measures to manage / minimise noise and vibration, dust and lighting. Directional Drilling is also proposed to lay cables under the A55 and measures to minimise noise and vibration from directional drilling activities should also be contained in the Statement.
- 13.9 The applicant's draft condition 7 proposals to allow deliveries to the site between the hours of 7am and 7pm. Due to close proximity to individual dwellings, the Council consider unacceptable harm to amenity would arise if construction is permitted between 7am to 7pm, and instead would proposed construction works should be

limited to 8am – 6m Monday to Friday, 8am – 1pm Saturdays and no works in Sundays and Bank / Public Holidays.

Noise:

- 13.10 A Noise Assessment has been submitted as Appendix 8.1 to the Environmental Statement. The noise assessment considers likely noise from the solar energy farm and the batter storage facility. The Council would note that is not clear if third octave noise has been factored into the assessment, which should be clarified with the applicant. Construction noise also does not appear to have been assessed.
- 13.11 The likely noise which would be experienced at the nearest noise sensitive receptors (residential properties) is set out in Table 5.2. Having regard to the background noise levels, only Greengates farm and properties south of the A55 would experience noise from the development above background noise (+2dB) which would be at a level which is perceptible, but not significant. Noise at other properties would be below background noise levels and therefore noise from the development should not be perceptible at the other properties assessed.
- 13.12 In the interests of protecting residential amenity, conditions should be imposed to ensure noise experienced at the nearest properties do not exceed the predicted noise levels contained in Table 5.2. For the avoidance of doubt, the noise limits should be embedded in the condition.

Glint and Glare

- 13.13 A glint and glare study has been submitted which includes an assessment of impact on residential properties. Owing to the presence and height of boundary treatments, the study states potential impact on dwellings would be low, and mitigation would not be required. The Council consider conditions are however required to secure details of landscaping, and the resultant landscaping scheme and management plan should ensure hedgerows which screen dwellings identified in the Glint and Glare Study should be retained and maintained at a height which provides sufficient screening.

Air quality

- 13.14 The Council would agree with the conclusions contained in the Environmental Statement with regards to air quality, and agree potential impacts would be limited to the construction phase and would not be significant. Measures to mitigate harm to air quality such as dust abatement can be contained in the Construction Method Statement.
- 13.15 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **NEGATIVE**

14. BUILT HERITAGE

- 14.1 LDP Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.
- 14.2 Policy VOE10 supports renewable energy developments providing they are located to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity. In areas that are visually sensitive, including the AONB, Conservation Areas, World Heritage Site and Buffer

Zone and in close proximity to historic buildings, visually intrusive technologies will not be permitted unless it can be demonstrated that there is no negative impact on the designation or there is an overriding public need for the development.

- 14.3 Planning Policy Wales (PPW 11) Chapter 6 'Distinctive and Natural Places' states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting and Section 6.1.10 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.
- 14.4 Technical Advice Note 24 (TAN24) at 1.23 states "Planning Policy Wales identifies how local planning authorities must treat World Heritage Sites, scheduled monuments, unscheduled nationally important archaeological remains, listed buildings, conservation areas and registered historic parks and gardens in Wales in their consideration of planning applications and producing development plans. This includes the impact of proposed developments within the settings of these historic assets." Impact on setting is therefore a material consideration to be afforded weight.
- 14.5 The site is in close proximity to a number of listed buildings and heritage assets, and in particular the proposal would have the most impact on and surround the Grade II Listed Gwernigron Farmhouse & curtilage buildings as well as the Grade II* Listed Dovecote situated within its boundaries.
- 14.6 In terms of construction impacts, it is noted that the site compound area which is proposed would be sited in very close proximity to the Gwernigron Farm listed buildings. Due to the close proximity, the Council consider it would have a major detrimental impact on the setting of these listed buildings. It is not clear from the application documents if the site compound area would be a temporary or permanent feature, however the permanent retention of a site compound area in this location would not be acceptable due to the level of harm it would have on the setting of listed buildings.
- 14.7 It is therefore essential for conditions to be imposed to ensure the site compound area is removed and the land restored on completion of works to ensure the detrimental impact on setting is limited to the construction phase only.
- 14.8 In terms of operational impacts (assuming the site compound area is removed on completion of works) the vast majority of the land around Gwernigron farm is flat and as the solar panel structures are fairly low to the ground, this will help reduce the overall visual impact in general from the main viewpoints around the farmstead. The farmhouse, curtilage buildings and Dovecote are also considered to be fairly well screened with existing trees and hedgerows at present, but will obviously be less so in the winter months when a lot of the foliage will have gone and therefore impact would not be completely mitigated by existing planting.
- 14.9 There are also existing strips of woodland and large hedgerows around the proposed site in general which will provide some further natural screening and break up the expanse of solar panels and a reasonable green buffer has been left around the immediate vicinity of the farmstead.
- 14.10 The introduction of further planting of trees and hedges to provide screening and break up the mass of the development will be important and full detailing should be secured by condition.
- 14.11 It is also of note that the development proposed involves temporary structures and the site will revert back to agricultural use when its lifespan ends after 37 years, so

impact on setting is not permanent, subject to conditions being imposed to ensure the land is restored following the expiration of the 37 years.

- 14.12 In terms of other ancillary infrastructure such as the battery storage compound and sub stations, these should be designed to blend in with the surroundings as much as possible to reduce the visual impact, and conditions may be necessary to control colour and finish of buildings and to secure additional screening.
- 14.13 Retention of existing trees and hedgerow, proposed additional planting and green buffers are largely relied upon to mitigate any residual harm to setting of heritage assets. The Council consider the landscaping plans submitted with the application are not sufficiently detailed, and therefore conditions are required to be imposed to secure enhanced details of landscaping, which should include a long term landscaping management plan to ensure soft landscaping successfully mitigates impact on setting over the lifetime of the development.
- 14.14 The Heritage Statement also confirms geophysical survey and archaeological trial trenches have revealed sub-surface archaeological remains within the site boundary. Due to archaeological interest, the Council consider it necessary to impose a condition requiring an archaeological watching brief to be conducted during the construction phase.
- 14.15 Subject to the site compound area being removed following the completion of construction works; a detailed scheme of landscaping and a watching brief being secured by condition; and the colour and finish of ancillary infrastructure and buildings being designed to blend into the rural setting, the Council consider the setting of heritage assets surrounding the site would not be significantly affected by the development as their key views will be maintained and other views mitigated by existing and proposed natural screening. However, the enhanced landscaping scheme would be expected to provide new native tree and hedgerow planting rather than evergreen planting, and accordingly it would not provide year round screening, and it would have to be acknowledged that there would still be some minor residual harm to setting of heritage assets.
- 14.16 The Council would also respectfully defer to the comments made by CADW and the Clwyd Powys Archaeological Trust (CPAT).
- 14.17 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **NEGATIVE**

15. ACCESS, TRAFFIC AND TRANSPORT

- 15.1 The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.
- 15.2 LDP Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

- 15.3 The Denbighshire Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.
- 15.4 The Council would agree with the conclusions of the Traffic and Transport section in the ES and agree that adverse impacts to highway network would be limited to the construction phase and would not be significant.
- 15.5 Adverse impacts to highway interests can be satisfactorily managed / minimised through the imposition of conditions to secure a Construction Traffic Management Plan (CTMP) and a Construction Method Statement (CMS). The Council has set out suggested conditions in Part D below, and would recommend the conditions itemise the detailing to be included the CTMP / CMS the avoidance of doubt.
- 15.6 The site plans do not provide sufficient level of detail in relation to the siting, design and construction of the proposed new and temporary site accesses, and therefore conditions are also required to secure the necessary detailing is submitted and approved prior to the commencement of the development.
- 15.7 The Council would also respectfully defer to the comments made by Welsh Government as the Trunk Road Highway Authority in terms of impact on the A55 trunk road.
- 15.8 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **NEUTRAL**

16. PUBLIC RIGHTS OF WAY

- 16.1 The development includes proposals to allow the diversion of Public Right of Way (PRoW): 208/20 and 201/8 which traverse the site. A temporary construction phase diversion of PRoW 208/20 will also be required near to the south eastern entrance as shown in Figure 4.1 in the applicant's Environmental Statement.
- 16.2 Pre-application discussions regarding the need to amend the layout of the PRoW network on the site to enable the development have been held with the Local Highway Authority; it is considered the scheme of path diversions shown on the layout plan is a suitable alternative to the existing path arrangement, and would likely fit the tests required to both make and confirm any diversion order to amend the paths.
- 16.3 It is noted that the application was amended during the validation process, and secondary consents have now been omitted from the DNS application.
- 16.4 As such, whilst the Highway Authority have agreed to the principle of the PRoW diversions shown on the site plans, the diversions will still require separate, formal approval from the Local Highway Authority under the provisions of Section 257 of the Town and County Planning Act 1990, and no PRoW should be interrupted until a Diversion Order has been confirmed by the Local Highway Authority.
- 16.5 During the construction phase, it is essential that clear, bilingual signage is erected along the route of the temporary diversion and that necessary measures are put in place to protect the health and safety of PRoW users during the construction phase. The applicant has proposed a PRoW management plan is secured by condition and the Council would be supportive of such a condition.
- 16.6 Conclusion on assessment of impact:
- Construction Phase: **NEGATIVE**
 - Operational Phase: **NEUTRAL**

17. FLOOD RISK AND DRAINAGE

- 17.1 Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.
- 17.2 Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:
- new development can be justified in that location, even though it is likely to be at risk from flooding; and
 - the development proposal would not result in the intensification of existing development which may itself be at risk; and
 - new development would not increase the potential adverse impacts of a flood event

Flood Risk:

- 17.3 The site lies within a C1 flood risk and a Flood Consequences Assessment (FCA) has been submitted in support of the application. The applicant considers the proposal should be considered to be less vulnerable or other development for the purposes of flooding and the FCA concludes the consequences of flooding can be mitigated.
- 17.4 The Council would defer to comments from Natural Resources Wales, as the statutory body for fluvial flood risk, on matters relating to flood risk.

Surface Water Drainage:

- 17.5 The development proposed would be subject to Schedule 3 of the Flood and Water Management Act 2010, and the DNS application does not include an application for secondary consent under this legislation.
- 17.6 As such, separate, formal approval from the Sustainable Drainage Systems (SuDS) Approval Body (SAB) is therefore required in relation to the surface water drainage and SuDS features.
- 17.7 As the planning process should not duplicate other legislative controls, the Council does not wish to make any observations on the provisional drainage strategy for the site as set out in the FCA, but would request advisory notes are applied to any grant of consent to remind the applicant of the legal requirement to obtain separate SAB approval prior to the commencement of any development on site.
- 17.8 Conclusion on assessment of impacts:
- Construction Phase: **NEUTRAL**
 - Operational Phase: **NEUTRAL**

18. MINERAL SAFEGUARDING

- 18.1 The majority of the site is underlain by superficial sub-alluvial sand and gravel deposits. As a result, the majority of the application site lies within the Minerals Safeguarding area for sand and gravel in the Denbighshire LDP which aims to protect mineral resources from being permanently sterilised from non-mineral development to ensure that the resource is accessible for future extraction, should it be required.
- 18.2 Policy PSE 15 of the Denbighshire LDP safeguards minerals from development that would result in its permanent loss or hinder future extraction. Policy PSE 15 states that development will only be permitted where it can be demonstrated that the development outweighs the need to protect the mineral resource, or would not have a significant impact on the viability of that mineral being worked or where the mineral is extracted prior to the development.
- 18.3 The North Wales Minerals and Waste Planning Service has advised they would not raise an objection to the proposal on minerals safeguarding grounds for the following reasons:
- The proposed Solar Energy Farm is considered to be a temporary use of land which would not sterilise the mineral in perpetuity;
 - The solar panel infrastructure can be comparatively easily removed should access to mineral be required;
 - There is no recent economic exploitation of the particular sand and gravel resources in this, or near-by locations;
 - There is no information on the quality of the deposit to indicate that they are of a particularly high quality;
 - The need to de-carbonise the generation of electricity outweighs the short term sterilisation of the mineral;
 - The mineral will remain in place for future generations to exploit; and
 - The land take of safeguarded sand and gravel is modest and other safeguarded sand and gravel resource remain in place in the County and indeed the sub-region (including Denbighshire, Flintshire and Wrexham) capable of meeting any short to medium term (year zero to say 50 years) need identified in the Regional Technical Statement to exploit the mineral.
- 18.4 Whilst the site lies within the Mineral Safeguarding Area for Sand and Gravel, it is considered that Policy PSE15 would not preclude the proposed development at this site as the development would not have a significant impact on the viability of the mineral being worked in the future. The proposal therefore would not give rise to significant effects on mineral reserves.
- 18.5 The proposed development site is very large and it is considered that prior extraction would be both impractical, and unnecessary in this instance. It is unlikely that the proposed development itself would require any significant infrastructure which would require construction containing sand and gravel that could be extracted from the application site. It is however recommended that some geological site investigation such as shallow auger boreholes, and trial pits are undertaken to assess ground conditions and objectively define the extent and quality of the geological deposits to inform the impact of the temporary sterilisation of the mineral. The resource beneath the site is thought to be a sub-alluvial sand resource associated with the Rivers Clwyd and Elwy. However, it is understood that the majority of economically viable sand and gravel workings within Denbighshire over recent years have been in

glaciofluvial deposits, which is an indication that the quality of the resource at the proposed site may not be optimal.

- 18.6 The proposed solar farm is a temporary development, once decommissioned the site's former agricultural use can be restored, with no likely significant lasting adverse impacts on the site and the proposal would not permanently sterilise the sand and gravel resource that lies beneath it. Once decommissioned, the sand and gravel resource would be available for future extraction should the need arise.
- 18.7 Should consent be given for the proposal, a condition should be imposed to ensure that once the solar farms is no longer producing electricity, or the solar farm is no longer required for energy production, that the solar farm is decommissioned, equipment dismantled and removed, and the site is restored fully to ensure that the mineral resource beneath the site is made accessible should it be required in the future.
- 18.8 Conclusion on assessment of impact:
- Construction Phase: **NEUTRAL**
 - Operational Phase: **NEUTRAL**

19. SOCIO-ECONOMIC

- 19.1 The proposal would generate supply chain and employment opportunities, however jobs during the construction and operational phase may not be drawn from the local area due to tendering procedures, but would nevertheless provide wider economic benefits at a strategic scale.
- 19.2 There is the potential for positive social and economic effects which align with the objectives of the LDP including the aim of delivering sustainable development.
- 1.2 Conclusion on assessment of impact:
- Construction Phase: **POSTIVE**
 - Operational Phase: **POSTIVE**

PART D: CONDITIONS AND OBLIGATIONS

20. CONDITIONS AND OBLIGATIONS

- 20.1 The Council does not consider planning obligations are required, however a suite of conditions will be necessary to ensure the impacts of the proposal are adequately managed and mitigated should planning permission be granted.

21. COMMENTARY ON APPLICANT'S DRAFT CONDITIONS

- 21.1 The Council has reviewed the applicant's Draft Planning Conditions which have been submitted with the application, and has the following observations to make:
- 21.2 Applicant draft condition 1 – no objection to the three commencement rather than the standard five year commencement date.
- 21.3 Applicant craft condition 2 – list of approved plans and documents subject to condition 2 should be expanded to include Environmental Statement and technical plans and assessments submitted with the application (Flood Consequences Assessment, Arboricultural Impact Assessment etc.).

- 21.4 Applicant draft condition 3 – the wording of the condition is confusing. The condition should be split into two separate conditions;
- one condition simply to specify the timescales of the consent and to require the applicant to notify the LPA within one month of first generation – e.g.:
This permission hereby granted shall endure for a period of 37 years from the date when electricity is first exported from the development to the electricity grid. Written confirmation of the first export date shall be sent to the local planning authority within one month of the first export date.
 - The second condition should pertain to the requirement to decommission and restore the site, with the triggers for the removal of the equipment and restoration of land clearly specified - e.g.:
Within 6 months of the 37 year expiration date, or following the cessation of the generation of electricity from the approved solar energy farm for a continuous period of 6 months (whichever if the sooner), all equipment shall be removed and the land restored in accordance with a scheme to be submitted to and approved in writing by the local planning authority.
- 21.5 It is also not clear why draft condition 3 seeks to exclude the battery storage facility from the need to be removed from site if the solar PV facility ceases to generate – this needs to be clarified. The Council consider that, on the expiration of the 37 years, all equipment, including the battery storage facility, should be removed from the site.
- 21.6 Applicant draft condition 4 – The Council does not consider this condition is necessary as it duplicates separate legislative controls as the surface water drainage would be subject to separate, formal, approval from the Sustainable Urban Drainage Approval Body.
- 21.7 Applicant draft condition 5 – no comments, other than Arboricultural Impact Assessment and Tree Protection Plan need to be included in the list of approved documents contained in condition 2.
- 21.8 Applicant draft condition 6 – Agree condition is required to secure a construction management plan, however provisions to be included in the plan needed to be itemised in the condition for the avoidance of doubt.
- 21.9 Applicant draft condition 7 – The Council does not agree to the proposed hours of working. Hours of operation should be restricted to 8am – 6pm Monday to Friday. 8am – 1pm Saturdays and there should be no working on Sundays or Bank Holidays.
- 21.10 Applicant draft condition 8 – agree external lighting needs to be controlled, however policy could be re-worded.
- 21.11 Applicant draft condition 9 – details of hard and soft landscaping have not been sufficiently detailed in the application. A pre-commencement condition is required to secure details of an enhanced hard and soft landscaping, to include planting species lists and materials scheduled. Disagree that soft landscaping should be carried out in the first planting season after first generation of electricity. Planting should be carried out in the first planting season after commencement of development, unless otherwise agreed with the LPA.
- 21.12 Applicant draft condition 10 – the applicant proposes a condition to secure a Soil Management Plan to address concerns raised by Welsh Government Agricultural Unit regarding the accuracy of the agricultural land classification assessment undertaken. The Council disagree that this should be resolved post consent, and instead the accurate agricultural land classification for the site should be confirmed pre-determination as it would go to the heart of the assessment of impacts.

- 21.13 Applicant draft condition 11 – support the inclusion condition to secure a Biodiversity / Habitat Management Plan. Condition should include the requirement for provision for ecological enhancement features to be included within the scheme to demonstrate and biodiversity net gain.
- 21.14 Applicant draft condition 12 – support the inclusion of a condition to secure a CEMP.
- 21.15 Applicant draft condition 13 – support the inclusion of a condition to limit the noise output from the development experienced at closest noise sensitive receptors, however condition is too vaguely worded, and the maximum noise limit which is applicable for each receptor should be specified in the condition for clarity and for the avoidance of doubt. The Noise Assessment also needs to be included in the list of approved plans and documents subject to condition 2.
- 21.16 Applicant draft condition 14 – support the inclusion of a condition to outline requirements for the investigation of noise complaints.
- 21.17 Applicant draft condition 15 – support the inclusion of a condition to secure details of archaeological mitigation
- 21.18 Applicant draft condition 16 – support the inclusion of a condition to secure a PROW Management Plan. The Council would note that secondary consents have now been removed from the DNS application, and as such the development would still require formal, separate approval from the Local Highway Authority for works to divert or stop up any PROW on a temporary or permanent basis.
- 21.19 Applicant draft condition 17 - the Council would defer to the views of Welsh Government Trunk Road Authority on the need for this condition.

22. COUNCIL’S SUGGESTED LIST OF CONDITIONS

- 22.1 Having regard to the commentary above, and the issues raised in the ‘Part C: Assessment of Impacts’ section above, the Council would suggest the following conditions are imposed, should planning permission be granted. The Council considers the suggested conditions below are both reasonable and necessary to ensure impacts on the local area are adequately managed and mitigated, and are provided without prejudice:

1. The development to which this permission relates shall be begun no later than {INSERT DATE}

Reason 1: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission

- [insert itemised list of all plans and documents subject to the decision – location, layout and elevation plans, Environmental Statement & Appendices, Supporting Reports (FCA, Glint and Glare Study, Heritage Statement etc.)]

Reason 2: For the avoidance of doubt and to ensure a satisfactory standard of development.

3. This permission hereby granted shall endure for a period of 37 years from the date when electricity is first exported from the development to the electricity grid. Written confirmation of the first export date shall be sent to the local planning authority within one month of the first export date.

Reason 3: For the avoidance of doubt and to establish the duration of this permission.

4. *Within 6 months of the 37 year expiration date, or following the cessation of the generation of electricity from the approved solar energy farm for a continuous period of 6 months (whichever if the sooner), all equipment shall be removed and the land restored in accordance with a scheme to be submitted to and approved in writing by the local planning authority.*

Reason 4: To ensure development is removed in a sympathetic manner upon expiry of this permission

5. *Construction works shall not take place outside the hours of 08.00hr to 18.00hr Mondays to Fridays and 08.00hr to 13.00hr on Saturdays and at no time on Sundays or Public Holidays.*

Reason 5: In the interests of residential amenity.

6. *Notwithstanding the approved plans, following the completion of construction works, the site compound area shown on the site layout plan (Drawing No. P19-2023_15J) shall be removed from site and the land restored in accordance with a restoration scheme to be included in the Construction Method Statement subject of condition 7 below.*

Reason 6: For the avoidance of doubt, and in the interests of protecting the residential amenity and the setting of heritage assets.

7. *No site clearance or construction works shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:*

a) the hours of site works and deliveries;

b) the location and general arrangements of the site compounds area, storage areas and temporary access tracks, and measures to reinstate the land following completion of the works;

c) Construction Traffic Management Plan, construction traffic management, including the proposed routing of HGV and delivery vehicles, management of junctions detailing and siting of bilingual directional signing along public roads where necessary;

d) the arrangements for the parking of vehicles of site operatives and visitors;

e) the location of areas designated for the loading, unloading, and storage of plant and materials;

f) the proposals for security fencing or hoardings around the site;

g) pollution prevention and control measures, including measures to control the emission of dust and dirt, and to prevent pollution of watercourses;

h) the disposal of surface and foul water;

i) measures to minimise noise and disturbance to neighbouring residential properties / properties in the vicinity of the site;

j) wheel washing facilities;

k) a scheme for recycling/disposing of waste resulting from excavation and construction works;

l) any proposed external lighting;

m) direction drilling / piling methods and measures to mitigate noise and vibration;

n) the recording of the existing condition of site, to provide baseline for future restoration of site.

o) Communications protocol setting out procedures for communicating with the local community throughout the construction phase and the management of complaints.

The development shall be carried out strictly in accordance with the approved elements of the Construction Method Statement throughout the construction period.

Reason 7: In the interests of protecting public and residential amenity, pollution prevention and control, and of the safety and the free flow of traffic on the adjoining highway.

8. Notwithstanding the submitted details, no works in connection with the siting, design and construction of the means of temporary or permanent access to the site shall be undertaken without the written approval of the Local Planning Authority to the detailing thereof. The approved works shall be completed prior to the commencement of the development hereby permitted.

Reason 8: To ensure the development is served by a safe and satisfactory access, and in the interests of the free and safe movement of traffic on the adjacent highway.

9. The development shall be carried out in accordance with the details submitted for the temporary protective fences to safeguard the trees and / or hedges as detailed in Tree Protection Plan (Drawing no. BHA_682_02 Rev B, contained within the submitted Arboricultural Impact Assessment dated December 2020) which are to be retained on the site and erected in accordance with the current BSI 5837 and maintained to that standard until the development has been completed.

Reason 9: In the interests of safeguarding trees and hedges.

10. Notwithstanding the approved details, no development or site clearance shall take place until an enhanced scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- i) all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of the development;*
- ii) new tree and hedgerow planting schedules and species lists;*
- iii) colour and finish of approved fencing gate, deer fencing, acoustic screening, well-mesh fencing and CCTV poles;*
- iv) long term landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas.*

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

Reason 10: In the interests of visual amenity and ecological mitigation and enhancement

11. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing

Reason 11: In the interests of visual amenity and ecological mitigation and enhancement.

12. No external lighting shall be installed until a site wide lighting assessment has been carried out, and detailing of the proposed lighting, including emergency/security lighting has been submitted to and approved in writing by the Local Planning Authority. The details shall include the design of the lighting and associated columns and / or means of fixture to buildings, their position, height, the means and intensity of illumination, hooding, the extent of lamination and the anticipated spread of light, and the hours of operation of the lights. The approved scheme shall be implemented strictly in accordance with the approved details.

Reason 12: In the interests of visual, landscape character, and residential amenity and highway safety.

13. Notwithstanding the approved details, No works on the 40ft substation container/s, 40ft battery storage container/s or the customer switchgear building/s shall commence until the written approval of the local authority has been obtained to the materials and colour of the external wall, doors and roof. The development shall then be carried out strictly in accordance with the approved details.

Reason 13: In the interests of visual amenity.

14. Notwithstanding the approved details, no development shall commence until a final Biodiversity Management Plan (BMP) has been submitted to and approved in writing by the determining authority. The development shall be carried out strictly in accordance with the approved details.

Reason 14: In the interests of ecological mitigation and enhancement.

15. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the determining authority. The CEMP should include:

i) Detailed Reasonable Avoidance Measures (RAMS) that address potential impacts of construction (and maintenance) works on protected species, including Great Crested Newts, bats, otter.

ii) Details of appropriate measures to control any Invasive Non-Native Species (INNS) on site; and measures that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

iii) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

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

Reason 15: In the interests of ecological mitigation and enhancement.

16. The rated level of noise emitted from the development hereby approved shall not exceed the values set out in the Table 1 below. Noise limits for dwellings which lawfully existed or had planning permission at the date of this permission and which are not listed in Table 1 are to be those of the physically closest location listed in Table 1, unless otherwise agreed with the local planning authority.

Table 1:

Location	Calculated Façade Noise Level at First Floor Level [dB LAeq,T]	
	Full daytime operation	Overnight Energy Storage Park
Green Gates Farm	41	41
Dwellings on Cwttir Lane	38	37
Dwellings on Pant Glas	27	26
Dwellings in The Roe	33	27
Wern Bach	34	27
Clyn Derw Farm	31	21
Gwernigron Farmhouse	35	31
Dwellings on Nant Y Faenol Road	27	26

Reason 16: In the interests of protected residential amenity or occupiers of residential properties in the vicinity of the site.

17. In the event of any reasonable noise complaint being received by the Local Planning Authority, the Developer or their successors in Title, shall be required to undertake a full noise assessment to demonstrate compliance with the noise limits set out in Condition 16 above, and shall submit this within 28 days of notice issued by the Local Planning Authority. Should such an assessment fail to demonstrate compliance, mitigation measures shall be submitted alongside the noise assessment and implemented in accordance with the submitted details within 28 days of approval by the Local Planning Authority.

Reason 17: In the interests of protected residential amenity or occupiers of residential properties in the vicinity of the site.

18. No development shall commence until a detailed archaeological mitigation strategy has been submitted to and approved by the Local Planning Authority. The development shall proceed strictly in accordance with the approved details.

Reason 18: In the interest of preservation of archaeological remains

19. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs and will be completed in accordance with a written scheme of investigation, which has been submitted and approved in writing to the Local Planning Authority. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust. After approval by the Local Planning Authority, a copy of the report and resulting archive shall also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and to the National Monuments Record, RCAHMW.

Reason 19: To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

20. No development shall commence until a Public Rights of Way Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Public Rights of Way Management Plan shall cover all the public rights of way affected by the development and will include the following:

- i) details of how access will be maintained during construction and operation;*
- ii) details of timetable for the provision of the re-routed footpath network on site;*
- iii) details of surfacing;*
- iv) details of ongoing management and maintenance;*
- v) details of waymarking and signage provision;*

The development shall proceed strictly in accordance with the approved details.

Reason 20: In the interests of managing and mitigating impacts on the PRow network and safeguarding health and safety of PRow users.

21. No development shall commence until a DMRB CD 377 compliant Risk Assessment has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Welsh Government. The DMRB CD 377 compliant Risk Assessment shall be undertaken as described under DMRB CD 377, Chapter 2. General requirements: Risk assessment and hazard mitigation as modified for Wales by CD 377 WNAA, W/2 General requirements: Risk assessment and hazard mitigation (CD 377, 2.2). The DMRB CD 377 compliant Risk Assessment shall cover the full length of the southern boundary of the Application Site where it interfaces with the A55

Reason 21: In the interest of highway safety along A55 trunk road.

22. Prior to commencement of development, geological site investigations shall be carried out to assess ground conditions and objectively define the extent and quality of the geological deposits to inform the impact of the temporary sterilisation of the mineral at the site, and the results shall be submitted to and approved in writing by the local planning authority.

Reason 22: In the interests of appraising and safeguarding mineral resources.

PART E: PUBLICITY UNDERTAKEN BY THE LPA

23. ENTRY ON PLANNING REGISTER AND SITE NOTICE

23.1 In accordance with the Developments of National Significance (Wales) Regulations 2016 the local planning authority posted English and Welsh site notices to publicise the application and entered the application on the public register of applications under reference number: 40/2021/0655. A copy of the application made to Welsh Ministers (including a copy of the notification of receipt of an application) and a copy of the notice of acceptance letter were all published against this reference number on 24 June 2021.

23.2 Three sets of English and Welsh site notices were posted around the site in locations which would be publically visible on 24 June 2021. A copy of the English and Welsh Notices are attached as APPENDIX 8 and APPENDIX 9 respectively, and photograph evidence of the site notices in situ is attached as APPENDIX 10.

PART F: CONCLUSION

24. CONCLUSIONS

24.1 The proposed impacts are summarised in the table below:

Material Consideration	Conclusion on assessment of impact	
	Construction phase	Operational phase
Principle of development / Climate Change	Neutral	Positive
Best and most versatile agricultural land	Negative	Negative
Visual amenity and landscape character	Negative	Negative
Ecology / biodiversity	Negative	Positive (subject to enhancement measures being secure)
Residential / public amenity	Negative	Neutral
Built heritage	Negative	Neutral
Access, traffic and transport	Negative	Neutral
Public rights of way	Negative	Neutral
Flood risk and drainage	Neutral	Neutral
Mineral safeguarding	Neutral	Neutral
Socio-economic	Positive	Positive

PART G: APPENDICES

DCC LIR APPENDIX 1 – LDP Designations Plan

DCC LIR APPENDIX 2 – LDP Plan Legend

DCC LIR APPENDIX 3 – Built Heritage Assets Plan

DCC LIR APPENDIX 4 – Ecological Sites Plan

DCC LIR APPENDIX 5 – PROW Plan

DCC LIT APPENDIX 6 – Electrical Infrastructure Plan

DCC LIR APPENDIX 7 – Renewable Energy SPG

DCC LIR APPENDIX 8 – Site and Press Notice (English)

DCC LIR APPENDIX 9 – Site and Press Notice (Cymraeg)

DCC LIR APPENDIX 10 – Site Notice Evidence