



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Adeilad y Goron
Parc Cathays
Caerdydd
CF10 3NQ

Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Ffôn / Tel: 0303 444 5940

e-bost /
e-mail: dns.wales@planninginspectorate.gov.uk

- Solar Century Holdings Ltd.
- Denbighshire County Council
- Natural Resources Wales
- Cadw
- The Clwydian Range and Dee Valley Joint Committee
- Welsh Government - Soil Policy & Agricultural Land Use Planning Unit
- Welsh Government – Department for Economy and Infrastructure

Ein Cyf / Our Ref: DNS/3247619

Dyddiad / Date: 10/08/2021

(Sent via e-mail)

Dear Sir/Madam,

**Town and Country Planning Act 1990 (as amended)
The Developments of National Significance (Wales) Regulations 2016 (as amended) ['the DNS Regulations']
The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (as amended) ['the EIA Regulations']**

Application by: Solar Century Holdings Ltd.

Site: Land at Gwernigrn Farm, The Roe, St Asaph, Denbighshire

The appointed Inspector, Melissa Hall BA (Hons) BTP, MSc, MRTPI, has asked me to contact you regarding this Development of National Significance (DNS) application.

This communication constitutes official notification of multiple important matters related to this DNS application. Please read the following information in its entirety. If anything is unclear, please contact us. This communication should be treated as:

- 1. Notice under section 319B of the Town & Country Planning Act 1990 (as amended) as to the procedure by which this examination will proceed.**
- 2. A formal request for 'further information' under Regulation 24 of the EIA Regulations and under Regulation 15(2) of the DNS Regulations for further information from the applicant.**

1. Notice under section 319B of the Town & Country Planning Act 1990 (as amended) as to the procedure by which this examination will proceed

The Inspector has now reviewed all duly made representations. After careful consideration she has decided that hearing sessions are likely to be required in order to discuss several topics as identified in Annex A to this letter, subject to the outstanding issues not being

resolved by the written submissions in respect of the additional information requested under point 3 below.

We currently anticipate that any hearing sessions would be held no earlier than **30 November 2021** and no later than **10 December 2021**. However, we will be in contact regarding arrangements for the hearing sessions closer to the time. If you are willing to attend, please make every effort to ensure that the relevant people from your organisation are available for any hearing sessions to which you are invited.

The applicant and local planning authority may take part in the hearings; it would be helpful to the Inspector if they did so. Other parties who would be invited to attend and participate in the hearing sessions are specified in the Annex. Please note that the hearing sessions are held in public, and any other person may observe proceedings. If anybody who has not been invited to participate wishes to take part in the hearing, they may request that the Inspector allows them to do so. The DNS Regulations make it clear that this is entirely down to the discretion of the appointed Inspector.

In the event that the Inspector proceeds with topic specific hearing sessions, they will be as detailed in Annex A. A note setting out the matters for discussion in more detail will be issued in due course. Those participating in a hearing will be formally invited to submit a hearing statement in response to matters and issues identified by the appointed Inspector, should they wish to do so. Such invitations will be sent out at the same time as the full confirmation of the hearing details. **Hearing statements must not exceed 3,000 words and must be submitted to the Inspectorate two weeks prior to the relevant hearing session.** Any statements that are excessively long or contain irrelevant or repetitious material may be returned. Any technical evidence should be limited to appendices, and should be clearly related to the case. Any hearing statements submitted by the parties will be published to the DNS Portal website.

Should any party decide that it is not necessary to submit a statement, but rather rely on information previously submitted, they should confirm this in writing prior to the relevant hearing session.

Please note that any other matters which fall to be considered in respect of the application will be dealt with by the Inspector on the basis of written representations.

If the outstanding issues are dealt with satisfactorily via the additional written submissions requested, the Inspector will confirm in writing if a hearing session on a particular topic is no longer necessary in line with Regulation 17(2)(b) of the DNS Regulations.

After conducting the hearings, the Inspector will decide whether she wishes to carry out an accompanied site visit in addition to any unaccompanied visits that she may undertake. There will be no opportunity to make representations to the Inspector at any accompanied site visit.

2. Formal Request for further information under Regulation 24 of the EIA Regulations and Regulation 15(2) of the DNS Regulations from the parties named in the relevant section (see Annex B)

After reviewing the information submitted thus far, the Inspector has determined that further information is required from the applicant. The required information is set out in Annex B to this letter and must be submitted within 6 weeks of the date of this letter, i.e. **no later than Tuesday 21 September 2021**. The Inspector may also seek further information at a later date if she decides it is necessary.

The information sought of the applicant will include 'further information' to the Environmental Statement and which is required to inform the hearing sessions detailed in Annex A. We will carry out the necessary publicity on receipt of the requested information which will extend over a period of 5 weeks.

If you have any queries in respect of this correspondence, please do not hesitate to contact a member of our team.

Yours sincerely

N Kinsey

Nina Kinsey
Case Officer

(Annexes A and B appended below)



ANNEX A

Schedule of topics to be discussed at Hearing Sessions and parties invited to take part at scheduled events

Note: Additional details on aspects of the topics to be discussed may be provided nearer to the date of the event.

Hearing 1: Character and Appearance

The provisional list of matters to be discussed:

1. Impact on protected landscape
 - a) Visual effect on the Clwydian Range and Dee Valley AONB's setting and its special qualities
 - b) In-combination effects on setting of the AONB
 - c) Mitigation
2. Impact on heritage assets
 - a) Confirmation of the timing of works affecting the setting of heritage assets
 - b) Assessment of impact

Hearing 1 participants:

In accordance with regulation 24, those invited to take part are:

- Solar Century Holdings Ltd
- Denbighshire County Council
- Natural Resources Wales
- Cadw
- The Clwydian Range and Dee Valley Joint Committee

Hearing 2: Best and Most Versatile Agricultural Land

The provisional list of matters to be discussed:

1. National Policy
 - a) Planning Policy Wales, Edition 11 (2021)
 - b) Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
2. Agricultural Quality of Land Assessments
 - a) Status and quality
3. Site Selection Process
 - a) Adequacy of the search area for the proposed solar farm
 - b) Availability of alternative sites
 - c) Justification for development on BMV agricultural land
4. Decommissioning, Restoration and Aftercare.

Hearing 2 participants:

In accordance with regulation 24, those invited to take part are:

- Solar Century Holdings Ltd
- Denbighshire County Council
- Welsh Government - Soil Policy & Agricultural Land Use Planning Unit

Hearing 3: Flooding and Highway Safety

The provisional list of matters to be discussed:

1. Flooding
 - a. National Policy
 - Planning Policy Wales, Edition 11 (2021)
 - Technical Advice Note 15 – Development and Flood Risk (2004)
 - b. Flood risk and access arrangements
2. Highway Safety
 - a. Screening measures
 - b. Detailed design, including any highway boundary features, development works, improvement or mitigation works and external lighting.
 - c. Construction Traffic Management Plan

Hearing 3 participants:

In accordance with regulation 24, those invited to take part are:

- Solar Century Holdings Ltd
- Denbighshire County Council
- Natural Resources Wales
- Welsh Government – Department for Economy and Infrastructure

Hearing Session 4: Other Matters & Planning Conditions

The provisional list of matters to be discussed:

1. Other Matters
 - a. Confirmation of position re. the application for the construction access and works to the highway
 - b. Confirmation of position re. the separate consent sought for the diversion and stopping up of the PROW
2. Planning Conditions
 - a. Draft conditions submitted by Solar Century Holdings Ltd
 - b. Denbighshire County Council response and additional suggested conditions
 - c. Suggested conditions by statutory consultees

Hearing 4 participants:

In accordance with regulation 24, those invited to take part are:

- Solar Century Holdings Ltd.
- Denbighshire County Council
- Natural Resources Wales
- Welsh Government - Department of Economy and Infrastructure
- Welsh Government - Soil Policy & Agricultural Land Use Planning Unit

ANNEX B

Formal request under Regulation 24 of the EIA Regulations and Regulation 15(2) of the DNS Regulations for further information from Solar Century Holdings Ltd. for the purposes of the hearings.

To be submitted no later than 21 September 2021

1. BEST AND MOST VERSITILE AGRICULTURAL LAND (BMV)

A response to the objection of Welsh Government's (WG) Soil Policy & Agricultural Land Use Planning Unit (OBJ001), dated 16 July 2021, regarding the protection of BMV agricultural land. In particular you should address the following:

- a. Provide clarification of whether the Land Research Associates (LRA) '*Agricultural Quality of Land at St Asaph*' report dated 26 January 2021 is intended to supersede Soil Environmental Services '*Agricultural Land Classification, Revision 2*' report dated 26 November 2020, not least due to the clear differences in land grading.
- b. If the LRA report is to be relied upon, the development would result in the potential loss of 43.1 ha (106.5 acres) of confirmed BMV agricultural land. Additional information is therefore required in respect of the following:
 - Clarification of how the 118.5 ha (293 acres) site was initially selected and why such a large area (including high quality agricultural land) is needed for the proposed development.
 - An explanation of why the search area is limited to North Wales, despite evidence provided of inadequate grid connection capacity in the region.
 - Whether a 'within 5 km of Bodelwyddan Substation' Study Area to determine potential availability of available sites is appropriate and can be justified as sufficient.
 - The reasons for choosing the site when lower quality agricultural land is available (as evidenced by the 30 sites compared to the proposed development site, the majority of which are on non-BMV lower quality land, and do not have an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations).
 - An explanation as to why the lack of confirmation of a site's availability (on 27 of the 30 sites considered) should discount a site from consideration.
- c. Provide clarification of the Decommissioning, Restoration and Aftercare Plan referred to in the submissions, taking account of the representations made by WG in respect of the risk of significant impacts to soils and potentially BMV status during the installation and decommissioning of the site.

In providing the additional information outlined above, you should also give consideration to whether your Sequential Analysis Study, dated May 2021, requires updating with particular attention paid to whether the development satisfies the requirements of paragraphs 3.58 and 3.59 of Planning Policy Wales 11.

2. HIGHWAYS

A response to the objection of WG's Department for Economy and Infrastructure (REP007), dated 14 July 2021, as Highway Authority for the A55 trunk road and its concerns that insufficient information has been submitted to determine the highway safety aspects of the proposal. In particular, you should clarify the following:

- a. Details of the location of any proposed screening measures between the solar farm and the trunk road, which are necessary to minimise driver distraction and to ensure that no glare from the solar farm is visible to any trunk road motorists. Such measures should be entirely within the red line boundary denoting the application site and not on land outside your control.
- b. Details of any privately owned highway boundary features and/or development works near to the trunk road, which could potentially have a bearing on road safety.
- c. Details of any additional improvement or mitigation works that are required within the application site that are designed to protect animals from accessing the trunk road.
- d. Whether any of the existing accesses are to be closed off during the construction, operation or decommissioning of the development, e.g. is it anticipated that the 4no existing vehicle accesses would be reduce to 2no?
- e. Your views in respect of the wording of the condition suggested by WG in respect of any external lighting.

I also note WG's observations regarding the Construction Traffic Management Plan (CTMP) and its suggestion that it may be a safer solution to restrict all vehicles from the A55 through J27 only. If you wish to take on board such a suggestion, you would need to amend the corresponding submissions accordingly. Should you decide that this would not be an appropriate course of action, please give reasons for coming to such a view. Likewise, you should consider whether you would also want to include the project design leaflets and exit poster suggested by WG in an amended CTMP.

3. HEALTH AND SAFETY EXECUTIVE (HSE)

A response to the representations made by the HSE (REP003), received on 26 July 2021, in terms of its concern regarding the lack of information on which to make representations. I would therefore be grateful if you would clarify the extent to which the proposed development would introduce populations (permanent or temporary) into any of HSE's public safety consultation zones which are assigned to individual Major Accident Hazard Pipelines or Major Hazard Installations.

4. FLOOD RISK

A response to the representations made by Natural Resources Wales (NRW) (REP006), dated 27 July 2021, which addresses its concerns relating to the lack of information submitted to date regarding flood risk and access arrangements for Pengwern Drain. You should note that NRW has requested a change to the submitted information consisting of the layout plan included in your Flood Consequences Assessment.

5. PROTECTED LANDSCAPES

A response to the representations made by NRW (REP006), dated 27 July 2021, in respect of the potential impact of the development on the Clwydian Range and Dee Valley AONB's setting and its special qualities. Clarification is therefore required in respect of:

- a. Elements of the glint and glare assessment which, in turn, have a bearing on the visual assessment set out in Section 5 of the Environmental Statement. Appendix 1 to NRW's letter sets out the specific requirements in this regard.
- b. The judgements which led to the assessment of effects on the setting of the AONB (views and special qualities).
- c. The in-combination effect of the Bodelwyddan Key Strategic Site and extension to the St Asaph Business Park with the solar farm and how this might affect the AONB setting.

You should also respond to any additional concerns of the Clwydian Range and Dee Valley Joint Committee (REP002), as outlined in its letter of 22 July 2021, which are not covered by your response to NRW's representations.

Following the completion of this additional work, you should consider:

- a. The adequacy of the planting proposals put forward to mitigate visual effects and
- b. Whether the option suggested by NRW, that of the amendment of the development layout to allow space for tree planting along the site's eastern boundary, would be necessary.

Or indeed, whether alternative options should be explored in light of your findings.

6. THE SETTING OF HERITAGE ASSETS

A response to the representations made by Cadw (REP005), dated 27 July 2021, insofar as it disagrees with the conclusions of the revised heritage desk-based assessment with regard to the Grade II listed building, Gwernigrn Farmhouse. Cadw considers that the construction of the solar farm in the fields surrounding the farmhouse would alter the way it is experienced understood and appreciated. In particular, it considers that the construction compound to the south of the farmhouse, whilst not directly visible in the principle view, would increase noise and movement in the vicinity of the building.

In view of the above, I would be grateful for the following information:

- a. Confirmation that the construction compound to the south of the farmhouse would be removed in its entirety post construction with no element retained for on-going maintenance purposes during operation.
- b. Your response to Cadw's view that the impact would be of a moderate rather than small scale.

7. ECOLOGY

You may wish to consider submitting a draft Construction and Environmental Management Plan together with a revised Biodiversity Management Plan and a Great Crested Newt Conservation Plan which contain sufficient detail to address the matters raised by NRW in its letter of 27 July 2021 (REP006). However, in the event that you do not wish to submit this information at this juncture and would instead seek to rely on the conditions suggested by NRW, I would be grateful for your views on their wording and requirements.

8. LOCAL IMPACT REPORT (LIR)

Your response to matters raised in Denbighshire County Council's Local Impact Report which have not been addressed by the request for information under Points 1-7 above. You should pay particular attention to the request for the imposition of additional conditions regarding the following matters:

- a. A long-term Landscape Management Plan, a lighting assessment and details of external lighting, and details of the colour and finish of ancillary infrastructure and buildings. (paragraphs 11.16 – 11.19 and 14.12 - 14.13 refer).
- b. Details of landscaping, to include planting schedules and species lists and that all new hedgerow planting must comprise a mix of species rich native hedgerow (paragraphs 12.8 and 13.13 refer).
- c. The removal of the site compounds and restoration of the land following completion of construction works (paragraphs 13.7 and 14.7 refer).
- d. The submission of a Construction Method Statement (paragraphs 13.8, 13.14 and 15.5 refer).
- e. Amendments to the wording of your suggested Condition 7, which would restrict hours of operation in relation to construction works in addition to deliveries (paragraph 13.9 refers).
- f. Noise experienced at the nearest properties should not exceed the predicted noise levels contained in Table 5.2 of your Noise Assessment (paragraph 13.12 refers).

- g. An archaeological watching brief to be conducted during the construction phase (paragraph 14.14 refers). Such an approach would also be consistent with the representations of Clwyd-Powys Archaeological Trust (REP001), received on 14 July 2021, which includes the suggested wording of such a condition to which you may want to have regard.
- h. Once the solar farm is no longer producing electricity, or the solar farm is no longer required for energy production, that it 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 (paragraph 18.7 refers).

You should provide wording in respect of the same, having regard to the Council's suggestions which can be found at paragraph 22, Part D of the LIR. I would also seek your response to the Council's comments in respect of your suggested conditions, which can also be found at Part D (paragraph 21).

9. CONDITIONS

The Council, NRW and others have identified concerns that may be capable of being addressed by planning conditions, some of which are identified above. It would be helpful if you could give consideration to the amendments to conditions proposed by the statutory consultees and confirm in writing whether you are amenable to the changes. If you are not, you should explain why, in your view, such conditions would not meet the tests outlined in WG Circular 016/2014 '*The Use of Conditions for Development Management*', offering alternative wording where appropriate.

NOTE

The Inspector would welcome discussions between the applicant and the statutory consultees insofar as such discussion may narrow any areas of disagreement and would assist the efficiency and focus of the examination process. The applicants may also wish to take advantage of this opportunity to provide additional information in response to other concerns that have been raised in response to the application to assist the Inspector's consideration of the scheme. Any such information should be provided alongside the additional information formally requested above. This will enable it to be subject to the same publicity and consultation.

All additional information should be presented in a form that clearly distinguishes it from information that has already been submitted. It should be made clear which Chapters of the ES, Reports, Appendices, Figures and / or Drawings have been amended and how, and describe its effect on the already submitted information e.g. whether it supersedes or supplements it.

It should be noted that the Inspector has not had the benefit of hearing all the potential evidence on the need for the requested information. The applicant may decide that on some matters that it does not wish to provide more information. If such a situation arises the applicant is invited to confirm and explain its position. The Inspector will then decide on how to proceed in the absence of such information and may raise the matter at a hearing session.