

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
3 November 2014

APPLICATION NO: P/2014 /0484	LOCATION: TRENCH FARM RED HALL LANE PENLEY WREXHAM LL13 0NA	DATE RECEIVED: 03/07/2014
COMMUNITY: Overton	DESCRIPTION: INSTALLATION AND OPERATION OF SOLAR FARM (TO GENERATE 7.15MW) AND ASSOCIATED INFRASTRUCTURE (PHOTOVOLTAIC PANELS, MOUNTING FRAMES, INVERTERS, TRANSFORMERS, SUBSTATION, COMMUNICATION BUILDING, STORAGE BUILDING, FENCING, POLE MOUNTED SECURITY CAMERAS).	CASE OFFICER: PF
WARD: Overton		AGENT NAME: LIGHTSOURCE RENEWABLE ENERGY LTD MR B CLARKE
	APPLICANT(S) NAME: LIGHTSOURCE SPV 99 LTD	

THE SITE

The site comprises agricultural land stretching north from Trench Farm. The northern most point of the site would be located approximately 300 metres from Lightwood Green. The majority of the site is arable with a parcel of land to the south west which appears to be used for off road vehicle training or leisure purposes. The track bed of a dismantled railway runs north to south along the eastern boundary of the site. Two public footpaths adjoin the southern portion of the site. These are shown on the following plan.

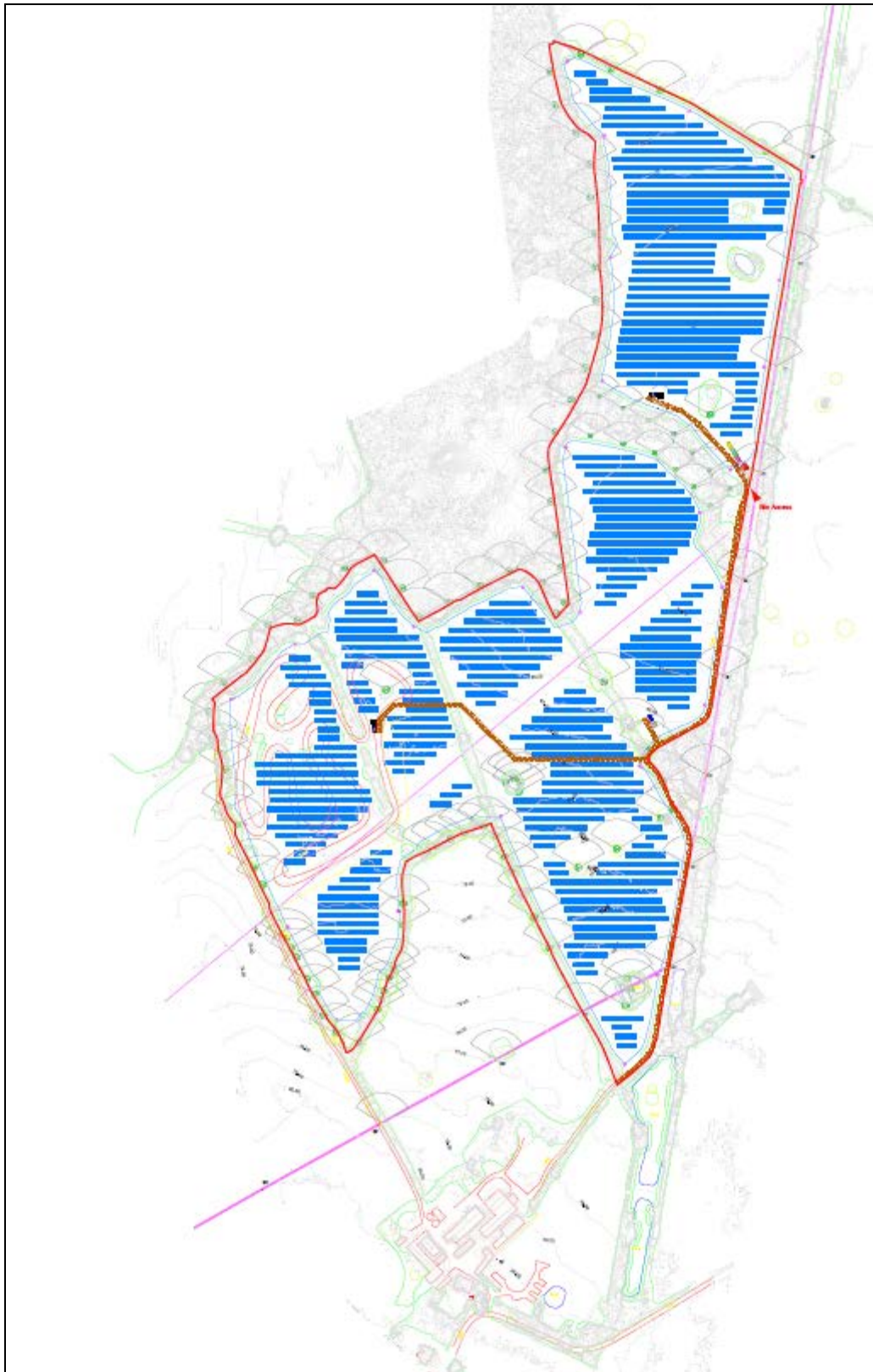


PROPOSAL

Planning permission is sought for the installation and operation of a solar farm consisting of photovoltaic panels, mounting frames, various buildings housing control equipment and communications, security perimeter fencing and pole mounted security cameras. The operation is proposed to generate up to 7.15MW of electricity. Access to the site is proposed via Trench Farm. The site extends to approximately 21ha.

The solar panels will be mounted in groups taking into account the form of the existing field parcels. The solar panels will be mounted on frames no higher than 2.3 metres with the panels facing south. The site will be protected by 2m high 'deer netting' fencing on the perimeter with 2.4m pole mounted CCTV cameras on the boundary at regular intervals. There are a number of ancillary buildings on site which will house transformers, inverters, substations, communications and general storage. A total of eight buildings are shown on the plan ranging between 2.5m and 5m wide and 3.6m and 6m wide and no higher than 3m.

An indicative layout of the proposed array is shown below.



HISTORY

None.

DEVELOPMENT PLAN

The site is located outside any defined settlement limit and within a Special Landscape Area. Policies PS2, PS12, GDP1, EC2, EC4, EC5 and EC6 are relevant. National planning policy is contained in Planning Policy Wales (Edition 7) (PPW) and Technical Advice Notes (TAN) 5 – Nature Conservation and Planning, 8 - Renewable Energy, 12 – Design and 18 – Transport.

CONSULTATIONS

Community Council:

The members of the Overton Planning Committee have the following concerns/issues and would like to have these clarified before a final decision is taken;

- * Access to the site to; **1.** construct the site **2.** to maintain the site - It is not clear from the plans what route this will take.
- * Connection from the substation. More clarification of how the connection will be made and what route it will take is required.
- * Concern regarding the decommissioning was raised. Would the Local Authority consider requesting a bond or a guarantee to ensure the funding of the decommissioning as we feel the present arrangements are open ended. We would also request a site visit and Overton Community Council wish to be present at that visit.

Adj. Com Coun Maelor South
Community Council:

No objections

Local Member:

Notified 08.07.2014

Highways:

Visibility to the access onto the A539 (north) and A528 (south) is substandard. Intensified use of these access points would not be supported. Improvements should be sought to the existing access to Trench Farm to facilitate larger vehicles entering the site. A condition report of the existing highway between Trench Farm and the A539 should be sought if approved.

PRoW:

Possible conflict between construction and decommissioning traffic and the users of the

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
3 November 2014

	public footpath. This should be addressed in any method statement.
Public Protection:	No comments.
Welsh Water:	Consulted 07.07.2014
Natural Resources Wales (NRW):	Consulted 07.07.2014
Shropshire County Council:	Consulted 13.08.2014
CPAT:	There is a risk of subsurface artefacts prior to the 1837 study date which should be considered. A suitable condition can be imposed to allow for a further study of the site prior to commencement of development.
National Grid:	Consulted 07.07.2014
Wales and West Utilities:	No objections but apparatus may be at risk during construction and decommissioning. Applicant should be advised accordingly.
Site Notices:	Expired 06.08.2014
Press Notice:	Expired 15.08.2014
Neighbouring Occupiers:	25 neighbouring occupiers notified 16.07.2014. 10 representations received raising the following points: <ul style="list-style-type: none">• Surprised that this development on an industrial scale on Heritage Greenfield land is even being considered;• The public consultation carried out by Lightsource does not stress the enormity of the development;• The view from the houses in Lightwood Green will be decimated by the project. High wire fences, security cameras and misc. buildings will look like a prison;• Pole mounted security cameras may infringe upon privacy;• There is no mention of floodlights. Would these be prevented?• Unclear as to how the power will reach the substation to the north of Lightwood Green which may impact upon existing utilities and view in the area;• Reducing the scale of the development to 15a based around Trench Farm would reduce objections and reduce impacts of other similar developments by other farmers. This application will set a precedent;• The area is semi-urban and many residents will be affected;

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
3 November 2014

- The financial gains of the few will make solar energy more polluting than nuclear or fossil fuels;
- The development of 53 acres in Green Belt will rob wildlife of their homes and have a detrimental impact upon small businesses and families in the area. These developments should be built near existing power stations;
- A large amount of hedgerows and woodlands will be destroyed and the panels will be an eyesore. Many local residents were not advised of the plans;
- The increase traffic on Red Hall Lane will be noticeable as the additional equipment will need servicing. The road was not constructed for such traffic and no regard is given to pedestrian safety;
- The proposal will over dominate the existing Maelor Saesneg character area;
- There is no confirmation within the application that species will be protected;
- Access is shown to Greenfield House but this is only permissible for maintenance of the land and water supply;
- Why is prime agricultural land being used?;
- The development will devalue residential properties in the area;
- Noise will be caused by the associated infrastructure;
- A condition should be imposed that traffic only use the A528 due to the poor condition of Red Hall Lane and that installation should only occur in the Spring / Summer months;
- The general condition of Red Hall Lane should be made better as a result of this development;

3 letters of support raising the following points:

- This will be good for global warming. It is efficient and does not adversely impact upon the open countryside;
- The site is well screened from view;
- Solar farms are essentially passive energy generators;

- Sheep can be grazed under the panels and the management of the land will encourage other forms of wildlife;
- It is essential the agricultural operations are allowed to diversify to provide additional income so it can be preserved for future generations;
- The solar farm will not interfere with leisure activities but will contribute to tranquillity by the removal of noisy farm machinery;
- Wrexham Council have confirmed the wisdom of solar power by fitting it to all their housing stock.

SPECIAL CONSIDERATIONS

Policy: The most up to date planning policy relating to this type of development can be found in PPW and TAN8. PPW states that the Welsh Government has set objectives to promote the generation and use of energy from renewable and low carbon energy sources at all scales. It is also an aim to ensure an appropriate mix of energy provision which maximises benefits to the economy and communities whilst minimising potential environmental and social impacts. PPW further recognises that the open countryside is a sustainable energy source and that solar is recognised as source of renewable energy. Local planning authorities are encouraged to facilitate the development of all forms of renewable and low carbon energy, however developers should seek to avoid or where possible minimise adverse impacts through careful consideration of location, scale, design and other measures. TAN8 notes that solar is likely to result in only a small proportion of this renewable target, but it does not underestimate the recognised importance of this contribution. Other than in circumstances where the visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar arrays should be supported.

Policy PS12 of the Wrexham UDP deals specifically with renewable energy development. Proposal will be supported provided that the wider environmental benefits are not outweighed by any detrimental impacts of the proposed development (including any electrical transmission facilities needed) on the landscape, public safety and the local environment.

Although the site is not within a settlement, this type of development is not specifically excluded from non-settlement locations. However impacts upon the landscape character and amenity are still important considerations as required by policies GDP1 and EC5.

Visual/landscape impact: The site is within a Special Land Area (SLA) and is characterised by its traditional rural undulating, mainly pastoral lowland

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
3 November 2014

farmland with well managed hedgerows and small woodland areas. The site in question is bounded by a dense area of woodland to the north west, the remainder of the site is well screened by field hedgerows with field boundaries splitting the site into three distinct sections.

The application is accompanied by a Landscape Visual Impact Assessment (LVIA). This assessment concludes that the existing tree and hedgerow screening will ensure that all visual impacts would be highly localised. I am satisfied that this is a fair assessment – views of the site would be localised from the north and would be visible by a limited number of occupiers of properties to the south of the Lightwood Green hamlet. To the south, the public footpaths which pass the immediate site boundary (Overton 14 and 33) would afford views into the site due to gaps within the hedgerows.

In terms of assessment of impact from wider views, the LVIA has assessed the Zone of Theoretical View (ZTV) from a 2km and 5km radius. It acknowledges that the site would be visible within the 2km and the northern half of the 5km radius. However, this assessment takes into account topography and not existing vegetation cover. As a result of the mature vegetation characteristics of the wider study area, I am satisfied that this would generally not result in any adverse visual impacts upon surrounding visual receptors.

Mitigation measures have been incorporated into this scheme to minimise visual impact. By locating the development on the proposed site utilising existing vegetation cover is a major part of mitigating the impact. Limited ‘gapping up’ of the hedgerows which adjoin the site and the public footpaths will reduce localised views into the site. The applicant has provided a shadow pattern analysis to demonstrate that there will be an unlikely need to fell or reduce this mature boundary vegetation in the future to allow the solar array to function efficiently. The development of the site is also designed to be of a temporary nature which would allow for the apparatus to be dismantled and the site restored to its current condition at the end of its commercial lifespan. I am satisfied that conditions can be imposed to seek further approval of these additional landscape mitigation measures where deemed necessary.

The scheme includes the provision of operational buildings and structures. The buildings primarily relate to small scale control and switchgear cabins. Approval of the final appearance of these buildings can be controlled by condition. Security cameras are proposed at intervals around the perimeter fencing. These will be slender and infrequent and will not appear incongruous in the landscape.

I acknowledge that there will be direct views of part of the site and the apparatus from dwellings on the southern fringe of Lightwood Green. However, these views relate to a limited number of dwellings and those views that are available, in my opinion, will not result in detrimental loss of amenity to those occupiers. On balance I consider that this limited impact does not

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
3 November 2014

outweigh the significant contribution that would be made by this development to the Welsh Government renewable energy targets.

Glare: The panels are manufactured using a material designed to absorb as much light as possible in order to maximise energy generation. The panels have a dark appearance to their surface and they are unlikely to reflect significant amounts of light or to cause harmful glare.

Ecology: An ecology survey is submitted with the application. The applicant has been in discussion with NRW to overcome an objection to the proposal on the grounds of loss of habitat for great crested newts. Newts are known to be present in the vicinity of the site but NRW have removed their objection subject to the provision of offsite mitigation to ensure that the favourable conservation statuses of these amphibians is not affected by the implementation of the proposal. Reasonable avoidance measures are also proposed during the construction phase of the development. The applicant is aware that a license will be required from the Welsh Government to carry out the works on the site due to the known presence of great crested newts.

The scheme also includes for habitat creation around the perimeter of the site to include for the seeding of wild flowers between the existing boundary hedging and the perimeter fencing. This also provides added protection for the landscape mitigation and habitat creation from grazing sheep which are intended to manage the grasses underneath the solar panels. I am satisfied that ecological impact of this proposal can be mitigated and is therefore acceptable.

Agricultural land: Policy EC2 of the UDP states that development will only be permitted if it would not result in the irreversible loss of grade 1, 2 or 3a agricultural land. These grades represent some of the most versatile land in the County Borough. The application is accompanied by a Soils and Agricultural Land Classification Report which concludes that 71% of the application site is used for agricultural purposes. The proposal would result in a change of use of grade 3b and 4 land. On the basis of this assessment I am satisfied that the proposal will accord with policy EC2.

Highways: The site is accessed through Trench Farm off Red Hall Lane, a C classified highway of a typical rural nature. The likely speed of traffic will be below 60mph limit due to the geometry of the road. Access to Red Hall Lane can be made from the A539 (2km to the north) and the A528 (0.5km to the south). Both accesses off Red Hall Lane are considered to have substandard visibility. The A539 junction can provide a full splay to the west but only 40m to the east. The A528 can only provide splays of 170m to the north west and 40m to the south east. Direct access to the site would be made from Red Hall Lane through the farm entrance to Trench Farm. This access appears to be also used by the farm and an associated touring caravan site.

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
3 November 2014

The applicant states that traffic movements associated with the development will increase at the implementation and decommission phase with negligible traffic movements during the operation phase for ongoing site maintenance.

The total construction period is typically 10-12 weeks with deliveries spaced across this period. The applicant anticipates up to 10 deliveries per day (20 movements from the site). Similar movements are anticipated at the decommissioning stage. 20 staff movements are predicted. Deliveries and staff parking will be accommodated on site within a compound area.

I acknowledge that the visibility splays at the accesses onto the adjoining A roads are below standard and that movements into and out of Trench Farm will be required to negotiate an access which is not designed to accommodate larger HGVs. However, the marked increase in traffic movements identified will be for a limited time period where there will not be an ongoing risk for the lifetime of the development. In this instance, to minimise the need to carry out improvements to the highway network, I suggest that a more detailed construction and decommissioning traffic management plan should be submitted to deal specifically with how construction and decommissioning movements will be managed. This will cover issues such as signing and guiding on the wider highway network, banksman at the site entrance onto Red Hall Lane and construction compound parking, delivery area and wheel wash facilities. I am satisfied that the submission of such detail will manage the risk to highway users for this short amount of time and therefore the impact upon highway safety will not be detrimental.

Other matters: The applicant has confirmed that the solar array would be connected to the grid via an underground cable which would be installed by the Distribution Network Operator (SP Energy Networks). Certain permitted development rights are in place for statutory undertakers therefore an application for planning permission would not be required for this element of the scheme.

I am aware that the applicant has carried out a public consultation exercise prior to the submission of this application as well as post submission discussions. Representations have been made to state that this has been limited and a misrepresentation. There is no statutory requirement to carry out a public consultation exercise and the merits of the proposal which forms part of the formal submission is what is being considered now.

Issues of property devaluation are not a material planning consideration.

The applicant is showing access to the site through Trench Farm and I am satisfied that internal site access is available. Any issues relating to rights of access with third parties is a matter between the parties involved.

Noise is unlikely to be an issue in this instance apart from at the construction and decommissioning phase. The panels do not create noise and the control

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
3 November 2014

and switchgear structures are the equivalent to standard electrical supply apparatus. A suitable condition can be imposed to control noise.

CONCLUSION

The generation of electricity from renewable sources is given significant encouragement by the Welsh Government and this is reflected in its national planning policy. The principle of the use of the countryside for such developments is accepted subject to the careful consideration of landscape impact and the safe implementation and operation of the apparatus. This should be given significant weight in the determination of this proposal. The impact of the development upon the wider landscape has been considered as acceptable. Any adverse impact upon highway safety will be limited to the short term construction and decommissioning phase.

I have received additional information from the applicant to address detailed design, landscape and ecological mitigation issues. This is currently the subject of further local consultation, but I am satisfied that this is not critical to whether the principle of the development should be accepted. I request that delegated powers be given to allow the scheme to be approved upon the expiry of this consultation period and no significant new issues being raised.

RECOMMENDATION

That the Head of Community Wellbeing and Development be given delegated authority to GRANT planning permission upon the expiry of the reconsultation period and no new significant issues being raised subject to the following conditions:

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered TCH_01_Rev 5, RPZ_TrenchFarm_PE10328 Sheets 1, 2 and 3, XXX_01_A, DNO_01, SITE_AUX_TRANSFORMER_01, CCTV_01, CSR_01, SB_01, ID_01, TD_01, CB_01 and DEER FENCE - inc. MAMMAL GATE and contained within the application documentation.
3. The development hereby permitted shall be removed and the land restored within 30 years of the date of this permission or within 6 months of the cessation of the use of the development for the generation of electricity, whichever is the sooner.
4. A Decommissioning Plan shall be submitted to and approved in writing by the local planning authority prior to the first beneficial use of the development for the generation of electricity. The Decommissioning Plan shall include details of the works necessary to revert the site to its original condition, including the method for the removal of all the solar panels, sub-stations, inverter stations, structures, enclosures, equipment and all other apparatus above and below ground level from the site and details of their

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
3 November 2014

destination in terms of waste/recycling, and details of how the site is to be restored to its original condition. The decommissioning Plan shall also include a timeframe for such works which will address both time limits set out in Condition 3.

5. Notwithstanding the requirements of condition 2, prior to the commencement of the development final details of the layout of the buildings and ancillary structures shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

6. All buildings and structures as detailed on drawing numbers CSR_01, SB_01, ID_01, TD_01, CB_01 shall be painted or finished in RAL 6005 Moss Green unless otherwise agreed in writing by the local planning authority. Prior to their installation on the site details of the proposed finish of the buildings and structures as detailed on drawing numbers XXX_01_A, DNO_01, SITE_AUX_TRANSFORMER_01 shall be submitted to and approved in writing by the local planning authority. The building and structures shall be finished or painted in accordance with the details as may be approved prior to their first use.

7. All perimeter fencing shall be erected in accordance with the detail contained on the approved drawing titled DEER FENCE - inc MAMMAL GATE and drawing numbered RPZ_TrenchFarm_PE10328 (sheets 1 to 3).

8. No part of the development shall commence until a Construction Traffic Management Plan and Decommissioning Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority, and the plan shall include full details to cover the following matters:

- (i) On site parking and turning facilities for construction vehicles;
- (ii) On site parking facilities for construction staff workers and visitors;
- (iii) The employment of a banksman, to direct vehicles from the vehicular exit point of the site for HGVs using the access;
- (iv) Signing and guiding proposals along Red Hall Lane and A528;
- (v) Wheel wash facilities, and/or details to ensure that debris/mud is not carried out onto the adjacent highway; and
- (vi) Methods to prevent the obstruction of any public right of way

The plan as subsequently approved shall be fully implemented for the duration of the construction phase of the development.

9. The habitat creation and additional gapping up planting as identified in the Avian Ecology Biodiversity Management Plan forming part of the approved Ecological Appraisal numbered Light-068-237-01 dated 23 June 2014 shall be carried out in the first available planting season following the commencement of development or in accordance with a timescale to be further agreed in writing by the local planning authority.

10. The habitat creation and additional gapping up planting as identified in the Avian Ecology Biodiversity Management Plan forming part of the approved Ecological Appraisal numbered Light-068-237-01 dated 23 June 2014 shall be managed and maintained strictly in accordance with the detail herein this report.

11. No equipment, machinery, plant or materials of any kind in connection with the development shall be brought onto the site until tree protection fencing and ground protection measures have been implemented in strict

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
3 November 2014

accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The details should include specification and location for the fencing. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made.

12. The tree protection fencing and ground protection measures approved in connection with condition no. 9 shall be kept in place until all external site works have been completed and the removal of the fencing has been approved in writing by the Local Planning Authority.

13. The existing trees, shrubs, and hedges shown on drawing no. RPZ_trenchFarm_PE10328 sheets 1 to 3 within the application site shall be permanently retained and shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of the equivalent size and species.

15. No means of external illumination/lighting or form of audible alarm shall be installed on the site without the prior written consent of the local planning authority.

16. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at the nearest noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.

17. No development shall take place within the application site a programme of archaeological work and mitigation in accordance with a written scheme of investigation has been submitted to and approved in writing by the local planning authority. The archaeological programme of work will be undertaken and completed in accordance with the standards laid down by the Institute for Archaeologists and MoRPHE (2006). On completion appropriate reports and an archive assessment will be submitted for approval to the local planning authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. tel: 01938 553670.

18. The development hereby permitted shall not be commenced until a survey of the condition of the unclassified road leading to the site from the A528 and the A539 has been undertaken in accordance with details which have been submitted to and approved in writing by the local planning authority. The results of the survey shall be submitted to and agreed in writing by the local planning authority prior to development commencing on site.

19. No part of the development shall commence until details of the proposed Reasonable Avoidance Measures (RAMs) have been submitted to and approved in writing by the local planning authority. The details shall include for the erection and maintenance of amphibian barrier fencing throughout the duration of the construction operations. The development shall be carried out in strict accordance with the RAMs as are approved.

20. No development shall commence until a scheme has been submitted to and approved in writing by the local planning authority detailing the following:

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
3 November 2014

- a) Submission and implementation (including timescales) of appropriate on site or off site mitigation, conservation and restoration proposals;
- b) Submission and implementation (including timescales) of an ecological compliance audit scheme;
- c) Submission and implementation of a biosecurity risk assessment; and
- d) Submission and implementation (including timescales) of a long term management and surveillance scheme.

The scheme as may be approved shall be fully implemented strictly in accordance with details and the timescales as part of the scheme.

REASON(S)

- 1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
- 2. To ensure that the development fully complies with the appropriate policies and standards.
- 3. In the interests of the visual amenity of the area.
- 4. In the interest of the visual amenity of the area.
- 5. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 8. In the interests of highway safety.
- 9. In order to protect and enhance habitat which would otherwise be lost or damaged by the proposed development.
- 10. In order to protect and enhance habitat which would otherwise be lost or damaged by the proposed development.
- 11. To ensure that the retained trees are adequately protected during development in the interests of amenity.
- 12. To ensure that the retained trees are adequately protected during development in the interests of amenity.
- 13. In order to protect existing boundary vegetation in the interests of the visual amenity of the area.
- 15. To protect the amenities of the occupiers of nearby properties.
- 16. To protect the amenities of the occupiers of nearby properties.
- 17. The site contains archaeological remains which it is essential should be protected from damage.
- 18. In the interests of highway safety.
- 19. In the interests of preserving the favourable conservation status of statutorily protected species.
- 20. In the interests of preserving the favourable conservation status of statutorily protected species.

NOTE(S) TO APPLICANT

The applicant is advised that public utilities cross the site and you are advised to contact Wales and West Utilities prior to the commencement of development.
