

Eich cyf / Your ref

Ein cyf / Our ref : 40/2019/1062

Dyddiad / Date : 31 January 2020

Rhif union / Direct dial : 01824 706727



Simon Chamberlayne  
Pegasus Group  
Pegasus House  
Querns Business Centre Whitworth Road  
Cirencester  
GL7 1RT

Dear Sir / Madam

**Town and Country Planning Act 1990**  
**Town and Country Planning (Development Management Procedure) (Wales) Order 2012**

**CAIS /** 40/2019/1062  
**APPLICATION:**

**CYNNIG /** Construction of a solar farm and energy storage hybrid park, together with all  
**PROPOSAL:** associated works, equipment and necessary infrastructure

**LLEOLIAD /** Land at Gwernigrion Farm The Roe, , St Asaph  
**LOCATION:**

I write in relation to your enquiry relating to the proposed solar & energy storage hybrid park on land at the address above.

Due to the capacity of the proposed solar park, the development would be a Development of National Significance (DNS). Planning applications for DNS proposals are determined by Welsh Ministers, and accordingly this response is submitted in our capacity as a statutory consultee as the relevant local planning authority.

It is noted that the proposal also incorporates a battery storage facility. Energy storage facilities are not captured by the DNS system, however it is assumed that the battery storage facility is not a stand-alone project, but ancillary infrastructure to the solar park and is therefore proposed to form an integral part of the DNS application.

It is also our understanding that the grid connection would also form part of the development proposal, to include a grid connection leading to a new substation on land to the south of Glascoed Road.

It is not clear if the grid connection would be an underground cable or an overhead line, or what the voltage of the line would be. 132kV overhead lines are also considered to be a DNS, however consent for the overhead line and the generation station can be sought in the same application.

It is not clear if the proposed new substation can form part of the DNS application, or if separate consent would be required for this element of the scheme.

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For the purposes of this response, it is assumed the solar and energy storage park, grid connection and substation form part of the development proposed.

It is also noted that Officers of the Council do not have delegated powers to make formal comments or representations on DNS proposals and any formal response to a DNS application and / or Local Impact Report would need approval from the Council's Planning Committee before submission to the Planning Inspectorate.

Please be advised that this response is made at Officer level only and any opinions contained herein are those of the officer concerned and cannot be held as binding on the Council or its elected members.

Input from the following internal officers has also been sought to inform this consultation response:

- Strategic Planning Officer
- Ecology Officer
- Highways Officer
- Public Rights of Way Officer
- Conservation Officer
- Aboricultural Advisor

### **Planning history of the site:**

There is no planning history within the site boundary which is of direct relevance to the proposal.

### **Planning policy context:**

All planning applications are assessed against the policies contained in the adopted Denbighshire Local Development Plan (LDP) and in the guidance contained in relevant Supplementary Planning Guidance Notes (SPGs), together with national planning policy and guidance set out in Welsh Government's Planning Policy Wales (PPW), Technical Advice Notes (TANs) and Circulars.

The proposed solar park development site is located outside of development boundaries and within a Mineral Safeguarding Area (sand and gravel) as defined by the Local Development Plan (LDP) and is therefore considered to be in open countryside.

The site is also situated within a C1 flood risk area as defined by TAN15 and according to Welsh Government's agricultural land classification system it is considered to be a mix of Grade 3a and Grade 3b land, with Grade 3a land being considered the Best and Most Versatile agricultural land. There are Grade II listed buildings on the site as well as a range of historic assets in the vicinity and public rights of way cross the site.

The relevant LDP planning policies that would be applicable for a solar farm in this location are as follows:

- Policy BSC 3 – Securing infrastructure contributions from development
- 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

The Council has adopted a suite of Supplementary Planning Guidance Notes (SPGs) which amplify development plan policies and provide further information and guidance to developers. The following SPGs would apply for a residential development in this location:

- Archaeology SPG
- Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) SPG  
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- 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

Other resources and policy documents of relevance include:

- Welsh Government LANDMAP
- Cadw Setting of Historic Assets in Wales Guidance

It should also be noted that Welsh Government is currently in the process of producing the new National Development Framework (NDF) for Wales and a consultation draft was published in November 2019. The NDF once adopted will have development plan status, and therefore we would advise due regard is given to the policy context set out in the draft NDF.

The Pre-Application Advice Request Report also lists National Policy Statements (EN-1 and EN-3) under the National Planning Policy and Guidance heading. Whilst the Council would accept these can be considered to be material considerations in the determination of planning applications, the primary policy considerations for DNS proposals are Welsh Government planning policy and the adopted Denbighshire Local Development Plan, and the policies contained in National Policy Statements do not override the primacy of Welsh and local planning policy.

### **Material planning considerations:**

#### **Description of development:**

The Pre-Application Advice Request Report provides a summary of the elements to be included as part of the development, however only cross sections of the proposed solar panel arrays are included.

Whilst the solar panel arrays themselves are limited in height, the other elements of the proposal including the battery storage facility, inverters / transformers, CCTV, security fencing etc. may be more substantial in height, form and massing than the arrays themselves and may give rise to different impacts than the array alone, and the Council therefore reserve the right to amend their comments set out in the response at a later stage subject to more detailed elevation plans becoming available.

It is noted that the grid connection and the substation are not included in the description of the development, however the Council consider that even if the grid connection and the substation do not form part of the DNS application and would instead require separate consent/s, they should nevertheless be included in environmental assessments given they are necessary and essential component of the scheme, and the effects of the solar and battery storage facility park proposal in combination with the grid connection and substation should be fully assessed.

The exact components of the scheme should be clearly defined, and if elements are proposed to be finalised at later stage (e.g. grid connection alignment / specific infrastructure) then all options should be included within the environmental assessments to ensure the worst case scenario is assessed.

#### **Principle of development:**

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

The Renewable Energy SPG provides further guidance on solar developments.

PPW provides strategic policy support for renewable energy developments. Section 5.7.8 highlights the benefits and paramount importance of renewable energy and low carbon energy as part of the overall commitment to tackle climate change and increasing energy security. Section 5.7.16 sets out the Welsh Government's ambitious targets for generation of renewable energy in Wales.

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In terms of determination of planning applications for renewable energy proposals, PPW Section 5.9.17 states: "Planning authorities should give significant weight to the Welsh Government's targets to increase renewable and low carbon energy generation, as part of our overall approach to tackling climate change and increasing energy security. In circumstances where protected landscape, biodiversity and historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings (where appropriate) should be considered. In all cases, considerable weight should be attached to the need to produce more energy from renewable and low carbon sources, in order for Wales to meet its carbon and renewable targets."

The draft National Development Framework (NDF) identifies a policy approach to identify priority areas for large scale wind and solar farm developments, and a draft priority area is identified within Denbighshire and Conwy (Priority Area 3), however the plans in the draft NDF are not fine scale so it is difficult to ascertain whether or not this site falls within the proposed draft Priority Area. However, it is noted that the draft NDF does not seek to restrict large scale solar and wind to within priority areas only.

Having regard to the above, the principle of a solar park of the scale proposed is considered to be in general accord with national and local planning policies, subject to an assessment of detailed impacts which are set out in the remainder of this report.

### **Landscape character and visual amenity:**

PPW5.9.20 states developers for renewable energy and low carbon developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures.

PPW 10 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.'

LDP Policy VOE10 supports renewable energy proposals where they are located to minimise visual impacts and demonstrate no unacceptable impact upon landscape.

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.

The key planning consideration is likely to be the landscape and visual impact of the proposal. The site identified is very large and the subsequent solar park development is likely to be industrial in scale, and together with the ancillary infrastructure (battery storage facility, inverters / transformers, fencing, CCTV, etc) it would be a noticeable structure in the open countryside. The site is on 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 towards 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 and the visual impact of a proposed solar park on sensitive receptors would have to be very carefully considered.

The site is also some 4km to the west of the Clwydian Range and Dee Valley AONB and given the scale of the development, the proposed solar farm is likely to be a visible feature from higher ground within the AONB to the east, and therefore the potential impact on key outward views from within the AONB and the setting of the AONB would need to be carefully considered.

The grid connection and substation which is proposed to be located to the south of Glascoed Road is not included within the project description however the Council consider the grid connection and substation are necessary components and the impact of the proposal in-combination with the grid connection and substation should be fully assessed.

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It is noted that the application would be supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA should be carried out by a Chartered Landscape Architect in accordance with the Guidelines for Landscape and Visual Assessment (Third Edition).

The LVIA should also draw upon Welsh Government LANDMAP data, which is an important tool in assessment of the landscape and which sets out the regional landscape context, to be supplemented by local appraisal and contextual understanding.

The LVIA should also include a cumulative assessment to assess the impact of the proposal in combination with not only the proposed grid connection and substation to serve the solar park, but also the in-combination effects of the proposal with existing renewable energy developments and electrical / energy infrastructure developments in the vicinity of the site (including existing overhead lines, existing substations to south of Glascoed Road and other energy infrastructure including the flexible gas fired power station at TRB Drive on the St. Asaph business park). The site is also close to the Bodelwyddan Key Strategic Site (KSS) which is designated for mixed use development in the LDP and benefits from extant outline consent, and there is likely to be inter-visibility between this solar park proposed and the KSS and therefore the cumulative assessment should also include the Key Strategic Site and other major developments within the ZTV.

A Screened Zone of Theoretical Visibility (ZTV) map is provided, however it is not clear if all development components have been included or if it's just the solar arrays. The rationale behind the 4m ZTV needs to be fully explained. It may be the case that the ZTV needs to be larger and therefore sensitive viewpoints from within the AONB will need to be included in the assessment.

Due to the scale of the ZTV plan provided and the lack of explanation regarding the 4m ZTV or the clarification on the components included in the ZTV, the Council cannot agree to the viewpoints at this stage as the exact locations cannot be clearly identified. The Council consider that the ZTV area should be expanded to include the ANONB and general advice would be that selected Viewpoints should represent the full range of sensitive receptors from within the immediate locale of the site and from the wider area within the ZTV to ensure the visual effects are fully considered. The rationale for selecting the proposed viewpoints should be clearly explained together with the receptor's sensitivity to change and magnitude of the change to determine impact and photomontages / visualisations should be provided.

#### Tree Survey / Trees and Landscaping

There are trees within the site that may be affected by the development proposal, and therefore these will need to be surveyed in accordance with the BS5837.

The application should also be accompanied by a comprehensive landscaping masterplan which identifies sites for planting to assist with screening the site and/or improving the quality of the landscape as mitigation for the development's impact. The masterplan should distinguish between mitigation / compensation planting and enhancement planting. This may involve planting on land outside the applicant's control which would require agreement under Section 106. There is potential for the ecological mitigation and the landscaping to be combined as one masterplan.

A planting schedule should also be provided specifying the number and species type.

#### **Ecology / Biodiversity:**

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.

This reflects policy and guidance in Planning Policy Wales (Section 6.4), current legislation and SPG 18 – Nature Conservation and Species Protection, 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.

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Planning Policy Wales (PPW) 10 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” (para 6.4.5 refers). 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 (6.4.4).

It is noted that an ecological impact assessment is proposed to be carried out and great crested newt surveys will be undertaken.

The Council’s Ecology Officer has been consulted on the proposal. The Ecology Officer does not have any objection to the principle of this development, providing that the measures indicated in the Pre-Application Advice Request Report are carried out to demonstrate an ecological enhancement as a result of their project. This would be to ensure compliance with the new duties set out in the Environment (Wales) Act and PPW 10, to secure biodiversity enhancements in addition to any ecological mitigation and compensation measures which may be necessary to offset harm, to achieve a net gain to biodiversity interests of the site.

The Report submitted recognises that great crested newts are known to occur in this area of Wales, and has outlined that surveys will be undertaken. The Ecology Officer has advised that this area of North East Wales is home to nationally important numbers of great crested newt and the neighbouring St Asaph Business Park is currently being considered for SSSI designation for the species. It is likely that great crested newts will be present on the site, and a considerable amount of mitigation will be required to ensure that the project maintains/restores favourable conservation status of the species. Depending on the results of surveys, and finalised scheme design, this may include the provision of compensatory land and/or the provision of a commuted sum and an index linked payment in perpetuity (secured via Section 106 agreement) to provide offsite mitigation/compensation/long term monitoring for the species. The level of mitigation required will need to be agreed with Natural Resources Wales but this is usually done on a like for like basis, with any commuted sum/index linked payment determined using the figures in the Flintshire great crested newt SPG.

Following completion of the great crested newt surveys, we would strongly advise the survey findings are issued to Natural Resources Wales and the Council’s Ecology Officer to discuss the findings, and if compensatory land and / or the provision of a commuted is considered necessary to off-set harm to protected species, the Head of Terms for the Section 106 Agreement would need to be agreed with the Council and other interested parties prior to the DNS application being submitted.

Contact details for the Ecology Officer are as follows:

Joel Walley, Ecology Officer

Tel: 01824 712762 / Email: [joel.walley@denbighshire.gov.uk](mailto:joel.walley@denbighshire.gov.uk)

### **Historic Environment:**

Local Development Plan 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.

Planning Policy Wales (PPW 10) 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.

PPW 10 Section 6 also recognises the need to conserve archaeological remains and states the consideration of archaeological remains and their setting is a material planning consideration in determining planning applications, whether those remains are a schedules monument or not.

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Section 4 of TAN 24 - The Historic Environment sets out similar considerations to be given by a local planning authority to the determination of applications involving archaeological remains, and their settings. It outlines different scenarios obliging consideration of impacts and stresses the need for submissions to include relevant surveys, studies and assessments, and mitigation proposals.

It is noted that with respect to renewable energy proposals, Planning Policy Wales 5.9.17 requires that only the direct irreversible impacts on statutorily protected sites, buildings and their settings should be considered as part of the decision, however impacts on heritage assets nevertheless need to be assessed to enable decision makers to determine the extent and significance of impact of proposals on the setting of heritage assets.

Cadw Setting of Historic Assets Guidance note is also a material consideration for developments within proximity to historic assets. The guidance recommends that for developments with an area of 1 hectare or more, an assessment of impact on all historic assets within 5km of the site would need to be undertaken.

There are a number of listed buildings immediately adjacent to the site boundary, with further heritage assets in close proximity to the site which are referred to in the Pre-Application Advice Request Report. The site is undeveloped greenfield land and there may be sub-surface archaeological remains within the site which may be disturbed during construction which also need to be assessed.

It is noted that a Heritage Desk-Based Assessment and a geophysical survey will be undertaken.

A plan is provided which identifies the location of historic assets within the immediate vicinity of the site. This is provided for information purposes and the Council is not suggesting that the search area for the heritage assessment should be limited to the area shown on the plan and the Council.

The heritage assessment should consider the direct impact of the proposal on assets within and immediately adjacent to the development area, and also include an assessment of impact on the setting of historic assets within a minimum search area of 5km from the boundary of the site in accordance with the recommendations in the Cadw Guidance referred to above.

Historic assets should also be included as receptors in the LVIA.

The scope of any assessments should be agreed with Cadw, CPAT and the Council's Conservation Officer before being undertaken.

Where harm is identified to the setting of heritage assets or to archaeological features which may be present on the site, any mitigation / compensation measures should be incorporated into the development and clearly identified as mitigation measures.

#### **Water / drainage / flood risk:**

Planning Policy Wales (PPW 10) 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

The site is within a C1 flood risk zone and accordingly a Flood Consequences Assessment would be required to be submitted with the application.

TAN15 includes 'powers stations' in the definition of highly vulnerable development. It is noted however that TAN15 is currently under review and the consultation draft of the revised TAN15 sought

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to distinguish between power stations (which remain highly vulnerable development) and renewable energy generation facilities, which are proposed to be re-classified as less vulnerable development.

In light of this and the Welsh Ministers Decision referred to in section 14.32 of the Pre-App Advice Request Report, the Council would not object to the proposal being considered to be less vulnerable development, however this assertion should also be confirmed with Natural Resources Wales.

TAN15 permits less vulnerable development in a C1 flood risk area subject to proposals meeting the justification and acceptability tests including the presence of escape routes, flood emergency plan, flood resistant design and importantly that there will be no increase in flooding elsewhere.

We would strongly advise early consultation with Natural Resource Wales to agree the scope of the FCA.

It is noted in the Pre-Application Advice Request Report that contact has already been made with the Council's SuDS Approval Body and their principle concern is the potential impact on the soil's capacity to store and infiltrate water.

Whilst SuDS for the site will require separate, formal approval from the SAB under separate legislation, sufficient information would nevertheless need to be submitted with the DNS application to demonstrate the surface water drainage strategy is acceptable in principle and that the proposal would not result in any additional offsite flood risk from surface water runoff.

A surface water drainage strategy should therefore be submitted with the DNS application and SuDS proposals should be clearly shown on the proposed plans and included within the development.

It is also advisable to progress the SAB application alongside the DNS application, as development cannot commence onsite until SuDS approval has been secured.

Contact details for the Denbighshire County Council SuDS Approval Body (SAB) are as follows:

Tel:01824 706901 / Email [landdrainage.consultations@denbighshire.gov.uk](mailto:landdrainage.consultations@denbighshire.gov.uk)

Detailed information and advice is available on the Councils website:

<https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/planning/sustainable-drainage-systems-suds/sustainable-drainage-systems-suds.aspx>

### **Access / Highways / Parking:**

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.

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) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

Highway Officers have been consulted and they have confirmed they would have no objection to the principle of the proposal, however the following detailed information would be required to be submitted with the DNS application:

- Detailed design of any new means of access to the site including any alterations to existing access points. Accesses to be in accordance with the requirements set out in TAN 18.
- Detailed Construction Traffic Management Plan to include delivery routes to site, construction compounds / parking and management of construction and delivery traffic.

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- Details of operational traffic movements and onsite parking and turning facilities.

The site is within 67m of the A55 trunk road, and the impact of the proposal on the trunk road would need to be fully considered and the Trunk Road Highway Authority would be a statutory consultee.

Welsh Government are the relevant Trunk Road Highway Authority, and we would advise that they should be formally consulted with respect to impact of the proposal on the A55 and to discuss their requirements.

Early discussions with the Council as the local highway authority should also be entered into with respect to the Section 248 consent.

### **Public Rights of Way (PROW):**

The Pre-Application Advice Request Report acknowledges the presence of PROW across the site and states that the intention would be to re-route footpaths within the site to run along the periphery of the site as indicated on the plan at 7.2 in the Pre-Application Advice Request Report.

The PROW crossing the land at Gwernigrn that are proposed for diversion is part footpath and part bridleway and includes Bodelwyddan Path 8 (FP) and St Asaph 19 (FP), in addition St Asaph 18 (Bridleway) and St Asaph 20 (FP) cross the south of the site.

The Councils Footpaths Officer has been consulted and has advised the following:

Unfortunately path Bodelwyddan 8 has been unlawfully obstructed for many years and the Council has been involved in a protracted process to remove the obstructions. In the process of trying to resolve this a number of proposals by landowners to substantially divert the path have been strongly resisted by local users and communities which has hamstrung progress. The Council has however recently concluded a deal with the two current owners of path 8 that will see the section outside of the proposed development site being diverted to a new alignment.

The Footpaths Officer has advised that the suggested diverted routes for the PROW would not be as short or commodious as the public would expect and the Council would be reluctant to consider such a significant diversion without more comprehensive consideration. In particular, the Footpath Officer has concerns about running a PROW alongside the busy A525 for such a length as is proposed, and any proposal would need to be considered against the outcome of the current Order to divert path 8 and the way that route might impact on the new alignment.

It is therefore doubtful the Council could support such a diversion as proposed and accordingly the necessary Diversion Order is unlikely to be approved. There may however be other options which might incorporate improvements to path 18 or 20 that may achieve a suitable alternative, although the PROW will need to remain within the site of the development and not at it's periphery.

In light of the above, if PROW diversions cannot be agreed, it would be necessary to reconsider the layout of the proposed solar park and we would strongly encourage early engagement with the Council's Footpaths Officer to enter into negotiations on the scope for diverting footpaths within the site, or to discuss options to integrate PROW routes within the development area:

Adrian Walls, Highways Information Manager

Phone: 01824 706871 / Email: [adrian.walls@denbighshire.gov.uk](mailto:adrian.walls@denbighshire.gov.uk)

### **Residential and public amenity:**

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.

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There are a number of residential properties within and immediately adjacent to the site, and the proposal would need to demonstrate that the proposal would not adversely impact on residential amenity of these properties.

The proposal would be a large infrastructure project, and the construction phase could result in noise and disturbance, and a Construction Management Plan should be included with the DNS application, to include the following provisions as a minimum:

- work programme and working hours, including timings of deliveries.
- the location and general arrangements of the construction compounds and storage areas and measures to reinstate the land following completion of the works;
- the arrangements for the parking of vehicles of site operatives and visitors;
- the proposed routing of delivery vehicles, and directional signing along public roads where necessary;
- the location of areas designated for the loading, unloading, and storage of plant and materials;
- the location and detailing of fencing, hoardings or other means of enclosure around and within the site;
- pollution prevention and control measures, including measures to mitigate water pollution;
- dust management plan;
- noise management and abatement plan;
- external lighting and measures to reduce light spill and glare;
- the piling methods and measures to mitigate noise and vibration;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- measures to remove and prevent the spread of non-native invasive species encountered during the construction phase;
- Communications protocol setting out procedures for communicating with the local community throughout the construction phase, the management of complaints and the role of the community liaison officer.

In terms of operational disturbance, whilst the solar arrays will be inert, electrical infrastructure and battery storage equipment onsite may emit noise, and therefore the application should identify any potential noise emitting (high and low frequency) apparatus associated with the development, to include the construction phase, and carry out a noise assessment to ensure the amenity of neighbouring properties is not affected.

The impact of the proposal on the residential visual amenity of residential properties immediately abutting the site should also be assessed, and an assessment of the impact of glint and glare on residential receptors should also be undertaken.

Full details of external lighting and CCTV and other monitoring and communication equipment should be provided with the DNS application and should be minimised to essential need only. Lighting should be low level and no lighting or CCTV should be directed towards residential properties or their curtilage.

Boundary treatments close to residential properties should be sensitively designed and should provide effect screening.

Whilst the grid connection and substation do not appear to form part of the current proposal, they are nevertheless essential components of the proposal and the impacts of such should be duly considered.

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The proposed new substation would be located close to existing Scottish Power and off-shore windfarm substations and associated infrastructure to the south of Glascoed Road, and therefore the Council would expect a cumulative assessment to be carried out to assess the impact of further substation development in this location on local residents, to include a cumulative noise assessment.

### **Mineral Safeguarding:**

The majority of the proposed site is safeguarded for minerals, sand and gravel in the LDP. Policy PSE 15 in the LDP safeguards minerals from development that would result in its permanent loss or hinder future extraction. 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.

It is therefore advisable to formally consult the North Wales Minerals and Waste Planning Service to assess the proposed impact on the County's ability to satisfy future need for sand and gravel.

Contact details:

Gary Nancarrow, North Wales Minerals and Waste Planning Service Manager

Tel: 01352 703 275 / Email: [Gary\\_Nancarrow@Flintshire.gov.u](mailto:Gary_Nancarrow@Flintshire.gov.u)

### **Agricultural Land Classification:**

The site is agricultural land outside of defined settlement limits. Based on the Council's mapping data, the site is a mix of Grade 3a and 3b agricultural land.

Planning Policy Wales (PPW 10) Section 3.54 and 3.55) obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW 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.

A case therefore would need to be made to justify the overriding need for the development in this location and set out the locational constraints for such a proposal. In accordance with tests set out in Planning Policy Wales, a sequential test should be carried out to demonstrate that there is no other previously developed land, or land of a lower agricultural grade which is feasible and available for the proposed development.

Alternatively, a land quality assessment may be carried out to ascertain the actual soil quality, and if it's found to be lower grade agricultural land the loss of moderate or low grade agricultural land would not be a specific policy consideration.

Given the agricultural land classification of Gwernigrn Farm, the design of the site must be suitable for restoration to agricultural use upon its cessation, as stated in the Renewable Energy SPG.

### **Cumulative effects:**

The County also hosts a number of wind energy developments of varying scales, including offshore and onshore windfarms, and individual turbine developments and other renewable energy and energy infrastructure developments. Electrical transmission and distribution infrastructure (overhead lines and substations) are also present in the north of the County. The Council consider the cumulative effects of the proposal in combination with other renewable energy and energy infrastructure developments should also be assessed in the supporting information, as well as the cumulative effects of the proposal with any other solar farm development which may enter the planning system within the ZTV.

Other energy generation and infrastructure projects include existing high voltage overhead lines, Scottish Power substations and infrastructure; the Gwynt y Mor and Burbo Bank Extension offshore windfarm substations; Flexible gas fired power station at TRB Drive on the St. Asaph Business Park.

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The Cumulative assessment should also consider the in-combination effect of the proposal with other major development within the planning system (major allocations in the LDP, major development sites with extant planning permission and application for major development proposals pending determination) to include as a minimum the Bodelwyddan Key Strategic Site (KSS)

### **Environmental Impact Assessment:**

Solar park developments of the scale proposed are considered to be Schedule 2 development, and any subsequent development proposal would therefore need to be screened to ascertain whether or not it constitutes EIA development requiring the submission of an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

The Pre-Application Advice Request has sought advice on the matters to be assessed in the planning application (either as standalone assessment or included in the Environment Statement if scheme deemed EIA development).

The Council does not consider sufficient information has been provided at the stage for the Council to make an informed decision regarding the features and elements that should be scoped into the environmental assessments, and therefore we would advise that a formal Screening and Scoping Direction is sought from the Planning Inspectorate, with the necessary supporting information to include a more comprehensive description of the proposed development and associated infrastructure. The Council will then respond to the Planning Inspectorate on any formal consultation on the Screening / Scoping Direction.

### **Planning obligations and legal agreements:**

As stated in the relevant sections above, following completion of the great crested newt surveys and LVIA, should compensatory land and / or the provision of a commuted sum be necessary to off-set harm to protected species or to facilitate mitigation planting on land outside the development boundary, a legal agreement would need to be entered into and the Head of Terms for the Section 106 Agreement would need to be agreed with the Council and other interested parties on a non-prejudicial basis prior to the DNS application being submitted, and a draft Section 106 Agreement should then be submitted with the application.

### **Recommendations and Informal, without prejudice Officer Opinion of the proposal**

In conclusion, the principle of a solar park of the scale proposed is supported by national and local planning policy, subject to the assessment of site specific impacts. However, the site is located in a visually prominent location close to historic assets and is crossed by public rights of way and is in an area where great crested newts are known to be present, and therefore comprehensive assessments are required to be carried out and the final design and layout of the proposal needs to be sensitive to its setting and ensure it does not give rise to any unacceptable impacts.

I would advise that this response is based on the information available. It does not constitute a formal determination under the Town and Country Planning Act 1990. Any opinions contained herein are those of the officer concerned and cannot be held as binding on the Council or its elected members.

Yours sincerely

Denise Shaw MRTPI

Planning Officer

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