



**PLANNING, PUBLIC  
PROTECTION & COUNTRYSIDE SERVICES**

**ELWY SOLAR ENERGY FARM  
DNS APPLICATION**

**LOCAL IMPACT REPORT**

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

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

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

Planning Inspectorate Reference: DNS/3247619

Local Planning Authority Reference: 40/2021/0655

Applicant: Chris Banks (Solar Century Holdings Ltd)

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

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

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## **PART A: BACKGROUND AND CONTEXT**

### **1. INTRODUCTION**

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

### **2. DESCRIPTION OF THE PROPOSED DEVELOPMENT AND SURROUNDINGS**

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

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

### **3. DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- 3.1 The development proposals comprise the Elwy Solar Energy Farm. The main element of the proposal is the installation of a ground mounted solar farm to achieve a generating capacity of approximately 62MW. The electrical connection infrastructure also forms part of this planning application.
- 3.2 The solar energy farm would comprise of the following elements:
- Photovoltaic (PV) arrays (fixed panels);
  - 25 Substations (40ft) positioned around the site;
  - Customer Switchgear building;
  - Battery Storage Compound;
  - Boundary fencing;
  - A CCTV system on c.3m poles, located at strategic points around the site;
  - Associated access tracks, including a permanent access track and temporary construction only access track;
  - The main site access will be into the south-eastern boundary of the site from St Asaph Road (A525). An additional access has been proposed into the eastern site boundary, this access is intended for use during the construction phase only. Some widening works are required at these entrances to allow safe access for construction vehicles;
  - Storage container(s) for spare parts etc.;
  - Relevant communications and monitoring equipment located in/ on the other structures of the development listed above;
  - Underground cable connecting the site with the electricity grid at the Bodelwyddan National Grid substation.

### **4. RELEVANT PLANNING HISTORY**

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

## **PART B: RELEVANT PLANNING POLICIES AND GUIDANCE**

### **5. NATIONAL PLANNING POLICY AND LEGISLIATION**

- 5.1 The Council considers the following UK and Welsh Government policy and legislation are relevant:
- 5.2 Legislation
- The Environment (Wales) Act 2016
  - The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 which set an amended target of reducing carbon emissions in Wales to net zero by 2050.
- 5.3 Planning Policy Wales (Edition 11)
- Chapter 3 – Strategic and Spatial Choices. In particular section 3.58-3.59 inclusive which relates to the best and most versatile agricultural land and section 5.60 to which relates to development in the countryside and supporting infrastructure

- Chapter 5 – Production and Enterprising Place. In particular Section 5.7 – 5.9 inclusive, which sets out the policy framework for energy and renewable energy development and Section 5.14.7 to 5.14.9 inclusive which relates to safeguarding mineral resources and infrastructure.
  - Chapter 6: Distinctive and Natural Places. In particular Section 6.1: The Historic Environment; Chapter 6.3: Landscape; Chapter 6.4: Biodiversity and Ecological Networks; Chapter 6.6: Water and Flood Risk; Chapter 6.7: Air Quality and Soundscape; and Chapter 8: Lighting.
- 5.4 Future Wales: The National Plan 2040 forms part of the adopted development plan for the County
- Future Wales Policy 17 sets out strong support to the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. It states that, in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and the Welsh Government target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.
  - Future Wales Policy 18 states proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance will be permitted, subject to compliance with the policy criteria.
- 5.5 Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009)
- 5.6 Technical Advice Note (TAN) 6 - Planning for Sustainable Rural Communities (2010)
- 5.7 Technical Advice Note (TAN) 11 – Noise (1997)
- 5.8 Technical Advice Note (TAN) 13 - Tourism (1997)
- 5.9 Technical Advice Note (TAN) 15 – Development and Flood Risk (2004)
- 5.10 Technical Advice Note (TAN) 18 – Transport (2007)
- 5.11 Technical Advice Note (TAN) 23 – The Historic Environment (2017)
- 5.12 Welsh Government Practice Guidance: Planning Implications of Renewable Energy and Low Carbon Energy (February 2011)
- 5.13 Welsh Government Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners (September 2015)

## **6. LOCAL PLANNING POLICY**

- 6.1 The Denbighshire Local Development Plan (LDP) 2006 – 2021 (adopted June 4<sup>th</sup> 2013) sets out the Authority's policies and proposals for future development and use of land.
- 6.2 Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'
- 6.3 Whilst the LDP should be read as a whole, the following LDP policies (in order of appearance in the LDP) are considered relevant to the consideration of the proposed Elwy Solar Energy Farm:

- Policy PSE 5 – Rural economy
- Policy PSE 15 – Safeguarding Minerals
- Policy VOE 1 – Key areas of importance
- Policy VOE 2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty
- Policy VOE 5 – Conservation of natural resources
- Policy VOE6 – Water management
- Policy VOE 10 – Renewable energy
- Policy ASA 3 – Parking standards

#### 6.4 LDP planning policy text:

##### Policy PSE 5 – Rural Economy

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

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

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

##### Policy PSE 15 - Safeguarding Minerals

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

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

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

##### Policy VOE 1 – Key Areas of importance



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

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

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

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

#### Policy VOE 5 – Conservation of natural resources

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

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

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

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

#### Policy VOE 6 – Water Management

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

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

#### Policy VOE 10 Renewable energy technologies

Development proposals which promote the provision of renewable energy technologies may be supported providing they are located so as to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the

interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity. In areas that are visually sensitive, including the AONB, Conservation Areas, World Heritage Site and Buffer Zone and in close proximity to historic buildings, visually intrusive technologies will not be permitted unless it can be demonstrated that there is no negative impact on the designation or there is an overriding public need for the development.

### Policy ASA 3 – Parking standards

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

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

6.5 The Denbighshire LDP is available to view in its entirety on the Council website at [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk).

## **7. SUPPLEMENTARY PLANNING GUIDANCE**

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

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

7.2 Copies of all adopted SPGs are available to view in its entirety on the Council website at [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk).

7.3 A copy of the Renewable Energy SPG is however attached as **APPENDIX XX** to the Report.

## **8. OTHER MATERIAL CONSIDERATIONS**

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

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

8.2 Denbighshire County Council declared a Climate and Ecological Emergency in July 2019 and aim to become a net carbon zero and ecologically positive council by 2030.

8.3 Xx

## **PART C: ASSESSMENT OF IMPACTS**

### **9. PRINCIPLE OF DEVELOPMENT / CLIMATE CHANGE**

- 9.1 The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 has set an amended target of reducing carbon emissions in Wales to net zero by 2050.
- 9.2 Planning Policy Wales provides strategic policy support for renewable energy developments of all scales. At 5.7.14 it states the Welsh Government has set targets for the generation of renewable energy, which includes a target of 70% of electricity consumption in Wales to be generated from renewable energy by 2030.
- 9.3 Future Wales, the National Plan 2040 forms part of the adopted development plan for the County.
- 9.4 Future Wales Policy 17 sets out strong support to the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. It states that, in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and the Welsh Government target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.
- 9.5 Future Wales Policy 18 states proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance will be permitted, subject to compliance with the policy criteria.
- 9.6 LDP Policy VOE 10 supports renewable energy proposals where they are located to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of natural conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity
- 9.7 The Council's adopted Renewable Energy SPG provides further guidance on solar developments.
- 9.8 Denbighshire County Council declared a Climate and Ecological Emergency in July 2019 and aim to become a net carbon zero and ecologically positive council by 2030.
- 9.9 The proposal would have strategic benefits in terms of increased renewable energy generation, contribute to the de-carbonisation of the energy supply network and towards combating the climate emergency.
- 9.10 Having regard to the above, the principle of a solar energy farm park of the scale proposed is considered to be in general accord with national and local planning policies.

9.11 Conclusion on assessment of impact:

- Construction Phase: **NEUTRAL**
- Operational Phase: **POSTIVE**

## 10. BEST AND MOST VERSATILE AGRICULTURAL LAND

10.1 An agricultural land assessment has been undertaken which identifies small areas of land to the south of the site as Grade 2 and Grade 3a. These areas are primarily covered with the solar panels, and therefore the proposal would result in a small area of the best and most versatile agricultural land within the site being taken out of productive agricultural use during the construction and operational phase. However, the solar panels could be removed from the site at the decommissioning phase and the land could be restored to agricultural use upon the sites' cessation as a solar farm.

10.2 Conclusion on assessment of impact:

- Construction Phase: **NEGATIVE**
- Operational Phase: **NEGATIVE**

## 11. LANDSCAPE CHARACTER AND VISUAL AMENITY

11.1 **TBC once internal consultation responses received**

11.2 Whilst the site layout plan indicates general location for new planting, a detailed scheme of hard and soft landscaping, including details of planting lists has not been provided, and therefore conditions are considered necessary to secure submission of a detailed landscaping scheme.

11.3 Conclusion on assessment of impact:

- Construction Phase: **POSTIVE / NEGATIVE / NEUTRAL**
- Operational Phase: **POSTIVE / NEGATIVE / NEUTRAL**

## 12. ECOLOGY / BIODIVERSITY

12.1 **TBC once internal consultation responses received**

12.2 Xx

12.3 xx

12.4 Conclusion on assessment of impact:

- Construction Phase: **POSTIVE / NEGATIVE / NEUTRAL**
- Operational Phase: **POSTIVE / NEGATIVE / NEUTRAL**

## 13. RESIDENTIAL / PUBLIC AMENITY

13.1 **TBC once internal consultation responses received**

1.1 Conclusion on assessment of impact:

- Construction Phase: **POSTIVE / NEGATIVE / NEUTRAL**
- Operational Phase: **POSTIVE / NEGATIVE / NEUTRAL**

#### **14. BUILT HERITAGE**

14.1 **TBC once internal consultation responses received**

1.2 Conclusion on assessment of impact:

- Construction Phase: **POSTIVE / NEGATIVE / NEUTRAL**
- Operational Phase: **POSTIVE / NEGATIVE / NEUTRAL**

#### **15. ACCESS, TRAFFIC AND TRANSPORT**

15.1 **TBC once internal consultation responses received**

1.3 Conclusion on assessment of impact:

- Construction Phase: **POSTIVE / NEGATIVE / NEUTRAL**
- Operational Phase: **POSTIVE / NEGATIVE / NEUTRAL**

#### **16. PUBLIC RIGHTS OF WAY**

16.1 **TBC once internal consultation responses received**

1.4 Conclusion on assessment of impact:

- Construction Phase: **POSTIVE / NEGATIVE / NEUTRAL**
- Operational Phase: **POSTIVE / NEGATIVE / NEUTRAL**

#### **17. FLOOD RISK**

17.1 **TBC once internal consultation responses received**

1.5 Conclusion on assessment of impact:

- Construction Phase: **POSTIVE / NEGATIVE / NEUTRAL**
- Operational Phase: **POSTIVE / NEGATIVE / NEUTRAL**

#### **18. MINERAL SAFEGUARDING**

18.1 The majority of the site is underlain by superficial sub-alluvial sand and gravel deposits. As a result, the majority of the application site lies within the Minerals Safeguarding area for sand and gravel in the Denbighshire LDP which aims to protect mineral resources from being permanently sterilised from non-mineral development to ensure that the resource is accessible for future extraction, should it be required.

18.2 Policy PSE 15 of the Denbighshire LDP safeguards minerals from development that would result in its permanent loss or hinder future extraction. Policy PSE 15 states

that development will only be permitted where it can be demonstrated that the development outweighs the need to protect the mineral resource, or would not have a significant impact on the viability of that mineral being worked or where the mineral is extracted prior to the development.

- 18.3 Comments made by the North Wales Minerals and Waste Planning Service which informed the Council's Scoping Opinion dated 26 May 2020 with regards to this proposal remain unchanged. The North Wales Minerals and Waste Planning Service has advised they would not raise an objection to the proposal on minerals safeguarding grounds for the following reasons:
- The proposed Solar Farm is considered to be a temporary use of land which would not sterilise the mineral in perpetuity;
  - The solar panel infrastructure can be comparatively easily removed should access to mineral be required;
  - There is no recent economic exploitation of the particular sand and gravel resources in this, or near-by locations;
  - There is no information on the quality of the deposit to indicate that they are of a particularly high quality;
  - The need to de-carbonise the generation of electricity outweighs the short term sterilisation of the mineral;
  - The mineral will remain in place for future generations to exploit; and
  - The land take of safeguarded sand and gravel is modest and other safeguarded sand and gravel resource remain in place in the County and indeed the sub-region (including Denbighshire, Flintshire and Wrexham) capable of meeting any short to medium term (year zero to say 50 years) need identified in the Regional Technical Statement to exploit the mineral.
- 18.4 Whilst the site lies within the Mineral Safeguarding Area for Sand and Gravel, it is considered that Policy PSE15 would not preclude the proposed development at this site as the development would not have a significant impact on the viability of the mineral being worked in the future. The proposal therefore would not give rise to significant effects on mineral reserves.
- 18.5 The proposed development site is very large and it is considered that prior extraction would be both impractical, and unnecessary in this instance. It is unlikely that the proposed development itself would require any significant infrastructure which would require construction containing sand and gravel that could be extracted from the application site. It is however recommended that some geological site investigation such as shallow auger boreholes, and trial pits are undertaken to assess ground conditions and objectively define the extent and quality of the geological deposits to inform the impact of the temporary sterilisation of the mineral. The resource beneath the site is thought to be a sub-alluvial sand resource associated with the Rivers Clwyd and Elwy. However, it is understood that the majority of economically viable sand and gravel workings within Denbighshire over recent years have been in glaciofluvial deposits, which is an indication that the quality of the resource at the proposed site may not be optimal.
- 18.6 The proposed solar farm is a temporary development, once decommissioned the site's former agricultural use can be restored, with no likely significant lasting adverse impacts on the site and the proposal would not permanently sterilise the sand and gravel resource that lies beneath it. Once decommissioned, the sand and gravel resource would be available for future extraction should the need arise.

18.7 Should consent be given for the proposal, a condition should be imposed to ensure that once the solar farms is no longer producing electricity, or the solar farm is no longer required for energy production, that the solar farm is decommissioned, equipment dismantled and removed, and the site is restored fully to ensure that the mineral resource beneath the site is made accessible should it be required in the future.

18.8 Conclusion on assessment of impact:

- Construction Phase: **NEUTRAL**
- Operational Phase: **NEUTRAL**

## 19. SOCIO-ECONOMIC

19.1 The proposal would generate supply chain and employment opportunities, however jobs during the construction and operational phase may not be drawn from the local area, but would nevertheless provide wider economic benefits at a strategic scale.

19.2 There is the potential for positive social and economic effects which align with the objectives of the LDP including the aim of delivering sustainable development.

1.6 Conclusion on assessment of impact:

- Construction Phase: **POSTIVE**
- Operational Phase: **POSTIVE**

## PART D: CONDITIONS AND OBLIGATIONS

### 20. CONDITIONS AND OBLIGATIONS

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

20.2 The Council has reviewed the applicant's Draft Planning Conditions which have been submitted with the application, and has the following observations to make:

20.3 Applicant draft condition 1 – no objection to the three commencement rather than the standard five year commencement date.

20.4 Applicant draft condition 2 – list of approved plans and documents subject to condition 2 should be expanded to include Environmental Statement and technical plans and assessments submitted with the application (Flood Consequences Assessment, Arboricultural Impact Assessment etc.).

20.5 Applicant draft condition 3 – the wording of the condition is confusing. The condition should be split into two separate conditions;

- one condition simply to specify the timescales of the consent and to require the applicant to notify the LPA within one month of first generation – e.g.:

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

- The second condition should pertain to the requirement to decommission and restore the site, with the triggers for the removal of the equipment and restoration of land clearly specified - e.g.:

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

- 20.6 It is also not clear why draft condition 3 seeks to exclude the battery storage facility from the need to be removed from site if the solar PV facility ceases to generate – this needs to be clarified. The Council consider that, on the expiration of the 37 years, all equipment, including the battery storage facility, should be removed from the site.
- 20.7 Applicant draft condition 4 – The Council has no objection to the imposition of this condition, but would note the surface water drainage would still require formal, separate approval from the Sustainable Urban Drainage Approval Body.
- 20.8 Applicant draft condition 5 – no comments, other than Arboricultural Impact Assessment and Tree Protection Plan need to be included in the list of approved documents contained in condition 2.
- 20.9 Applicant draft condition 6 – Agree condition is required to secure a construction management plan, however provisions to be included in the plan needed to be itemised in the condition for the avoidance of doubt.
- 20.10 Applicant draft condition 7 – No objection to the proposed timing of deliveries.
- 20.11 Applicant draft condition 8 – agree external lighting needs to be controlled, however policy could be re-worded.
- 20.12 Applicant draft condition 9 – details of hard and soft landscaping have not been sufficiently detailed in the application. A pre-commencement condition is required to secure details of hard and soft landscaping, to include planting species lists and materials scheduled. Disagree that soft landscaping should be carried out in the first planting season after first generation of electricity. Planting should be carried out in the first planting season after commencement of development, unless otherwise agreed with the LPA.
- 20.13 Applicant draft condition 10 – support the inclusion of a condition to secure a Soil Management Plan.
- 20.14 Applicant draft condition 11 – support the inclusion condition to secure a Biodiversity / Habitat Management Plan. Condition should include the requirement for provision for ecological enhancement features to be included within the scheme to demonstrate and biodiversity net gain.
- 20.15 Applicant draft condition 12 – support the inclusion of a condition to secure a CEMP.
- 20.16 Applicant draft condition 13 – support the inclusion of a condition to limit the noise output from the development, however the noise limits should be specified in the condition for clarity and for the avoidance of doubt. The Noise Assessment also needs to be included in the list of approved plans and documents subject to condition 2.
- 20.17 Applicant draft condition 14 – support the inclusion of a condition to outline requirements for the investigation of noise complaints.
- 20.18 Applicant draft condition 15 – support the inclusion of a condition to secure details of archaeological mitigation



- 20.19 Applicant draft condition 16 – support the inclusion of a condition to secure a PROW Management Plan. The Council would note that secondary consents have now been removed from the DNS application, and as such the development would still require formal, separate approval from the Local Highway Authority for works to divert or stop up any PROW on a temporary or permanent basis.
- 20.20 Applicant draft condition 17 - the Council would defer to the views of Welsh Government Trunk Road Authority on the need for this condition.
- 20.21 Having regard to the commentary above, and the issues raised in the ‘Part C: Assessment of Impacts’ section above, the Council would suggest the following conditions are imposed, should planning permission be granted. The Council considers the suggested conditions below are both reasonable and necessary to ensure impacts on the local area are adequately managed and mitigated:

**LIST OF SUGGESTED CONDITIONS – TBC following receipt of all internal consultation responses**

## **PART E: PUBLICITY UNDERTAKEN BY THE LPA**

### **21. SITE NOTICE**

- 21.1 In accordance with the Developments of National Significance (Wales) Regulations 2016 the local planning authority posted English and Welsh site notices to publicise the application and entered the application on the public register of applications under reference number: 40/2021/0655. A copy of the application made to Welsh Ministers (including a copy of the notification of receipt of an application) and a copy of the notice of acceptable letter were all published against this reference number on 24 June 2021.
- 21.2 Three sets of English and Welsh site notices were posted around the site in locations which would be publically visible on 24 June 2021. A copy of the English and Welsh Notices are attached as **APPENDIX XX and XX** respectively, and photograph evidence of the site notices in situ is attached as **APPENDIX XX**.

## **PART F: CONCLUSION**

### **22. CONCLUSIONS**

- 22.1 **TBC once internal consultation responses received**
- 22.2 XX

## **PART G: APPENDICES**

**DCC LIR APP 1 XXX**

**DCC LIR APP 2 XXX**

**DCC LIR APP 3 XXX**

**DCC LIR APP 4 XXX**

**DCC LIR APP 5 XXX**

**DCC LIR APP 6 XXX**

