

Elwy Solar Energy Farm

PLANNING STATEMENT

P19-2023 | JULY 2020

DRAFT

CONTENTS:

Page No:

1.0 INTRODUCTION 1

2.0 APPLICATION CONTEXT AND RENEWABLE ENERGY LEGISLATION AND POLICY 8

3.0 APPLICATION SITE AND CONTEXT 21

4.0 PROPOSED DEVELOPMENT 24

5.0 PLANNING POLICY FRAMEWORK 29

6.0 PLANNING ASSESSMENT 49

7.0 CONCLUSION 67

DRAFT

1.0 INTRODUCTION

1.1 This Planning Statement has been prepared by Pegasus Group on behalf of Solarcentury ("the Applicant") in support of a planning application for a Development of National Significance (DNS) for Elwy Solar Energy Farm on land at Gwernigron Farm, St Asaph, Denbighshire ("the Application Site").

1.2 This statement identifies the context of the application site and surrounding area, and the need for the proposed development, including an assessment of how it accords with relevant national and local planning policies and against other material planning considerations.

Proposed Development

1.3 This application seeks full Planning Permission for Elwy Solar Energy Farm with the following Description of Development:

"Construction of a solar farm and energy storage hybrid park, together with all associated works, equipment and necessary infrastructure."

1.4 The main element of the scheme is the installation of ground mounted solar panels and battery energy storage facility. The electrical connection infrastructure also forms part of this planning application.

1.5 This application seeks temporary planning permission for the development to operate for up to 37 years.

1.6 By virtue of its potential generating capacity of approximately 62MW, this project constitutes a Development of National Significance (DNS).

Therefore, instead of applying to the Local Planning Authority for Planning Permission, this application is made to the Welsh Government for determination.

- 1.7 The Proposed Development will provide a clean, sustainable and renewable form of electricity. The generation of renewable energy reduces reliance on non-renewable energy sources, particularly by businesses, and therefore the proposals will cut greenhouse gas emissions from major electricity users. The scheme would assist in meeting national targets for both energy supply and low carbon energy development.

Planning Application Documents

- 1.8 This planning application submission comprises:
- Application Form, Notices and Certificates;
 - This Planning Statement;
 - Planning Application Drawings;
 - Design and Access Statement;
 - Consultation Report;
 - Sequential Test Study;
 - Flood Consequences Assessment;
 - Flood Risk Justification Test;

- Construction Traffic Management Plan;
- Noise Assessment;
- Agricultural Land Classification Study;
- Tree Survey & AIA;
- Biodiversity Management Plan;
- Glint and Glare Study;
- Pre-Application Consultation (PAC) Report;
- Environmental Statement; and
- Secondary Consent Applications:
 - Section 57 of the 1990 Act for construction and operation of a battery storage facility.
 - Section 248(2) of the 1990 Act for the temporary construction access to be provided from the A525.
 - Section 251(1) of the 1990 Act for the diversion of Public Rights of Way (PROW) within the site.

Planning Statement Structure

1.9 This statement takes the following form:

- Section 2, provides a description of the application site and its immediate surrounding context;
- Section 3, describes the various elements of the proposed development;
- Section 4, highlights the main planning policy and guidance at a national and local level relevant to the determination of this application and assesses the compliance of the Proposed Development with the relevant policies;
- Section 5, considers the wider material considerations relevant to solar PV development to be considered in the planning balance;
- Section 6, provides an overall assessment of the Proposed Development in the context of planning policy contained within the Development Plan and other material considerations; and
- Section 7, provides a summary of the key findings from this Planning Statement.

Statutory Requirements

- 1.10 On 21st February 2020, the applicant submitted a request for a Screening Direction to the Planning Inspectorate Wales under Regulation 31 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The Planning Inspectorate adopted their Screening Direction on 17th March 2020. The Planning Inspectorate considered the development to be EIA development and confirms that the application must be accompanied by an Environmental Statement.

1.11 On 8th April 2020, the applicant submitted a request for a Scoping Direction to the Planning Inspectorate Wales under Regulation 33 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The Planning Inspectorate adopted their Scoping Direction on 3rd June 2020.

Pre-Application Consultation

1.12 This planning application was finalised following non statutory and statutory consultation with the local community, council and other statutory consultees. The table below provides an overview of the approach the applicant adopted for the pre-application consultation process. The consultation process is discussed in more detail in the accompanying Statement of Community Involvement.

Consultation Phase	Key Dates	Description
Non-statutory engagement and consultation	February 2020 - May 2020	Non-statutory discussion with public and statutory consultees through informal consultations including posting a project website, posted letters/leaflets, events (curtailed by COVID 19 restrictions).
Environmental Impact Assessment Screening Direction	21st February 2020 to 17th March 2020	The Applicant submitted a request for a Screening Direction to the Planning Inspectorate Wales under Regulation 31 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 on 21st February 2020. The Planning Inspectorate issued their

		Screening Direction on 17th March 2020.
Environmental Impact Assessment Scoping Direction	8th April 2020 to 3rd June 2020	The Applicant submitted a request for a Scoping Direction to the Planning Inspectorate Wales under Regulation 33 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 on 8th April 2020. The Planning Inspectorate issued their Scoping Direction on 3rd June 2020.
Notification	April 2020	In April 2020, the Applicant gave formal notification to the Planning Inspectorate of its intention to submit a planning application.
Acceptance Period	11th May 2020	Notice of Acceptance provided by Planning Inspectorate on 11th May 2020. Notice of acceptance is valid for 12 months and the statutory consultation and submission of application must therefore be made by 11th May 2021.
Statutory Pre-Application Consultation	3 rd August 2020 – 9 th October 2020	The statutory pre-application consultation was carried out, starting on 3 rd August 2020 and finishing on 9 th October 2020
Post-Statutory Engagement	tbc	Consultation and continued engagement undertaken between tbc and tbc to keep stakeholders informed of

		progress and to keep consultees informed on final minor refinements to schemes.
--	--	---

DRAFT

2.0 APPLICATION CONTEXT AND RENEWABLE ENERGY LEGISLATION AND POLICY

2.1 The need to introduce a change in how the country deals with climate change has been recognised by the UK Government. On 1st May 2019, the UK Government declared an Environmental and Climate Change Emergency, following the finding by the Inter-governmental Panel on Climate Change, that to avoid more than 1.5°C rise in global warming, global emissions would need to fall by around 45% from 2010 levels by 2030, reaching net zero by around 2050. The Government recognises a need to move swiftly to capture economic opportunities and green jobs in the low carbon economy, while managing risks for workers and communities currently reliant on carbon intensive sectors.

2.2 The Welsh Government made its climate change declaration on the 29th April 2019. The declaration sends a clear signal that the Welsh Government will not allow the process of leaving the EU to detract from the challenge of climate change, which threatens health, economy, infrastructure and our natural environment.

2.3 National and International legislation sets targets for the reducing of carbon emissions and increasing renewable energy generation. This chapter provides specific legislation, policy and guidance in relation to climate change and the UK's commitment to reducing greenhouse gas emissions.

European Policy, Legislation and Guidance

2.4 The UK left the European Union (EU) on 31 January 2020. The UK is currently in the transition period as set out in the Withdrawal Agreement, which entered into force with the UK's departure. Until the transition period ends (expected to be at the end of 2020), the UK will

continue to have the same relationship with regards to rules, including on energy and climate change, as when the UK was a Member State of the EU.

European Union Renewable Energy Sources Directive (2009/28/EC)

- 2.5 The European Union Renewable Energy Sources Directive (2009/28/EC) was published in April 2009. A key principle of this document is the inclusion of a binding agreement which commits member states to reduce greenhouse gas emissions by 20% by 2020 compared to 1990 levels. The legally binding obligation for the United Kingdom was set at 15% of final energy consumed to be from renewable sources by 2020.

European Union 2030 Energy and Climate Change Framework

- 2.6 The above targets have been further updated in this European Union 2030 Climate Change Framework which builds on the 2020 climate and energy package and was adopted by European Leaders in October 2014.

- 2.7 The 2030 climate and energy framework includes EU-wide targets and policy objectives for 2021 to 2030. The key targets for 2030 are outlined below:

- At least 40% cuts in green house gas emissions (from 1990 levels)
- At least 32% share for renewable energy
- At least 32.5% improvement in energy efficiency

UK Policy, Legislation and Guidance

Energy Act (2013)

- 2.8 Electricity Market Reform (EMR) is a government policy to incentivise investment in secure, low-carbon electricity, improve the security of Great Britain's electricity supply, and improve affordability for consumers. The objectives of the EMR to which the Secretary of State will have regard when carrying out the key EMR functions are:
- the carbon reduction targets as set out in the climate change act 2008, which include a 34% reduction by 2020 and 80% reduction by 2050;
 - to ensure a security of energy supply (including through diversification of energy mix);
 - the cost to consumers; and
 - the legally binding EU targets for 15% of UK energy to be supplied from renewable sources by 2020.
- 2.9 As part of the EMR the Energy Bill was introduced by the Coalition Government in November 2012 and aimed to **"power low-carbon economic growth for the UK"**. The Secretary of State for Energy and Climate Change confirmed the introduction of the Energy Bill to the House of Commons alongside the Annual Energy Statement. The Bill sought to establish a legislative framework for delivering secure, affordable and low carbon energy throughout Great Britain.
- 2.10 At its core is the need to ensure that, as old power plants are taken off line, the UK remains able to generate enough energy to meet its needs even if demand increases. Doing this while also decarbonising requires

significant investment in new infrastructure to be brought forward. The Energy Act received Royal Assent on 18th December 2013.

UK Renewable Energy Strategy (July 2009)

- 2.11 The 'UK Renewable Energy Strategy' was published in July 2009 by DECC, identifying how to increase renewable energy use in the UK as part of an overall strategy for tackling climate change. This strategy sets out how the UK can reach the goal of 15% of energy from renewables by 2020.

Climate Change Act 2008 (2050 Target Amendment) Order 2019

- 2.12 On 12 June 2019 the Government laid the draft Climate Change Act 2008 (2050 Target Amendment) Order 2019 to amend the Climate Change Act 2008 by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is otherwise known as a net zero target. The draft order would amend the 2050 greenhouse gas emissions reduction target in the Climate Change Act from at least 80% to at least 100% thereby constituting a legally binding commitment to end the UK's contribution to climate change.

- 2.13 The draft instrument was subject to the affirmative procedure and was debated and approved by the House of Commons on 24 June 2019; and by the House of Lords on 26 June 2019. The Order came into force on 27 June 2019.

Energy Security Strategy

- 2.14 The Energy Security Strategy was published in November 2012. The Energy Security Strategy provides an assessment of the UK's current

energy security, outlines work already underway to safeguard our energy security, and sets out the policy Government is putting in place to ensure that our energy supplies remain secure. The Energy Security Strategy considers these issues in the short and longer term, looking ahead as far as 2050.

2.15 The Energy Security Strategy recognises that ***"electricity use is likely to increase by at least 30 per cent and potentially by 100 per cent as much of our heating and transportation becomes electrified."***

2.16 The Strategy recognises the need to decarbonise our energy supplies to help reduce dependence on international fossil fuel markets in the longer term.

2.17 The UK Government recognises that increasing the amount of energy the UK gets from low carbon technologies will help ensure the UK's energy supply is secure.

UK Renewable Energy Roadmap (November 2013 Edition)

2.18 The Government published the UK Renewable Energy Roadmap in July 2011, the Roadmap has since been updated in 2012 and most recently in November 2013. The UK Renewable Energy Roadmap sets out the path to achieve the UK's headline renewable energy target.

2.19 The 2012 Roadmap Update included solar PV as one of the key renewable energy technologies that can help the UK create a balanced energy mix. The UK Renewable Energy Roadmap recognises the advantages with Solar PV including: ***"it is versatile and scalable, with deployment possible in a wide range of locations including domestic and commercial buildings and where appropriate on***

the ground; solar projects can be developed and installed very quickly; and the fuel, solar radiation is free."

Clean Growth Strategy

2.20 The Clean Growth Strategy was published in October 2017 and sets out ***"a comprehensive set of policies and proposals that aim to accelerate the pace of "clean growth", i.e. deliver increased economic growth and decreased emissions."***

2.21 The Strategy sets out an approach which has two guiding objectives:

1. "To meet our domestic commitments at the lowest possible net cost to UK taxpayers, consumers and businesses; and

2. To maximise the social and economic benefits for the UK from this transition."

2.22 The Strategy recognises that in order to meet the above objectives the UK will need to nurture low carbon technologies, processes and systems that are as cheap as possible. This includes subsidy free ground mounted solar parks such as the proposed development. The Strategy confirms that the Government ***"want to see more people investing in solar without government support"***.

Digest of United Kingdom Energy Statistics (July 2019 Edition)

2.23 The Digest of UK Energy Statistic (DUKES) is an essential source of energy information and provides details of the UK's overall energy performance, production as well as consumption.

2.24 The Digest is published annually, and the most recent version was published in July 2019. The key points of the report are outlined below:

- Fossil Fuels remain the dominant source of energy supply and now account for 79.4 per cent, a record low level.
- In terms of progress against the Renewable Energy Directive (RED), in 2018, 11 per cent of total energy consumption came from renewable energy sources. Up from 9.9 per cent in 2017.
- In 2018, there was a continuation of the switch in the main sources of electricity generation away from coal and gas to renewables. Generation from coal fell by 25 per cent, gas fell by 3.8 per cent, whilst renewables rose by 12 per cent. Renewables' share of generation was at a record high level of 33.0 per cent in 2018, up from 29.2 per cent in 2017, due to increased wind, solar and plant biomass capacity.

Environment (Wales) Act 2016

2.25 The Environment (Wales) Act sets a target to reduce emissions by at least 80% from 1990 levels by 2050. The Act provides the legislative framework for establishing a carbon budgeting approach in Wales.

Climate Change Strategy for Wales (October 2010)

2.26 The Climate Change Strategy for Wales (October 2010), sets out the Welsh Government commitments to reduce greenhouse gas emissions in Wales. The following targets are set out:

- Commitment to achieving a 3% reduction in greenhouse gas emissions from 2011

- Achieving at least a 40% reduction in all greenhouse gas emissions in Wales by 2020 against the 1990 baseline

2.27 A series of key themes are set out in this strategy, including:

- Supporting Behavioural Change – helping people minimise resource use and enabling people to consider the risks posed by climate change.
- Innovation and Skills – helping Welsh businesses develop.
- Energy Generation – drive to reduce energy consumption and improve energy efficiency, whilst maximising renewable and low carbon energy generation in Wales.

Welsh Government Policy Statement: Preparing for a Changing Climate

2.28 The Welsh Government Policy Statement, Preparing for Climate Change was published in March 2013. Through this Policy Statement, the Welsh Government sets out the challenge of a changing climate and the response. The Policy Statement details how it will implement relevant provisions of the Climate Change Act 2008.

2.29 The Ministerial Foreword confirms:- ***"Climate change is one of the greatest environmental, economic and social challenges facing the planet. The robust scientific case for human-induced climate change underpins the Welsh Government's commitment to lead action on tackling climate change. Measuring carbon footprints, a process pioneered by the Welsh Government is becoming mainstream, and many public sector bodies, businesses and individuals are taking action to reduce their greenhouse gas emissions. The Welsh Government is committed to deliver on its***

commitments to reduce emissions year on year, but we are also committed to ensuring that Wales is well-equipped to manage the consequences of a changing climate. As part of this we need to raise awareness, engage and encourage action on adapting to the impacts of climate change... We need to act now if we are to reduce the impact of the negative consequences and capitalise on the opportunities that future changes may bring."

Welsh Commitment to Address Climate Change

2.30 In April 2006 all 22 unitary authorities in Wales signed the Welsh Commitment to address Climate Change which was developed in conjunction with the Welsh Assembly Government. It commits the individual authorities reduce emissions of greenhouse gases and to work to adapt to the effects of climate change. Wales is the only country in the European Union where all local authorities have signed a public commitment to address climate change.

Joint letter by Welsh and Scottish Government (dated 11th August 2015)

2.31 In a joint letter from the Welsh and Scottish Government to the UK Government on 11 August 2015, the Welsh Natural Resources Minister "*Community energy is a key priority for both our governments and we feel very strongly that those communities who have invested heavily, in time, money and commitment, in a cleaner energy future, are deserving of this consideration. We both see that the future direction for energy is one of local generation and supply, based on renewable sources, and smart storage and local grid management, with significant local benefit. The current proposals will significantly damage the prospects for this future if the local ownership and benefits of projects*

are not considered within the support regime. Schemes like the Abergwyngregyn hydro scheme bring significant economic, social and environmental benefits to communities and the DECC proposals will make it much harder for communities to benefit from local renewable energy opportunities in the future”.

- 2.32 This puts emphasis on the Welsh Government commitment towards renewable energy following the DECC announcement to change the Feed-in Tariff accreditation, which the Welsh Government believes would undermine investor confidence in future community renewable energy schemes.

Climate Change Action

- 2.33 The scientific evidence on climate change is summarised in 'Climate Change Explained' first published on 23 October 2014 by the Department of Energy and Climate Change. This publication confirms that:-

- 2.34 *"There is clear evidence to show that climate change is happening. Measurements show that the average temperature at the Earth's surface has risen by about 1°C since the pre-industrial period. 17 of the 18 warmest years on record have occurred in the 21st century and each of the last 3 decades have been hotter than the previous one. This change in temperature hasn't been the same everywhere; the increase has been greater over land than over the oceans and has been particularly fast in the Arctic.*

- 2.35 *The UK is already affected by rising temperatures. The most recent decade (2008-2017) has been on average 0.8 °C warmer than the 1961-1990 average. All ten of the warmest years in the UK have occurred since 1990 with the nine warmest occurring since 2002.*

2.36 *Although it is clear that the climate is warming in the long-term, note that temperatures aren't expected to rise every single year. Natural fluctuations will still cause unusually cold years and seasons but these events will become less likely.*

2.37 *Along with warming at the Earth's surface, many other changes in the climate are occurring:*

- *warming oceans*
- *melting polar ice and glaciers*
- *rising sea levels*
- *more extreme weather events."*

2.38 This publication also sets out the causes of climate change and confirms:

2.39 *"Rising levels of carbon dioxide and other greenhouse gases, such as methane, in the atmosphere create a 'greenhouse effect', trapping the Sun's energy and causing the Earth, and in particular the oceans, to warm. Heating of the oceans accounts for over nine-tenths of the trapped energy. Scientists have known about this greenhouse effect since the 19th Century.*

2.40 *The higher the amounts of greenhouse gases in the atmosphere, the warmer the Earth becomes. Recent climate change is happening largely as a result of this warming, with smaller contributions from natural influences like variations in the Sun's output.*

2.41 *Carbon dioxide levels have increased by about 45% since before the industrial revolution. Other greenhouse gases have increased by similarly large amounts. All the evidence shows that this increase in greenhouse gases is almost entirely due to human activity. The increase is mainly caused by:*

- *burning of fossil fuels for energy*
- *agriculture and deforestation*
- *the manufacture of cement, chemicals and metals*

2.42 *About 43% of the carbon dioxide produced goes into the atmosphere, and the rest is absorbed by plants and the oceans. Deforestation reduces the number of trees absorbing carbon dioxide and releases the carbon contained in those trees back into the atmosphere."*

2.43 The publication also provides the following information on tackling climate change:-

2.44 *"If we take action to radically reduce greenhouse gas emissions now, there's a good chance that we can limit average global temperature rises to 2°C above pre-industrial levels. This doesn't mean that there will be no more changes in the climate – warming is already happening – but we could limit, adapt to and manage these changes. If we take action now:*

- *we will avoid burdening future generations with greater impacts and costs of climate change*
- *economies will be able to cope better by mitigating environmental risks and improving energy efficiency*

- *there will be wider benefits to health, energy security and biodiversity*

2.45 *It makes good economic sense to take action now to drastically cut greenhouse gas emissions. If we delay acting on emissions, it will only mean more radical intervention in the future at greater cost, and larger impacts on society.*

2.46 *Taking action now can also help to achieve long-term, sustainable economic growth from a low-carbon economy."*

Summary

2.47 The above documents outline the immediate and pressing need for deployment of renewable energy generation in the UK, which is derived from the challenging and legally binding obligation in relation to the generation of 15% of energy consumption from renewable sources by 2020 initially and thereafter to meet more challenging targets by 2030 and 2050. It is clear that solar PV development is recognised by the UK Government as a key part of the UK's transition to achieving a low carbon economy.

2.48 These are significant material considerations in the assessment of this planning application.

3.0 APPLICATION SITE AND CONTEXT

- 3.1 The application site comprises land near to the city of St Asaph, c.2km east of Bodelwyddan and c.2.5km south of Rhuddlan.
- 3.2 The site is located within the administrative boundary of Denbighshire County Council.
- 3.3 The parcel of land is located to the north of the A55 and to the west of the A525. An area of land south of the A55 is included within the site to allow for the laying of underground gird connection cables.
- 3.4 A number of trees and hedgerows are present across the site along with several ponds. An area of Ancient Semi Natural Woodland is located within the site to the north-west of Gwernigron Farmhouse. The River Elwy is located approximately 150m east from the eastern site boundary.
- 3.5 There are three Denbighshire County Council Public Rights of Way (PRoW) which route across the site (201/8, 208/20 and 208/18). 201/8 terminates at the eastern site boundary adjacent to the A525 dual carriageway. Additionally, a Sustrans National Route 84 runs adjacent to the eastern site boundary.
- 3.6 The site does not lie within or adjacent to any statutory or non-statutory designated sites for nature conservation, however, there are several designated sites in the area within 10km of the application site including: Elwy Woods SSSI/SAC (c.3.5km south-west), Liverpool Bay SPA (c.6.5km north), the Dee Estuary SSSI/Ramsar/SPA/SAC (c.9.5km north-east) and Coedydd ac ogofau Elwy a meirchion SSSI (c.3.5km south-west).

- 3.7 The site is not subject to any statutory designations relating to its historic value. The Grade II Listed Gwernigrn Farmhouse and its Grade II* Listed Dovecote is excluded from, but surrounded by the application site. Meanwhile the Grade II Listed Plas Coch, and the Grade II Listed Talardy Hotel and its–Grade II Listed garden wall and greenhouse, lie outside the eastern boundary of the site. Designated historic assets further afield include the Grade II Listed Pengwern Hall (c. 525m to the north); the Grade 1 Listed and Scheduled Monument Rhuddlan Castle (c. 1.5km to the north), St Asaph (c. 400m to the south east) , Rhuddlan (c. 1.1km to the north) and Bodelwyddan Conservation Areas (c. 1.4km to the west)– each containing numerous Listed Buildings; and the Grade II* Listed Bodelwyddan Castle (c. 2km to the south west) and its historic park and garden (c. 1.1km to the south west).
- 3.8 The site forms Grade 3a and 3b land, Grade 3b does not qualify as 'Best and Most Versatile' agricultural land. The site is capable of being used for sheep grazing during the operational life to continue an agricultural use. The agricultural potential of the site can be fully restored following the decommissioning and removal of the proposed development.
- 3.9 Natural Resources Wales (NRW) flood maps indicate the site lies within zones A-C1.
- 3.10 A review of the Denbighshire County Council adopted Local Development Plan has been undertaken. The proposed application site is located outside of the defined Development Boundary for St Asaph, being in open countryside in planning terms, and none of the land is allocated in the Local Plan for development. The site is located within a Mineral safeguarded Area (Sand and Gravel).
- 3.11 Denbighshire County Council has published a list of additional candidate sites for the replacement Local Development Plan 2018-2033.

Consultation on the additional candidate sites was undertaken between 13th January 2020 and 13th March 2020. The site is identified for solar PV development within the additional candidate sites document.

DRAFT

4.0 PROPOSED DEVELOPMENT

4.1 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.

4.2 The Description of Development is:

“Construction of a solar farm and energy storage hybrid park, together with all associated works, equipment and necessary infrastructure.”

4.3 The total developable area for the solar panels, energy storage facility and associated equipment across the site is shown in the accompanying plans.

4.4 The delivered capacity of the Proposed Development is approximately 62MW, this would prevent approximately 560,000 tonnes of carbon dioxide from entering the atmosphere over its life, and would produce enough clean, renewable electricity for over 20,000 homes per year. Therefore, the Proposed Development would offer significant CO₂ savings during the operational life of the development.

4.5 The proposed installation, as shown on the accompanying drawings, would consist of:

- Photovoltaic (PV) arrays (fixed panels);
- 25 Substations (40ft) positioned around the site;
- Exporting Substation;

- Battery Storage Compound;
- Boundary fencing;
- A CCTV system on c.3m poles, located at strategic points around the site;
- Associated access tracks, this will include a permanent access track as well as a 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;
- Storage container(s) for spare parts etc.;
- Relevant communications and monitoring equipment;
- Underground cable connecting the site with the electricity grid at the Bodelwyddan substation.

Solar Arrays and Supporting Equipment

- 4.6 The solar farm would consist of solar PV panels placed on metal arrays arranged in rows, allowing for boundary landscaping, perimeter fencing and access. The PV panels will be laid out in rows across the site and will be spaced to avoid any shadowing effect from one panel to another with topography dictating exact row spacing.
- 4.7 Plant and other equipment to support the generation of electricity is located around the site, adjacent to internal tracks to ensure access can be achieved to these for maintenance purposes.

Battery Storage Facility

- 4.8 A battery storage compound is located towards the southern boundary

of the site. The facility comprises battery units within shipping containers plus transformers as well as ancillary equipment.

Cabling and Grid Connection

- 4.9 Bodelwyddan substation is a Tee off the Deeside to Pentir 400kV overhead line which forms part of the national network. Supergrid transformers convert the 400kV voltage down to 132kV for use on the local, Distribution Network Operators (DNO) network.
- 4.10 The grid connection route corridor is included as part of the planning application. This will require underground cabling to connect the site to the substation. The cable route will involve horizontal directional drilling under the A55 to enable connection from the site to the substation as well as potentially shorter drills to overcome more localised obstacles.

Perimeter Fencing and CCTV

- 4.11 It is proposed that security fencing will be installed around the edge of the site. Badger friendly/small mammal access points will be prescribed at various locations along any fencing to allow the passage of small mammals across the site.
- 4.12 In addition to fencing, it is proposed that c.3m high pole mounted CCTV security cameras will be installed inside and around the site.

Access

- 4.13 During construction the development will be served by a new temporary access located along the eastern site boundary. This access is intended for use during the construction phase only. A temporary speed restriction will be put in place during the construction period. A

temporary offloading area is proposed adjacent to the temporary construction access, the offloading area will be used for construction only and once possible will be removed and replaced with solar panels. This access will require temporary widening to facilitate the construction traffic.

- 4.14 The existing access to Gwernigron Farm will also be used during construction but it will also serve as the main site access for operational maintenance purposes will be into the south-eastern boundary of the site from St Asaph Road (A525) this access will involve expanding the existing entrance.
- 4.15 Under TCPA 1990 Section 248, a secondary consent for works to the highway for the creation of a temporary construction access from the A525 is sought as part of this planning application.
- 4.16 Within the development site boundary, there are two sections of the site which are intersected by Public Rights of Way (PROW). Additionally, a Sustrans National Route runs adjacent to the eastern site boundary. Under Section 251 of the 1990 TCPA Act, a secondary consent is sought to allow the diversion of the following Denbighshire County Council Public Rights of Way: 208/20 and 201/8. Footpath 201/8 currently enters the application site along its northern boundary and travels south east to the exit the application site's eastern boundary. There is no obvious onward route for pedestrians at this point as the path exits the field onto the site of the dual carriageway with no allocated path along the roadside. The proposed diversion will connect the footpaths 201/8 and 208/20 and allow an unobstructed route from the sealed pavement along The Roe north to Pengwern and beyond to the coast.

Landscaping

- 4.17 The landscape treatment for the Proposed Development is intended to mitigate visual effects. The Proposed Development would seek to retain and enhance existing landscape elements to further integrate the proposals into the surrounding landscape.
- 4.18 Where required, gaps in hedgerows will be repaired with appropriate native hedgerow species supplemented with native tree planting to reflect local landscape character.

Construction and Operation

- 4.19 Construction is expected to take place over approximately seven months (up to 27 weeks).
- 4.20 Once installed, the development would require infrequent visits for the purposes of maintenance or cleaning of the site. Such work typically requires 10-20 visits per year. The facility would be unmanned, being remotely operated and monitored.

Decommissioning

- 4.21 At the end of the operation lifespan of the site development, the site would be restored back to full agricultural use with all equipment and below ground connections removed. However, the landscape enhancement measures would remain, providing long-term benefits to the local landscape character of the area.

5.0 PLANNING POLICY FRAMEWORK

5.1 This section of the Statement identifies the national and local planning policy and guidance pertinent to the development proposal and development site.

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Welsh Government Development Management Manual confirms this requirement of the Act and states:

"Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability"

5.3 The Development Plan for the area comprises:

- Denbighshire County Council Local Development Plan 2006-2021 (Adopted 4th June 2013);

5.4 The following document has also been adopted by Denbighshire County Council and forms a material consideration in the determination of this application:

- Denbighshire County Council Renewable Energy Supplementary Planning Guide (April 2016).

5.5 Denbighshire County Council is currently preparing a Replacement Local Development Plan (2018-2033). The relevant sections of the Draft

Preferred Strategy (May 2019) are considered below.

5.6 Other material planning considerations include national policy and guidance, comprising the following:-

- Planning Policy Wales (PPW) (December 2018);
- Welsh Government Technical Advice Notes (TANs), including TAN8 : Renewable Energy (July 2005);
- Overarching National Policy Statement for Energy (EN-1) (July 2011);
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011); and
- Draft National Development Framework (NDF) for Wales 2020-2040.

5.7 This chapter identifies the key relevant planning matters contained within the Development Plan and other material planning considerations pertinent to the determination of this planning application. Against each relevant policy the development proposals are assessed.

Development Plan

Denbighshire County Council Local Development Plan 2006-2021

5.8 The Local Development Plan (LDP) was adopted on 4th June 2013 and provides a range of policies to influence development in Denbighshire. The LDP provides a vision for how Denbighshire will have developed by

2021, and confirms:-

"That Denbighshire, through sustainable development, will have a vibrant urban coast, with thriving market towns and rural areas. The housing and employment needs of the County will be met, the high quality environment protected and enhanced and a high quality of life maintained for all communities with full recognition that we have a strong Welsh language and culture that should be maintained and protected throughout the County."

5.9 A series of objectives are set out within the LDP which identify issues and needs within Denbighshire. The LDP policies aim to address these objectives. Objective 11 refers to 'Energy' and confirms that:

"The Local Development Plan will ensure that Denbighshire makes a significant contribution to reducing greenhouse gases through both supporting the principle of large wind farm development within identified zones and other suitable renewable energy technologies, and ensuring that all new developments are built to minimise their carbon footprint."

5.10 The key policies relevant to the Proposed Development are:

- Policy VOE10- Renewable energy technologies
- Policy PSE15 – Safeguarding minerals
- Policy RD1 – Sustainable development and good standard design
- Policy RD5 – The Welsh language and the social and cultural fabrics of communities
- Policy PSE5 – Rural economy
- Policy VOE1 – Key Areas of importance
- Policy VOE2 – Area of Outstanding Natural Beauty and Area of

Outstanding Beauty

- Policy VOE5 – Conservation of natural resource
- Policy VOE6 – Water Management

5.11 **Policy VOE 10** refers to 'Renewable energy technologies' and states:

"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 development."

5.12 The application site partially lies within a Mineral Safeguarding Area (Sand and Gravel). **Policy PSE15** of the Local Development Plan relates to 'Safeguarding Minerals' and states:-

"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.”

5.13 **Policy RD1** refers to 'Sustainable development and good standard design', this policy seeks to ensure that all new developments enhance and respect their surroundings. Policy RD1 refers only to development within development boundaries. The application site is located outside of, but partially adjacent to, the development boundary for St Asaph and is therefore considered to be located within the open countryside in planning terms.

5.14 **Policy RD5** sets out details relating to the Welsh language and states:-

"In determining all planning applications, the needs and interests of the Welsh language will be taken into account. Development could be refused if its size, scale or location would cause significant harm to the character and language balance of a community...Developers will be expected to provide bilingual signage as a minimum means of promoting the Welsh Language."

5.15 **Policy PSE5** refers to the 'Rural Economy' and confirms:-

"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."

5.16 **Policy VOE1** sets out how 'key areas of importance' should be protected, this policy states:-

"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."***

5.17 **Policy VOE2** refers to 'Area of Outstanding Natural Beauty and Area of Outstanding Beauty' and confirms:-

"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."

5.18 **Policy VOE5** confirms the following in relation to '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."

5.19 **Policy VOE6** refers to 'Water Management' and confirms that:-

"All development will be required to incorporate water conservation measures, where practicable... 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."

Denbighshire County Council Renewable Energy Supplementary Planning Guide (April 2016)

- 5.20 In April 2016, Denbighshire County Council published a Supplementary Planning Guidance (SPG) Document on Renewable Energy. The SPG aims to amplify *"the development plan policies in a clear and concise format with the aim of improving the process, design and quality of new development."*
- 5.21 Section 8 of the SPG outlines the key land use planning considerations in relation to solar energy schemes and includes:
- Landscape and Visual Impact
 - Landscape Mitigation
 - Noise
 - Ecology
 - Historic Environment
 - Aviation
 - Site security, safety and lighting; and
 - Glint and glare.
- 5.22 The relevant key land use planning considerations outlined in this SPG have been considered further within the accompanying technical assessments. Chapter 6 of this Planning statement provides a summary of each technical assessment which has been undertaken and demonstrates that the above planning considerations have been considered in detail.

Emerging Local Planning Policy

Replacement Local Development Plan (2018-2033) (Draft Preferred Strategy)

- 5.23 Denbighshire County Council are in the process of preparing a new Local Development Plan. Consultation on the Preferred Strategy was undertaken between July 2019 and August 2019. The Draft Preferred strategy sets out the levels and spatial distribution of development, at a high level, for the plan period.
- 5.24 The Draft Preferred Strategy confirms that Denbighshire County Council need to plan for the **"provision for renewable energy generation"**. A series of objectives are set out in the Draft Preferred Strategy. Objective 3 refers to renewable energy and confirms a key objective is to: **"protecting, enhancing and sustainably developing Denbighshire's natural resources including green and blue infrastructure, renewable energy and mineral resources."**
- 5.25 Section 8 provides the preferred strategy and includes a series of draft key policies; the following themes are considered relevant to the development proposals:-
- Placemaking – **"All proposals must support the delivery of economic, social, environmental and cultural well-being, and demonstrate the following:**
 - **Resource efficiency**
 - **Promotion of health and well-being**
 - **Maintenance and enhancement of the natural environment**
 - **Equality of access**
 - **Access to services and facilities**

- ***Support and enhancement of the Welsh language***
- ***Resilience to the impacts of climate change***
- ***Promote decarbonisation and renewable energy technology***
- ***High quality design that respects local character and distinctiveness.***

- Welsh Language – ***"Proposals for development that maintain or enhance the integrity of the Welsh Language will be supported."***
- Minerals – ***"Mineral resources will be safeguarded and Denbighshire will seek to contribute to regional and local demand in providing a continuous supply of minerals to meet the needs of industry and society as a whole. Wherever possible, aggregate requirements should come from secondary and recycled sources, before consideration is given to primary aggregates."***

5.26 Following consultation on the Draft Preferred Strategy, a number of additional sites have been put forward. The application site is included as an additional site for consideration as a potential allocation for development in the replacement Local Development Plan.

5.27 Within the list of additional candidate sites, the application site (CS-46E-214) has been put forward for Solar PV Development. The additional candidate sites document recognises that this site forms 118ha of arable agricultural farmland which would be suitable for solar PV development and would comply with the Draft Preferred Strategy.

National Planning Policy

Planning Policy Wales (PPW) (December 2018)

- 5.28 Edition 10 of Planning Policy Wales (PPW) was adopted in December 2018 and sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.
- 5.29 The primary objective of PPW is to ensure that the planning system delivers sustainable development by improving the social, economic and environmental and cultural well-being of Wales. PPW confirms that ***"a well functioning planning system is fundamental for sustainable development and achieving sustainable places."***
- 5.30 PPW sets out five key principles which underpin Welsh Government's approach to sustainable development, these are as follows:
- **Growing our economy in a sustainable manner** – the planning system should enable development which contributes to long term economic well-being, making best use of existing infrastructure and planning for new supporting infrastructure and services.
 - **Making best use of resources** - The efficient use of resources, including land, underpins sustainable development. The planning

system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals.

- **Facilitating accessible and healthy environments** - Our land use choices and the places we create should be accessible for all and support healthy lives.
- **Creating and sustaining communities** - The planning system must work in an integrated way to maximise its contribution to well-being.
- **Maximising environmental protection and limiting environmental impact** - Natural, historic and cultural assets must be protected, promoted, conserved and enhanced. Negative environmental impacts should be avoided in the wider public interest. This means acting in the long term to respect environmental limits and operating in an integrated way so that resources and/or assets are not irreversibly damaged or depleted.

5.31 Paragraph 3.55 refers to Best and Most Versatile Agricultural Land and confirms: ***"When considering the search sequence and in development plan policies and development management***

decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations."

5.32 PPW confirms at paragraph 3.57 ***"Adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability."*** This section goes on to state at paragraph 3.59 that ***"Development should be located so that it can be well serviced by existing or planned infrastructure. In general this will involve maximising the use of existing infrastructure or considering how the provision of infrastructure can be effectively co-ordinated to support development plans. Infrastructure choices should support decarbonisation, socially and economically connected places and the sustainable use of natural resources."***

5.33 PPW also refers to productive and enterprising trends and issues and confirms the following keys issues:

- ***"...promoting and diversifying our rural economy to ensure it is fit for the future and economically sustainable while ensuring that unnecessary development in the countryside is controlled;..."***

- ***embracing the challenge of decarbonising our energy and transport sectors including phasing out of fossil fuels and moving towards local, decentralised renewable energy systems, the increased use of energy storage to balance supply and demand and the challenge this creates on our distribution networks;...***
- ***supporting and enabling renewable, low carbon globally responsible material choices and their efficient and most appropriate use, so as to prevent waste and ensure finite resources are not unnecessarily diminished."***

5.34 PPW includes a section on 'Energy' and confirms that: ***"The planning system plays a key role in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change...The Environment Act sets a legal target of reducing greenhouse gas emissions by at least 80% by 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and associated carbon budgets for key sectors. The budgets will set limits on the total amount of greenhouse gas emissions emitted in Wales over a 5 year period to serve as stepping stones and ensure progress is made towards the 2050 target."***

5.35 Paragraph 5.7.7 highlights that; ***"The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies, to underpin growth and prosperity in Wales, recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development."***

- 5.36 PPW confirms that Planning Authorities, should ensure development plan policies are supportive of renewable and low carbon energy development in all parts of Wales and that developments are directed to the right locations and set out clearly the local criteria against which proposals will be evaluated (paragraph 5.9.4).
- 5.37 Paragraph 5.9.8 states that: ***"Planning authorities should support and guide renewable and low carbon energy development to ensure their area's potential is maximised. Planning authorities should assess the opportunities for renewable and low carbon energy in the area, and use this evidence to establish spatial policies in their development plan which identify the most appropriate locations for development."***
- 5.38 Paragraph 5.9.9 confirms that planning applications for renewable and low carbon energy developments should be determined based on the merits of the individual proposal. The local need for a particular scheme is not a material consideration, as energy generation is of national significance and there is a recognised need to optimise renewable and low carbon energy generation.
- 5.39 Paragraph 5.9.16 relates to development management and renewable energy and confirms; ***"In determining applications for the range of renewable and low carbon energy technologies, planning authorities should take into account:***
- ***the contribution a proposal will make to meeting identified Welsh, UK and European targets;***
 - ***the contribution to cutting greenhouse gas emissions; and***
 - ***the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development."***

5.40 It is also confirmed 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 (paragraph 5.9.17).

5.41 The proposals would result in a reduction in carbon emissions associated with energy generation whilst contributing towards meeting the carbon and renewable targets for Wales. The generation of renewable energy reduces reliance on non-renewable energy sources, particularly by businesses, and therefore the proposals will cut greenhouse gas emissions from major electricity users.

Technical Advice Note 8 (TAN8): Renewable Energy (July 2005)

5.42 Technical Advice Notes (TANs) provide detailed planning advice, the most relevant is TAN8, which concerns renewable energy.

5.43 Paragraph 3.15 of TAN8 (2005) states that other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.

5.44 Additionally, paragraph 1.4 of TAN8 (2005) states that the provision of electricity from renewable sources is an important component of the UK energy policy, which has an established target of producing 10% of electricity production from renewable energy sources by 2010. The Assembly Government has a target of 4TWh of electricity per annum to be produced by renewable energy by 2010 and 7TWh by 2020.

5.45 The following TANs are also relevant to the proposed development:

- TAN5: Nature conservation and planning
- TAN6: Planning for sustainable rural communities
- TAN11: Noise
- TAN12: Design
- TAN15: Development and flood risk
- TAN18: Transport
- TAN20: Planning and the Welsh language
- TAN23: Economic development
- TAN24: The historic environment

Overarching National Policy Statement for Energy (EN-1) (July 2011)

5.46 EN-1 was published in July 2011 to set out national policy for energy infrastructure in the UK. Its primary purpose is to be applied to decisions for Nationally Significant Infrastructure Projects (NSIPs), but it is confirmed this document can be a material consideration in the determination of planning applications.

5.47 Paragraph 3.4.1 sets out the UK commitments to sourcing 15% of energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, EN-1 states that:

“It is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable energy electricity generation projects is therefore urgent.”

- 5.48 The National Policy Statement sets out how the energy sector can help deliver the Government’s climate change objectives by clearly setting out the need for new low carbon energy infrastructure to contribute to climate change mitigation.

National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011)

- 5.49 EN-3 was also published in July 2011 and sets out the national policy for renewable energy projects. EN-3 should be read in conjunction with EN-1.

- 5.50 Similar to EN-1, EN-3 sets out the importance of renewable energy in achieving the Government’s ambitious targets for renewable energy generation, highlighting that a **“significant increase in generation from large-scale renewable energy infrastructure is necessary to meet the 15% renewable energy target”**.

Emerging National Policy

Draft National Development Framework (NDF) for Wales 2020-2040

- 5.51 The Welsh Government consulted on its first National Development Framework (NDF) for Wales between August 2019 - November 2019. The NDF is a statutory requirement and will set out the Welsh Government’s strategy for addressing its national priorities through the planning system. The final NDF is due to be published in September

2020.

5.52 The Draft NDF recognises that there is an opportunity for Wales to **"become a world leader in renewable energy technologies."** To enable this the Welsh Government have set out the following targets for the generation of renewable energy:

- **"For 70 per cent of electricity consumption to be generated from renewable energy by 2030.**
- **For one gigawatt of renewable energy capacity to be locally owned by 2030.**
- **For new renewable energy projects to have at least an element of local ownership by 2020."**

5.53 The Draft NDF sets out the Welsh Government's traffic light approach to large scale solar renewable energy projects. The application site is considered to fall within the 'amber' category which is categorised as **"Areas not within Priority Areas. These will not carry explicit Welsh Government support and proposals will be determined on their individual merits."**

5.54 Policy 11 of the Draft NDF refers to wind and solar energy development outside of priority areas and confirms:-

"Outside of the Priority Areas for Solar and Wind, planning applications for large scale wind and solar development must demonstrate the proposal is acceptable, in accordance with the criteria below.

Planning applications must demonstrate how local social, economic and environmental benefits have been maximised and that there are no unacceptable adverse effects on, or due

to, the following:

- **landscape and visual impacts;**
- **cumulative impacts;**
- **the setting of National Parks and Areas of Outstanding Natural Beauty;**
- **visual dominance, shadow flicker, reflected light or noise impacts;**
- **electromagnetic disturbance to existing communications systems; and**
- **the following identified protected assets:**
 - **archaeological, architectural or historic assets;**
 - **nature conservation sites and species;**
 - **natural resources or reserves.**

Suitable access to the site for construction and maintenance purposes must be provided. Plans must also be in place for the end of the development's lifetime, including the removal of all infrastructure as soon as their use ceases and the appropriate after-use of the site."

6.0 PLANNING ASSESSMENT

6.1 This chapter provides an assessment of the Proposed Development against planning policy requirements in the development plan and other material policy to this application, to determine whether it is correct for planning permission to be granted.

6.2 Consideration will be given to whether the principle of development can be supported and consideration of impacts of the development to allow consideration of development plan compliance, the planning balance and to consider if the proposals would meet the objective of sustainable development.

Principle of Development

Renewable Energy Development

6.3 The principle of the development, the generation of renewable energy is supported at a national scale in policy and legal commitments to achieve a reduction in carbon emissions. Key UK and Welsh Government Policy and legislation is summarised at Chapter 2 of this Statement and confirms the immediate and pressing need for deployment of renewable energy generation, derived legally binding obligations for renewable energy development. This development would provide significant assistance in achieving the obligations as part of the transition to a low carbon economy.

6.4 A key Objective of the Denbighshire LDP, forming the current development plan relevant to this application, is to ensure Denbighshire makes a significant contribution to reducing greenhouse gases. LDP Policy VOE 10 confirms in principle support for renewable energy development, subject to consideration of impacts (undertaken below).

Subsequent to the adoption of the LDP, Denbighshire County Council declared a 'climate emergency' in July 2019 and is developing plans to become a net carbon zero Council by 2030. Denbighshire County Council's replacement LDP is currently in development, but this includes provision to plan positively for the provision of renewable energy generation.

6.5 At national level, PPW confirms that 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 Welsh Government target is for Wales includes the need to generate 70% of its electricity consumption from renewable energy by 2030 it has a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 but it also announced in June 2019 to reach net-zero greenhouse gas emissions by 2050, in response to recommendations by the Committee on Climate Change. The Energy Generation in Wales 2018 report identifies how, of all electricity generated in Wales, 25% is from renewable sources, up from 22% in 2017. In terms of its own electrical consumption target of 70% by 2030, Wales reached the milestone of 50% electrical consumption being generated by renewable energy by 2018. In terms of progress toward the 70% target, the Energy Generating in Wales 2018 report states how renewable energy installation rates have significantly cut as a result of reductions in government subsidies and *"There remain significant challenges to meeting the 70% target by 2030, notably the lack of available price support for renewable generation, as well as network constraints and network unavailability in some areas restricting the ability for new projects to connect"*.

6.6 This proposal will achieve a generating capacity of approximately 62MW all of which will be generated by renewable sources (solar irradiation) and connected into the national grid network. The Proposed Development will provide a source of renewable energy, as outlined

within planning policy there is an overarching need for renewable and low carbon generation. It is therefore clear that the principle of a solar PV development here therefore receives significant support and a presumption in favour of planning permission being granted.

- 6.7 The inclusion of batteries makes for a more 'useful' solar farm as energy can be stored and provide support services to the grid such as frequency response at time of declining inertia on the grid.

Farm Diversification

- 6.8 Further to the provision of renewable energy, the development will also support the diversification of a rural enterprise, supporting the rural economy.

- 6.9 The landowners will receive a rental income for the duration of the solar farm tenancy. Income and expenditure associated with agriculture can be volatile so a long term solar agreement would provide the business with a source of regular, predictable income which would enhance its continued resilience, helping to secure the long-term viability of the enterprise. The proposal would therefore facilitate diversification of the rural economy at a suitable location, complying with LDP Policy PSE 5. Farming activities (grazing) can continue on the site

Assessment of Impacts

- 6.10 While it is clear there is very strong support for the principle of renewable energy development in the development plan and national planning policy, it is established in planning policy that this support is predicated on the substantial benefit not being outweighed by adverse impacts of the development.

- 6.11 LDP Policy VOE10 reflects this and sets out the matters relevant to the consideration of applications for renewable energy technologies. The Policy states renewable energy developments will be supported where they are located so as to minimise visual, noise and amenity impacts and demonstrate no unacceptable impacts upon nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.
- 6.12 PPW also provides significant support for renewable energy but requires for adverse effects of such development to be avoided or mitigated against. In addition, PPW confirms the importance of protecting best and most versatile agricultural land and Denbighshire County Council's Renewable Energy SPG confirms this is a matter which needs to be addressed for solar PV developments. Other matters which are material considerations to this application, as confirmed in planning policy, are impacts on highways (including site access), flooding, protection of mineral resources and impact on the Welsh language.
- 6.13 This section will therefore consider the above matters to determine compliance with LDP Policy VOE10, national planning policy and issue specific planning policies.
- 6.14 Note that the purpose of this section is to summarise the results of the supporting information in order to make an assessment against planning policy requirements, and not to reproduce the assessments undertaken in these documents Please see the relevant documents for detailed consideration of each matter.

Landscape and Visual Effects

- 6.15 Consideration of landscape and visual effects is contained within the supporting Environmental Statement. This includes the results of an

assessment undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment 3rd Edition.

- 6.16 The assessment finds that there would not be significant effects on Clwydian Range and Dee Valley AONB, which located some 3.6km to the east of the site at its nearest point. The limited effects are due to the distance together with clear separation of character. Further, landscape character effects upon the NLCA 08: North Wales Coast and NLCA 11: Vale of Clwyd in which the site is located are found to not be significant.
- 6.17 In terms of visual effects, consideration was undertaken from nine viewpoints. Two of these viewpoints are within the site along the Public Rights of Way and would therefore be subject to significant change from the proposed development. The hedgerow and tree planting included within the scheme would mitigate such visual effects once it has matured sufficiently, reducing the residual effect in this regard. Other viewpoints from outside are not considered to be significantly affected by the proposed development.
- 6.18 The supporting Arboricultural Impact Assessment also considers the impacts on trees and hedgerows within the application site. The assessment confirms that trees have been successfully integrated to the development. All trees would be retained and there would be removal of only a small section of existing hedgerow to facilitate access. Tree protection measures of the construction phase can be secured by condition.
- 6.19 It is therefore demonstrated that the proposal would largely avoid significant adverse effects on landscape character and visual amenity, and avoid material effects on the Clwydian Range and Dee Valley AONB. Further, the inclusion of mitigation planting shows that, where close

range significant effects are identified, steps have been taken to minimise these effects to a level where it is not considered to be unacceptable. As such, the application complies with the development plan and national planning policy in this regard, and specifically with LDP Policy VOE 10 with respect to visual impacts of renewable energy development.

Cultural Heritage

- 6.20 The Heritage Desk-Based Assessment accompanying the application considers the effects of the development on both built heritage and archaeology.
- 6.21 With regards to built heritage, the assessment considers the potential impact on the setting of seven heritage assets, which are within a 5km radius of the site. The assessment concludes that there would be no or negligible harm to the significance of the Grade II Listed Gwernigrion Dovecote, Grade II Listed Plas Coch, Grade I Listed Bodelwyddan Castle, the Bodelwyddan Castle historic park and garden, Schedule Monument and Grade I Listed Rhuddlan Castle and Scheduled Monument of Twthill. There is however a small degree of harm identified to the Grade II Listed Gwernigrion Farmhouse and Grade II Listed Pengwern Hall, but both of which are found to be very limited, and at the lower end of the scale of harm.
- 6.22 The assessment therefore finds that there would not be any effects on built heritage that would be unacceptable. However, special regard is had to effect on the significance of Gwernigrion Farmhouse and Pengwern Hall resulting from changes to their setting, albeit that such effects are found to be limited (less than substantial at the lower end of the scale of harm). The effects on the significance of Gwernigrion Farmhouse has been minimised through careful siting of panels and

associated infrastructure. As required by LDP Policy VOE 10, this effect needs to be considered in the context of the public need for the development. The overriding need for this development providing renewable energy to assist in reducing carbon dioxide emissions in the context of Government policy is established above, and is considered to outweigh this very limited identified harm.

6.23 With regard to archaeological effects, the assessment finds that based on available data, there are no overriding archaeological constraints to the proposed development, with likely features within the site being of very limited heritage significance.

6.24 It is therefore considered the Proposed Development would avoid unacceptable effects on cultural heritage and, while special regard is given to the identified minor adverse effects on two listed buildings in the vicinity of the site, this harm is justified when considered in the context of the need for the development. The application therefore complies with PPW requirements with regard to heritage and the LDP, including the requirements of Policy VOE 10 in this respect.

Amenity- Noise

6.25 The Noise Assessment accompanying this application considers the noise effects on potentially affected dwellings resulting from the operation of the solar farm, including the battery storage facility.

6.26 Nearby properties identified are located to the south of the application site, on the opposite side of the A55, to the east of the site, on the western side of the A525, Gwernigrion Farm in the centre of the application site and further properties to the north and north-west.

6.27 The assessment consider the 'worst case' noise levels resulting from the

development and considered against relevant standards and guidance and concludes the operation of the solar farm, including battery storage facility, would generate acceptable levels of noise at surrounding properties both during day and night times. The development would also not result in adverse noise impacts when considered against the requirements of BS 4142.

- 6.28 It is therefore demonstrated that there would be no unacceptable impact on amenity by virtue of noise emissions. The development therefore complies with LDP Policy VOE10 in this regard.

Amenity- Glint & Glare

- 6.29 The Solar Photovoltaic Glint & Glare Study which accompanies the application considers glint & glare effects and includes detailed modelling of such effects resulting from the development, considering both road and residential receptors.

- 6.30 The study finds that vegetation will screen the majority of potential glint & glare effects. Screening vegetation will be enhanced as part of the development which will further limit these impacts. No further mitigation is identified as being necessary to ensure impacts are acceptable.

- 6.31 Accordingly, the proposal would not result in unacceptable effects on amenity in respect of glint & glare, with additional boundary mitigation further minimising any such effects. The development therefore complies with this part of LDP Policy VOE10.

Provision of Sustainable Transport Facilities

- 6.32 The Proposed Development would provide for improved connectivity in

the public rights of way network within the site. Footpath 201/8 currently enters the application site along its northern boundary and travels south east to the exit the application site's eastern boundary. There is no obvious onward route for pedestrians at this point as the path exits the field onto the site of the dual carriageway with no allocated path along the roadside. The proposed diversion will connect the footpaths 201/8 and 208/20 and allow an unobstructed route from the sealed pavement along The Roe north to Pengwern and beyond to the coast. The development therefore complies with this Policy ASA2 by providing walking links.

Ecology

- 6.33 The Environmental Statement supporting this application includes consideration of effects on biodiversity resulting from the construction and operation of the Proposed Development undertaken via an Ecological Impact Assessment, considering both the main site and grid connection route. A Biodiversity Management Plan also forms part of the application.
- 6.34 The application site does not contain any sites designated for their ecological value. Consequently, there will therefore be no effects on such sites.
- 6.35 With regards to protected species, the potential impacts on birds, bats, dormice, otters, water voles, amphibians, reptiles and badgers are considered. It is found that there will be no unacceptable effects on these species subject to the inclusion of various mitigation measures. The development has been subject to iterative design and therefore avoided potentially unacceptable impacts, such as retaining on-site ponds and maintaining suitable exclusion buffers around hedgerows and ditches etc. Where impacts cannot be avoided, mitigation measures are

identified to reduce adverse effects, particularly during the construction period during which there will be most activity on site. Such mitigation can be secured via conditions added to any planning permission and ensure there will not be significant adverse effects.

- 6.36 Further, a number of measures are included in the scheme which will result in an overall net gain in ecological value resulting from the development. The landscape proposals include specific measures to provide for biodiversity enhancement. Measures to ensure the continued realisation of these benefits are included in the Biodiversity Management Plan, then requirement to comply with the contents of which can be conditioned.
- 6.37 It is therefore demonstrated that the Proposed Development would not cause significant harm to designated ecological sites or protected species or habitats subject to the identified mitigation and, in fact, the enhancement measures included in the scheme will result in an overall ecological benefit. The Proposed Development therefore complies with LDP Policy VOE5, which is concerned specifically with conservation of natural resources, and Policy VOE10 in respect of effects on ecological assets.

Agricultural Land

- 6.38 This planning application is accompanied by an Agricultural Land Classification report which confirms the site comprises a mixture of Grade 3b and 3a quality land. Grade 3a land is defined as being 'best and most versatile' soil and, therefore, consideration needs to be given to whether it is appropriate for this resource to be used for a solar farm.
- 6.39 To address the specific requirements of PPW and Denbighshire's Renewable Energy SPG on this point, a Sequential Analysis Study (SAS)

has been prepared to determine if there are sites of lower quality agricultural and which could be used of this development in preference to the application site.

6.40 The SAS comprises a reasoned methodology with regard to extent of search and relevant matters to this consideration, to determine whether such preferable sites may exist. The SAS concludes that there are no preferable sites in comparison to the application site.

6.41 The Proposed Development therefore complies with the requirements of PPW Paragraph 3.55 and is justified at this location despite comprising some best and most versatile agricultural land.

Highways and Access

6.42 A Construction Traffic Management Plan is provided to demonstrate how impacts on the road network will be managed during the construction phase. This construction phase will generate significant traffic movements, unlike the operational phase which would only require infrequent vehicle movements for maintenance purposes.

6.43 With regard to construction routing, the position of the site in the vicinity of the A55 means that construction vehicles do not need to pass through any settlements or use inappropriate roads. Further, the road system would be capable of accommodating this temporary increase in HGV movements without undue impact on highway capacity.

6.44 The two accesses to the site from the A525 would be appropriate for the size of vehicle required to access the site with adequate visibility and ability to enter and exit the site on forward gear.

6.45 It is therefore considered that the development would have no material

adverse effect on the road network.

Flooding

- 6.46 This planning application is accompanied by a flood consequence assessment and drainage strategy. The assessment confirms that the eastern and low-lying areas of the site fall within Flood Zone C1. At the margins of Zone C1 on slightly elevated ground are areas defined as falling within Flood Zone B. The remainder of the site is defined as falling within Zone A.
- 6.47 The raising of solar panel edges and vulnerable infrastructure ensures that the site would be effectively mitigated in the unlikely event of a severe breach of the existing flood defences or reservoir failure. The assessment confirms that the solar panels and small substations dispersed across the site will have an insignificant impact on the response of the land to rainfall. As the Proposed Development will be operated remotely there is no concern with human safety in the event of flooding.
- 6.48 Drainage for the substation compound and construction compound will be managed with attenuation basins to ensure there is no additional surface water runoff resulting from the development.
- 6.49 The flood consequence assessment confirms that the proposals will be safe from all forms of flooding and provide a betterment in terms of downstream flood risk and pollution. Further, the Flood Risk Justification Statement demonstrates the location of the site is acceptable. The proposal therefore meets the aims of TAN15 in terms of flood risk and drainage.

Minerals

- 6.50 The application proposal forms part of a wider area of land safeguarded for sand and gravel extraction within the adopted LDP. The temporary nature of the Proposed Development means that it would not lead to the permanent or long term sterilisation of this mineral resource across the development site.
- 6.51 The Proposed Development therefore safeguards the mineral resource and does not conflict with LDP Policy PSE15.

Welsh Language

- 6.52 The Proposed Development of a solar farm would not affect the demographics of the population and, once constructed, would result in the need for relatively few visits from contractors for maintenance. Accordingly, there would be very limited effect on the character and language balance of the local community, and therefore not conflicting with LDP Policy RD5 or national policy requirements.
- 6.53 It is the Applicant's intention to provide bilingual signage where appropriate and this can be required by a condition added to any planning permission if considered necessary.

Development Plan Compliance

- 6.54 It has therefore been demonstrated that the development can be considered to comply with the requirements of the development plan, and specifically with Policy VOE 10 which sets out the consideration for determining whether renewable energy development should be permitted, together with other relevant policies.

- 6.55 The scheme provides renewable energy and adverse impacts of the development have been shown to be largely avoided and, where this has not been possible, it has been demonstrated that impacts are capable of being mitigated so they are not unacceptable or harmful to such an extent to conflict with planning policy requirements.
- 6.56 Given the compliance with the development plan, it is therefore correct for planning permission to be granted in as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 6.57 However, should it be determined that there is a degree of conflict with development plan, it is necessary to consider and balance material considerations to determine whether planning permission should be granted.

Planning Balance

- 6.58 This chapter has identified a number of material considerations which would be either public benefits or adverse effects should planning permission be granted for the proposed development.
- 6.59 To undertake an effective balance of these matters, a weight is prescribed to each of these impacts. The scale applied here is to consider the positive and adverse impacts, as either 'Substantial', 'Moderate' or 'Limited' (in ascending order of magnitude).

Adverse Impacts

- 6.60 Few adverse effects have been identified. In most cases, it has been shown that environmental effects are 'neutral' in that the design of the scheme has meant there no material harm is found or that mitigation measures can reduce any effects to neutral.

6.61 The use of a section of best and most versatile agricultural land and the location of a part of the application site in areas at risk of flooding are not considered to represent matters to weigh against granting planning permission here given the justification provided in the application to demonstrate compliance with policy requirements in these regards. The following adverse effects have been identified however:

Visual Impact:

6.62 The assessment of visual effects confirms that there would be a significant change to short-range views from the existing Public Right of Ways crossing the site. While this is an adverse impact, it is inevitable that there will be more significant effects from such short-range views. However, the proposed planting will, once matured, screen these close-range views, which mitigates this harm. Further the assessment does not find significant effects to any wider-range views.

6.63 As set out above, it is considered the development would comply with the development plan in respect of visual impact, but should non-compliance be found, this matter should be afforded limited adverse weight in the planning balance.

Heritage Impact:

6.64 The Heritage Desk-Based Assessment finds that the Proposed Development would result in a small degree of harm to the setting of two Grade II Listed Buildings: Gwernigron Farmhouse and Pengwern Hall.

6.65 The assessment however finds that this impact would be very limited and it is outlined above that such limited effect is considered to be outweighed by the need for this development and therefore in

compliance with the development plan. However, should conflict with the development plan be found for this matter, the minor extent of the harm means this matter should be afforded limited adverse weight in the planning balance.

Benefits

Provision of Renewable Energy:

- 6.66 The significant contribution of the development to reducing carbon emissions represents the key public benefit of this application, As set out above, the provision of renewable energy gains strong support with it being clear there is a pressing need for such development in order to meet legally binding targets and to decarbonise Wales and the UK. The of battery storage adds an additional benefit by providing flexibility in supply to the electricity network.
- 6.67 PPW is clear that considerable weight should be afforded to the provision of renewable energy. Accordingly, substantial weight must be given to the renewable energy generation of the Proposed Development in considering the planning balance.

Biodiversity:

- 6.68 The measures included within the scheme to enhancement biodiversity across the site represent a net benefit and the submitted Biodiversity Management Plan will ensure these benefits are fully realised throughout the lifetime of the development.
- 6.69 It is considered ecological benefits should be afforded limited weight in favour of granting planning permission.

Farm Diversification:

- 6.70 The benefit to the existing agricultural enterprise via consistent and guaranteed rates over the lifetime of the development, allowing continued investment in the rural economy, and complying LDP aspirations as set out at Policy PSE 5.
- 6.71 This benefit should be afforded limited weight in favour of planning permission being granted.

Overall Planning Balance

- 6.72 Having considered the range of material considerations that are positive and adverse, it is clear that the adverse impacts of the Proposed Development would be significantly and demonstrably outweighed by the benefits. Residual adverse impacts are noted as being particularly limited in this instance and clearly outweighed by benefits associated with renewable energy generation together with other identified public benefits.

Conclusion

- 6.73 It has therefore been established that the Proposed Development broadly complies with the development plan when read as a whole, and particularly renewable energy policy POE 10.
- 6.74 Even where conflict is found with the development plan requirements however, the public benefits of the Proposed Development constitute material considerations which would indicate planning permission should be granted in any case.
- 6.75 Further, the Proposed Development would meet the legally binding

requirements of the Well-Being of Future Generations (Wales) Act 2015, for public bodies to carry out sustainable development. The development would make a significant contribution to social, economic and environmental well-being via the increase in renewable energy generation, with further environmental and economic benefit resulting from ecological enhancements and support to the rural economy.

- 6.76 The Proposed Development is therefore a sustainable development when considered against the Act's definition. This additionally demonstrates that it is correct for planning permission to be granted.

DRAFT

7.0 CONCLUSION

- 7.1 This Planning Statement has been prepared by Pegasus Group on behalf of Solarcentury ("the Applicant") in support of a planning application for a Development of National Significance (DNS) for Elwy Solar Energy Farm on land at Gwernigron Farm, St Asaph, Denbighshire ("the Application Site").
- 7.2 The Proposed Development would involve the construction of a ground mounted solar farm along with battery storage facility and associated infrastructure.
- 7.3 The development will support the UK Government's intention to move to a low carbon economy.
- 7.4 The Development Plan for the area relevant to the application comprises the Denbighshire County Council Local Development Plan 2006-2021 (Adopted 4th June 2013). Denbighshire County Council have also published a Renewable Energy Supplementary Guide (April 2016). Denbighshire County Council are also currently preparing a Replacement Local Development Plan (2018-2033). National planning policy and guidance is also a material consideration in the determination of this planning application. The proposal has been shown to be in compliance with the relevant Development Plan policies.
- 7.5 The impacts of the proposal have been shown to be acceptable and, where necessary, mitigation measures have been set out to reduce potential impacts of the Proposed Development.
- 7.6 The temporary and reversible nature of the development, together with the landscape/biodiversity enhancements will ensure that the site can be restored to its current use. The environmental benefits as well as the

increased production of energy from renewable sources represents a significant case in favour of the development proposals.

7.7 This statement demonstrates that, upon considering the following matters, this proposal, on balance falls well within the scope of acceptability:

- Broad compliance with the Development Plan and national planning policy guidance;
- The significant benefits associated with the scheme; and
- The relatively benign impacts associated with the development.

7.8 Accordingly, the proposal represents sustainable development and, as such, this planning application should be approved without delay.