In pursuance of its powers under the Acts an Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

wrexham COUNTY BOROUGH COUNCIL CYNGOR BWRDEISTREF SIROL wrecsam

Applicant	BIOGAS TECHNOLOGY LTD	**Code No**	LLA P/2021/0915
Agent	CLIVE FAGG CLIVE FAGG PLANNING 9 DAIRY LANE HOSE MELTON MOWBRAY LE14 4JW	**Date Received**	13/09/2021
		Decision Date	08/11/2021

Town and Country Planning Act, 1990
Section 73

Location of application

LAND AT LLAY HALL FARM, WEST OF MINERS PARK, LLAY, WREXHAM, LL12 0PJ

Description of application

AMRYWIO AMOD 2 CANIATAD CYNLLUNIO P/2019/0210 I DIWYGIO CYNLLUNIAU CYMERADWY / VARIATION OF CONDITION 2 OF PLANNING PERMISSION P/2019/0210 TO AMEND APPROVED PLANS

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

GDP1	Development objectives
PS2	Development and the environment
T8	Parking

Revision	Date	Description of Decision
0	08/11/2021	Planning permission issued

Particulars of decision that permission be GRANTED
Subject to the following:-

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of the original permission ref. p/2019/0210 dated 15.11.19.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered, BN004-0-Llay-002.4 Rev A, BN004-0-Llay-002.3 Rev A, BN004-0-Llay-002.S Rev A, BN004-0-Llay-002.1 Rev A, BN004-0-Llay-001, BN004-0-Llay-004 and as contained within the application documentation.

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3. No part of the development shall commence until a scheme of reasonable avoidance measures in relation to great crested newts, including a timescale for their implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the detail as may be approved.
4. No part of the development shall commence until a landscaping scheme, which incorporates habitat improvements for great crested newts has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented within the first available planting season following the first use of the development and shall be maintained for a period of 5 years.
5. No part of the development shall commence until a biosecurity risk assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations contained within the approved scheme.
6. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Method for rating and assessing industrial and commercial sound.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To ensure that the development does not cause harm to species which are afforded protection through the planning system in compliance with policies PS2 and GDP1 of the Wrexham Unitary Development Plan.
4. To ensure that the development does not cause harm to species which are afforded protection through the planning system in compliance with policies PS2 and GDP1 of the Wrexham Unitary Development Plan.
5. To ensure that the development does not cause harm to species which are afforded protection through the planning system in compliance with policies PS2 and GDP1 of the Wrexham Unitary Development Plan.
6. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

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Note(s) to applicant

The conclusions of report NOISE IMPACT ASSESSMENT REPORT, PROPOSED PEAKING POWER PLANT FACILITY, LLAY ROAD,WREXHAM, LL12 0PQ. REPORT REFERENCE NO. J003417-5039-LK-02 Dated OCTOBER 2021 are accepted.
All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If however there are urgent or unavoidable circumstances requiring works outside of the specified times, permission to proceed may be sought by contacting Environmental Health and Housing Standards at: healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.
Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:
- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach

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of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Planning & Regulatroy Department on 01978 292040 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Planning & Regulatory Department on 01978 292040 for further advice and information.

Officer Appointed for this purpose
Chief Officer Planning & Regulatory

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-
http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm