wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

MEMORANDUM

From: **Ian Jones**
Head of Service Public Protection

To: **Matthew Phillips**
Head of Service Planning Development

Our Ref:

Your Ref: P/2024/1578

Date: 10-12-2024

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2024/1578, LAND OFF, BRYMBO ROAD, BRYMBO, WREXHAM, LL11 5LY

GOSOD PANELI SOLAR AR Y TIR, STROFA BATRI A CHABINED GRID / INSTALLATION OF GROUND MOUNTED SOLAR PHOTOVOLTAIC (PV) SCHEME, BATTERY STORAGE AND GRID CABINET

RPT 2 - REPORT REQUIRED

Due to the presence of residential receptors near the proposal this section requires a noise report so as to make informed comments. I recomend tha this rpeort be required predetermination:

A noise survey shall be carried out, and a detailed report of the survey findings submitted to, and approved in writing by, the Local Planning Authority. The noise survey shall determine noise levels for both Day (07:00 – 23:00 hours) and Night (23:00 – 07:00 hours), having regard to Planning Policy Wales (PPW) Guidance, Technical Advice Note (TAN) 11 – Noise. The report of the noise survey findings shall include:

a)Noise levels arising from day / night time activities in the vicinity of the proposed development site and the impact upon the existing accommodation, and

b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the existing accommodation.

The measures as are approved shall be fully implemented prior to the first occupation / use of the development.

It is common that large technical infrastructure applications are determined well ahead of the procurement and purchase of the plant and equipment required. A similar process occurs for Wind Turbine applications.

In that circumstance the applicant selects atypical wind turbine specification known as a 'candidate' turbine. The application details, decision and conditions are then determined based on the candidate plant.

Within the above noise assessment details should be provided of candidate plant that may contribute to environmental noise, or if this is not possible, the report shall establish maximum noise limits of plant so as to not exceed background levels at sensitive receptors. Details of any tonal and or impulsivity penalties under BS 4142; 2014 shall be provided or reasons for their non-inclusion.

Any report should also include a discussion on vibration from the proposed plant with details of any impact on existing residential receptors. If vibration cannot be ruled out as having a detrimental affect suitable attenuation should also be detailed in the report.

I recommend the following form the basis of a planning condition that follows the general approach for wind turbine developments, being the closest comparable relevant scheme, where:

1) The applicant specifies and agrees candidate plant and equipment as part of the application process. Or if this is not possible provides maximum noise limits for plant.

2) The noise impact of the candidate plant is assessed against national standards and determined to be acceptable (or not)for the location and circumstances.

3) Prior to the operation of the proposed development the operator submits for the written agreement of the planning authority a list of noise consultants who can undertake compliance measurements on behalf of the operator.

4) Within 21 days of receipt of a written request of the local planning authority, following complaint alleging noise disturbance at a dwelling from the operation of the development, the operator shall, at its own expense, employ a consultant (as approved by the local planning authority in para 3) to assess the level of noise emission and report back to the local planning authority findings regarding compliance with the planning conditions and the noise impact assessment accompanying the application. Such a report shall be submitted to the local planning authority

INF24 - DUST MANAGEMENT (SCHEME NOT REQUIRED BY CONDITION)

The Applicant is advised that under the 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

INF23 - BURNING OF WASTE

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 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

INF22 – MINOR DEMOLITION CONSTRUCTION NOISE

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 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 work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & 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.

……

Head of Service Public Protection