

MEMORANDUM



From: Ian Jones
Public Protection Service Manager

To: Mathew Philips
Planning Control Manager

Our Ref:

Your Ref: P/2024/0155

Date: 26-07-24

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

**Re: P/2024/0155, LAND NORTH OF BRONWYLFA ROAD RHOSTYLLEN
WREXHAM**

**Amended Plans - GOSOD A GWEITHREDU SYSTEM STORIO YNNI, YN
CYNNWYS UNEDAU STORIO YNNI, IS-ORSAF, MYNEDIAD I'R SAFLE,
CYSYLLTIAD CEBL, TIRLUNIO AC ISADEILEDD ATEGOL / INSTALLATION
AND OPERATION OF AN ENERGY STORAGE SYSTEM (ESS) INCLUDING
ENERGY STORAGE UNITS, SUBSTATION, SITE ACCESS, CABLE
CONNECTION, LANDSCAPING AND ANCILLARY INFRASTRUCTURE**

ZIP05 - NOISE GENERATION - NOISE LEVEL CONDITION

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 Methods for Rating and Assessing Industrial and Commercial Sound.

RPT1 - REPORT REVIEW

Following the provision of further supporting evidence I am satisfied that the proposal will not adversely affect nearby sensitive receptors in terms of noise with the caveat that plant that is used does not exceed the sound power levels as stated in Table 5 'Sound Source Data' of report 'Land North of Bronwylfa Road –Energy Storage System, Wrexham. Noise Impact Assessment for Planning Application' Dated 25th April 2024 by Inacoustic'. I therefore recommend a suitably worded condition that requires the applicant to:

Prior to placement the applicant will confirm that the chosen plant does not exceed the sound power levels quoted in Table 5 'Sound Source Data' in report 'Land North of Bronwylfa Road –Energy Storage System, Wrexham. Noise Impact Assessment for Planning Application' Dated 25th April 2024 by Inacoustic'. Further the frequency / spectral sound power levels for the chosen plant shall also be provided to demonstrate whether any penalties are applicable under BS 4142; 2014.

I also recommend a suitably worded condition requiring that 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) 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 within 35 days commencing on the day of the written request.

A22NA – 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.

A25N - 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.

A23N - 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.

p.p.

A handwritten signature in cursive script, appearing to read 'Ian Jones', written in black ink.

Ian Jones
Public Protection Service Manager