

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

|                  |                                                                                         |                      |                 |
|------------------|-----------------------------------------------------------------------------------------|----------------------|-----------------|
| <b>Applicant</b> | MR GUY MANNERS-SPENCER<br>HD639LEG LIMITED                                              | <b>Code Number</b>   | ESC P/2023/0175 |
| <b>Agent</b>     | AXIS<br>MR JONATHAN MAGINNESS<br>CAMELLIA HOUSE<br>76 WATER LANE<br>WILMSLOW<br>SK9 5BB | <b>Date Received</b> | 16/03/2023      |
|                  |                                                                                         | <b>Decision Date</b> | 24/07/2023      |

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### **Town and Country Planning Act, 1990**

#### **Location of application**

LAND TO NORTH OF, LEGACY NATIONAL GRID SUBSTATION,  
BRONWYLFA ROAD, TALWRN, WREXHAM, , LL14 4HY

#### **Description of application**

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ATODOL / INSTALLATION AND OPERATION OF BATTERY STORAGE  
FACILITY AND ANCILLARY DEVELOPMENT

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

|      |                                 |
|------|---------------------------------|
| EC13 | Surface water run-off           |
| EC4  | Hedgerows, Trees and Woodland   |
| EC5  | Special Landscape Areas         |
| EC6  | Biodiversity Conservation       |
| GDP1 | Development objectives          |
| PS11 | Biodiversity                    |
| PS12 | Renewable energy                |
| PS2  | Development and the environment |
| T7   | Traffic management              |
| T8   | Parking                         |

| Revision | Date       | Description of Decision                          |
|----------|------------|--------------------------------------------------|
| 0        | 24/07/2023 | Planning permission issued                       |
| 1        | 30/11/2023 | Discharge of condition 8 approved<br>P/2023/0678 |
| 2        | 4/4/2024   | Discharge of condition 5 approved<br>P/2024/0083 |

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

|                  |                                                                                            |                          |                          |
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|                  |                                                                                            | <b>Decision<br/>Date</b> |                          |

### Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawings numbered 2658-03-01 and 2658-03-02 Location Plan, 2658-03-03 General Arrangement, 2658-03-05 Battery Storage Containers, 2658-03-06 Inverter / Transformer Stations, 2658-03-07 Switchgear Container, 2658-03-08 Control Room, 2658-03-10 Fencing and Security and as contained within the application documentation.
3. The development shall be carried out in strict accordance with the following plans and reports submitted and approved as part of this application:  
Arboricultural Method Statement Arbtech AMS 01/Rev3 Rev C  
Arbtech Arboricultural Impact Assessment 01 Rev B  
Arbtech Tree Protection Plan 01 Rev B  
Ecological Assessment AxisL-043-1215 V1  
Full Great Crested Newt Mitigation Strategy, Ref: AxisL-043-1215, Avian Ecology  
Construction Environmental Management Plan, Reference 2658-03-CEMP/JM  
No development or other operations shall take place except in strict accordance with the reports as approved.
4. The rating level of any noise generated by 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.
5. Within three months of the commencement of the development hereby permitted, full details of a hard and soft landscaping scheme together with a five year Maintenance Plan and timescales for implementation of works shall be submitted in writing for the approval of the Local Planning Authority.

**Date Approved:** 4/4/2024 **Reference Number:** P/2024/0083

**By:** Wrexham County Borough Council

**Approved Details**

|                  |                                                                                            |                          |                          |
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Drawing 2658-03-11

6. The landscaping scheme submitted and approved in connection with condition no. 5 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

7. The landscaping scheme as carried out in connection with condition no. 5 shall be retained for a minimum of 5 years. Within this timescale, any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed shall be replaced with trees or hedgerow of the same and species to those originally required to be planted within the next available planting season.

8. Before the first use of the development hereby permitted a scheme of net biodiversity benefit shall be implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved measures for net biodiversity benefit shall thereafter be permanently retained.

**Date Approved:** 30/11/2023 **Reference Number:** P/2023/0678

**By:** Wrexham County Borough Council

**Approved Details:**

Cover letter 12/9/2023

Planning Application Forms and Certificates;

Ecological Enhancement Plan;

Net Biodiversity Benefit Technical Note;

Enclosure A: Email confirmation of draft NBB scheme

### **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 comply with section 71ZA (2) of the Town and Country Planning Act 1990.
4. 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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5. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

8. To ensure the development delivers net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 11.

### **Note(s) to applicant**

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](mailto:healthandhousing@wrexham.gov.uk) or 01978 292040 for further advice and information.

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

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can result in prosecution. The applicant should contact the Council's Environmental Health & Housing Standards Team on [healthandhousing@wrexham.gov.uk](mailto:healthandhousing@wrexham.gov.uk) or 01978 292040 for further advice and information.

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](mailto:healthandhousing@wrexham.gov.uk) or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

**Warning:** An European protected species (EPS) Licence is required for this development.

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This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>



David Fitzsimon  
Prif Swyddog Yr Economi a Chynllunio  
Chief Officer Economy and Planning

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](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)