

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 6 MARCH 2023

APPLICATION NO:
P/2022 /0541

LOCATION:
LAND ADJACENT TO LITTLE
LLWYN ONN CEFN CEFN ROAD
ABENBURY WREXHAM
LL13 0NY

DATE RECEIVED:
09/06/2022

COMMUNITY:
Abenbury

CASE OFFICER:
MP

WARD:
Holt

DESCRIPTION:
CODI FFERM SOLAR A
CHYFLEUSTER STORIO BATRIS /
ERECTION OF SOLAR FARM AND
BATTERY STORAGE FACILITY

AGENT NAME:
MISS HELEN
DONNELLY

APPLICANT(S) NAME:
NOVUS RENEWABLE SERVICES
LTD

THE SITE

The site subject of this planning application is currently a parcel of undeveloped agricultural land covering an area of approximately 13.89 hectares to the north of Cefn Road. The application site also includes a smaller area of land located to the south of Cefn Road, covering an area of approximately 0.86 hectares.



PROPOSAL

There are two distinct elements to the proposed development:

1. Solar photovoltaic panels and associated infrastructure; and
2. A battery storage facility.

The proposed development will also provide a substation and private wire cable connection which forms part of the ancillary infrastructure for the site.

The maximum height of the panels above ground would be 3.1 metres (rear edge), with a tilted angle of approximately 20-25 degrees with a lowest height of 0.8 – 1.1 metres (front edge). String inverters would be sited to the rear of each of the panels. The layout would also include four pairs of transformers within the site, which would be located adjacent to the internal access track which would run through the site.

HISTORY

No relevant history.

DEVELOPMENT PLAN

National Policy

Planning Policy Wales 11 and the following Technical Advice Notes (TAN) are also relevant:

TAN5	Nature Conservation
TAN6	Sustainable rural communities
TAN8	Renewable Energy
TAN15	Development and Flood Risk
TAN18	Transport are relevant, together with Planning Policy Wales 11.

Local Policy

The site is outside a settlement limit defined in both the UDP and LDP. It is also partly within a Zone C2 on the Development Advice Maps and Zone 3 in Flood Maps for Planning.

The following policies are applicable:

Wrexham Unitary Development Plan

Policies PS1, PS1, PS2, GDP1, EC4, EC6, EC11, EC12 and EC13 are relevant. The site lies within a Green Barrier therefore policy EC1 is also applicable.

Wrexham Local Development Plan

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Policies SP2, SP14, SP15, SP18, SP19, DM1, NE1, NE3 and RE2 are relevant

CONSULTATIONS

Community Council

Consulted 15.6.2022. No comments received.

Local Ward Member

Notified 15.6.2022. No comments received.

Highways Officer

Concludes there is no highway safety reason as to why planning permission should not be granted subject to a condition requiring the implementation of a Construction Traffic Management Plan (CTMP)

Public Protection Officer

Recommends advisory notes relating to dust management, burning of waste advice and construction/demolition noise advice.

Contaminated Land Officer

Confirm no comments to make.

Welsh Water

Raises no objection on the basis of there is no connection to the public sewer. Recommends a condition and an advisory note regarding drains that may be affected by the development.

Welsh Water have also confirmed their support for the development on the grounds of it being due being an opportunity for renewable energy to displace Dwr Cymru's electricity use at Dwr Cymru's Five Fords Waste Water Treatment Works, reduce dependence on grid supplied electricity and contribution towards Dwr Cymru being a net zero business by 2040.

Natural Resources Wales

No objection subject to conditions being imposed.

Advises that the proposed development is not likely to harm or disturb the GCN or their breeding sites and resting places provided a condition is imposed to secure the a Landscape and Ecology Management Plan.

Confirms that subject to avoidance measures being implemented, there is unlikely to be a detrimental impact upon bats species, otter and water vole.

Advises that the site is partly within Zone C2 of the Development Advice Map and partly within Flood Zone 3: Rivers of Flood Map for Planning and confirms the FCA submitted shows the flood risks could be acceptably managed t

CPAT

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Raises no objection to the proposal but recommends conditions to ensure the following matters:

- preservation of recorded archaeological remains in situ by design; and
- the submission, approval and implementation of an archaeological watching brief with mitigation measures for works affecting any archaeological remains;

Site Notices

Expired 15/7/22

Press Notice

Expired 15/2/23

Neighbours

The owners/occupiers of 16 nearby properties notified 20/1/2023.

1 representation received confirming support for the application but commenting that roofs would be favoured over farmland for solar panels.

SPECIAL CONSIDERATIONS

Principle of Development: Policy PS12 of the UDP advises that proposals for the generation of energy from renewable sources will be supported provided the wider environmental benefits are not outweighed by detrimental impacts on the landscape, public safety and the local environment.

Whilst the LDP has not yet been adopted, the Council is expecting to receive the Inspectors Final Report imminently. Paragraph 9.4.8 of the Development Management Manual (DMM) confirms that the Inspectors Report provides certainty over the content of the LDP. Paragraph 9.4.9 of the DMM also advises that in the period between submission of an LDP for Examination in Public and its adoption, evidence to support the policies in the LDP could be a material consideration. In light of this, relevant policies in the LDP are considered to be material considerations and are therefore referenced in the report.

Policy SP18 of the LDP deals with climate change. Of directly relevance to this proposal is the requirement to reduce carbon emissions and promote the supply of renewable energy. Policy RE2 direct solar farm developments of less than 10 Mw to local search areas (LSA) for solar, subject to consideration given to landscape impacts. The application lies within an LSA. Policy RE2 is underpinned by a Renewable Energy Assessment (updated September 2019), which identifies the LSAs. This evidence has already been considered in full by the LDP Inspectors. Other than some revisions to the wording of Policy RE2 that were subject to Matters Arising Changes consultation in 2022, no fundamental changes to the LDP's approach to solar farm developments have been made following the Examination in Public.

The site lies immediately to the west Wrexham Industrial Estate so is it is not an isolated parcel of land in open countryside. It is considered to be an appropriate location for the proposed development. The main issues for consideration are:

- landscape impact;
- impact on the UDP Green Barrier;
- highway safety;
- ecology;
- residential amenity;
- flood risk;
- best and most versatile agricultural land; and
- historic environment.

Landscape Impact: The site is currently an agricultural field but is not subject to any specific landscape designations, such as Special Landscape Area. As such, although the application site is presently undeveloped, overall it is considered to be of limited discernible landscape value in its own right.

The topography of the site is similar to the surrounding landscape. No element of the site visually prominent in the surrounding landscape, or from wider public viewpoints.

Whilst elements of the site can be viewed from the surrounding highway network, the site is screened by the surrounding hedgerows and vegetation which forms the boundary of the site on all sides, reducing its prominence in the immediate and wider landscape. Landscaping would also be undertaken in conjunction with the development.

Having regard to the above, it is considered that the proposal would not adversely impact upon the landscape and therefore accords with UDP policies PS2, GDP1 and EC4 as well as LDP policies SP19, DM1 and NE3.

Green Barrier: The site lies within a Green Barrier as defined by the UDP. Paragraph 3.77 of PPW11 confirms that development for renewable and local carbon energy generation do not conflict with the purposes of land being included within a Green Wedge provided they preserve openness.

Having regard to the landscape impacts discussed above, the proposed development would not harm the openness of the Green Barrier.

PPW11 advises that Green Wedges should be reviewed as part of the development plan process. The existing UDP Green Barriers were reviewed in the Strategic Green Wedge Review (GWR) October 2017 as part of the process of preparing LDP. The application site lies in an area that will not be subject to a Green Wedge designation in the LDP, if it is adopted. Having regard to the outcome of the GWR, the development would not conflict with the purposes of including land within a Green Wedge. Accordingly would be no conflict with policy EC1.

Highway Safety: The construction period is scheduled to last for 16 weeks. Vehicular movements associated with the development would largely be restricted to this which would be 10 HGV movements per day. Once operational, the development would generate very low levels of traffic, with only 1-2 visits per month associated with maintenance.

Access to the northern part of the site would be achieved via the existing single point of access off Cefn Road which would be upgraded and widened. Access to the southern area of the site would be achieved via the existing access road off Cefn Road. Both accesses would provide adequate visibility in both directions.

The Council's Highway Officer has advised that there are no highway reasons as to why planning permission should not be granted. In such terms, the proposal accords with UDP policy GDP1 or LDP policy DM1.

Ecology: The application is supported by Ecology Reports which confirm Great Crested Newts (GCN) are likely to present at the site. GCN are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

Subject to the implementation of habitat creation and its long term management, NRW have confirmed they are satisfied the development is not likely to harm or disturb GCN or their breeding sites and resting places. Habitat creation and long term management can be secured by condition.

The Ecology Reports confirm that there are features that provide high or medium bat roost potential within the site. With the exception of some limited hedgerow removal these features will be retained. Planting of additional woodland is also proposed.

The Ecology Report advises that no signs of riparian mammals were found within the site, with records of both otter and water vole being some distance away. In light of these considerations, both are considered to be absent from the site.

NRW concurs with the Report's conclusions and recommendations in regard to bats, otter and water vole.

Paragraph 6.4.5 of Planning Policy Wales 11 requires development to provide net benefit to biodiversity (NBB). The application is not accompanied by any plans that specifically show the delivery NBB however this could be secured by imposing a suitability worded condition.

Subject to conditions being imposed to secure ecological mitigation and NBB, there is no conflict with UDP policy EC6 or LDP policies SP14 and NE1

Residential Amenity: Due to the relatively low height of the solar panels (being a maximum of 3.1 metres above ground) and the separation distances

to nearby dwellings the development would result in no loss of light or appear over-bearing.

The proposed solar farm comprises solar panels, inverters and batteries. These elements are unlikely to generate significant levels of noise.

Due to the close proximity of a number of residential properties to the site, the construction phase of the development has the potential to impact upon the residential amenity, albeit for a temporary period. It is nevertheless considered reasonable to restrict the hours of construction in order to minimise this impact.

Having regard to the above, there is no conflict with UDP policy GDP1 or LDP policy DM1.

Flood Risk: A relatively small area of the site lies within Zone C2 on the Development Advice Map and within Zone 3 on the Flood Map for Planning (FMfP). The proposal is considered to be less vulnerable development. The application is accompanied by a Flood Consequences Assessment.

TAN15 paragraph 6.5 advises that development within zone C2 on DAM should only be permitted the specific tests are met:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; **or**,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and;
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

The above advice is also applicable for land within Zone 3 on FMfP).

The development would not comply with i.-iii. Nevertheless, given the nature of the development, the site would not be occupied other than for routine maintenance. On this basis, the flood risk to humans is relatively low. Furthermore, the FCA confirms that electrical infrastructure (i.e. those elements potentially at risk of significant damage in the event of a flood) are to be located outside of Zone C2.

In light of the FCA, NRW has advised that the risks and consequences of flooding can be managed to an acceptable level.

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Whilst the proposals do not fully accord with parts i-iii of paragraph 6.5 of TAN15, the nature of the proposal and the proposed site layout mean that the impacts of flooding on the development itself are not unacceptable and nor does the development unacceptably increase risk of flooding off-site. Accordingly, it accords with the overall objectives of TAN15 as well as UDP policy EC12 and LDP policy DM1.

Best and Most Versatile land (BMV): The majority of the site is identified as Grade 3b on the Welsh Government's Predictive Agricultural Land Classification map and therefore is not classed as BMV.

A small part of the site (approximately 200sq.m) located on the south side of Cefn Road is shown as Grade 3a and therefore BMV land on the Welsh Government's Predictive Agricultural Land Classification map. This area would be occupied by a substation.

Paragraph 3.59 of PPW11 advises that BMV land should only be developed where there is an overriding need for the development and where previously developed land or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The delivery of low carbon and renewable energy is essential to reducing reliance on fossil fuels to generate electricity. Paragraph 5.7.14 of PPW11 confirms the Welsh Government's target for Wales to generate 70% of its electricity consumption from renewable energy by 2030. Paragraph 5.7.15 of PPW11 identifies the Planning system as having an active role to meet this target in terms of new renewable energy generating capacity.

The need to generate electricity from low carbon and renewable energy means, there is arguably an overriding need for the development, however this must be balanced against the need to protect BMV land to ensure high quality land food production is also protected.

Whilst all of the land to the north of Cefn Road is Grade 3b, as already noted above, part of it also lies within Zone C2 on the DMP and Zone 3 on FMfP and is therefore at risk of flooding so would not be appropriate for the siting of electrical equipment such as a substation. Accordingly land of a lower grades not available for this part of the development.

On balance, the benefits arising from the development significantly outweigh the loss of a small area of BMV land and as such this matter would not justify refusal of the application.

Historic Environment: CPAT have advised that the application site has the potential for prehistoric archaeology of local and regional importance to be present within the ground.

An Archaeological Assessment and Written Scheme of Investigation has been submitted in support of the application. In light of these submissions, CPAT

have advised they have no objection to the proposal subject to conditions being imposed.

Subject to the conditions recommended by CPAT, the development accords with the requirements of Policy EC11 of the UDP and policy SP15 of the LDP.

CONCLUSION

The site is considered to be an appropriate location for the proposed development. The proposed solar farm would not harm the surrounding landscape. Having regard to layout of the site and the mitigation measures proposed, nor would it give rise to unacceptable highway, residential amenity, flood risk or historic environment impacts. On this basis, the proposal accords with the relevant development plan policies.

RECOMMENDATION: That permission be GRANTED

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 hereby permitted shall only be carried out in strict accordance with the following plans and documents:
 - Location Plan titled 'Redline boundary plan' (ref: CE/321/13), dated 28 October 2021;
 - Stage 3: Detailed Layout (ref: CE/321/4 - Rev.L), dated 16 December 2022;
 - Corylus Planning & Environmental Ltd 'Flood Consequences Assessment' (ref: 321/SP10 - v1), dated October 2021;
 - Battery Store Details: Battery System (8x Battery Containers, 2 x Inverter Skid), (ref: CE-321-12-5), dated 22 October 2021;
 - DNO/Customer Substation (ref: CE-321-12-6 - Rev.A), dated 05 November 2021);
 - Spares Container Store (ref: CE-321-12-7), dated 22 October 2021;
 - Indicative Transformer (ref: CE-321-12-8), dated 22 October 2021;
 - 33kV/11kV Transformer (ref: CE-321-12-9), dated 22 October 2021;
 - PV Panel Details (ref: CE-321-12-1), dated 22 October 2021;
 - CCTV & Fence Details (ref: CE-321-12-2), dated 22 October 2021;
 - Battery Store Details: Palisade Fence (ref: CE-321-12-3), dated 22 October 2021;
 - Etive Ecology Ltd 'Great Crested Newt Mitigation Strategy' (report version 2.0), dated October 2022;
 - Etive Ecology Ltd 'Ecological Impact Assessment', dated October 2022;
 - Etive Ecology Ltd 'Ecology Addendum' dated 21 December 2022
 - Corylus Planning & Environmental Ltd 'Surface Water Management Plan' (ref: 321/SP11 - v.1), dated October 2021;

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- TPA 'Construction Traffic Management Plan' (ref. version 01), dated 01 July 2022;
- Cheshire Woodlands 'Arboricultural Statement' (ref: CW/10495-AS), dated August 2021;
- Tree Protection Plan (ref: CW/10495-P-TP), dated 25 August 2021;
- Wessexarchaeology 'Historic Environment Desk-based Assessment' (ref: 247430.01) Rev 2, dated April 2022;
- Wessexarchaeology 'Written Scheme of Investigation for Archaeological Evaluation' (ref: 247430.03) Rev 2, dated December 2021;
- Wessexarchaeology 'Written Scheme of Investigation for an Archaeological Geophysical Survey' (ref: 247430.02) Rev 1 dated October 2021;
- Wessexarchaeology 'Detailed Gradiometer Survey Report' (ref: 247431.04) Rev1, dated November 2021;
- Wessexarchaeology 'Archaeological Evaluation' (ref: 257630.2) Rev 1 dated March 2022;
- Corylus Planning & Environmental Ltd 'Landscape and Visual Assessment' (ref: 321/04/22/LVA/3), dated April 2022;
- Ne Environmental 'Glint and Glare Assessment', dated 22 October 2021;
- Cefn Solar Farm Residential Based Receptors - Figure 1 Plan (ref: NEO00941/001I/A), dated 04 October 2021;
- Cefn Solar Farm Road Based Receptors - Figure 2 (ref: NE900941/002I/A), dated 04 October 2021;
- NE Environmental - Appendix H: Visibility Assessment Evidence;
- Sunpower Corporation 'Solar Module Glare and Reflectance Technical Memo' (ref: Appendix I), dated July 2021.

3. The development hereby granted planning permission shall be removed and the land restored within 40 years from the date of this permission, or within 6 months of the cessation of the use of the development for the generation of electricity, whichever is sooner. All plant, equipment, hardstanding, machinery and/or materials forming part of or connected with that use shall be removed not later than one month after that date.

4. A Decommissioning Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development for the generation of electricity. The Decommissioning Plan shall include details of the works necessary to revert the site to its original condition, including the method for the removal of all of the solar panels, sub-stations, inverter stations, structures, hardstanding, enclosures, equipment and all other apparatus above and below ground level from the site. The Decommissioning Plan shall also include a timeframe for such works which will address both time limits set out in Condition 3 of this permission.

5. Within one month of the commissioning of the solar PV installation hereby approved, the Local Planning Authority shall be notified of the commissioning date in writing

6. The development shall be carried out in accordance with the TPA 'Construction Traffic Management Plan' (ref: version 01) dated 01 July 2022

7. No development or phase of development hereby approved, shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at the site and measures to ensure Biodiversity Net Gain is achieved, has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following detail:

- i. Submission of a long-term site management plan (for a duration of construction and operation of the scheme) that includes:
- ii. Defined aims and objectives.
- iii. target habitat conditions against which to measure condition
- iv. Habitat management prescriptions for aquatic and terrestrial habitats.
- v. Appropriate amphibian reasonable avoidance measures
- vi. Contingency measures if fish or invasive non-native species (INNS) are detected.
- vii. Proposals that are capable of being implemented in the event of failure to undertake or to appropriately implement identified or contingency actions.
- viii. Site liaison and wardening; detail of the skills and competencies required by those undertaking the works or activities including whether they require European Protected Species licenses for the activities proposed.
- ix. Licensing requirements for undertaking habitat management and surveillance.
- x. Current and any proposed changes to tenure of the compensation area.
- xi. Tenure of the compensation area to be approved by the LPA in consultation with NRW.
- xii. Persons or bodies responsible for undertaking management and surveillance together with required skills and competencies.
- xiii. Reporting requirements; and proposed dates for updating or revising the management plan
- xiv. A biosecurity risk assessment

Thereafter, the development shall be undertaken in accordance with the approved LEMP at all times throughout the duration and life of this permission.

8. Prior to the commencement of the development hereby approved, full details of hard and soft landscaping for the site, including the specific location and species proposed, shall be submitted to and approved in writing by the Local Planning Authority. All plantings shall be carried out in the first planting season (November to March) or seeding season (April to September) prior to the first generation of electricity from the site.

Thereafter, the landscaping scheme shall be retained for the life and duration of this planning permission. Within the first 10 years of planting, any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed shall be replaced with trees or shrubs of the same size and species to those originally required to be planted and within the next available planting season (November to March) or seeding season (April to September).

9. Notwithstanding condition 8 above, all existing hedgerows shall be maintained at a minimum height of 3 metres at all times.

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10. No external lighting shall be installed on any part of the site until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. External lighting shall thereafter only be installed in accordance with the scheme as approved.

11. The development not commence until a detailed scheme showing the scope and arrangement of the foundation design and all new groundwork, which may have an impact on important archaeological remains identified in prior archaeological assessments ('areas of archaeological interest') has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken at all times in accordance with the approved scheme.

12. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.

The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, (Clwyd-Powys Archaeological Trust, The Offices, Coed y Dinas, Welshpool, SY21 8RP Email: mark.walters@cpat.org.uk). Thereafter, the development shall be undertaken in accordance with the approved programme of archaeological work.

13. No construction works shall take place except between the hours of 07:30 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours on Saturdays and a no time on Sundays and Bank Holidays.

14. No part of the development hereby approved shall be brought into use until the sustainable drainage scheme for the site has been completed in accordance with the approved details as set out in condition 2 of this decision. The sustainable drainage scheme shall be managed and maintained thereafter at all times throughout the duration and lifetime of this permission.

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. In the interests of the visual amenity of the locality and to define the terms of the planning permission, in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

4. In the interests of the visual amenity of the locality and to define the terms of the planning permission, in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

5. In the interests of the visual amenity of the locality and to define the terms of the planning permission, in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

6. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
8. 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.
9. 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.
10. 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.
11. To ensure that important archaeological remains are not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ by an agreed design, in accordance with Policies GDP1 and EC11 of the Wrexham Unitary Development Plan.
12. To secure preservation by record of all archaeological remains which will be impacted by the development in accordance with Policies GDP1 and EC11 of the Wrexham Unitary Development Plan.
13. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
14. To ensure satisfactory drainage of the site and to avoid the risk of surface water flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

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.

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

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applicant should contact the Council's Environmental Health & Housing Standards Team on 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 or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.
