

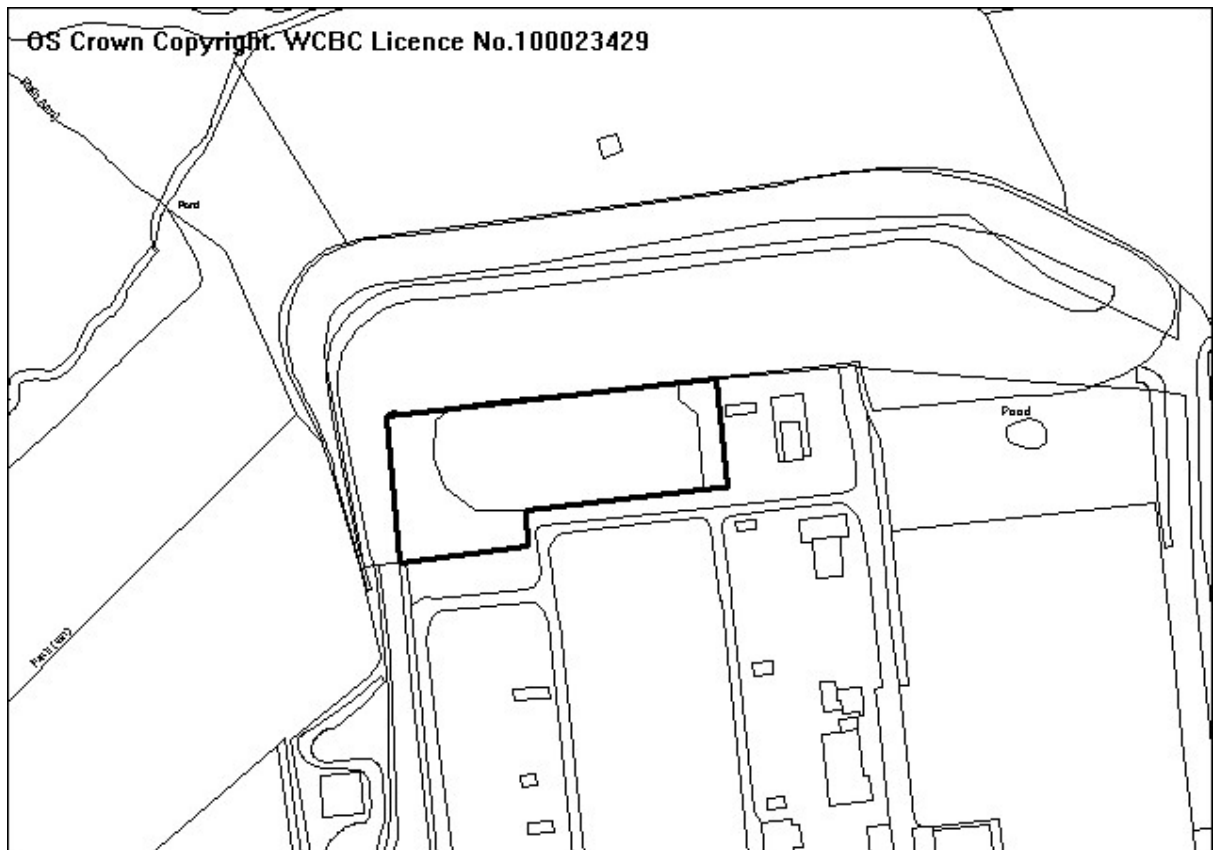
REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 24 JULY 2023

APPLICATION NO: P/2023 /0175	LOCATION: LAND TO NORTH OF LEGACY NATIONAL GRID SUBSTATION BRONWYLFA ROAD TALWRN WREXHAM LL14 4HY	DATE RECEIVED: 16/03/2023
COMMUNITY: Esclusham		CASE OFFICER: RC
WARD: Ponciau	DESCRIPTION: GOSOD A GWEITHREDU CYFLEUSTER STORIO BATRIS A DATBLYGIAD ATODOL / INSTALLATION AND OPERATION OF BATTERY STORAGE FACILITY AND ANCILLARY DEVELOPMENT	AGENT NAME: AXIS MR JONATHAN MAGINNESS
	APPLICANT(S) NAME: MR GUY MANNERS-SPENCER HD639LEG LIMITED	

THE SITE

The Site is located to the north of and adjacent to National Grid's (NG) substation off the B5426 (Bronwylfa Road), Talwrn, Wrexham.

The site covers an area of 4,013m² (0.4ha) and comprises unmanaged grass and scrubland with some self-seeded small trees. A substantial woodland embankment surrounds the majority of the substation complex (especially the northern side where the site itself is situated) which provides significant screening to the surrounding landscape.



PROPOSAL

This planning application is for a revised layout to a Battery Storage Facility scheme approved at the same location by the Planning Committee under planning reference P/2021/0441. Whilst this application slightly increases the site area onto existing hard surfacing, the actual development on site would be reduced.

The Proposed Development would comprise the following elements:

- 30 no. battery banks (single stacked) housing two Battery Energy Storage Systems (BESS) units and sitting on an access deck. These BESS units would have a similar appearance to metal shipping containers (albeit smaller), with ventilation units for cooling. The battery banks would be arranged in two parallel blocks across the site.
- The BESS units would be supported by ancillary infrastructure including: 15 no. battery inverter/transformer stations, 1 no. external switchgear units, 1 no. auxiliary transformer compound, and 1 no. client control room.
- The BESS units and ancillary infrastructure would be located within a secure compound surrounded by a 2.4m high weldmesh fence with CCTV security cameras.

HISTORY

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P/2021/0441 CODI CYFLEUSTER STORIO BATRI A DATBLYGU
ANCILLARY / ERECTION OF BATTERY STORAGE FACILITY
AND ANCILLARY DEVELOPMENT. Granted 14/07/2021

P/2022/1027 CYSYLLTIAD NEWYDD I'R GRID AR GYFER CYFLEUSTER
STORIO BATRIS / NEW GRID CONNECTION FOR BATTERY
STORAGE FACILITY. Granted 24/03/2023

DEVELOPMENT PLAN

Future Wales: The National Plan 2040

The Future Wales National Plan (FWNP) covers a range of issues and challenges which will need to be addressed in Wales. Energy security and decarbonisation feature at the forefront of these. Outcome 11 and Policy 17 are relevant.

Wrexham Unitary Development Plan (UDP)

The site is located outside of any settlement limit and within a Special Landscape Area. Part of the site sits with a designated Local Wildlife Site W218.

The following policies are relevant: GDP1, EC4, EC5, EC6, EC13, T7, T8, PS2, PS11 and PS12, together with adopted Local Planning Guidance Notes 7 Landscape and 32 Biodiversity.

Draft Wrexham Local Development Plan (LDP)

The site lies outside of the settlement limit, within an area of Local Designations for Nature Conservation and Geological Importance and partly in Local Wildlife site W218. Policies DM1, SP12, SP14, SP18, NE1, NE2, NE3, NE5 and T1 are relevant.

CONSULTATIONS

Community Council

Raises no objection.

Local Member

Notified 20/4/2023. No response received.

Highways Officer

Raises no objection. The Highway Officer notes that the proposed development is for a revised layout to a previously consented scheme.

Tree Officer

Raises no objections and agrees with the findings within the Arboricultural Report submitted. The Tree Officer advises that the trees proposed for

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removal are of low amenity value and mitigation for loss of habitat may be provided by a landscaping secured by a planning condition.

The Tree Officer also advises that trees to be retained should be protected in accordance with the submitted Arboricultural Method Statement (AMS).

Ecology Officer

Raises no objection subject to a condition to require the implementation of ecological mitigation.

Contaminated Land Officer

Raises no objections. The Contaminated Land Officer confirms that they accept the findings of the submitted Stage 1 Geo-environmental Assessment Report and that no contaminated land conditions are required.

Public Protection Officer

Raises no objections. The Public Protection Officer confirms that they accept the findings of the submitted Noise Impact Assessment. Advisory notes regarding dust management, demolition construction noise and burning of waste are recommended.

CADW

Raises no objection to the proposed development.

HSE

Do not advise, on safety grounds, against the granting of planning permission.

Natural Resources Wales

Raise no objections subject to a condition in respect of Great Crested Newt mitigation and to secure a Construction Environmental Management Plan that includes biosecurity measures to control invasive species and prevent pollution measures.

NRW advises that the development is acceptable in landscape and visual terms with respect of the Clwydian Range and Dee Valley AONB

A CEMP has been submitted and NRW have been re-consulted.

Welsh Water

Raise no objection or comments.

National Gas

National Gas confirm there are no National Gas Transmissions assets affected by the proposed development.

Neighbours

The owners/occupiers of 32 properties were notified on 25/4/2023

7 representations have been received raising objections due to the following concerns:

- Impact of the Lithium-ion technology to land, wildlife and residents that surround it
- Noise impacts including the integrity of the noise survey submitted
- Safety of the BSF including the danger of fire and chemical leaks
- Safety Mitigation
- Impact to health and quality of life
- Failure of lithium-ion batteries having catastrophic impacts
- Toxic chemicals possibly entering the environment including dangerous gasses emanating into the atmosphere
- Pollution from the development; and
- Alternative brown field sites away from residential dwellings should be sought

SPECIAL CONSIDERATIONS

Principle of development: Policy 17 of Future Wales strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs.

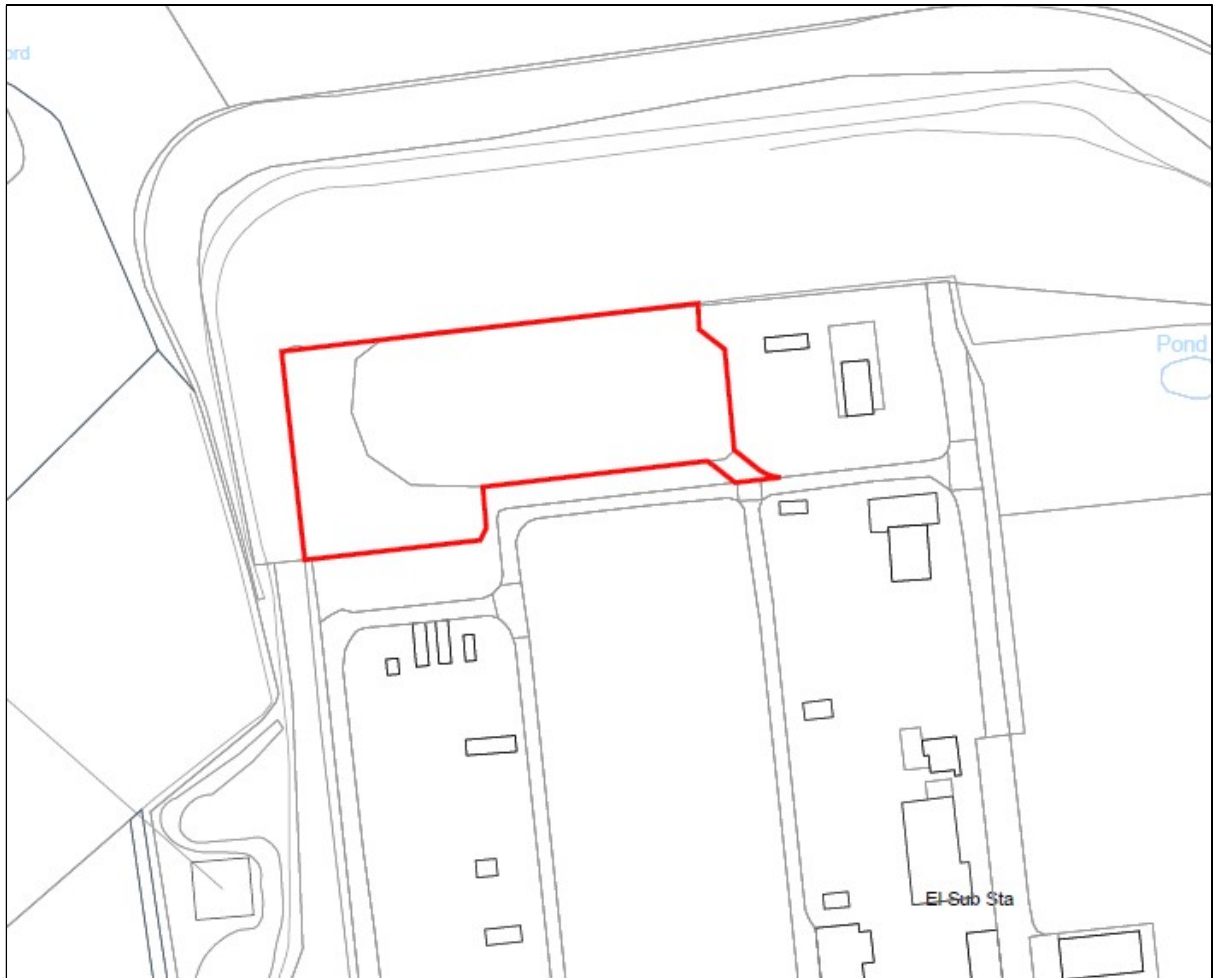
Policy PS12 of the UDP advises that proposals for the generation of energy from renewable sources will be supported provided the wider environmental benefits are not outweighed by detrimental impacts on the landscape, public safety and the local environment.

Policy SP18 of the draft LDP deals with climate change. Of direct relevance to this proposal is the requirement to reduce carbon emissions and promote the supply of renewable energy.

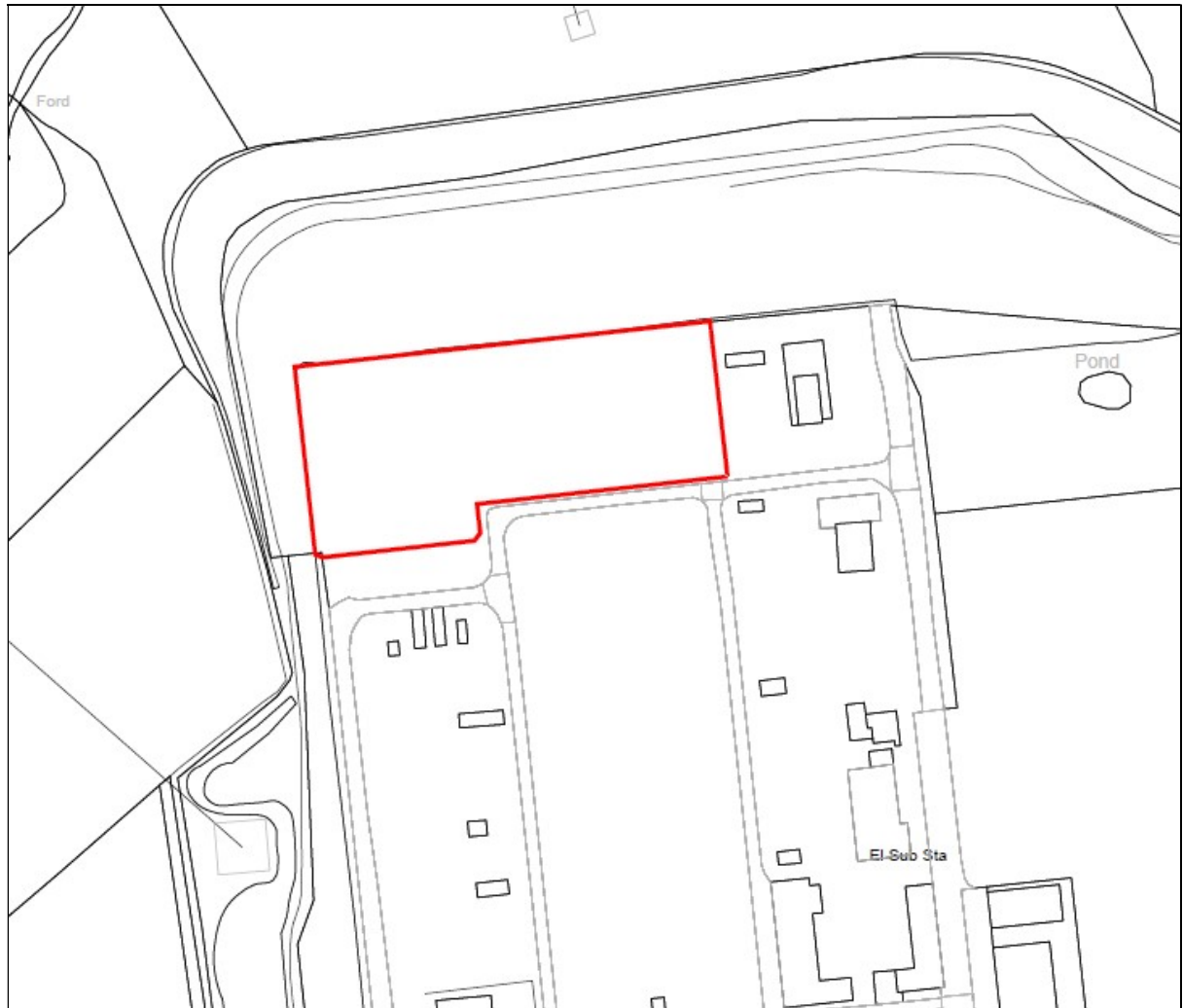
The proposed development would support renewable energy generation and, through its grid balancing services, would support the energy security and sustainability of the local community and therefore accords with Future Wales as well as the UDP and draft LDP policies referred to above.

In addition, the majority of the site already benefits from planning permission for a similar development. The plans below shows the marginal differences in site area.

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P/2021/0441 Location Plan



P/2023/0175 Location Plan

The proposed development provides for 30 battery banks (single stacked), 15 battery inverters, 1 switch gear unit, 1 auxiliary transformer compound and 1 client control room, where as the extant permission proposed 52 double stacked battery banks, 26 battery inverters, 2 switch gear units, 1 auxiliary transformer, 1 control room and 40 cubic meter water tank.

Having regard to the above, the principle of development is already established.

Residential amenity: Having regard to the existing established site, separation distances between the development and neighbouring properties and the extant permission, the development would not adversely impact the living conditions of residential properties in the locality.

The Noise Assessment accompanying the application concludes that the operation of the proposed development would not exceed the measured background sound levels in the area. No mitigation measures are a deemed necessary. The Council's Public Protection Officer accepts the finds of the Noise Assessment and as such, the proposed development would not harm living conditions by way of noise nuisance.

Design and visual impact: The development would be sited within the boundary of the established site substation and adjacent to existing electrical equipment. The proposed development represents reduction in development height across the compared to the consented scheme. The minor differences in site area between the consented scheme and the proposed development would not materially change the visual impact. The proposed development would therefore not adversely impact upon the rural landscape or Special Landscape Area.

The site lies approximately 800m to the east of the Clwydian Range and Dee Valley AONB. The submitted Landscaping and Visual Impact Assessment (LVIA) concludes the development would not be visible from the AONB. NRW have confirmed they accept the findings of the LVIA.

Heritage: The following scheduled monuments are located inside 2km of the proposed development:

- DE131 Cadwgan Hall Mound
- DE132 Offa's Dyke: Cadwgan Hall Section, extending from River Clywedog to the railway
- DE137 Offa's Dyke: Pentre-Bychan Hall Section, extending 540m S from Bron-Wylfa
- DE139 Offa's Dyke: Plas Power Section
- DE193 Moated Site near Groesfoel Farm, Rhostyllen
- DE194 Offa's Dyke: Section extending 120m from Railway to Bronwylfa Road, Legacy

Having regard to the context of the development, the extant consent and existing screening provided by existing mature trees, it is considered that the development would not adversely impact upon the above historic assets.

Highway Safety: The site would be accessed in the same way as the consented development via the existing National Grid substation, which itself is accessed off Bronwylfa Road. Whilst the Highway Officer has not commented on the proposed development, they did not raise objections to the consented development. Traffic generated during construction and maintenance is unlikely to be materially different to the extant scheme. The proposed development would therefore not give rise to highway safety concerns

Trees: The proposed development would require the removal of some low amenity value trees. This would be mitigated by tree planting secured through a landscaping scheme. An Arboricultural Method Statement (AMS) sets out measures to be put in place to protect trees being retained. Suitability worded conditions could be imposed in respect of landscaping and implementation of the AMS.

Ecology: The application is accompanied by a Great Crested Newt Mitigation Strategy. NRW raise no objections subject to these measures being

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implemented. A suitability worded condition could be imposed to require the implementation of the Great Crested Newt Mitigation Strategy and would ensure the development is unlikely to cause disturbance or harm to Great Crested Newts.

Measures to manage or control *Cotoneaster horizontalis* and *Crassula helmsii*, which are both invasive species, would be required, as well as measures to prevent pollution during construction. A Construction Environmental Management Plan (CEMP) has submitted to address these issues.

Drainage: The development would not be connected to the public sewer network and would not require any staff on site permanently, therefore it would not generate any foul drainage requirements.

The proposed development would introduce areas of impermeable surfacing that could potentially increase surface water run-off rates from the site. To mitigate this potential effect, a Sustainable Urban Drainage System scheme would need be adopted for the site. This would be subject to the SAB approval process. .

Other: Objectors have expressed concerns about fire risk. Although fire risk management has been considered in the Planning Statement this is not a matter controlled by the planning system. The ongoing safety of the maintenance and operation is subject to separate legislation. Furthermore, it is considered that the proposed development does not give rise to any increase risks in this regard than the consented development.

CONCLUSION

Subject to suitability worded conditions, the proposed development would not harm the landscape, Special Landscape Area or AONB, heritage assets, residential amenity or protected species. In such terms it accords with the relevant UDP and draft LDP policies.

RECOMMENDATION: That the Chief Officer Economy and Planning be given delegated authority to GRANT planning permission subject to NRW confirming the submitted CEMP is acceptable and subject to any additional or amended conditions as may be necessary.

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.

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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
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.
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.

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.
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.
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NOTE(S) TO APPLICANT

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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.

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.

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

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noise.

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

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>
