

In pursuance of its powers under the Acts and 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

Applicant	MR GUY MANNERS SPENCER	Code Number	ESC P/2021/0441
Agent	MR JONATHAN MAGINNESS AXIS PED CAMELLIA HOUSE 76 WATER LANE WILMSLOW SK9	Date Received	06/05/2021
		Decision Date	05/07/2021

Town and Country Planning Act, 1990

Location of application

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

Description of application

CODI CYFLEUSTER STORIO BATRI A DATBLYGU ANCILLARY /
ERECTION 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

Revision	Date	Description of Decision
0	05/07/2021	Planning permission issued
1	19/5/2022	Discharge of condition 7 approved P/2022/0384
2	16/06/2023	Discharge of condition 6 approved P/2022/1000

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

Condition(s)

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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 drawing(s) numbered:
2658-02-001 Site Location Plan
2658-02-002 Statutory Plan
2658-02-003 General Arrangement
2658-02-004 Existing Site Plan
2658-02-005 Battery Storage Containers
2658-02-006 Inverter-Transformer Stations
2658-02-007 Switchgear Container
2658-02-008 Control Room
2658-02-009 Auxiliary Transformer Compound
2658-02-010 Fencing and Security
2658-02-011 Water Tank
2658-02-012 Inverter-Transformer Stations and Double Stacked Battery Storage
and as contained within the application documentation.
3. The development shall be carried out in strict accordance with the following plans and report(s) submitted and approved as part of this application:
1) Arboricultural Implication Assessment ref no.Arbtech AIA 01A
2) Tree Protection Plan ref no. Arbtech TPP 01A
3) Arboricultural Method Statement Arbtech dated 5/5/2021
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 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 Method for rating and assessing industrial and commercial sound.
5. The development shall be carried out in accordance with the findings of report 'Noise Impact Assessment, For Battery Storage Facility (BSF) At Legacy Wrexham. For Pelagic Energy. Report No.: R21.0501/DRK) dated 5th May 2021 by Noise & Vibration Consultants Ltd. The acoustic attenuation methods detailed in the

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report under the heading 'Mitigation Measures to Control Noise shall be fully implemented prior to the first use of the development.

6. No development shall commence until a GCN Mitigation Strategy has been submitted to and approved in writing by the determining authority. The GCN Mitigation Strategy should:

- Build upon the principles outlined in the ecological report (reference Maginn, U. (2021). Outline Great Crested Newt Mitigation Strategy. Avian Ecology. Unpublished)
- Submission of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to: fence design, specifications and locations; considerations of access issues (including PROW if applicable); monitoring and maintenance requirements; and supervised removal. Submission to include proposed timescales and reporting requirements;
- Submission of a long term site management (not less than 25 years) that includes defined aims and objectives; habitat management prescriptions; contingency measures if fish or invasive non-native species (INNS) are detected; proposals that are capable of being implemented in the event of failure to undertake or to appropriately undertake identified or contingency actions; site liaison and wardening; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to tenure of the compensation area; tenure of the compensation to be approved by the LPA in consultation with NRW; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan
- Submission of measures designed to prevent the accidental capture/killing of newts (amphibians) during operational (and decommissioning) phases of the scheme (ie post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features);
- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation demonstrating that works are aligned with the proposed development
- Ecological Compliance Audit, including key performance indicators
- Persons responsible for implementing the works
- Post construction monitoring and record dissemination for a period of not less than 25 years. All ponds to be added to the Wales Great Crested Newt

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Monitoring Scheme, (see <https://www.cofnod.org.uk/LinkInfo?ID=7> with individuals/bodies being identified as being responsible for monitoring and reporting works. Methodology shall include annual [or biennial] abundance counts and Habitat Suitability Index (HSI) assessments. Each water body shall be individually numbered on site. In respect of biennial surveillance, frequency of monitoring visits shall be increased in the event of fish and or aquatic invasive non-native species are detected;
The Conservation Plan shall be carried out in accordance with the approved details.

Date Approved: 16/06/2023 **Reference Number:** P/2022/1000

By: Wrexham County Borough Council

Approved Details: Full Great Crested Newt Mitigation Strategy Issue V4 date 07/03/2023

General Arrangement Plan, Drawing No: 2658-02-003

Location Plan, Drawing No: 2658-02-001

7. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the determining authority. The CEMP should include:

- Biosecurity Risk Assessment detailing measures to control, remove or for the long-term management of invasive species.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Date Approved: 19/5/2022 **Reference Number:** P/2022/0384

By: Wrexham County Borough Council

Approved Details:

Construction Environmental Management Plan 2658-02-CEMP/MD/JM

Location Plan (ref: 2658-02-001)

General Arrangement Plan (2658-02-003)

8. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a plan indicating the positions, design, materials and type of boundary treatment and timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.

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9. The landscaping scheme submitted and approved in connection with condition no. 8 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

10. The landscaping scheme as carried out in connection with condition no. 9 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 without the written permission of the Local Planning Authority shall be replaced with trees or shrubs of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

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 protect trees which are of significant amenity value to the area in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
4. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. To ensure that an approved GCN Mitigation Strategy is implemented, which protects species affected by the development.
7. A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.
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.

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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.

Note(s) to applicant

Your attention is drawn to Highway Supplementary Notes - 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

Natural Resources Wales advice

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list>

1. During the construction phase the developer should take any precaution to prevent contamination of surface water drains and local groundwater. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please visit <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

2. If waste material is to be used for construction purposes, the activity must be registered with Natural Resources Wales. For further information please visit the website <https://www.gov.uk/government/collections/waste-exemptions-using-waste> and contact the local Environment team (WrexhamFlintshireEnvironmentTeam@cyfoethnaturiolcymru.gov.uk).

3. Any movement of waste material must be accompanied by a waste transfer notes in order to comply with the Waste duty of Care regulations.

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs on a Saturday, and at no time on a Sunday or

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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 works outside of the specified times, permission to proceed may be sought by contacting Environmental Health and Housing Standards at: heathandhousng@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

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 Planning & Regulatory Department on 01978 292040 for further advice and information.

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The Applicant is advised that under the Environmental Protection Act 1990, 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 Planning & Regulatory Department on 01978 292040 for further advice and information.

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/europeanprotected-species/?lang=en>

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.



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

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