

Simon Greenland
Development Control
Wrexham County Borough Council
Environment and Planning Department
Guildhall
Wrexham
LL11 1AY

Date: 14th April 2022

Our ref: 42227/02/CM/HMac/20895109v1

Your ref:

Dear Simon,

Wrexham County Borough Council: Land at the Corner of Oak Road and Abbey Road, Wrexham Industrial Estate: S96A Application seeking Non-Material Amendment relating to Condition 2 of P/2021/0008

On behalf of our client, Conrad Energy (Developments) Limited [Conrad], we enclose an application to make a non-material amendment under Section 96A of the Town and Country Planning Act to full planning permission Ref. P/2021/0008 to amend a number of the approved plans listed under Condition 2.

This application was submitted via the Planning Portal [Ref. PP-**11162704**] on the 14th April 2022 and comprises the following:

- 1 Completed application form and covering letter; and,
- 2 A suite of plans and drawings including:
 - i Site Layout Plan (Ref. WXM-GA-01L)
 - ii Site Location Plan (Ref. WXM-SLP-01 RevB)
 - iii Amenity Cabin and Storage Cabin (Ref. CEL-STD-551)
 - iv Brick Substation (Ref. CEL-STD-SPEN-245)
 - v Generator-Siemens (Ref. CEL-STD-GEN-351)
 - vi Generator-V-Power (Ref. CEL-STD-GEN-331)
 - vii HV Switchroom Container (Ref. CEL-STD-SW-131)
 - viii LV Main Panel (Ref. CEL-STD-MP-131)
 - ix Oil Tank 500L Clean Oil (Ref. CEL-STD-OT-620)
 - x Transformer (Ref. CEL-STD-TX-166)

xi Waste Oil Tanks (Ref. CEL-STD-OT-610)

The requisite application fee of £115 has been paid online via the Planning Portal at the time of submission.

Background and Context

Full planning permission was granted for the ‘erection of 9.9 MW gas fired power station and associated infrastructure’ on the 8th May 2019 (Ref. P/2018/0890).

Discharge of conditions applications for the following three pre-commencement conditions; 3 (Site Investigation), 6 (Ecology) and 7 (Biosecurity Risk Assessment) were submitted in July and October 2019 and were approved on 6th August 2020 and 11th September 2020.

A Section 73 application was approved on the 6th November 2020 following updates made to the site layout to incorporate the operational requirements of the Network Operator as well as ecological improvements (Ref. P/2020/0433).

A further Section 73 application seeking amendments to the wording of conditions 2, 8 and 13 and the removal of conditions 10 and 11 was approved by the Council on the 17th May 2021 (Ref. P/2021/0008).

During construction of the development, a number of minor changes to the layout and configuration of the scheme were required. These changes were necessary to maximise the efficient use of space on the site, and to ensure the plant could operate effectively.

The specific changes to the scheme are outline as followed:

- 1 Reconfiguration of 2 transformers with the addition of an LV Main Panel located between the transformers;
- 2 Installation of 1 additional CCTV unit between the generators and the ecological area in the north of the site and a minor revision of a single CCTV unit location affixed to amenity cabin;
- 3 Relocation of amenity cabin to the east of the gas kiosk, with a separate, adjacent storage cabin located further east towards the Ecological Mitigation Area;
- 4 Clean and waste oil tanks moved to the west of the site access gate;
- 5 Installation of pedestrian access gate in the north west corner of the site;
- 6 Minor revisions to internal hedgerow constituting additional planting on internal boundary with the Ecological Mitigation Area;
- 7 Underground storage tank is now surplus to requirements and has not been implemented; and
- 8 The generator specifications have been slightly amended but the number and output remains unchanged.

The location and number of core site infrastructure including 4 Power Generators, 2 Siemens Generators, DNO Substation, Gas Kiosk and HV Client Switchroom remain unchanged, as does the site’s means of enclosure. There has been no change to the ecological mitigation areas proposed beyond perimeter hedge planting.

The main vehicular access point remains in the same location, however the gate has been set back 5m in accordance with Condition 11 of Planning Permission P/2021/0008.

Non-Material Amendment Sought

This non-material amendment application has been submitted retrospectively in order to regularise changes to the approved scheme and seeks to ensure the plans approved under Condition 2 of the full planning permission (Ref. P/2021/0008) can be amended in line with the ‘as-built’ development.

Table 1 below sets out the plans and documents which have been submitted to supersede those previously approved.

Table 1 Drawings and documents to be amended as part of the non-material amendment

Title	Approved Drawing/Document Reference	Revised Drawing Reference
Site Layout Plan	WXM-GA-01H Proposed Site Layout Plan (Incorrectly referenced on the Decision Notice as Rev. J was submitted under P/2021/0008)	WXM-GA-01L Site Layout
Container (generator)	2003663990 Container	CEL-STD-GEN-351
16V4000L64 outside drawing	TR18017-16V4000L64_03	CEL-STD-GEN-331

Please note that the specifications set out in the technical drawings for each item of plant listed in Condition 2 of the full planning permission remain unchanged in operational terms. However, for clarity, the followings plans are submitted to disclose final plant specifications implemented on site:

Table 2 Final Plant Specification References

Title	Drawing Reference
Amenity Cabin and Storage Cabin	CEL-STD-551
Brick Substation	CEL-STD-SPEN-245
HV Switchroom Container	CEL-STD-SW-131
LV Main Panel	CEL-STD-MP-131
Oil Tank 500L Clean Oil	CEL-STD-OT-620
Transformer	CEL-STD-TX-166
Waste Oil Tanks	CEL-STD-OT-610

There is no statutory definition of what constitutes a ‘non-material amendment’. However, Section 96A, Part 2 of the Town and Country Planning Act 1990 (as amended) states that:

“in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission originally granted”.

As stipulated, the proposed amendment will not alter the principle of development or the site’s operational function or capacity. It remains within the parameters set out within the original planning permission. The findings of the technical reports which accompanied the approved scheme continue to remain valid. The proposed amendments will not give rise to an increase in noise levels or air pollution

from the site and will have no greater impact on the surrounding environs than that which has been approved.

With particular reference to the Decision Notice under P/2021/0008, the proposed site layout revisions comprised under this Section 96A application do not alter the conclusions of the Ecological Mitigation and Enhancement Scheme in accordance with Condition 6.

The proposed amendments are sought for operational requirements and for efficiency purposes as the scheme has evolved through the construction phase. The amended layout presents a scheme which makes efficient use of the site. The proposed amendments will not impact on the amenity of the surrounding environs and is fully in-keeping with the approved description of development.

Conclusions

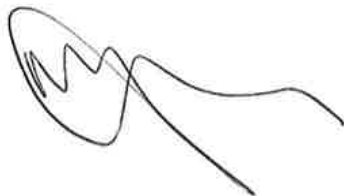
This application is made under Section 96a of the Town and Country Planning Act 1990 and proposes a non-material amendment to the approved list of plans identified in condition 2 of planning permission reference P/2021/0008.

The changes do not alter the principle of development or the site's operational function or capacity. It is also considered that the proposed changes do not alter any of the assessments and conclusions set out within the other technical reports considered acceptable through the granting of planning permission on the site across previous iterations and the current permission under P/2021/0008. The proposed amendments will not give rise to adverse environmental impacts and will have no greater impact on the surrounding environs than that which has been approved.

Furthermore, it is considered that this non-material amendment remains fully compliant with the policies contained within the Wrexham Unitary Development Plan and the emerging Wrexham Local Development Plan 2 (2013 to 2028).

We trust that the enclosed information allows or the application to be validated and determined at the earliest opportunity. However, should you require any further information, please do not hesitate to contact me on 0161 837 6192.

Yours sincerely,



Melissa Wilson
Associate Director

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Tory Saunders – Conrad Energy (Developments) Limited