

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**Date 05/07/2021****APPLICATION NO:**

P/2021 /0441

LOCATION:LAND TO THE NORTH OF NATIONAL
GRID LEGACY SUBSTATION
BRONWYLFA ROAD TALWRN
WREXHAM
LL14 4HY**DATE RECEIVED:**

06/05/2021

COMMUNITY:

Esclusham

CASE OFFICER:

SJG

WARD:

Ponciau

DESCRIPTION:CODI CYFLEUSTER STORIO BATRI
A DATBLYGU ANCILLARY /
ERECTION OF BATTERY STORAGE
FACILITY AND ANCILLARY
DEVELOPMENT**AGENT NAME:**MR JONATHAN
MAGINNESS**APPLICANT(S) NAME:**

MR GUY MANNERS SPENCER

THE SITE

The site consists of an area of 0.5 hectare located on the northern side of the Legacy site and to the west of Offas Dyke.



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PROPOSAL

As above.

The Proposed Development would store electricity from the national grid at times of excess supply and would feed this electricity back into the grid at times of high demand/reduced generation capacity.

The Proposed Development consists of:

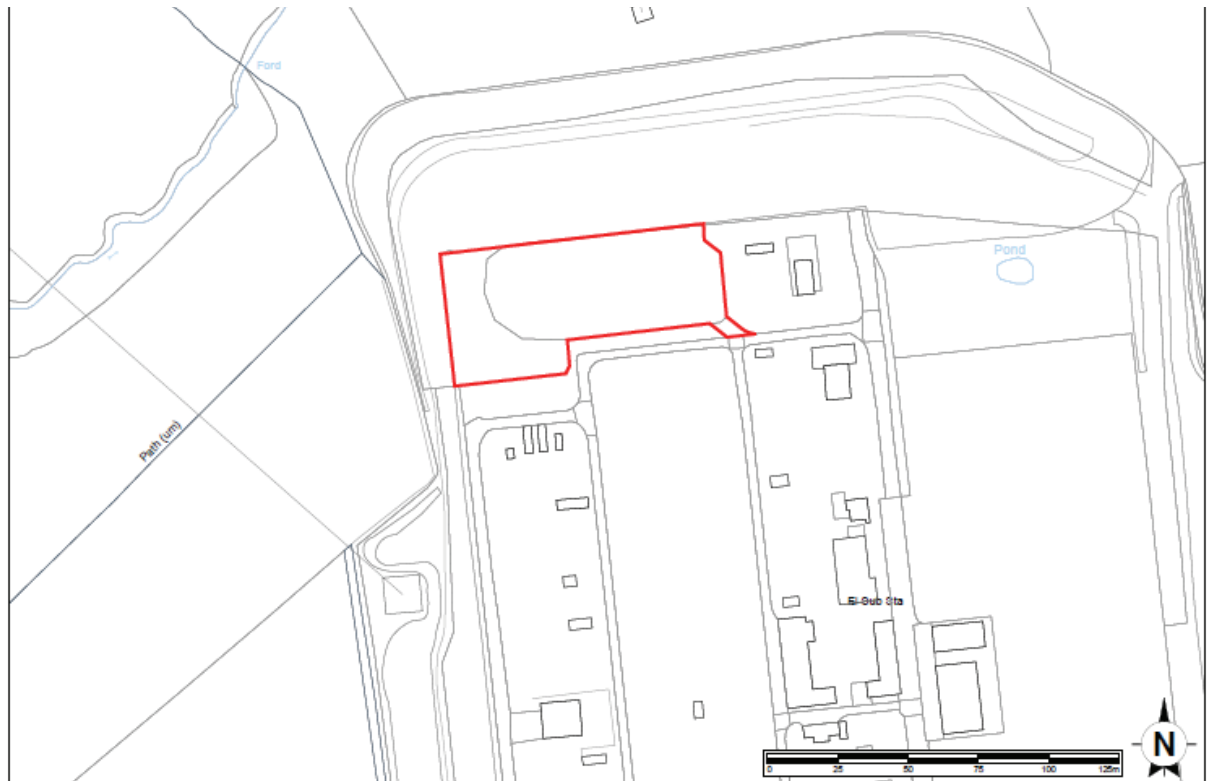
- 52 no. containers (double stacked) housing Battery Energy Storage Systems (BESS) and sitting on an access deck;
- 26 no. battery inverter / transformer stations;
- 1no. client control room;
- 2no. switchgear units;
- 1no. auxiliary transformer;
- 1no. 40 cubic metre water tank;
- 2.4m high steel palisade security fencing surrounding the entire BSF facility;
- CCTV monitoring / lighting column points;

It will be located at the northern end of the existing National Grid Legacy Substation, which is contained by existing earthworks.

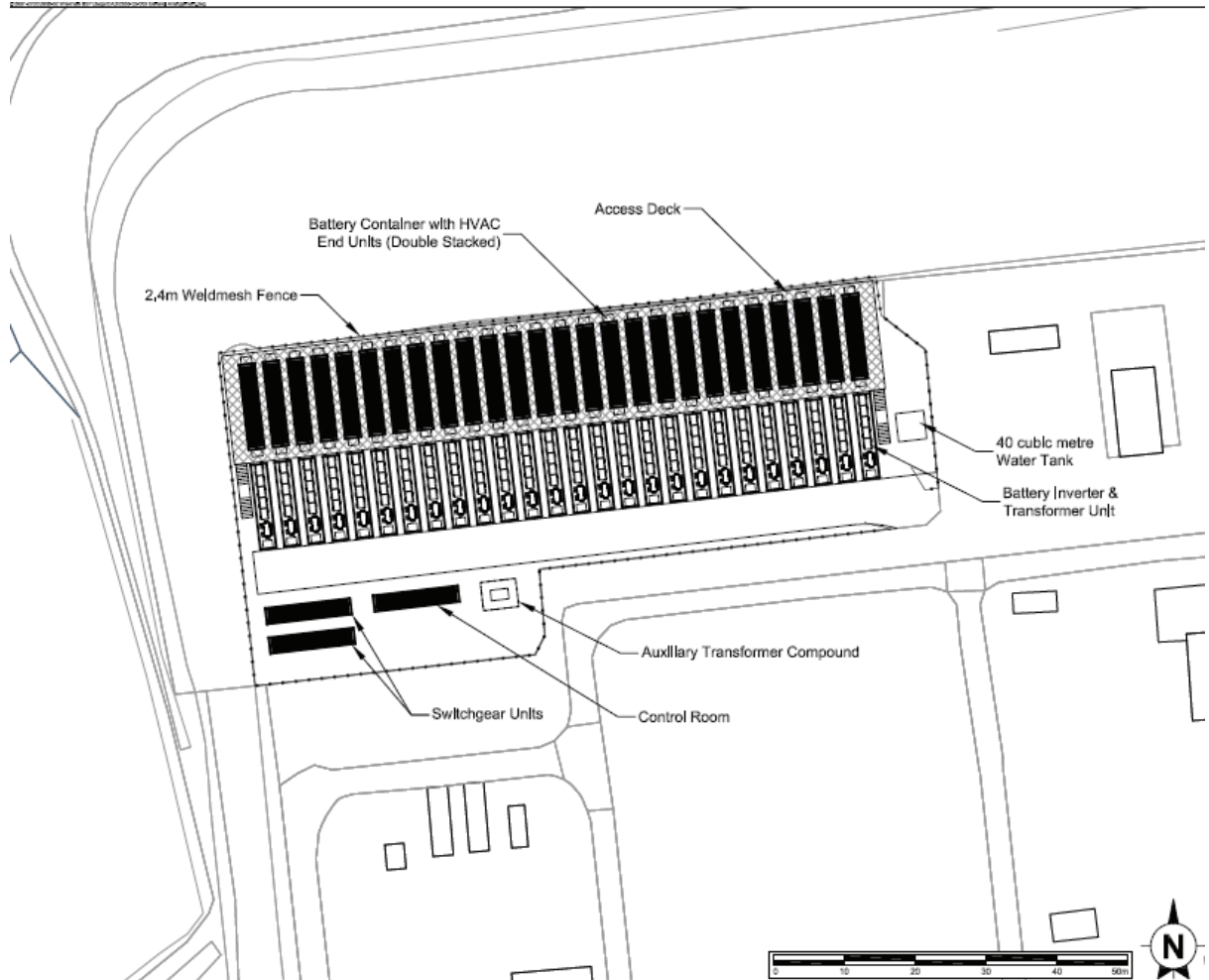
The application includes a Planning Statement, Noise Assessment, Contaminated Land report, Ecology report, Tree report, Drainage report and a Landscape and Visual Impact assessment.

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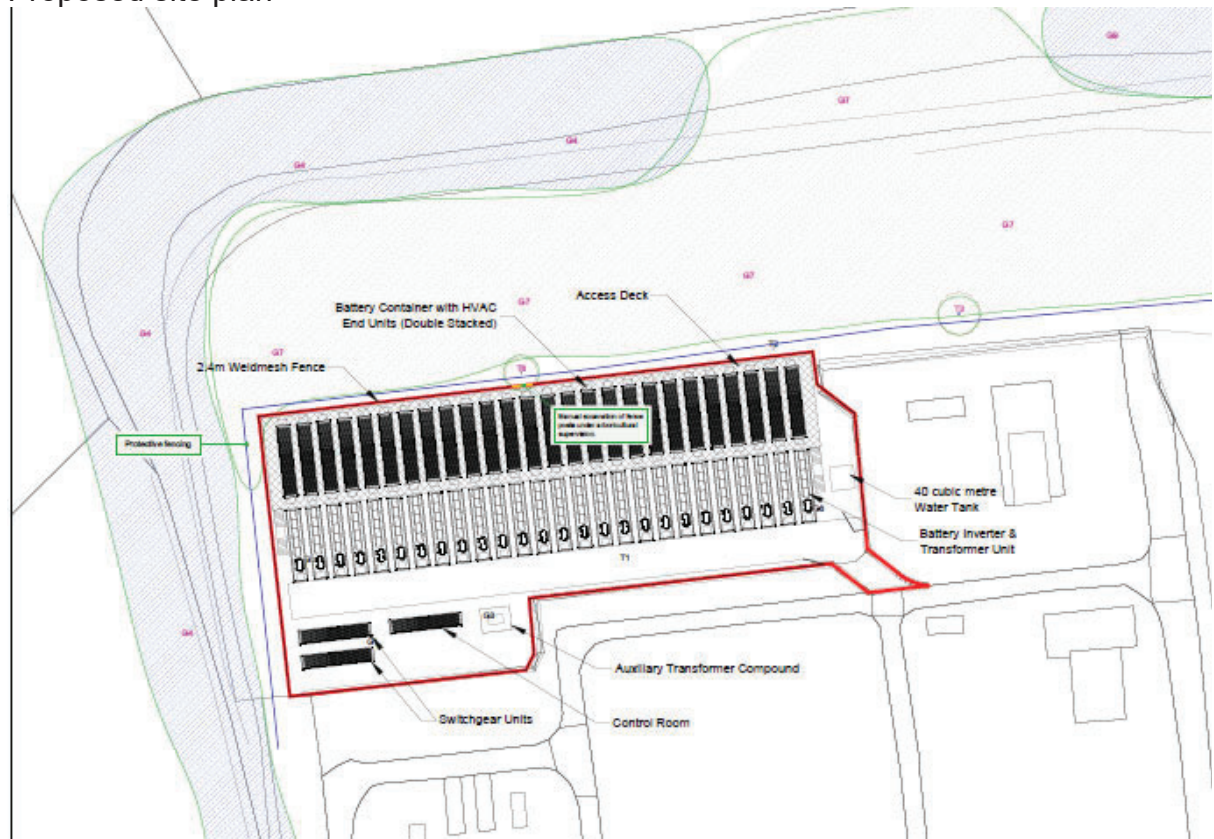
Location Plan



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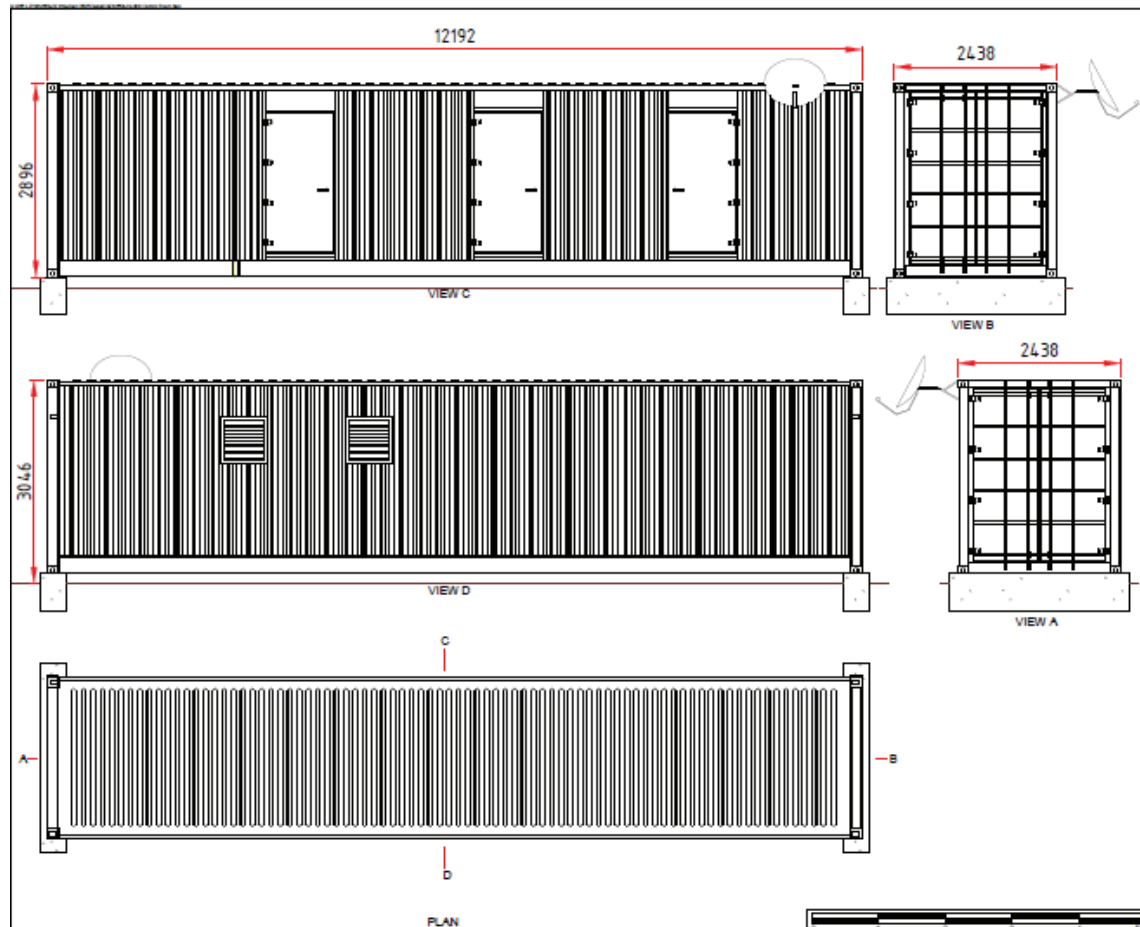
Proposed site plan



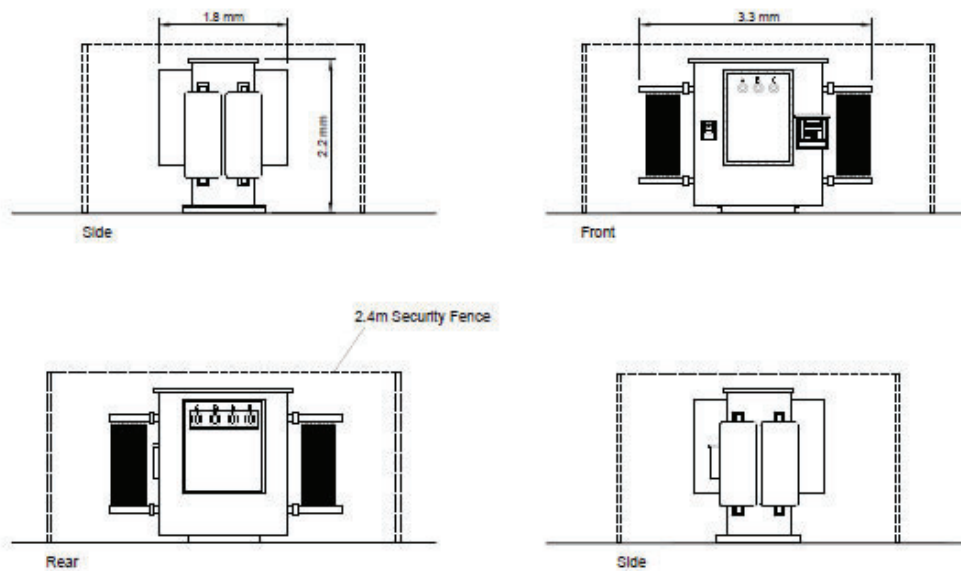
Tree Protection Plan

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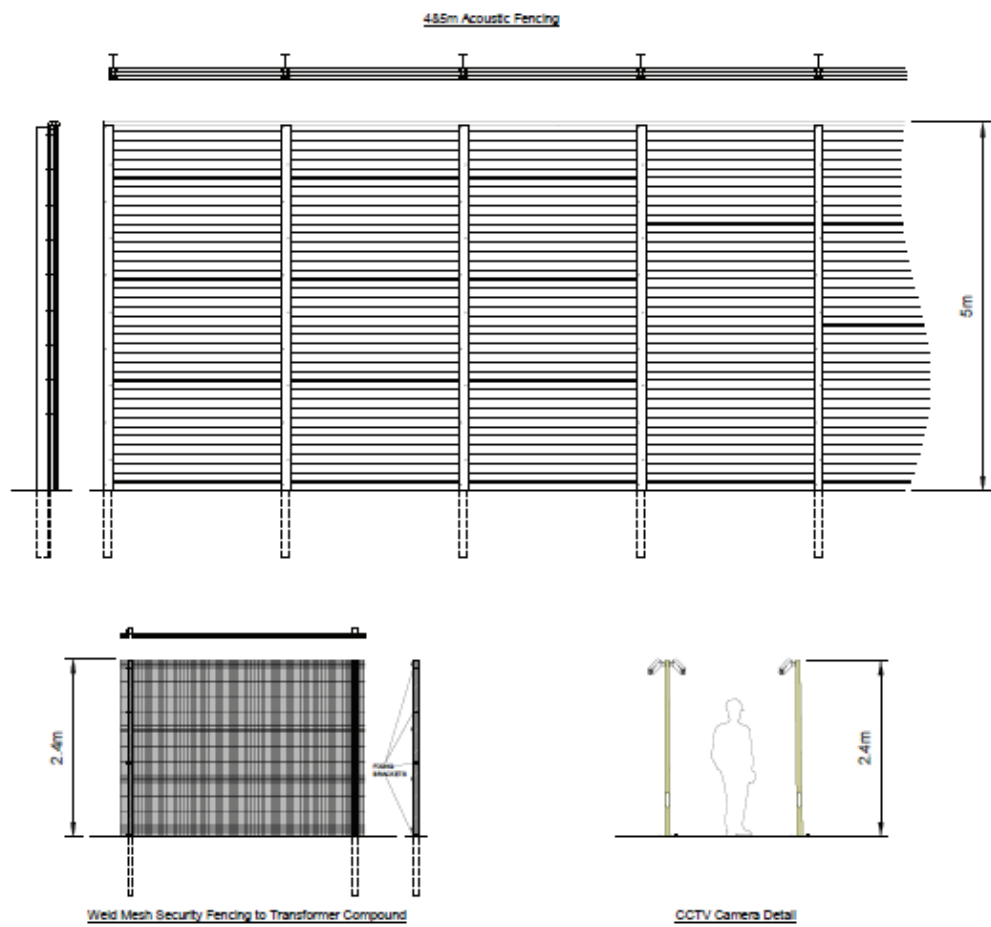
Control room



Auxiliary Transformer Compound

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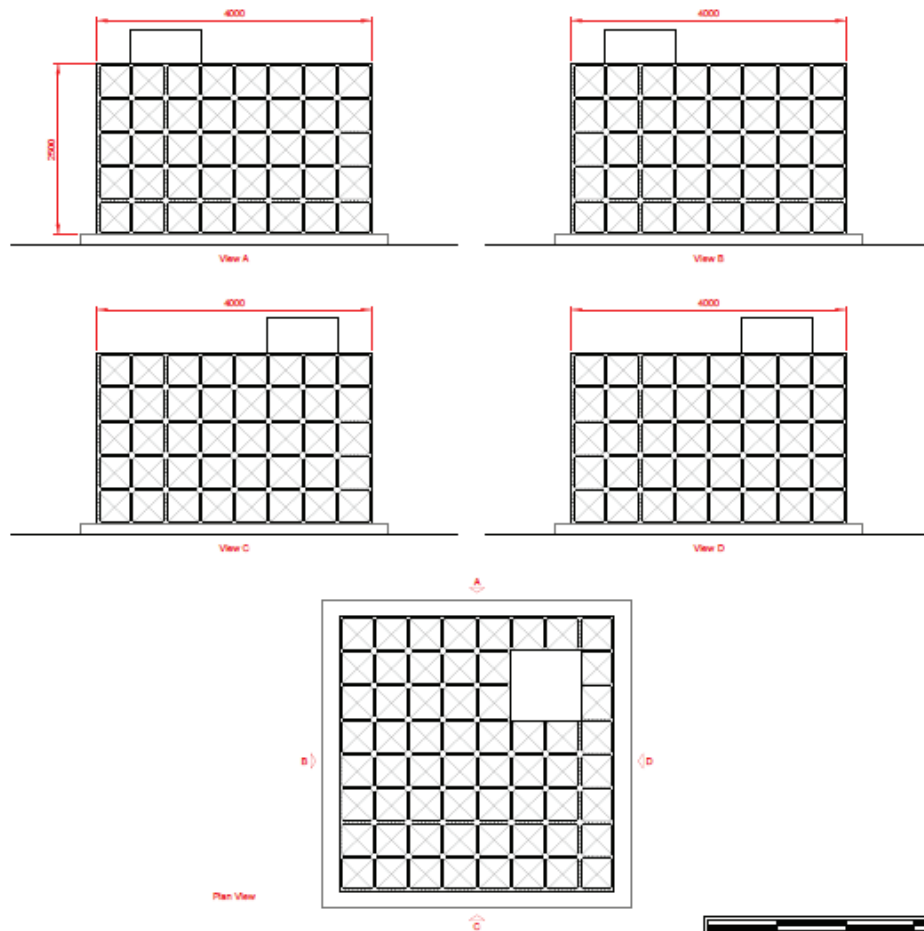
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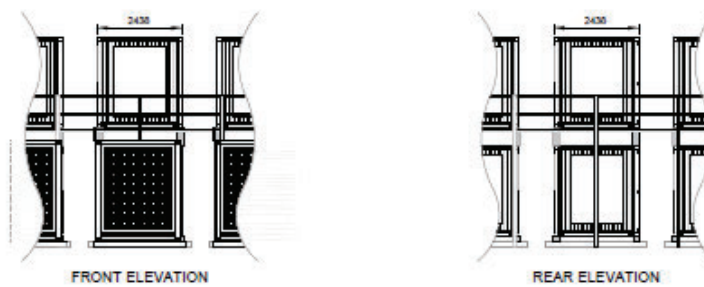
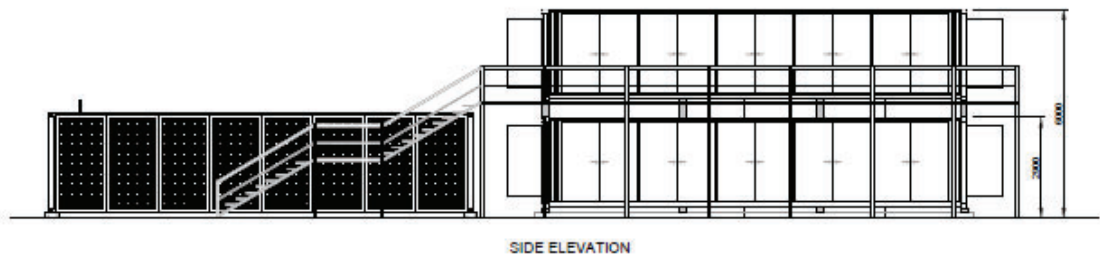
Fencing and security

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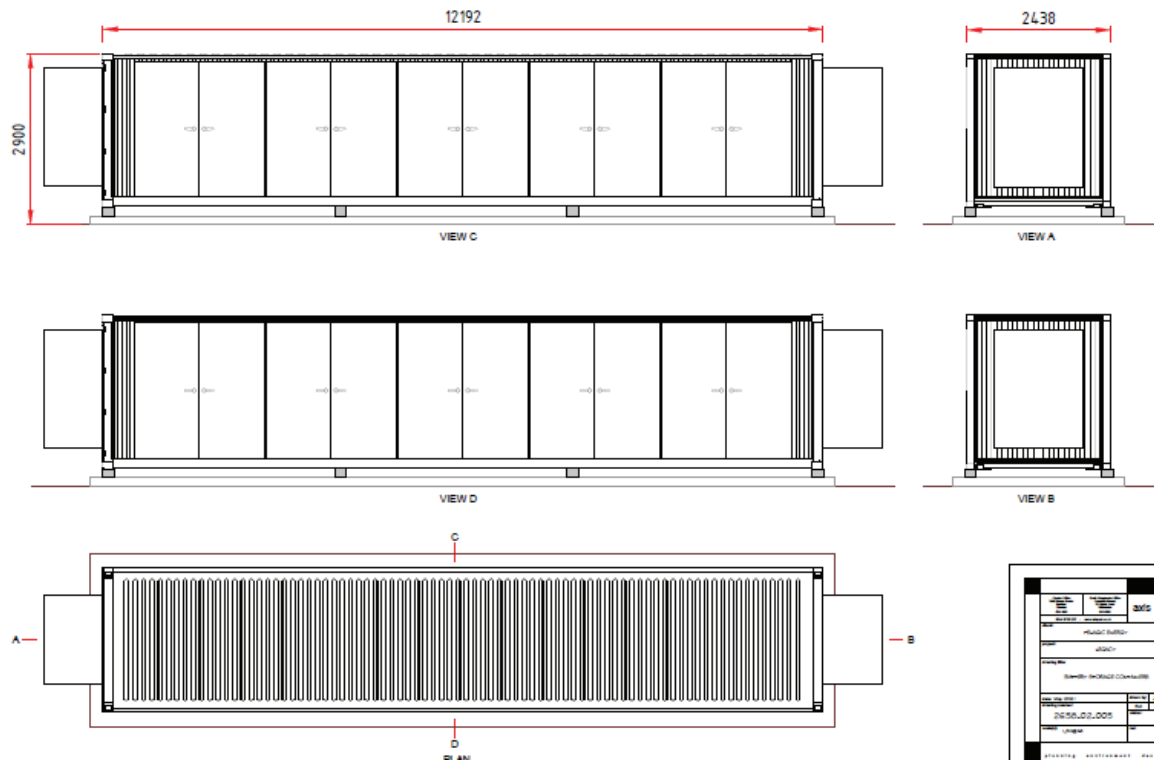
Water tank



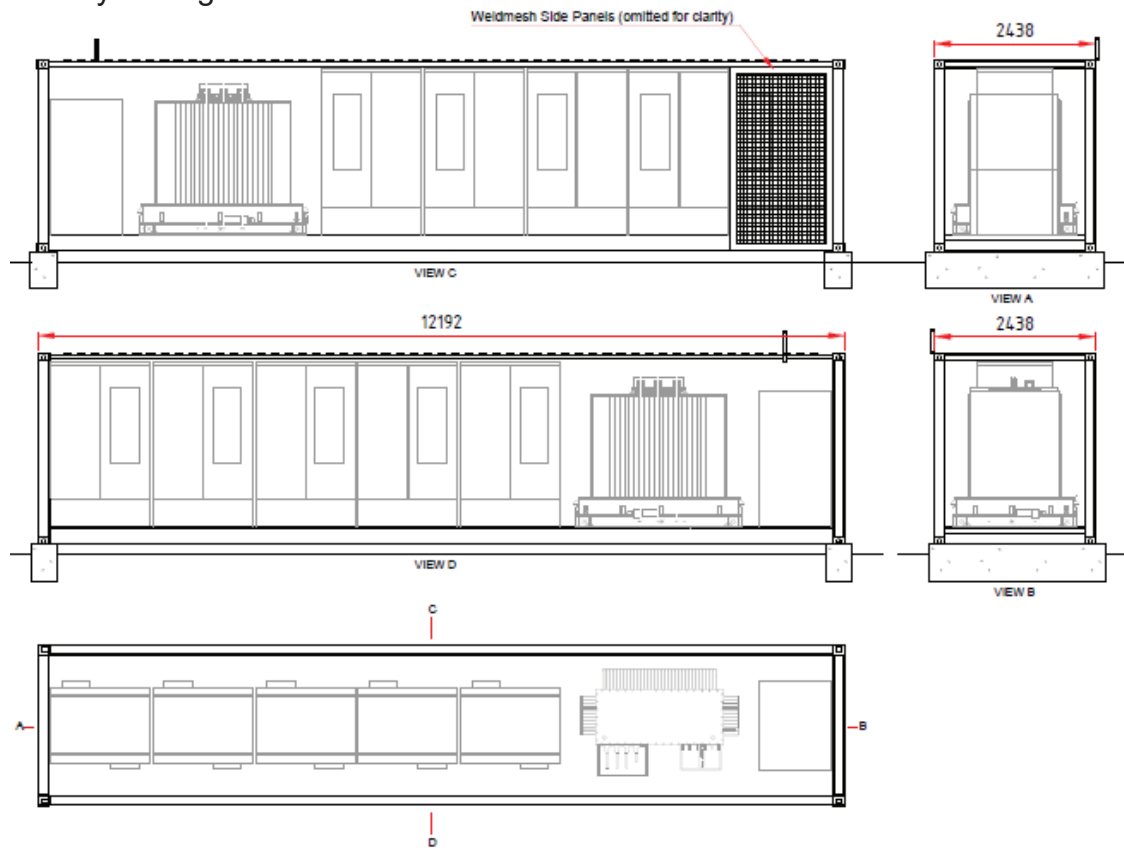
Inverter-Transformer Stations and Double Stacked Battery Storage

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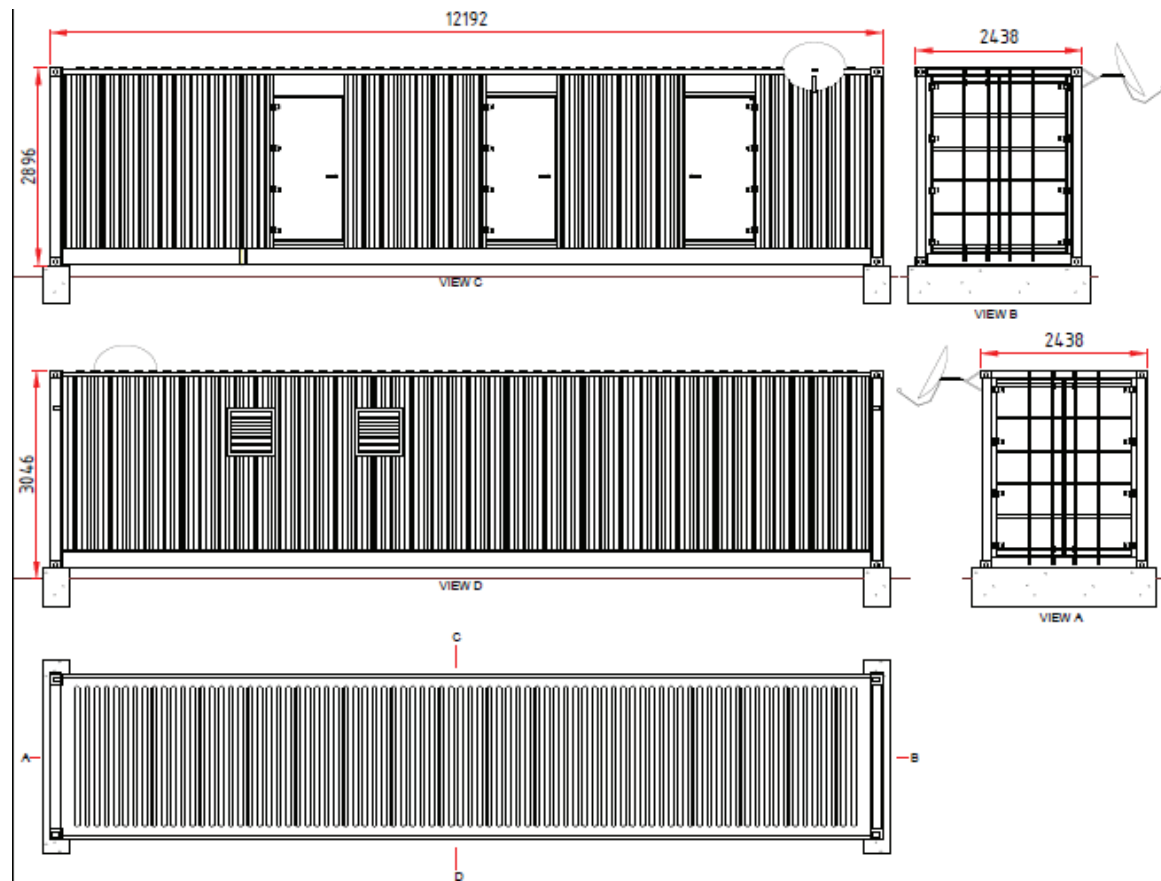
Battery Storage Containers



Inverter-Transformer Stations

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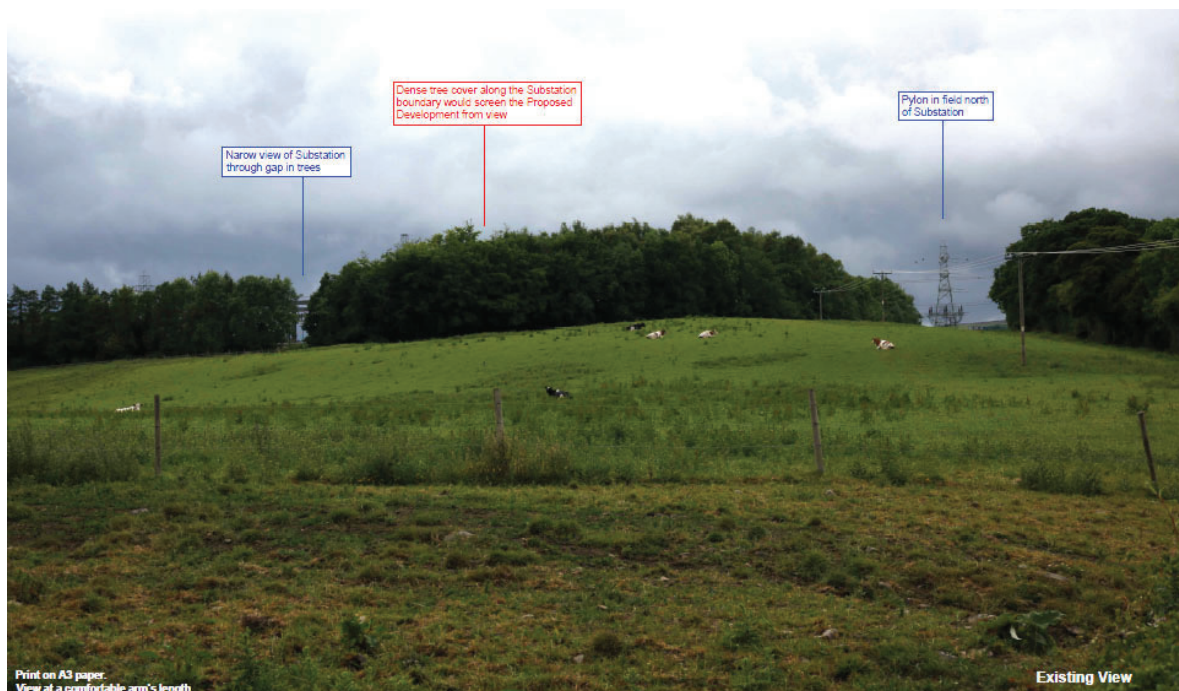


Switchgear Container



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Visualisations

HISTORY

P/2020/0299 Gas Peaking Plant Development of National Significance application. Withdrawn

DEVELOPMENT PLAN

The site is outside settlement limits as set out in the Wrexham Unitary Development Plan and is within a Special Landscape Area. Part of the site is with a designated Wildlife site W218. The following policies are relevant: GDP1 EC4 EC5 EC6 EC13 PS2 PS11 and PS12, together with adopted Local Planning Guidance Notes 7 Landscape and 32 Biodiversity.

CONSULTATIONS

Esclusham Community Council:	No objections
Local member:	Cllr P Pemberton raises no concerns
Highways:	No objections
Public protection:	No objection subject to comments and conditions
Contaminated Land:	No comments
Natural Resources Wales:	No objection subject to conditions
Welsh water:	No objection subject to comments
HSE:	Do not advise against granting of permission on safety grounds.
Cadw:	No objections
Tree officer:	No objections subject to comments and conditions
Ecology officer:	
Press advertisement:	Expired 9/6/2021
Site Notice:	Expired 10/6/2021

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Adjoining residents: Notified 14/5/2021
1 letter of concern received raising issue of noise impact on nearby properties.

SPECIAL CONSIDERATIONS

Principle of the development

The proposal is acceptable in principle as an energy scheme on an established utility site designed to reduce demand on the network at peak times, and thereby assist with sustainable energy use.

Ecology:

The overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

NRW advise that the construction of the proposal has the potential to adversely affect the great crested newt at this site, and therefore consider that construction is subject to the provisions of a derogation licence issued by NRW.

The ecological reports are considered to be satisfactory for the purposes of demonstrating the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN.

Any subsequent consent should be subject to the imposition of a planning condition:

NRW note that *Cotoneaster horizontalis* and *Crassula helmsii* have both been recorded within the survey area, and advise that biosecurity measures should be set in place both during construction and operation, and should be set out in the Construction Environmental Management Plan (CEMP). Biosecurity measures within the CEMP should be agreed as a condition of any planning permission.

Landscape

Natural Resources Wales landscape planning advice relates to the development's potential impact on the Clwydian Range and Dee Valley AONB's landscape character, visual amenity and special qualities and its accordance with national policy.

The main structural component of the proposal is 52 containers (double stacked) to house Battery Energy Storage Systems, 6m tall by 100x30m floor area.

The landscape and visual appraisal (Axis May2021) has assessed the landscape and visual baseline appropriately. The effects upon the visual setting and tranquility of the Clwydian Range and Dee Valley AONB have been assessed and are not significant for the following reasons:

Section 4.1.2 The site and its surroundings

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High embankments covered in woodland enclose the Substation and its curtilage on all sides, meaning that the structures within are not widely apparent from the surrounding area.

Section 6.1.1 to 6.1.4 Effects on Landscape Designations - Clwydian Range and Dee Valley AONB

The proposed development would not be theoretically visible from the AONB. The Noise Assessment confirms that noise generated by the proposed development would not be significant. The noise assessment (NVC 5/5/21) conclusions indicate the lowest background levels of 35dB to 42dB LA90 are experienced at night. Predicated noise assumed during maximum site operations with noise mitigation measures show rating noise levels from site to range between 30dB and 38dB LAeq.

There would be no cumulative visual effects with other development

In view of the above, it is considered that the development is acceptable in landscape and visual terms with respect to the AONB.

Overall the proposal is considered to be acceptable as an essential utility service within a Special Landscape Area and complies with policies EC5 and PS2.

Heritage

Scheduled Monuments:

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

The above designated heritage assets are located inside 2km of the proposed development. However, most views of the development from the scheduled monuments will be blocked by the earthworks of the Substation, along with intervening topography, buildings and existing vegetation and therefore there will be no impact on their settings.

In winter, it may be possible to see the upper part of the containers from scheduled monument DE137 Offa's Dyke: Pentre-Bychan Hall Section, extending 540m S from Bron-Wylfa, but they will still be heavily screened by the trees. As such whilst there may be a very slight visual change in the view from the monument, for a short period of time in the winter, this will not have any effect on the way that it is experienced, understood and appreciated. Consequently, the proposed development will have no impact on the setting of scheduled monument DE137.

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It is considered that the proposed development would not have any significant adverse impacts on designated heritage assets.

Noise:

The Council's public protection officer accepts the findings of the noise impact assessment and recommends that the acoustic attenuation methods detailed in the report are the subject of a condition, and also recommends a condition requiring that noise shall not exceed pre-existing background noise levels. On this basis the proposal is considered to comply with policy GDP1f.

Trees:

The proposal requires minimal removal of existing vegetation with the most dominant, functional and valued groups of trees remaining undisturbed and protected through the development phase by appropriate protective measures and adherence to the submitted Arboricultural Method Statement.

There will be a requirement to mitigate for the loss of the identified, small percentage of goat willow and hawthorn as well as a need to increase canopy cover across the site by 20% in accordance with the Tree & Woodland Strategy. Such planting will need to be addressed within a landscape scheme and management plan subject to planning condition

Highways:

There would be no significant additional traffic or highways impacts from the development.

Conclusion:

The proposed development is acceptable under the terms of adopted policies and guidance subject to conditions.

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 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

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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 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

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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 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.

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:

www.naturalresourceswales.gov.uk

www.cyfoethnaturiolcymru.gov.uk Page 4 of 6

- 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.

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.

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

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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.
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.h
tm](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->

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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 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

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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.

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
