# MEMORANDUM

wrexham COUNTY BOROUGH
BWRDEISTREF SIROL wrecsam

From: Ian Jones
Public Protection Service Manager

To: Mathew Philips
Head of Service Planning Development

**Our Ref:**

**Your Ref:** P/2024/1070

**Date:** 03/10/24

**Town and Country Planning Act 1990**

**Town and Country Planning (General Development Procedure) Order 1996**

**Re: P/2024/1070, BRITISH LEGION SOCIAL CLUB, WATTS DYKE, LLAY, WREXHAM, LL12 0RL**

**ADEILADU 9 ANNEDD / ERECTION OF 9 DWELLINGS**

**RPT1 - REPORT REVIEW**

Report 'WATTS DYKE, LLAY (PHASE 2) PROPOSED RESIDENTIAL DEVELOPMENT NOISE IMPACT ASSESSMENT' Dated September 2024 by Hepworth Acoustics Report No P24-297-R01v2. Has assessed the impact of noise from traffic on Llay New and the noise from the neighbouring licensed premises. Road traffic noise was determined to fall within Noise Exposure Category (NEC) B for daytime and NEC C for night time of Technical Advice Note (TAN) 11. The report confirms that NEC C is summarised as *planning permission should not normally be granted. Where development is permitted, steps should be taken to ensure a commensurate level of protection against noise*. No noise specifically from the licensed premises was witnessed.

The report has recommended mitigation (section 6.0) so that the noise levels within the properties and external amenity areas are compliant with BS8233. This section of the report has adopted a pragmatic approach and recommended additional mitigation so as to minimise potential noise impact from the licensed premises. The proposed mitigation scheme is accepted.

With the proposed development falling within NEC C for night time noise it will be a matter for the Planning Department to determine whether the development is appropriate. Should permission be granted this section will support that decision with the inclusion of the mitigation, including that which is recommended, detailed in section 6 of the report being required by condition.

**A25N - DUST MANAGEMENT (SCHEME NOT REQUIRED BY CONDITION)**

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.

**A23N - BURNING OF WASTE**

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.

**A22NA – MINOR DEMOLITION CONSTRUCTION NOISE**

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.

**Ian Jones**
**Public Protection Service Manager**