wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
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MEMORANDUM

From: **Ian Jones**
Head of Service Public Protection

To: **Matthew Phillips**
Head of Service Planning Development

Our Ref:

Your Ref: **P/2024/1440**

Date: 08-10-2024

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2024/1440, FORMER AIR PRODUCTS SITE, LLANGOLLEN ROAD, ACREFAIR, WREXHAM, LL14 3HP

CAIS AMLINELLOL AR GYFER HYD AT 159 ANNEDD (CADW YMDDANGOSIAD, TIRLUNIO CYNLLUN A GRADDFA) / OUTLINE APPLICATION FOR UP TO 159 DWELLINGS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED)

INF23 - 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.

EN11 - DUST MANAGEMENT SCHEME

No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to, and approved in writing by, the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.

INF22 – 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.

RPT 2 - REPORT REQUIRED

This section requires the following reports so as to make an informed recommendation. I recommend that these reports be required pre-determination:

1 Noise:

A noise survey shall be carried out, and a detailed report of the survey findings submitted to, and approved in writing by, the Local Planning Authority. The noise survey shall determine noise levels for both Day (07:00

– 23:00 hours) and Night (23:00 – 07:00 hours), having regard to Planning Policy Wales (PPW) Guidance, Technical Advice Note (TAN) 11 – Noise. The report of the noise survey findings shall include:

a)Noise levels arising from day / night time activities in the vicinity of the proposed development site and the impact upon proposed accommodation, and

b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the occupants of the proposed accommodation.

Any noise report should also consider the impact of any noise from the nearby licensed premises.

2) Air Quality:

An air quality assessment for the pollutants Nitrogen Dioxide and particulate matter (10 & 2.5 μm) shall consider the existing air quality and the impact from the proposed development and a report of the findings submitted to, and approved in writing by, the Local Planning Authority. The assessment shall:

a) Use appropriate modelling methods, as described in 'Local Air Quality Management Technical Guidance LAQM TG (16)', and

b) Provide a detailed scheme so as to comply with objective levels in the Air quality (Wales) regulations.

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Head of Service Public Protection