wrexham
COUNTY BOROUGH COUNCIL
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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/2024/1675**

Date: 21-01-2025

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2024/1675, LAND SOUTH OF DAVY WAY AND WEST OF, RACKERY LANE, LLAY, WREXHAM, LL12 0PB

CAIS AMLINELLOL AM DDATBLYGIAD DIWYDIANNOL - O OFOD LLAWR DOSBARTH B1(C), B2 A/NEU B8 GAN GYNNWYS GOFOD SWYDDFA ATEGOL A SEILWAITH A GWAITH CYSYLLTIEDIG (POB MATER WEDI EU CADW YN ÔL) / OUTLINE APPLICATION FOR INDUSTRIAL DEVELOPMENT - CLASS B1(C) - LIGHT INDUSTRIAL, B2 - GENERAL INDUSTRIAL AND/OR B8 - STORAGE OR DISTRIBUTION INCLUDING ANCILLARY OFFICE ACCOMMODATION AND ASSOCIATED INFRASTRUCTURE AND WORKS (ALL MATTERS 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.

RPT1 - REPORT REVIEW

Report 'Noise Impact Assessment Site: Davy Way, Llay' Reference: 51-173-R1-2 Date: May 24 by e3p. Has modelled the predicted noise impact on sensitive receptors on Davy way and predicted the noise levels from the operation phase will be lower than the background levels during both daytime and nighttime. The findiings and conclusions of this report are accepted. The assessment was based on monitored background levels of 41dB daytime and 33 dB night time. I recommend that these levels be conditioned on any planning permission:

The rating level of any noise generated by reason of this development shall not exceed 41 dB LAeq1hr daytime (07:00 to 23:00) or 33dB LAeq15min nighttime (23:00 to 07:00). The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.

With the inclusion of the above condition I have no objection to this development on the basis of noise.

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.

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.

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Head of Service Public Protection