

DATED

7th February 2025

**PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990
RELATING TO PROPERTY AT**

**LAND AT NORISH FOOD CARE, ASH ROAD SOUTH, WREXHAM INDUSTRIAL ESTATE, LL13 9UG IN THE
COUNTY BOROUGH OF WREXHAM**

between

Wrexham County Borough Council

and

Thermotrafic (N.I.) Ltd

Linda Roberts

Chief Officer Governance and Customer

Guildhall

Wrexham

LL11 1AY

Ref: LH/2981505

This Deed is dated 7th February 2025.

Parties

- (1) **WREXHAM COUNTY BOROUGH COUNCIL** of Guildhall, Wrexham LL11 1AY (**Council**)
- (2) **THERMOTRAFFIC (NI) LIMITED** (Company Number NI016202) of Forsyth House, Cromac Square, Belfast, BT2 8LA (**Owner**)

BACKGROUND

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Site is situated.
- (B) The Owner is the freehold owner of the land registered at HM Land Registry within title number WA719636 as shown edged red on Plan 3 ("the Property").
- (C) The Council resolved at its meeting on 4th November 2024 that Planning Permission should be granted for the Development subject to the prior completion of this Deed.

NOW THIS DEED WITNESSES AS FOLLOWS:

OPERATIVE PART

1 DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings:

"Act"	the Town and Country Planning Act 1990
"Application"	the application for full planning permission submitted to the Council for the Development and allocated reference number P/2024/0247.
"Commencement of Development"	the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed and for no other purpose) operations consisting of surveys of existing structures, site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of

	enclosure, hoardings and scaffolding, the temporary display of site notices or advertisements, site preparation, site reclamation, preliminary landscaping and ground modelling, service diversions or decommissioning, laying of services and other works of site establishment preparatory to the commencement of construction and operations permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and "Commence Development" shall be construed accordingly.
"Development"	the development of the Site as set out in the Application
"Expert"	an independent person appointed in accordance with the provisions of clause 7 to determine a dispute
"Index"	All Items Index of Retail Prices issued by the Office for National Statistics
"Interest"	interest at 5 per cent above the base lending rate of the Barclays Bank Plc from time to time.
"LEMP"	means the Landscape & Ecological Management Plan or such other amended plan as shall be agreed in substitution between the Owner and the Council.
"Management Company"	a suitable company or body or other entity responsible for the MA Scheme in respect of the Mitigation Areas
"Material Operation"	means a material operation as defined in Section 56 subsection 4(a) to (e) of the 1990 Act to implement the Planning Permission save for those operations contained in the definition of "Commencement of Development" contained in this Deed.
"Occupation"	the physical use of land or buildings permitted by the Planning Permission but not including occupation by personnel engaged in construction or fitting out, or occupation for marketing and display, or occupation in relation to security operations and Occupy, Occupied and Occupier shall be construed accordingly.
"Plan 1"	the Plan 1 attached to this Deed

"Plan 2"	the Plan 2 attached to this Deed
"Plan 3"	the Title Plan for Title WA719636 attached to this Deed and marked Plan 3.
"Planning Permission"	the full planning permission subject to conditions to be granted by the Council pursuant to the Application
"MA Scheme"	means the scheme as described in the LEMP, or any future amended scheme, relating to the implementation and management of the Mitigation Areas submitted to and approved in writing by the Council pursuant to the Application
"Mitigation Areas"	means the Mitigation Areas shown cross hatched yellow on Plan 2.
"Site"	the land subject to this Deed as shown edged red on Plan 1 and more particularly described in the First Schedule, which forms part of the Property

2 CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council and

County Council the successors to their respective statutory functions.

3 LEGAL BASIS

- 3.1 This Deed is made pursuant to Section 106 of the Act Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000 and all other enabling powers.
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owner.

4 CONDITIONALITY

This Deed is conditional upon:

- (i) the grant of the Planning Permission; and
- (ii) the Commencement of Development;

save for the provisions of Clauses 5.2, 6.1, 12 and 13 (notice of commencement of development, legal costs, jurisdiction and delivery) fees and any other relevant provisions which shall come into effect immediately upon completion of this Deed.

5 THE OWNER'S COVENANTS

- 5.1 The Owner covenants with the Council on behalf of themselves and their successors in title to the Site (but subject always to clause 6.8 of this Deed) to comply with the obligations set out in the Second Schedule to this Agreement
- 5.2 The Owner shall serve on the Council a notice of Commencement of Development not less than two days before Commencement of Development.

6 MISCELLANEOUS

- 6.1 The Owner shall pay the Council on completion of this deed the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed in the sum of £1250.00.
- 6.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999
- 6.3 This Deed shall be registrable as a local land charge by the Council.
- 6.4 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given on behalf of the Council by the Chief Officer Economy and Planning and any notices shall

be deemed to have been properly served if sent by recorded delivery to the Council's Chief Officer Economy and Planning, Lambpit Street, Wrexham, LL11 1AR and to the principal address or registered office (as appropriate) of the Owner.

- 6.5 Following the performance and satisfaction of all the obligations contained in this Deed the Council shall forthwith effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.
- 6.6 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 6.7 This Deed including (for the avoidance of doubt) the MA Scheme shall cease to have effect (insofar only as it has not already been complied with) if:-
- 6.7.1 the Planning Permission shall be quashed revoked or otherwise withdrawn or (without the consent of the Owner) is modified by any statutory procedure
 - 6.7.2 the Planning Permission shall expire prior to the Commencement of Development; or
 - 6.7.3 the Site is developed under a new planning permission (other than one issued under Section 73 of the Act for variation or discharge of a condition of the Planning Permission) granted after the Planning Permission by the Council or any other competent authority and there has been no Commencement of Development.
- 6.8 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Site or the part of the Site in respect of which such breach occurs but without prejudice to liability for any subsisting breach arising prior to parting with such interest.
- 6.9 This Deed shall not be enforceable against owner-occupiers or tenants of any units constructed pursuant to the Planning Permission nor against those deriving title from them.
- 6.10 Nothing in this Deed shall prohibit or limit the right to develop any part of the Property or the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.

7 RESOLUTION OF DISPUTE

- 7.1 In the event of any dispute arising between the parties, the parties will attempt to resolve that dispute amicably including holding a meeting attended by at least one representative from each party.
- 7.2 If the parties are unable to resolve the dispute amicably pursuant to clause 7.1, one party may by serving notice on all the other parties (the Notice) refer the dispute to an Expert

for determination.

- 7.3 The Notice must specify:
the nature, basis and brief description of the dispute;
the clause or paragraph of this Deed pursuant to which the dispute has arisen; and
the name and address of the proposed Expert.
- 7.4 In the event that the parties are unable to agree whom should be appointed as an Expert within 10 Working Days after the date of the Notice then either party may request to the President of the Law Society to nominate the Expert at their joint expense.
- 7.5 The Expert shall act as an expert and not as an arbitrator and his decision will (in the absence of manifest error) be final and binding on the parties hereto and at whose cost shall be at his discretion or in the event that he makes no determination, such costs will be borne by the parties to the dispute in equal shares.
- 7.6 The Expert will be appointed subject to an express requirement that he reaches his decision and communicates it to the parties within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not later than 25 Working Days from the date of his appointment to act.
- 7.7 The Expert will be required to give notice to each of the said parties inviting each of them to submit to him within 10 Working Days written submissions and supporting material and will afford to each of the said parties an opportunity to make counter submissions within a further 5 Working Days in respect of any such submission and material.

8. WAIVER

No waiver (whether expressed or implied) by the Council or Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or Owner from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

9 CHANGE IN OWNERSHIP

The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of its interest in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not)

10 JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and Wales.

11 DELIVERY

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

12 SECTION 73 VARIATION

For the avoidance of doubt in the event that the Council shall at any time hereafter grant a planning permission pursuant to an application under section 73 of the Act in respect of conditions on the Planning Permission, (save and in so far as this Deed has been amended by way of a deed of variation prior to the grant of such planning permission), references in this Deed to the Application and the Planning Permission shall be deemed to include any subsequent section 73 applications and planning permissions as aforesaid and this Deed shall henceforth take effect and be read and construed accordingly.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

FIRST SCHEDULE

Description of the Site

Land at Ash Road South, Wrexham Industrial Estate, LL13 9UG and shown edged in red on Plan 1 which forms part of the Property.

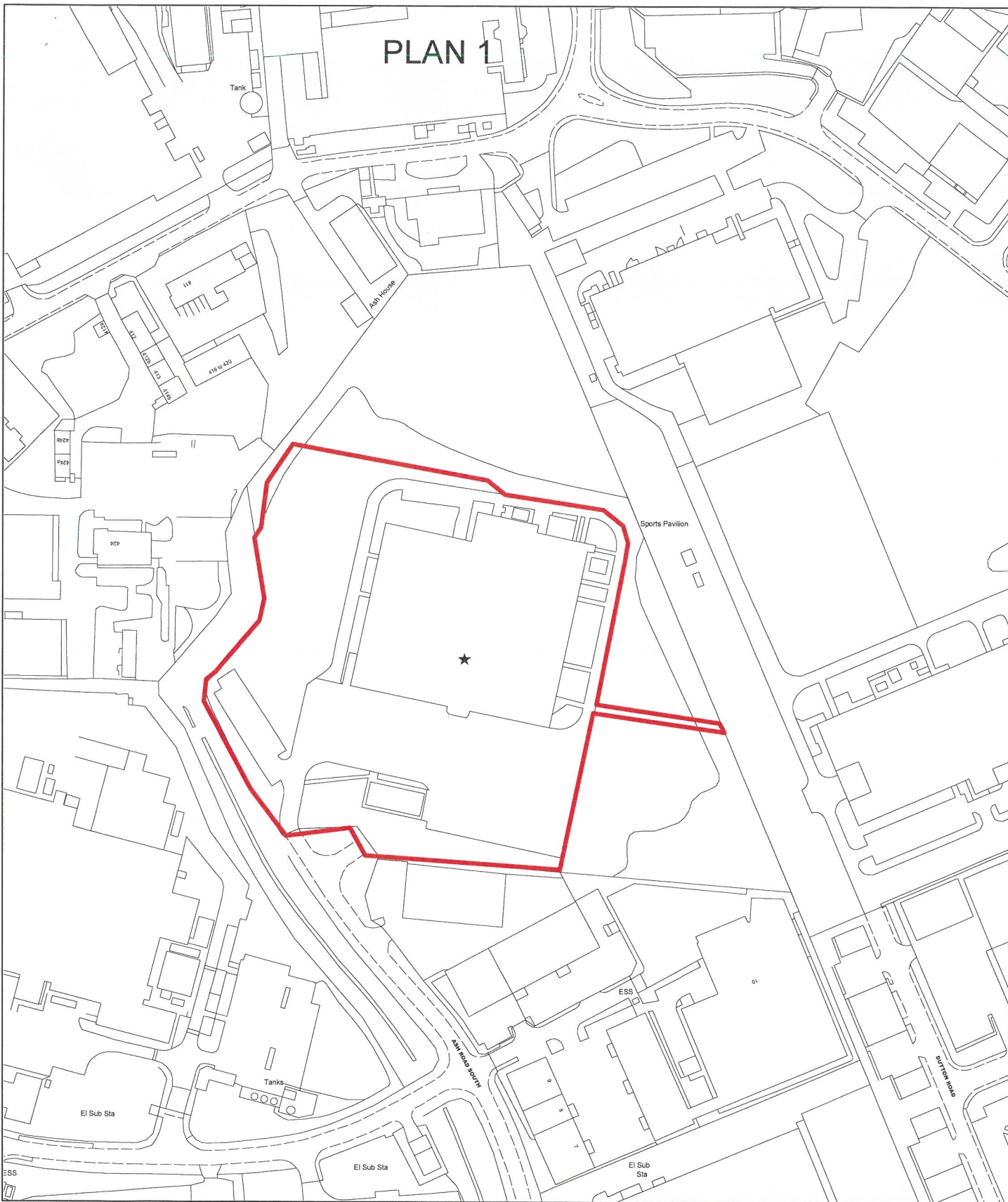
SECOND SCHEDULE

Owner Covenants

Management Company and Mitigation Areas

1. Within six months following Commencement of Development on the Site (or such extended period as shall be agreed with the Council):-
2. The Owner is to obtain the Council's written approval to the formation and appointment of a Management Company to implement the MA Scheme in respect of the Mitigation Areas (not to be unreasonably withheld or delayed).
3. To implement or procure implementation of the MA Scheme prior to first Occupation of any part of the proposed Development.
4. To monitor and review the MA Scheme every 12 months for up to 25 years and to obtain the approval of the Council (not to be unreasonably withheld or delayed) to any amendments thereto so as to ensure that they remain appropriate and relevant over time.
5. To use reasonable endeavours to ensure compliance with the MA Scheme and to maintain and manage for up to 25 years the Mitigation Areas in accordance with the MA Scheme the Planning Permission and this Agreement and to rectify any non-compliance with the MA Scheme notified to the Owner by the Council in a manner agreed with the Council such agreement not to be unreasonably withheld or delayed and as soon as reasonably practicable.
6. Subject to paragraph 4 of this Schedule the Owner accepts that the Council may wish to monitor its compliance with the MA Scheme at reasonable intervals as notified to the Owner by the Council and with this aim the Council will propose a timetable for the Council to review the Owner's (and any Management Company's) performance in relation to the MA Scheme for the Owner's consideration and agreement.
7. To use the Mitigation Areas as Mitigation Areas for the benefit of the Development.

Annex A - Plans



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HEAD OF ECONOMY AND PLANNING
PLANNING DEPARTMENT
LAMPIT STREET
WREXHAM
LL11 1AR

5 NOVEMBER 2024
SCALE 1: 2500
SJ3850

Town and Country Planning Act 1990 **Section 106 Obligation**



P/2024/0247
NORISH FOOD CARE
ASH ROAD SOUTH
WREXHAM INDUSTRIAL ESTATE
LL13 9UG

坂東仲彦





Mitigation and Enhancement Plan

Wirexham Industrial Estate
TSL Projects Ltd.

Legend

- Site boundary
- Pond
- Ecology Area
- Butterfly bank
- Butterfly scrapes
- Hibernacula
- Refugia

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Notes:

Drawn by: AARON HOWARD
Checked by: Rachel Kerr

Figure No. 3
Revision No. A
13 September 2024

0 20 40 60 80 Metres
British National Grid

Scale 1:1,500 @ A3
NGR: 38087E 35032N

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TETRA TECH

3 Sovereign Square
Sovereign Street
United Kingdom
LS1 4ER
Tetra Tech Limited
Registered Office and
Number: 01959704



PLAN 3

H.M. LAND REGISTRY

TITLE NUMBER

WA719636

ORDNANCE SURVEY
PLAN REFERENCE

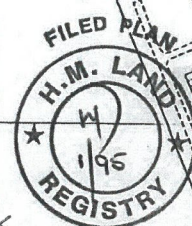
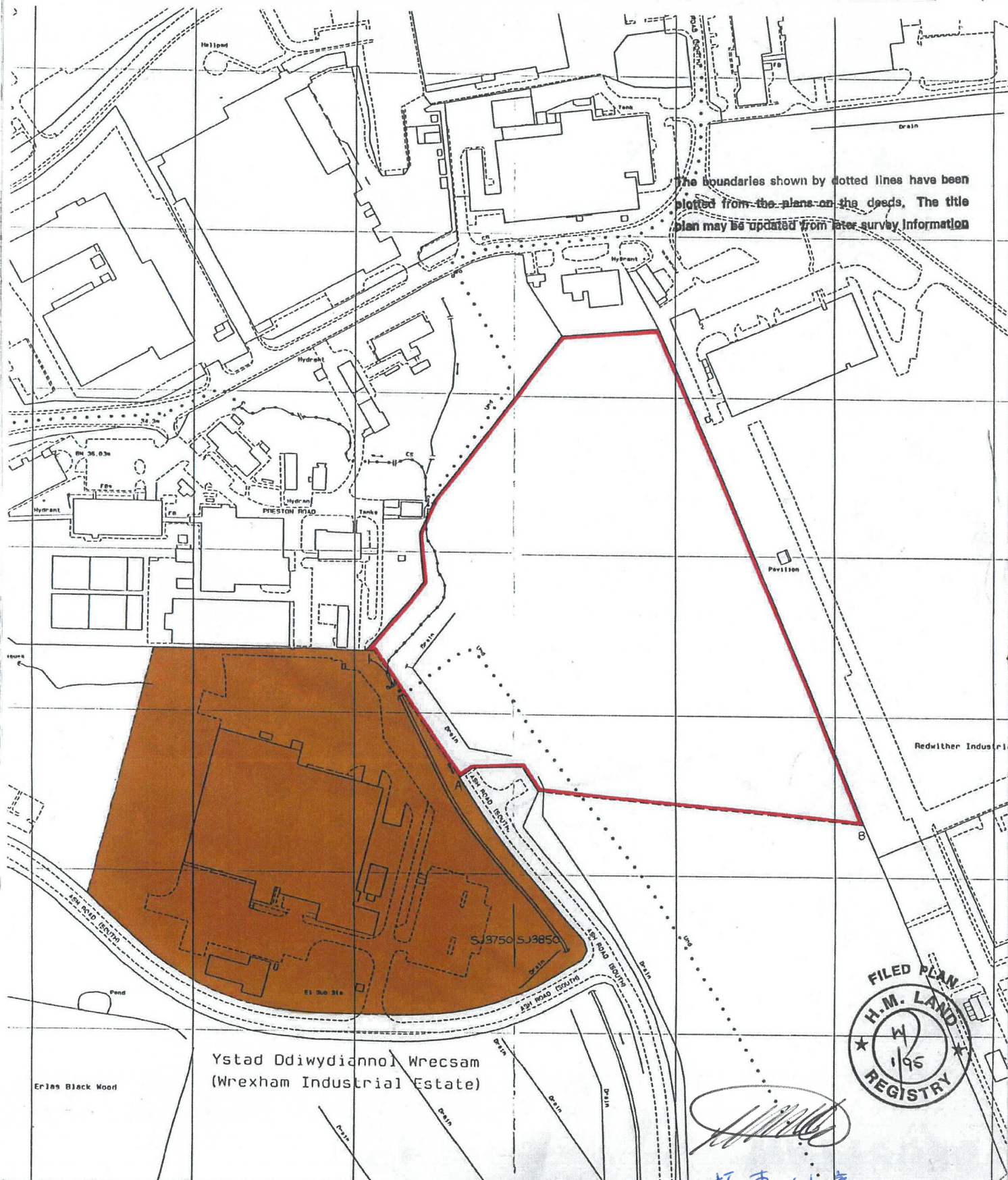
SJ 3750 SJ3850

Scale
1/2500

COUNTY CLWYD

DISTRICT WREXHAM MAELOR

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ANNEX B – draft Planning Permission

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant THERMOTRAFFIC LTD

Reference P/2024/0247

Agent CLODAGH MACKEN
CARNEYS SWEENEY
CARNEY SWEENEY
BRUNEL HOUSE 2
FITZLAN ROAD
CARDIFF CF24 0EB

Date Received 28/03/2024

Decision Date

Town and Country Planning Act, 1990

Location of Application

NORISH FOOD CARE ASH ROAD SOUTH WREXHAM INDUSTRIAL ESTAE
WREXHAM LL13 9UG

Description of Application

ESTYN ADEILAD STORIO OER, ADDASU'R PARCIO A'R TIRLUNIO

/ EXTENSION OF COLD STORAGE BUILDING, ALTERATIONS TO PARKING
AND LANDSCAPING

In reaching this decision the Council has had regard to the following relevant policies: -

National Policies and Technical Advice Notes (TAN):

Future Wales Policy 1 - Where Wales will grow

TAN 11 : Noise

TAN 12 : Design

Tan 15 : Development, flooding and coastal erosion

TAN 18 : Transport

TAN 5 : Nature Conservation and Planning

Wrexham Local Development 2013 – 2028:

EM1 - Protection of Existing Employment Land

NE1 - International and National Nature Conservation Designations

NE3 - Trees, Woodlands and Hedgerows

SP2 - Location of Development

SP12 - Design Principles & Masterplanning Framework

SP14 - Natural Environment

SP18 - Climate Change

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant THERMOTRAFFIC LTD

Reference P/2024/0247

Agent CLODAGH MACKEN
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CARNEY SWEENEY
BRUNEL HOUSE 2
FITZLAN ROAD
CARDIFF CF24 0EB

Date Received 28/03/2024

Decision Date

SP19 - Green Infrastructure
DM1 – Development Management Considerations
T1 - Managing Transport Impacts

Revision	Date	Description of Decision
0		Planning permission issued

Particulars of decision : GRANTED subject to the following:-

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant THERMOTRAFFIC LTD

Reference P/2024/0247

Agent CLODAGH MACKEN
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CARNEY SWEENEY
BRUNEL HOUSE 2
FITZLAN ROAD
CARDIFF CF24 0EB

Date Received 28/03/2024

Decision Date

2. The development shall only be carried out in strict accordance with the details shown on the following plan(s) and document(s):

Landscape Strategy LA.1

Site and Location Plan - TCSW - ASA - 90 - VS.ZZ - D - A - 9000 _ (S2 - P06)

TCSW - ASA - 90 - VS.ZZ - D - A - 9014 _ (S2 - P02)

CSW - ASA - 90 - VS.ZZ - D - A - 9013 _ (S2 - P02)

TCSW - ASA - 90 - VS.ZZ - D - A - 9012 _ (S2 - P05)

TCSW - ASA - 90 - VS.ZZ - D - A - 9011 _ (S2 - P05)

TCSW - ASA - 00 - XX.XX - D - A - 0002 _ (S2 - P01)

TCSW - ASA - 00 - NB.XX - D - A - 0003 _ (S2 - P01)

TCSW - ASA - 00 - NB.00 - D - A - 0001 _ (S2 - P01)

TCSW - ASA - 90 - VS.ZZ - D - A - 9002 _ (S2 - P04)

TCSW - ASA - 30 - EB.02 - D - A - 3002 _ (S2 - P04)

TCSW - ASA - 30 - EB.ZZ - D - A - 3003 _ (S2 - P04)

TCSW - ASA - 30 - EB.00 - D - A - 3000 _ (S2 - P04)

TCSW - ASA - 90 - VS.ZZ - D - A - 9003 _ (S2 - P08)

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



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3. No development or phase of development, including site clearance shall commence until a Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall build upon the principles outlined in the submitted ecological reports (Dennis, B. 2024. Norish Limited, Wrexham Industrial Estate: Biodiversity Mitigation Strategy. Tetra Tech. and Dennis, B. 2024. Norish Limited, Wrexham Industrial Estate: Great Crested Newt Survey Report. Tetra Tech. Report No 784-B067397) and include, but not necessarily be limited to:
- a) The submission (to include proposed timescales and reporting requirements) of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to:
 - fence specifications, locations, construction and maintenance.
 - monitoring and maintenance requirements and supervised removal.
 - b) The submission of habitat creation and enhancement proposals.
 - c) The submission of a long-term site management plan (not less than 25 years) that includes:
 - Details of habitats and ecological features present or to be created, both in written form and shown on appropriate drawings, including planting plans
 - Defined aims and objectives (including defined key performance indicators for long term monitoring indicators)
 - Details of the desired condition for each habitat and criteria to determine when habitats have achieved this

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant THERMOTRAFFIC LTD

Reference P/2024/0247

Agent CLODAGH MACKEN
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CARNEY SWEENEY
BRUNEL HOUSE 2
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CARDIFF CF24 0EB

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Decision Date

-Details of short and long-term habitat management prescriptions to both achieve and maintain the desired condition

-Details of monitoring methodologies for habitat(s) and species

-Details of scheduling and timings of activities

-Contingency measures if fish or invasive non-native species (INNS) are detected

- Current and any proposed changes to the freehold tenure of the compensation area (tenure of the ecology area to be approved by the Local Planning Authority).

- Persons or bodies responsible for undertaking management and surveillance together with required skills and competencies

-Site liaison and wardening

-Licensing requirements

-Biosecurity measures which consider invasive non-native species and specific diseases (e.g. Chytrid) to prevent the introduction and where present control, removal or the long term management of invasive species both during construction and operation.

-Details of reporting, review and update of the plan (informed by monitoring) at specific intervals as agreed.

d)The submission of detailed measures including plans designed to prevent the accidental capture/killing of GCN during operational phases of the scheme (including the installation and maintenance of an amphibian-friendly surface water management system that does not include gully pots or other similar features).

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant THERMOTRAFFIC LTD

Reference P/2024/0247

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Date Received 28/03/2024

Decision Date

e)Details of timing, phasing and duration of construction activities and conservation measures

f)Post-construction monitoring and record dissemination for a period of not less than 25 years. Methodology shall include annual GCN abundance counts and Habitat Suitability Index (HSI) assessments. All ponds (including SuDS water bodies) to be added to the Wales GCN Monitoring Scheme, with individuals/bodies being identified as being responsible for monitoring and reporting works

The Conservation Plan shall be implemented in accordance with the approved details.

4. The development shall be carried out in strict accordance with the following plans and report submitted and approved as part of this application:

1) Arboricultural Method Statement ref no.Section 13, Arboricultural Report / MBA TSL/ MBA Trees / January 2024 .

No development or other operations shall take place except in strict accordance with the reports as approved.

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



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5. The enhancements detailed within approved document Norish Ltd., Wrexham Industrial Estate, Biodiversity Mitigation Strategy, GP-TEM-006-02 shall be fully implemented within 3 months from the commencement of development on site.

6. The precautionary measures outlined in section 10 of the submitted Preliminary Ecological report ref: JM1124 (VERSION 2) shall be fully adhered to throughout the duration of the development.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

8. No development shall take place until a final and comprehensive scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority.

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant THERMOTRAFFIC LTD

Reference P/2024/0247

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9. Landscaping shall be undertaken in accordance with the scheme submitted and approved in connection with condition 8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting (November to March) and seeding seasons following the first use of the development (April to September). Any trees, hedgerows or plants which following the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

10. Prior to first use of the development hereby permitted, a dedicated 'drop off/ collection' point shall be made available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such detail as may be approved shall be fully implemented and thereafter retained.

Reason(s)

- 1 To comply with Section 91(3) of the Town and Country Planning Act, 1990.

- 2 To comply with Section 91(3) of the Town and Country Planning Act, 1990.

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant THERMOTRAFFIC LTD

Reference P/2024/0247

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3 In order to protect wildlife interests and protected species in accordance with Policies DM1 and SP14, NE1 and NE2 of the Wrexham Local Development Plan.

4 To preserve the health, safety and amenity value of the tree(s) in accordance with Policies DM1, SP12, SP14 and NE3 of the Wrexham Local Development Plan.

5 To ensure NBB is achieved in accordance with para. 6.4.5 of Planning Policy Wales Ed and Policy NE1 of the Local Development Plan.

6 In the interest of protecting local wildlife species and habitats which may not have been identified on site, in accordance with Policies SP14 and NE1 and NE2 of the Wrexham Local Development Plan

7 To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policy DM1 of the Local Development Plan

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 DM1, SP12 and SP14 of the Wrexham Local Development Plan.

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



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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 DM1, SP12 and SP14 of the Wrexham Local Development Plan.

10 To ensure the safety of visitors/staff being dropped off or collected from the site in accordance with Policy DM1 of the Local Development Plan

Note(s) to applicant

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties in that section include the following:

*** Notice of initiation of development**

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The forms set out the details that must be given to the Local Planning Authority to comply with this duty.

*** Display of notice**

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant THERMOTRAFFIC LTD

Reference P/2024/0247

Agent CLODAGH MACKEN
CARNEYS SWEENEY
CARNEY SWEENEY
BRUNEL HOUSE 2
FITZLAN ROAD
CARDIFF CF24 0EB

Date Received 28/03/2024

Decision Date

effect. The form sets out the details that the person carrying out development must display to comply with this duty.

The person carrying out development must ensure that the notice is:

- a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- b) Legible and easily visible to the public without having to enter the site; and
- c) Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:
https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

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

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<https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

You are advised that this grant of planning permission was made following the completion of an Agreement under Section 106 of the Town and Country Planning Act. Before undertaking any work under this permission you are advised to obtain full details of the Agreement and ensure that you are able to comply with its terms.

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

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healthandhousing@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 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.

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 &

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Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

David Fitzsimon

***Prif Swyddog Yr Economi a Chynllunio, Cyngor Bwrdeistref Sirol Wreccsam
Chief Officer Economy and Planning, Wrexham County Borough Council***

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

[Planning and building control | Wrexham County Borough Council](#)

EXECUTED as a DEED by affixing

THE COMMON SEAL of

WREXHAM COUNTY BOROUGH COUNCIL in the presence of:-




Chief Officer Governance and Customer

Head of Service, Legal Democratic & Registration
Head of Service, Legal Democratic & Registration

EXECUTED as a DEED by

THERMOTRAFFIC (NI) LTD

 K. Hancock

Director

坂東 伸彦 N. Bando

Director/Secretary