

**MEMORANDUM**

From: Rebecca Pomeroy**To: Shawn Fleet****Head of Service Public Protection
Planning Control Manager****Our Ref:****Your Ref: P/2020/0887****Date: 26-08-2022**

Town and Country Planning Act 1990**Town and Country Planning (General Development Procedure) Order 1996****Re: P/2020/0887, CAIA FARM OLD WREXHAM ROAD GRESFORD WREXHAM****NEWID DEFNYDD Y TIR O AMAETHYDDOL I SUI GENERIS (LLE HYFFORDDIANT I CWN) MEWN
HADOLWG / CHANGE OF USE OF LAND FROM AGRICULTURAL TO SUI GENERIS (DOG
EXERCISE / TRAINING AREA) IN RETROSPECT****A23N - BURNING OF WASTE ADVICE**

It is unclear from the application whether any works will be required as part of this application, if so I recommend the inclusion of the following condition:

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 such a 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 292 040 for further advice and information.

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

It is unclear from the application whether any works will be required as part of this application, if so I recommend the inclusion of the following condition:

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 292 040 for further advice and information.

A22NA – CONSTRUCTION / DEMOLITION SITE NOISE

It is unclear from the application whether any works will be required as part of this application, if so I recommend the inclusion of the following condition:

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 292 040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

A26N - TAN11 NOISE SURVEY ADVICE

The conclusions of noise report ' RYECROFT MEADOW DOG WALKING FIELDS NOISE IMPACT ASSESSMENT' Report No: P21-513-R02v2 dated May 2022 are accepted. The report states ' However, there is potential for some barking noise to be audible. To address this, and hence minimise the likelihood that this would occur, it is recommended that a Noise Management Plan is required to be prepared by the operators of the dog park, setting out the general measures to be adopted in the control and supervision of the dogs to ensure that barking is minimised, particularly in areas close to residences. This requirement may be readily enforced by way of a suitably worded planning condition'.

I therefore recommend the inclusion of the following condition:

The applicant shall develop and submit for approval in writing to the Local Planning Authority a suitable a Noise Action Plan detailing the measures to be adopted in the control and supervision of the dogs to ensure that barking is minimised. The Noise Action Plan as approved shall be fully implemented and retained for the duration of the development.

I note that this application is partly in retrospect and therefore recommend a suitable timeframe for the submission of the Noise Action Plan be attached to the planning permission.

.....

Interim Chief Officer Planning and Regulatory