



MEMORANDUM

From: Ian Jones

**Head of Service Public Protection
Service Planning Development**

Our Ref:

Date: 05-10-2023

To: Matthew Phillips

Head of

Your Ref: P/2023/0593

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2023/0593, LAND AT LOWER BERSE FARM BERSHAM WREXHAM

CAIS AMLINELLOL AR GYFER CODI 1520 ANNEDD (YMDDANGOSIAD, TIRLUNIO, CYNLLYN A GRADDEFA CEDWIIR YN OL) / OUTLINE APPLICATION FOR ERECTION OF 1520 DWELLINGS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED).

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.

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.

RPT1 - REPORT REVIEW

1) Report Noise Impact Assessment, Lower Berse Farm, Wrexham. Reference: 50-311-R1-6 Dated: August 2023. Reports the results of the monitoring and modelling for the proposals. It demonstrates that the majority of the site falls with noise exposure category (NEC) A as defined by Technical Advice Note (TAN) 11 and therefore no mitigation is required. The areas of land closest to the roads A483, Ruthin Road and Bersham Road are modeled to fall within NEC B and NEC C during both the day and night. NEC would require acoustic mitigation. NEC C carries the recommendation that planning permission should not normally be granted though there are exceptions. Whereas it would be preferable for these parts of the site to not have residential accommodation, it is understood that this area has been identified for residential development by the Council and therefore this is likely to be acceptable.

The noise report does confirm that noise mitigation will be required at certain areas of the proposal. I recommend that details of this be required from the applicant by condition:

No part of the development shall commence until a noise survey has been carried out, and a detailed report of the survey findings has been 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 the occupants of the 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 hereby approved.

The measures as are approved shall be fully implemented prior to the first occupation / use of the development.

The report also confirms that the external amenity areas of properties closest to the roads may also exceed the 50dB criteria stated in BS 8233. Whereas there is scope within this standard for the level to set at 55dB it would be incumbent on the applicant to justify levels in excess of 50dB. The report does suggest that even with an acoustic barrier the 55dB is unlikely to be achieved along the A483. Details of how the applicant proposes to protect the users of external areas should accompany the above recommend report.

The report further states that a waste water treatment plant is proposed as part of the scheme. It recommends that a detailed noise assessment is carried out once the proposals designs are confirmed. This assessment should include a consideration of existing receptors depending on location. The report has recommended an upper limit of 43dB be set for the wastewater treatment plant. This will be dependent on proximity of receptors and further details should be provided in the acoustic report. A proposed school has been suggested as a possible receptor.

As mentioned above the scheme includes the provision of a school and the above acoustic report should demonstrate that the noise levels for both indoor and outdoor lessons as defined in guidance should be met, including from the proposed wastewater treatment plant if applicable.

2) Report Air Quality Assessment, Ruthin Road, Wrexham. Reference: 4432r5. Dated: 11th August 2023 has considered air quality during the construction and the operational phases:

Construction: Has identified the potential for dust nuisance from construction activities as a result mitigation has been proposed as detailed in paragraph 5.2.19. So as to ensure that these are incorporated into the construction environment management plan or similar I recommend the following condition:

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.

Operational:

The operational phase has considered the traffic pollutants of Nitrogen Dioxide (NO₂) and Particulate matter (PM_{2.5} & 10) on both existing receptors and receptors who will move into the development. Modeling demonstrated that the impact from the pollutants will be negligible and hence classed as not significant. These findings are accepted.

3 Odour

Report RUTHIN ROAD, Odour Risk Assessment. Dated August 2023 considers the impact from the proposed waste water treatment plant should it be required. Section 6.1 details mitigation methods so as to minimise the risk of odour nuisance. Specifically it recommends a 50 meter buffer zone around the plant, enclosure of the screening grit removal and sludge handling processes be enclosed. The report further states in paragraph 6.2.1 and reiterated in paragraph 7.1.8.

Given the likely negligible residual odour effect at all receptors, which are located at the maximum recommended buffer distance from the WwTW and beyond, the additional option of installing an odour scrubber is not considered necessary at this stage. However, further quantitative assessment of potential odour impacts (i.e. using atmospheric dispersion modelling) could be undertaken to confirm the assessment findings.

As this paragraph introduces some doubt as to whether the installation of an odour scrubber is required I would advise that the recommended further quantitative assessment is required on the applicant to accompany the full planning application.

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Head of Service Public Protection