



MEMORANDUM

From: Ian Jones

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

Our Ref:

Date: 12-08-2024

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 LL14 4HP

Amended Plans - CAIS AMLINELLOL AR GYFER CODI 1520 ANNEDD (YMDDANGOSIAD, TIRLUNIO, CYNLLYN A GRADDEFA CEDWIIR YN OL) DARPARU TIR AR GYFER YSGOL GYNRADD / OUTLINE APPLICATION FOR ERECTION OF 1520 DWELLINGS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED) PROVISION OF LAND FOR A PRIMARY SCHOOL

RPT1 - REPORT REVIEW

The TECHNICAL ADDENDUM TO NOISE ASSESSMENT LOWER BERSE FARM, WREXHAM by e3p dated 20th June 2024 provides a further assessment for the proposal based on both the planned alterations to Jct 4 of the A483, The reduction in the number of properties to c. 1450 and confirmation that the wastewater treatment plant will not be required. The below comments are provided further to my original response memo Ref P/2023/0593 dated 15-10-23.

The addendum has confirmed that should the Junction 4 scheme go ahead additional areas of the proposed development will be subject to higher noise levels and therefore require increased mitigation as discussed in the original noise report and section 3 of the addendum. The addendum is unable to provide specific mitigation beyond recommending a glazing specification and whole dwelling ventilation.

Once the proposal is finalised I recommend further details of specific mitigation so as to comply with both the internal and external limits of BS8233 be provided. It should be noted that the presumption of BS8233 is that the noise levels shall not exceed 50dB in external amenity areas with a limit increased to 55dB where the 50 dB limit cannot be reasonably met. It would be up to the applicant to demonstrate why the 50 dB limit was unachievable.

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 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.

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.

RPT 2 - REPORT REQUIRED

In this sections original response to this application Ref P/2023/0593 dated 15-10-23. A requirement for an odour assessment was recommended relating to the waste water treatment plant. As TECHNICAL ADDENDUM TO NOISE ASSESSMENT LOWER BERSE FARM, WREXHAM by e3p dated 20th June 2024 has confirmed that this is no longer part of the application this odour assessment is no longer required.

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Head of Service Public Protection