

MEMORANDUM



From: Ian Jones Public Protection
Service Manager

To: Shawn Fleet Planning
Control Manager

Our Ref:

Your Ref: P/2022/0286

Date: 19-04-2022

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2022/0286, MIDDLEWOOD FARM THREAPWOOD MALPAS

TRAWSNEWID ADEILAD AMAETHYDDOL I 4 ANNEDD / CONVERSION OF AGRICULTURAL BUILDING TO 4 DWELLINGS

A26N - TAN11 NOISE SURVEY ADVICE

The Acoustic report Noise Assessment Report Report: 4625-R1 – Middlewood Farm, Sarn Road, Threapwood, Cheshire, SY14 7AW' Ref: 4625-R1, dated 08/10/21 by Clover Acoustics is not accepted as the report quotes 54 dB (table 1a) in the external area. BS8233 states 'For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. No evidence or argument has been provided to suggest that the lower limit cannot be met.

The report also references Noise Policy Statement for England and National Planning Policy Framework, with no reference to Technical Advice Note (TAN) 11, which is the appropriate document for noise assessments in Wales. The data gathered for the report should be reviewed with regards to this document.

A23N - BURNING OF WASTE ADVICE

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)

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

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.

.....
Head of Planning and Regulatory