

Report of the Chief Officer Economy and Planning

Application Reference

P/2024/0247

Applicant

THEREMOTRAFFIC LTD

Agent

CLODAGH MACKEN CARNEYS SWEENEY

Site Address

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

Description of Development

ESTYN ADEILAD STORIO OER, ADDASU'R PARCIO A'R TIRLUNIO / EXTENSION OF
COLD STORAGE BUILDING, ALTERATIONS TO PARKING AND LANDSCAPING

Ward

Holt/Holt

Community

Isycoed/Is-y-coed

Recommendation

Recommendation A

That the Chief Officer Economy & Planning be given delegated authority to GRANT planning permission subject to the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure the long term management and maintenance of habitat mitigation measures.

Recommendation B

That if the Planning Obligation pursuant to Section 106 of the Town and Country Planning Act, 1990 is not completed within six months of the date of the Committee resolution, the Chief Officer Economy & Planning be given delegated authority to REFUSE the application on the following grounds:

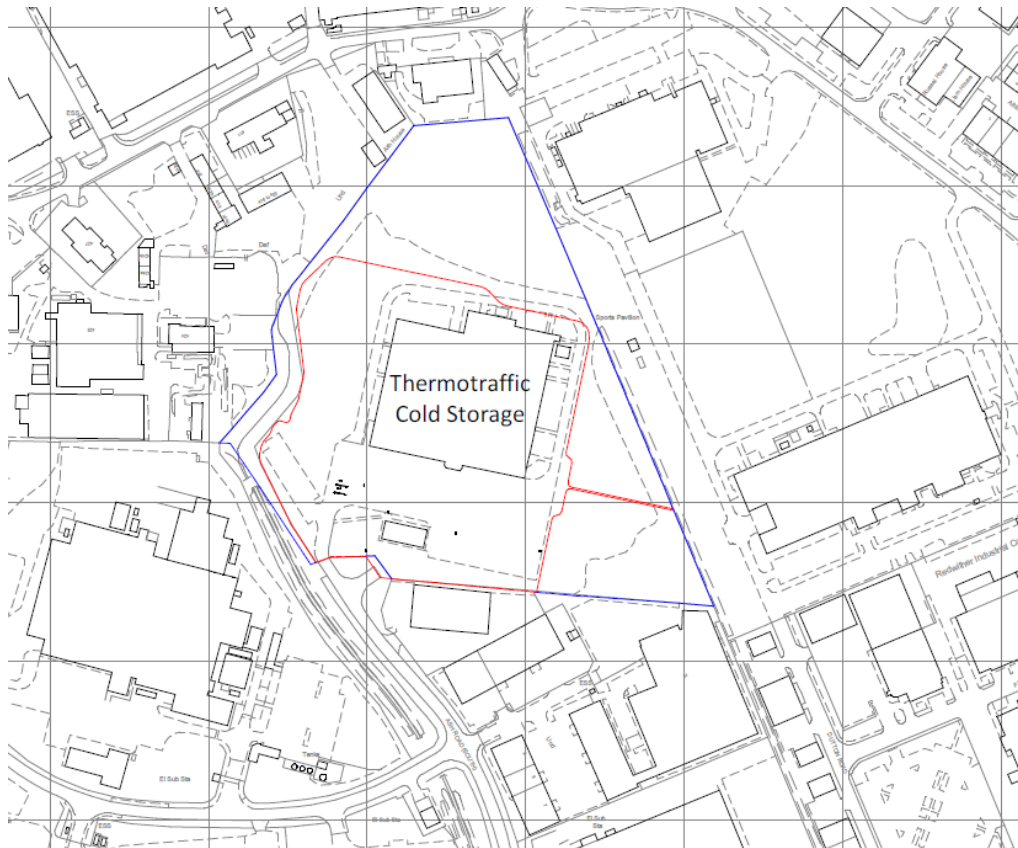
1. The development makes inadequate provision for the long term management and maintenance of the proposed habitat mitigation measures and therefore conflicts with Policies SP14 and NE1 of the adopted Wrexham Local Development Plan.

Officer Report

Site Description

The application site is accessed via Ash Road South and comprises a Cold Store factory with separate office block. The existing Cold Store is single storey, flat roofed with cladding to the walls and roof whilst the office block is a two storey brick structure with a tiled roof.

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Proposal

The application seek consent for the demolition of existing and outdated structures and erection of a 7,413m² of automated cold storage extension with associated production spaces, plant rooms, parking & servicing, landscaping, means of access and infrastructure.

Reason for Committee Determination

The application is presented to committee owing to it being a major application, with a floor area in excess of 1000sqm.

Site History

21955 - Erection of foodcare and food storage facility and alteration to existing vehicular access. GRANTED - 16 March 1994.

22573 - Erection of new office building to serve new cold store. GRANTED -10th August 1994.

Development Plan

Local Development Plan Policies SP2, SP8, SP12, SP14, SP18, SP19, EM1, DM1, NE1, NE3, NE6 and T1 are applicable.

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Relevant National Policy

Future Wales: The National Plan 2040
Planning Policy Wales (Edition 12)
TAN 5: Nature Conservation & Planning
TAN 12: Design
TAN 18: Transport
TAN 23: Economic Development

Consultation Responses

Community Council:

Raises no objection.

Local Member:

Notified. No response received.

Natural Resources Wales:

Raises no objection subject to conditions being imposed in respect of protected species and land contamination. Recommends the Preliminary Ecological Appraisal is identified in the 'Approved Documents' condition.

Dwr Cymru Welsh Water:

Confirms capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site and that Five Fords WwTW has a phosphate permit.

Highway Officer:

Raises no objection. Comments that the existing intercom/gate arrangement should be set back within the site to provide space for staff and visitors queuing to access the gate. Expresses some concern in respect of drop off/collection of visitors due to the lack of footways at the site entrance and recommends that a safe space be made available within the site to accommodate this.

Requests that the applicant coordinates with WCBC's Active Travel Lead and PROW Officer to investigate the reinstatement of an active travel link that could potentially create a pedestrian link to a bus stop within a 200m of the site.

Contaminated Land Officer:

Confirms agreement with the findings of the submitted Ground Investigation Reports and advises that no conditions are required in respect of contaminated land.

Public Protection Officer:

Recommends inclusion of Advisory Notes in respect of dust management and the burning of waste.

Arboricultural Officer:

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Raises no arboricultural objections. However, advises that precautionary measures are required to protect those trees identified for retention and slight amendments are to be made to the indicative landscape scheme.

Ecology Officer:

Raises concerns with this proposal and consider that it represents an unacceptable loss of valuable habitat, which has not been mitigated. No response received to additional ecology information.

Publicity Undertaken:

Press Notice

Site Notice

Notification Letters: 18

Responses to Publicity:

1 comment received raising concerns over noise and vibration impact from the development.

Background

The application proposes major development.

Principle of Development

The site lies within an employment allocation as defined within the LDP proposals map. Policy EM1: Protection of Existing Employment Land states that the County Borough's existing employment areas as shown on the Proposals Map will be protected for B Use Class employment generating uses. As such the principle of the development is acceptable in this location.

Design

The development comprises of the following elements:

- Production Extension
- Low Bay Marshalling Area
- Two plant buildings; and
- High Bay extension.

The Production Extension has been designed to reflect the height and scale as the existing Low Bay Marshalling area at 9m. The maximum height of the proposed Low Bay Marshalling area would be 11.5m. The two plant buildings would be smaller than the existing cold store at 10m (Main Plant) and 7.5m (blast Freezer Plant) in height. The height of the proposed High Bay would be 32m, which is considerably taller than the existing buildings and other buildings in the immediate vicinity.

Having regard to the context of the wider Industrial Estate, the scale and design of the development is considered appropriate. The development as proposed is sizeable, particularly in respect of the height of the High Bay. However, it is broadly consistent with the appearance of development on the wider industrial estate, including neighbouring buildings to the west. The use of varying building

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heights, and the materials proposed would assist in ensuring the development would not appear intrusive. The elevations have been designed so as to punctuate key features of the building and to frame the existing southern elevation. The use of varying cladding profiles and colours would improve the aesthetic quality of the site and interrupt uniformity.

Landscaping

The development would occupy land currently used for car parking, service roads, grassed areas and small areas of landscaping. New and enhanced landscaping would be provided around and within the new car park and HGV entrance. To differentiate between safe walkway zones and vehicular zones yellow lineage would be applied throughout the yard and parking areas.

Planting areas are proposed including a rain garden to the north for amenity and biodiversity value. The submitted landscaping scheme proposes plant species around the new car park to the south, and at the rain garden to the north. Swales are to be seeded with a species-rich grass mix. Existing vegetation (predominately scrub) is to be retained and measures are recommended along the northern edge of the scrub habitat to encourage bee orchids to colonise. The submitted landscaping scheme indicates the location for a pond to be created within existing marshy grassland. In addition, the scheme indicates the location of a proposed crevice bat rocket box on a 5m pole to be located at the border of the scrub and marshy grassland and not too close to trees. Indicative locations of proposed bird boxes to be installed along the eastern boundary on mature trees are also shown.

Tree planting to mitigate for trees lost due to the development is proposed to increase biodiversity and maintain visual amenity. The landscaping scheme as proposed is considered to be acceptable in principle, enhancing the visual aesthetics of the site and providing beneficial enhancements. However, given the location of features shown as indicative, it is recommended that a final and comprehensive scheme of landscaping should be submitted to and approved in writing by the Local Planning Authority and it is recommended that a condition be imposed upon a subsequent consent ensuring the long term maintenance and retention of the landscaping scheme approved.

For the reasons discussed above, the visual impact of the proposed development is acceptable in accordance with Policies DM1 and SP12 of the LDP.

Impact on Neighbouring Amenity

The application site is relatively central within the industrial estate, close to other factories and offices and away from residential dwellings. Third party comments in respect of noise and vibrations are noted. However, upon site inspection, there was limited noise/vibration coming from the existing refrigeration equipment, when running at full capacity. The proposed development would accommodate more modern and updated equipment and as such, a further reduction in noise and vibration is anticipated. The Council's Public Protection Officer raises no objection to the proposal and the impact of the development

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upon neighbouring amenity is considered negligible, particularly when considering the sites position within an established Industrial Estate. The proposal accords with Policy DM1 of the LDP.

Highway Considerations

The existing operation has 45 employed members of staff on-site, 5 additional contractors on-site per day and a total of 40 – 50 HGV movements per day for both 'goods in' and 'goods out', resulting in roughly 80 – 90 two-way movements per day. The submitted Transport Assessment estimates that the development would result in 13 no. additional two-way vehicle movements in the morning and evening peak hours, which is not considered to result in significant impacts on the local highway network. The submitted Travel Plan includes measures to ensure future staff and users of the site are encouraged to use sustainable modes of transport, including the appointment of a Travel Plan Co-ordinator.

Currently all vehicles enter the site through the same point, which is controlled by a pair of automated gates. It is proposed that the existing gate would provide access for cars and cyclists only, into a new car park, which would be adjacent the office building. A second access point from the highway would be created, providing access to the service yard for HGV's and other service vehicles. This access would be controlled by a new set of automated gates, linked back to the office block. In addition, two new cycle shelters would be provided, with 16 cycle spaces. . The submitted detail includes large HGV tracking plans, which demonstrate that safe entry and egress from the site is achievable.

Maximum car parking provisions for B8 Storage and Distribution uses are set out in LPGN 16 - Parking Standards, specifying a maximum provision of 1 car space per 100m² gross floor space. There are currently 30no. parking spaces on site. Based on the current floor area of existing large cold storage facility, with plant buildings extending to 9,097sqm and the office block to the south of the site having a floor area of 620sqm, this equates to a 31% shortfall of the standards, which would require 97 spaces.

The proposed extension, having a floor area of 7253sqm results in a net increase of 7153sqm, owing to the proposed demolition of outdated structures on site. In applying the standards contained in LPGN 16, the proposed **total** floor area of 16,324sqm would require a maximum of 163no. spaces. The development proposes 53no. spaces in total which is a shortfall of 32%. Comparatively, the difference in shortfall from the existing provision and that proposed is considered to be insignificant.

Whilst the shortfall in parking provision againstLPGN16 standard is acknowledge, this is a maximum standard and it should be noted that not all of the 50 members of staff are on-site at any one time due to shift patterns and not all necessarily travel by car. The site can be accessed via public transport, with a bus stop being located in close proximity to the site. Additionally, staff have the option to lift share or travel to work via bicycle and a policy compliant amount of cycle parking is also to be provided within the site. Furthermore, the proposed increase in staff numbers from 45 - 50 is not anticipated to significantly increase

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parking demand. On this basis, it is considered unlikely that the proposal would result in any overspill nor on-street parking impact outside of the site boundary.

The Council's Highways Officer has raised concern in respect of drop off/collection of visitors at the site entrance due to the lack of existing footways and has requested that a safe space be made available within the site to accommodate it. It is recommended that this can be secured via the imposition of an appropriately worded planning condition.

The Highways Officer suggested that the existing entrance intercom and gate arrangement be set back from the public highway. The request is noted by the agent however the gate in its current location is required to ensure the security and surveillance of the applicant's land within the site. It is important to note that there are no existing highways safety issues at the access to suggest the current arrangement is problematic. As noted in the submitted Transport Statement, accident maps from the previous 5 years confirm no history of accidents at/adjacent to the site entrance, whilst this arrangement has been operational. Furthermore, the proposed development introduces a new separate access for HGVs, meaning the staff entrance will be less intensely used compared to the current situation, providing a net benefit regarding impact on the highway. The public highway at this location does not provide a through route for users, only the access into the site. For these reasons, it is considered the arrangement as proposed is acceptable.

The Highway Officer has commented on the reinstatement of an active travel route. However, this appears to in fact be a proposed future route. In any case, a public footpath and cycle path through an operational industrial warehouse site on privately owned land is not deliverable for practical, safety and security reasons. The route would cut through the proposed car park and warehouse extension and continue northwards on land beyond the applicant's ownership, so would not be achievable. It would therefore not be reasonable to impose a planning condition to require the provision of this route.

Overall, the proposals provide adequate parking and access arrangements and would not result in a significant increase in vehicle or pedestrian movements to and from site, in accordance with policies DM1 and T1 of the Local Development Plan.

Natural Environment

Protected Species

The Ecological Report (Just Mammals, February 2024) submitted in support of the application identifies Great Crested Newts to be material to the application site.

Wrexham Industrial Estate supports a nationally important population of Great Crested Newts. Great Crested Newts and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where Great Crested Newts are present and a development proposal

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is likely to contravene the legal protection, they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation.

Natural Resources Wales (NRW) have reviewed the proposals and whilst they consider that the above survey report provides an adequate basis upon which to consider the potential impacts of the scheme on this species, NRW advise that the current management plan is unsatisfactory in respect of:

- Habitat creation/enhancement to offset habitat loss. NRW advise that proposals include the construction of an additional water feature;
- Biosecurity measures;
- Long-term monitoring. Owing to the importance of the Wrexham Industrial Estate for Great Crested Newts, NRW advise that surveys should be completed annually;
- Long term management arrangements;
- Future conservation management will require subsequent licensing.

The above could be secured by a suitably worded condition. Subject to the implementation of these measures, the proposed development would not be detrimental to the maintenance of the favourable conservation status of Great Crested Newts. A Planning Obligation could secure the long term management of habitat areas.

Bats

The Ecological Report identifies that neither the buildings nor trees onsite have potential to support roosting bats, no evidence of roosting bats was identified and no further survey is required. NRW are satisfied with the findings and have no further comment to make regarding bats.

Otter

The Ecological Report states there to be no evidence of otter onsite. However, the presence of waterbodies and wet ditches on and within close proximity to the site indicate the potential use of the site by otters for feeding and commuting. NRW notes the precautionary measures outlined in section 10.4 of the report and advises that these should be secured as part of any planning permission granted for this proposal.

Biodiversity

The application is accompanied by a biodiversity mitigation / enhancement strategy which proposes the following: -

Dingy and Grizzled Skippers

- No net loss of skipper habitat;
- Implementation of one butterfly bank in retained grassland to the south of the site with limestone aggregate and dingy / grizzled skipper food plants;
- Enhanced planting of other grasslands to increase butterfly habitat; and
- Adherence to timing restrictions.

Habitats

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- Seed collection and relocation to lower value grasslands on site.

Other Notable Species

- Adherence to precautionary working methods and timing restrictions for breeding birds, badger, hedgehog, other amphibians and reptiles;

Enhancements

- Enhancements to compensate for the loss of terrestrial GCN habitat include a minimum of five brash piles and three hibernacula; and
- Creation of habitat mosaic including vital bare ground required by grizzled skipper through selective ground scarification.

The above measures are considered to be appropriate and proportionate to the development as proposed and accords with the aims of para. 6.4.5 of Planning Policy Wales (Edition 12) (PPW).

Green Infrastructure

The submitted GIS demonstrates the step wise approach has been adhered to in accordance with para 6.2.12 of PPW and considers existing green infrastructure, enhancements and appropriate mitigation.

Trees

To accommodate the proposed development, a total of 19 no. trees and 7 no. tree groups are to be removed, none of which are high quality. An Arboricultural Method Statement is provided with the Arboricultural Report, including measures such as protective fencing and presence of an arboricultural specialist during works, which will ensure no significant adverse effects in respect of trees. The Arboricultural Officer has reviewed the proposals and raises no objection subject to the inclusion of conditions which require the development to be carried out in strict accordance with the submitted Arboricultural Method Statement ref no. Section 13, Arboricultural Report / MBA TSL/ MBA Trees / January 2024 and that a landscaping scheme and maintenance plan be submitted and approved.

Subject to the inclusion of the conditions referred to and a Planning Obligation to secure the long term management of habitat areas, the proposal is considered to accord with Policies SP14, NE1 and NE3 of the LDP and with the requirements of TAN 5 and PPW Ed.12.

Flood Risk

The application proposes less vulnerable development (extension of existing cold storage facility building and all associated works). NRW's Flood Risk Map confirms that a small area to the west of the site is within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the access to the application site to be at risk of flooding and falls into Flood Zone 2 (Rivers). At this location the Flood Map for Planning (FMfP) is the best available information on flood risk. The FMfP identifies that the proposed building within the application site is located in Flood Zone 1, meaning there is less than a 0.1% chance of flooding in a given year.

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NRW have reviewed the submitted information and understand there will be nominal work to the access/car parking arrangements. The updated Flood Risk Technical Note confirms that the service road is to be as close to the existing ground levels as possible and would not compromise the flood storage of the Redwither Brook. Based on the above, NRW have no objection to the proposed development on flood risk grounds and the proposal is considered acceptable in accordance with Policy DM1 of the LDP and TAN 15

Drainage

The application site falls within the catchment of River Dee Special Area of Conservation (SAC) and Five Fords Waste water Treatment Works (WwTW). Dwr Cymru /Welsh Water have confirmed that the WwTW has a phosphate permit which accords with NRW's regulatory requirements regarding phosphates and there is sufficient capacity within the permit to accommodate the development. The proposal is therefore in accordance with LDP Policy NE6.

Surface Water should be dealt with via a sustainable drainage system and such details require approval from the SUD's approval body. No surface water shall be allowed to drain into the public sewerage system, in the interest of preventing hydraulic overload and failure.

Other Considerations

The proposed development seeks to improve energy efficiency of the business and once operational, will have a lower energy consumption when compared to the energy usage of the existing facility. The scheme incorporates high quality and energy efficient wall and roof cladding; high efficiency lighting to the car park and service yards; a building fabric designed to prevent temperature loss; rainwater harvesting; installation of solar panels to the roof; use of sustainable materials to ensure the extensions are built to last; responsible sourcing of materials; and waste management and recycling measures. The proposal is therefore in accordance with LDP Policy SP18 and the renewable energy and low carbon technology measures proposed are in accordance with LDP Policy RE1.

Conclusion

The proposed development would not give rise to design or highway safety concerns and subject to appropriate detailing and management arrangements, nor would it adversely affect ecology and biodiversity. As such it accords with the relevant policies of the LDP.

Conditions

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

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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

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)

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.

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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

- 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 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).

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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.

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

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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 writing by the Local Planning Authority.
9. Landscaping shall be undertaking 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.

Reasons

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.
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.

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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.
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

Notes

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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 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.

Notes

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

Notes

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

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

Notes

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.

Notes

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.

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Notes

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.

Notes

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