

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 4 MARCH 2024

APPLICATION NO:
P/2023 /0500

LOCATION:
H PACK PACKAGING UK DAVY
WAY LLAY INDUSTRIAL ESTATE
LLAY WREXHAM
LL12 0PG

DATE RECEIVED:
21/07/2023

COMMUNITY:
Llay

CASE OFFICER:
JP

WARD:
Llay

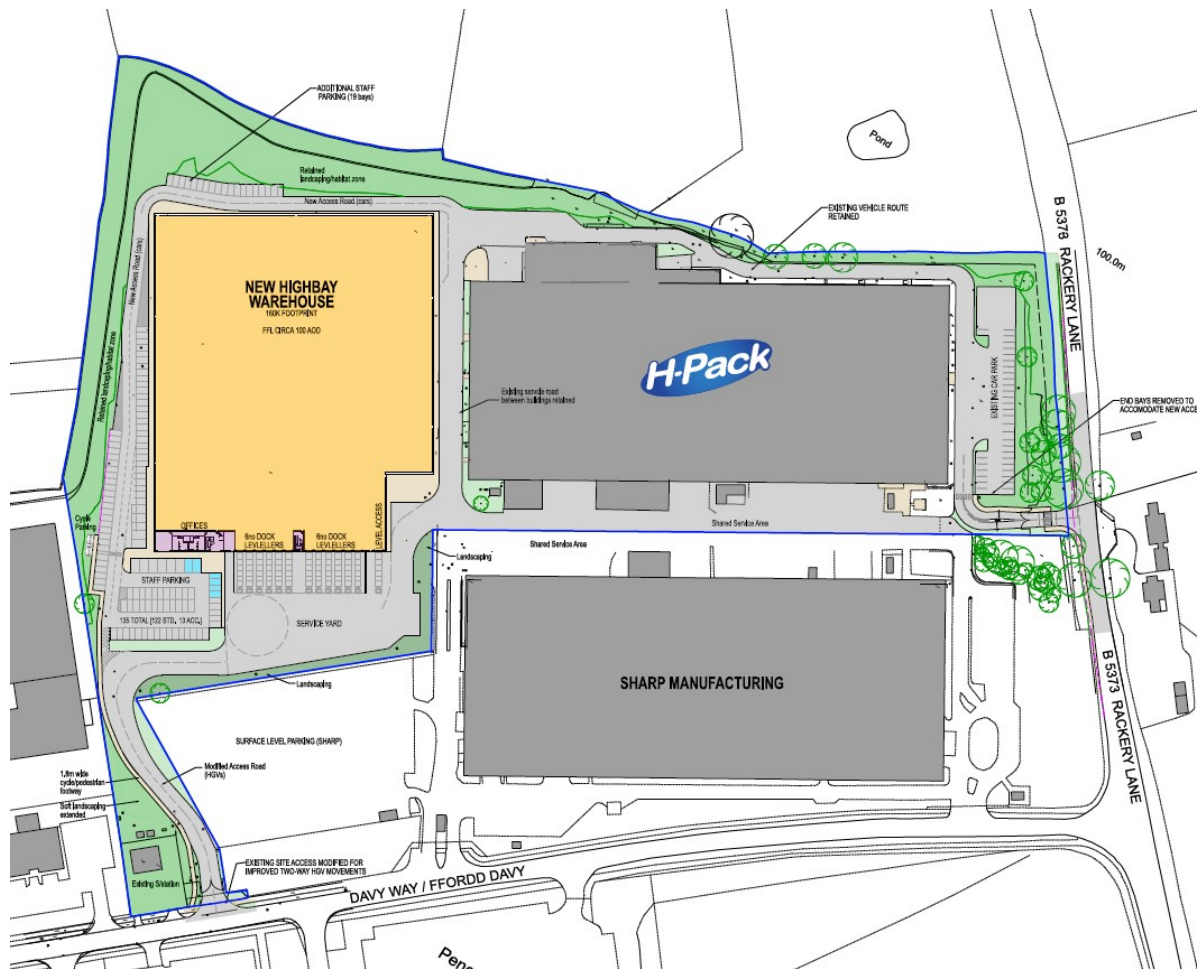
DESCRIPTION:
ADEILADU STORFA A WARWS
DOSBARTH AU (DOSBARTH B8) A
FFURFIO MYNEDIAD NEWYDD I
LÔN RACKERY / ERECTION OF
STORAGE AND DISTRIBUTION
WAREHOUSE (CLASS B8) AND
FORMATION OF NEW ACCESS
ONTO RACKERY LANE

AGENT NAME:
CASSIDY AND ASHTON
MR GUY EVANS

APPLICANT(S) NAME:
H PACK PACKAGING UK

THE SITE

The site is located at Llay industrial estate and is approximately four miles north of Wrexham. The existing H-Pack premises are situated between Davy Way to the south and Rackery Lane to the East with an overall site area of approximately 6.8 hectares. The site sits at the northern edge of the Llay Industrial Estate, a designated local employment area comprising a range of small-to-medium scale industrial buildings that house various light manufacturing facilities, storage and trade-counter type units. Adjacent the site and to the south of Davy Way is the North Wales Police building.



PROPOSAL

The proposed development involves the erection of 1no. Class B8 Storage and Distribution building and associated access and external works at land adjacent to Davy Way, Llay. A new vehicles access onto the B5373 Rackery Lane is also proposed.

HISTORY

None relevant

NATIONAL PLANNING POLICY

- Future Wales: The National Plan 2040
- Planning Policy Wales (Edition 12)
- Future Generations of Wales Act 2015
- TAN 5: Nature Conservation & Planning
- TAN 12: Design
- TAN 18: Transport
- TAN 23: Economic Development

DEVELOPMENT PLAN

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Local Development Plan Policies SP2, SP8, SP12, SP14, SP18, SP20, EM1, DM1, NE1, NE3, NE6 and T1 are applicable.

Local Planning Guidance notes [LPGN] 16 'Parking', 17 'Trees', 30 'Design' and 32 'Biodiversity and Development' apply.

CONSULTATIONS

Community Council

Raise no objection to the proposal

Local Members

Cllr Apsley – Has no concerns at this stage.

Cllr Walsh – No comments received.

Natural Resources Wales

Further consideration is required regarding foul drainage. Also advises that based on the information submitted to date conditions regarding protected species and biosecurity should be attached to any planning permission granted, and the document TEP, 2022. Report No. 9529.002 should be included in the approved plans and documents on the decision notice.

Welsh Water

Advises that the proposed development site is crossed by a public sewer with the approximate positions being marked on the Statutory Public Sewer Record. Explains that under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. Directs that no part of any building should be permitted within 3 metres either side of the centreline of the 150mm and 225mm public sewers.

Notes that the proposed storage and distribution warehouse would accommodate 150 employees, and confirms that there is suitable capacity in the nearby SPS to accommodate the associated flows, providing that the development progresses in accordance with the submitted drainage strategy. Advises that Gresford WwTW has a phosphate permit. SAB approval is required. Suggests the imposition of several conditions and Advisory Notes.

Coal Authority

Advises that in accordance with the agreed approach to assessing coal mining risks as part of the development management process, if planning permission is granted, it will be necessary to include The Coal Authority's Standing Advice as an Informative Note on the Decision in the interests of public health and safety.

North Wales Fire and Rescue Authority

Advises that providing the requirements for access for fire appliances and water supplies are met so far as reasonably practicable, the Fire Authority has no objections to this planning application.

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Ecology Officer

Recommends the inclusion of conditions requiring submission and approval of GCN Conservation Plan, scheme of hard and soft landscaping and a scheme of external bat friendly lighting.

Highway Officer

Raises no objections following submission of amended plans, subject to the inclusion of conditions to secure:

- A Construction Traffic Management Plan;
- A Service and Delivery Management Plan;
- A Car Park Management Plan; and
- Final Travel Plan.

Public Protection Officer

Accept the findings of the Noise, Road Traffic and Air Quality reports and recommends the inclusion of standard conditions and Advisory Notes in relation to the pre-existing noise level not being exceeded, the burning of waste and dust and construction noise management.

Contaminated Land Officer

Agrees with the conclusions and recommendations of the Contamination Report i.e. that the nature of any backfill in the former ponds is investigated. Recommends the imposition of conditions requiring further investigation and remediation (if applicable) are applied.

Arboricultural Officer

No response received.

Publicity

The application has been publicised as follows:

- Press Notice
- Site Notice
- Notification letters sent to 11 nearby owners/occupiers

2 representations received, the planning issues raised are summarised as:-

- Concerns with regard to possible increase in risk of accidents involving both cars and pedestrians owing to the proposed entrance / exit opening onto a narrow road busy with cars and heavy vehicle traffic at a point where the speed limit changes from 40mph to 50mph.
- Notes that comparable existing entrances / exits on the Llay Industrial estate access a wider road with more suitable pavements and a 20mph speed limit.
- The proposed entrance / exit will access a pavement on Rackery Lane narrowed significantly by overgrown vegetation which restricts the

pedestrian pathway to single file alongside a narrow busy road with heavy lorry vehicles.

- Hard standing area to front of adjacent dwelling is not for public vehicle use including stopping / turning / dropping off or picking up pedestrians.
- Concerns over noise and head light spill at night time from vehicles using the proposed access

SPECIAL CONSIDERATIONS

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 (together with appropriate complementary uses and activities as referred to in Policy EM2 and waste management uses on sites/areas referred to in Policy MW6). As such, the principle of the development is acceptable in this location.

Visual Impact: The new proposed storage building would be located directly to the west of the existing H-pack building on land within Llay industrial Estate. The new building would have a footprint of 14,865 m² and would comprise a warehouse with ancillary office space and welfare provision. The south east elevation has been designed to follow H-Pack's corporate colours and fit in with the adjacent buildings and wider industrial estate. This colour scheme would also wrap around onto the first elements of the south east and north east elevations ensuring continuity of appearance when viewed from the wider industrial estate.

The north-west elevation along with the majority of the south-east and north-east elevations would be clad in graded panels to help assimilate the building into its surroundings. The colour scheme of these panels has been informed by the Landscape Visual Impact Assessment, and the heights at which the colours change complement the surrounding trees and coverage. The colours change from dark green towards the bottom to grey-white at the top to blend with the sky. It is considered that the proposed building is of high quality design, utilising a range of complementary materials which would contribute positively to the site and surroundings, in accordance with Policy DM1 of the LDP.

Highways Safety:

Access

Presently all vehicles (including HGVs and cars) access the H-Pack facility via the single vehicle entrance from Davy Way, adjacent the North Wales Police building. There is a secondary controlled access into the site from Davy Way, however this is used exclusively by Sharp. Once within the site, all vehicles

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are required to circumnavigate the central grassed area to access the premises. The existing building includes cross-loading with three dock-levellers on its north-eastern corner and various dock levellers and level access doors positioned along the building's south-eastern elevation that front onto the shared service yard with Sharp. An internal concrete service road running along the building's south-western elevation provides a link for HGVs between the front and rear of the building. The existing staff/visitor car park is located within the north-eastern portion of the applicant's site which is accessed via an access road that skirts along the site's northern boundary.

In order to accommodate anticipated increase in vehicle movements, a secondary dedicated access for cars and cyclists is proposed from Rackery Lane. This would serve all H-Pack staff and visitors arriving by car, whether accessing the new or existing H-Pack buildings. All HGVs accessing or egressing the site (for both new and existing buildings) would continue to do so via Davy Way. Forming this additional access would enable a clear separation between HGVs and cars accessing, egressing, or manoeuvring around the site.

The existing Davy Way access is located between the substation compound and Sharp's surface level car park. H-Pack's ownership narrows to a pinch point adjacent the north-western corner of Sharp's surface level car park. Working within these constraints, the submitted proposals have incorporated local widening of this access road to improve the provision for two-way HGV movements, including increased kerb radii to the junction to Davy Way to aid HGV movements in and out of the site.

The retained HGV access from Davy Way would be rerouted to the new service yard. As the existing premises includes docking to the north and south, HGV access to both sides of the building would be maintained via the retention of the existing internal service road that would separate H-Pack's new and existing premises.

Swept path analysis of HGVs has been undertaken to identify and eliminate points of conflict and ensure HGVs could adequately manoeuvre around the yard and depart the facility in a forward gear. Two-way HGV movements between the existing and proposed H-Pack buildings have also been subject to tracking analysis. The service yard has been sized to accommodate a 25m turning circle for HGVs plus adequate manoeuvring space to access and depart the loading docks.

Vehicle access for staff and visitors would be served by a new dedicated access from Rackery Lane, whether accessing the existing facilities or the new building. Cars accessing the existing building would continue to use the surface level car park adjacent Rackery Lane, whereas cars accessing the new building would use the new surface level car park, accessed via the internal road that runs along the northern and western site boundaries. The new vehicular access includes provision for a barrier-controlled access/egress for security with the barrier lines purposely set within the site to minimise the likelihood for vehicle stacking onto Rackery Lane.

The proposed access arrangements are considered to be acceptable in accordance with Policies DM1 and T1 of the LDP and would not cause detriment to the safety of the highway network nor its users. The Highways Officer confirm that they have no objection to the amended detail submitted in response to their original comments.

Parking

There are currently a total of 168 car parking spaces in association with H-Pack. These are split over two areas, with 140 car parking spaces provided within the western car park and 28 car parking spaces provided within the eastern car park.

The development proposals would see amendments to the western car park, reducing the overall car parking provision to 135 spaces. The eastern car park would remain unchanged. Total parking provision would therefore be 163 spaces. LPGN16 guidance advises that the maximum parking provision for the proposed warehouse should be 149 spaces.

Parking accumulation surveys have been undertaken to assess the existing car park demand and to predict the future demand associated with the development proposals. The results of the survey demonstrate that the eastern car park is favoured by employees, with the western car park being used for overspill car parking. It concludes that there is ample parking provided on site to accommodate current demand.

The proposed warehouse is classified as a 'dark warehouse'. This is a warehouse which is highly automated and operates with the use of limited human labour. The employee trip attraction associated with the proposed warehouse would therefore be limited. The results of the assessment demonstrate that the maximum accumulation within the car park, in association with the proposed warehouse, will occur between 13:30 – 14:00 of 122 vehicles parked. Combined with the existing demand for car parking, the total demand for car parking on the site would be 162 spaces. It can therefore be concluded that the provision of 163 car parking spaces on-site would be sufficient to accommodate demand. For operational servicing, the proposal includes 12 dock levellers for HGV's and 1 level access bay. Staff parking quotas have been calculated in relation to relevant parking standards, proposing 126 standard bays and 9 accessible. In addition to the parking provision, 16 covered cycle bays are proposed.

The Highways Officer comments that a Framework Travel Plan has been submitted with the application which includes monitoring, setting of travel targets, provision of travel information. Notwithstanding this given that 80% travel by car is the baseline for travel to work in the local area, the measures included within it do not appear on face value to be sufficiently robust to achieve 80% sustainable travel given the sustainable transport infrastructure in the immediate vicinity. It is therefore recommended that a Final Travel Plan be submitted to, and approved by the Local Planning Authority within 6

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months from first use of the development. This could be secured by a suitably worded condition. It is considered unnecessary to impose a separate condition requiring the submission of a Car Park Management plan, as recommended by the Highway Officer. The management of the staff/visitor car parks is a matter that could be dealt with within the Final Travel Plan.

The Highway Officer has recommended that a condition be imposed to require a Service Delivery Management Plan. However this is considered unnecessary because there is adequate space within the site for HGVs to safely enter, load/unload and then exit the site.

The Highway Officer has recommended a condition be imposed to require a Construction Traffic Management Plan. It is considered that the management of construction traffic could be secured via suitably worded condition requiring the submission and implementation of a broader Construction Environment Management Plan (CEMP). This would also require measures to manage other construction impacts, such as noise and dust.

Landscaping: The site benefits from dense and well-established landscaped buffers along its northern and western boundaries comprising established trees of varying maturity and low-lying shrubs. These visually soften the boundaries, whilst retaining opportunities for biodiversity. To the northern boundary there is also grassed banking that elevates the trees above the general ground level of the development site. In addition, there is also an established belt of trees and low-lying scrub along site's eastern boundary to Rackery Lane that front onto the highway.

The new building, associated roads and service yards have been configured to ensure the vast majority of the existing boundary landscaping would be preserved. Where the proposed development would encroach into the low-level shrubs and scrub, this would be compensated by new planting zones elsewhere. To the north and west new planting is proposed to complement the existing specimens and further promote biodiversity. To the perimeters of the new staff car park and fringes of the Davy Way access road, a more structured landscaping scheme is proposed to improve the site's overall appearance and offer filtered views of the development from the south.

Along the boundary with the Sharp Car Park there is a heavy concentration of below ground services, including HV cables, which prohibit the planting of new trees. Consequently, meadow and shrub planting are proposed to these areas.

To Rackery Lane the new vehicle entrance has been carefully configured to minimise the removal of existing trees whilst still enabling adequate two-way access for cars with appropriate kerb radii (where the road adjoins Rackery Lane) and recommended visibility splays. As detailed on the submitted landscaping scheme, compensatory tree planting is included at various locations within the application site to ensure the net balance of trees is maintained.

The landscaping as proposed is considered to be acceptable in principle. However, it is recommended that a detailed scheme of hard and soft landscaping to include native tree/shrub planting at a ratio of 3 new trees to every 1 lost should be submitted. The plan should include a timescale for the implementation of the landscaping and biodiversity enhancement works and should provide for of ecological improvement / habitat creation and enhancement in the soft landscape areas for the benefit of biodiversity conservation. Subject to the inclusion of the recommended condition, the proposal satisfies Policy DM1 of the LDP.

Ecology and Biodiversity: The submitted Ecological Report concludes that any ecological impact arising from the proposals are unlikely to be significant. It advises that all impacts are anticipated to be temporary and reversible in the short term. It also explains that with the implementation of the recommended precautionary working methods, habitat restoration and compensatory features, no residual significant ecological effects are expected to impact upon statutory or non-statutory wildlife sites, notable habitats or protected or notable species.

The report explains that there are multiple records of Great Crested Newt (GCN) within 155m of the application site. The application site has been subject to assessment in respect of GCN. The ecological submission (TEP, 2022. Report No. 9529.002) confirms the presence of GCN within and in the environs of the application site. NRW note that only eDNA surveys have been carried out and that one of the ponds, where a negative result was recorded, has been shown to previously support GCN. It is therefore advised that the overall proposal has the potential to cause disturbance to GCN and/or loss or damage to their resting places.

GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN 5). Where GCN are present and a development proposal 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 tests set out in the Regulations. NRW consider that the construction and operational phases of the proposal have the potential to adversely affect GCN at this site. However, on the basis of the information submitted, both NRW and the County Ecologist are satisfied that, subject to the inclusion of a condition requiring the submission, approval and implementation of a GCN Conservation Plan, the development can avoid harming and disturbing the local population of GCN.

The Ecological Report submitted in support of the application has identified that bats are likely to be present at the application site (foraging and commuting). From the information submitted, NRW consider that the proposed development represents a lower risk for bats, as defined in their guidance document 'Natural Resources Wales Approach to Bats and Planning

(2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). As this is a lower risk case for bats, NRW consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Furthermore, NRW advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the avoidance measures described in the bat report are implemented. A sensitive lighting plan will be required to ensure impacts to potential foraging, commuting, and roosting habitat within the woodland along the northern and western boundary are minimised and it is recommended this is secured via planning condition.

Subject to the implementation of the recommendations stipulated in the submitted Ecological report, and to the imposition of the conditions discussed above, the proposal is considered compliant with Policy NE1 of the LDP.

Trees: The proposal seeks to retain the principal trees which bound the site and are viewed from the direction of Rackery Lane and Davy Way. The submitted Tree Report indicates that in order to facilitate the development, some trees are to be removed, however they are not considered to be remarkable or a constraint to development. Visually, the removal of the identified trees would have limited impact upon the overall tree cover of the site, and in conjunction with the Arboricultural Method Statement submitted, important existing trees would be retained and appropriate protection measures deployed. To ensure development is carried out in accordance with the recommendations made within the submitted Method Statement, this should be conditioned as an 'approved document' in the event that planning permission is granted. In accordance with Policy NE3 of the LDP, it is therefore considered that the proposal would not cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value or those that provide important ecosystem services.

Drainage and Phosphates: Foul water discharge from the proposed warehouse development would be accommodated by connection to existing public foul water sewer. As confirmed by Dwr Cymru/Welsh Water, there is hydraulic capacity within the network to accommodate foul flows only, based upon the indicated 150 employees. Gresford Wastewater Treatment Works has the relevant phosphates permit which has recently been reviewed in line with NRW guidance. As such, it is not considered that the increase in foul waste as a result of this development would have a negative impact upon the integrity of the River Dee/Bala Lake SAC, nor upon the integrity of the sewer network. The drainage proposals are considered to comply with Policy NE6 of the LDP. In respect of surface water, separate SUDS approval will be required from the SAB.

Renewable Energy/Low Carbon Technology: Policy RE1 requires developers of major sites (development exceeding 1000m²) to include within their schemes proposals which generate energy from renewable and low carbon technologies unless it is demonstrated that it would not be financially

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or technically viable to do so. This includes opportunities to minimise carbon emissions associated with the heating, cooling and power systems for new development.

The application is accompanied by a sustainability report which concludes that a photovoltaic array (PV) would be the most feasible method of achieving compliance. A PV array was selected based on circa 120 No. 375W panels to achieve a yield of approximately 43,500 kWh per annum. This is considered acceptable in accordance with Policy RE1 and it is recommended that a condition be imposed requiring the implementation of renewable energy scheme.

Air Quality: The submitted Air Quality Assessment concludes that with mitigation measures for fugitive dusts, which would be implemented under site management controls by the development company within a site-specific CEMP inclusive of a dust management plan, any off-site impacts from dust emissions during the construction phase would be not significant. Similarly the Assessment considers the impact from road traffic emissions on local air quality to not be significant, as all pollutants modelled have shown to have negligible impact on local receptors from the change in traffic flows. The findings of the submitted Assessment have been accepted by the Council's Public Protection Officer. Subject to the imposition of a condition to secure the implementation of the mitigation measures contained within the Report, the proposal is not considered likely to have an adverse impact on Air Quality, and thus accords with policy DM1.

Residential Amenity: The submitted Noise Report assesses the potential impact of the new building, access, parking and vehicle movements. A Noise Model was prepared in order to predict the impact of the HGV deliveries, car movement and parking. The Noise Model predicted daytime and night-time noise levels at the nearest Noise Sensitive Receptors. Using the results of the Noise Modelling Study, an assessment of the significance of the impact of the new car route access and car park was carried out in accordance with the guidance set out in BS4142. The assessment shows that the impact will be 'negligible'. Therefore, there would be no perceptible change in noise levels experienced by existing residents. Furthermore, a BS4142 assessment was undertaken to assess the impact of HGV deliveries during the daytime and night-time.

The assessment showed that the noise level of the HGV deliveries was below background during the daytime, hence, this is considered to have a low impact given the context. Given the low traffic volume caused by the operation of the new building, the potential traffic noise is assessed as negligible.

Accordingly, the Study concludes that the noise impacts of the proposed new building are assessed as 'negligible' and no specific noise mitigation measures would be required. These findings are accepted by the Council's Public Protection Officer and it is not considered that the development would

give rise to unacceptable noise levels. In such terms, the proposed the proposed development accords with Policy DM1.

Vehicle Headlight Glare: The new vehicular access would be situated on the opposite side of Rackery Lane to the dwelling Bluebell Cottage. The front elevation of the dwelling would be approximately 25m from the access. Given this distance and the fact that the access would be used to serve the staff/visitor parking areas rather than provide access for HGVs, it is considered that vehicle headlights are unlikely to have an unacceptable impact on the living conditions of the occupiers of the dwelling. In such terms, the proposed the proposed development accords with Policy DM1.

CONCLUSION

The proposal amounts to an appropriate form of development on a site within the Llay Industrial Estate. The development would be in keeping with the prevailing character of the area and would not give rise to highway safety or residential amenity concerns or unacceptable impacts to Ecology or the integrity of the River Dee SAC.

RECOMMENDATION: That permission be GRANT

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered
Existing and Proposed site sections 11373-PL-SO1
Existing site plan 11373-PL-L04
Exiting site plan (Wider site) 11373-PL-L03
Illustrative Site Location plan 11373-PL-L00
Indicative Building Sections 11373-PL-S02
Proposed 3D Views (1 of 2) 11373-PL-V01
Proposed 3D Views (2 of 2) 11373-PL-V02
Proposed Block plan 11373-PL-L02_B
Proposed elevations (landscape overlay) 11373-PL-E02
Proposed elevation 11373-PL- E01
Proposed floor plans 11373-PL-P01
Proposed materials 11373-PL-E03
Proposed office plans 11373-PL-P03
Proposed roof plan 11373-PL-P02
Proposed site plan 11373-PL-L10B
Proposed topographical overlay plan 11373-PL-L11
Proposed wider site plan showing vehicle circulation 11373-PL-L09
Proposed wider site plan 11373-PL-L08_C
Site constraints plan 11373-PL-05
Site location plan 11373-PL-L01
Proposed Davy Way Entrance 11373-PL-L12_B
Proposed Rackery Lane Entrance 11373-PL-L13_B

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231109_735-01-GA-02 Rev C_Rackery Lane Visibility Splays
231109_Site Layout Track Plot Analysis_735-01_ATR-01 Rev B, Drawing
L02C Proposed Block Plan, L08C Wider Site Plan
L13B Detailed Site Plan Rackery Lane Entrance
240131_731-01-TN02_Highways Response and as contained within the
application documentation.

3. The development shall be carried out in strict accordance with the following plans and report(s) submitted and approved as part of this application:

- 1) Arboricultural Implication Assessment ref no. 4862/DR.2
- 2) Tree Protection Plan ref no. TPP/4862/Y/300
- 3) Arboricultural Method Statement ref no. 4862/DR.2

No development or other operations shall take place except in strict accordance with the reports as approved.

4. The existing trees, shrubs and hedges shown on drawing(s) No(s). Arb/4862/Y/200 to be permanently retained shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of the equivalent size and species.

5. No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.

6. No part of the development shall commence until full details of both hard and soft landscape works, to include some native planting has been submitted to and approved in writing by the Local Planning Authority. The plan shall include a timescale for the implementation of works, and shall provide for ecological improvement / habitat creation and enhancement in the soft landscape areas for the benefit of biodiversity conservation specifically tailored to the landscape features.

7. The landscaping scheme submitted and approved in connection with condition no. 6 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

8. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

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9. Each part of the site subject to the remediation under the scheme(s) approved as part of condition 7 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

10. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.

11. The development shall be carried out in strict accordance with the findings and recommendations within the following reports submitted and approved as part of this application:

1) Noise Impact Assessment ref: 15147315/v00– September 2022

2) Air Quality Assessment ref: AIR13239016

No development or other operations shall take place except in strict accordance with the reports as approved.

12. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by TEP and dated September 2022 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

13. No development shall commence until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

(a) Build upon the principles outlined in the ecological report (reference Anon. (2022). Land Adjacent to H-pack. Davy Way. Llay, Wrexham, LL12 0PG. The Environment Partnership. (Unpublished Report No.: 9529.002))

(b) Submission of details and associated plans concerning GCN avoidance and mitigation measures including fence design, specifications and proposed locations; consideration of access issues across fence lines; fence monitoring and maintenance requirements; and supervised removal of barrier fences. Submission to include proposed timescales and reporting requirements

(c) Submission of further details concerning compensatory proposals including plans, extent, access, current and proposed tenure. Details shall identify areas of terrestrial and aquatic habitat to be retained, enhanced and created. Submission to include timescales and reporting requirements;

(d) Submission of a long-term site management plan (for a duration of not less than 25 years*) that includes:

- defined aims and objectives (including targets that can be used as key performance indicators for monitoring purposes);
- habitat management prescriptions for aquatic and terrestrial habitats;
- contingency prescriptions if fish and/or invasive non-native species (INNS) are detected;
- site liaison, wardening, incident reporting and response arrangements;

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- detail of the skills and competencies required by those undertaking the works or activities including whether they require European Protected Species licenses for the activities proposed;
- current and proposed changes to tenure of the ecology area (tenure of the ecology area to be approved by the discharging Authority in consultation with Natural Resources Wales and be materially informed by the definition of a "responsible" body under Part 7 of the Environment Act 2021) to ensure appropriate control over the land is established and the effective targeted delivery of long-term actions; and
- provision for periodic review mechanism for the Environment Management Plan;

(e) Ecological Compliance Audits to evidence compliant implementation of all ecological avoidance, mitigation and compensation works. Including key performance indicators.

(f) Submission of measures designed to prevent the accidental capture/killing of GCN during operational (and decommissioning) phases of the scheme (i.e. post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features);

(g) Details of timing, phasing and duration of construction activities and conservation measures

(h) Timetable for implementation demonstrating that works are aligned with the proposed development

(i) Persons responsible for implementing the works

(j) Post Construction Monitoring Plan

14. No part of the development shall commence until an external bat friendly lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to first use / occupation of the development.

15. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period in that phase. The statement shall provide for:

- 1) the parking of vehicles of site operatives and visitors;
- 2) loading and unloading of plant and materials;
- 3) storage of plant and materials used in constructing the development;
- 4) hours of working and deliveries;
- 5) a scheme of dust management; and
- 6) a scheme to manage the impacts of construction noise and vibration.

16. A Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the first use of the development.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

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3. To protect trees which are of significant amenity value to the area and to ensure the amenity afforded by the trees is continued into the future in accordance with Policies DM1, PS12 and NE3 of the Wrexham Local Development Plan.
4. To ensure the amenity afforded by the trees is continued into the future in accordance with Policies DM1, PS12 and NE3 of the Wrexham Local Development Plan.
5. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies DM1 of NE3 of the Wrexham Local Development Plan.
6. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies DM1 and NE1 of the Wrexham Local Development Plan.
7. 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 and PS 12 of the Wrexham Local Development Plan.
8. In the interests of the amenities of the future occupants of the buildings in accordance with Policy DM1 of the Wrexham Local Development Plan.
9. In the interests of the amenities of the future occupants of the buildings in accordance with Policy DM1 of the Wrexham Local Development Plan.
10. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
11. To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.
12. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies DM1 and SP14 of the Wrexham Local Development Plan.
13. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies DM1 and NE1 of the Wrexham Unitary Development Plan.
14. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies DM1 and NE1 of the Wrexham Unitary Development Plan.
15. This is a non-standard reason
16. To support the Council's approved Integrated Transport Strategy and to reduce dependency on the motor vehicle in accordance with Policies DM1 and SP12 of the Wrexham Local Development Plan.

NOTE(S) TO APPLICANT

Further advice on compliance with condition nos 7 & 8 may be obtained by contacting the Council's Contaminated Land Officer on 01978 298771 or 298333, or contaminatedland@wrexham.gov.uk
Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Council's

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Contaminated Land Officer prior to commencement of works on site. 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

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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.

Highways Development Control Standard Advisory Note

In the interests of maintaining highway safety, and to avoid obstruction of the public highway (in contravention of the Highways Act), The Applicant is advised to coordinate with the highway authority at highwayroadworks@wrexham.gov.uk in advance of commencement of the development/works with respect to:

1. Skip, scaffolding, hoarding or A frame/signage (Permit required for these items, if on the public highway);
2. Use of a parking space for a set down/delivery area;
3. Record a dilapidation survey of the adjacent carriageway prior to commencement (to avoid being asked to repair damage by the Applicant whilst carrying out their works);
4. If any lane closure or obstruction of the highway is required for a crane or similar;
5. Protection against dust and debris blowing onto the public highway
6. Construction traffic parking locally avoiding nuisance to others;
7. If the Applicant's scope of work includes new apparatus in the highway,

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such as new mains services then a Section 50 licence will be required. Insurances and demonstration of competency to carry out works in the public highway will be required.

8. Lowering of kerbs or minor pavement alterations require Section 184 agreement. Insurances and demonstration of competency to carry out works in the public highway will be required.

9. A section 278 agreement works agreement is required for more significant alterations to the existing highway

10. Any temporary works affecting traffic lights, [pedestrian/cycle road crossings, or bus stops require pre-planning and permits;

11. For applications with a private driveway (either existing or proposed) connecting onto the public highway, the following conditions of approval apply:

„h No surface water from the applicants site should be allowed to drain onto the public highway,

„h The first 5m* minimum (for residential property) should be hard paved, avoiding gravel or loose chippings from spreading.

„h No gate should be built in a location where it would result in a car obstructing the highway whilst being unlocked, and it should not swing out and over a pavement or any other part of the highway.

*The hard paved length and set back if required is subject to the applicants proposed vehicular length

The applicants should allow a minimum of 4 weeks notice for any of the above standard requirements, and 6-8 weeks for lane closures & road closures (lead times may change without notice subject to workload and complexity). Any works involving Trunk roads should be coordinated separately and directly with the North & Mid Wales trunk Road Agency. For larger sites with a significant impact upon the highway, a Construction Traffic Management Plan will be required.
