



MEMORANDUM

From: Ian Jones
**Head of Service Public Protection
Economy and Planning**

To: David Fitzsimon
Chief Officer

Our Ref:

Your Ref: P/2023/0280

Date: 13-06-2023

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2023/0280, LAND OFF BRYN LANE WREXHAM INDUSTRIAL ESTATE WREXHAM

CANIATAD CYNLLUNIO HYBRID (A) CANIATAD AMLINELLOL (HOLL FATERION WEDI EU CADW'N OL) AC EITHRIO MYNEDIAD AR GYFER CODI HYD AT 3 WARWS AC UNED DOSBARTHU (DEFNYDDIO DOSBARTH B8) A (B) CANIATAD CYNLLUNIO LLAWN AR GYFER DYMCHWEL, MYNEDIAD, GWAITH CLODDI, DRAENIO, TIRLUNIO, PARTH ECOLEG A MESURAU LLINIARU ECOLEGOL CYSYLLTIEDIG, A GWAITH ATEGOL. HYBRID PLANNING PERMISSION (A) OUTLINE PERMISSION (ALL MATTERS RESERVED) EXCEPT FOR MEANS OF ACCESS FOR ERECTION OF UP TO 3 WAREHOUSE AND DISTRIBUTION UNITS (USE CLASS B8) AND (B) FULL PLANNING PERMISSION FOR DEMOLITION, MEANS OF ACCESS, EARTHWORKS, DRAINAGE, LANDSCAPING, ECOLOGY ZONE AND RELATIVE ECOLOGICAL MITIGATION MEASURES, AND ANCILLARY WORKS

A22NA – MINOR DEMOLITION CONSTRUCTION NOISE

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a

Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

A23N - BURNING OF WASTE

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

ZP05 - NOISE GENERATION - NOISE LEVEL CONDITION

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.

ZP11A - VIBRATION MANAGEMENT SCHEME

No part of the development shall commence until an appropriate Vibration Management Scheme has been submitted to, and approved in writing by, the Local Planning Authority. Guide values for vibration levels shall not exceed those outlined in Table 1 of BS 7385-2:1993 (Evaluation and Measurement for Vibration in Buildings — Part 2: Guide to damage levels from ground-borne vibration). The vibration mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase and, the results from monitoring undertaken for the purpose of compliance with this condition shall be made available to the Local Planning Authority upon written request.

ZP11 - 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 are approved shall be fully implemented for the entire duration of the construction phase.

RPT1 - REPORT REVIEW

1) Report 'FIRST INVESTMENT REAL ESTATE MANAGEMENT, KINGMOOR SITE, WREXHAM INDUSTRIAL ESTATE, AIR QUALITY ASSESSMENT' Dated MARCH 2023 has modeled the pollutants

Nitrogen Dioxide, Particulate Matter 10µm and 2.5µm for both the opening year of 2027 and the future year 2036. The reports concludes that in each case the impact of the proposed development on human receptors is negligible when compared to the modeled levels without the development. These findings are accepted

Furthermore paragraph 5.1.14 of the above report states that 'Step 2C of the assessment has identified that the risk of dust soiling and human health effects is not negligible for all activities and therefore site-specific mitigation will need to be implemented to ensure dust effects from these activities will be not significant, examples of which can be found below.'

I would therefore recommend that a dust management plan be required from the applicant as per this sections recommended condition. This plan should incorporate the recommendations detailed in the above report.

2) Report 'F1 REAL ESTATE MANAGEMENT, KINGMOOR SITE 3A, WREXHAM INDUSTRIAL ESTATE, NOISE ASSESSMENT REPORT ' Dated MARCH 2023 has modeled the impact of noise from the development on nearby sensitive receptors and concluded that operations are unlikely to exceed the existing background noise levels, therefore the existing receptors should not experience any adverse impact. The report has however modelled an increase of +3dB from road traffic associated with the development. An increase of +3dB is considered negligible. These findings are accepted

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Head of Service Public Protection