

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 7 November 2022

APPLICATION NO:
P/2022 /0615

LOCATION:
KRONOSPAN LTD HOLYHEAD
ROAD CHIRK WREXHAM
LL14 5NT

DATE RECEIVED:
17/06/2022

COMMUNITY:
Chirk

DESCRIPTION:
CODI STORFA BEIRIANNEG A
GWEITHDY PRENTISIAID
(DOSBARTH DEFNYDD B2) A
GWAITH ATEGOL / ERECTION OF
ENGINEERING STORE AND
APPRENTICE WORKSHOP (USE
CLASS B2) AND ANCILLARY WORKS

CASE OFFICER:
SEH

WARD:
Chirk South

AGENT NAME:
AXIS
BOBBY CLAYTON

APPLICANT(S) NAME:
KEITH BAKER

THE SITE



PROPOSAL

As above. The proposed apprentice workshop area would comprise of an electrical workshop, hydraulic workshop, fabrication area, 4 welding bays, mechanical workshop and machine shop (approximately 1,700m² of floor space). The rest of the building would solely be for the engineering stores function. Kronospan has no intention of using the building for manufacturing or storage of MDF / OSB production.

The Ancillary Works will consist of works to facilitate the development including ground engineering works, retaining wall, access road, installation of services etc.

HISTORY

The site has an extensive history extending back to the early 1970's. The decisions made in respect of applications for planning permission for the wider Kronospan site over the past 10 years are set out below:

P/2012/0165 DEVELOPMENT OF A BIOMASS PLANT, RECYCLED WOOD FIBRE (RCF) OFFLOADING AND SCREENING FACILITY AND ASSOCIATED INFRASTRUCTURE TO SUPPORT EXISTING PRODUCTION OPERATIONS. Granted 14.9.2012

P/2013/0824 DEVELOPMENT OF BIOMASS PLANT COMPRISING BIOMASS BOILER & FURNACE ASH, HANDLING FACILITY & FLUE, GAS TREATMENT FACILITY INCLUDING STACK & AIR POLLUTION CONTROL, REAGENT STORAGE SILOS, RECYCLED WOOD FIBRE OFFLOADING & SCREENING FACILITY, BIOMASS STORAGE AREA & ASSOCIATED INFRASTRUCTURE (SUBSTITUTION OF PLANNING PERMISSION CODE P/2012/0165). Granted 7.5.2014

P/2014/0215 2.35 METRE DIAMETER BY 7 METRE HIGH EXTENSION TO EXISTING 15 METRE HIGH ABATEMENT STACK. Granted 2.6.2014

P/2015/0728 ERECTION OF BUILDING TO CONTAIN THREE GAS ENGINES AND THREE STEAM BOILERS, ERECTION OF ELECTRICAL SUBSTATION BUILDING, OIL TANK COMPOUND A DUCT FROM THE PRESS ABATEMENT SYSTEM TO CARRY PROCESS EMISSIONS TO THE SEKA (WESP) STACK AND ASSOCIATED INFRASTRUCTURE TO SUPPORT EXISTING PRODUCTION OPERATIONS. Granted 4.1.2016

P/2016/0219 CONSTRUCTION AND OPERATION OF A RECYCLED FIBRE (RCF) RECEPTION FACILITY, GRADING PLANT, STORAGE SILOS AND OTHER ASSOCIATED INFRASTRUCTURE. Granted 3.5.2016

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- P/2016/0336 EXTENSION TO HOUSE A NEW MELAMINE FACING (MF) PRESS, FOLLOWING THE DEMOLITION / RELOCATION OF THE EXISTING MF DEPARTMENT'S VENTILATION SYSTEM, HYDRAULIC OIL AND DIESEL STORAGE TANKS, A VEHICLE FILLING STATION, GARAGE SERVICE BUILDING AND OTHER ASSOCIATED INFRASTRUCTURE. Refused 5.9.2016. Allowed on appeal 4.5.2017
- P/2016/0442 MDF WASH WATER PRE-HEATER. Granted 23.1.2017
- P/2016/0534 PROPOSED BUILDING EXTENSION TO STORE MEDIUM DENSITY FIBREBOARD (MDF) AND CHIPBOARD. Refused 5.9.2016
- P/2017/0416 REPLACEMENT OF EXISTING WOOD CHIP PREPARATION FACILITY TO INCLUDE A BUILDING TO HOUSE NEW WOOD CHIP PREPARATION EQUIPMENT, DEVELOPMENT OF A NEW WOOD CHIP DRYER AND ASSOCIATED SIFTING, GRADING AND TRANSFER SYSTEM AND DEMOLITION OF EXISTING STRUCTURES TO FACILITATE THE DEVELOPMENT. Granted 31.7.2017
- P/2017/0699 DEVELOPMENT OF A LOG DELIVERY AND TRANSFER SYSTEM AND BUILDING TO HOUSE A REPLACEMENT WOOD CHIPPING AND FLAKING SYSTEM AND DEMOLITION OF EXISTING DEBARKING AND CHIPPING FACILITIES. Granted 1.5.2018
- P/2017/0700 DEVELOPMENT OF A RAW BOARD STORE. Refused 6.11.2017. Allowed on appeal 22.5.2018
- P/2018/0551 PLANNING APPLICATION FOR THE DEVELOPMENT OF AN ORIENTATED STRAND BOARD PRODUCTION FACILITY. Not determined. Allowed on appeal 9.10.2019
- P2019/0505 DEVELOPMENT OF A BUILDING CONTAINING 2 NO. GAS ENGINES EACH WITH A MAXIMUM ELECTRICITY GENERATING CAPACITY OF 9.73 MW, 2 NO. STEAM BOILERS, ROOF MOUNTED COOLERS, WALKWAY BETWEEN AN ADJACENT BUILDING AND THE PROPOSED BUILDING, EXHAUST GAS OFFTAKE PIPES AND STEAM PIPES FROM THE GAS ENGINE BUILDING AND CARBON CATALYST ABATEMENT SYSTEM. Granted 27.11.2020
- P/2022/0336 DEMOLITION OF RECEPTION BUILDING AND ERECTION OF COVERED LOADING YARD, AND ASSOCIATED FENCING AND ANCILLARY WORKS. Granted 12.05.2022

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P/2022/0765 CODI 2 SEILO DEUNYDD CRAI, ESTYNIAD I ADEILAD
PARATOI SGLODION A CHODI 3 SEILO A'R GWAITH
CYSYLLTIEDIG / ERECTION OF 2 RAW MATERIAL SILOS,
EXTENSION TO EXISTING CHIP PREPARATION BUILDING
AND ERECTION OF 3 SILOS AND ASSOCIATED WORKS.
Pending

DEVELOPMENT PLAN

Within settlement limit and Pontcysyllte World Heritage Site Buffer Zone. UDP Policies PS1, PS2, GDP1, E4, EC4, EC6, EC7, EC9, EC11, EC13 and T8 apply. LPGN Nos. 16 'Parking', 17 'Trees', 32 'Biodiversity' and 33 'World Heritage Site' are also relevant.

CONSULTATIONS

Community Council

No objection to the application but seeks assurance that the building will be used for the proposed purpose, and welcomes clarification on the ancillary works.

Councillor Terry Evans

Observes that the site causes a problem in Chirk with noise, dust and acrid chemical smells that go beyond the boundary fence. Considers that new developments with more roof vents will impact on the Chirk environment plus the school which is only a few hundred meters away.

Expresses significant concern that the Engineering Stores proposed has "Smoke Vent Sky Lights" (reference Plan 7000-598 issue H). Considers that these vents could evacuate the Engineering Stores buildings environment and air bourn dust onto the factory site and Chirk with an immediate potential health and safety issue to employees and local people.

Suggests that the switches controlling these vents should not be the same design and installation as those that have failed during the MDF dust incident of 18 July 2022.

Notes that there is no mention of fire controls and questions how would a fire be brought under control within the Engineering Stores. Also notes that the proposal does not detail the internal installations. Considers the building to be particularly large for an Apprentice training facility and equipment store and suggests that an undertaking should be given by Kronospan that it will not be used for manufacturing purposes or MDF/OSB sheet storage. Questions what is meant by "Ancillary Works"

Highways

Consulted on 13/07/2022

Public Protection

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Accepts the findings of report 'Noise Impact Assessment, Engineering Stores, At, Kronospan Manufacturing Facility, Off Holyhead Road, Chirk, Wrexham' Ref: R22.0305/DRK. Dated 28th March 2022 by Noise & Vibration Consultants Ltd. Recommends that the mitigation methods detailed in Chapter 6 are conditioned.

Also recommends a condition to ensure that the rating level of any noise generated by reason of this development does not exceed the pre-existing background level at any time, with the noise levels determined at nearby noise sensitive premises, and measurements and assessment made in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound. Advisory Notes are also recommended.

Contaminated Land

No comments.

Conservation Officer

Advises that the proposed location of the development to the southern boundary of the Kronospan is well sheltered and will have no further impact on the World Heritage Site or Chirk Conservation Area. No objection raised.

Ecology Officer

Advises Welsh Government Planning Policy Wales and subsequent letter to LPAs requires development to provide a net benefit for biodiversity (NBB) i.e. a better outcome than if the site was left undeveloped. Recommends conditions to secure the submission of a scheme of NBB. Lighting scheme, and ecological walk over / site assessment, prior to commencement of development

Tree Officer

Advises that the proposed replacement tree planting is welcomed and recognises the efforts made to address concerns regarding mitigation, canopy enhancement, screening and entrapment of potential air pollutants. Recommends the planting of a selection of evergreen species for example, pine, spruce and western red cedar etc. along with broadleaves such as birch, holly and hawthorn. Advises that the landscaping details should be subject to a pre-commencement condition.

NRW

Protected Species

Note that the bat report submitted in support of the above application (AxisL-043-1588, 25/03/2022) has identified that no bats are present at the application site. No comments on this aspect of the application.

Protected Sites and foul drainage

Note the application site is within the catchment of the River Dee Special Area of Conservation (SAC). Advises that the application as submitted is unlikely

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to increase the amount of phosphorus entering the catchment and is not likely to have a significant effect on the River Dee SAC.

Welsh Water

Advise that the developer contact Welsh Water to establish the location of the public sewers.

Canal and River Trust

Advises that this application falls outside the notified area for its application scale.

Network Rail

Advises that the developer contact Network Rail to discuss works close to the railway line.

CPAT

Notes the archaeological desktop study/HIA report concludes there is no direct impact to any archaeology and only a minor/negligible setting impact to nearby designated sites and the buffer zone of the World Heritage Site. Accordingly, no objection to the development.

CADW

Consulted on 13/07/2022

Fire & Rescue

Consulted on 13/07/2022

National Trust

Consulted on 13/07/2022

HSE

Does not advise against the development on safety grounds.

Press Notice

Expired 10.8.2022

Site Notices

Expired 01.8.2022

Neighbours

The owners/occupiers of 55 nearby properties notified on 13.7.22. 3 representations received objecting and expressing the following concerns:

- Noise;
- Air pollution;
- Visual amenity;
- Impact on Tourism;
- Removal of trees;
- The building should not be used for manufacture

SPECIAL CONSIDERATIONS

Applicant's Statement: The Local Member asked for clarification of a number of points with regards to the roof vents and also the proposed ancillary works. The Applicant has provided the following information.

Smoke Vents

Smoke vents are a requirement of Kronospan's group fire insurance under VdS standards for all new buildings. The smoke vents are automatic and controlled via the fire alarm system. The building would have an automatic sprinkler system which would be serviced by the site sprinkler system.

Internal Plans

The internal plans are currently being progressed; however, the workshop areas would comprise of an electrical workshop, hydraulic workshop, fabrication area, 4 welding bays, mechanical workshop and machine shop and take up approximately 1,700m² of floor space.

The rest of the warehouse would solely be for the engineering stores function. Kronospan has no intention of using the building for manufacturing or storage of MDF / OSB production.

Ancillary Works

This will consist of works to facilitate the development including ground engineering works, retaining wall, access road, installation of services.

Background: The proposed development would allow for the continued use of this sections of the site as a storage area, but internalising this space within the proposed building. Forklift trucks would be working in the engineering stores to load Heavy Goods Vehicles (HGVs) with the products produced on site. Part of the new building would become a dedicated apprentice workshop for existing and new apprentices working at the Kronospan Facility. The layout of the engineering stores has also been designed to reflect the external space available on the site.

Policy: The site lies within the settlement limit of Chirk and is not allocated for any specific use. The site forms part of the large and established Kronospan complex.

Policy E4 permits employment development on unannotated land within settlements subject to complying with policy GDP1, and as such there is no policy objection in principle to the proposed development. Matters relevant to policy GDP1 as well as the other policies identified above, will be discussed later in the report.

Visual Impact: The application site lies within the settlement limit and within the built up area of Chirk, which includes the existing Kronospan site. The proposed warehouse will be 186 m long x 30 m wide, 8 m high to the eaves and 12 m high to the ridge of the roof.

The external walls of the engineering store building would match the height of the pitched roof of the existing main warehouse. The walls would be constructed of galvanised steel sheeting in a light grey colour (RAL 7038 – goosewing grey) to match the existing main warehouse building (see elevations at figure 1.)

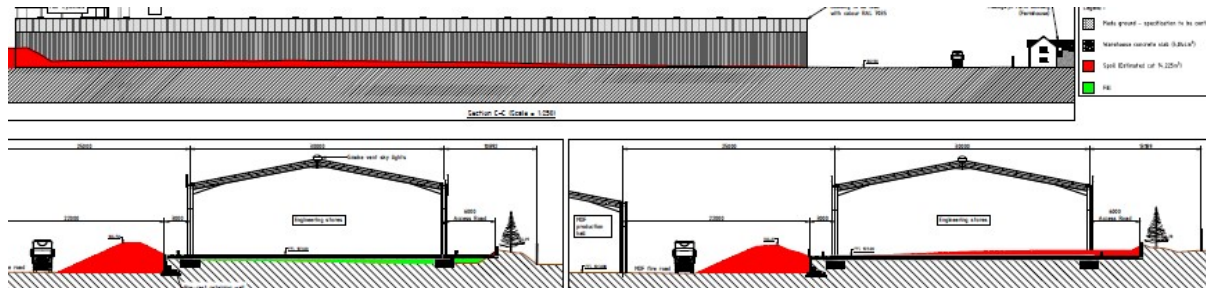


Figure 1. Proposed Elevations

Immediately to the south of the proposed engineering stores site is the Kronospan Facility boundary and beyond this is the Cadbury's Mondelez Factory. The northern boundary of the site is lined by the existing Main Warehouse building and associated structures to the northwest. The existing office building is located to the east of the site, and further beyond this is the visitor car parking and lorry parking moving towards the main entrance along the access road into the site.

The development will lie approximately 1km to the east of the boundary of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). The development will be introduced into and viewed in the context of and existing and established large scale industrial site. The development will not represent an intrusion into the rural landscape surrounding Chirk nor will it increase the prominence or impact of Kronospan upon the rural landscape surrounding Chirk or adversely impact upon views from or the setting of the AONB.

A bank of trees extends along the southern boundary of the application site which would be removed. However, compensatory planting closer to the boundary is proposed in the interests of protecting the visual amenities of the area from the Holyhead Road, Station Avenue and Train Station directions. The Council's Tree Officer welcomes the proposed replacement tree planting and the landscaping details would be controlled by a suitably worded planning condition.

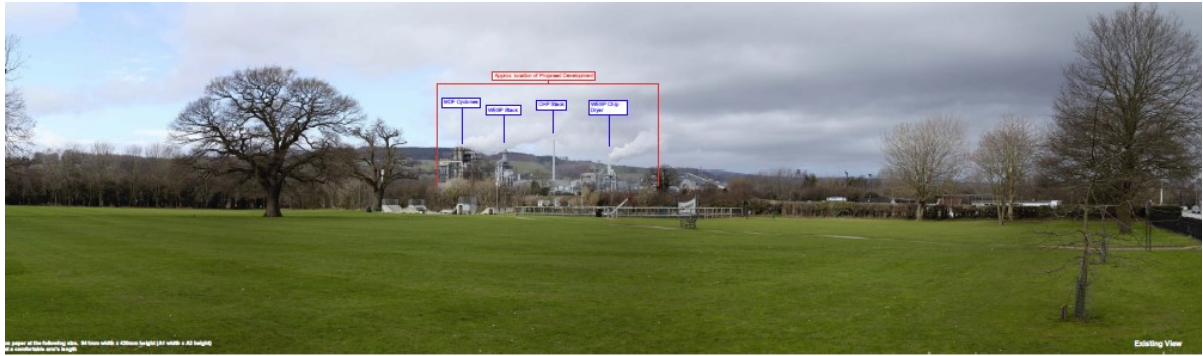


Figure 2. View from Holyhead Road

Historical Sites: The application site lies within the Pontcysyllte World Heritage Buffer Zone and lies just under 250 m due east of the Llangollen Canal which forms part of the World Heritage Site. The following scheduled Monuments lie within 3km of the site:

- Castell y Waun Castle Mound
- Pontcysyllte Aqueduct and Canal
- The Holyhead Road: the Chirk Embankment and earlier trackways

The Brynkynalt and Chirk Castle registered historic parks and gardens (Grade II* and Grade I respectively) also lie within 3km of the site. Finally, the site lies approximately 400 m to the north of Chirk Conservation Area.

The Landscape and Visual Impact Assessment accompanying the application includes a heritage appraisal which concludes the impact upon historic sites would not be significant. The development will not adversely impact upon the historic sites identified above. It will be viewed in the context of the existing Kronospan site, indeed other than from elevated positions surrounding Chirk, the development will be partly or wholly entirely screened by existing development, both within the Kronospan site and in the wider settlement.

The Council's Conservation Officer has confirmed no objections to the application. The proposed location of the development to the southern boundary of the Kronospan is well sheltered and will have no further impact on the World Heritage Site or Chirk Conservation Area.

The proposals will not change the context within which the historic sites are viewed or interpreted nor will it adversely impact upon their wider setting and as such there is no conflict with UDP policies EC7, EC9 or EC11.

Residential Amenity: The nearest dwellings are approximately 300 to 350 metres away to the south and east of the site, on Holyhead Road and Station Avenue. Taking the distances into account, as well as the overall height of the building and the screening provided by the existing built development and proposed tree planting, the proposals will not prove harmful to residential amenity by way of loss of light or by being visually overbearing.

The application is accompanied by a Noise Impact Assessment. This demonstrates that the development will not adversely impact upon nearby occupiers by way of noise impact. The Council's Public Protection Officer accepts the findings of the Noise Impact Assessment, subject to a condition being imposed to secure the mitigation measures recommended in the Report.

Whilst noting that concerns have been expressed about pollution, given the intended use of the building as a warehouse and apprentice workshop, there is no evidence before the Council to suggest that the proposal will give rise to additional pollution. To ensure that the building is not used in future for another purpose a condition can be imposed to specifically limit its use.

Highways: The Council's Highway Officer has not made any comments in relation to the proposal. However, the proposed building would internalise existing site operations and therefore would not increase vehicle movements to or from the site. In addition, the development does not increase employee numbers and as such, there would be no additional vehicular traffic associated with staff travelling to/from the site. The development would therefore not give rise to highway capacity or safety concerns.

Ecology: The application is accompanied by a Preliminary Ecology Appraisal. On the basis of the submitted information, NRW advises that the development is not likely to be detrimental to the maintenance of any population of the species concerned at a favourable conservation status in its natural range. In addition, NRW advises that the proposed development is not likely to harm or disturb any bats.

Whilst the Preliminary Ecology Appraisal is sufficient to demonstrate that the development is unlikely to adversely impact upon statutorily protected species, and thus complies with UDP policy EC6, paragraph 6.4.5 of Planning Policy Wales 11 requires development to provide net benefit to biodiversity ie. a better outcome than if the site was left undeveloped. Conditions are therefore required to secure the submission of a scheme of NBB, a Lighting scheme, and ecological walk over / site assessment, prior to commencement of development.

Drainage: Approval will be required for a scheme of surface water drainage separately from the Council as SuDs Approval Body (SAB) before construction begins.

Based on the information submitted, the development will not generate any additional foul water flows from the site and is therefore unlikely to increase the amount of phosphorus entering the River Dee and Bala Lake catchment. Accordingly, and as advised by NRW, the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

CONCLUSION

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Whilst acknowledging that this is a large new warehouse building, the development will not have an adverse impact upon the landscape surrounding Chirk or the visual amenity of the immediate vicinity of the site. In addition the proposals will not give rise to adverse impacts upon residential amenity or highway safety or to ecological concerns. It therefore accords with the relevant UDP policies.

RECOMMENDATION: That permission be GRANTED

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 7000_598 Rev J 1/2, and as contained within the application documentation.
3. No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.
4. No part of the development shall commence until a scheme demonstrating a net benefit for biodiversity (NBB) and for the planting of screening evergreen trees on site, to include pine, spruce and western red cedar etc. together with broadleaves such as birch, holly and hawthorn, has been submitted to and approved in writing by the Local Planning Authority.
5. The planting scheme approved in connection with condition no. 4 shall be fully implemented in all respects by the end of the first planting season (November to March) following the first use / occupation of the building.
6. The planting scheme implemented in connection with condition nos. 4 and 5 shall be permanently retained. Any planting which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.
7. 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 Method for rating and assessing industrial and commercial sound.
8. The development shall be carried out in strict accordance with the noise mitigation methods detailed in Chapter 6 of report ref: 'Noise Impact Assessment, Engineering Stores, At, Kronospan Manufacturing Facility, Off Holyhead Road, Chirk, Wrexham' Ref: R22.0305/DRK, Dated 28th March 2022, prepared by Noise & Vibration Consultants Ltd, hereby approved.
9. No part of the development shall commence, including any site / tree / vegetation clearance, until the site has been inspected by a competent ecologist for signs of occupation by badgers or breeding birds. The results of this survey shall be submitted to, and approved in writing by the Local Planning Authority. The development / site clearance works shall commence no later than within one month of the approval of these survey results.

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10. Prior to first use of the development, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) identify those areas and features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their foraging or commuting routes; and
- b) indicate where external lighting will be installed and the type of lighting to be used.

The scheme as is approved shall be fully implemented in strict accordance with the details as are approved and no other external lighting shall be installed on any part of the site.

11. Prior to first use of the development the site shall be laid out in strict accordance with layout plan No. 7000_598 Rev J 1/2.

12. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment), no part of the premises shall be used except for the precise purposes described in the application plans and documents.

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.
- 3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
- 4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
- 5. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
- 6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
- 7. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
- 8. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
- 9. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
- 10. To protect the amenities of the occupiers of nearby properties and local wildlife in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

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11. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

NOTE(S) TO APPLICANT

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs 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 works outside of the specified times, permission to proceed may be sought by contacting the Council's Environmental Health and Housing Standards at: healthandhousing@wrexham.gov.uk or on 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

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 01978 292040 for further advice and information.

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 Environmental Health & Housing Standards Team on 01978 292040 for further advice and information.

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

Detailed advice has been issued by Natural Resources Wales (NRW) which is available on the Council's planning applications website.

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.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and its infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway, Network Rail provides the following asset protection comments which the applicant is strongly recommended to action.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc. as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Some public sewers and lateral drains may not be recorded on Dwr Cymru / Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The

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presence of such assets may affect the proposal. In order to assist Welsh Water dealing with the proposal, the applicant is advised to contact them on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
