

MEMORANDUM

From: Ian Jones Public Protection
Service Manager

To: David Williams Planning
Control Manager

Our Ref:

Your Ref: P/2018/0896

Date: 02-11-2018

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2018/0896, LAND NORTH OF MAES Y GORNEL RHOSLLANERCHRUGOG WREXHAM LL14 1TG

OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR 5 NO. RESIDENTIAL DWELLINGS

A21N - EPA 1990 NOISE NUISANCE ADVICE

The applicant is advised that compliance with condition no. @@ does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

A26N - TAN11 NOISE SURVEY ADVICE

The development site is in close proximity to commercial and Industrial noise sources and the developer is therefore required to carry out a noise survey in connection with condition no. @@ in order to determine noise levels for both day (07.00 – 23.00 hours) and night (23.00 – 07.00 hours) having regard to Planning Guidance (Wales), Technical Advice Note (TAN) 11 – Noise and Methods for rating and assessing industrial and commercial sound BS4142:2014. The report of the noise survey findings shall include:

- a) Noise levels arising from day/night time activities in the vicinity of the proposed development site and the impact upon the proposed accommodation, and
- b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the future occupants of the proposed accommodation hereby approved.

A25N - DUST MANAGEMENT ADVICE (SCHEME NOT REQUIRED BY CONDITION)

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition

activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environment and Planning Department on 01978 292040 for further advice and information.

ZP06 - PROTECTION OF AMENITY FROM NUISANCE

All works in relation to the implementation of this permission, including deliveries to and/or leaving the site, shall 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.

ZP07 - TAN11 NOISE SURVEY REQUIRED (TO BE SUBMITTED)

No part of the development shall commence until a noise survey in order to determine noise levels for both day and night has been carried out, and a detailed report of the survey findings together with a detailed scheme of noise attenuation and or noise insulation measures has been submitted to and approved in writing by the Local Planning Authority. The measures as are approved shall be fully implemented prior to the first occupation / use of the development.

A23N - BURNING OF WASTE ADVICE

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

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

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environment and Planning Department on 01978 292040 for further advice and information.

ZP01A - GAS PROTECTION MEASURES

It is noted that the proposed development is within 100 metres of a former landfill sites known as 'Railway Cutting Fill, Cae Dwr'. In light of this, it will be necessary to condition any future consent so as to ensure that any potential contamination migration issues are adequately dealt with. I would recommend that the following conditions and note to applicant be applied to any future consent that may be granted.

Condition

No part of the development shall commence until a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phased investigation approach to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring. Alternatively, gas protection measures should be installed in all new buildings. A methodology of these works(including specification details, design plans, installation, inspection and validation details etc...) should be submitted in writing to the Council for approval prior to any works commencing on site.

ZP02A - Verification Report - Contaminated Land

Each part of the site subject to the remediation under the scheme(s) approved as part of condition @@ 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.

A11NA - SITE CONTAMINATION

Further advice on compliance with condition no. @@ may be obtained by contacting the Council's Environmental

Protection Team on 01978 298989 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 Environmental Protection Team prior to commencement of works on site.

.....

Head of Planning and Environment