

MEMORANDUM



From: Head of Housing, Public
Protection and Environment

To: Head of Community
Wellbeing and Development

Our Ref:

Your Ref: P/2016/0303

Date: 11-04-2016

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2016/0303, DEMOLITION OF EXISTING OFFICE BUILDING AND ERECTION OF 4 NO DETACHED DWELLINGS WITH ASSOCIATED ACCESSES

Contaminated Land

No Comments

Environmental Protection

ZP11 - DUST MANAGEMENT SCHEME REQUIRED BY CONDITION

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.

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.

A24N - DUST MANAGEMENT SCHEME (SCHEME REQUIRED BY CONDITION)

Applicants are advised that compliance with condition no. @@ does not provide an exemption from the statutory nuisance provisions of the Environmental Protection Act 1990. Under the Act dust from any type of activity can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that the 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 Housing, Public Protection and Environment Department on 01978 298989 for further advice and information.

A22N - Construction Noise

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. Failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Housing, Public Protection and Environment Department on 01978 298989.

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 Housing, Public Protection and Environment Department on 01978 298989 for further advice and information.

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.

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Head of Housing, Public Protection and Environment

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