

# MEMORANDUM



**From:** Toni Slater Public Protection  
Service Manager

**To:** David Williams Planning  
Control Manager

**Our Ref:**

**Your Ref:** P/2016/0374

**Date:** 27-04-2016

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## **Town and Country Planning Act 1990**

## **Town and Country Planning (General Development Procedure) Order 1996**

## **Re: P/2016/0374, OUTLINE APPLICATION TO ERECT 2 NO. DETACHED DWELLINGS TOGETHER WITH VEHICULAR ACCESS**

### **Environmental Protection**

### **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.

### **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.

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

### **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.

## **Contaminated Land**

### **ZP01 - CONTAMINATED LAND**

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.

### **ZP02 - VERIFICATION REPORT – CONTAMINATED LAND**

No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. @@ above have been satisfactorily carried out, has been 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.

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## **Head of Planning and Environment**