

MEMORANDUM



From: Ian Jones Public Protection
Service Manager

To: David Williams Planning
Control Manager

Our Ref:

Your Ref: P/2019/0546

Date: 20-08-2019

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2019/0546, FORMER SITE OF BRYMBO STEELWORKS BRYMBO WREXHAM

OUTLINE PLANNING PERMISSION FOR UP TO 450 DWELLINGS (CLASS C3 USE), PROVISION OF A PRIMARY SCHOOL (2-FORM ENTRY), SMALL DISTRICT CENTRE COMPRISING UP TO 1,395 SQ.M OF CLASS A1 RETAIL, UP TO 372 SQ.M OF CLASS A3 RESTAURANT / PUBLIC HOUSE, UP TO 465 SQ.M OF CLASS D1 USE, MULTI-FUNCTIONAL GREEN INFRASTRUCTURE, INCLUDING CHILDREN'S PLAY AREAS AND INFORMAL OPEN SPACE, SURFACE WATER ATTENUATION, VEHICLE ACCESSSES, CAR PARKING, ENGINEERING WORKS, PUBLIC FOOTPATHS AND HARD AND SOFT LANDSCAPING, UNDERGROUND SERVICES, AND ALL ANCILLARY AND ENABLING WORKS, WITH ALL MATTERS RESERVED EXCEPT FOR VEHICULAR ACCESS FROM BRYMBO ROAD

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.

ZP01B - Contaminated Land - Phased Investigation

When the reclamation of the steelworks took place some 10+ years ago the former steelworks area of this application was known as the Longer Term Development Module (LTDM) and Northern Development Module (NDM) Phases 1 & 2. At that time Contamination Certification Reports were prepared for each module on completion of the contamination assessment and remediation works. These Completion Reports were prepared with the each of module's future proposed uses in mind, these were as follows.

1. LTDM – commercial, light industrial
2. NDM Phase 1 – light industrial, commercial
3. NDM Phase 2 – housing, apartments, petrol station and retail

I prepared Memos to the Planning Department confirming that the Contamination Certification Reports were sufficient but highlighting that further requirements for contamination remediation works, depending on the nature of the development that ultimately takes place, will be needed, as was advised in the Reports.

The area to the west of the former steelworks area, also part of this planning application is potentially largely greenfield, however our records indicate a former factory or works may be on the northern part of that apparent greenfield area.

Based on the above I have a number of concerns that will require addressing to ensure any contamination concerns are sufficiently addressed for the proposed development, these are:

- a) The proposed uses that were cited at the time of the reclamation works are different to those now proposed therefore if the Contamination Certification Reports are to be used then the findings should be reviewed and a new risk assessment submitted to identify any outstanding/new concerns based on the new uses of the land. If the reports are not being used then a new contamination risk assessment should be provided.
- b) Contamination risk assessment guidance has changed since the Contamination Certification Reports were completed and any review or new assessment (under a) above) should be undertaken using current authoritative contamination risk assessment guidance.
- c) The large area of apparently greenfield land on the western part of the proposed development site may have a former potentially contaminative use, particularly to the north, this land requires a contamination risk assessment to be undertaken.

These concerns (a-c) can be covered by the standard contamination conditions, ZP01 and ZP02A and would recommend that these are applied to the planning permission if granted.

Condition:

No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the local planning authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

Environmental Protection - No Comments

As the proposed development has the potential to bring increased traffic to the area an Air Quality assessment for the road traffic pollutants Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) shall be carried out and submitted to the LPA for approval prior to any development taking place. The assessment shall use appropriate modelling methods, as described in Local Air Quality Management Technical Guidance LAQM TG(16)". The report shall include an assessment of the Air Quality at the proposed development and on existing receptors near to the proposed development.

Advice: Prior to undertaking the modelling it is advised to contact the Council's air quality officer to discuss existing monitoring data that may be available and confirm which nearby receptors should be included in the assessment.

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.

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.

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.

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.

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 Environment and Planning Department on 01978 292040 for further advice and information.

ZP03 - (ODOUR) KITCHEN EXTRACTION DETAILS REQUIRED

No part of the development shall commence until details of the means of ventilation for the extraction and dispersal of cooking smells, including details of its method of construction, Odour control measures, its appearance and finish have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first use of the development and shall thereafter be permanently retained in an effective condition.

ZP04 - AIR HANDLING / EXTRACTION PLANT BS4142 ASSESSMENT

The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) 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.

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Head of Planning and Environment