

MEMORANDUM

From: Ian Jones Public Protection
Service Manager

To: David Williams Planning
Control Manager

Our Ref:

Your Ref: P/2019/0005

Date: 21-01-2019

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2019/0005, LAND SOUTH OF HOLT ROAD WREXHAM

OUTLINE APPLICATION FOR THE CONSTRUCTION OF UP TO 600 DWELLINGS, WITH ASSOCIATED LANDSCAPING, PUBLIC OPEN SPACE AND ON-SITE INFRASTRUCTURE, WITH ALL MATTERS RESERVED EXCEPT FROM THE NORTHERN SITE ACCESS

Environmental Protection

The modeled Air Quality conclusions of report "Air Quality Assessment" Dated 17/12/18 (Report number 101827V2) by Millar Goodall are accepted.

The dust management measures detailed in Appendix G of report "Air Quality Assessment" Report Number 101827V2 By Miller Goodall" Dated 17/12/18 are accepted. I recommend the inclusion of a condition requiring its measures be implemented.

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)

Due to the proximity of the development to two busy roads (A5156 and A534), a cement batching plant and a gas flare to the east of the development, therefore I recommend the inclusion of the following condition to assess these. The applicant should be aware that the cement plant has occasional nighttime deliveries and the assessment should account for these.

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.

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

ZP01B - Contaminated Land - Phased Investigation

It is noted that part of the proposed development is adjacent to the former landfill known as Llanypwll landfill. A ground investigation report has been submitted with the application, however the assessment is still on-going. At this time the report has been considered and some potential issues with asbestos, slurry/manure stockpiles, infilled former ponds and gas on the boundary of the former landfill is noted. Whilst full comments can not be provided until the risk assessment is complete it would be advisable to provide clarification on the risk assessment of the infilled ponds which is not clear in this current report and the original Smith Grant Stage 1 report should also be provided.

In light of the above comments it will be necessary to condition any future consent so as to ensure that any potential contamination 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.

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.

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.

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Head of Planning and Environment