

# MEMORANDUM



**From:** Ian Jones Public Protection  
Service Manager

**To:** David Williams Planning  
Control Manager

**Our Ref:**

**Your Ref:** P/2019/0525

**Date:** 25-07-2019

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

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

**Re: P/2019/0525, LAND AT HOME FARM GRESFORD ROAD LLAY WREXHAM**

## **ERECTION OF FOODSTORE (USE CLASS A1), CAR PARKING, ACCESS AND LANDSCAPING**

### **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 Environment and Planning Department on 01978 292040.

### **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.

### **Contaminated Land - No Comments**

No Comments

### **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.

### **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.

#### 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.

#### 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.

#### **Environmental Protection - No Comments**

A condition to restrict the times of deliveries to those specified in the application documents should be included in any permission that may be granted.

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**Head of Planning and Environment**