

MEMORANDUM

From: Ian Jones Public Protection
Service Manager

To: David Williams Planning
Control Manager

Our Ref:

Your Ref: P/2018/0997

Date: 18-12-2018

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2018/0997, WOODLANDS FARM DODDS LANE GWERSYLLT WREXHAM

ERECTION OF 23 AFFORDABLE RESIDENTIAL UNITS WITH ASSOCIATED PARKING, LANDSCAPING AND ANCILLARY WORKS

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.

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.

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.

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.

ZP01B - Contaminated Land - Phased Investigation

The following report has been submitted in support of the above planning application.

- Proposed Residential Development, Woodlands Farm, Dodds Lane, Gwersyllt, Wrexham for Wales & West Housing Association, Geo-Environmental Investigation Report, REFA, Report Ref 14155/GEIR, April 2015.

Desk Study Information:

The report includes a description of the site including its past historical uses. An appraisal of the site environmental setting is presented including its geology, hydrogeology and hydrological regime, mining activities, waste management issues, and identification of additional environmental sources, pathways and receptors. This information has been used to compile a clear site conceptual model, which identifies potential sources, pathways and receptors and likely pollution linkages. This section of the report is adequate.

Site Investigation / Final Risk Assessment Information:

The report details the site investigation methodology, a discussion of the ground conditions /contamination including visual, olfactory, analytical and monitoring data. The report details a production of a source-pathway-receptor based model and justification for the use of the quantitative risk assessment criteria. This section of the report is adequate and I am in agreement with the initial remediation / validation requirements.

Further Requirements

The report recommends that further investigation is required within the pond area, farmyard and associated farm buildings. I am in agreement with this.

Therefore in relation to the above planning application I attach the following contaminated land conditions, until I receive further information in relation to the investigation on the site.

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