

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

Applicant	MR JOHN PEARSON NATIONAL TRUST	Code Number	ESC P/2023/0136
Agent	MR JOHN PEARSON NATIONAL TRUST WALES ERDDIG CONSULTANCY ERDDIG WREXHAM LL13 OYT	Date Received	13/02/2023
		Decision Date	15/09/2023

Town and Country Planning Act, 1990

Location of application

HAFOD HOUSE FARM, HAFOD, RUABON, WREXHAM, LL14 6HF

Description of application

ADEILADU LLWYBR TROED, LLWYBR TEITHIO LLESOL A MYNEDIAD I GERDDWYR, GOSOD STAND BEICIAU, GWAITH PEIRIANNeg I GREU CYNEFIN BYWYD GWYLLT A THIRLUNIO A DRAENIO CYSYLLTIEDIG / CONSTRUCTION OF FOOTPATH, ACTIVE TRAVEL ROUTE AND PEDESTRIAN ACCESS, SITING OF CYCLE STAND, ENGINEERING WORKS TO CREATE WILDLIFE HABITAT AND ASSOCIATED LANDSCAPING AND DRAINAGE.

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

CLF6	Informal recreation - Rights of way
CLF7	Informal recreation - Countryside and water resources
EC4	Hedgerows, Trees and Woodland
EC9	Listed buildings of special architectural or historic interest
FW	Future Wales: The National Plan 2040
GDP1	Development objectives
PPW	Planning Policy Wales (Edition 11)
PS2	Development and the environment
T8	Parking
T9	Walking, cycling and horse riding routes
TAN 12	Design
TAN 18	Transport
TAN 24	The Historic Environment
TAN 5	Nature Conservation and Planning

Revision	Date	Description of Decision
0	15/09/2023	Planning permission issued

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**Particulars of decision that permission be GRANTED
Subject to the following:-**

Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents:
 - Application Form [Dated: 13/02/2023]
 - Site Location Plan
 - Dwg No: P02 - Existing Site Plan
 - Dwg No: P03 - Proposed Site Plan
 - Dwg No: P04 REV A - Proposed Road Crossing
 - Dwg No: P05 - Proposed Ponds
 - Dwg No: 1574-ACS-XX-ZZ-DR-T-001-D - Highway/Access Plans
 - Dwg No: P07 - Proposed Benches
 - Dwg No: P06 - Proposed Bike Racks
 - Dwg No: P08 - Proposed Gates
 - Dwg No: P09 - Path Details
 - Dwg No: P10 - Proposed Ecology Plan
 - Dwg No: P11 - Proposed Drain
 - Hafod Commemorative Woodland Biodiversity Enhancement Plan
 - Construction and Environmental Management Plan [Dated: 01/02/2023]
 - Letter & Appendices RE: Water Samples for Pollution [Dated: 10/01/2023]
 - Phase I Desktop Study & Preliminary Risk Assessment Report [By: Geoenviro; Dated: December 2022]
 - Preliminary Ecological Appraisal [By: Marches Ecology; Dated: 13/12/2022]
 - Arboricultural Impact Assessment [By: Lingard Farrow Styles; Dated: January 2023]
 - Dwg No: 3160-001 - Tree Survey
 - Dwg No: 3160-002 - Tree Protection Plan
 - Heritage Impact Statement [By: National Trust; Dated: January 2023]
 - Planning Statement [By: National Trust; Undated]
 - Transport Statement [By: Acstro; Dated: January 2023]

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- Operational Invasive Non-native Species (INNS) Management [By: National Trust; Dated: July 2023]
 - Great Crested Newt Licence Application, Method Statement & Biosecurity Risk Assessment and Method Statement [By: Marches Ecology; Dated: 05/07/2023]
3. No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.
 4. No part of the development shall commence until details of all earthworks, excavation, and land regrading and retaining structures have been submitted to and approved in writing by the Local Planning Authority. The plan shall include the existing and proposed levels and contours, cut and fill line, existing vegetation and site features of the development. Details of soil stripping, storage and replacement shall be included where appropriate. The development shall be carried out in strict accordance with the details as approved.
 5. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a five year Maintenance Plan and timescales for implementation of works shall be submitted to and approved in writing by the Local Planning Authority.
 6. The landscaping scheme submitted and approved in connection with condition No. 5 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
 7. The landscaping scheme as carried out in connection with condition No. 6 shall be retained for a minimum of 5 years. Within this timescale, any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced with trees or shrubs of similar size and species to those originally required to be planted and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.
 8. The hedgerow to be removed as part of this application (as per Dwg No's: P04 REV A and 1574-ACS-XX-ZZ-DR-T-001-D) will be replanted no later

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than within the first available planting season October to February following the first use of the development. The hedge shall comprise blackthorn *Prunus spinosa* (5%), hawthorn *Crataegus monogyna* (80%), dog rose *Rosa canina* (5%), field maple *Acer campestre* (5%), hazel *Corylus avellana* (5%) - British provenance 60-80cm bare rooted 1+1 transplants, with spiral rabbit guards. They shall be planted in 2 staggered rows, 45cm apart with plants at 30cm spacing. Species are to be planted in same species groups of 3 to 7 plants and the hedge will be protected with stock proof post and wire/netting erected 1m from planting, with planting on the public side of any boundary. Planting shall be watered to full ground capacity on completion, maintained weed free within the first 3 years, any dead dying or failing to thrive planting replaced annually within the first 5 years and fencing maintained for a minimum of ten years.

9. The replacement tree planting as detailed on Dwg No: P04 REV A shall be undertaken in-full no later than within the first available planting season October to February following the first use of the development. Planting shall be watered to full ground capacity on completion, maintained weed free within the first 3 years and any dead, dying or failing to thrive planting replaced annually within the first 5 years.
10. The development shall be undertaken in strict accordance with the measures outlined within the following approved plans/documents:
 - Section 4 of the Preliminary Ecological Appraisal [By: Marches Ecology; Dated: 13/12/2022]
 - Operational Invasive Non-native Species (INNS) Management [By: National Trust; Dated: July 2023]
 - Great Crested Newt Licence Application, Method Statement & Biosecurity Risk Assessment and Method Statement [By: Marches Ecology; Dated: 05/07/2023]
 - Construction and Environmental Management Plan [Dated: 01/02/2023]
 - Arboricultural Impact Assessment [By: Lingard Farrow Styles; Dated: January 2023]
 - Dwg No: 3160-002 - Tree Protection Plan

The measures identified shall be adhered to and implemented in-full and retained thereafter for as long as the development remains in existence.
11. The net biodiversity benefit measures as detailed on Dwg No: P10 shall be implemented in full as approved prior to the first beneficial use of the

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development hereby permitted, and shall be maintained thereafter for as long as the development remains in existence.

12. The existing vehicular accesses as shown on approved plan no: 1574-ACS-XX-ZZ-DR-T-001-D shall be permanently closed up prior to the first use of the development hereby approved.
13. Prior to first use of the development, the proposed pedestrian link shall be laid out in strict accordance with approved plan no's: 1574-ACS-XX-ZZ-DR-T-001-D and P04 REV A. The visibility splays shall thereafter be permanently retained free of all obstruction in excess of 1 metre in height.
14. Prior to the first use of the development hereby approved, the bike storage racks shall be fully installed and shall be available for use as shown on plan no's: P04 REV A and P06. The bike storage facilities shall thereafter be retained in perpetuity.
15. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and any surface water generated from the site shall be trapped and disposed of so as not to flow onto the adjacent trunk road.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
4. To ensure that the works on the site properly take account of the future health of the trees in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
5. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

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6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
8. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
9. To mitigate for the loss of existing trees, in accordance with TAN 5, and Policies GDP1 and EC4 of the Wrexham Unitary Development Plan.
10. To ensure the development does not unacceptably impact upon the environment in accordance with TAN 5, Planning Policy Wales (Edition 11) and Policies PS2, GDP1, EC4 and EC6 of the Wrexham Unitary Development Plan.
11. To ensure the development delivers net benefit to biodiversity in accordance with Paragraph 6.4.5 of Planning Policy Wales 11.
12. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
13. In the interests of highway and pedestrian safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
14. To ensure adequate cycle storage facilities are available for users of the site in accordance with Policies GDP1, T8 and T9 of the Wrexham Unitary Development Plan.
15. To maintain the safety and free flow of trunk road traffic in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

Note(s) to applicant

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Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>.

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as ""conditions precedent"". You should be aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage: https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk.

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should 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. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

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, and failure to comply with such a Notice can result in

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prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

The Applicant is advised that under the 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

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 the 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 Environmental Health & Housing

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Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

Dwr Cymru Welsh Water:

The proposed development site is crossed by a public sewer with the approximate positions being marked on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of any building will be permitted within 3 metres either side of the centreline of the 150mm public sewer. Having reviewed the site plans it appears that the drainage features will be located outside of the required easement, however for the avoidance of doubt our strong recommendation is that your site layout takes into account the location of the assets crossing the site and should be referred to in any master-planning exercises or site layout plans submitted as part of any subsequent planning application.

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Public Rights of Way Team:

If the development is likely to interrupt safe passage of users whilst work is ongoing then a temporary Traffic Regulation Order (TRO) to close the footpath will be needed to ensure the safety of the public – the public rights of way section can arrange the TRO. The footpath should be left in the same condition or improved upon when works finish.

Where the new drain crosses the public right of way, the ground should be reinstated to a good standard for pedestrians to pass over safely. If works to install the drain are to impede on pedestrians using the path then a TRO may be needed.

No barriers should be placed across the path and gates from the site should

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not open out on to the footpath. We would prefer to have gaps at the site entrances/exits on to the footpath but if needed we would be happy to have gates.

Where the Active Travel route exits on to the footpath a staggered barrier should be installed and signage erected to make cyclists aware that they are exiting on to a footpath and not a cycle way.



David Fitzsimon
Prif Swyddog Yr Economi a Chynllunio
Chief Officer Economy and Planning

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm.