

Planning Department
Wrexham County Borough Council

Your Ref	TBC
Our Ref	Replacement railings on land north of Chirk Tunnel (South Portal)

17 January 2024

Dear Sir/Madam,

Application for Full Planning & Demolition in a Conservation Area
Proposed Removal of Existing Railings and Replacement with New Railings and Gates
Land north of Chirk Tunnel (South Portal)

I am pleased to submit, on behalf of Glandŵr Cymru (Canal & River Trust in Wales, hereafter “the Trust”), an application for planning permission and demolition in a conservation area for replacement railings on land north of Chirk Tunnel (South Portal).

The application has been submitted via Planning Applications Wales (Reference PP-12297698) and the appropriate fee has been paid.

Glandŵr Cymru
National Waterways Museum, South Pier Road, Ellesmere Port
Cheshire CH65 4FW
T 0303 040 4040 E canalrivertrust.org.uk/contact-us

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792. registered office address National Waterways Museum, South Pier Road, Ellesmere Port, Cheshire CH65 4FW

canalrivertrust.org.uk

Documents

Please find enclosed with this letter the following documents:

- Application form and ownership certificate

Plans

- Location plan (Reference P12222-CRT-LA-059-004-DR-C-0009 Rev P01, dated 8.12.2023)
- Site layout plan (Reference P12222-CRT-LA-059-004-DR-C-0001 rev P01 and P12222-CRT-LA-059-004-DR-C-0002 Rev P01, dated 8.12.2023)
- Existing Fence Section Detail (Reference P12222-CRT-LA-059-004-DR-C-0004, dated 8.12.2023)
- Proposed Fence Section Detail (Reference P12222-CRT-LA-059-004-DR-C-0003 Rev P01, dated 8.12.2023)
- Existing Viewing Area Fence Section Detail (Reference P12222-CRT-LA-059-004-DR-C-0006 Rev P01, dated 8.12.2023)
- Proposed Viewing Area Fence Section Detail (Reference P12222-CRT-LA-059-004-DR-C-0005 Rev P01, dated 8.12.2023)
- Existing Gap in Fence Section Detail (Reference P12222-CRT-LA-059-004-DR-C-0008 Rev P01, dated 8.12.2023)
- Proposed Gate Section Detail (Reference P12222-CRT-LA-059-004-DR-C-0007 Rev P01, dated 8.12.2023)

Reports

- Heritage Impact Assessment

About Canal & River Trust

We are the charity responsible for looking after and bringing to life 2,000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation.

In addition to the statutory functions of navigation, the Trust is also required to:

- Conserve waterway heritage;
- Promote and enable rural and urban regeneration;
- Maintain and enhance leisure, recreation, tourism and education opportunities for the public; and
- Facilitate waterway transport.

Site

The application site is located on land which sits above and to the north of Chirk Tunnel's south portal.

Due to the sheer drop above the tunnel portal, the land is fenced off from public access.

A path runs to the east of the site, connecting Chirk with the canal towpath at Chirk Basin.

The site is within the Pontcysyllte Aqueduct & Canal World Heritage Site and the Chirk Conservation Area.

All of the land to which the proposals relate is owned by Canal & River Trust, with the exception of a small portion of land adjacent to the B4500 which is owned by Wrexham County Borough Council. The Council has confirmed that the section of fence on its land can be replaced.



Figure 1 - Map showing the site location (red line) in relation to surrounding buildings and features.

Proposals

The proposed development comprises the installation of new railings to replace the existing life-expired railings, which are in a poor condition. The total length of railings to be replaced is approximately 120 metres.

The railings enclose an area of land above Chirk Tunnel's south portal, preventing access to the public and the fall risks associated with the sheer drop at the tunnel portal.

The majority of the new railings will reflect other 'estate style' railing installations within the broader World Heritage Site, such as at Trevor and Llantysilio.

Vertical railings will be installed to the viewing area, similar in height and appearance to those which they replace. A new vehicular access gate will be installed where there is currently a failed section of railing.

Estate railings

The majority of the existing railings are post and rail, which are life expired and require replacement.



Figure 2 - Photograph showing the existing railings, with the parapet wall above Chirk Tunnel's south portal visible in the background.

These railings will be replaced with galvanised steel estate-style railings, powder coated charcoal grey. The new railings will be approximately 1.2 metres tall, with rod section posts at 2 metre intervals. Horizontal rails will be box profile.



Figure 3 - Photo showing the approximate appearance of the proposed estate rail fencing.

See submitted drawing 'Proposed Fence Section Detail' (Reference P12222-CRT-LA-059-004-DR-C-0003 Rev P01, dated 8.12.2023) for further details of the proposed estate railings.

Viewing area railings

The viewing area currently has fencing in a vertical rail arrangement. A temporary barrier is in place where a section of this fencing has failed.



Figure 4 - Photo showing the existing railing arrangement at the viewing area. A temporary barrier is in place where a section of this fencing has failed.

These railings will be replaced with galvanised steel rails of a very similar design, powder coated charcoal grey. The new fence will be 1.2 metres tall with box section posts at 2 metre intervals.

See submitted drawing 'Proposed Viewing Area Fence Section Detail' (Reference P12222-CRT-LA-059-004-DR-C-0005 Rev P01, dated 8.12.2023) for further details of the proposed viewing area railings.

Gated access

There is currently a failed section of railings which enables unauthorised access onto the land above the tunnel portal.



Figure 5 - Photo showing a section of the existing railings which has failed and enabled unauthorised access to land above the tunnel portal.

It is proposed that a pair of gates will be inserted at this location. The gates will be locked at all times, and opened only for maintenance and emergency access.

Each gate will measure 1.2 metres tall by 2 metres wide, and will be constructed from galvanised steel powder coated charcoal grey.

See submitted drawing 'Proposed Gate Section Detail' (Reference P12222-CRT-LA-059-004-DR-C-0007 Rev P01, dated 8.12.2023) for further details of the proposed gates.

Planning Considerations

The Planning and Compulsory Purchase Act 2004 Section 38 (6) provides that applications for planning permission must be made in accordance with the development plan, unless material considerations indicate otherwise. *The Town and Country Planning Act 1990 Section 70 (2)* provides that in dealing with an application for planning permission, the authority shall have regard to the provisions of the development plan so far as material to the application, and any other material considerations.

The development plan comprises the following documents:

- Future Wales: The National Plan 2040
- Wrexham County Borough Local Development Plan 2013-2028 (adopted 20 December 2023)
- Policies maps

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It has development plan status and is the highest tier of development plan. Strategic and Local Development Plans are required to be in conformity with Future Wales and must be kept up to date to ensure they and Future Wales work together effectively. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Material Considerations include the following:

- Local Planning guidance Note No.33 Pontcysyllte Aqueduct & Canal WHS (adopted June 2012, updated August 2013)
- Local Planning guidance Note No.4 Conservation Areas (adopted September 1993, updated 2009)
- Planning Policy Wales – Edition 11 (February 2021)
- Technical Advice Note 24: The Historic Environment (May 2017)
- Technical Advice Note 12: Design (March 2016)

Planning Policy Wales sets out the land use planning policies of the Welsh Government, and is supplemented by a series of Technical Advice Notes (TAN), Welsh Government Circulars, and policy clarification letters. Together, these documents comprise the national planning policy framework for Wales.

Wrexham has also adopted relevant Local Planning Guidance Notes, intended to ‘*amplify*’ development plan policies. Local Planning Guidance Notes are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent LPA approval, they can be treated as a material planning consideration.

Conservation Area Consent

The existing fence is within the Chirk Conservation Area. Planning (Listed Buildings and Conservation Areas) Act 1990, Section 74 (1) provides that *a building in a conservation area in Wales shall not be demolished without the consent of the appropriate authority.*

Paragraph 31 of Circular 01/01 directs that Section 74 shall not apply to (b) *any gate, wall, fence or means of enclosure which is less than one metre high where abutting on a highway....* This is confirmed in TAN24, Paragraph 6.11.

The fence to be demolished and replaced abuts on a highway, and is more than one metre tall. Therefore, consent is considered to be required per Section 74 (1) of the Act.

Technical Advice Note 24: The Historic Environment (published May 2017) paragraph 6.13 provides that *There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area.* It further provides that *Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable.*

It is considered that the existing railings, which are life expired and in a poor condition, do not make a positive contribution to the character or appearance of the Chirk Conservation Area. Detailed plans have been submitted for the proposed replacement with new high-quality railings, and therefore Conservation Area Consent should be granted for the demolition of the existing fencing.

Principle of Development

Local Development Plan Policy DM1 (Development Management Considerations) provides that development proposals, where necessary, must:

- i. Accord with or enhance the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/ townscape in terms of their siting, layout, scale, height, design, density, use of materials and landscaping;*

...

- iv. Take account of personal and community safety and security in their design and layout...*

The proposed replacement railings will be of an appropriate design, using high quality materials and powder coated charcoal grey. The new railings will be similar in height and appearance to the existing railings which are now life expired and in a poor condition, and so the proposed development can be considered an enhancement to the character and appearance of the site in accordance with Policy DM1 (i).

The proposals will prevent unauthorised public access to Chirk Tunnel's south portal, which has a sheer drop. The proposals therefore take account of personal and community safety in accordance with Policy DM1 (iv.).

Historic Environment

The following historic environment designations are relevant to the proposals:

- Pontcysyllte Aqueduct & Canal World Heritage Site
- The Pontcysyllte Aqueduct and canal Scheduled Monument
- Chirk Conservation Area
- Grade-II* Listed Chirk Tunnel, including the north and south portals, and Chirk Basin

A Heritage Impact Assessment is submitted which undertakes an assessment of the significance of relevant historic assets, and the impact of the proposed development on their significance.

Local Development Plan

Local Development Plan Policies SP15 and BE1 are engaged.

Policy SP15 (Historic and Cultural Environment) provides that *Development will only be supported where it conserves, protects, preserves or enhances the following cultural and historic assets of the County Borough and their setting:*

- i) *Listed Buildings;*
- ii) *Conservation Areas;*
- iii) *Pontcysyllte Aqueduct and Canal World Heritage Site;*
- iv) *Registered Historic Parks, Gardens and Landscapes; and*
- v) *Scheduled Monuments and Archaeological Remains*

Policy BE1 (Pontcysyllte Aqueduct and Canal World Heritage Site) provides that *Development will only be permitted where it would not harm the attributes which justified the inscription of the Pontcysyllte Aqueduct and Canal as a World Heritage Site and the site's Outstanding Universal Value...*

It is proposed to remove approximately 120 metres of life expired railings, and install a high quality galvanised steel and powder coated replacement. Sections of the existing railings have failed, and their appearance makes a poor contribution to the World Heritage Site and the Chirk Conservation Area, and the settings of the listed tunnel and the Schedule Monument. The new fencing will be similar in height and design to that which it replaces, and will therefore conserve and enhance the relevant historic environment designations in accordance with Policy SP15.

The proposals would not harm the attributes which justified the inscription of the Pontcysyllte Aqueduct and Canal as a World Heritage Site and the site's Outstanding Universal Value, and they therefore accord with Policy BE1.

Planning Policy Wales (Edition 11)

The proposed development accords with the aims of Planning Policy Wales (Edition 11) in conserving and enhancing the historic environment and its assets (Chapter 6.1).

Paragraph 6.1.10 provides that

There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage.

Paragraph 6.1.14 states that

There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings...

Paragraph 6.1.16 states that

Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

Paragraph 6.1.17 provides that

When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole. Consideration should also be given to replacement structures. Proposals should be tested against conservation area appraisals, where they are available.

Paragraph 6.1.22 states that

...The impacts of proposed developments on a World Heritage Site and its setting and, where it exists, the World Heritage Site buffer zone and its essential setting, is a material consideration in the determination of any planning application.

The proposed development is considered to make a positive contribution to the character and appearance of the Chirk Conservation Area, and preserves the listed tunnel and the World Heritage Site.

Technical Advice Note 24: The Historic Environment

The proposed development also accords with the guidance provided in Technical Advice Note 24: The Historic Environment (published May 2017). It sets out the following six Conservation Principles, which should be used to assess the potential impacts of a development proposal on the significance of any historic asset:

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Conclusion

The proposed development comprises the removal of approximately 120 metres of life expired railings, and installation of high quality galvanised steel and powder coated replacement railings.

Because the proposed development is located in a Conservation Area and involves the removal of fencing more than 1 metre in height adjacent to a highway, Conservation Area Consent is required. It is considered that the existing railings do not make a positive contribution to the character or appearance of the Chirk Conservation Area, and a high quality replacement will be installed. Therefore, Conservation Area Consent should be granted.

The proposed replacement railings will be of an appropriate design and will be similar in height and appearance to the existing railings which are now in a poor condition, and so can be considered an enhancement to the character and appearance of the site in accordance with Local Development Plan Policy DM1 (i).

The proposals will prevent unauthorised public access to Chirk Tunnel's south portal, taking account of personal and community safety in accordance with Policy DM1 (iv.).

The proposed new fencing will conserve and enhance the relevant historic environment designations in accordance with Policy SP15.

The proposals would not harm the attributes which justified the inscription of the Pontcysyllte Aqueduct and Canal as a World Heritage Site and the site's Outstanding Universal Value, and they therefore accord with Policy BE1.

In light of the above, the Trust considers that the proposed development is in accordance with relevant policies in the development plan, and no material considerations indicate that the application should be determined other than in accordance with the development plan. As such, and in accordance with NPPF Paragraph 11, this application should be approved.

I trust that this application provides all necessary information for this application for planning permission to be determined. Should you have any queries please do not hesitate to contact me.

Yours faithfully,

James Dunn LLB MSc MRTPI

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