



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

SECTION 78 APPEAL

WRITTEN STATEMENT

Appeal by Mr R Cooke

Land South of Bethania Road, Acrefair

TOWN AND COUNTRY PLANNING (REFERRED APPLICATIONS AND APPEALS
PROCEDURE) (WALES) REGULATIONS 2017

PEDW REFERENCE: CAS-02985-G6S1X3

LOCAL PLANNING AUTHORITY REFERENCE: P/2022/0469

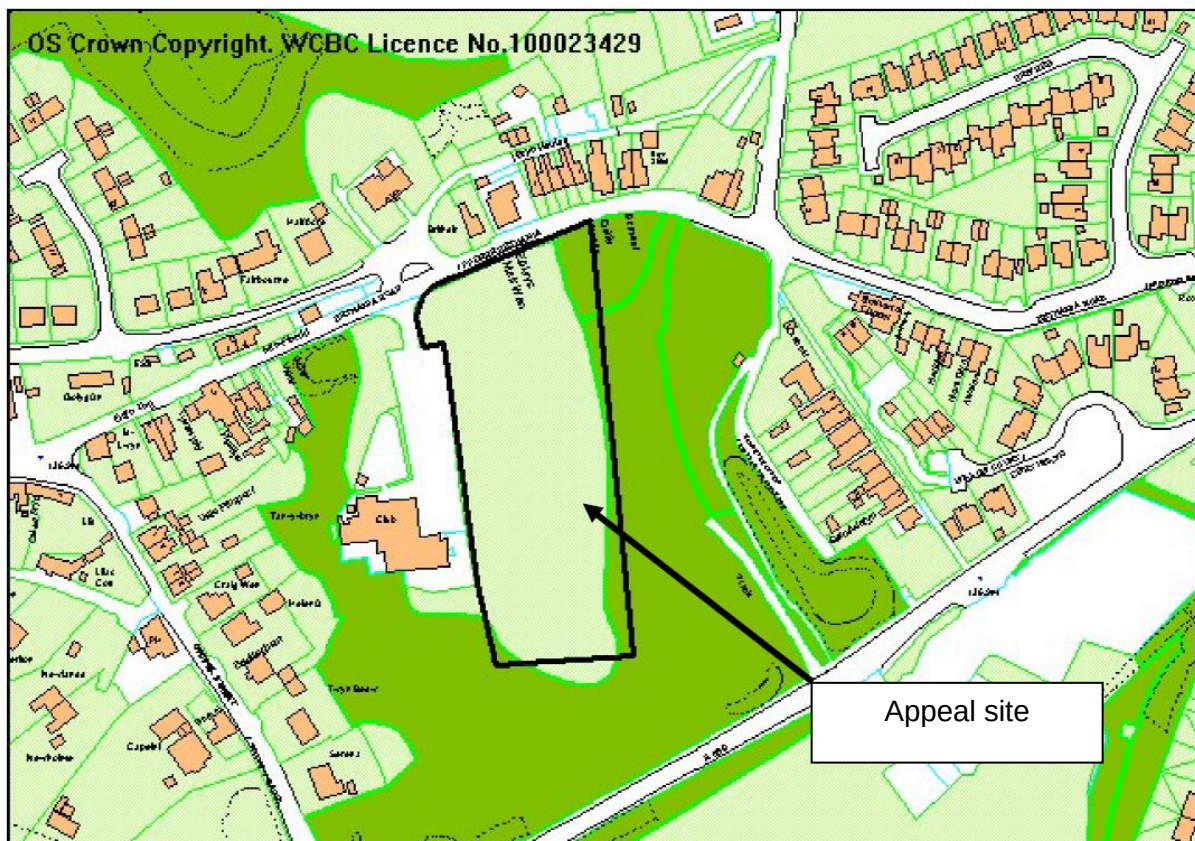
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1. INTRODUCTION

- 1.1 This appeal relates to the decision of Wrexham County Borough Council to refuse outline planning application P/2022/0469 for the following development: *“Outline application for erection of 33 dwellings (appearance, landscaping, layout and scale reserved)”* at land south of Bethania Road, Acrefair, Wrexham, LL14 3HP.
- 1.2 Application P/2022/0469 was registered on 23rd May 2022, and was subsequently refused by members of the Council’s Planning Committee on 2nd October 2023; with the decision being formally issued on 3rd October 2023. The reasons for refusal are as follows:
1. In the absence of any compelling technical evidence to the contrary, it is considered that the proposal would lead to increased vehicle movements at the junction of Bethania Road and Llangollen Road which has substandard visibility. As such, the proposal would cause an unacceptable increase in the risk to the safety of highway users, contrary to policies GDP1 and T9 of the Wrexham Unitary Development Plan and Policies SP11, DM1, T1 and T2 of the draft Wrexham Local Development Plan.
 2. Inadequate pedestrian footways exist along Bethania Road to and from the application site which means that there would not be a safe means of access to/from the site for pedestrians. The development therefore conflicts with policies GDP1 and T9 of the Wrexham Unitary Development Plan and Policies SP11, DM1, T1 and T2 of the draft Wrexham Local Development Plan.
 3. Insufficient information has been submitted to demonstrate the site can be developed without adverse impacts upon protected species. The development therefore conflicts with Policy EC6 of the Wrexham Unitary Development Plan, Policies NE1 and NE2 of the draft Wrexham Local Development Plan, Technical Advice Note 5 and Paragraphs 6.4.22 and 6.4.23 of Planning Policy Wales (Edition 11).
 4. Insufficient information has been submitted in relation to land contamination to demonstrate that the development will not pose an unacceptable risk to future occupiers of the site. The development therefore conflicts with Policy GDP1 of the Wrexham Unitary Development Plan, Policy DM1 of the draft Wrexham Local Development Plan, and Paragraph 6.9.12 of Planning Policy Wales (Edition 11).
 5. In the absence of an executed Planning Obligation to secure an appropriate contribution to local education facilities, the proposal conflicts with Policy GDP2 of the Wrexham Unitary Development Plan and policy SP5 of the draft Local Development Plan.
- 1.3 A copy of the decision notice has been forwarded previously as part of the Questionnaire submission. A copy of the Committee Report is appended at Appendix 1. A copy of the Addendum to the Committee Report, containing matters arising, is appended at Appendix 2.

2. THE SITE AND ITS SURROUNDINGS

- 2.1 The appeal site is located wholly within the settlement limit for Acrefair/Cefn Mawr as per the adopted Wrexham Local Development Plan. The site comprises approximately 0.7 hectares of greenfield land located to the south of Bethania Road, from which access is gained. The appeal site is surrounded by areas of mature woodland (subject to a group TPO) to the east and south, and by an existing bar/restaurant to the east. Residential properties lie to the north of the appeal site, on the opposite side of Bethania Road.
- 2.2 A location plan, outlining the appeal site and its immediate context is provided below.



3. DETAILS OF DEVELOPMENT

- 3.1 The application sought outline planning permission for a residential development of up to 33 dwelling houses, with access details forming part of the application and the remainder of the 'reserved matters' (appearance, landscaping, layout and scale) being reserved for future consideration.
- 3.2 A full description of development is provided within the Committee Report, appended at Appendix 1.

4. PLANNING HISTORY

- 4.1 Details of the appeal site's planning history are provided within the Committee Report, appended within Appendix 1.

5. RELEVANT PLANNING POLICY

Local Planning Policy and Guidance

- 5.1 The Development Plan for this area comprises the adopted [Wrexham Local Development Plan 2013-2018](#) (LDP), which was formally adopted by the Council on 20th December 2023.
- 5.2 Application P/2022/0469 was refused on 3rd October 2023, and was therefore considered against the policies contained within the former Wrexham Unitary Development Plan, which has now been superseded by the LDP. However, as is evident within the Committee Report appended at Appendix 1, the proposals were also considered against the requirements of LDP policies. Given the development was assessed against LDP policies prior to its determination, the Local Planning Authority does not consider the adoption of the LDP in the intervening period alters the overall assessment of the proposals.
- 5.3 Within the LDP, the following policies are applicable:

Strategic Policies:

- SP1 – Housing Provision
- SP2 – Location of Development
- SP5 – Planning Obligations
- SP11 – Transport and Accessibility
- SP12 – Design Principles and Masterplanning Framework
- SP13 – Health and Wellbeing
- SP14 – Natural Environment
- SP18 – Climate Change
- SP19 – Green Infrastructure

Housing Policies:

- H2 – Affordable Housing, Non-Strategic Housing Allocations and Windfall Sites

Natural Environment:

- NE1 – International and National Nature Conservation Designations
- NE2 – Local Designations for Nature Conservation and Geological Importance
- NE3 – Trees, Woodlands and Hedgerows
- NE6 – Waste Water Treatment and River Water Quality

General Development Management Policies:

- DM1 – Development Management Considerations

Community Facility Policies:

- CF2 – Provision of New Open Space

Transport Policies

- T1 – Managing Transport Impacts
- T2 – Active Travel
- T3 – Passenger Transport

5.4 The applicable [Wrexham Local Planning Guidance Notes](#) (LPGN) are:

- 07 – Landscape & Development
- 10 – Public Open Space in New Housing Development
- 15 – Cycling
- 16 – Parking Standards
- 17 – Trees & Development
- 21 – Space Around Dwellings
- 23 – Development of Sites with Land Contamination
- 27 – Developer Contributions to Schools
- 30 – Design
- 32 – Biodiversity & Development

National Planning Policy and Guidance

5.5 National planning guidance issued in the form of [Future Wales: The National Plan 2040](#) (FW) and [Planning Policy Wales, Edition 12 2024](#) (PPW) is of relevance to this appeal. Application P/2022/0469 was determined in accordance with PPW (Edition 11), which was superseded on 7th February 2024 by PPW (Edition 12).

5.6 [Technical Advice Notes](#) (TANs) are also of relevance to the appeal, including the following:

- TAN 5 – Nature Conservation & Planning
- TAN 10 – Tree Preservation Orders
- TAN 11 – Noise
- TAN 12 – Design
- TAN 15 – Development & Flood Risk
- TAN 16 – Sport, Recreation & Open Space
- TAN 18 – Transport

5.7 In addition, the following national planning documents/legislation are relevant to the appeal and the Council's case:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT – March 2007)
- Welsh Government Circular 016/2014 – The Use of Planning Conditions for Development Management
- Welsh Office Circular 22/87 – Development of Contaminated Land

- Welsh Office Circular 13/97 – Planning Obligations
- Environment (Wales) Act 2016

6. THE LOCAL PLANNING AUTHORITY'S CASE

6.1 In the opinion of the Local Planning Authority, the principal issues for consideration in the determination of this appeal are as follows:

- 1) The impacts upon highway safety within the appeal site's vicinity;
- 2) The impacts upon pedestrian safety within the appeal site's vicinity;
- 3) The effects upon ecology;
- 4) Contaminated land issues; and
- 5) Planning Obligations

6.2 The Committee Report and Addendum Report for the application subject of this appeal have been provided previously as part of the LPA Questionnaire and are also appended at Appendices 1 and 2. The report is considered to be comprehensive, and clearly states the LPA's case and the policies and guidance upon which the decision to refuse outline planning permission is based. It is not therefore considered necessary to repeat the considerations and arguments made in the Committee Report, which should be considered as the main basis of the LPA's case.

6.3 The sub-sections that follow seek to address specific issues relevant to the determination of this appeal, including those raised within the Appellant's updated grounds of appeal statement.

Highway Safety:

6.4 No issues are raised by the Local Highway Authority nor the Local Planning Authority with regards to the proposed site access arrangements into the appeal site from Bethania Road; with the Highway Officer confirming as part of the application that access visibility is acceptable. Furthermore, as the application was submitted in Outline, with matters relating to layout being reserved, on-site parking arrangements are not to be considered at this stage.

6.5 Section 7.2 of the Appellant's updated statement states that *"The Appellant's Highway Consultant produced a rebuttal to the Highway Officer's comments once the change in stance became known. This was via a Technical Note issued in August 2023. There is no evidence within the report that was presented to the Planning Committee (and which led to the refusal decision) to suggest that this additional information was considered in the highway section of the report"*. This is incorrect. The comments provided by the Local Highway Authority dated 7th September 2023 do take into account the information contained within the Technical Note submitted in August 2023. The Committee Report,

without making specific reference to the Technical Note, also takes into account its contents and the updated comments provided by the Highway Officer dated 7th September 2023. Those comments confirm that the Local Highway Authority still have concerns over the potential increase in vehicular traffic approaching and using the road junction between Llangollen Road and Bethania Road, owing to its substandard visibility. The comments also confirm that accurate traffic flow/count data along Bethania Road and its junction with Llangollen Road would need to be provided to fully assess any potential highway safety impacts within the appeal site's vicinity.

- 6.6 In the absence of any detailed existing traffic flow/count data, the Local Planning Authority considers there is potential for the development to cause or exacerbate highway safety problems at the junction of Bethania Road and Llangollen Road; which is substandard in terms of visibility at present. The submitted highways information, including the Technical Note submitted in August 2023, do not sufficiently address this issue.

Pedestrian Safety:

- 6.7 Section 3.1.2 of the highways Technical Note, submitted in August 2023, states that *"concerns have been raised on the lack of footway at the Bethania Road/ Llangollen Road junction. There is an 11m section of the Bethania Road arm that does not provide any footway provision. There is also a short section of Bethania Road to the east of the site that does not contain footway provision"*. The Local Planning Authority would reaffirm that there are relatively substantial lengths of Bethania Road, in an easterly and westerly direction from the appeal site, which do not currently have any safe footway provision for pedestrians.
- 6.8 Section 3.1.5 of the same Technical Note confirms the Appellant does not believe there is any realistic prospect of footway provision along Bethania Road being improved due to the narrow width of the highway extent. The Local Planning Authority agrees with this statement. In addition, Part 5.3 of the Appellant's updated grounds of appeal statement states that the appeal site is, in physical terms, well related to the village and is therefore in a sustainable location. Given that the appeal site is located wholly within the settlement limit, and in relatively close proximity to a range of public services, in principle the Local Planning Authority concurs that the site is in a physically sustainable location.
- 6.9 However, as is covered comprehensively within the Committee Report, the Local Planning Authority is of the opinion that given improvements cannot be made to footway provision along Bethania Road, the development would be poorly-placed to encourage walking to/from nearby public services and facilities; particularly to the nearby Ysgol Acrefair, to the south-west of the site. In light of the lack of safe pedestrian facilities along Bethania Road in both directions from the appeal site, the concern is that the proposals would become a car-centric form of development, where for safety reasons, occupiers of the site would choose to make short journeys by private motor vehicle rather than by active travel means. The Committee Report quotes Part 3.12 of Planning Policy Wales, which remains unchanged within Edition 12.
- 6.10 In terms of proposals for Footpath No. 71 to be improved and to provide a pedestrian link between the appeal site and Llangollen Road, limited details regarding these works were submitted within the highways Technical Note in August 2023. The Committee Report outlines some fundamental issues with these proposals in the Local Planning

Authority's view. Principally, the Local Planning Authority has concerns regarding these works as it would involve works to provide a footpath within a TPO protected woodland, and it has not been confirmed if the land in question is within the ownership or control of the Appellant, given it is neither contained within the red line, nor a blue line, on plan no: M3873(90)01 REV B. Furthermore, as explained within the Committee Report, even should the pedestrian route to Llangollen be provided, the Local Planning Authority does not consider it would overcome the lack of safe pedestrian facilities along Bethania Road, as to get to Ysgol Acrefair for example, the most direct route would be to travel westwards from the site along Bethania Road, rather than travelling via Llangollen Road. It is therefore considered that a pedestrian safety issue would still exist along Bethania Road in any case.

Ecology:

- 6.11 Sections 7.3 and 7.4 of the Appellant's updated grounds of appeal statement contain comments with regard to procedural matters, and do not suggest planning reasons why the Local Planning Authority was wrong to include reason for refusal number three within the decision notice.
- 6.12 The Authority's Ecology Officer reviewed the two ecological reports submitted as part of the application and advised that a bat activity survey would be required given that there are potential roost features within the adjacent woodland and a potential risk of disturbance through the installation of artificial lighting from the development would exist. As is confirmed within the Committee Report, the Local Planning Authority considers insufficient information has been submitted to allow a full assessment of any likely impacts upon protected species to be undertaken, contrary to Section 6.2.2 of TAN 5, and Policies SP14, NE1, NE2 and NE3 of the LDP.

Contaminated Land

- 6.13 The appeal site forms part of a former landfill, and therefore the planning application was accompanied by a Phase 1 Site Investigation. The Authority's Contaminated Land Officer initially commented upon the application without having reviewed the submitted report. However, in October 2022, after having reviewed the submitted information, updated comments were provided advising the Local Planning Authority that any approval of the application should be postponed until intrusive site investigation works to assess the land contamination present on the site, in particular gas risks, have been completed and it is clear that the development can be completed safely so that future site users are protected from any risks for the lifetime of the development.
- 6.14 Whilst additional information on the matter was submitted in May 2023, the Contaminated Land Officer's additional response dated 27th July 2023 clarifies that additional intrusive site investigation works should be completed and reported on prior to any planning permission being granted.
- 6.15 The Local Planning Authority concurs with the specialist consultee input it received as part of the planning application process, and considers that insufficient information has been submitted to demonstrate that the risks from contamination on-site are acceptable and can be managed/remediated for the end users of the site; contrary to Chapter 6 of PPW, and Policy DM1 (Criterion iii) of the LDP.

Planning Obligations:

- 6.16 In the event of the Inspector concluding that permission be granted, the Council contends that a Planning Obligation is needed to secure financial contributions to schools as well as the long term management and maintenance of public open space on-site. These are discussed in more detail below to demonstrate that the requirements are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 6.17 LDP Policy SP5 sets out a requirement for a planning obligation to secure additional infrastructure capacity and/or funding towards the provision of the additional capacity where existing infrastructure is unable to accommodate the new development.
- 6.18 In terms of education, LPGN 27 sets out formulae that will be applied to determine the contributions required for individual developments where school capacity is insufficient to cater for the likely demand arising from a new development. This is considered fair and proportionate given that larger housing developments are likely to generate greater demand for school places than smaller developments. In turn this will involve a requirement for greater investment if additional school capacity is needed to accommodate that additional demand.
- 6.19 In-line with the housing type mix proposed, the development is likely to generate nine primary-age pupils and eight secondary-age pupils. Three nearby primary schools are noted to be operating at over 100% of their capacity, and the Local Education Authority have therefore confirmed that additional primary capacity would be required to accommodate the number of pupils likely to be generated by the development.
- 6.20 The Council notes that a draft Unilateral Undertaking (UU) has been submitted alongside the appeal to take account of the request from the Education Department. Whilst no particular objections are raised to the draft UU at this stage, the Inspector should note that this has not been formally agreed with the Council and is unsigned and unsealed.
- 6.21 Furthermore, as is set-out within the Committee Report, LDP Policy CF2 contains a requirement for the provision of public open space as part of new residential development. Where open space is provided on-site it is essential that adequate provision is made for its long term ownership and management to ensure the open space area(s) remain usable and do not fall into a state of disrepair to the detriment of the amenity of occupiers of the development as well as the appearance of the site. LPGN 10 provides advice regarding the finance and future maintenance of open space. The Council does not normally adopt areas of public open space anymore and as such an Obligation is required to ensure that a private management company is established to maintain any open space areas provided.

7. CONCLUSION

- 7.1 For the reasons detailed in the Committee Report and in this LPA statement, the Inspector is respectfully requested to dismiss this appeal.

8. LIST OF SUGGESTED CONDITIONS

8.1 Should the appointed Inspector be minded to allow this appeal, Wrexham County Borough Council considers that the following conditions should be imposed:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development shall be carried out in strict accordance with Dwg No: 90(09) REV A in respect of vehicular and pedestrian access.

Reason: To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

5. No part of the development shall commence until a noise survey has been carried out, and a detailed report of the survey findings has been submitted to, and approved in writing by, the Local Planning Authority. The noise survey shall determine noise levels for both Day (07:00 – 23:00 hours) and Night (23:00 – 07:00 hours), having regard to Planning Policy Wales (PPW) Guidance, Technical Advice Note (TAN) 11 – Noise. The report of the noise survey findings shall include:

a) Noise levels arising from day / night time activities in the vicinity of the proposed development site and the impact upon the existing or proposed accommodation, and

b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the existing or occupants of the proposed accommodation hereby approved.

The measures as are approved shall be fully implemented prior to the first beneficial occupation of any unit of accommodation hereby approved, and shall thereafter be retained for the lifetime of the development.

Reason: Due to the proximity of The Delph Bar and in the interests of residential amenity in accordance with TAN 11 (Noise) and Policy DM1 of the Wrexham Local Development Plan.

6. 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.

Reason: In the interests of residential amenity in accordance with Policy DM1 of the Wrexham Local Development Plan.

7. Prior to first use the vehicular access shall provide for visibility splays of 2.4 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

Reason: In the interests of highway safety to ensure compliance with Policy DM1 of the Wrexham Local Development Plan.

8. Prior to the first beneficial occupation of any dwelling hereby approved, a footway shall be provided along the site frontage from points east and west of the vehicular access in accordance with details which have first been submitted to and approved in writing by the local planning authority.

Reason: In the interests of pedestrian safety to ensure compliance with Policies DM1 and T2 of the Wrexham Local Development Plan.

9. No development shall commence until full details (including scaled and engineering drawings and cross sections) detailing the proposed pedestrian link to Llangollen Road (as detailed within the Technical Note by Paragon Highways Dated August 2023) have been submitted to and approved in writing by the Local Planning Authority. The details shall be fully implemented as approved and made available for use prior to the first beneficial occupation of any dwelling hereby approved, and shall be retained and maintained for the lifetime of the development.

Reason: To ensure the development is afforded with safe means of pedestrian access in accordance with Policies DM1 and T2 of the Wrexham Local Development Plan.

10. Prior to the first beneficial occupation of any unit of accommodation hereby approved, vehicular and cycle parking facilities shall be provided in strict accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of vehicles and cycles.

Reason: To ensure that adequate parking facilities are provided and maintained within the curtilage of the site in the interests of the free flow of traffic, highway safety and the amenities of the locality, in accordance with Policies DM1 and T1 of the Wrexham Local Development Plan.

11. 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.

Reason: In the interests of highway safety and in accordance with Policy DM1 of the Wrexham Local Development Plan.

12. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

13. No part of the development shall commence until adequate steps have been taken to safeguard all trees on the site or whose root structure may extend within the site, which are the subject of Tree Preservation Order No. 277, against damage or injury caused during construction works in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. In particular, no excavations, site works, trenches or channels shall be cut or pipes or services laid in such a way to cause damage or injury to the trees by interference with their root structure and no soil, waste or materials of any kind shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees by affecting their root structure.

Reason: To protect trees which are of significant amenity value to the area in accordance with Policies SP14, DM1 and NE3 of the Wrexham Local Development Plan.

14. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with Method Statement as is approved. The Method Statement shall include the following:

- A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion

Zone, including any related sections and method for avoiding damage to retained trees;

- Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- Method for protecting retained trees during demolition works;
- Details of all proposed tree works, including felling and pruning.

Reason: To ensure the work is carried out in line with accepted arboricultural practices for the long-term wellbeing of the trees in accordance with Policies SP14 and DM1 of the Wrexham Local Development Plan.

15. No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.

Reason: To ensure the work is carried out in line with accepted arboricultural practices for the long-term wellbeing of the trees in accordance with Policies SP14 and DM1 of the Wrexham Local Development Plan.

16. No development shall commence until a detailed plan to provide net benefit for biodiversity (NBB) has been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first beneficial occupation of any dwelling hereby approved and shall be retained thereafter for the lifetime of the development.

Reason: To ensure the development delivers net benefit to biodiversity in accordance with Policy 9 of Future Wales and Paragraph 6.4.5 of Planning Policy Wales (Edition 12).

17. No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, have been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

18. Prior to the first occupation of the development, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. A site investigation may not uncover all instances of contamination and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

20. No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

21. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

22. All construction 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 7.30 and 18.00 Monday to Friday, and 08.00 to 13.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with Policy DM1 of the Wrexham Local Development Plan.

23. The landscaping and layout reserved matters to be submitted for the approved development pursuant to the requirements of Condition 1 above shall include a scheme for all areas of open space and green space to be provided within the development site, including public amenity space and equipped children's play areas. The scheme shall be implemented in accordance with the approved details prior to the first beneficial occupation of any dwelling approved.

Reason: In the interests of providing for a high standard of development for the future amenity of the occupiers of the site in accordance with Policies DM1 and CF2 of the Wrexham Local Development Plan.

24. There shall be no clearance of vegetation on site between the months of March to August inclusively in any calendar year.

Reason: In order to ensure that no protected species are adversely affected by the development and to ensure compliance with Policies SP14, NE1 and NE2 of the Wrexham Local Development Plan.

25. The development hereby approved shall be limited to a maximum of 33 dwellings.

Reason: To define the terms and scope of the planning permission.