

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	BERSHAM (GLENSIDE) LTD	Code No	ESC P/2015/0337
Agent	RICHARDS MOOREHEAD AND LAING MS SHAN WYN JONES 55 WELL STREET RUTHIN DENBIGHSHIRE LL15 1AF	Date Received	11/05/2015
		Decision Date	10/05/2018

Town and Country Planning Act, 1990
Section 73

Location of application

BERSHAM BANK COLLIERY TIP, PLAS GRONO ROAD, RHOSTYLLEN, WREXHAM, LL14 4EG

Description of application

VARIATION OF CONDITION 1 OF P/2008/0266 (RECLAMATION OF COLLIERY SPOIL TOGETHER WITH ASSOCIATED WORKS INCLUDING THE SITING OF TEMPORARY STRUCTURES AND THE INSTALLATION OF RAIL FREIGHT SIDINGS AT BERSHAM BANK COLLIERY TIP) TO ALLOW FURTHER 5 YEARS TO IMPLEMENT DEVELOPMENT

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
EC11	Archaeology
EC16	Derelict land
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
MW7	Reworking mineral waste
MW8	Restoration of mineral working sites
PS2	Development and the environment
T6	Primary and core highway network

Revision	Date	Description of Decision
0	10/05/2018	Planning permission issued

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

Applicant	BERSHAM (GLENSIDE) LTD	Code No	ESC P /2015 /0337
Agent	RICHARDS MOOREHEAD AND LAING MS SHAN WYN JONES 55 WELL STREET RUTHIN DENBIGHSHIRE LL15 1AF	Date Received	11/05/2015
		Decision Date	10/05/2018

Condition(s)

1. The development hereby permitted shall commence not later than the expiration of 5 years from the date of this permission. Written notification of the date of commencement (defined as any operations associated with the engineering of the site for reclamation) shall be given to the Minerals Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall cease not later than 9 years from the date of commencement of the development hereby permitted unless otherwise previously approved in writing by the Minerals Planning Authority, and the site shall be restored in accordance with the approved Landscape Master Plan or any variations approved in advance by the Minerals Planning Authority.
3. Notwithstanding the approved plans and documentation full details of the proposed site access shall be submitted in writing for the further approval of the Minerals Planning Authority. The access as approved shall be implemented prior to the first use of the site hereby approved and retained thereafter for the duration of the reclamation works.
4. Notwithstanding the approved plans and documentation, full details of a scheme of highway improvements along the link between Glan-yr-afon Bridge and the proposed site access shall be submitted in writing for the further approval of the Minerals Planning Authority. Details shall include road widening at the southern bend in the carriageway, road markings between the proposed site access and Glan-yr-afon Bridge, clearance of foliage to improve forward visibility at the northbound approach to the bridge and advance warning signage either side of Glan-yr-afon Bridge. The works as approved shall be provided prior to the first use of the site hereby approved and maintained thereafter.
5. No works or operations hereby approved, other than those the subject of conditions 3 and 4 above, shall commence until details of a widened footway over the river at the Glan-yr-afon Bridge have been submitted to and approved in writing by the Minerals Planning Authority. The works shall be completed prior to any material being taken off the application site, unless otherwise approved by the Local Planning Authority.
6. Prior to commencement of development a detailed Working Plan shall be submitted to and approved in writing by the Minerals Planning Authority. This shall include detailed consideration of working phases and methods which will maximise the retention of peripheral mounds and vegetation to

Applicant	BERSHAM (GLENSIDE) LTD	Code No	ESC P /2015 /0337
Agent	RICHARDS MOOREHEAD AND LAING MS SHAN WYN JONES 55 WELL STREET RUTHIN DENBIGHSHIRE LL15 1AF	Date Received	11/05/2015
		Decision Date	10/05/2018

mitigate noise and visual disturbance of the site clearance works, contamination, combustion and stability issues and provision of periodic reviews of working procedures. The works shall be carried out strictly in accordance with the approved Working Plan unless otherwise approved in writing by the Minerals Planning Authority.

7. Prior to commencement of the various stages of the development hereby approved, a detailed scheme to deal with the risks associated with contamination at the site shall be submitted to and approved in writing by the Minerals Planning Authority. The scheme shall include the following elements unless specifically excluded in writing by the Minerals Planning Authority:

- a desk study identifying all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and identification of any potentially unacceptable risks arising from contamination at the site;
- a phased site investigation scheme based on the results of the desk study to provide information for an assessment of the risk to all receptors that may be affected, including those off site;
- the results of site investigations and risk assessments and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken; and
- a verification report on completion of the works set out for each phase, confirming the carrying out of the remediation measures in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

8. If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise approved in writing by the Minerals Planning Authority) shall be carried out until the developer has submitted to, and obtained approval in writing from the Minerals Planning Authority, as amendment to the above method statement detailing how this unsuspected contamination is to be dealt with.

9. Prior to the commencement of development, on the site, a detailed Dust Management Scheme shall be submitted to and approved in writing by the Minerals Planning Authority. The approved Dust Management Scheme

Applicant	BERSHAM (GLENSIDE) LTD	Code No	ESC P /2015 /0337
Agent	RICHARDS MOOREHEAD AND LAING MS SHAN WYN JONES 55 WELL STREET RUTHIN DENBIGHSHIRE LL15 1AF	Date Received	11/05/2015
		Decision Date	10/05/2018

shall be implemented throughout the duration of the development hereby approved.

10. No loaded lorries shall leave the site unless their loads have been trimmed and sheeted so as to prevent spillage.

11. All haulage vehicles leaving the site shall pass through a wheel wash facility which has previously been approved in writing by the Minerals Planning Authority. The facility shall be provided prior to any haulage vehicles leaving the site and retained thereafter for the duration of the works hereby approved. Vehicles shall only leave the site when their wheels and chassis are clean.

12. Prior to commencement of operations on the site a detailed Dust Monitoring Scheme shall be submitted in writing for the approval of the Minerals Planning Authority. The approved scheme shall be maintained through the entirety of the reclamation works.

13. During normal operations the level of noise emitted from the site shall not exceed 55 dB(A) Laeq(1 hour) as measured at any noise sensitive receptor outside the site. Noise in excess of this limit, up to a limit of 70 dB(A) Laeq(1 hour) may be emitted for up to 8 weeks in any year in connection with short-term activities such as the construction of screening mounds, temporary haul roads, and permanent landforms. The Minerals Planning Authority shall be notified in advance of such periods.

14. Prior to commencement of development a detailed scheme of compliance noise monitoring, to include frequency and procedures shall be submitted to and approved in writing by the Minerals Planning Authority. The scheme shall be carried out as approved and the Minerals Planning Authority shall be advised 14 days in advance when noise monitoring is to be carried out. Where noise levels are found to exceed the specified noise limits, additional mitigation measures shall be put in place in accordance with details submitted to and approved by the Minerals Planning Authority.

15. Prior to the commencement of operations, details of procedures for effectively responding to dust complaints and noise complaints, including provision for identifying the source of dust and noise and a review of mitigation measures as appropriate, shall be submitted to and approved in writing by the Minerals Planning Authority. The approved procedures shall be in place throughout the reclamation works.

16. Notwithstanding previous surveys, prior to the commencement of each phase of development a comprehensive Ecological Survey shall be undertaken. The report of the survey, including details of any mitigation

Applicant	BERSHAM (GLENSIDE) LTD	Code No	ESC P /2015 /0337
Agent	RICHARDS MOOREHEAD AND LAING MS SHAN WYN JONES 55 WELL STREET RUTHIN DENBIGHSHIRE LL15 1AF	Date Received	11/05/2015
		Decision Date	10/05/2018

measures required, shall be submitted to and approved in writing by the Minerals Planning Authority before that phase of development is commenced. Any mitigation measures required shall be carried out as approved.

17. The development hereby approved shall not begin until an appropriate photographic survey of the colliery spoil and its relationship with colliery buildings has been carried out in accordance with details to be submitted to and approved in writing by the Minerals Planning Authority. The resulting photographs shall be deposited with the Country Sites and Monuments Record operated by the Clwyd Powys Archaeological Trust, 7a Church Street, Welshpool, Powys, SY21 7DL.

18. No materials shall be removed from the site before a detailed Landscape Master Plan and specification has been submitted to and approved in writing by the Minerals Planning Authority. Details shall include restoration of the site, hard and soft landscaping works, ecological habitat creation, recreation provision, areas of vegetation to be retained and removed, proposed landform, phased areas of implementation and an implementation timetable. The Plan as approved shall be fully implemented in accordance with the approved timetable.

19. In the event that site excavation works substantially cease for a continuous period of two years, within 12 months an alternative scheme and programme of implementation for the interim restoration and aftercare of the site shall be submitted to and approved in writing by the Minerals Planning Authority. The approved scheme shall be implemented in accordance with the approved programme.

20. No development hereby approved shall be commenced until a Landscape and Ecological Aftercare Management Plan has been submitted to and approved in writing by the Minerals Planning Authority. The plan shall include management of existing landscape features, the establishment, maintenance and management of all new planting, ecological habitats and recreational spaces, and a management timetable and shall cover a 5 year period of aftercare. Works shall be carried out strictly in accordance with the details as approved and shall be retained thereafter.

21. Any vehicles or machinery operating on the site which is fitted with a reversing warning shall only have an inaudible type or other reduced noise device which has previously been approved in writing by the Minerals Planning Authority.

22. No development hereby approved shall be commenced until a scheme for the disposal of foul and surface waters from the temporary buildings and

Applicant	BERSHAM (GLENSIDE) LTD	Code No	ESC P /2015 /0337
Agent	RICHARDS MOOREHEAD AND LAING MS SHAN WYN JONES 55 WELL STREET RUTHIN DENBIGHSHIRE LL15 1AF	Date Received	11/05/2015
		Decision Date	10/05/2018

compound area has been submitted to and approved by the Minerals Planning Authority and fully implemented in accordance with that scheme. The approved scheme shall be implemented throughout the duration of the development hereby approved.

23. No development hereby approved shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Minerals Planning Authority. The Statement shall identify trees to be retained during the development of the site and the steps to be taken in accordance with BS5837:2012 to protect those trees from damage or destruction caused during the carrying out of the development. Any trees identified in the Statement which become severely damaged or are destroyed as a result of the development being carried out shall be replaced with trees of such size and species, as may be specified by the Minerals Planning Authority, in the planting season immediately following such occurrences.

24. No working, except for essential repair and maintenance, shall be carried out outside the following hours, unless otherwise approved in writing in advance by the Minerals Planning Authority:

- 0730 hours to 1730 hours (Monday to Friday)
- 0800 hours to 1300 hours (Saturday)

No working shall take place on Sundays and Bank Holidays, except for essential repair and maintenance.

25. Nothing other than uncontaminated, inert, non-polluting materials shall be imported into the site.

26. Deliveries of excavated material from the site by road shall be restricted to 54 vehicle movements per day (54 in and 54 out).

27. Written records shall be maintained of all deliveries of material from the site and these records shall be available for inspection by the Minerals Planning Authority at all reasonable times.

28. The proposed rail freight sidings shall be operational within 2 years of commencement of the development, unless previously approved in writing by the Minerals Planning Authority. Thereafter, the operator shall use its best endeavours to maximise the use of railborne freight.

29. Prior to the first use of the proposed rail freight facility, a scheme of noise mitigation measures with regard to loading of rail trucks and the additional noise impact as a result of the additional rail freight shall be submitted to and approved, in writing, by the Minerals Planning Authority.

Applicant	BERSHAM (GLENSIDE) LTD	Code No	ESC P /2015 /0337
Agent	RICHARDS MOOREHEAD AND LAING MS SHAN WYN JONES 55 WELL STREET RUTHIN DENBIGHSHIRE LL15 1AF	Date Received	11/05/2015
		Decision Date	10/05/2018

The approved mitigation works shall be implemented prior to the first use of the rail sidings and maintained for the duration of the development hereby approved.

30. No extractive operations, other than that associated with the construction of the rail sidings and with the prior agreement and approval of Network Rail, shall take place within a lateral distance of 10 metres from the railway boundary and no overburden must be tipped or any buildings erected on the 10 metres berm between the edge of the excavation and the railway boundary.

31. Cranes and jibbed machines used in connection with the works must be so positioned that the jib or any suspended load does not swing over railway property or within 3 metres of the nearest rail if the boundary is closer than 3 metres. All cranes, machinery and constructional plant must be so positioned and used to prevent the accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure.

32. There shall be no interference with any drain or watercourse belonging to Network Rail and no interference to any existing drainage rights enjoyed by Network Rail.

Note(s) to applicant

You are reminded of the requirement regarding Public Footpath no. 15 and temporary/permanent closure orders detailed in the letters from the Council Rights Of Way section dated 19th and 20th March and attached to this decision.

Your attention is drawn to Highway Supplementary Notes on the enclosed 'Applicants' Rights and General Information'

The separate written consent of the Local Highway Authority must be obtained before any work is carried out within the confines of the highway.

The site is required to comply with the provision of the Health and Safety at Work etc Act 1974 the provision of which are administered by the Health and Safety Executive Unit 7 and 8, Edison Court, Ellice Way, Wrexham Technology Park, Wrexham, LL13 7YT.

Applicant	BERSHAM (GLENSIDE) LTD	Code No	ESC P /2015 /0337
Agent	RICHARDS MOOREHEAD AND LAING MS SHAN WYN JONES 55 WELL STREET RUTHIN DENBIGHSHIRE LL15 1AF	Date Received	11/05/2015
		Decision Date	10/05/2018

With regard to Condition 37 the requirements should be fully considered against Minerals Planning Guidance 11: Control of Noise at Surface Mineral Workings in terms of noise arising from the reclamation of the colliery spoil and associated works.



**Officer Appointed for this purpose
Head of Environment 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