



Joe Nugent MTCP MRTPI FCMI
SHEN
joe@shen.place
2 May 2023

Dear Sir / Madam,

APPLICATION: DISCHARGE OF CONDITIONS RELATING TO P/2015/0337
DEVELOPMENT: 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
LOCATION: BERSHAM BANK COLLIERY TIP, PLAS GRONO ROAD, RHOSTYLLEN, WREXHAM

1.0 INTRODUCTION

1.1 This Covering Letter accompanies the resubmission of the information associated with Condition 6 of planning permission P/2015/0337.

2.0 REFUSAL REASON (CONDITION 6 - WORKING PLAN)

2.1 The refusal reason from the LPA states:

Insufficient information has been submitted to demonstrate how existing vegetation would be used for screening or how the completed earthworks will form an appropriate backdrop to the scheduled monument. The submitted documentation contains no information relating to the stability of the tips to provide a safeguard whilst working them, or a mechanism for review of working procedures (other than health and safety procedures) within the working plan. Furthermore, little information has been provided in the working plan in terms of methods for controlling excavation to manage the risk of spontaneous combustion. Finally, the proposed times for each phase for processing / removal of the material to be moved in each phase, has not been provided, nor has the proposed volumes of the material to be processed in each phase.

2.2 The statement made by the LPA can be disaggregated to identify the key factors considered omitted by the submitted technical information. This includes:

- a. How existing vegetation would be used for screening;*
- b. How the completed earthworks will form an appropriate backdrop to the scheduled monument;*
- c. Information relating to the stability of the tips to provide a safeguard whilst working them, or a mechanism for review of working procedures (other than health and safety procedures) within the working plan;*



- d. Information in terms of methods for controlling excavation to manage the risk of spontaneous combustion.***
- e. The proposed times for each phase for processing / removal of the material to be moved in each phase;***
- f. The proposed volumes of the material to be processed in each phase.***

2.3 An initial response to the reasons provided by the LPA, it is necessary to review the wording, grammar, and requirements of Condition 6. Condition states:

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 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.

This refers to:

- a. Working phases and methods which will maximise the retention of peripheral mounds and vegetation to mitigate noise and visual disturbance of the site clearance works, contamination, combustion and stability issues and provision of periodic reviews of working procedures.***

2.4 Grammatically and a concise review of this condition is that the Working Plan needs to address:

- a. Noise and visual disturbance of the site clearance works;***
- b. Contamination;***
- c. Combustion;***
- d. Stability issues; and***
- e. Provision of periodic reviews of working procedures.***

2.5 When comparing the reasons provided by the LPA in their refusal of Condition 6 (as detailed in Para.2.2) with the review of the matters as detailed in Para.2.5, there are matters stated by the LPA that are not a requirement of Condition 6 (Working Plan). These are highlighted (below) with a strikeout for illustration purposes:

- a. How existing vegetation would be used for screening;***
- ~~b. How the completed earthworks will form an appropriate backdrop to the scheduled monument;~~***
- c. Information relating to the stability of the tips to provide a safeguard whilst working them, or a mechanism for review of working procedures (other than health and safety procedures) within the working plan;***



- d. Information in terms of methods for controlling excavation to manage the risk of spontaneous combustion.***
- ~~e. The proposed times for each phase for processing / removal of the material to be moved in each phase;~~***
- ~~f. The proposed volumes of the material to be processed in each phase.~~***

- 2.6 The illustrated details included in the refusal reason by the LPA are not considered within the scope of Condition 6 (as detailed in Para.2.4). This is an objective review and is unambiguous as these selected matters are not stated in the wording of Condition 6.
- 2.7 Therefore, it has been demonstrated that the remaining matters to be addressed in the Working Plan include:
- a. How existing vegetation would be used for screening;***
 - b. Information relating to the stability of the tips to provide a safeguard whilst working them, or a mechanism for review of working procedures (other than health and safety procedures) within the working plan;***
 - c. Information in terms of methods for controlling excavation to manage the risk of spontaneous combustion.***
- 2.8 These matters are all addressed in the resubmission of the documents to discharge the remaining planning conditions.
- 2.9 The Local Planning Authority has been provided with the updated and completed documents to progress matters to discharging these planning conditions. The Local Planning Authority are kindly invited to expedite their assessment and determination of the documents submitted.

Kind regards,

Joe Nugent MTCP MRTPI FCMI