

Planning Services
Wrexham County Borough Council

By E-mail

Eich cyfeirnod
Your reference P/2022/1034

Ein cyfeirnod
Our reference

Dyddiad
Date 7 March 2023

Llinell uniongyrchol
Direct line 0300 0257894

Ebost
Email: cadwplanning@gov.wales

Dear Sir/Madam

**Planning Application – Discharge of conditions attached to planning consent
P/2015/0337 at Bersham Bank Colliery Tip, Plas Grono Road, Rhostyllen,
Wrexham**

Thank you for your letter inviting our comments on the information submitted for the above planning application.

Advice

We consider that the application is inadequately documented, and we recommend that additional information is required to enable a balanced decision to be taken against Planning Policy Wales, Technical Advice Note 24 Historic Environment and associated guidance. Full details of the additional information that is required are explained in the below assessment.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment

DE199 Bersham Colliery: No 2 Winding Gear

Only one of the conditions (No.6) attached to planning consent P/2015/0337 relates to the historic environment. This requires a Working Plan to be submitted prior to the commencement of the development.

There was considerable discussion with Cadw in regard to the impact of the proposals on the setting of scheduled monument DE199 when the original planning application for this development was made and it was agreed that part of the Tip would remain to form a backdrop to the scheduled monument. This is shown in small scale on figure 7 Phase 7 of the Working Plan document that has been submitted with the current application: However, this document is entitled "The Working Plan: Volume 1 – Earthworks. Section 4.8 Phase 7 of the document states "*This phase of earthworks consists of the completion of formation of the earthworks profile forming*

the base for the landscaping features for the site. Details of the landscape finishing works are to be found in Volume 2 of the working plan". Unfortunately, Volume 2 of The Working Plan does not appear to have been submitted with the current application. Therefore, in order for us to provide the necessary advice that the completed earthworks will form an appropriate backdrop to the scheduled monument we need to see the detailed information contained in Volume 2 of The Working Plan. As such the applicants should be requested to submit this document and Cadw should be reconsulted once it has been submitted.

Yours sincerely

Nick Segust
Casework Officer
Diogelu a Pholisi/ Protection and Policy

Annex A

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW [planning-policy-wales-edition-11.pdf](#) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)

[Technical Advice Note 24: The Historic Environment](#) elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

Historic Parks and Gardens

PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of



historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.