

PLANNING STATEMENT

DISCHARGE OF CONDITIONS – RELATED TO PLANNING PERMISSION P/2015-0337

**Bersham Bank Colliery Tip, Plas Grono
Road, Rhostyllen, Wrexham LL14 4EG**



TYPE OF DOCUMENT: PUBLIC

DATE: DECEMBER 2022

Prepared by:
Joe Nugent (MRTPI; FCMI)
Brownshore Management Ltd
M54 Space Centre
Halesfield 9
Telford
TF7 4QN

Phone: 07908 897 198

DOCUMENT REVIEW

Issue/Revision	Report	Revision 1	Revision 2	Revision 3
Comments				
Date	Nov 2022	Dec 2022		
Prepared by	EHS	JN		
Signature	EHS			
Checked by	JN	EHS		
Signature		EHS		
Authorised by	JN	JN		
Signature				



CONTENTS

Document Review	3
Contents	4
1. Introduction	5
2. Planning Permission	6
3. Planning Conditions.....	8

1. INTRODUCTION

- 1.1. *Brownshore Management Ltd.* has been instructed by the applicant, *Bersham (Glenside) Ltd* to prepare this Planning Statement to support the submission of an application for the discharge of planning conditions related to planning permission P/2015/0337 ("the Planning Permission").
- 1.2. The Planning Permission relates to Bersham Bank Colliery Tip, Plas Grono Road, Rhostyllen, Wrexham LL14 4EG ("the Site").
- 1.3. This Planning Statement accompanies the application and provides an assessment of the acceptability of the submitted information to discharge the respective conditions and other material considerations which should be considered in determining the application.

Planning Permission

- 1.4. The Planning Permission was granted on 10 May 2018 and relates to;
- 1.5. 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 and the installation of rail freight sidings at Bersham Bank Colliery Tip) to allow further 5 years to implement development.

- 1.6. The planning permission includes 32 planning conditions. These include pre-commencement and compliance conditions.

2. PLANNING PERMISSION

2.1 The conditions are attached to this Planning Statement as Appendix 1. The following review of the planning conditions provides an overview of each condition and shall be read in conjunction with Appendix 1.

2.2 Planning conditions:

NO.	PRE-COMMENCEMENT OR COMPLIANCE	STATUS
1	Compliance – Development commencement within 5 years of the planning permission. Notification to be issued to the MPA within 7 days of such commencement.	Compliance
2	Compliance - Cessation period for the development. Requiring cessation not later than 9 years of commencement of development.	Compliance
3	Discharge - Details of proposed vehicular access.	Discharge
4	Discharge – Scheme of highway improvements.	Discharge
5	Discharge – Details for widening of the footway over the river at the Glan-yr-afron Bridge	Discharge
6	Discharge – Working Plan to be submitted prior to commencement of development.	Discharge
7	Compliance – Phased development contamination scheme. Hybrid condition as Phase 1 requires submission.	Compliance
8	Compliance – Contamination not previously identified.	Compliance
9	Discharge – Dust Management Scheme.	Discharge
10	Compliance – Loaded lorries to be sheeted.	Compliance
11	Compliance – Wheel wash. All haulage vehicles leaving the site shall use the wheel wash, details to be submitted prior to haulage vehicles leaving the site.	Compliance
12	Discharge – Dust Monitoring Scheme.	Discharge
13	Compliance – Noise Monitoring.	Compliance
14	Discharge – Noise Monitoring Scheme.	Discharge
15	Discharge – Dust Monitoring Complaint Procedure.	Discharge
16	Compliance – Phased development contamination scheme. Hybrid condition as Phase 1 requires submission.	Compliance
17	Discharge – Photographic survey.	Discharge
18	Compliance – Landscape Master Plan (prior to materials removed from the site).	Compliance
19	Compliance – Cessation of excavation works for a continuous period of two years.	Compliance
20	Discharge – Landscape and Ecological Aftercare Management Plan	Discharge
21	Compliance – Vehicle silencer.	Compliance
22	Discharge – Foul and surface waters from temporary buildings and compound area.	Discharge

23	Discharge – Arboricultural Method Statement.	Discharge
24	Compliance – Working hours.	Compliance
25	Compliance – Imported material.	Compliance
26	Compliance – Vehicle numbers.	Compliance
27	Compliance – Vehicle numbers recording.	Compliance
28	Compliance – Operational commencement of rail freight siding facility (2 years).	Compliance
29	Compliance – Use of the proposed rail freight facility.	Compliance
30	Compliance – Extractive operations within 10m of railway boundary.	Compliance
31	Compliance – Cranes.	Compliance
32	Compliance – No interference with drains or watercourses belonging to Network Rail.	Compliance

KEY

Discharge – Pre-commencement conditions requiring discharge.

Compliance – Conditions to be complied throughout development and/or details to be submitted during the operational period of the development.

- 2.3 In terms of the conditions (32) those requiring discharge pre-commencement include 3, 4, 5, 6, 9, 12, 14, 15, 17, 20, 22, and 23. 12 planning conditions.

Previous Submissions to Discharge Conditions

- 2.4 Recent discussions with the Local Planning Authority established their position that information had not previously been submitted, assessed, or discharged, relating to the planning conditions of this planning permission.
- 2.5 However, the Applicant retains their position the discharge process had previously been pursued. From the review of the correspondence (attached with this submission) there are several letters from the Council and Statutory Consultees stating a planning reference.
- 2.6 In this instance the planning process has previously been followed and the Local Planning Authority are requested to afford weight to this submission in order to expedite the discharge of the planning conditions.

3. PLANNING CONDITIONS

3.1 This chapter focuses on the planning conditions requiring their discharge by the Local Planning Authority. The supporting text and documents are brought forward from previous discussions (including emails; highlighted in italics) with the Local Planning Authority, Planning Case Officer, and Statutory Consultees.

3.2 In terms of the conditions requiring discharge these include 3, 4, 5, 6, 9, 12, 14, 15, 17, 20, 22, and 23. Additional planning conditions are also sought for discharge within this submission and the associated documents are provided.

3.3 Condition 3 – Site Access

This covered by PDC Drawings Nos. 11-0153/202A, /203A and /204A. Our understanding is that this was agreed in principle. There was an outstanding query from you in respect of the chosen location. Our client advised the following which we trust addresses the query:

“The reason we used the entrance as on the drawing is that this was/is another existing entrance (with drop kerbs etc) used by the traffic consultant in the pre application for planning studies forming part of the EIS. I assume that it may have been a ‘sight-line’ issue? The entrance mentioned by Peter would be acceptable if considered OK, but the HGV movement analysis was on the access shown on the drawings from Bancroft Consulting?”

3.4 Condition 4 – Highway Improvements

This is covered by PDC drawings Nos. 11-0153/200A and /201B. Our understanding was that these works were also agreed in principle. There was an outstanding query regarding the implications of Japanese Knotweed on the site in respect of the highway particularly in the location where the highway is to be widened locally. The client previously issued a statement regarding the treatment in general of the Knotweed which is attached. The dates on this document would need to be revised to reflect the current timescales but the proposals are still valid. As discussed, the proposal is to provide a vertical root barrier trench adjacent to the highway using Dendro-Scott root barrier, or similar approved, in a continuous length. This will be nominally 2m deep and held in place with plywood prior to backfilling. The final depth and also the extent on plan will be agreed on site with you prior to commencing of the works. We trust that this addresses any outstanding issues in connection with this Condition.

The highway improvements will be subject to a Section S278 Agreement. We have your standard checklist for progressing the Agreement and we will be progressing this in due course. If you can forward the latest WCBC requirements, including level of inspection fees etc, this would be much appreciated.

3.5 Condition 5 - Footbridge

This is covered by PDC drawings Nos. 11-0153/100A, /101A and 150A. An AIP was agreed previously, and we believe was signed by WCBC. Can you confirm that the signed document was received and then signed by you?

We will need to progress detailed design and submit with a Design and Check Certificate for final technical approval. These works will be progressed concurrently with a S278 Agreement. We assume that this will be required but can you confirm?

There was previous correspondence with Jon Plant in respect of the timing of the completion of the structure in terms of the operation of the site. The Condition states that “the works shall be completed prior to any material being taken off the application site, unless otherwise approved by the Local Planning Authority”. Given the timescales we are currently dealing with it would appear to be unrealistic to expect the bridge to be in place by 12th July 2015. Site commencement may be in place by this date although material would not necessarily be leaving the site. We previously put forward a case to relax the wording of this Condition which would appear to be able to be varied at your discretion. The case was as follows:

“On the basis that the footbridge will be an adopted structure completion is likely to be a reasonably lengthy process and is also likely to be the critical path element in terms of the programme of works prior to operation. This is exacerbated by the fact that the road priority system will need to be in operation before works on the footbridge can practically commence. We were hoping that this pre-commencement condition could be relaxed on the basis that the priority system on the road bridge will be in place, together with the other highway works, prior to operation. The road priority system will allow temporary pedestrian use of the road bridge to safely facilitate the footbridge replacement. This issue is included within the AIP, of course.

You will have assurances from the client in terms of delivery of the footbridge and provision of the associated legal agreements therefore perhaps the Condition could be revised to allow completion of the footbridge within a mutually agreed timescale but allowing prior operation of the site?”

In addition to the above it may be possible to agree a limit on the extent of operations or limit vehicles numbers whilst the site is operated during the initial interim period prior to the bridge being in place? We would be most grateful if you could advise your comments on the above.

3.6 Condition 6 – Working Plan

Please see enclosed Working Plan (Ref: Condition 6 – Working Plan).

3.7 Condition 7 – Contamination

Letter from Mrs Deborah Hemsworth confirming acceptance of the documents submitted for Condition 7.

Please find enclosed letter from Stacey Inglis dated 1st April 2011 confirming her acceptance of desk top study for contamination along with risk assessment and method statement.

3.8 Condition 11 - Wheelwash

Our understand is that this was agreed previously following information submitted by Mike Killett from Glenside. In addition, PDC drawing no. 11-0153/202A shows the location of the wheelwash at the site access.

3.9 Condition 16 - Ecology

Please see the attached ecology technical assessments attached with this planning submission.

3.10 Condition 22 – Surface Water

Please see attached letter (Dated 29 December 2011) confirming the submitted information is acceptable to the Environment Agency.

Also enclosed is letter from Mrs Meryl Mead Technical Specialist from the EA dated 29th December 2011 confirming the agencies acceptance of surface drainage - Condition 22.

3.11 Additional Supporting Information

This submission is accompanied by several technical documents and plans to assist with the assessment and discharge of the identified planning conditions.

3.12 Selected documents have a direct planning condition reference, whereas other documents that may be considered relatable to several planning conditions have their title.

3.13 If the Local Planning Authority requires clarification and/or additional information relating to this submission please do not hesitate to contact the Planning Agent and matters will be promptly addressed.