



Joe Nugent MTCP MRTPI FCMI
Planning Executive
Brownshore Management
Technology House
Halesfield 7
Telford
TF7 4NA
27 March 2023

Dear Sir / Madam,

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

INTRODUCTION

Brownshore Management is instructed by the Applicant (Bersham (Glenside) Ltd) to submit a planning application for a Non-Material Amendment (NMA) to planning permission P/2015/0337.

The NMA to selected planning conditions delivers consistency with other existing conditions in the planning permission that relate to “...works or operations hereby approved, other than those the subject of conditions 3 and 4...”.

CONDITION 17 - PHOTOGRAPHIC SURVEY

The proposed NMA to Condition 17 is as follows:

No works or operations hereby approved, other than those the subject of conditions 3 and 4 above, shall commence until an appropriate photographic survey of the colliery spoil and its relationship with colliery buildings has been carried out in accordance with details 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.

The photographic survey has been instructed and is due to be completed in a prompt manner. This will be submitted to the LPA once available. However, the NMA to Condition 17 safeguards the purpose of the condition whilst being consistent with the other conditions in the planning permission.



CONDITION 20 - LANDSCAPE AND ECOLOGICAL AFTERCARE MANAGEMENT PLAN

The proposed NMA to Condition 20 is as follows:

No restoration works or operations hereby approved shall commence until a Landscape and Ecological Aftercare Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The plan shall include management of existing landscape features, the blishment, 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.

Matters relating to an aftercare management plan is normally submitted to the LPA prior to the commencement of restoration works and operations. This is considered best practice as a development with a longterm operational lifetime (approx 10 years) will adapt the restoration of the site to evolving environment, it therefore allows for the aftercare management plan to be submitted at the correct time and be up-to-date at the time of submission and approval by the LPA. The NMA to Condition 20 safeguards the purpose of the condition whilst being consistent with the other conditions in the planning permission.

CONDITION 23 - ARBORICULTURE

The proposed NMA to Condition 23 is as follows:

No works or operations hereby approved, other than those the subject of conditions 3 and 4 above, shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Mineral 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 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.

The Arboricultural Method Statement has been completed and submitted to the LPA.

The NMA to Condition 23 safeguards the purpose of the condition whilst being consistent with the other conditions in the planning permission.



ADDITIONAL MATTERS (ECOLOGY)

Condition 16 relates to ecology, this condition requires an ecological survey prior to the commencement of each phase of the development, therefore this condition is already phased and a full sitewide ecological survey is not required at any stage of the phased works and operations.

Recognising the works permissible by the wording *“No works or operations hereby approved, other than those the subject of conditions 3 and 4 above, shall commence until...”* these works and operations relate to the existing access and egress at the site.

The works related to Conditions 3 and 4 are not affecting the primary site or the spoil material, and due to their focused area of works will have a minimal effect on ecology within the specific area.

Furthermore, works and operations to existing access and internal roads can be carried out under permitted rights afforded by the GPDO. The works permissible by the GPDO equally mirror those delivered by Conditions 3 and 4. It is therefore considered reasonable that for clarification and consistency Condition 16 can also be revised.

CONDITION 16 - ECOLOGY

The proposed NMA to Condition 16 is as follows:

No works or operations hereby approved, other than those the subject of conditions 3 and 4 above, shall commence until such time that prior to the commencement of each phase of the development a comprehensive Ecological Survey shall be undertaken. The report of the survey, including details of any mitigation measures required, shall be submitted to and approved in writing by the Mineral Planning Authority before that phase of development is commenced. Any mitigation measures required shall be carried out as approved.

CONCLUSION

As a conclusion, the proposed NMA's to the conditions (above) provide consistency with existing planning conditions and retain the thrust and spirit of the conditions. The NMA's safeguard the aims and objectives of each of the planning conditions, the amendments are therefore considered to be of a non-material nature and the LPA are requested to support the approval of this NMA application.

Yours faithfully,

Joe Nugent MTCP MRTPI FCMI