

Wrexham County Borough Council
The Guildhall
16 Lord Street
Wrexham
LL11 1AY

Your Ref P/2022/0654
Our Ref CRTR-PLAN-2022-36811
Monday 5 September 2022

Dear Sarah Hill

Proposal: Erection of log store and alterations to bank at rear of property.

Location: Sycamore Cottage, Pontcysyllte, Llangollen

Waterway: Llangollen Canal

Thank you for your consultation.

We are the charity who look after and bring to life 109 miles of canals in Wales. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of Wales. The Trust is known as Glandŵr Cymru, the Canal & River Trust in Wales and we are a statutory consultee in the Development Management process.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)) is that the Trust has **concerns** relating to the encroachment of the development onto Glandŵr Cymru owned land and suggest that the clarification is provided in terms of the works that are proposed, as set out below:

The application site is located at the Trevor Basin end of the Pontcysyllte Aqueduct and within the World Heritage Site. The Pontcysyllte Aqueduct is a Grade I Listed, Scheduled Ancient Monument and is on the UNESCO World Heritage List for its Outstanding Universal Value. The application site is clearly visible from the aqueduct and adjacent towpath which are elevated in relation to the application site. It is noted that paragraph 6.1 of Pontcysyllte Aqueduct and Canal World Heritage Site Local Planning Guidance Note 33 (PGN33) states that '*all development proposals must demonstrate how they have considered the impact on the World Heritage Site*'. No such assessment seems to have been provided with this application, despite the sensitivity of its siting and location immediately adjacent to the grade I listed aqueduct, within the World Heritage Site and reference at paragraph 6.7 of PGN33 to the fact that that even '*small development such as an extension to a residential property can have a significant impact if it is directly next to a World Heritage Site*'. We would ask the Council to satisfy itself that sufficient heritage assessment has been provided in this regard.

Based on the submitted details it is not entirely clear what elements of the works are proposed and which parts might be seeking retrospective consent and indeed where the proposed log store would be sited. A number of the plans seem to imply it is the structure/fenced area closest to the aqueduct which is being replaced.

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However, a log store is also annotated on the plans next to the new retaining wall. Another photograph suggests that a gabion wall is also being extended. We would welcome the proposed works being clarified and clearer plans being provided of what is existing and what is proposed/retrospective so that we can provide comments and ensure that our infrastructure and assets would be safeguarded and protected.

We are aware that a new blockwork retaining wall on the north side of the property was constructed last year (as shown in some of the photographs). Is retrospective consent being sought for these works or have these been consented? Previously the garden was terraced with stone walls which were removed in sections and replaced with a double skinned blockwork wall with reinforced concrete fill to the cavity. There are no dates on the submitted photographs, but they show the area behind the new walls have not been reinstated/backfilled, leaving an exposed and unsupported face. We would ask the Council to seek clarification in terms of the intention for this area as previously the applicant has advised Glandŵr Cymru that they would be backfilling this area. As stated, leaving exposed faces are likely to become unstable which would be of significant concern. Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set out in Planning Policy Wales Chapter 13 which states at paragraph 13.5.1 that *the “responsibility for determining the extent and effects of instability or other risk remains that of the developer,”* and at 13.8 that land instability must be considered by LPA to ensure that *“new development is not undertaken without an understanding of the risks including those associated with subsidence, landslip or rock falls”*.

Comparing the plans and our records it would appear that the steps and the area marked as *“stone walls to replace panelled wood fence”* appear to be owned by Glandŵr Cymru and outside the red line plan submitted with the application. It is likely that the occupation of this space would require the separate agreement of Glandŵr Cymru. Notice has not been served on Glandŵr Cymru.

Notwithstanding the points above, the removal of this fence and replacing it with a sandstone wall (subject to material and finish) would be an improvement. We would however welcome clarification in terms of the height of the stone wall to be built. If the Council are minded to approve this, then the quality of the material finish should be **conditioned**.

We would want to comment further once the requested clarification and clearer plans of the proposed works have been provided.

Comment as landowner

The works include proposals outside of the red line of the application site and on land owned by the Glandŵr Cymru. Notice has not been served on the Glandŵr Cymru. We therefore recommend that the applicant contacts our Estates Team on 0303 040 4040 directly to establish the position regarding this piece of land. It is likely that a Garden Agreement would be required to occupy this land, subject to Glandŵr Cymru being satisfied with the proposals. We give no guarantees or assurances that this would be acceptable at this stage.

The red line of the application site needs to be corrected and the request notices served or the plans amended to site the development entirely within the applicants land.

If the Council are minded to approve the application we request that the following informatives are included on the decision notice.

1, The applicant/developer is advised to contact the Canal & River Trust Infrastructure Services Team on 01782 779909 or email Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust” to ensure the waterways are protected and safeguarded.

2, The applicant/developer is advised to contact the Canal & River Trust’s Estates Team on 0303 040 4040 or email Alison.smith@canalrivertrust.org.uk in order to ensure that any necessary consents are

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obtained for the occupation of land within the ownership of the Trust. If acceptable, this will need to be recognised by way of a Garden Ground Agreement for which an annual licence fee will be payable.

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Tim Bettany-Simmons MRTPI
Area Planner

Tim.Bettany-Simmons@canalrivertrust.org.uk
07342 057926

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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