

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY – 6TH DECEMBER
2021

APPLICATION NO:
P/2021 /0481

LOCATION:
LADY MARGARETS PARK CHIRK
CASTLE CHIRK
LL14 5AA

DATE RECEIVED:
14/05/2021

COMMUNITY:
Chirk

CASE OFFICER:
SJG

WARD:
Chirk South

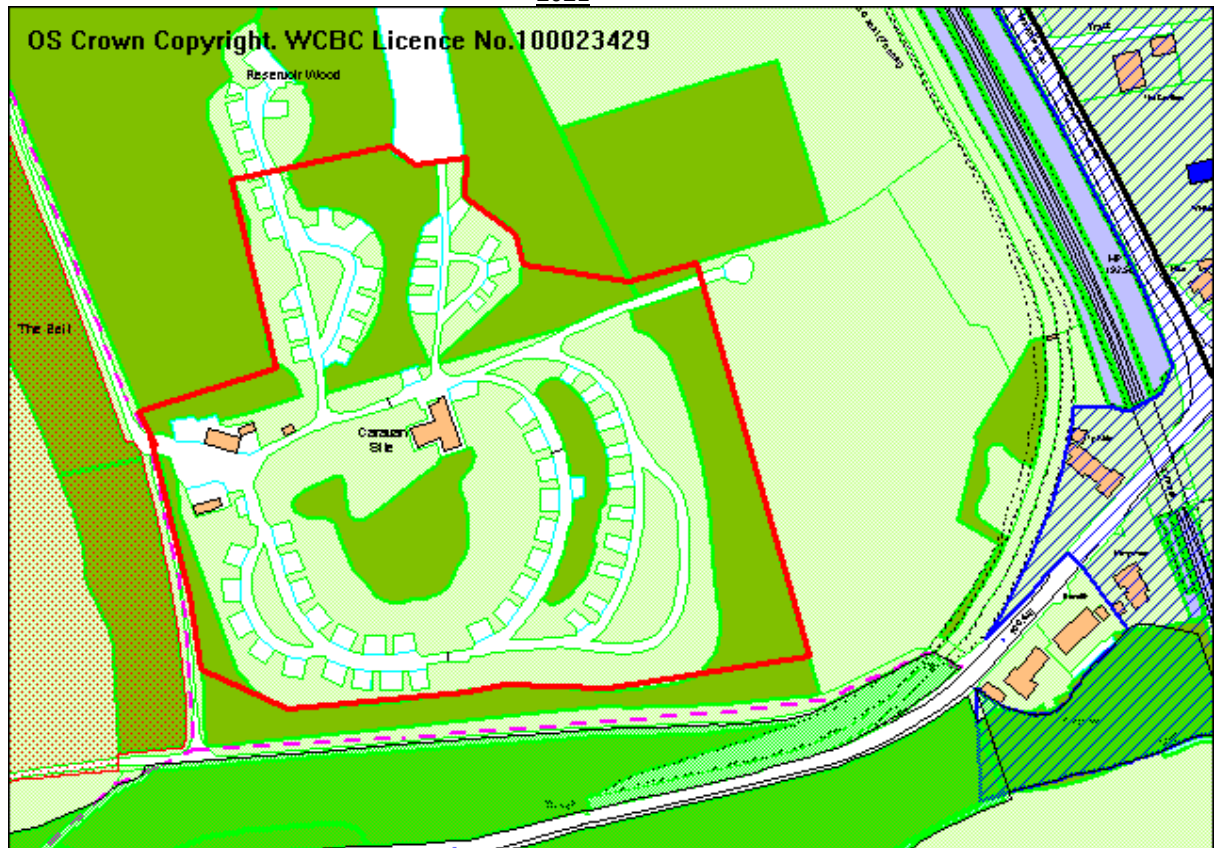
DESCRIPTION:
ADDASIADAU I'R MAES
CARAFANAU PRESENNOL GAN
GYNNWYS LLEINIAU NEWYDD,
ADDASIADAU I LEINIAU
PRESENNOL, BLOC TOILEDAU
NEWYDD, LLEOEDD CAEEDIG,
TANC DWR, MANNAU
GWASANAETH, EHANGU'R FFORDD
FEWNOL A RHWYSTRAU
DIOGELWCH NEWYDD /
ALTERATIONS TO EXISTING
CARAVAN PARK INCLUDING NEW
PITCHES, ALTERATIONS TO
EXISTING PITCHES, NEW TOILET
BLOCK, COMPOUNDS, WATER
TANK, SERVICE POINTS, WIDENING
OF INTERNAL ROAD AND NEW
SECURITY BARRIERS

AGENT NAME:
MR ANDREW MAJCHER

APPLICANT(S) NAME:
MR ANDREW MAJCHER

THE SITE

The site is an existing touring caravan and motorhome site to the west of the station, within a woodland setting.



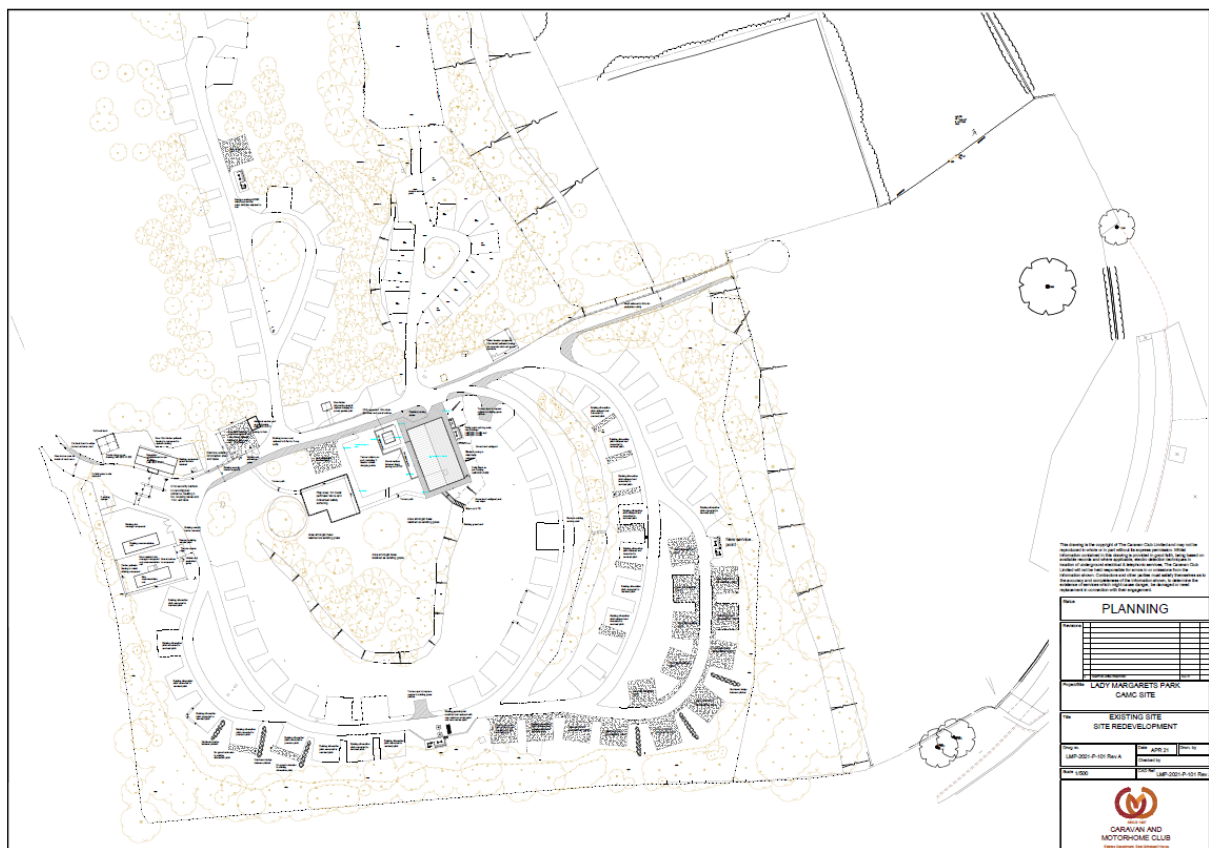
PROPOSAL

As above. The application is major development.

The site currently operates with 101 touring caravan pitches and the proposals will result in 98 touring caravan pitches. The proposal involves:

- a. Demolition of existing toilet block and replacement with new building in the same location
- b. Internal refurbishment of the existing reception building
- c. Reconfiguration of reception compound and replacement of dilapidated timber tractor store
- d. Installation of additional warden accommodation unit and construction of new compound
- e. Relocation of information room and installation of wardens utility pod and new compound
- f. Replacement of 17 grass pitches with 14 new all-weather, serviced or premium pitches
- g. Conversion of 19 existing all-weather touring pitches to serviced and premium pitches
- h. Replacement of existing motorvan waste point and service point with all-weather pitch and service point
- i. Replacement of existing service point with new motorvan waste point and service point
- j. New play area

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Site layout

HISTORY

P/2020/0857 Discharge of C2 of P/2019/0143 Granted 15/1/2021
P/2019/0143 Warden's accommodation Granted 6/11/2019
P2007/0829 Access road and pitches Granted 24/8/2007
P/2013/0733 Extension of site to east Granted 29/4/2014 (not implemented)
CB01482 Toilet block Granted 25/8/1997

DEVELOPMENT PLAN

The site is outside settlement limits and within a Special Landscape area, as set out in the Wrexham UDP. It falls within the SAC/SSSI and the World Heritage Site buffer zones, and a low risk coal area. It adjoins a Grade I historic park and garden, an AONB and Chirk Conservation Area. Policies GDP1 PS2 EC4 EC5 EC6 EC7 EC11 EC13 and CLF10 are relevant, together with Local Planning Guidance Notes 7 landscape, 16 Parking, 17 Trees, 32 Biodiversity and 33 World heritage Site.

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Plan showing heritage asses in the area

CONSULTATIONS

Chirk Town Council:	Consulted 21/5/2021
Local member:	Consulted 21/5/2021
Highways:	No objections or recommendations
Cadw:	No objections
National Trust:	Consulted 22/5/2021
Natural Resources Wales:	No objections subject to conditions
Public Protection:	No objections subject to comments
Conservation Officer:	No objections
Ecology Officer:	No objections
Tree officer:	Consulted 21/5/2021
Flood risk:	No objection subject to comments
Contaminated Land:	No comments
Ramblers:	Footpaths 18 and 43 should not be obstructed
Welsh Water:	No objection subject to comments
AONB Committee:	Consulted 25/5/2021
Press notice expired:	25/6/2021
Site Notices expired:	15/6/2021
Neighbours:	Notified 25/5/2021 No representations received

SPECIAL CONSIDERATIONS

Principle of the development: The site is alterations to and replacement of buildings on an established touring caravan park within an enclosed area. The site serves an important function for visitors of the World Heritage Site and National Trust properties, and operates on a year-round basis for Club members. There would be no adverse impacts on the setting of the AONB and Conservation Area. The proposal is acceptable in principle as a tourism development subject to consideration of detailed planning issues.

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Heritage and Conservation: The site is close to several designated heritage assets:

Scheduled Monuments

DE117 Castell y Waun Castle Mound
DE133 Offa's Dyke: Caeau-Gwynion Section
DE134 Offa's Dyke: Chirk Castle Section extending NE from Castle Mill
DE135 Offa's Dyke: Chirk Park Section extending NE from the Lake
DE136 Offa's Dyke: Section from Footpath S of Pen-y-Bryn to Orseddwen
DE138 Offa's Dyke: Section N & S of Plas-Offa
DE175 Pontcysyllte Aqueduct and Canal
DE198 Offa's Dyke: Chirk Park Section extending 340m NE of Home Farm
DE288 The Holyhead Road: the Chirk Embankment and earlier trackways
Registered Parks and Gardens
PGW (C) 11 Whitehurst (grade II*)
PGW (C) 15 Brynkinalt (grade II*)
PGW (C) 63 Chirk Castle (grade II)
World Heritage Sites
Pontcysyllte Aqueduct and Canal

Listed Buildings

Former town reservoir

The above designated historic assets are located inside 3km of the application area and it is located inside the identified buffer zone for the Pontcysyllte Aqueduct and Canal World Heritage Site: however, the proposed development is a refurbishment of the existing caravan park which is entirely enclosed by extensive mature woodland. As such it is unlikely that the proposed works will be visible from outside the caravan park and therefore they will not have any impact on the settings of the designated historic assets or the outstanding universal values of the World Heritage Site. Cadw therefore have no objections.

Access: No issues arise as the proposal will not increase traffic levels over and above what is already permitted.

Trees: The proposal is acceptable subject to compliance with the submitted reports.

Ecology: I concur with the advice of Natural Resources Wales, who have assessed the proposal in detail in terms of the impacts on protected species (bats and great crested newts), the river Dee and phosphate levels and the AONB, and conclude that the proposal is acceptable subject to conditions. Their full response is set out below in italics.

Bats

We note that the Preliminary Ecological Appraisal submitted in support of the above application has identified that bats are present at the application site. From the information submitted, we consider that the proposed development

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represents a higher risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site. Therefore, we advise that the below condition should be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures. Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Planning permission should include conditions necessary to secure all avoidance and mitigation measures described in the Preliminary Ecological Appraisal.

Great Crested Newt

Great Crested Newts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Furthermore, we advise that the proposed development is not likely to harm or disturb the Great Crested Newts, or their breeding sites and resting places at this site, provided the avoidance measures described in Section 5.12 of the Preliminary Ecological Appraisal and the Great Crested Newt Non-Licensed Method Statement are implemented.

The Preliminary Ecological Appraisal and Great Crested Newt Non-Licensed Method Statement must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases.

NRW consider the submission to be satisfactory. The Biosecurity Risk Assessment must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Protected Sites and Foul Drainage

The application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). On the 21st January 2021, NRW published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, NRW issued a Planning Position Statement, in which they advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC

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catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

However, recognising the specific nature of the application now submitted (the revised Planning Statement states: the site currently operates with 101 touring caravan pitches and the proposals will result in 98 touring caravan pitches), NRW are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, NRW are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Protected Landscape

NRW's landscape planning advice relates to the development's potential impact on the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty's (AONB) landscape character, visual amenity and special qualities and its accordance with national policy.

The proposal is for the replacement and refurbishment of existing buildings and caravan pitches. Additional development is proposed and would include a site manager accommodation unit and a new compound; assistant site manager utility pod and new compound; new camping area with 8 tents and associated car park, including electric vehicle charging points; and a new play area.

The site lies outside of the AONB, but next to its boundary. Therefore, the potential effect on the AONB's setting needs to be considered (Planning Policy Wales 11, 6.3.5). However, this has not been recognised or appraised within the submitted design and access statement.

From our review, NRW consider the scale, character and visual influences of this development are likely to be very local issues, taking place in a site where this land use is already established. Views to and from the AONB are not present due to the enclosure given the site by established woodland (Reservoir wood and "the belt"). The landscape character and visual amenity interests therefore largely concern changes to the character of the site itself, the visitor experience, and visual influence on public views from the council's Special Landscape Area.

Conclusion: The proposal accords with the relevant adopted policies and guidance subject to conditions.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

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2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered:

LMP-2021-OS-800 OS plan

LMP-2021-P-101 Proposed site plan Rev A

LMP-2021-P-201 Reception existing and proposed floor plans

LMP-2021-P-202 Reception existing and proposed elevations

LMP-2021-P-220 Tractor store

LMP-2021-P-301 Existing toilet block

LMP-2021-P-302 Proposed toilet block

LMP-2021-P-405 - Water point

LMP-2021-P-406 - Dog and Bike Wash

LMP-2021-P-407 - All weather pitch

LMP-2021-P-408 - Serviced Pitch

LMP-2021-P-409 - Standard Service Point

LMP-2021-P-410 - Palisade Fencing Details

LMP-2021-P-411 - Motor Van Waste Point

LMP-2021-P-412 Assist warden bathroom

LMP-2021-P-413 Accommodation unit

LMP-2021-P-414 Premium pitch

LMP-2021-S-100 Site as built

Thomas, C. (2021). Preliminary Ecological Appraisal - Lady Margaret's Park, Chirk, Wrexham. CSA Environmental. Unpublished Report No CSA/1992/05)

Anon. (2021). Great Crested Newt Non-Licensed Method Statement (Report Reference CSA/1992/07)

Anon. (2021). Biosecurity Risk Assessment for Lady Margaret's Park Caravan and Motorhome Site Chirk, Wrexham LL14 5AA

and as contained within the application documentation.

3. No development shall commence until a site wide bat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

- Build upon the principles outlined in the ecological report (Hughes, Thomas, C. (2021). Preliminary Ecological Appraisal - Lady Margaret's Park, Chirk, Wrexham. CSA Environmental. Unpublished Report No CSA/1992/05).

- Details of bat avoidance, mitigation and compensation measures including plans.

www.naturalresourceswales.gov.uk

www.cyfoethnaturiolcymru.gov.uk Page 3 of 6

- Details of timing, phasing and duration of construction activities and conservation measures.

- Timetable for implementation and demonstrating that works are aligned with the proposed phasing of the development.

- Actions to be taken in the event that previously unidentified species of bat are found

- Persons responsible for implementing the works

- Ecological Compliance Audit, including key performance indicators.

- Further details concerning any external lighting scheme. This scheme to include plans illustrating features planned to be functionally used by bats for foraging/dispersal purposes.

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The Conservation Plan shall be carried out in accordance with the approved details.

4. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessments as referred to in condition 2 above and approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

5. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

6. This permission shall be strictly limited for the use of touring caravans/ camper vans and no static caravans or similar and no permanent structures shall be erected on the site other than those approved as part of the approved drawings.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.

3. To ensure that an approved species Conservation Plan is implemented, which protects bats affected by the development, in accordance with policy EC6 of the Wrexham Unitary Development Plan.

4. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

5. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

6. To minimise the impact on the Special Landscape Area, the approach to the AONB and the visitor experience of the World Heritage Site.

NOTE(S) TO APPLICANT

Your attention is drawn to Highway Supplementary Notes - Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

[http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.h
tm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk

All works relating to this development which are audible beyond the site boundary should be carried out only between 7.30 and 18.00 hrs Monday to Friday, and 08.00 to 14.00 hrs on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If however there are urgent or unavoidable circumstances requiring works outside of the specified times, permission to proceed may be sought by contacting Environmental Health and Housing Standards at: healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The

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applicant should contact the Council's Planning & Regulatory Department on 01978 292040 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Planning & Regulatory Department on 01978 292040 for further advice and information.

You are advised that a licence will be required in respect of this caravan in accordance with the Caravan Sites and Control of Development Act, 1960 and that you should contact the Council's Public Protection Officer in this connection.

The development is adjacent to a public right of way and the applicant should ensure that the footway is not interfered with. Further guidance can be obtained by contacting the Council's Rights of Way Officer on 01978 792761.

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Environmental Management

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site. If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls.

The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>
