
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 23/03/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22/05/2018

Appeal Decision

Site visit made on 23/03/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22/05/2018

Appeal Ref: APP/H6955/A/18/3193142

Site address: Kronospan Ltd, Holyhead Road, Chirk, Wrexham LL14 5NT

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Keith Baker, Kronospan Ltd against the decision of Wrexham County Borough Council.
 - The application Ref CHI P/2017/0700, dated 10/08/2017, was refused by notice dated 6/11/2017.
 - The development proposed is the development of a raw board store.
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Decision

1. The appeal is allowed and planning permission is granted for the development of a raw board store at Kronospan Ltd, Holyhead Road, Chirk, Wrexham LL14 5NT in accordance with the terms of the application, Ref CHI P/2017/0700, dated 10/08/2017, and the plans submitted with it, subject to the conditions in the schedule below.

Main Issue

2. The Council refused planning permission on the basis of the impact of the proposal on the visual amenity of the area, the character and setting of the World Heritage Site, the nearby Area of Outstanding Natural Beauty, and the effect on Chirk Castle in particular on the setting of the Registered Park and Garden. These matters comprise the main issue to be considered in this appeal.
3. This is the effect of the proposal on visual amenity and the setting of heritage assets.

Reasons

4. The proposal would be for a large raw board store located amongst other large manufacturing buildings and plant that cover some 14 hectares of a 40 hectare site. The proposed building sits roughly centrally amongst the existing industrial development. The development entails raising the existing ridge of the building that currently occupies the site by 11.5m, providing a total height of some 23m above ground level.
 5. The industrial complex lies to the west of Holyhead Road and to the east of the railway line that passes through Chirk. To the west of the railway line is The Llangollen Canal which forms part of Pontcysyllte Aqueduct and Canal World Heritage Site (WHS) and
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Scheduled Monument (SM). Chirk Conservation Area lies some 500m to the south of the appeal complex, and Chirk Castle (Grade I listed building) and the Grade I Registered Park and Garden (RPG) is situated to the west of the site and shares a similar boundary with the Area of Outstanding Natural Beauty (AONB).

6. The industrial complex is vast and comprises several manufacturing processes, saw mill, storage of raw materials and warehousing of processed products, together with associated office and car parking areas. The Council has recently granted permission for a replacement of an existing wood chip preparation facility (known as the Recycled Wood Fibre (RCF), and MDF wash water pre-heater, and an earlier extension to house a melamine facing press was allowed on appeal. The proposed raw board store application is a revised scheme which is reduced in height and length from the previously refused proposal. There are other proposals as part of the modernisation project for Kronospan which are yet to be submitted but have been considered in the submitted Cultural Heritage Appraisal (CHA) and the Landscape and Visual Impact Assessment (LVIA). The submission includes an extensive range of photomontages from various viewpoints within a 2km radius of the site together with maps depicting Zones of Theoretical Visibility of the development and existing structures.
7. The CHA carried out a 4 stage assessment of the heritage assets in line with the Welsh Government publication Setting of Historic Assets in Wales May 2017. I viewed the appeal site from the representative viewpoints identified and in the light of the submitted appraisals. Guidance as set out in Chapter 6 of Planning Policy Wales and Planning Policy Wales Technical Advice Note 24: The Historic Environment explains that setting is not a historic asset in its own right but has value derived from how different elements may contribute to the significance of a historic asset.
8. The Pontcysyllte Aqueduct and Canal WHS and SM boundaries coincide for large parts of the study area. WHS are places of Outstanding Universal Value (OUV) which is defined as meaning, cultural and or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. The Council has defined a buffer zone around the WHS. The buffer zone itself is not of OUV but can be used to highlight areas where potential impacts need to be given careful consideration by developers and decision makers.
9. The significance of the Pontcysyllte Aqueduct and Canal as a SM and WHS as explained in the CHA are similar, and are attributed to its innovative design and construction of a transport canal in a difficult geographical setting and to its pioneering masterpiece of engineering and monumental metal architecture by Thomas Telford which was brought about by the Industrial Revolution.
10. The Kronospan buildings are not visible from the aqueduct or in views of the aqueduct from Chirk Bank and the Ceiriog Valley. These views of the key canal structures to the south-west of Chirk are where setting makes its greatest contribution to the heritage significance of these assets. The Kronospan buildings are visible from the north of Chirk along a section of the canal south of Chirk Marina. I would concur with the CHA that only a glimpsed view of the existing Kronospan buildings are obtained at this point. The proposal would not be discernible for large parts of the journey south along the canal and towpath (viewpoints J, N, M and K) due to the present vegetation beside the railway embankment and because of its central position within the industrial complex behind existing buildings and structures.
11. I therefore concur with the CHA and Cadw that the proposal would not constitute a significant alteration to the view, and would not cause damage to the setting of the scheduled monument and the OUV of the WHS.

12. The significance of the Chirk Castle RPG largely relates to the purpose of designing an ideal landscape setting for the Castle to create attractive views on approach and views out of the Castle. There are two identified designed views that take advantage of the landscape beyond the park and the CHA notes that this aspect of setting makes a more important contribution to the value of the RPG and its heritage significance. The Kronospan buildings (the highest structures on the complex and their plumes) are visible in one of the important views depicted in photomontage H. However, the predicted view of the proposed development would not be seen in this identified designed view being extensively screened by topography and established trees.
13. The northern approach to the Castle in photomontages L and similarly in B would provide more extensive views of the lower industrial complex of buildings at Kronospan. The proposed development would be seen at a distance as a marginally taller building than the majority of the complex, although in the same view is the group of conical silos and plant of the RCF scheme which is taller than the proposed raw board store. In this context I would concur that the proposal would have no impact on the setting of the RPG. Cadw also concur with the CHA in relation to the RPG, and I have no evidence to indicate that Cadw's assessment of the proposal was undertaken without a visit to the identified viewpoints.
14. The Council's criticisms of the development focuses on the WHS and SM of the canal and RPG there is no case being made that the proposal would fail to preserve the appearance of Chirk Conservation Area or fail to preserve listed buildings or their setting within the CHA study area.
15. From a landscape and visual effect point of view, the proposed development would be sited wholly within the wider Kronospan site where similar buildings are already present alongside other elements such as the RCF development and tall chimneys and materials stockpiles. The LVIA indicates that the magnitude of change would be at worst negligible from a landscape perspective and would only incur localised change on identified views of the AONB. Receptors experience views of a large industrial complex from the AONB and the visual influence of the proposal would be seen in context of other large structures in the mid-distance view. The change in the view would be slight, but would not be prominent, and in all, the proposal would not adversely affect the statutory purpose or the special qualities of the AONB.
16. I have also taken into account other viewpoints outside designated landscapes and heritage areas such as viewpoints F, C and E, but the extent of visual change would not be significant in the light of other recent large projects that have been built – the RCF development. Although there would be change to the visual appearance of the site the change could not be considered adverse in the context of the present industrial complex, and the considerable structural landscaping that now filters the view and would allow only glimpses of the proposed development as receptors pass through the area.
17. I note the CHA cumulative assessment, however, some of these projects are yet to be considered by the Council and my focus in this appeal is the individual merits of the proposed development. Further incremental growth of the complex may exert a greater influence on the character and appearance of the area but the proposal in my view is acceptable.
18. I conclude that the proposal would not harm the visual amenity of the area and the setting of heritage assets. The development would therefore comply with Policy GDP1 of the adopted Wrexham Unitary Development Plan, TAN 24 and Technical Advice Note 12: Design.

19. Representations made by interested parties against the development also raise issues of health and safety concerns, noise, ground water and contaminated land. A detailed noise report has been submitted indicating that the noise mitigation strategy would improve the residual noise from the complex and the Council advocates that this mitigation is conditioned as part of the approval. Natural Resources Wales raise no objection in relation to ground water and contamination and require a series of conditions to be imposed to deal with these matters. The appellant indicates that concerns on health and safety related to a different process on a separate part of the site and that the storage facility is already taking place on the same site as the appeal development. Health and safety matters are in any event controlled by separate legislation.
20. In determining the appeal I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching the decision I have taken into account the ways of working set out in section 5 of the WBFG Act and I consider that the decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out as required by section 8 of the WBFG Act.
21. Other material issues include the appellant's need to improve the processing efficiency and safety of the industrial complex, reduce its environmental footprint and reduce costs. These benefits can also be afforded moderate weight in favour of the development.
22. I conclude that having regard to all other matters raised the appeal should succeed.

Schedule of conditions

23. I have considered the suggested conditions in the light of Welsh Government Circular 016/2014 *The Use of Planning Conditions for Development Management*. I have made some minor re-wording of the conditions to ensure compliance with the Circular tests. Conditions 6-11 are needed to address any potential contamination issues on the site in order to protect the environment. Conditions 3 and 4 are necessary in the interests of the living conditions of nearby residents. Condition 5 is needed in the interests of the visual appearance of the area.
 - 1) The development shall begin not later than five years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans and documents: Drawings numbered 2196-01-01, 2196-01-03 figure 1 Site Location Plan, 2196-01-02, 2196-01-03 and as contained within the application documentation.
 - 3) The development hereby approved shall not be brought into use until the noise mitigation measures as set in section 6 of the NVC Noise Impact Assessment dated 30/05/2017 has been carried out.
 - 4) No work in connection with the construction of the scheme hereby approved shall take place until a Dust Management Plan for the construction has been submitted to and approved by the local planning authority. The approved dust mitigation measures shall be fully implemented for the entire duration of the construction phase.
 - 5) Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the local planning

authority. The development shall only be carried out in strict accordance with such details as are approved.

- 6) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. All preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The development shall be carried out in accordance with the approved scheme.

- 7) Prior to the commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
- 8) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.
- 9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority

for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

- 10) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
- 11) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Iwan Lloyd

INSPECTOR