

Your Ref :
Our Ref : 2016-01-18 WCBC
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M Phillips
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BY EMAIL ONLY: [Matthew.Phillips@wrexham.gov.uk]

Dear Mr Phillips

PLANNING APPEAL REFERENCE: APP/H6955/A/11/2150207
ECO- READYMIX: LAND AT HAFOD TILERIES, HAFOD, RUABON, WREXHAM, LL14 6ET

I am conscious that some time has passed since our last correspondence regarding the Eco-Readymix site in Ruabon. However, certain matters remain outstanding which I hope will be clarified by this letter and enclosures.

To briefly recap, you may recall that planning permission was granted on appeal by Decision Letter dated 1 November 2012 (PINSW Reference: APP/H6955/A/11/2150207) following the Council's refusal of planning permission (WCBC Reference: ESC P/2010/0902). Specifically, permission was granted for a change of use from a stocking area associated with the Dennis of Ruabon Tilery to a mortar and concrete batching plant at Hafod Tileries. This appeal decision was issued after an earlier appeal decision was quashed by order of the High Court.

Section (i) of Condition 1 of the appeal decision dealt with the following:

- "i) Within one month of the date of this decision a written scheme of mitigation and habitat compensation and management for Great Crested Newts shall be submitted to the location planning authority. The scheme shall include details of:*
- (a) The location of land to be retained for or provided for Great Crested Newt habitat,*
 - (b) Details of how that land will be managed in order to provide habitat for Great Crested Newts,*
 - (c) A long term management and monitoring plan for the land,*
 - (d) A timetable for the implementation of the mitigation, habitat compensation and management measures."*

At that time, Mr. Billington of Eco-Readymix had instructed ALP Ambrose Ltd to submit the necessary technical information to enable Condition 1 to be discharged. Specifically, this included an application to discharge Condition 1 which was made on 29 November 2012, enclosing a Surface Water Management Plan and an Ecological Management Plan.

However, we understand that discussions between Mr. Billington's former agent (ALP Ambrose), Natural Resources Wales (NRW) and the Council's Ecologist (Emma Broad) had stalled for technical reasons associated with the mechanism by which the Ecological Management Plan would be implemented.

Hourigan Connolly were then contacted again by Mr. Billington in April 2014, in response to a letter he had received from your colleague Stephen Griffiths, indicating that the Council intended to issue a Breach of Condition Notice in respect of the above matters.

In order to address the matters raised by the Council, Hourigan Connolly secured the services of Simon Cope of Oakwood Ecology. Mr. Cope is the retained ecologist advising Cory Environmental, who control the land adjacent to Eco-Readymix.

On 27 May 2014, Hourigan Connolly lodged a further application to discharge Condition 1 of the appeal decisions. A copy of the submission was also sent to your colleague Mr. Griffiths. It is our understanding that you confirmed safe receipt of our submission, however the Council did not assign a reference number to the submission as the matter would be dealt with by Officers. The Council also returned a fee cheque that we had sent (for the amount of £166).

You then wrote to my colleague Marc Hourigan on 2 July 2014 providing a copy of the consultation response from Matt Ellis of NRW who raised concerns about the long-term arrangements for the implementation of the Ecological Management Plan.

In order to progress matters Hourigan Connolly then arranged a meeting at Eco-Readymix on 3 September 2014, which was attended by Mr. Billington, representatives from Cory Environmental, Mr. Ellis of NRW and representatives of a local ecological interest group (via telephone conferencing). The outcome of that meeting was that all parties agreed to prepare a legal agreement for the long term implementation of the Ecological Management Plan.

In the intervening period, solicitors acting on behalf of both Mr. Billington and Cory Environmental have progressed the necessary legal agreement, which has taken longer than expected. However, I am pleased to report that the agreement is now in an executed format and I enclose a copy for the Council's records.

I trust this agreement provides the Council with sufficient comfort that the long-term amphibian interests of the area have been suitably safeguarded.

Accordingly, I would invite your confirmation that the enclosed information is sufficient to enable Condition 1 to be formally discharged. As I understand it, the Surface Water Drainage Strategy which was previously submitted has not been contentious. Therefore, could you also please provide formal confirmation that this element of Condition 1 has also been discharged if, indeed, that has not already been confirmed to the previous agent. Subject to your agreement on these matters, all parties can then move forward on the understanding that all technical planning matters associated with the site have been fully addressed.

To assist matters, I enclose the following:

- A copy of our submissions of the 27 May 2014.
- A copy of the NRW Consultation Response (and your covering letter) of 7 July 2014.
- A copy of the completed Legal Agreement between Eco-Readymix and Cory Environmental.

I trust these submissions are in order but please contact me if you have any queries. To expedite matters, I have copied this letter and enclosures to your colleague Emma Broad and Matt Ellis of NRW.

I look forward to hearing from you in due course.

Kind regards.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Lomas', with a long horizontal flourish extending to the right.

**RICHARD LOMAS BSc (Hons) DipTP MRTPI
Associate**

cc:	Ms. E Broad	Wrexham CBC
	M Ellis	NRW
	G Billington	Eco Readymix
	S Cope	Oakwood Ecology
	M Hourigan	Hourigan Connolly
Encl.		