

The Planning Inspectorate

PLANNING APPEAL FORM WALES (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/H6955/A/21/3273722

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

The Company Secretary Bersham (Glenside) Ltd

B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes

☒ No

☐

Name

Mr Joe Nugent

Company/Group Name

Brownshore Management Ltd

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Wrexham County Borough Council

LPA reference number

P/2020/0294

Date of the application

01/06/2020

Did the LPA issue a decision?

Yes

☒ No

☐

Date of LPA's decision

30/10/2020

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes

☒ No

☐

Address

Bersham Colliery Tip
Plas Grono Road, Rhostyllen
Wrexham
LL14 4EG

Is the appeal site within a Green Belt?

Yes

☐ No

☒

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes

☒ No

☐

Please describe the health and safety issues

The appeal site is a former colliery spoil tip and the associated health and safety measures are required.

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?

Yes

☐ No



Please enter details of the proposed development. This should normally be taken from the planning application form.

Variation of Condition 1 of P/2008/0266 (reclamation of colliery spoil together with associated works including the siting of temporary structures and the installation of rail freight sidings at Bersham Bank Colliery Tip) to allow further 5 years to implement development.

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission. ☒
2. Granted planning permission for the development subject to the conditions to which you object. ☐
3. Refused approval of the matters reserved under an outline planning permission. ☐
4. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object. ☐
5. Refused to approve any matters required by a condition on a previous planning permission. ☐
6. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. ☐

G. PREFERRED PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations



(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?

Yes

☐ No



(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

Yes

☒ No



Please explain.

In order to interpret and observe the full extent of the site and colliery spoil tip. The site and material is of a significant scale and it is requested that the site be fully visited.

2. Hearing



3. Inquiry



H. GROUNDS OF APPEAL

The grounds are set out in

☐ the box below

☒ see 'Appeal Documents' section

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes

☐ No



I. COSTS

Do you intend to submit a costs application with this appeal?

Yes

☐ No



Details of the costs application are set out in

☐ the box below

J. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;



CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:



CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.



J. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.



(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.



(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.



K. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA.



02. A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form).



03. A copy of the LPA's decision notice (if issued).



04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.



05. A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given to those sent to the LPA.



06. A list (stating drawing numbers) and copies of any additional plans, drawings and documents



sent to the LPA but which did not form part of the original application (e.g drawings for illustrative purposes).

07. A copy of the design and access statement. ☒
08. Additional plans or drawings relating to the application but not previously seen by the LPA. ☐
09. Any relevant correspondence with the LPA. ☐
10. (a) If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, enclose the relevant outline application. ☐
10. (b) If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, enclose all plans sent at outline application stage. ☐
10. (c) If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, enclose the original outline planning permission. ☐
11. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached. ☒
12. If the appeal is against the LPA's failure to decide an application, please supply a copy of the letter registering your application. ☐
13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐

L. ADDITIONAL INFORMATION

- | | |
|---|---|
| Is flooding an issue? | Yes ☐ No ☒ |
| Does the development affect the setting of a listed building? | Yes ☒ No ☐ |
| Is the appeal site within an Area of Outstanding Natural Beauty (AONB)? | Yes ☐ No ☒ |
| Does the site lie within a Conservation Area? | Yes ☐ No ☒ |
| Does the site lie within green wedge? | Yes ☐ No ☒ |

M. OTHER APPEALS

- | | |
|---|---|
| Have you sent other appeals for this or nearby sites to us which have not yet been decided? | Yes ☐ No ☒ |
|---|---|

N. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form, personal details form and any supporting documents not previously sent as part of the application to the LPA. If you do not send them a copy of these forms and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal and personal details form
- locating your local planning authority's email address:
<http://gov.wales/topics/planning/appeals/make-an-appeal/sending-a-copy-to-the-council/?lang=en>
- attaching the saved forms including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your forms, we will write to you letting you know if your appeal is valid, who is dealing

with it and what happens next.

You may wish to keep a copy of the completed form for your records.

O. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section:	GROUNDS OF APPEAL
Document Description:	A copy of the grounds of appeal.
File name:	Bersham - Statement of Case (FINAL).pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application form sent to the LPA.
File name:	Application Form.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form).
File name:	Application Form.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued).
File name:	Decision Notice.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellants (if any) edged or shaded blue.
File name:	Red Line Plan.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
File name:	Decision Notice.pdf
File name:	Consultee Response - Public Protection.pdf
File name:	Consultee Response - Natural Resources Wales.pdf
File name:	Plan - Internal Building Plan Layout.pdf
File name:	Plan - Profile View 2 of 2.pdf
File name:	Plan - Profile View 1 of 2.pdf
File name:	Bersham - Statement of Case (FINAL).pdf
File name:	Planning Statement.pdf
File name:	Red Line Plan.pdf
File name:	Design and Access Statement.pdf
File name:	Application Form.pdf
File name:	List of plans and documents.jpg
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement.
File name:	Design and Access Statement.pdf
Relates to Section:	SUPPORTING DOCUMENTS

Document Description:	11. A copy of the original permission with the condition attached if the appeal is against the LPA's refusal or failure to decide an application which relates to a condition.
File name:	2015 App - Decision Notice.pdf
Completed by	MR JOE NUGENT
Date	23/04/2021 16:39:27