
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/08/19

gan **A L McCooey BA MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 09.10.2019

Appeal Decision

Site visit made on 14/08/19

by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 09.10.2019

Appeal Ref: APP/H6955/A/19/3227571

Site address: Kronospan Ltd, 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 failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Kronospan Ltd against Wrexham County Borough Council.
 - The application Ref P/2018/0551, is dated 3 July 2018.
 - The development proposed is the development of an oriented strand board (OSB) production facility.
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Decision

1. The appeal is allowed and planning permission is granted for the development of an oriented strand board production facility at Kronospan Ltd, Chirk, Wrexham, LL14 5NT in accordance with the terms of the application, Ref P/2018/0551, is dated 3 July 2018, subject to the conditions set out in the attached schedule.

Background

2. The application was reported to the Planning Committee in March 2019 with a recommendation that planning permission be granted. The report was deferred to consider an alternative means of access to the site. That report has been submitted in evidence. The Local Planning Authority has submitted supplementary information highlighting the concerns of the local Member, the Town Council and local residents. The issues raised form the basis of the main issues identified below.

Main Issues

3. The main issues are:
 - The impact of the proposal on the setting of heritage assets;
 - The effects of increased traffic leading to queuing at the site entrance, congestion, noise, dust and fumes;
 - The effects of increasing cumulative noise; and
 - The effects of pollution, dust and fumes on health.

Reasons

4. The appeal site forms part of an existing industrial complex which covers about 14 hectares of a 40-hectare site. The complex lies to the west of Holyhead Road (B5070)
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and to the east of the Shrewsbury to Chester railway line. The Llangollen Canal, which forms part of Pontcysyllte Aqueduct and Canal World Heritage Site (WHS), is located beyond the railway line and the boundary of the Chirk Conservation Area lies approximately 500m to the south east. Chirk Castle, a Grade I listed building and Grade I Registered Park and Garden, lies a similar distance to the west and shares a boundary with The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).

5. The complex comprises several large industrial process buildings, storage areas for raw materials, warehouse buildings for manufactured products, offices and car parking. The site of the proposal contains an existing warehouse building and processing facilities on adjoining land. These processing facilities are being removed/relocated as part of another development which has received planning permission. The proposed vertical extension of the existing warehouse is 54m in length and 30.6m wide. The existing building has a maximum height of 11.5m and would be raised to 28m. The proposed OSB blending building would be located to the west of the existing press hall building and would be 34.6m in length, 23m wide and 33.2m in height. The associated quadrating material screener would have a maximum height of circa 22m. The sifters would be circa 6.5m in height. There would also be 3 woodchip storage silos adjacent to the screener. The new and extended buildings and plant would be sited adjacent to other long-established buildings in the south western corner of the Kronospan site and would be similar in height and scale to adjoining buildings; and be seen in the context of an expansive factory roofscape which includes several tall structures, the tallest being 70m high.
6. The proposal is one of 6 elements of a modernisation programme, which is stated to be necessary to secure the ongoing success of the manufacturing site in Chirk. The other 5 elements are either complete, being commissioned or have received planning permission. Each planning application has recognised the overall development proposed and included a cumulative assessment of the environmental effects of each scheme alone and in combination with the others. The evidence refers to the approval in 2018 of a long-term landscape strategy, which was required by an earlier planning permission. The aim is to reduce the visibility of the wider Kronospan facility from nearby receptors and was developed in consultation with the Council; the local community (via the Chirk Environmental Liaison Group); the multi-agency bodies that protect the interests of the WHS and AONB; the National Trust and other relevant 3rd parties including landowners. The appellant states that work has commenced with most planting scheduled to take place this Autumn. This approval partly addresses the objection to the appeal proposal from the National Trust.

Impact on Heritage Assets

7. The landscape and visual impact of the proposal was assessed from a range of representative viewpoints around the site. The cumulative impact of the other elements of the modernisation programme was included in the study. The overall conclusion reached was that the landscape and visual effects of the proposed development would not be significant because the proposal would either not be visible from visual receptors or if visible would be seen in the midst of the existing factory buildings. I observed the site from surrounding viewpoints and consider that the landscape and visual impact assessment was correct. The proposal would be located on and around existing buildings in the south-west part of the complex. It would also be located close to several stacks and tall structures that are considerably higher than the appeal proposal. The colour of the cladding to be used can be agreed with the

Local Planning Authority, as the appellants are content to use whatever is deemed most suitable. The proposal would be largely integrated into the complex and its visual impact and effect on the character of the area would be low.

8. Cadw has carefully assessed the impact of the proposal on Scheduled Monument and World Heritage Site: Pontcysyllte Aqueduct and Canal, which is close to the site and concluded that the proposal would have a slight, but not significant, impact on the Outstanding Universal Value of the World Heritage Site and the setting of the Scheduled Monument. Cadw also considered that the proposal would have a slight, but not significant, impact on the registered historic parks and garden of Chirk Castle. This conclusion was reached for the reasons given above and the fact that the canal is in a tunnel/cutting for the stretch nearest the site. I agree with this assessment. I note the objection on cumulative landscape impact from the National Trust (owners of Chirk Castle and gardens). I observed during my site visit that the view from Chirk Castle, the Conservation Area and the AONB would not be significantly altered as a result of the proposal for the reasons given above.
9. A Heritage Assessment has been completed to assess the predicted impact of the appeal proposal on the setting of cultural heritage assets and potential cumulative impacts resulting from the appeal proposal and the other projects proposed under the modernisation programme. These assessments concluded that the additional presence of the appeal proposal would be unremarkable and would result in little appreciable change to the existing influence of the Kronospan site upon the surrounding area, including upon the designation of the AONB, Pontcysyllte Aqueduct and Canal WHS and Scheduled Monument, Chirk Castle Historic Park & Garden and Chirk Conservation Area. There were no objections from statutory consultees including the AONB Group. The effect on the setting of the listed building, the character and appearance of the Conservation Area and the AONB would not be significant. The proposal therefore meets the relevant legal tests in relation to the identified historic assets; the requirements of Planning Policy Wales (PPW); Technical Advice Note 24 and Policies GDP1, EC5 and EC7 of the Unitary Development Plan (UDP).

Effects of Increased Traffic

10. The appellant's transport assessment concluded that the access arrangements would comply with relevant standards. The effect on the highway network was assessed and the conclusion reached was that the proposal in combination with existing and proposed development at the site would have only a negligible impact on operational or highway safety conditions over the local highway network. I note that the Highway Authority agreed with these conclusions. Welsh Government Highways raised no objection in relation to impacts on the surrounding trunk roads. The appellant is committed to increasing the use of rail freight to transport raw materials to the site, which is served by its own rail sidings. The report to Council considered that this is clearly achievable and will contribute to significant traffic reductions. Having reviewed the evidence I agree that the proposed access arrangements would be adequate, and the additional traffic generated by the proposal would not have significant effects on highway safety.
11. The issue of occasional problems with Heavy Goods Vehicles (HGV) queuing on the road outside the site was raised. The evidence was that this has been related to problems with the operation of the site weighbridges. It has been agreed with the Highway Authority officers that a Traffic Management Plan would be implemented, which appears to have addressed the problems experienced. It was also agreed that

an additional weighbridge would be provided to reduce or eliminate the risk of queueing on the B5070 Holyhead Road. Both of these measures are proposed to be subject to planning conditions that are accepted by the Appellant. I conclude that the proposal would comply with UDP Policy GDP1 in respect of highway-related matters.

12. The appellant's offer to consider the provision of an alternative access to the site would require a separate planning permission and may involve third party land. As the evidence demonstrates that the existing access operates satisfactorily (subject to the matters to be addressed by conditions), it would not be appropriate to defer the consideration of this appeal pending the consideration of a potential new access. The Council's officers have not addressed the issues raised regarding damage to local roads as result of traffic associated with the appellant's operations, which was originally raised by the local member. Firstly, this is an existing problem and secondly, if proven that the cause is traffic associated with the appeal site, then it can be addressed under highways legislation and is not therefore a planning matter.

Effects on Noise, Pollution and Health

13. PPW states that the planning system should not be used to secure objectives which are more appropriately achieved under other legislation. Natural Resources Wales (NRW) considered the submitted air quality assessment and did not object to the proposal. The nitrogen oxide (NOX) levels emissions from road traffic and the processes on site would be below 10% of the critical daily level for NOX. The effect on other potential pollutants was assessed and the results show that there would be a negligible element of change as a result of the appeal proposal and traffic. There was no convincing evidence to dispute these conclusions and consultees were satisfied with the results. The Council's Environmental Protection (EP) section commented that a permit from NRW would control emissions to air, water and land. The revised permit has been applied for and this matter is clearly controlled under other legislation.
14. The EP section agreed with the conclusions of the appellant's Noise Report that the development (including traffic to/from the site) would not result in an increase of noise at noise sensitive receptors subject to the implementation of Best Available Techniques (BAT) to control noise. The Noise Report also considered cumulative noise effects as a result of construction of the other elements of the modernisation programme. Implementation of report's recommended noise mitigation measures as part of the appeal proposal can be required by conditions. I am therefore satisfied that these issues do not justify the refusal of planning permission.
15. The proposal is located to the west of the site furthest away from the residential areas in the town. There was no convincing evidence to demonstrate or support the contention that the proposal would of itself increase dust or odours. Nor was there any evidence to support the contention that the materials used would be unsafe in any way. NRW and EP did not raise any concerns on these grounds. Issues related to monitoring of emissions and compliance with conditions would be a matter for the Local Authority and NRW to address. I conclude that there is no convincing evidence of any significant effects on health. Having considered all the evidence, I conclude that the proposal would comply with UDP Policy GDP1 as regards noise, pollution and health matters.

Benefits of the proposal

16. The benefits of the proposal include maintaining the viability of the company and 100 new jobs as a direct result of this new process. The appellant also argues that the

company is a major employer and that its supply chain is a major contributor to the local and regional economy. The evidence is that the OSB product is a more environmentally friendly construction material that is currently imported into the UK. The appeal proposal would obviate the need to import this product, hence decreasing transport costs and the product would assist in more sustainable construction methods. The siting of the proposal within an existing manufacturing complex means that it would be sustainable and meet several of the well-being goals of the Well-being and Future Generations Act and relevant guidance in PPW. These benefits are a material consideration to be accorded weight in the decision.

Conditions

17. The Council requests that the conditions included in the Committee report be attached to any planning permission. I have considered the conditions in the light of Circular WGC 016/2014 on the use of conditions. The standard approved plans condition is necessary. I have combined suggested conditions 2 and 4 as they both related to the external materials to be used. The only issue that was of concern in this regard was the colour of the proposed cladding, so I have limited consideration to this matter. The suggested conditions on hours of construction and noise mitigation are necessary to protect the living conditions of residents. The necessity for the suggested highway conditions was discussed above.

Conclusion

18. For the reasons given above, I conclude that the impacts of the proposal on heritage assets and the landscape would not be significant. I have taken account of the cumulative impacts of other proposals at the site, both constructed and in planning. The potential impacts on air quality and noise have been assessed and there is no convincing evidence of any significant adverse impact as a result of this proposal in isolation or cumulatively with other approved schemes on the site. The traffic implications of the proposal have been assessed and are considered to be acceptable. Traffic management issues can be addressed by the imposition of conditions. Statutory consultees raised no objection to the proposal on the grounds of pollution, noise, dust and fumes. Outstanding concerns are capable of being addressed by conditions or under other legislation. Having considered all the matters raised and weighed the adverse impacts and benefits of the proposal, I consider that the balance lies with the granting of planning permission in this case. The appeal is allowed, and planning permission is granted for the proposal.
19. Having considered all relevant matters, I conclude that the appeal should be allowed for the reasons given. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' revised well-being objectives to support people and businesses to drive prosperity, to drive sustainable growth and combat climate change and to build healthier, more resilient communities and environments.

A L McCooey

Inspector

Schedule of Conditions for Appeal ref: APP/H6955/A/19/3227571

1. The development shall begin not later than five years from the date of this decision.

Reason – To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents: 2197-01-01 Statutory Plan Application Boundary Rev C and 2197-01-02 Rev B Site Plan & Elevation. Planning Statement (June 2018) and all its Appendices.

Reason – To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

3. All works in relation to the implementation of this permission, including deliveries to and from the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday and 8.00 to 14.00 on a Saturday and at no time on a Sunday or a Bank Holiday.

Reason - To ensure that the construction activities associated with the development do not affect the living conditions of local residents in accordance with Policy GDP1.

4. Notwithstanding the approved plans, details of the colour of all the proposed cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details as approved and retained thereafter.

Reason – to ensure that the visual impact of the development is minimised in compliance with Policy GDP1.

5. 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 12 June 2018 have been implemented in full.

Reason – to ensure that the noise impact of the development is mitigated as proposed in order to comply with Policy GDP1.

6. The Site Traffic Management Document shall be implemented in accordance with the details and procedures therein at all times. (*Reason see below under 7*).

7. Prior to first use of the development hereby approved details of a new weighbridge, to provide a minimum of 3 on site, at the vehicular access to the site from Holyhead Road, shall be submitted to and approved in writing by the Local Planning Authority. The new weighbridge shall be provided in strict accordance with the approved details prior to first use of the development and thereafter permanently retained.

Reason for conditions 6 and 7 – to ensure that the traffic to and from the site is managed to avoid congestion and queuing on the B5070 in compliance with Policy GDP1.