



## **KRONOSPAN RAW BOARD STORE**

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**PLANNING APPEAL BY KRONOSPAN UNDER SECTION 78 OF THE  
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
AGAINST THE REFUSAL OF PLANNING PERMISSION BY  
WREXHAM COUNTY BOROUGH COUNCIL FOR THE PROPOSED  
DEVELOPMENT OF A RAW BOARD STORE**

**LPA REFERENCE: P/2017/0700**

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**STATEMENT OF CASE ON BEHALF OF THE APPELLANT**

**JANUARY 2018**



Well House Barns  
Bretton  
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## **Appendices**

Appendix A – Landscape and Visual Effects Expert Statement

Appendix B – Cultural Heritage Expert Statement

### **Core Documents**

CD01 – Report of the Head of Environment and Planning 6 December 2017

CD02 - Long Term Landscape Strategy

CD03 - Photomontages from Planning Permission P/2012/0165

CD04 - Guidelines for Landscape and Visual Impact Assessment 3rd Edition 2013 (GLVIA)

CD05 - Setting of Historic Assets in Wales, Cadw (2017)

CD06 - TAN 24: The Historic Environment (2017)

CD07 - TAN 12: Design (2016)

CD08 - Chirk Conservation Area Assessment and Management Plan (2014)

CD09 – Relevant Policies of the Wrexham Unitary Development Plan (UDP) 1996-2011

CD10 – Relevant Chapters of Planning Policy Wales (Edition 9 - November 2016)

CD11 - People, Places, Futures. The Wales Spatial Plan 2008 Update (July 2008)

CD12 - One Wales: One Planet. The Sustainable Development Scheme of the Welsh Assembly Government (May 2009)

CD13 – TAN 23: Economic Development (2014)

CD14 - Emerging LDP2 - Wrexham Local Development Plan 2013 – 2028 'Preferred Strategy' (February 2016)

CD15 - Wrexham County Borough Council - Council Plan 2016-17 (2016) & Economic Prosperity Strategy 2012-2016

CD16 - D. J. Webber, A. Plumridge and M. Horswell (2016) "Understanding productivity variations between Wales and England," Report to the Government of Wales.

CD17 - Office for National Statistics, Regional and sub-regional productivity in the UK: Jan 2017

CD18 - House of Commons Briefing Paper Number 06492, 20 September 2017, Productivity in the UK, By Daniel Harari

CD19 - Bank of England, Inflation Report, August 2017

CD20 - National Wellbeing Statistics (2013)

CD21 - Local Planning Guidance Note No. 33. (WHS)

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## **1.0 INTRODUCTION AND BACKGROUND TO THE PROPOSAL**

### **1.1 This Document**

1.1.1 This Statement of Case has been prepared by AXIS, on behalf of Kronospan (the Appellant) who is the planning applicant and the developer. It relates to, and is submitted in support of, a planning appeal into the refusal by Wrexham County Borough Council (WCBC), to grant planning permission for the vertical extension of a building to store manufactured raw board (the Appeal Proposal).

1.1.2 The Statement of Case is supported by expert statements relating to Landscape and Visual Effects (Appendix A) and Heritage (Appendix B). A list of Core Documents referenced in the Statement of Case and Appendix A & B is provided in the Contents. In order to avoid repetition of information submitted to the Planning Inspectorate the Core Documents do not contain documents that form part of the planning application for the Appeal Proposal or consultation responses received by the Council. These have been provided to the Planning Inspectorate as supporting documents to the Appeal by the Appellant or will be provided within the Local Authority Questionnaire.

### **1.2 The Appellant**

1.2.1 Kronospan Limited is the UK's leading manufacturer of high quality wood-based panels and associated products and has been operating in the UK since 1970. The primary products manufactured by Kronospan at the Chirk site are particle board and medium density fibreboard (MDF), referred to hereafter as raw board. Raw board is then manufactured into a number of secondary products such as laminate flooring, worktops and melamine facing boards.

1.2.2 The Kronospan manufacturing facility is a major local employer within Wrexham County Borough with the site at Chirk employing over 650 staff, 90% of which live within 10 miles of the site. It is estimated that the facility also provides indirect employment to 6,000 people in industries relating to the manufacturing and supply chains associated with the operations at the site.

### **1.3 Background to the Appeal Proposal**

1.3.1 Kronospan submitted the planning application to the Council on 10<sup>th</sup> August 2017. The application was subsequently validated on the 15<sup>th</sup> August 2017 (reference number: P/2017/0700) and was subject to the normal consultation process.

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- 1.3.2 Application P/2017/0700 was a re-submission pursuant to an earlier application (reference number: P/2016/0534) that was refused planning permission by Wrexham County Borough Council (WCBC) in September 2016.
- 1.3.3 The reason for refusal was related principally to the visual impacts of the scheme. Following the Council's decision, the Appellant decided to revisit the design to identify opportunities to reduce the visual impact of the proposed building. The appellant reviewed the storage and operational requirements of the facility and identified opportunities to reduce the scale of the building. The visual impact of the revised proposals were then tested in photomontages prepared from viewpoints around the site.
- 1.3.4 The revised proposals resulted in a 15% reduction in the height of the building (4m) and an 18% reduction in the length of the building (27m) when compared to the original scheme (reference number: P/2016/0534).
- 1.3.5 One of the most sensitive viewpoints was judged to be that from Chirk Recreation Ground (Viewpoint A), a viewpoint representative of views towards the development from central Chirk. Figure 3 illustrates how the revised proposal resulted in a significant reduction in the visibility of the building from this location. The building was also tested from other viewpoints, none of which identified significant landscape or visual effects.
- 1.3.6 The Appellant held a pre-application meeting with the Council on the 26<sup>th</sup> May 2017 to discuss the proposals. At the meeting the nature and scale of the Appeal Proposal was described, drawings and photomontages of the proposed development were reviewed. It was agreed that the proposal had altered sufficiently to warrant a resubmission of the planning application. The scope of the documents to be submitted with the application was agreed at the meeting.
- 1.3.7 The application was subject to the statutory pre-application consultation procedures as well as additional public consultation events (including a public exhibition and letter drop). At the public exhibition a full set of application documents, including photomontages of the Appeal Proposal were available. In addition, a large scale model of the Kronospan site, including the Appeal Proposal was provided.
- 1.3.8 The only consultation response received that related to design was from Chirk Town Council. Their response related to the proposed colour of the building and did not express an in principal objection to the scheme in terms of its visual impact. A

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consultation response was received from Cadw, but this related to the use of TAN 24: The Historic Environment and the associated guidance documents within the heritage assessment, documents that were published by the Welsh Government in spring 2017.

1.3.9 The Appeal Proposal planning application was submitted to Wrexham Council on the 10<sup>th</sup> August 2017 and was accompanied by the following documents:

- Planning Statement;
- Application drawings;
- Design & Access Statement;
- Cultural Heritage Report;
- Landscape and Visual Impact Assessment (including photomontages);
- Noise Assessment; and
- Pre-Application Consultation Report.

1.3.10 During the determination period no further information was requested from WCBC.

1.3.11 Planning officers prepared a committee report recommending refusal of the application, Report of the Head of Environment and Planning 6 November 2017 (CD01). In preparing the committee report, officers were advised by a number of specialist consultees including the Clwydian Range and the Dee Valley AONB Joint Committee, the Pontcysyllte World Heritage Site, Planning, Landscape and Conservation Delivery Group, Natural Resources Wales and Cadw.

1.3.12 The application was heard by the Planning Committee on 6<sup>th</sup> November 2017 where it was refused on the basis of a single reason relating to detrimental impact upon the wider visual amenity, including effects on the nearby World Heritage Site, AONB and Chirk Castle.

1.3.13 Based on the findings of assessments undertaken by the Appellant's technical advisors, the fact that no objections were raised by Cadw or the Canal and Rivers Trust, and the importance of this development to the future of the facility, Kronospan decided to lodge an appeal against the decision of WCBC to refuse the planning application.

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## **1.4 Kronospan Vision 2020**

- 1.4.1 The Appeal Proposal forms part of Kronospan Vision 2020, a capital investment programme with a total cost of £200 million. Kronospan Vision 2020 involves delivery of new buildings and improved raw material handling facilities. It will also provide significant investment in new manufacturing equipment and the reorganisation of product flow within the existing buildings to improve the efficiency of the manufacturing process.
- 1.4.2 Kronospan Vision 2020 will deliver environmental improvements at the site and ensure the long term viability of the business by improving the manufacturing efficiently and productivity. As described later in the document, investment programmes such as this are critical to enable manufacturing businesses to succeed in the UK. The improvements proposed will help maintain Kronospan's status as UK's leading manufacturer of high quality wood-based panels and thereby help secure the manufacturing plant in Chirk, an important local and regional employment generator.
- 1.4.3 The Appeal Proposal is one of six major projects proposed under the Kronospan Vision 2020 programme:
- Logyard silos and RCF offloading and grading facilities (commissioning)
  - Melamine facing press hall / building (complete)
  - Wood Chip Preparation Building and WESP Chip Dryer (Submitted May 2017, approved August 2017, reference: P/2017/0416)
  - Log Delivery and Transfer System and Building to House a Wood Chipping and Flaking System (awaiting determination, reference P/201/0699);
  - Raw Board Storage (the Appeal Proposal); and
  - Oriented Strand Board (OSB) Facility (awaiting submission).
- 1.4.4 Although all six proposals perform separate operational roles, together they deliver the improvements necessary to secure the ongoing success of the manufacturing site in Chirk.
- 1.4.5 In recognition that all six proposals were being proposed in a similar timeframe each planning application includes a cumulative assessment so that the environmental effects of the schemes could be considered in isolation and in combination with one another.

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## **1.5 EIA Screening**

- 1.5.1 The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 prescribe the types of development for which EIA is mandatory (Schedule 1 development) and others which may require an assessment if they have the potential to give rise to significant environmental impacts (Schedule 2 development).
- 1.5.2 The Appeal Proposal falls within the description at paragraph 8(a) in column 1 of the table in Schedule 2 to the Regulations (i.e. Industrial plants for the production of paper and board). The development exceeds the applicable threshold in column 2 of that table (new floorspace exceeding 1,000 square metres). As such it was necessary to consider whether the Appeal Proposal would be likely to give rise to significant environmental effects.
- 1.5.3 A number of environmental assessments were conducted to support planning application P/2017/0700, focusing on the elements of the development considered most likely to result in adverse environmental effects i.e. landscape, visual, heritage and noise. These assessments considered the Appeal Proposal as a standalone development and in combination with the other Kronospan 2020 projects. The assessments demonstrate that there would be no significant environmental effects resulting from the Appeal Proposal alone, or when the Appeal Proposal is considered in combination with the other Kronospan 2020 developments. Therefore, it has been concluded the Appeal Proposal does not represent EIA development.

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## **2.0 DESCRIPTION OF THE APPEAL SITE AND SITE CONTEXT**

- 2.1.1 The location of the Appeal Proposal is within the existing Kronospan manufacturing site. The Kronospan site is located on land adjacent to Holyhead Road (the B5070), Chirk and covers a total area of approximately 40 hectares.
- 2.1.2 The Kronospan site comprises a number of large industrial process buildings, storage areas for raw materials, warehouse buildings for manufactured products, offices and car parking. The site provides direct employment to over 600 staff and in turn the circa 6,000 plus people in the UK indirectly supported by its operations.
- 2.1.3 The site covers an area of circa 40ha, with circa 14ha of this developed with industrial buildings and plant. Figure 1 shows the layout of the site. The Appeal Proposal would be located centrally within the Kronospan site. A number of large industrial process facilities are located in the south west portion of the site. These are used to process, sort and dry the raw wood materials used in the manufacture of MDF/particle board and include a number of tall structures including stacks that emit process emissions to the atmosphere. The tallest structure on the site is the combined heat and power (CHP) biomass plant stack which is 70m in height. The south eastern portion of the site is dominated by large warehouses and logistics facilities.
- 2.1.4 A number of other process buildings are located in the northern half of the site including: a saw mill; formalin plant and the secondary product manufacturing facility (Kronoplus) which produces laminate flooring and worktops.
- 2.1.5 The site car park, reception building, weighbridge and main site offices are located in the south eastern corner of the site to the south of the MDF and board manufacturing buildings.
- 2.1.6 The western perimeter of the Kronospan site is formed by the Shrewsbury to Chester railway. Improved railway siding facilities have been constructed within the site to enable an increased volume of timber to be imported by rail. The Llangollen Canal is located to the west of the railway line, circa 30m from the boundary of the site at its closest point. The canal is designated as the Pontcysyllte Aqueduct and Canal World Heritage Site and as a Scheduled Monument. Water is abstracted from the canal for use in the manufacturing process. The eastern perimeter of the site is formed by Holyhead Road (B5070). An earth bund, planted with trees, has been developed along the eastern perimeter of the site in order to reduce the

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visibility of the site operations from neighbouring properties on Holyhead Road and the housing estate to the east.

- 2.1.7 A sewerage pumping station and one property owned by Kronospan, are located to the immediate north of the site. To the immediate south of the site is the Mondelez factory, the Chirk AAA sports ground and the Chirk recreational ground.
- 2.1.8 The main residential area of Chirk is located to the east of the site with residential properties lining the majority of the eastern side of Holyhead Road. Chirk town centre is located approximately 500m to the south east of the site. Parts of the town centre are designated as Chirk Conservation Area.
- 2.1.9 The wider area beyond the urban settlement of Chirk is dominated by agricultural fields and woodland. Chirk Castle (Grade 1 listed) and its grounds (Registered Park and Garden) are located circa 500m to the west of the site, beyond the canal. The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) also lie to the west of the site, the closest boundary of the AONB runs concurrent with the grounds of Chirk Castle.

### **Access**

- 2.1.10 The proposed development would not result in any change to the existing site access arrangements and would not result in any additional operational vehicles entering or leaving the site.
- 2.1.11 The site is accessed via a T-junction with Holyhead Road (B5070) which runs in a north south direction to the east of the site. The B5070 meets the A5 approximately 1.5km to the north of the site via a roundabout junction, known as Whitehurst Roundabout. Approximately 1km to the east of this roundabout the A5 forms a junction with the A483. The A483/A5 provide links north to Chester, west to Llangollen and south to Shrewsbury. To the south of the site access the B5070 leads to the A5 via Chirk town centre, this route is restricted to non-HGV traffic.
- 2.1.12 The existing railhead and sidings within the site are used to import timber for the manufacturing process.

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## 2.2 Planning History

- 2.2.1 The site has a long and complex planning history. A detailed planning history is provided in Table 3.1 of the Planning Statement.
- 2.2.2 Prior to the 1970s, the site was greenfield agricultural land and included a farm house. The original 17<sup>th</sup> Century farmhouse still forms part of the offices of Kronospan.
- 2.2.3 The construction of the first factory building commenced in 1971 and the company began operating in 1973. In the late 1980s, the company bought a factory adjacent to the original site. This has since been extended to provide the base for the company's 'Kronoplus' operation.
- 2.2.4 Over the past 5 years Kronospan has started a modernisation and improvement programme which has involved the development of a series of facilities intended to deliver efficiency and environmental improvements to the site and neighbouring residential areas. Table 2.1 summaries the planning history at the site since 2012.

**Table 2.1 – Key developments over the last 5 years**

| Application Ref. No. | Proposal                                                                                                                                                                                                                                                                                                                                            | Decision                     |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| P/2012/0165          | Development of biomass plant, recycled wood fibre (RCF) offloading & screening facility & associated infrastructure to support existing production operations                                                                                                                                                                                       | Approved - 14 September 2012 |
| P/2013/0824          | Development of biomass plant comprising biomass boiler & furnace ash, handling facility & flue, gas treatment facility including stack & air pollution control, reagent storage silos, recycled wood fibre offloading & screening facility, biomass storage area & associated infrastructure (substitution of planning permission code P/2012/0165) | Approved - 07 May 2014       |
| P/2014/0215          | 2.5m diameter by 7m high extension to existing 15m high abatement stack.                                                                                                                                                                                                                                                                            | Approved 02 June 2014        |
| P/2015/0728          | Erection of building to contain three gas engines and three steam boilers, erection of electrical substation                                                                                                                                                                                                                                        | Approved - 04 Jan 2016       |

| Application Ref. No. | Proposal                                                                                                                                                                                                                                                                                    | Decision                                                                                              |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|                      | building, oil tank compound, a duct from the press abatement system to carry process emissions to the SEKA (WESP) stack and associated infrastructure to support existing operations.                                                                                                       |                                                                                                       |
| P/2016/0219          | Construction and Operation of a Recycled Fibre (RCF) Reception Facility, Grading Plant, Storage Silos and Other Associated Infrastructure (referred to as the log yard RCF project).                                                                                                        | Approved – 03 May 2016                                                                                |
| P/2016/0336          | Extension of a building to house a new melamine facing (MF) press following the demolition / relocation of the existing MF department's ventilation system, hydraulic oil and diesel storage tanks, a vehicle filling station, garage service building and other associated infrastructure. | Refused – 05 September 2016<br><br>Granted at Appeal – 04 May 2017 (Reference APP/H6955/A/16/3165368) |
| P/2016/0534          | Proposed building extension to store medium density fibreboard (MDF) and chipboard.                                                                                                                                                                                                         | Refused – 05 September 2016                                                                           |
| P/2017/0416          | Replacement of existing wood chip preparation facility and development of a new wood chip dryer and associated equipment.                                                                                                                                                                   | Approved – 31 July 2017                                                                               |
| P/2017/0700          | Development of a raw board store                                                                                                                                                                                                                                                            | Refused – 6 <sup>th</sup> November 2017                                                               |
| P/2017/0699          | Development of a log delivery and transfer system and buildings to house a replacement wood chipping and flaking system and demolition of existing debarking and chipping facilities.                                                                                                       | Submitted – 15 August 2017<br><br>Awaiting determination                                              |

2.2.5 Of relevance to this appeal is also the submission in May 2017 of a Long Term Landscape Strategy pursuant to Condition 5 of application reference P/2016/0219 (CD02). The landscape strategy has been designed 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 during January

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and February 2017. Kronospan are awaiting the approval of the scheme by the Council.

2.2.6 In conclusion, the planning history identifies that:

- The Kronospan site has been developed since the 1970s;
- The site has a long history of planning consents for large industrial development;
- There have been a number of planning applications from 1999 through to 2017 relating to developments such as the biomass plant, extensions to existing buildings, gas engines, temporary stacks, new silos, fencing and signage;
- The planning consents include permissions for tall stacks, new buildings and wood processing plant;
- Kronospan are seeking to implement schemes to reduce the visual impact of the wider facility; and
- WCBC recognise that the site is continuously evolving in order to remain efficient and competitive.

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### **3.0 THE PROPOSED DEVELOPMENT**

- 3.1.1 The Appeal Proposal comprises the vertical extension of an existing manufacturing building into a warehouse storage area 123 metres long and 30 metres wide. The proposed extension would increase the building height by 11.5m to a total height of 22.9m above ground level. The building would contain a high level racking system and would include an automated storage and retrieval device or 'stacker' to manoeuvre the board within the store.
- 3.1.2 The Appeal Proposal would be located amongst other long established buildings at the Kronospan site. The Raw Board Store would be clad in steel sandwich panel, powder coated and coloured Goosewing Grey (RAL 080 70 05 BS 10A05) or similar. A series of photomontages are contained in the planning statement (Figures contained in Appendix B of the Planning Statement) that illustrate the Proposed Development from a number of key locations in the vicinity of the site. Additional viewpoints were also photographed to assist with the Appeal, these are included in Appendix A – Landscape Expert Statement. These photographs illustrate the position of the Appeal Proposal when viewed from these locations.
- 3.1.3 The new board storage facility is required as part of the wider improvement works being proposed under the Kronospan Vision 2020 programme to improve the operational efficiency and productivity of the facility. The raw board store would provide an interim storage facility between the raw board manufacturing and the product finishing lines where melamine coatings are applied to the raw board. In this regard it must be located in the most logical location proximate to the processes it relates to.
- 3.1.4 In terms of process flow board would be transferred from the board presses in the raw board manufacturing areas to the raw board store by an automated handling and conveying system. Here the raw board would be stored prior in a high bay racking system prior to being transferred to the melamine press for production into a melamine-faced product.
- 3.1.5 As an interim storage facility it needs to be situated logically between the raw board manufacturing area and the finishing lines. The position and proximity to these elements of the process enables the most efficient handling of the material to be achieved. Figure 2 illustrates the position of the raw board store in relation to the other manufacturing processes.

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- 3.1.6 The size of the building is dictated by three principal factors:
- the volume of the storage required to meet operational and customer demands;
  - the space available in the location where the building needs to be sited; and
  - the efficiency of the storage methods.
- 3.1.7 In developing the revised design (pursuant to the original refusal of application ref. P/2016/0534) Kronospan have reduced the storage capacity of the facility such that it now only just meets forecast product demand and does not include for any contingency storage. The internal racking and handling systems have also been optimised to maximise storage capacity. In respect of these matters the building size has been minimised.
- 3.1.8 The location and space available for the raw board store is dictated by the process described above. Accordingly, as a function of the required storage volume the building needs to be 22.9m in height.
- 3.1.9 The construction of the Appeal Proposal would involve the following stages:
- Clearing the existing building of the current plant;
  - Removal of the existing building;
  - Reinforcing foundations;
  - Building and steelwork erection / modifications;
  - Installation of new plant, electrical and controls installation (piping, insulation etc.)
  - Installation of fire detection and protection systems installation;
  - Cladding and painting; and
  - Testing and commissioning the storage and retrieval device etc.

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## **4.0 NEED AND BENEFITS OF THE APPEAL PROPOSAL**

4.1.1 Wood based panels and other wood products have been manufactured at the manufacturing plant in Chirk since the start of operations in 1973. The existing production equipment has become dated and inefficient. As a consequence, there is a need to undertake significant investment to improve the productivity of the facility. The Appeal Proposal forms part of the Kronospan Vision 2020 investment programme, providing newer more efficient manufacturing equipment and improved product management. The benefits delivered by the Appeal Proposal are set out in the following sections.

### **4.2 Manufacturing Efficiency**

4.2.1 Currently the business does not have sufficient warehouse storage capacity to meet peak customer demand or adjust to smaller orders and a more challenging product mix as demanded by the current market. Accordingly, the current raw board storage arrangements are inadequate and during periods when demand is high there is a need to store raw product in multiple areas of the site.

4.2.2 Historically raw board exiting the sanding lines is transferred by fork lift into raw board storage areas. Fork lifts and HGV trailers are then required to transfer boards from the raw board storage areas to the melamine finishing lines. This involves fork lifts and HGV trailers transporting board out of the warehouse, around the north of the buildings and back into the melamine facing press building. Prior to being transferred into the melamine facing press board is temporarily stored in an area to the west of the press building. The current process route is shown on Figure 2.

4.2.3 The arrangement introduces unnecessary product movements into the manufacturing process, undertaken by fork lift trucks and HGV trailers. The unnecessary movement of the product has the following disadvantages:

- Fork lift trucks and HGV's are diesel operated vehicles therefore their increased use has air pollution and carbon dis-benefits.
- Increased vehicle movements introduce additional health and safety risks through vehicle-on-vehicle conflict and risk of the harm to pedestrian operatives.
- External movement of fork lifts, which use reversing alarms, have an impact on the external noise levels emanating from the facility.

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- Manual movement of product introduces the potential for damage to boards, leading to increased wastage in the manufacturing process, this has sustainability and financial costs.
  - The movement of boards outside buildings means that the product can be exposed to weather conditions, resulting in further product wastage.
  - The unnecessary movement of boards introduces inefficiencies into the manufacturing process.
- 4.2.4 As set out above the increased handling has disadvantages in terms of health and safety, air quality, noise and waste. It also introduces capital and operational costs in terms of the renewal, maintenance and fuelling of the fork lift trucks.
- 4.2.5 As part of Kronospan Vision 2020 a review of the entire manufacturing process has been undertaken, including ways to improve product flow around the factory. The reorganisation of manufacturing areas and investment in new equipment enables the handling of products to become more automated, eliminating the need for internal forklift and HGV trailer movements. This has significant benefits in terms of the efficiency of the process flow in the factory, which is one of the most important factors in ensuring maximum productivity in mass manufacturing processes. Reducing reliance on manual movement by fork lifts also avoids the various health and safety, air quality, noise and waste issues described above.
- 4.2.6 As well as increasing the efficiency of product flow the improved raw board store would enable the company to supply product on a timely basis, to adjust to smaller orders and a more challenging product mix as demanded by the market, and to meet peak customer demand. Together this would enable more product to be supplied to its customers in periods of high demand, increasing the productivity and efficiency of the business.
- 4.2.7 Furthermore, Kronospan have invested in improved melamine facing presses. As such it is possible to laminate melamine to raw board faster than the board can be produced. Improving the raw board storage capacity would ensure sufficient raw board is available when required, enabling the company to react quicker to the needs of its customers. This improved service is essential in an environment where customers increasingly demand quick turnaround of orders.
- 4.2.8 In order to remain competitive and maintain its position as one of the strongest businesses in the UK market sector, it is clear that Kronospan must continue to

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invest in the productivity of the Chirk site. At the heart of a manufacturing business is whether the costs of production are sufficiently low enough to remain competitive with other suppliers in the market. As other industrial sectors in the UK have learned, manufacturing product outside the UK can be one way to reduce costs. The other is to invest in better and more efficient manufacturing techniques and to increase productivity. Clearly, Kronospan is seeking to maintain its market position in the UK by investing in the Chirk site. In doing so it is hoping to restore the manufacturing output achieved in the recent past and reduce its manufacturing costs. Together these are expected to secure the long term sustainability of the business and safeguard the direct and indirect jobs created by the plant.

#### **4.3 Environmental Benefits**

- 4.3.1 As the world's leading manufacturer of wood-based panel products, Kronospan takes its environmental responsibilities extremely seriously and is continuously implementing projects aimed at further improving environmental conditions at the site. These include a project to reduce emissions and occasional plume grounding, and the development of significant infrastructure to reduce fugitive dust emissions from the receipt, processing and storage of raw product including recycled fibre, wood chips, sawdust and bark.
- 4.3.2 As set out above the Appeal Proposal would contribute to a reduction in the number of fork-lift and HGV/trailer movements required to transfer the raw board from one manufacturing stage to another. The elimination of the vehicle fleet will eliminate CO<sub>2</sub> emissions generated from the diesel powered vehicles used in this area. This scheme would also have benefits in terms of noise emissions by eliminating movements of fork lift trucks outside buildings. The internal operations of the automated warehouse would also be quieter than the current use of front loaders and fork lift trucks. This will reduce noise levels both on and off site. As a pure automated warehouse, no industrial emissions will take place. Together with the elimination of Fork Truck and HGV movements associated with handling of raw board going into storage, the concept has been designed to make a positive contribution to reducing the site's environmental footprint.

#### **4.4 Safety**

- 4.4.1 Despite stringent traffic management controls in place to safeguard employees against injury, the movement of fork lift trucks within a busy and noisy warehouse environment is considered to be one of the more significant health and safety risks

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on our site. Accordingly, the reduction in the use of fork lift trucks and HGV's would be a considerable benefit of the proposed scheme.

- 4.4.2 Furthermore, the board conveying equipment and the retrieval device or 'stacker' in the raw board store would be an automated process and as such designed to prevent intervention by operational staff. Equipment maintenance would be carried out either with the equipment off line (isolated) or under strict operational controls to prevent intervention with moving machinery.

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## **5.0 THE DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS**

### **5.1 The Development Plan**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act (September 2004) and paragraph 3.1.2 of Planning Policy Wales (Edition 9 - November 2016) (PPW) requires that applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.1.2 In the case of the Appeal Proposal the relevant statutory Development Plan comprises the Wrexham Unitary Development Plan (UDP) 1996-2011, which was adopted on the 14th February 2005.

5.1.3 The relevant policies of the UDP have been identified as follows:

- EC5: Special Landscape Areas
- EC7: Conservation Areas
- EC11: Archaeology
- GDP1: Development Objectives
- PS1: Settlement Limits
- PS2: Development of the Environment
- PS3: Strategic Policy
- PS4: Development and the Transport Network
- E4: Employment Development (of un-annotated land) within Settlements

5.1.4 The Council are in the process of preparing a Local Development Plan (LDP) which will replace the adopted UDP. The Council first submitted a LDP (referred to as LDP1) to the Welsh Government for Examination in September 2011. However, due to fundamental concerns, principally relating to housing provision, raised by the Planning Inspector conducting the examinations, the hearing sessions were suspended and the LDP was withdrawn in March 2012.

5.1.5 The Council are now in the process of preparing a replacement LDP (referred to as LDP2) which would cover the period up to 2028. The Council consulted on their Preferred Strategy for LDP2 in early 2016. The published timetable for the LDP2 indicates that the Deposit LDP2 will be consulted on in Spring 2018 and submitted for Examination in late 2018.

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- 5.1.6 Given the early stage of preparation of the LDP the weight that can be attached to the emerging plan is limited. However, in accordance with PPW, the emerging plan may still be a material consideration.

## **5.2 Material Considerations**

- 5.2.1 In addition to the policies of the statutory Development Plan, the proposal has also been considered in the context of other material planning considerations. These include (but are not necessarily limited to the following:

- The Emerging LPD2 - Wrexham Local Development Plan 2013 – 2028 ‘Preferred Strategy’ (February 2016);
- National Planning Policy Wales; Edition 9. November 2016;
- One Wales: One Planet. The Sustainable Development Scheme of the Welsh Assembly Government (May 2009);
- People, Places, Futures. The Wales Spatial Plan 2008 Update (July 2008);
- Technical Advice Note (TAN) 12: Design (2016);
- Technical Advice Note (TAN) 23: Economic Development (2014);
- Technical Advice Note (TAN) 24: The Historic Environment (2017);
- Wrexham County Borough Council - Council Plan 2016-17 (2016) & Economic Prosperity Strategy 2012-2016
- Local Planning Guidance Note No. 33.

- 5.2.2 A further material consideration is the established need for the development, as set out in Section 4. The previous planning decisions made by the Council in relation to development on and close to the site of the Appeal Proposal are also considered material to the decision.

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## **6.0 REASON FOR REFUSAL**

### **6.1 Introduction**

- 6.1.1 This section of the Statement of Case focusses on the reason for refusal of the planning application and the processes that have led up to and informed the decision.
- 6.1.2 A brief background to the decision making process is provided. This section sets out the approach undertaken by Kronospan to reduce the visual effects of the development and the responses received during the formal pre-application process. Where relevant other recent decisions at the Kronospan site have been summarised.
- 6.1.3 Finally, a review of the specific reason for refusal is provided making reference to expert statements relating to landscape and visual effects and effects on cultural heritage assets in the local area.

### **6.2 The Events Leading to the Planning Application for the Appeal Proposal**

#### *Original Raw Board Store Planning Application*

- 6.2.1 The planning application for the Appeal Proposal was a resubmission of an earlier application (Ref: P/2016/0534) refused planning permission by WCBC in September 2016. The reason for the refusal of application P/2016/0534 concerned visual amenity. Kronospan recognised that the original design of the Raw Board Store (as presented in planning application Ref: P/2016/0534) increased the visual envelope of the facility when viewed from Chirk. As such, Kronospan decided to revisit the design of the facility to try and reduce its visual impact from nearby receptors instead of pursuing a planning appeal.
- 6.2.2 As described earlier in this statement Kronospan reduced the scale of the raw board store and tested the visibility of the building by producing a series of photomontages. The photomontages showed that there would only be very limited visibility of the revised Raw Board Store from nearby views in Chirk town. Where clear views were possible e.g. from elevated positions to the east, the building was seen in the context of the entire site, thereby not effecting the nature of views experienced. Importantly the montages showed that the raw board store would only be seen from very limited sections of the Llangollen Canal, designated as a World

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Heritage Site and Scheduled Monument. Further, in the locations where it could be viewed from the canal the proposed landscaping scheme would provide screening.

- 6.2.3 Kronospan engaged WCBC in pre-application discussions to consider the changes made to the design of the Raw Board Store and present the photomontages illustrating the predicted visual effect of the revised design. During these discussions the overall visual impact of the manufacturing facility was discussed and the reductions made to the scale of the Raw Board Store were welcomed by WCBC. It was agreed that any forthcoming application for a revised scheme should be accompanied with a full suite of photomontages to demonstrate the visual impact of the Appeal Proposal.

*Pre-application Consultation*

- 6.2.4 Formal pre-application consultation was undertaken in accordance with The Town and Country Planning (Development Management Procedure) (Wales) Amendment Order 2016 (DMPO 2016). Full details of the consultation process and the feedback received is detailed in the Planning Statement and Pre-application Consultation (PAC) Report submitted with planning application P/2017/0700.
- 6.2.5 During the pre-application consultation process, no issues were raised with regard to the visual impact of the Appeal Proposal. Cadw provided a useful response to the consultation by advising that the Cultural Heritage Appraisal should be revised to account for the newly adopted TAN 24: Historic Environment and the associated guidance documents. This work was undertaken as advised by Cadw, strengthening the application submitted to WCBC.
- 6.2.6 In addition to the statutory requirements for pre-application consultation set out in The Town and Country Planning (Development Management Procedure) (Wales) Amendment Order 2016 (DMPO 2016), Kronospan also held a public exhibition. Letters were delivered to 2,428 properties in Chirk and Chirk Bank informing local residents of the exhibition.
- 6.2.7 During the public exhibition, photomontages of the Appeal Proposal and a scale model of the entire facility including all of the Vision 2020 projects was available to view. Kronospan staff and the planning Agent were present at the exhibition and available to talk through the proposals. Thirty-five people attended the exhibition. Written feedback forms were provided to attendees of the exhibition and their responses reviewed. All of the feedback resulting from these activities was

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provided in the PAC Report which accompanied planning application P/2017/0700. The feedback provided identified concerns among a small number of attendees regarding the impacts of the manufacturing facility as a whole, but did not raise concerns with regard to the Appeal Proposal specifically, and no comments were received in relation to the visual impact of the scheme.

- 6.2.8 The purpose of the pre-application processes set out above is to provide an opportunity for the Council, statutory consultees and the public to see development proposals prior to a formal submission and to raise any issues, or areas of concern that the developer may need to address before submitting the application. It is intended to ensure that issues are identified from the outset so that all relevant material considerations can be considered by the applicant rather than only being raised during the determination period.
- 6.2.9 On the basis of the pre-application meeting held with the Council and feedback from the pre-application consultation there was no reason to suspect that the proposed development should give rise to reasons to refuse the application.

*Recent Decisions Relevant to the Reason for Refusal*

- 6.2.10 The planning history of the site is set out within Section 2.2 and within the Planning Statement submitted in support of the original planning application. The Town and Country Planning Act 1990 (as amended), confirms that whether or not a particular consideration is material is a matter for the Court. The authority is required to have regard to all considerations that are material to the application; and to be material they must be planning considerations. However, there is case law pertaining to the Act that provides guidance on the general principles and specific instances where material considerations are relevant to a decision. Regarding planning history *Havard v South Kesteven District Council [2006] et al* establishes the following:

*“It is well established that the planning history of a site, including previous grants and refusals of permission, may be a relevant consideration to the determination of a planning application. One important reason why this is so relates to the desideratum [need] of consistency in planning decision making. Further, in order for a previous decision properly to be taken into account, it is necessary that not just the fact of the determination, grant or refusal of permission should be known to the decision maker and taken into account, but also that regard should be had to the basis for the decision” (Sweet and Maxwell para 70.29)*

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- 6.2.11 There have been a number of recent planning decisions to grant planning permission for developments on the Kronospan site that are considered relevant to this planning appeal.
- 6.2.12 In 2012 planning permission was granted for a biomass plant (P/2012/0165). The proposed development included a series of buildings up to a height of 35m, and a stack of 70m determined by NRW permit requirements. The development proposed was more visible from surrounding areas than the Appeal Proposal. CD03 contains four photomontages from the Environmental Statement submitted in support of this application. These are directly comparable to the photomontages contained in the planning application.
- 6.2.13 The application was taken to Planning Committee on the 3<sup>rd</sup> September 2012. In respect of landscape and heritage matters the officers report concluded that *“Whilst there would be a noticeable intensification in built features, in most views the new structures would not change the industrial characteristics already evident.”*
- 6.2.14 Cadw and the Canal and Rivers Trust considered impacts on the World Heritage Site and did not object to the proposal. The National Trust did not object to the impact on Chirk Castle and the Registered Park and Garden, commenting that the structures would be generally well screened from the castle, the gardens and much of the park.
- 6.2.15 The officers’ report to planning committee recommended that planning permission be granted. The planning committee accepted the advice of the officers and approved the development. Kronospan did not implement this permission but instead applied for, and constructed, a smaller scheme P/2013/0824.
- 6.2.16 In May 2016 planning permission was granted for the construction and operation of a Recycled Fibre (RCF) Reception Facility, Grading Plant, Storage Silos and Other Associated Infrastructure (log yard RCF project) (P/2016/0219). The development comprises six large storage silos up to 32m in height, a series of conveyors and sorting equipment, and a reception building 8.5m in height.
- 6.2.17 The development is located to the north-west of the Appeal Proposal, and is closer to the World Heritage Site, Chirk Castle and the AONB than the Appeal Proposal. The silos have been modelled within the photomontages included in the Landscape and Visual Impact Assessment that supports the planning application (Appendix B of the Planning Statement). It can be seen that these silos are significantly more

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visible in the local landscape than the Appeal Proposal. These silos have now been constructed and visits to the site have shown that the photomontages provide a good representation of the visibility of the proposal.

- 6.2.18 The consultation response from the Clwydian Range and Dee Valley AONB Joint Committee's was summarised in the officers committee report as *"Although outside the AONB, Kronospan and adjoining industrial areas are clearly within the setting of the protected landscape and impact on views from the end of the AONB as well as nearby heritage assets of the World Heritage Site and Chirk Castle. It will be seen both from the AONB and a number of other vantage points. Whilst the development is large in scale it will be seen in the context of the much larger existing Kronospan complex and the impact on the AONB will be no greater than at present"*.
- 6.2.19 The consultation response from Cadw was summarised in the officer's committee report as *"The proposed development is located within the vicinity of the scheduled monuments – various sections of Offa's Dyke, the Pontcysyllte Aqueduct and Canal and within the buffer zone of the World Heritage Site, Pontcysyllte Aqueduct and Canal. The development site is in close proximity to the scheduled area of the canal. Whilst the reception building and grading plant are to be relatively low, the silos will be substantial structures of up to 32m in height and likely to be directly visible from the canal tow path and clearly will have some degree of impact on the World Heritage Site. The new structures will, however, be seen against the backdrop of the more extensive Kronospan complex. Whilst it will add to overall mass and will incrementally add to its adverse effect of the settings of listed monuments and the World Heritage Site buffer zone it will be unlikely to significantly change the overall appearance of the complex in views from the Canal or Offa's Dyke and only have a minor adverse impact on the essential setting of or any sense of place or arrival to the World Heritage Site"*.
- 6.2.20 The report to the committee recommended that planning permission be granted and with respect to visual impact it concluded *"Whilst 4 of the storage silos are substantial in diameter and height, seen in the context of the existing substantial industrial complex, there will be no significant change in the general visual amenities of the areas or on the impact of heritage assets"*.
- 6.2.21 The planning committee accepted the advice of the officers and approved the development.

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- 6.2.22 In July 2017 planning permission was granted for a replacement of the existing wood chip preparation facility and development of a new wood chip dryer and associated equipment (P/2017/0416).
- 6.2.23 The development is located to the west of the Appeal Proposal and comprises a 32m high chip preparation building, hurricyclones 49.5m high, a 50m dryer stack and 30m high air graders/sifters and silos. Photomontages were provided with the planning application, including cumulative photomontages that illustrated the Appeal Proposal. These cumulative photomontages demonstrate that chip preparation building and the new wood chip dryer would be taller than the Appeal Proposal and more prominent when viewed from Chirk.
- 6.2.24 This application was considered by the Council's Planning Committee on the 31<sup>st</sup> July 2017. The consultation response from Cadw was summarised in the Officer's committee report as *"The application area is in close proximity to Scheduled Monument – Pontcysyllte Aqueduct and Canal and most view are blocked by a deep embankment and existing screening. Development is also seen in the context of existing large scale development. Slight impact on the World Heritage Site and only a slight adverse impact on the Chirk Castle Historic park and Garden"*.
- 6.2.25 The Officer went on to acknowledge in his conclusions that *"the proposed structures will be viewed from certain locations but as with previous proposals, seen against the backdrop of the existing landscape, existing screening and proposed additional planting by virtue of the Landscape Strategy will reduce further the visual impact"*. The Committee resolved to grant planning permission.
- 6.2.26 In May 2017 planning permission was granted following a successful planning appeal against the decision of WCBC to refuse an application for a building extension to house a new melamine facing (MF) press (Appeal Ref: APP/H6955/A/16/3165368. The building extension was of a smaller scale than the Appeal Proposal. However, pertinent to the decision was recognition that *"the existing complex is an extensive and heavily developed industrial site which already exerts an influence on the character of the local landscape...the local landform and vegetation screen views of the site from many public vantage points and longer distance views"*.

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### *Conclusions on Recent Decisions*

- 6.2.27 There have been a number of recent planning decisions to grant planning permission for developments on the Kronospan site that are more visually prominent than the Appeal Proposal. Whilst it is acknowledged that each planning decision should be made on its merits it is clear that there is a recognition that development which lies within the existing visual envelope of the manufacturing site, and which does not significantly alter the nature of views experienced by nearby receptors, is deemed to be acceptable. Accordingly, and having regard to the Havard v South Kesteven District Council [2006] case and others, it is clear that the earlier decisions made by the Council are material to the case put forward by the Appellant.

### **6.3 Analysis of the Reason for Refusal**

- 6.3.1 The application was refused for the following reason:

*The proposed development, by virtue of its scale, height, massing and siting would have a detrimental impact upon the wider visual amenity of the area. This would have an adverse impact upon the character and setting of the World Heritage Site and nearby AONB. It would also have a detrimental impact upon Chirk Castle, particularly the setting of the Registered Park and Garden. To allow the development would be contrary to National Planning Policy TAN 24 and 12 and Policy GDP1 of the adopted Unitary Development Plan.*

#### ***Effects on Visual Amenity***

- 6.3.2 The reason for refusal states that the Appeal Proposal would have a detrimental impact upon the wider visual amenity of the area. The Council has not identified any specific examples of where it considers that these detrimental impacts would occur.
- 6.3.3 Appendix A provides Expert Evidence from Mr Mason in respect of this element of the reason for refusal.
- 6.3.4 The evidence draws on the landscape and visual impact assessment provided in the planning application (Appendix C of the Planning Statement) which follows a methodology consistent with good practice set out in Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> Edition 2013 (GLVIA) (CD04).

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- 6.3.5 The LVIA found that none of the identified viewpoints would experience significant visual effects and that more generally, the Proposed Development would always be seen in the context of views where the presence of large-scale structures at the Kronospan site is an established influence. The Proposed Development would typically result in only a minor change to the arrangement of elements within this wider site. As such, in conclusion the Proposed Development would make only a very limited and very localised addition to the existing and long-established influence of the Kronospan site upon views from the surrounding area.
- 6.3.6 Further work has been undertaken by Mr Mason for this Appeal in respect of supplementary viewpoints, with eight additional locations within the residential areas of Chirk examined. These locations would theoretically experience views based on computer generated theoretical visibility. This exercise confirmed that the Appeal proposals would indeed be well screened, corroborating the findings of the LVIA
- 6.3.7 Mr Mason's LVIA was supported in its findings in the representations made by Natural Resources Wales (in respect of the effects on the AONB) and by CADW in respect of the extent of visibility that would be experienced at viewpoints associated with heritage assets. The planning case officer's recommendation to committee ignored these representations, instead relying upon the unsubstantiated concerns expressed by the WHS Delivery Group and the AONB Joint Committee.
- 6.3.8 The Inspector is invited to accept the findings reached within the LVIA, as expanded upon and corroborated by further work appended within Mr Mason's statement and conclude that the proposed development is acceptable in visual amenity terms.

#### ***Effects on Heritage Assets***

- 6.3.9 The reason for refusal states that the Appeal Proposal would have an adverse impact upon the character and setting of the World Heritage Site and nearby AONB and a detrimental impact upon Chirk Castle, particularly the setting of the Registered Park and Garden. The Council has not identified specific examples of the harm it considers would be done.
- 6.3.10 Appendix B provides Expert Evidence from Dr Carter in respect of this element of the reason for refusal. The evidence explores the position of the Council and the view of consultees that provided representations on the planning application.

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- 6.3.11 The evidence draws on the heritage assessment provided in the planning application (Appendix C of the Planning Statement) which follows the four-stage approach to assessment recommended in the Welsh Government guidance on setting (CD05).
- 6.3.12 The assessment concludes that the proposed raw board store would have no impact on the heritage significance or OUV of the Pontcysyllte Aqueduct and Canal and no impact on the heritage significance of Chirk Castle Historic Park and Garden. The findings of this assessment, which employs a methodology consistent with relevant guidance, have been endorsed by Cadw in their consultation response to the planning application in which they do not object to the proposals.
- 6.3.13 In contrast, the WHS Planning, Landscape and Conservation Delivery Group and the Clwydian Range and Dee Valley AONB Joint Committee have advised that there would be adverse impacts on both historic assets. The Council has accepted this advice and it has used it as justification for refusal of the planning application.
- 6.3.14 Dr Carter concludes that the approach to assessment adopted by the WHS Delivery Group and the AONB Joint Committee was flawed because it failed to take account of the contribution that setting makes to the heritage significance of an historic asset. This methodological flaw led both parties to reach incorrect conclusions which, in turn, persuaded the Council to refuse the planning application on cultural heritage grounds.
- 6.3.15 Dr Carter sets out that the decision, based on flawed advice, is not correct and the reason for refusal cannot be substantiated on cultural heritage grounds. The Inspector is invited to accept the findings reached by Cadw and in his own assessment and conclude that the proposed development is acceptable in cultural heritage terms.

#### ***TAN 24 – The Historic Environment***

- 6.3.16 TAN 24 (CD06) provides advice on how aspects of the historic environment should be considered during development plan preparation and decision making on planning applications.
- 6.3.17 Section 1.0 sets out the Conservation Principles to be used to assess the potential impacts of a development proposal on the significance of historic assets.

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6.3.18 There are six conservation principles, as follows:

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

6.3.19 Section 1.0 sets out that the impact of proposed developments within the setting of historic assets must be considered when determining planning applications.

6.3.20 At paragraph 1.26 TAN 24 states that *"It is for the applicant to provide the local planning authority with sufficient information to allow the assessment of their proposals in respect of scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, World Heritage Sites, or other sites of national importance and their settings."*

6.3.21 Cadw have published a guidance note advising on the best practice principles that should be used to assess the potential impact of development within the setting of historic assets – Setting of Historic Assets, Cadw, 2017 (CD05).

6.3.22 The appellant provided a detailed heritage assessment as part of the planning application (Appendix C of the Planning Statement). The document provides a detailed assessment of the predicted impact of the of the Appeal Proposal on the heritage significance of the local heritage resource. The assessment was conducted in accordance with principles set out in TAN 24 and the 2017 Cadw Guidance Note. The assessment specifically considered the effects of the development in respect of the Pontcysyllte Aqueduct and Canal World Heritage Site and Scheduled Monument and Chirk Castle Historic Park & Garden.

6.3.23 As set out above the assessment concludes that the Appeal Proposal would have no impact on the heritage significance or OUV of the Pontcysyllte Aqueduct and Canal and no impact on the heritage significance of Chirk Castle Historic Park and Garden.

6.3.24 In this respect the appellant sees no conflict with the guidance provided in TAN 24.

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## **TAN12 - Design**

- 6.3.25 TAN 12 (CD07) provides advice in respect of delivering good sustainable design. The planning application was accompanied by a Design and Access Statement which described the approach undertaken to the design in line with the requirements of TAN 12. The Design and Access Statement considers Access and Movement, Character, Community Safety and Environmental Sustainability.
- 6.3.26 Section 3.0 of the TAN describes the design process. At paragraph 3.2 it states that *“appreciation of the site’s context, and the development of a vision and agreed design objectives must be established and remain central to the evolutionary [design] process”*.
- 6.3.27 The Appeal Proposal is a functional development; a building that would be used to store manufactured raw board. A high level racking system within the development would include a storage and retrieval device or ‘stacker’ to manoeuvre the board within the store. The Appeal Proposal would enable Kronospan to improve the efficiency of the existing operations and to deal with the complexity of, and allow fast reaction to customer orders.
- 6.3.28 Other than ensuring that the building meets its functional requirements to enable it to fulfil its role in the site’s manufacturing process, the principal design driver is for the building to fit into its local context i.e. an industrial site, and so far as is possible to reduce the prominence of building from any locations outside the site from where it can be seen.
- 6.3.29 The TAN highlights how appraising the local context is a vital early step in the design process. At paragraph 4.5 it notes that *“the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character”*. In terms of character the TAN states at page 19 that the design should respond to:
- *landscapes and townscapes, culture and biodiversity*
  - *locally distinctive patterns and forms of development*
  - *existing buildings, infrastructure, urban/rural landscape and public art*
  - *clear boundaries and established building lines*
  - *appropriateness of uses and the mix of uses and densities*

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- 6.3.30 The pattern and form of development associated with the location of the Appeal Proposal is absolutely clear. It will be an extension to an existing factory building and is located in the heart of an extensive industrial site within which there are numerous large buildings, tall and prominent industrial process equipment, raw material stockpiles and other industrial infrastructure. The Kronospan site forms a long established landmark locally and whilst undoubtedly a visual detractor, is a valid and distinctive component of the local 'sense of place'. This influence is documented within the adopted Chirk Conservation Area Assessment and Management Plan (2014) (CD08).
- 6.3.31 The Appeal Proposal would be consistent with the existing development in terms of cladding colour and finish and comparable in scale to other nearby structures and buildings. In this regard the design of the facility responds to its setting by ensuring that it is congruous with the surrounding environment. Importantly the existing influence of the industrial site would not be altered or extended.
- 6.3.32 As set out within Appendix A, the Appeal Proposal would not be clearly visible from Chirk town due to its location behind existing intervening buildings and vegetation. However, the building would be visible in some more distant and elevated viewpoints. From these locations the Appeal Proposal would be seen in the context of the wider industrial site. In these views the use of similar building materials and colours assists in assimilating the new proposals and reducing their visibility. In this regard it is a successful design.
- 6.3.33 In terms of visibility from the AONB, the World Heritage Site and Chirk Castle Registered Park and Garden TAN12 states the following:
- 5.6.2 In areas recognised for their landscape, townscape, architectural, archaeological and/or historic value, such as National Parks, Areas of Outstanding Natural Beauty, World Heritage Sites and conservation areas, the objective of sustaining character is particularly important and context appraisals should reflect this.*
- 6.3.34 Appendix B describes how the Appeal Proposal would not have any effects on the character or significance of the World Heritage Site and Chirk Castle Registered Park and Garden. This is principally due to the location and design of the facility resulting in a development that can barely be distinguished from what is currently visible i.e. the other buildings and infrastructure within the Kronospan site. The design sustains the character of the local area, which includes the presence of the

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Kronospan facility. In this regard the Appeal Proposal reflects the objectives of TAN 12 by minimising effects on the setting and views of key buildings, landscape, parks and gardens, archaeology and skylines within, to and from the area.

- 6.3.35 Paragraph 6.19 of TAN12 sets out the importance of pre-application discussions. The design of the Appeal Proposal was discussed at a pre-application meeting with the Council and pre-application consultation was undertaken with technical consultees, community consultee and the public in accordance with The Town and Country Planning (Development Management Procedure) (Wales) Amendment Order 2016 (DMPO 2016). No adverse comments on the design of the facility were raised.

**UDP Policy GDP1**

- 6.3.36 Policy GDP1 (CD09) sets out the overarching policy objectives for all new development. It contains 11 limbs and is worded as follows:

***Policy GDP1 All new development should:***

- a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.*
- b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.*
- c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.*
- d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.*
- e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.*
- f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.*

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*g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.*

*h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.*

*i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.*

*j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.*

*k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.*

6.3.37 The reason for refusal is not specific to which limb of the policy the Appeal Proposal is contrary to. However, on the basis that the reason for refusal is focused on visual amenity it is the Appellant's assumption that the Council were concerned with conflict with limb a).

6.3.38 GDP1 a) is the principal design policy within the UDP. The policy contains two distinct tests. 1) Does the built development, in its scale, design and layout, and in its use of materials and landscaping, accord with the character of the site. 2) Does the built development make a positive contribution to the appearance of the nearby locality.

6.3.39 The preceding discussion relating to TAN12 sets out the character of the industrial site within which the Appeal Proposal is located, and would always be seen in the context of. Following the refusal to grant planning permission for the original design of the Raw Board Store, Kronospan reduced the scale of the Appeal Proposal as far as possible. It is clear from the photomontages submitted with the planning application and those contained in Appendix A that the scale, design and layout of the Appeal Proposal is in keeping with the buildings which sit directly adjacent to it and which are located within the wider Kronospan site.

6.3.40 The position of the building does not materially increase the visual envelope of the facility and in views where the Appeal Proposal is visible, materials of construction are such that it would be entirely in keeping with those views of the existing facility already experienced by receptors in the local landscape. Indeed, to a person not

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having detailed knowledge of the sites appearance on a day to day basis it would be difficult to discern a change. There are no landscape mitigation proposals directly associated with the Appeal Proposal. However, as discussed below the Appellant has developed a Long Term Landscape Mitigation Strategy (CD02), which is designed to mitigate views of the wider facility within the local landscape. This has been developed in response to planning conditions attached to previous permissions and at the request of the local community and local stakeholders.

6.3.41 Accordingly, it is the Appellants case that the Appeal Proposal is demonstrably in accordance with the character of the site.

6.3.42 In respect of the second test outlined above, this is to a degree a moot point due to the purpose and location of the development. As detailed in Section 3, the key drivers behind the design were functional, but there was also a clear intent to assimilate the structure with the existing factory. Following the refusal to grant planning permission for the original design of the Raw Board Store, Kronospan recognised the need to reduce the scale of the Appeal Proposal and have done so as far as possible. There would be very limited views of the Appeal Proposal from the public realm of Chirk town and where clear views towards the building are possible from the surrounding countryside, the building would be viewed in the context of the surrounding industrial development. As such the Appeal Proposal would not detract from the appearance of the nearby locality and in the context of its immediate surroundings i.e. a heavily industrial factory setting.

6.3.43 It is considered that the Appeal Proposal is at worst neutral in terms of the second test, it neither harms nor contributes significantly to the appearance of the nearby locality.

6.3.44 On the basis of the foregoing it is the Appellant's case that the Appeal Proposal is not contrary to the first limb of Policy GDP1, which is assumed to be the part of the policy that the Council were reliant on in supporting their reason for refusal. Section 8.0 below deals with compliance with the other limbs of Policy GDP1.

## **6.4 Conclusions**

6.4.1 The planning application for the Appeal Proposal was submitted to the Council on 10<sup>th</sup> August 2017 and was taken to the Planning Committee on the 6<sup>th</sup> November 2017. The application was refused permission based on a single reason for refusal which related to detrimental impact on visual amenity of the area and specifically

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adverse impact on the character and setting on the World Heritage Ste, nearby AONB and Chirk Castle Registered Park and Garden. Consideration of the application preparation process and analysis of the reason for refusal has established the following:

- Kronospan recognised the visual impacts of the original Raw Board Store proposal (Reference: P/2016/0534) and revised the design so that the visual impact of the Appeal Proposal would be limited as far as possible, whilst enabling the proposal to still be capable of meeting its operational requirements.
- The Appeal Proposal was discussed with officers at WCBC through pre-application discussions and the reduction in the scale of the Appeal Proposal was welcomed; no specific concerns were voiced about the Appeal Proposal at the pre-application stage.
- Kronospan are aware of the sensitivities surrounding development proposals and following agreement with WCBC produced photomontages to accompany the planning application to demonstrate the visual impact of the Appeal Proposal.
- The Appeal Proposal was subject to statutory pre-application consultation and additional pre-application consultation activities undertaken by Kronospan including a public exhibition. No concerns were raised with regard to the visual impact of the Appeal Proposal during this process.
- No objections were raised by Cadw, the Canal and Rivers Trust, the National Trust or NRW during the determination period.
- The Council has granted planning permission for a number of more prominent developments at the site in the past 5 years, the most recent being determined in July 2017. All of these developments were acknowledged to result in some adverse visual effects in the context of sensitive landscape and heritage designations but these effects were not considered to be unacceptable.
- Expert evidence in respect of landscape and heritage matters has been provided. This evidence demonstrates that there would be very limited visibility of the Appeal Proposal within the local landscape – sitting as it does in the centre of a large and generally well screened industrial site. Where clear views of the Appeal Proposal are possible e.g. from elevated positions to the east, the building would be viewed in the context of the established industrial site, thereby not altering the nature of views experienced. As such the visual amenity of the local area and the AONB would not be materially affected.

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Further there would be no effect on the heritage significance of the Pontcysyllte Aqueduct and Canal (World Heritage Site and Buffer Zone, Scheduled Monuments and Listed Buildings), Chirk Castle (Historic Park and Listing Buildings) or Chirk (Conservation Area, Scheduled Monument and Listed Buildings).

- There has been shown to be no policy conflict with TAN 12 Design, TAN 24 The Historic Environment or Policy GDP1 of the Wrexham Unitary Development Plan.

6.4.2 It is the Appellant's case that the Council failed to give adequate weight to the evidence included within the application when forming their views. The expert landscape and heritage assessments, which were accompanied by a comprehensive set of photomontages, provided a significant body of evidence to demonstrate that the Appeal Proposal would not give rise to significant landscape or visual effects from surrounding receptors. The assessments also provided evidence that the Appeal Proposal would not have an impact on the Outstanding Universal Values of the World Heritage Site or the setting of the registered Chirk Castle Historic Park and Garden. Further, very little weight appears to have been attached to the consultation responses of two key consultees; NRW and Cadw. NRW is the body given statutory duties on behalf of the Welsh Ministers with regard to the designation and protection of statutorily protected landscape, amongst other roles. NRW concurred with the Appellants assessment of landscape and visual impacts as experienced from the AONB. Cadw is the body given statutory duties on behalf of the Welsh Ministers with regard to the protection of the historic environment and concurred with the Appellants assessment of impacts on the nearby designed heritage assets.

6.4.3 Based on the foregoing it is concluded that the Appeal Proposal is not in conflict with TAN 12, TAN 24 or Policy GDP1 of the Wrexham Unitary Development Plan. In conclusion, the Council should not have refused planning permission for the Appeal Proposal as the reason for refusal is fundamentally flawed both from a technical and policy perspective.

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## **7.0 REPRESENTATIONS**

- 7.1.1 In addition to the reason for refusal a number of other matters / grounds of objection have been raised by third parties. It is considered that all relevant planning matters are adequately addressed in the planning application documentation. Nonetheless, the matters raised by third parties are dealt with briefly below. Representations in relation to landscape, visual and heritage matters have been described in Section 6.0.

### ***Groundwater and Contaminated Land***

- 7.1.2 The building already exists (albeit at a lower level) and therefore has no impact on groundwater or issues relating to contaminated land.

### ***Noise***

- 7.1.3 A comprehensive noise assessment was submitted in support of the planning application. The assessment modelled the impact of the Appeal Proposal on the local noise environment. The assessment demonstrated that the development would not increase existing residual sound levels and therefore there would not be any cumulative increase in noise experienced at any of the nearby representative receptor locations. No objection was raised by the Council's Public Protection Officer and a condition to control the emission of noise from the facility was proposed by the Council. As such any concerns associated with noise impacts are not warranted.

### ***Health and Safety Concerns***

- 7.1.4 One of the representations makes reference to Health and Safety concerns which relate to a different process in another area not relating to the Appeal Proposal. The Appeal Proposal would house an operation that is currently already occurring at the site and would not result in any additional or extraordinary health and safety concerns for operatives at the site or on nearby residents or receptors. In fact, the Appeal Proposal would eliminate the need for forklift vehicle movements of raw board within the manufacturing building and would therefore improve safety on the factory floor.
- 7.1.5 It is considered that the existing Health and Safety regulatory and legislative regime would provide adequate control over any health and safety matters associated with

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the Appeal Proposal. As such any concerns related to health and safety are unwarranted.

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## **8.0 APPRAISAL OF THE APPEAL PROPOSAL AGAINST THE DEVELOPMENT PLAN AND RELEVANT MATERIAL PLANNING CONSIDERATIONS**

8.1.1 An appraisal of the Appeal Proposal has been undertaken against the adopted development plan and the relevant material considerations listed in Section 4.0 of this statement.

### **8.2 The Development Plan**

8.2.1 *R v Rochdale MBC, ex parte Milne (No 2) [2001] Env. LR 22* makes it clear that compliance with the development plan is to be interpreted as a compliance with the plan as a whole. This compliance is to be judged on the basis of the policies contained in the plan, *“it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein”*.

8.2.2 The decision notice lists out the relevant policies of the Wrexham Unitary Development Plan that were taken into account by the Council when coming to its decision i.e. EC5, EC7, GDP1, PS1 and PS2. It is assumed that the Council concluded that the Appeal Proposal conformed with, supported or did not engage with the policies listed, other than GDP1 which was cited in the reason for refusal.

8.2.3 The Planning Statement submitted in support of the planning application included an appraisal of the relevant policies of the UDP. The appraisal concluded that the development either conforms with, or supports the objectives of, all of the identified, relevant planning policies. Nonetheless, the following sections provide a brief assessment of the Appeal Proposal against the relevant policies of the development plan.

#### ***Part 1: Strategic Policies***

8.2.4 Part 1 of the UDP sets out 12 strategic development policies. Only those policies related to the broad location of development are considered relevant to the appeal i.e. Policy PS1, PS2, PS3 and PS4 (CD09).

8.2.5 It should be noted that the supporting text to the Strategic Policies states that:

*Inside settlement boundaries, development will normally be acceptable provided it accords with the built environment policies in Part 2 of the Plan and complies with*

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*the Council's supplementary planning guidance and adopted standards listed in Appendix III.*

***Policy PS1 and PS2***

- 8.2.6 The decision notice makes reference to two strategic policies PS1 and PS2. Neither have been cited within the reason for refusal. The policies are worded as follows.

*Policy PS1 New development for housing, employment, and community services will be directed to within defined settlement limits/employment areas.*

*Policy PS2 Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment.*

- 8.2.7 The Appeal Proposal is located within the settlement limits of Chirk and therefore it clearly complies with this policy.

- 8.2.8 Section 6.0 of this Statement of Case sets out the Appellants position with respect to visual and heritage impacts and expert evidence has been provided in respect of these matters. It has been demonstrated that there would be very limited visibility of the Appeal Proposal within the local landscape – sitting as it does in the centre of a large and generally well screened industrial site. Where clear views of the Appeal Proposal are possible e.g. from elevated positions to the east, the building would be viewed in the context of the entire site, thereby not effecting the nature of views experienced. Furthermore, the development would not have any detrimental effects in terms of noise or air quality. As such it is concluded that the Appeal Proposal would not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment and so would be in compliance with Policy PS2. It is noted that this policy was not cited in the reason for refusal.

***Policy PS3***

- 8.2.9 Policy PS3 is worded as follows:

*Development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land, wherever possible, particularly so where greenfield land is of ecological, landscape or amenity value, or comprises agricultural land of grades 1, 2 or 3a quality.*

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- 8.2.10 The Appeal Proposal is located on previously developed land and as such is in accordance with policy PS3.

***Policy PS4***

- 8.2.11 The policy is worded as follows:

*Development should maintain the existing settlement pattern and character and be integrated with the existing transport network to help reduce the overall need to travel and encourage the use of alternatives to the car.*

- 8.2.12 The Appeal Proposal is located within the existing Kronospan site on previously developed land. The building has been designed to match the existing structures on site and would be an extension to an existing warehouse, located amongst other long established buildings. As such the development would maintain the existing settlement pattern and character. Being located within the existing Kronospan site it would be served by the existing transport network to the site.

***Part 2 Specific Development Policies***

- 8.2.13 The following sections examine the specific development policies included within the UDP. These policies expand on the strategic vision for the borough and provide detailed guidance for the development and other use of land. Only those policies considered particularly relevant to the appeal have been assessed.

***GDP1 – Development Objectives***

- 8.2.14 As set out within Section 6.0 there are 11 limbs to policy GDP1. Section 6.0 provides an assessment of conformity with limb a) of the policy which relates to design and effects on the character and appearance of the site and the nearby locality. The assessment concludes that the Appeal Proposal has been designed cognisant of its local environment and would not be contrary to this limb of the policy.

- 8.2.15 The following sections consider the remaining 10 limbs of the policy.

*b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.*

- 8.2.16 The building has been designed to ensure the safety of operatives and other workers at the Kronospan site and has complied with Building Regulations

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standards. For example, the Appeal Proposal would include a high level racking system and a storage and retrieval device or 'stacker' to manoeuvre the board within the store, this would eliminate the need for internal forklift vehicle movements within the manufacturing building, improving operative safety.

- 8.2.17 The building is located within the secured Kronospan site and therefore it would not present any safety or security issues in relation to the community or public.

*c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.*

- 8.2.18 As detailed in Section 4, the building is located to serve a particular manufacturing process and as such its siting and orientation is determined by its function. The development is being proposed as part of a site wide improvement scheme which aims to increase the efficiency of operations at the site. Accordingly the development would lead to a more efficient use of resources, which may include a reduction in the use of energy and water per unit of output from the plant. The warehouse includes large transparent skylights, the intention of which is to reduce the need for artificial lighting within the building, helping to conserve energy resources.

*d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.*

- 8.2.19 The Appeal Proposal would not result in additional pedestrian or vehicular access to the site and so would not have an effect on these matters in the nearby locality. The building has been designed to ensure safe access and movement of vehicles within the site and, as previously mentioned, the provision of a stacker storage system and a retrieval device would eliminate the need for internal forklift vehicle movements within the manufacturing building.

- 8.2.20 As is the case with other operational buildings on site, measures would be included to safeguard the movement of pedestrians within the warehouse.

*e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.*

- 8.2.21 The Appeal Proposal is located within the operational site which is served by existing public transport facilities and pedestrian and cycle routes.

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- f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.*
- 8.2.22 The facility would not introduce any new processes to the site. As described within Section 7.0 there would be no adverse effects in relation to noise or air quality (including odour) from the facility. The Kronospan site is operated under two Environmental Permits which are in place to protect the safety and amenity of the public and safeguard the environment.
- g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.*
- 8.2.23 All service connections would be internal to the site and would not result in any public costs.
- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.*
- 8.2.24 The development would occur on a previously developed area of the land that has no nature conservation or wildlife interest.
- i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.*
- 8.2.25 As noted above the site is located within a previously developed area of the site and would not introduce any new processes to the manufacturing facility. As such the development would not result in, or be subject to flooding, soil erosion, landslides or contamination, either on or off the site.
- j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.*
- 8.2.26 The development would not have an effect on this element of the policy.
- k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.*
- 8.2.27 The Appeal Proposal forms part of an ongoing programme of improvements at the site which are being undertaken to secure the long term future of this important

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local business that provides over 650 jobs to local people. The Appeal Proposal is one of four major projects proposed under the Kronospan Vision 2020 programme. Although it would perform an operational role separate to the other five projects all six are critical to the future sustainability and economic viability of the business at the Chirk site.

- 8.2.28 The business also makes a significant contribution to the local, regional and national economy through supply chain opportunities and development projects such as the Appeal Proposal.

*Conclusion on GDP1*

- 8.2.29 It has been demonstrated that the development accords with or is neutral in respect of each of the limbs of Policy GDP1. As such it meets the general development objectives for new development within the borough.

**EC5 Special Landscape Areas**

- 8.2.30 The wording of policy EC5 is as follows:

*Within [our emphasis] Special Landscape Areas, priority will be given to the conservation and enhancement of the landscape. Development, other than for agriculture, small-scale farm-based and other rural enterprises, and essential operational development by utility service providers, will be strictly controlled. Development will be required to conform to a high standard of design and landscaping, and special attention will be paid to minimising its visual impact both from nearby and distant viewpoints.*

- 8.2.31 The Appeal Proposal does not lie within a Special Landscape Area and as such the policy as worded does not apply to the development. The final sentence of paragraph 5.6, which forms supporting text to the policy, also makes reference to development 'in such locations' [when referring to areas of high landscape value], again reinforcing the fact that the policy relates to developments within Special Landscape Areas.

**EC7 Conservation Areas**

- 8.2.32 The wording of policy EC7 is as follows:

*Within, and in close proximity to, conservation areas, the priority will be to preserve and/ or enhance those buildings, structures, streets, trees, open spaces,*

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*archeological remains, views, and other elements which contribute to the unique character of the area. New buildings and alterations or additions to existing buildings in conservation areas, whether listed as of special architectural or historic interest or not, must reflect the design and character of the area as a whole and the form, scale, detailing and materials of existing buildings.*

- 8.2.33 Chirk Conservation Area lies approximately 550m to the south of the Appeal Proposal. Unlike Policy EC5 this policy relates to development within and in close proximity to the designation.
- 8.2.34 An Assessment and Management Plan adopted in 2014 (CD08) describes the key features and history of the Conservation Area. It recognises that to maintain a balance between the interests of conservation and the need for change and development.
- 8.2.35 The presence, and influence, of the existing Kronospan plant and operations are recognised in the Management Plan where it is observed that “views of the village and the shallow valley are in places negatively influenced by industrial land use and associated structures, most prominently the factories of Kronospan and Mondelez which affect the rural landscape integrity, intrude within wider views and interrupt the visual links between the village and Chirk Castle”.
- 8.2.36 There would be no development within the Conservation Area. Viewpoint A (Figure 2a contained in Appendix B to the Planning Statement) and the Zone of Theoretical Visibility (Appendix 5 of Appendix B to the Planning Statement) demonstrates that there would be very limited visibility of the Appeal Proposal from the Conservation Area. Where small sections of the building may be seen, it would be viewed in the context of the other buildings and structures associated with the wider manufacturing facility.
- 8.2.37 On this basis it can be concluded that the Appeal Proposal would preserve the existing views and character of the Conservation Area and therefore would not be contrary to the policy.

### ***Policy EC11***

- 8.2.38 Policy EC11 relates to effects on Scheduled Ancient Monuments. This policy was not referred to within the decision notice. However, the Pontcysyllte Aqueduct and Canal World Heritage Site is also designated as a Scheduled Monument and as such this policy is considered relevant. The wording of Policy EC11 is as follows:

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*Development which would adversely affect the site or setting of a Scheduled Ancient Monument or archeological site of national significance will not be permitted. Development that directly affects non-scheduled sites of archeological importance will only be permitted if an archeological investigation has been carried out to determine the nature, extent and significance of the remains, and this investigation indicates that in-situ preservation is not justified, and a programme of excavation and recording has been agreed. Development will also be carefully controlled to ensure that the setting of non-scheduled sites of archeological importance is not harmed where appropriate.*

- 8.2.39 The Appeal Proposal would not have a direct impact on the Pontcysyllte Aqueduct and Canal Scheduled Monument. In relation to impacts on setting, Appendix B to the Statement of Case describes the visibility of the Appeal Proposal and the wider Kronospan development from the Pontcysyllte Aqueduct and Canal Scheduled Monument. It is noted that visibility of the Kronospan site as a whole is remarkably restricted, being screened by a combination of topography and mature vegetation. The Appeal Proposal would be partially visible through a break in tree cover along the canal towpath but this only occurs for a short section of the canal (less than 1km). Where visible, the Appeal Proposal would be a minor background feature, and would result in a small increase in the influence of industrial structures on views but vegetation and the canal would remain far more prominent. It should be noted that the planting proposed as part of the Long Term Landscape Strategy would assist in screening views of the Appeal Proposal from this short section of the canal.
- 8.2.40 Accordingly, it is concluded that the Appeal Proposal would cause no damage to the setting of the Pontcysyllte Aqueduct and Canal Scheduled Monument, the position also taken by Cadw in their consultation response to the planning application.

#### ***Policy E4***

- 8.2.41 The wording of Policy E4 is as follows:

*Employment development on unannotated land within settlement limits will be permitted subject to Policy GDP1.*

- 8.2.42 As described above it is considered that the development complies with GDP1. The Appeal Proposal is for employment development and lies within the settlement

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limits of Chirk. As such, on the basis of this policy the Appeal Proposal should be permitted.

### ***Development Plan Conclusions***

- 8.2.43 It has been demonstrated that the Appeal Proposal would be in accordance with all of the relevant policies of the Development Plan and as such the Appeal Proposal should be granted planning permission unless material consideration indicate otherwise.

## **8.3 Material Considerations**

- 8.3.1 As set out within Planning Policy Wales (Edition 9) November 2016 (CD10) the planning system is intended to help protect the amenity and environment of towns, cities and the countryside in the public interest while encouraging and promoting high quality, sustainable development.
- 8.3.2 At paragraph 4.2.2 PPW describes that *“The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when taking decisions on individual planning applications.”*. This reflects the sustainable development principle, established under section 3 of The Well-being of Future Generations Act (Wales) 2015.
- 8.3.3 It is the Appellants case that the Appeal Proposal represents sustainable development and this is in itself a significant and important material consideration. In light of this, this section presents other material considerations in terms of the economic, social and environmental effects of the proposed development.

### ***Economic***

- 8.3.4 As set out in Section 4.0 the Appeal Proposal is being developed as part of an ongoing improvement programme at the site to secure the future of the business in Chirk. As with all manufacturing operations it is necessary to ensure that the business operates in an efficient manner, enabling the products produced to remain competitive within the market being served. The development will improve the efficiency of the handling and production process and in doing so will help the business remain a market leader in board production.

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8.3.5 Kronospan is a significant business within the borough and provides direct employment to circa 630 staff and in turn the circa 6,000 people indirectly supported by its operations. The business represents 5% of all manufacturing jobs in Wrexham borough and 1% of all employment in the borough. The business also provides significant investment into the local economy with a £4 million annual spend in the borough and a total of £97 million throughout the UK. In terms of pay the business has a net monthly pay roll of £1.3 million. The economic benefits of the Appeal Proposal are clearly evident and as such the continued success of the business is locally important.

*Planning Policy Wales Edition 9*

8.3.6 Chapter 7.0 (Economic Development) of PPW (CD09) states that the “*planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development*”. Paragraph 7.1.3 of PPW states that local planning authorities should aim to:

- *co-ordinate development with infrastructure provision;*
- *support national, regional, and local economic policies and strategies;*
- *align jobs and services with housing, wherever possible, so as to reduce the need for travel, especially by car;*
- *promote the re-use of previously developed, vacant and underused land; and*
- *deliver physical regeneration and employment opportunities to disadvantaged communities.*

8.3.7 Paragraph 7.1.4 goes on to state that “*In applying these and other considerations, local planning authorities should aim to steer economic development to the most appropriate locations, rather than prevent or discourage such development.*”.

8.3.8 It is considered that the Appeal Proposal contributes to each of the aims set out within 7.1.3 and that the development is sited in the most appropriate location in terms of its functional need and in terms of supporting the economy of Chirk. As demonstrated in early sections of this Statement of Case, the location of the Appeal Proposal does not cause unacceptable harm to the environment, including landscape and heritage assets.

8.3.9 In terms of national, regional, and local economic policies and strategies there are a number of policy and guidance documents that set out the importance of encouraging and sustaining economic development within the borough.

8.3.10 The Spatial Plan (CD11) is a twenty year plan for the sustainable development of Wales. It comprises the overarching framework and integration tool and provides important underpinning in a whole range of matters, such as:

- *economic development and the long term goal of full employment at a rate of 80%;*
- *regeneration programmes in various parts of Wales;*
- *improving skill levels in the workforce;*
- *improving regional and national strategic planning for transport;*
- *reducing annual greenhouse gas emissions;*
- *understanding and meeting affordable housing needs*
- *making the right decisions, and getting the most benefit from specific major investment decisions, affecting public services*
- *helping to shape our capital investment through the Strategic Capital Investment Framework.*

8.3.11 The Spatial Plan recognises that this region i.e. North East Wales, is highly dependent on the manufacturing sector. At paragraph 16.17 the plan states *"North East Wales is highly dependent upon the manufacturing sector, both in terms of jobs provided and gross value added to the local and national economy. This sector is highly vulnerable to changes in the global economy, both in terms of exchange-rate fluctuations and of low-cost competition from new and emerging areas. Maintaining the competitiveness of this sector is of fundamental importance to the long-term prosperity of North East Wales and the wider North Wales region."*

8.3.12 In this regard the Spatial Plan recognises the fundamental need to encourage continued investment in existing businesses to maintain their competitiveness.

*One Wales: One Planet, the Sustainable Development Scheme of the Welsh Assembly Government (May 2009)*

8.3.13 The document (contained in CD12) indicates that sustainable development is the overarching strategic aim of all the Welsh Government's policies and programmes. The Sustainable Development Scheme includes strategies for sustainable resource use, sustaining the environment, a sustainable economy, a sustainable society and the wellbeing of Wales. The document sets out the vision for a sustainable

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economy as *“A resilient and sustainable economy for Wales that is able to develop whilst stabilising, then reducing its use of natural resources and reducing its contribution to climate change”*. The Key outcomes include *“Wales is the best place for business to locate, start up, grow and prosper.”*

8.3.14 Kronospan is continually seeking to improve efficiency and reduce waste in order to improve the sustainability of the products it manufactures. In 2013 the Appellant invested in renewable energy technologies at the site in the form of a biomass plant (planning ref. P/2013/0824), which generates a significant proportion of the heat and electricity used at the site.

8.3.15 Accordingly the Kronospan manufacturing facility, including the Appeal Proposal, makes a contribution to the development and growth of sustainable businesses in Wales, in line with the vision set out by the Welsh Government within *One Wales: One Planet, the Sustainable Development Scheme of the Welsh Assembly Government*.

*TAN 23 - Economic Development (February 2014)*

8.3.16 TAN 23 (CD13) provides guidance in respect of economic development and states how it is *“important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations”*.

8.3.17 The advice note recognises the importance of economic considerations within a planning decision and states at paragraph 7.2.2 *“Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations.”*.

*Emerging Local Development Plan (LDP)*

8.3.18 The Preferred Strategy of the Emerging LDP (CD14) outlines that the borough contains some of the most deprived urban areas in Wales which experience problems associated with poverty, multiple deprivation, low levels of economic activity. In this regard Kronospan plays a vital role in providing employment opportunities for the borough.

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8.3.19 Strategic Objective SO2 of the Preferred Strategy supports a “*a vibrant, diverse and competitive local economy that provides a range of job opportunities to enable new and existing businesses to grow in Wrexham County Borough*”. This objective is supported by Strategic Policy SP1, Economic Growth, Employment and Enterprise. This policy is provided to ensure the continued role of the borough as a key economic driver in North Wales and the wider region. In order to achieve the strategic objective and meet the aims of the policies it will be vital for major employers such as Kronospan to remain competitive and invest in their existing facilities to secure their long term success. Developments such as the Appeal Proposal will enable Kronospan to remain competitive and therefore continue to contribute to employment and economic stimulus within the borough and the wider region.

*Wrexham County Borough Council - Council Plan 2016-17 (2016) & Economic Prosperity Strategy 2012-2016*

8.3.20 The need to encourage economic development in the borough is set out within the Council Plan 2016-17 (CD15), specifically within the Economy Strategic Theme section of the report. The three priority outcomes within the Economy Strategic Theme are set as:

- *E1 People want to live, work, learn, visit and invest here*
- *E2 Businesses can locate and grow here*
- *E3 People can prosper as individuals in their communities*

8.3.21 Wrexham Borough Council’s Economic Prosperity Strategy expands on the three priority outcomes listed above. It sets out the vision of how these outcomes will be achieved. The document acknowledges that there are 816 less businesses in Wrexham in 2016 than there were in 2005. As such there is a recognised need to attract and retain businesses within the borough.

8.3.22 Kronospan is an important strategic business, which provides significant employment opportunities to local people. By contributing to the long term future of the business the Appeal Proposal will contribute to helping retain Kronospan within the borough as a successful and profitable business, thereby contribute to attaining the three priority economic outcomes of the Council.

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## *Productivity*

- 8.3.23 Variations in productivity between the UK and Wales have been the subject of several papers and studies in recent months<sup>1,2,3,4</sup> (please refer to CD16 - CD19 for these documents). In 2015 productivity in Wales was between 11-35% below the UK average. The productivity index for England has increased by an overall 0.1 index points during the period from 1997-2015 whereas the productivity index for Wales has decreased by 6.2 index points during the same period<sup>3</sup>.
- 8.3.24 Weaknesses in productivity growth since the 2008/2009 recession have been attributed to several factors, including:
- Low levels of business investment for example, the resources and quality of equipment available to workers to produce output;
  - A lack of lending to more productive firms since the banking crisis;
  - The reallocation of employees within firms to less productive roles; and
  - Reduced rates of innovation and discovery<sup>3</sup>.
- 8.3.25 Kronospan are continuously reinvesting in the manufacturing facility and have invested £425 million at the site since 1970. The Appeal Proposal is one of four projects forming a £200 million investment program to be implemented at the Kronospan manufacturing facility over the next 3 years. The Appeal Proposal comprises an investment in the resources and to provide efficiencies in the operations at the facility and allow for uninterrupted production of value added products.
- 8.3.26 The Appeal Proposal and the Vision 2020 investment program is a leading example of how businesses should react to rebalance the decline in productivity experienced in Wales over the past two decades. Without investment in new equipment and the implementation of more efficient manufacturing processes, reduced productivity could begin to have significant detrimental effects on the economics of the business at the Chirk site. Accordingly, it is clear that projects such as the Appeal Proposal are crucial to the future prospects of the

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<sup>1</sup> D. J. Webber, A. Plumridge and M. Horswell (2016) "Understanding productivity variations between Wales and England," Report to the Government of Wales.

<sup>2</sup> Office for National Statistics, Regional and sub-regional productivity in the UK: Jan 2017

<sup>3</sup> House of Commons Briefing Paper Number 06492, 20 September 2017, Productivity in the UK, By Daniel Harari

<sup>4</sup> Bank of England, Inflation Report, August 2017

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manufacturing sector in Wales which must increase its productivity in order to remain competitive in the wider UK, European and worldwide market.

### ***Social***

- 8.3.27 In terms of the social strand of sustainable development the Appeal Proposal will contribute to maintaining the successes of the business and as such helping to retain Kronospan within Chirk. The business has been operating within the town since 1973 and as the largest employer within the town it forms an important part of the social fabric of the settlement.
- 8.3.28 As outlined above the business provides employment to many people within the town and the surrounding area. Employment clearly contributes significantly to the economic status of communities but it also makes a significant contribution to social wellbeing as evidenced by research undertaken by the UK Government in 2013 into National Wellbeing (CD20). The business also contributes to social programmes and community organisations within the town and prides itself in being part of the community of Chirk.
- 8.3.29 The business is located close to the centre of the town. Whilst this might cause some local concerns from time to time in terms of emissions from the main manufacturing processes, the proximity of the business to the local population means that many of the employees are able to travel to work easily either on foot, by cycle or public transport.
- 8.3.30 It is evident that the business, and the role the Appeal Proposal will have in sustaining the business, makes an important social contribution to the borough and the town of Chirk.

### ***Environment***

- 8.3.31 It is not proposed to revisit the environmental effects of the Appeal Proposal in detail as these matters are considered in more detail in the preceding sections of the Statement of Case. However, there are several sections of PPW as well as local policy documents that are material to the appeal decision, the relevant sections of these documents are examined briefly below.
- 8.3.32 Paragraph 5.1.3 of PPW sets out that *“A key role of the planning system is to ensure that society’s land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps*

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*are taken to safeguard or enhance the environment.”. At paragraph 5.5.1 PPW states “in the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and communities”.*

- 8.3.33 In this regard the Welsh Government recognises that there is a balance to be struck between conserving and enhancing the environment and enabling development to be undertaken.
- 8.3.34 PPW provides policy protection to AONBs, WHS, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens and Conservation Areas, all of which are potentially indirectly affected by the development through impacts on setting. The protection of heritage assets is also described within TAN24. The Council has also adopted Local Planning Guidance Note 33: Pontcysyllte Aqueduct & Canal (CD21). It sets out the need to consider the impact of the Appeal Proposal on the World Heritage Site and its setting.
- 8.3.35 Appendix B examines, in detail, the impact of the development on these designated features. It is apparent that the existing, long established, Kronospan site exerts a significant influence on the local landscape. The various existing expansive warehouses and tall structures at the site are visible in views to and from various designated features within the locality. From all locations where the Appeal Proposal would be visible it would be seen in the context of the existing factory.
- 8.3.36 The facility has been designed to ensure that it is as recessive in appearance as possible, matching the scale, colour and design of other buildings and infrastructure in close proximity to it.
- 8.3.37 The conclusion of the expert evidence in respect of landscape and heritage impacts is that the Appeal Proposal would not result in a detrimental impact on the wider visual amenity of the area and would not have any adverse impacts on the setting of the AONB. Furthermore the construction and operation of the Appeal Proposal would have no impact on the cultural significance of the Pontcysyllte Aqueduct and Canal WHS / Scheduled Monument, Chirk Castle Registered Park and Garden, Chirk Conservation Area or the Listed Buildings that it contains.
- 8.3.38 Impacts in terms of contamination and noise have been addressed within Section 7.0 of this statement and conclude that there would be no adverse effects from the Appeal Proposal. The building is located on previously developed land. It is not

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located in a high flood risk zone and would not result in the development of any additional impermeable areas.

- 8.3.39 In light of the foregoing it is clear that the Appeal Proposal would not have an adverse effect on the local environment in respect of the relevant policies and guidance set out in PPW, TAN24, or Local Planning Guidance Note 33.
- 8.3.40 A Long Term Landscaping Strategy was submitted in May 2017 to WCBC for their approval. Over time the planting and management techniques proposed as part of the strategy would help to maintain and enhance the screening provided by the existing woodland and vegetation close to the site, thus reducing any perceived adverse effects associated with views of the wider Kronospan site and the Appeal Proposal.

#### ***Material Considerations Conclusions***

- 8.3.41 A number of planning policy, government and council strategy documents have been described that may be considered to represent material planning considerations relevant to this appeal decision. Review of these documents demonstrates that the Appeal Proposal would deliver economic and social benefits and would not result in any unacceptable adverse environmental effects when considered against relevant planning policy guidance and technical standards. Accordingly, it is the Appellants case that the Appeal Proposal represents sustainable development and there is therefore a presumption in its favour.
- 8.3.42 These matters, and in particular that the Appeal Proposal is demonstrably sustainable development, are considered to weigh heavily in favour of the allowing the Appeal.
- 8.3.43 Section 6.2 of this Statement of Case has set out a series of recent decision made by the Council on and adjacent to the Appeal Proposal site. As set out in that section these decisions are considered material to this appeal decision and are considered to weigh in favour of allowing the Appeal.

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## **9.0 CONCLUSIONS AND SUMMARY**

- 9.1.1 Kronospan is investing £200 million in the modernisation of its site in Chirk to ensure that the business has a vibrant future and remains operating in Chirk. To do that it has to ensure that it is able to deliver efficient, cost effective, productive and environmentally sympathetic production processes. The Appeal Proposal is absolutely key to delivering the rejuvenation of the Chirk site, and will provide the heart that joins the key processes together and is critical to deliver the economies that are necessary to provide the plant with a healthy long term future, which will bring substantial benefits to the company, employees and neighbours in the town of Chirk and surrounding areas.
- 9.1.2 The Appeal Proposal was refused by Wrexham County Borough Council on the 6<sup>th</sup> November 2017 on matters relating to visual impact and effects on designated landscape and cultural heritage assets.
- 9.1.3 The application was refused permission contrary to the advice of Cadw and NRW (in respect of effects on the AONB) and without due consideration of the expert evidence and photomontages provided in the planning application. It is the Appellant's case that WCBC did not make its decision on the basis of the planning facts before them. Instead the decision was heavily influenced by consultees who appear to have not paid due consideration to the submitted documents. Accordingly, the reason for refusal stated in the decision notice cannot be sustained.
- 9.1.4 Previous recent decisions taken by the Council in respect of other developments at the Kronospan site are considered material to the Appellant's case. These decisions include permission for developments significantly larger in scale and more prominent than the Appeal Proposal. This discrepancy supports the case that the reason for refusal stated in the decision notice cannot be sustained.
- 9.1.5 Expert evidence has been provided in respect of landscape and heritage impacts. This evidence concludes that the Appeal Proposal would not result in a detrimental impact on the wider visual amenity of the area and would not have any adverse impacts on the setting of the AONB. Furthermore, the construction and operation of the Appeal Proposal would have no impact on the cultural significance of the Pontcysyllte Aqueduct and Canal WHS / Scheduled Monument or Chirk Castle Registered Park and Garden.

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- 9.1.6 In relation to effects on heritage it is the appellants case that the approach to assessment adopted by two of the key heritage consultees, the WHS Delivery Group and the AONB Joint Committee, was flawed because it failed to take account of the contribution that setting makes to the heritage significance of an historic asset. This methodological flaw led both parties to reach incorrect conclusions which, in turn, persuaded the Council to refuse the planning application on cultural heritage grounds. The Inspector is invited to accept the findings reached by Cadw and the appellant and conclude that the proposed development is acceptable in cultural heritage terms.
- 9.1.7 In examining the Appeal Proposal, the Appellant has demonstrated that the development would represent sustainable development and therefore in accordance with PPW there is a presumption in favour of it.
- 9.1.8 The Appellant has demonstrated that the Appeal Proposal fully accords with the policies of the statutory development plan. In addition the Appellant has found no material considerations that indicate that the Appeal Proposal should be determined other than in accordance with the development plan. In fact those material considerations that have been identified weigh further in support of the proposal. Thus, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, the Appellant contends that appeal should be allowed.

## **Appendix A – Landscape and Visual Effects Expert Statement**

## **Appendix B – Cultural Heritage Expert Statement**