

**Planning Obligation by Deed of Agreement
under Section 106 of the Town and Country
Planning Act 1990**
relating to Land off Bro Gwilym, Cefn Mawr,
Wrexham

Dated : 21st July 2015

WREXHAM COUNTY BOROUGH COUNCIL (1)

and

WALES & WEST HOUSING ASSOCIATION LIMITED (2)

DATE

21st July

2015

PARTIES

- (1) **WREXHAM COUNTY BOROUGH COUNCIL** of Guildhall Wrexham LL11 ("Council")
- (2) **WALES & WEST HOUSING ASSOCIATION LIMITED** (Company Number IP21114R) Alexandra Gate, Ffordd Pengam, Tremorfa, Cardiff, CF24 2UD ("the Owner")

INTRODUCTION

- (1) The Council is the local planning authority for the purposes of this Deed and the Town & Country Planning Act 1990 (as amended) for the area within which the property described in the First Schedule hereto is situate and is the local planning authority by whom a planning obligation is enforceable
- (2) The Owner is the freehold owner of the Site
- (3) The Owner has submitted the Application to the Council and the parties have agreed to enter into this deed in order to secure the planning obligations contained in this Deed
- (4) The Council is minded to grant the Planning Permission subject to conditions in accordance with the Application and the Owner has agreed to enter into this Deed by way of compliance with condition number 2 of the Planning Permission

NOW THIS DEED WITNESSES AS FOLLOWS:

OPERATIVE PART

1 DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings:

"Act"	the Town and Country Planning Act 1990
"Application"	the application for planning permission dated 29 th July 2014 submitted to the Council for the Development and allocated reference number P/2014/0556
"Commencement of Development"	the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed

and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and "Commence Development" shall be construed accordingly.

"Development" the development of the Site as set out in the Application

"Education Contribution" means the sum of £35,520.00 (indexed in accordance with the provisions of this Deed) to be paid by the Owner to the Council in accordance with the provisions of the Second Schedule

"Index" All Items Index of Retail Prices issued by the Office for National Statistics

"Interest" interest at 4 per cent above the base lending rate of the Barclays Bank Plc from time to time.

"Plan" the Plan attached to this Deed

"Planning Permission" the planning permission subject to conditions to be granted by the Council pursuant to the Application a draft of which is annexed to this Agreement at Annex 1.

"Playing Fields and Parks Contribution" means the sum of £7,000.00 (indexed in accordance with the provisions of this Deed) to be paid by the Owner to the Council and expended by the Council in accordance with the provisions of the Third Schedule

"Practical Completion" issue of a certificate of practical completion by NHBC by way of the usual NHBC cover note

"Site"

the land subject to this Deed as shown edged red on the Plan and more particularly described in the First Schedule.

2 CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council and County Council the successors to their respective statutory functions.

3 LEGAL BASIS

- 3.1 This Deed is made pursuant to Section 106 of the Act Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000 and all other enabling powers.
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owner

4 CONDITIONALITY

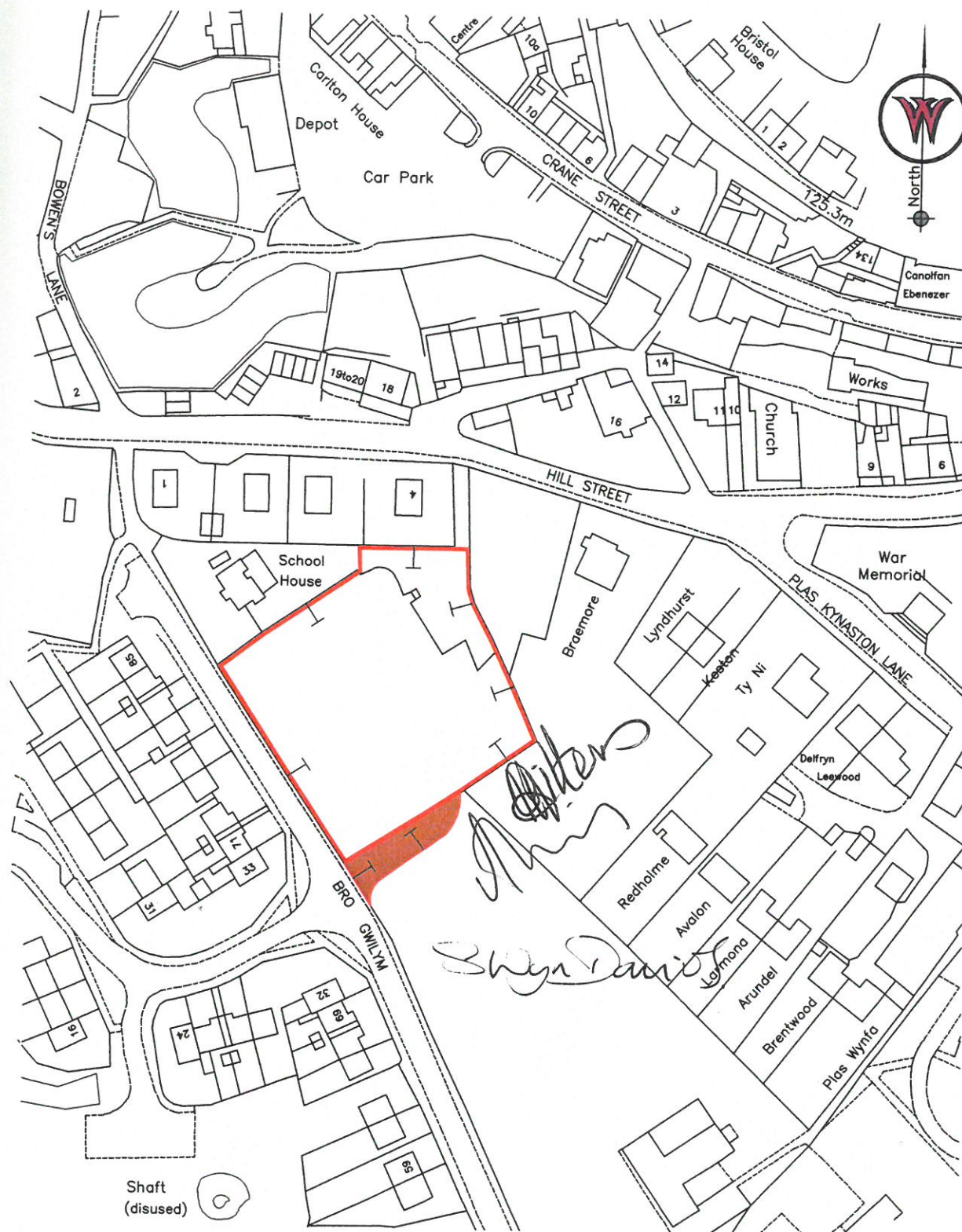
This Deed is conditional upon:

- (i) the grant of the Planning Permission; and
- (ii) the Commencement of Development;

save for the provisions of Clauses 5.2, 7.1, 13 and 14 and 15 (commencement of development, legal costs, jurisdiction, delivery and monitoring clauses) fees and any other relevant provisions which shall come into effect immediately upon completion

PLAN REFERRED TO.

CEFN MAWR



AREA EDGED RED 3208m² OR THEREABOUTS

AREA SHOWN HATCHED 202m² OR THEREABOUTS

STEPHEN T BAYLEY
HEAD OF ASSETS AND ECONOMIC DEVELOPMENT
WREXHAM COUNTY BOROUGH COUNCIL

PLAN No.8/215/1b
O.S.S. No. S.J.2742
SCALE. 1:1250

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5 THE OWNER'S COVENANTS

5.1 The Owner covenants with the Council as set out in the Second and Third Schedules.

5.2 The Owner shall serve on the Council a notice of Commencement of Development not less than two days before Commencement of Development.

6 THE COUNCIL'S COVENANTS

6.1 The Council covenants with the Owner as set out in the Fourth Schedule.

7 MISCELLANEOUS

7.1 The Owner shall pay the Council on completion of this deed the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed in the sum of £1,000

7.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999

7.3 This Deed shall be registrable as a local land charge by the Council.

7.4 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given on behalf of the Council by the Head of Community Wellbeing and Development and any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.

7.5 Following the performance and satisfaction of all the obligations contained in this Deed the Council shall forthwith effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.

7.6 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.

7.7 This Deed shall cease to have effect (insofar only as it has not already been complied with) if:-

7.7.1 the Planning Permission shall be quashed revoked or otherwise withdrawn or (without the consent of the Owner) is modified by any statutory procedure

7.7.2 the Planning Permission shall expire prior to the Commencement of Development; or

7.7.3 the Site is developed under a new planning permission (other than one issued under Section 73 of the Act for variation or discharge of a condition of the Planning Permission) granted after the Planning Permission by the

Council or any other competent authority and there has been no Commencement of Development.

- 7.8 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Site but without prejudice to liability for any subsisting breach arising prior to parting with such interest.
- 7.9 This Deed shall not be enforceable against owner-occupiers or tenants of dwellings constructed pursuant to the Planning Permission nor against those deriving title from them.
- 7.10 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.

8 WAIVER

No waiver (whether expressed or implied) by the Council or Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or Owner from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

9 CHANGE IN OWNERSHIP

The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan

10 INDEXATION

Any sum referred to in the Second Schedule shall be increased by an amount equivalent to the increase in the Index from the date hereof until the date on which such sum is payable.

11 INTEREST

If any payment due under this Deed is paid late, interest will be payable from the date payment is due to the date of payment.

12 VAT

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

13 JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and Wales.

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DELIVERY

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

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MONITORING FEES

The Owner shall pay the Council prior to the issue of the Planning Permission the sum of **£2126.00** in respect of administrative and monitoring fees with regard to the Obligations set out in this Deed.

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of the Site in
Permission)

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

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FIRST SCHEDULE

Description of the Site

Land shown edged red on the Plan being land off Bro Gwilym, Cefn Mawr, Wrexham.

SECOND SCHEDULE

Owner's Covenants – Education Contribution

n. On Commencement of Development the Owner shall pay the Education Contribution to the Council and the monies paid shall be used by the Council to provide additional primary and secondary educational facilities within the local area.

THIRD SCHEDULE

Owner's Covenants – Playing Fields and Parks Contribution

On Commencement of Development the Owner shall pay the Playing Fields and Parks Contribution to the Council which shall be used by the Council to extend and improve the provision and facilities of playing fields and parks in the local area.

FOURTH SCHEDULE

Council's Covenants

Discharge of obligations

- 1 The Council covenants with the Owner to use the Education Contribution and the Playing Fields and Parks Contribution received from the Owner under the terms of this Deed for the purpose specified in this Deed for which they are paid
2. The Council covenants with the Owner that it will repay the Owner such amount of the Education Contribution and the Playing Fields and Parks Contribution made by the Owner to the Council under this Deed which has not been expended in accordance with the provisions of this Deed within 5 years of the date of receipt by the Council together with Interest from the date of the payment to the date of refund.

THE COMMON SEAL of WREXHAM

COUNTY BOROUGH COUNCIL

was hereunto affixed in the

presence of:-

S Wyn Davies

220/15(a)

~~Head of Corporate and Customer Services~~

Legal Services Manager

EXECUTED as a Deed by

WALES & WEST HOUSING ASSOCIATION

LIMITED acting by a Board Member and its Secretary

or two Board Members

[Signature]

Board Member

A Hardy

Board Member/Secretary

ANNEX 1

Draft Planning Permission

in pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application



Applicant	WALES & WEST HOUSING	Code Number	CEF P/2014/0556
Applicant	LOVELOCK MITCHELL ARCHITECTS MR N MADDOCKS 3 STANLEY STREET CHESTER CHESHIRE CH1 2LS	Date Received	29/07/2014
		Decision Date	

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Town and Country Planning Act, 1990

Location of application

LAND AT, BRO GWILYM, CEFN MAWR, WREXHAM, , LL14 3NU

Description of application

RESIDENTIAL DEVELOPMENT (12 DWELLINGS) 8 X 2 BEDROOM SEMI-DETACHED HOUSES AND 4 X 1 BEDROOM FLATS (ONE BLOCK) AND ANCILLARY WORKS.

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
GDP2	Capacity of infrastructure and community facilities
H2	Residential development within settlements
PS1	Settlement limits
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
T8	Parking

Particulars of decision that permission be **GRANTED**
Subject to the following:-

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Condition(s)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 1165:102 Rev J, 201 Rev A, 202 Rev A, 205 Rev A, 206 Rev A and as contained within the application documentation, or as subject to further approval by planning conditions.
3. No part of the development shall commence until samples of all external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
4. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:
 - 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - 2) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - 3) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
 - 4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - 5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - 6) Method for protecting retained trees during demolition works;

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5. The following activities should not be carried out under any circumstances:

- 1) No fires should be lit within 10 metres of the nearest point of the canopy of any retained tree.
- 2) No works, including earth works and the bringing onto site of machinery or materials shall proceed until the approved tree protection measures are put in place, with the exception of the approved tree works.
- 3) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- 4) No mixing of cement or use of other materials or substances shall take place within tree root protection areas or tree construction exclusion zones, or close enough to these that seepage or displacement of those materials or substances could cause them to enter tree root protection areas or tree construction exclusion zones.
- 5) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

6. No part of the development shall commence until full details of both hard and soft landscape works, including details of any retaining walls and privacy fencing and other fencing/walls, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include a timescale for the implementation of works, and shall provide for ecological improvement / habitat creation and enhancement within the soft landscape areas for the benefit of biodiversity conservation specifically tailored to the landscape features.

7. The landscaping scheme submitted and approved in connection with condition no. 06 shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.

8. The landscaping scheme as carried out in connection with condition no. 07 shall be retained for a minimum of 10 years. Within this timescale, any planting becoming severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced with trees or shrubs and within a timescale all to be submitted to and approved in writing by the Local Planning Authority.

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9. There shall be no clearance of vegetation on site between the months of March to August inclusively in any calendar year.
10. No part of the development shall commence until a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phased investigation approach to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring.
11. No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 10 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.
12. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.
13. No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no extensions or additions to the dwellings as approved shall be erected under Class(es) A of Schedule 2 Part 1.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no buildings (to include garages, sheds, greenhouses, outbuildings etc) other than those shown on the approved site layout plan drawing no. 1165:102 Rev J shall be erected, or placed on the rear garden areas of plots 1-6 as shown on the approved plans under Class E of Schedule 2 Part 1 other than the sheds as shown on the approved plans.
16. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.

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17. No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the Local Planning Authority:

1) Detailed layout, design, drainage and construction of the proposed new footway / carriageway,

The scheme as is approved shall be fully implemented prior to first use of the development.

18. The vehicular parking and turning areas as shown on approved drawing(s) No(s). 1165102 Ref J shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

19. The site shall be developed in accordance with the ground and / or floor levels indicated on the approved plans. No changes to floor levels or external ground levels shall be made without the prior written approval of the Local Planning Authority.

20. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:

i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;

ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,

iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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21. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 20. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.
22. Before any dwellings are first occupied, details for the management and maintenance of on-site public open space areas shall be submitted to and approved in writing to confirm how those areas will be maintained in perpetuity.
23. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 33 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction above the level of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
24. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure that the development fully complies with the appropriate policies and standards.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
4. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s).
5. To ensure that hard surfacing does not cause harm to retained trees in the interests of visual amenity.
6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
7. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

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9. In order to protect wildlife interests, which are afforded special protection.
10. In the interests of the amenities of the future occupants of the buildings
11. In the interests of the amenities of the future occupants of the buildings
12. To protect the amenities of the occupiers of nearby properties.
13. To protect the amenities of the occupiers of nearby properties.
14. Due to the restricted application site and its relationship with adjoining properties it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority.
15. Due to the restricted rear plot dimensions of plots 1-6 in relation to an adjacent retaining wall and residential property, it is considered important to control future development within this area so as not jeopardise the provision and retention of landscaping measures along the south west edge of the site adjacent to Bro Gwilym.
16. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment.
17. In the interests of highway safety.
18. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
19. To ensure that the development fully complies with the appropriate policies and standards.
20. To ensure satisfactory drainage of the site and to avoid flooding.
21. To ensure satisfactory drainage of the site and to avoid flooding.
22. To ensure that the open space areas within the development are adequately maintained as part of the housing development in the interests of the amenities of the area.
23. To ensure that adequate visibility is provided at the proposed point of access to the highway.
24. In the interests of highway safety.

Note(s) to applicant

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal.

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These conditions are known as ""conditions precedent"". You should be aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

In connection with condition 9 above, you are advised that the site includes a significant amount of shrub and vegetation stands and these are suitable for bird nesting. Any clearance of this vegetation should avoid bird nesting season.

You should check carefully that the levels agreed as part of this permission are complied with. Any divergence from these levels is likely to invalidate your permission and could result in enforcement action which could require demolition of the building(s).

Further advice on compliance with condition no. 10 may be obtained by contacting the Council's Environmental Protection Team on 01978 315733. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Housing and Public Protection Department prior to commencement of works on site.

The applicant is advised that compliance with condition no. 12 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

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- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

Applicants are advised that compliance with condition no. 13 does not provide an exemption from the statutory nuisance provisions of the Environmental Protection Act 1990. Under the Act dust from any type of activity can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that the dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

You should ensure that any difference between the plans approved under the Town and Country Planning Acts and under the Building Regulations is resolved prior to commencement of development, by formal submission of amended plans.

You are advised that this grant of planning permission was made following the completion of an Agreement under Section 106 of the Town and Country Planning Act. Before undertaking any work under this permission you are advised to obtain full details of the Agreement and ensure that you are able to comply with its terms.

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily

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visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Your attention is drawn to Highway Supplementary Notes Numbered 1, 3, 4 and 5 on the enclosed "Applicants' Rights and General Information".

This planning permission requires that development be carried out in accordance with the approved plans, including the construction of an estate road intended for adoption by the Council under the Highways Act 1980. It is essential therefore that the detailed proposals are submitted to the Highway Authority and confirmed as acceptable BEFORE development commences. Please contact the Highway Authority on telephone no. 01978 729690 for further guidance.

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COUNCIL
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Applicant	WALES & WEST HOUSING	Code Number	CEF P/2014/0556
Agent	LOVELOCK MITCHELL ARCHITECTS MR N MADDOCKS 3 STANLEY STREET CHESTER CHESHIRE CH1 2LS	Date Received	29/07/2014
		Decision Date	



DRAFT

The applicant is advised that submission of a copy of the relevant section 38 adoption agreement, between the applicant and the Highway Authority, to the Local Planning Authority will allow the above condition no(s). 17 to be formally discharged in writing.

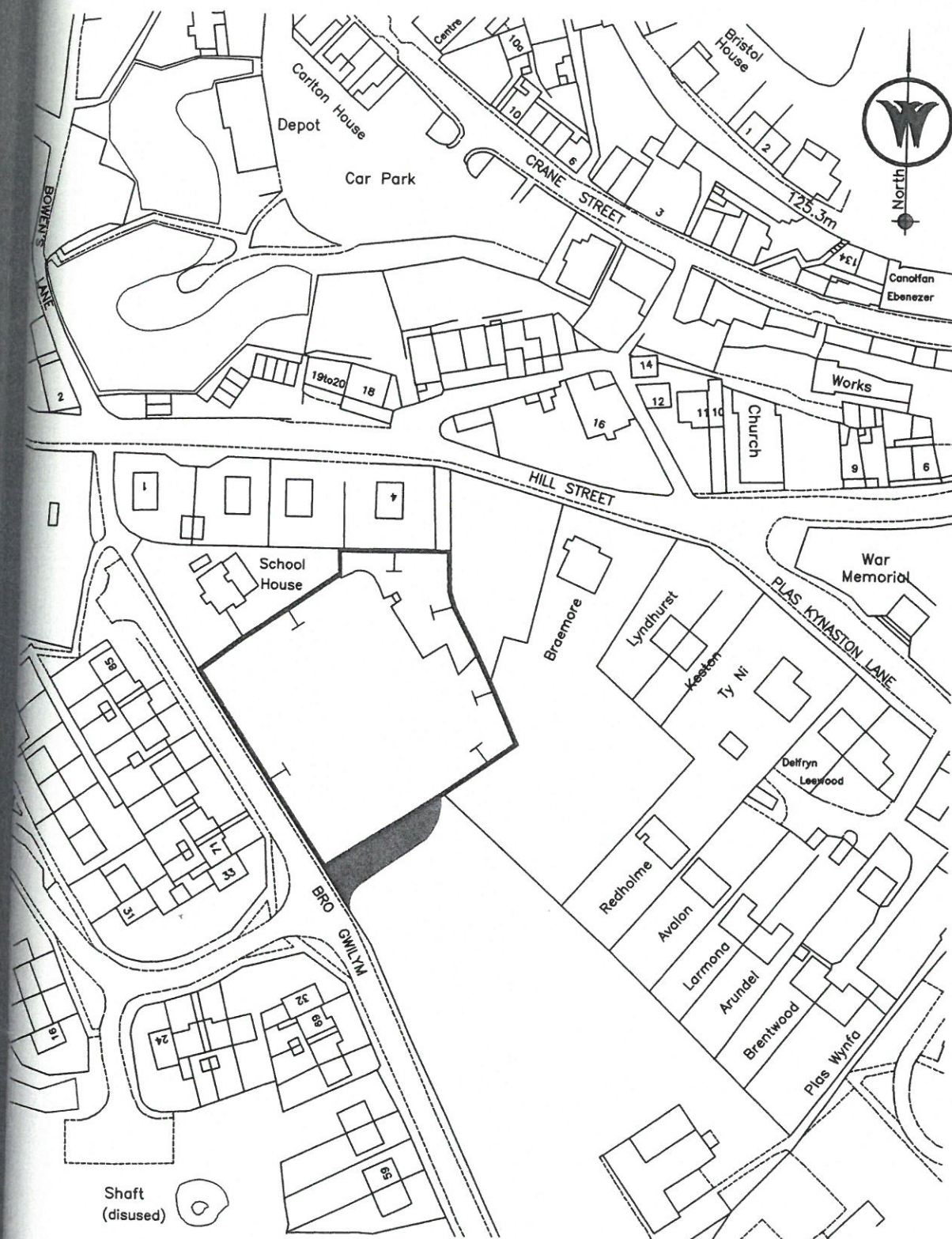
Officer Appointed for this purpose
Head of Community Wellbeing and Development

Refer to the Statement of Applicant's Rights and General Information enclosed or refer to the following link:-

[http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.h
tm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)

PLAN REFERRED TO.

CEFN MAWR



AREA EDGED RED 3208m² OR THEREABOUTS

AREA SHOWN HATCHED 202m² OR THEREABOUTS

STEPHEN T BAYLEY

HEAD OF ASSETS AND ECONOMIC DEVELOPMENT

REXHAM COUNTY BOROUGH COUNCIL

PLAN No.8/215/1b

O.S.S. No. S.J.2742

SCALE. 1:1250

31/01/12 MD

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