PI 20031 1484

RUABON BUSINESS PARK.

WREXHAM COUNTY BOROUGH COUNCIL
09 JUL 2007
DEPARTMENT

MEMORANDUM

wrexham COUNTY BOROUGH
BWRDEISTREF SIROL wrecsam

From: Pete Douthwaite
Highways Development Control

To: Gerry Kellett
Planning Department

Our Ref: P/2003/1484

Your Ref:

Date: 05 July 2007

Ruabon Business Park

Please find attached a copy of the design assessment undertaken by our Engineering Services department on the highway proposals for the Ruabon Business Park.

Also attached is a copy of an assessment made regarding the adequacy of signing, tactile paving and road marking.

I would be grateful if you could ask PFA consulting to review the recommendations of the report and comment as appropriate.

Given that there are still some outstanding issues I cannot agree to the discharge of Condition 7.

A full safety audit will be required on the full highway proposals prior to any formal approval being given.

For Operational Manager Highways Planning

Response to: The Wynnstay Farming Co. Ltd.
Re: Ruabon Business Park, Ruabon, Wrexham
PFA Consulting Ref: RUA P/2003/1484
Wrexham County Borough Council Ref : TE06747

Local Authority's Comments to Designer's Response Dated January 2007

Items 2 & 3

Your comments are acknowledged. However an objective of the County Council as a Highway Authority is to assess the designs and locations of commercial and mixed-use developments. Minimum design criteria and standards must be applied but are not always interpreted rigidly, therefore flexibility is adopted to suit the site context. Critically the guidelines are that the development is considered safe for all road users, including commercial vehicles, cyclist and pedestrians. Any shortfall in highway design criteria can result in for example, interruptions to the free flow of traffic and dangerous manoeuvres of large vehicles.

As every junction, access and road is a potential hazard the layout must comply with all the relevant Design Manuals, including TE9/93 and other current Advice Notes including, in this instance, Technical Advice Note 18 published by the Welsh Assembly Government (March 2007).

Item 4

Actual Speed data is unavailable so the assumed speed is the statutory speed limit of 60mph. This point was agreed however there is a contradiction in para.12 that states 'the roundabout will be lit and therefore a 30mph limit automatically applies'. It is envisaged that the road will remain as de-restricted and appropriate repeater signs will be required on lighting columns.

Item 5

Arm A – A forward visibility splay of 142metres is considered adequate due to a recent spot check measuring the 85th percentile approach speed that gave 48mph. The minimum requirement is 160m based upon a speed limit of 60mph.

Arm B – 130m westbound approach will be considered as adequate.

Arm C – 56m SSD is required and therefore reassurances are necessary to prove that the proposed trees do not impinge upon the visibility envelope.

Item 6

Legs 1, 2 & 3 – all comply with TD 16/93.

Item 7

The stopping sight distance (SSD) is essential as stated in Item 5 Arm A,B & C.

Item 8

No further comments

Item 9

Arms 1, 3 & 4 inclusive – No further comments

Arm 2 – 56m will be accepted as stated in TAN 18.

Horizontal Alignment – Business Park Roundabout

Leg 1 – A junction should not be designed to restrain traffic by deliberately keeping the taper length low and exit/entry widths below the recommended practice.
Flexibility should be made for flow periods in the future.
Comments therefore are not accepted unless proof is provided that the Roundabout will cope with the traffic demand anticipated. Arcady figures are therefore required.

Item 10

Roads 4 & 5 – Visibility splays have been amended in TAN18 (June 2007) and are therefore based upon a set-back distance of 4.5m (x distance) as you have stated. The 'y' distance based upon the SSD criteria has now relaxed to a distance of 56m which therefore has a significant affect on what was originally reported.

Item 11

We are prepared to accept 45m spacing between Roads 4 & 5.

Item 12

J1 – The Eastbound approach road (B5605) has a de-restricted speed limit regardless of the fact there is street lighting.
Using the recent spot check 85th percentile approach speed of 48mph a 220m radius still does not meet the design criteria. Therefore a horizontal curvature of 360m (one step below desirable minimum R with superelevation 7%) is required.

Road 1 – Your comments agreed, however it should be noted that superelevation is still up to 7%.This is in accordance with TD 9/93.

Road 2 &3 Your comment regarding the radius is acknowledged.
An autotrack has been carried out within the estate roads using an articulated vehicle and al arge bin wagon; no problems were encountered with the exception of one small issue. The splitter island on Road 4 requires reducing to about 4.5m long. This will eliminate any potential over-run onto the kerbs by the larger vehicles.

Item 13

No vertical alignment issues are apparent for J1 ICD, J1-CLA, J1-CLB and J1-CLC.

Signing, Road markings, Tactile Paving

Most of the details are now adequate but there is still an issue with lack of sign details.
The tactile paving at all junctions is incorrectly aligned. They are all required to be in a straight line across each junction. For further information on these requirements please contact Dylan Jones on 01978 297168

27-6-07/JV/TE06747

IN THE MATTER OF RUABON BUSINESS PARK

AND IN THE MATTER OF AN APPLICATION FOR A CERTIFICATE OF LAWFULNESS

ADVICE

1. INTRODUCTION

1.1. I am asked to advise in relation to an application for a certificate of lawfulness ("CLD") in respect of works undertaken in purported reliance on one or more grants of planning permission/approval of reserved matters for Business Park development at Ruabon. The application has been made on behalf of the landowners by Pegasus Planning Group Ltd ("PPG").

1.2. I have advised twice before[1] on this general matter, which has been controversial for some time. It appears as though the landowners now

[1] On 1.12.2008 and 20.02.2009

seek to resolve the issue via the CLD application. The chronology is complicated and set out in my first Advice.

1.3. The LDC application raises two main issues. By far the more complicated of these is dependent on the status of Decision Notice P/2003/1484. The second concerns the status of works undertaken at the Site and is largely a matter of fact. I have no instructions as to the accuracy of Item 13 which consists of a schedule of dates when it is claimed that conditions precedent on P/2003/1484 were discharged. Nor do I know whether paragraph 5.8 of the submission is correct; the works certainly appear capable of constituting a material operation for the purposes of s.56 Town & Country Planning Act 1990 ("TCPA"), but I cannot comment as to their consistency with approved plans. Subject to these factual points, it seems to me that the application should turn on Issue 1 rather than Issue 2.

2. STATUS OF P/2003/1484

2.1. I have fully reconsidered this matter, but remain of the opinion expressed in my Advice of 20.02.09 that the better view is that P/2003/1485 is a Reserved Matters Approval ("RMA"). In short, I continue to accept that it is a problematic document on its face and that aspects of the Council's handling of the application appear to suggest confusion and/or to support PPG's contention that the application was and/or was handled as a full planning application. PPG's submissions, however, are selective and my

view remains that if recourse is had to the application, for which there is established authority[2] in the case of a planning permission which is ambiguous on its face, the position does not improve for PPG. In fact, as I shall explain, I consider that the application is incorporated into the Decision Notice.

2.2. Much of PPG's argument is based upon further extrinsic documents, statutory consultation notices, public notifications, consultees' responses, correspondence, discussions in meetings and the officer's report. I shall deal with those in more detail below, but it should be noted at this stage that the Courts have generally taken a very cautious and restrictive approach to the introduction of such material. One of the well known exceptions to the general principle is ambiguity on the face of the decision notice, but even here it should not be assumed that the whole planning file will be taken into account on a question of construction. The Court of Appeal has been prepared, in cases of ambiguity, to look at *"any exchange between the applicant and the planning authority"* as *"part of the evidential matrix"*.[3] A later Court of Appeal was keen to limit this apparently wide statement to cases of ambiguity in Slough BC v SoSE [1995] JPL 1128. In Polhill Garden Centre Ltd v SoSE [1998] JPL 1070 at 1073, Mr Malcolm Spence QC., sitting as a Deputy Judge of the High Court said, of an inspector's reference to a committee report to assist in a

---

2 R v Ashford BC ex parte Shepway DC [1948] JPL 1073. In this respect i see no reason why any more relaxed rule should apply to a RMA.

3 Oakimber Ltd v Elmbridge BC and Surrey CC [1992] JPL 40; Staffordshire Moorlands DC v Cartwright [1992] JPL 139

question of construction: *"That ... is an impossibility and [Counsel for the Secretary of State] does not seek to argue otherwise"*. Mr Spence quoted at some length from Keene J's judgment in Ashford, including the following paragraph on properly limiting the use of extrinsic material admitted to resolve ambiguity:

> *"I propose to deal with this as a matter of principle. It is important to recognise that when an application is being used for such a purpose, it is not being incorporated into the permission. This is a wholly different exercise from that involved in incorporation. The justification for such resort to extraneous material is to resolve a particular inconsistency or ambiguity. That being so, it would not be proper to regard other parts of the permission free from ambiguity as open to re-interpretation in the light of the application or, indeed, other extrinsic material. Such material is only being brought into play for a specific purpose. Such recourse does not make the application or other extrinsic material part of the permission generally. Otherwise the existence of an ambiguity on a single point or word in an otherwise complete and clear permission would mean that the extent of the development as a whole thereby permitted could be cut down by the application. That would be contrary to the general rule spelt out many years ago in* ***Miller-Mead*** *and endorsed by the Court of Appeal recently in* ***Slough Borough Council v Secretary of State for the Environment****. Moreover, any such exception to a general rule ought to be narrowly construed."*

2.3. There is no recognition in PPG's submission of these important general principles of construction. Nor is there any real legal analysis at all. Reference is made[4] to the case of Cardiff Corp'n v SoSW [1971] P&CR 718 for the proposition that *"an application for full permission for*

[4] Submission para 3.6

development already authorised by an outline permission may be capable of being construed as an application for the approval of Reserved Matters". This statement is an oversimplification. As Thesiger J said, at p.732, dealing with the Secretary of State's decision on a revocation order:

> *"The question for me ... is not whether the documents could be regarded ... as an original application but whether they were capable of being considered as a submission of detailed plans within the meaning of the condition of the outline planning permission which had already been given ... I can see no reason why a submission of detailed plans should not be accompanied by a copy of or a repetition of the original planning application".*

The subsequent statement at paragraph 3.7 of the submission is not supported by authority, although it is asserted that *"the Courts have shown"* that they will consider the substance of an application by reference, inter alia, to the consultation process. I noted in an earlier Advice that at no time have the landowners disclosed a copy of their legal advice.

2.4. Turning to the extrinsic material (though, as noted above, Item (1) is, in fact, incorporated into the Decision Notice):

(1) The application form is a standard one covering planning permission or *"Approval of Details of Development"*. Part 1 Boxes 3, 5 and 12 and Part 2 Box 1 all specify that RMA is sought.

(2) The covering letter from RPS (not produced by PPG) is in similar terms, though making clear that it also covered applications to discharge conditions 7,8 and 14 *"of the outline consent"* (surface water disposal, limitation to Class B1 and submission of TIA).

(3) RPS' Planning Supporting Statement is in the same terms.

(4) Statutory consultation and neighbour notification were carried out as for a planning application, though the *"standard"* consultation letter said (delphically):

> *"I have received a planning application for the development mentioned above ... This application follows the grant of outline planning permission which established the principle of the development and only those matters reserved by that permission are to be considered. I enclose a full set of the application documents as submitted by the applicant/agent."*

PPG state, at paragraph 4.15:

> *"The inference is that there is a parallel planning permission which has set up the principle of development which acts as a fallback in considering what has now been submitted."*

I do not understand this suggestion, which seems to me contrived.

(5) Several of the statutory consultees believed that the consultation related to a planning application and/or responded on matters of

principle.[5] In my experience, this is not unusual, even in the clearest of cases, and cannot affect the true nature of the approval subsequently issued.

(6) The Council requested details of sustainable building, which RPS resisted on the basis that the relevant guidance related to planning, rather than RMA applications. The Council, however, persisted. There are two points here:

(a) I do not see why sustainable building is not a RMA issue

(b) more importantly, RPS continued to treat the application as one for RMA and to insist upon this.

(7) S.106 requests were made by the Highways Department. It is not entirely clear to me whether these requests were really s.106 demands or related to one or more projected s.278 Highways Act 1980 matters. Importantly, however, RPS resisted them as in (6) above, although eventually some compromise seems to have been reached at a meeting. The position is not totally clear, save that RPS' handling of the matter rebuts any possible suggestion (not in fact advanced by PPG) of amendment from RMA to planning application. (I should say, in this connection, and with regard to the Cardiff assertion, that I am not convinced that it would have been lawful to make such a fundamental amendment

[5] Though the Highways Department did so in a response which expressly recognised the scope of the application.

even by mutual consent. A fortiori, I think it highly dubious to suggest that a LPA could achieve such a change unilaterally. Cardiff is not authority for this proposition, as noted above; whilst, on the facts of that case, it was decided that there was a RMA, it does not follow that a planning application can be *"created"* from a RMA application by the LPA).

(8) PPG produce the Officer's Report to Committee but do not comment on it in detail. They claim, at paragraph 6.12, that it *"did not set out clearly"* the relationship between the RMA application and the 2003 permission. I disagree. Although the report goes into policy considerations which were not strictly relevant, this is, perhaps, not wholly surprising given the shift which had occurred in the site's development plan notation. On pages 5 (*"Background"*), 6 (*"Policy"*) and 9 (*"Conclusion"*), the nature of the application is set out. In particular on page 9, the report says:

> *"There can be no policy objections in principle to the proposed development since it has a current consent in outline."*

2.5. Therefore, even if all the extrinsic material is consulted, I do not consider that it demonstrates that the application either was in substance or was determined as a planning application. In particular, the officer made it quite clear (at pp.6 and 9) that the Council was constrained from revisiting the principle of the development in the light of the newly adopted UDP.

2.6. In my view, the most difficult aspects of this matter arise from consideration of the decision notice itself. PPG's submissions concentrate on the *"Description of application"* policies and conditions. They do not comment on the Particulars of decision: *"APPROVAL of reserved matters"*, nor do they address the following words at the top of the Notice:

> *"In pursuance of its powers under the Acts an (sic) 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".*
>
> (emphasis added)

These words therefore clearly incorporate the application, thus allowing it to be taken into account under one of the Ashford principles.[6] This is helpful because of the unambiguous nature of the application. It should be unnecessary to look further into the truly (i.e. unincorporated) extrinsic material, notwithstanding the difficulties with the conditions on P/2003/1484. The UDP policies listed do not generally relate to the

---

[6] These words appear on all the decision notices and probably strengthen an argument that all previous conditions are incorporated into P/2003/0058. Nothing seems likely to turn on this, but I mention it for the sake of completeness. Moreover, on reflection and in the light of R v London Docklands Development Corp'n (1996) 73 P&CR 199 at 206, dealing with the implication of time limits under s.91 or s.92 (full and outline permissions) I now consider that a s.73 permission can relate to an outline permission, notwithstanding that the s.73 application is not itself for the *"erection of a building"*. Paragraphs 1.4 and 2.2.1 must be read subject to these points. Paragraph 2.2.1 should read:

> *"I do not consider that RM approval 2003.1484 has the effect of prolonging the life of permission 2003/0058. That planning permission is problematic insofar as it does not expressly 'carry over' the conditions from the 'original' permission(s). It might be argued that there is an implication by reference to the planning application, which is expressly incorporated by the note at the top of the decision notice, but the application letter is silent as to other conditions. It is therefore very difficult, in my view, to 'rescue' P/2003/0058 in the way adopted in Reid. In the absence of condition 3, however Condition 1 and s.92 would have operated to deem the permission to have been granted subject to a condition that development must be begun not later than 2 years from the final approval of RMs or the last of them to be approved, that is, as it transpired, 6.06.2007."*

principle of development and/or the site's designation, rather to general development control principles consistent with consideration of detailed design matters. The only exception is Policy PS1, Settlement Limits. If recourse is made to the committee report, as PPG apparently argue should be done, then this is fully explained. If not, then I do not consider that reference to this policy turns the approval into a planning permission; it is, at worst, from the Council's point of view, a surprising feature.

2.7. PPG analyse the conditions on P/2003/1484. I noted in my first Advice the odd nature of the decision notice, particularly with regard to conditions (paragraphs 1.6 and 2.22). As I said there, some of the conditions, as well as going beyond a RMA, also extend beyond that which is conventionally regarded as reasonable and valid on a planning permission (Conditions 8, 9 and 12). The high point of PPG's case is Condition 1, specifying 5 years and citing s.91(3) as the justification. This is inappropriate to a RMA and invalid since it purports to extend the life of the approval beyond the life of the last s.73 permission. This was made clear to the Landowners' former agents by letter dated 18th November 2008. Other conditions are more or less inappropriate to a RMA. Some, such as Conditions 4, 13, 21 and 22, duplicate those in the 2000 planning permission and are therefore surplus. Many others, to a greater or lesser extent, impose further requirements and PPG therefore say that they *"derogate from"* the original permission. Some are more debatable, such

as Conditions 6 and 7. Nevertheless, it has to be admitted that many of the conditions do go outside the parameters of (any of) the outline permissions. For this reason it might be considered permissible to examine the extrinsic material to see whether, for example, the incorporated application had been amended. I have given my opinion on this material above. It might be said that the problems with P/2003/1484 are so extensive that severance of so many invalid conditions is impossible, rendering the document void but this, for obvious reasons, is not what PPG argue. If such a view were to be reached by an inspector and/or the court, then the proper overall finding would still be that the LDC application should fail.

3. CONCLUSION

3.1. Accordingly, I advise that the LDC application should be rejected on Issue 1. As I have stated, I can express no conclusive view on Issue 2.

MORAG ELLIS QC
14 December 2010

2-3 Gray's Inn Square
London WC1R 5JH

IN THE MATTER OF RUABON BUSINESS PARK

AND IN THE MATTER OF AN APPLICATION FOR A CERTIFICATE OF LAWFULNESS

A D V I C E

Wrexham County Borough Council
DX: 721924
Wrexham 4

ME.1189

Reading Basics Part



(23/04/2010) Gerry Kellett - Re: P/2007/1187 Phase 2 Redr

From: Moray Simpson
To: Kellett, Gerry
Date: 22/04/2010 18:20
Subject: Re: P/2007/1187 Phase 2 Redr

Gerry

The recently submitted details from Redrow as c
March 2010 is sufficient to enable the discharge
the site. Unfortunately these conditions cannot b
site as the information submitted is not acceptab

Regards

Moray

SHB/TR/CIR.W.0228

2 June 2010

S Griffiths Esq
Wrexham County Borough Council
Lambpit Street
WREXHAM
LL11 1AR

Dear Mr Griffiths

Ruabon Business Park

Further to our meeting earlier today, I set out my summary note of our discussions as follows:-

I outlined the position on behalf of Wynnstay, the landowners, namely, that they have explained by letter of 20/04/2010 to the Council the basis on which the works have been undertaken and I confirmed at the meeting that no further works had taken place on site or were currently programmed. I explained that the landowners have acted in good faith on the basis of the Council's decision under Ref P/2003/1484 issued on 6 June 2005. This decision is a formal decision of the Council and has all the effect in law of a valid decision which permits development to be begun within 5 years, ie by 6 June 2010.

I explained that whilst my Clients were aware of the Council's letter of 18/11/2008 to Savills no communication was made with the landowner at that time, or indeed, at any stage before 10/3/2008, indicating that the Council took the view that any permission would not remain extant thereafter.

In my view the effect of the Council's decision, if it is maintained, is to have created a position whereby the Applicant has been drawn into following a course, set out in the Council's decision granted on 6 June 2005, which has the practical effect of modification of a planning permission. I therefore referred in the meeting to S97 of the 1990 Act where planning permission has been granted and is amended, and noted that compensation is payable to owners who suffer loss. Compensation can include depreciation in the value of an interest in the land.

I also indicated that as part of my research I have identified correspondence from the Council to an independent Authority confirming the view of officers that planning permission was extant post 10 March 2008. This is the view of the Applicant and there has been no new statutory decision from the Council subsequently which would change this.

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Pegasus Planning Group

As I understand the Council's position, as explained to me in the meeting, the Council contends that Condition 1 of the decision on 6 June 2005 relates to the variation of condition and permission granted on 10 March 2003 (RUA/P/2003/0058).

We discussed, briefly, the status of the Council's decision notice of 6 June 2005 (RUA/P/2003/1484). I indicated that the decision notice deals with many issues not covered as reserved matters and that the development "hereby approved" by that decision is much wider.

Plainly, both parties are far apart and critical aspects of planning law need to be considered. For these reasons, it was agreed in our meeting, that I should write to request formally a full explanation of the Council's position confirming my request for your Counsel's Opinion to be released. Those attending the meeting agreed that it made sense for the parties to complete a full disclosure before any further steps and potentially significant additional costs are incurred. Accordingly, it is my understanding that the Council will allow a suitable period for an exchange of meaningful explanations and positions before any further formal notice is served. This is due to be considered with your Chief Planning Officer. I have in the meantime written to your Chief Legal and Administration Officer.

Yours sincerely



Stephen H Bawtree
Partner
e-mail: stephen.bawtree@ppg-llp.co.uk

SG Gerry. For your info. I have copied it to Siondd for her comment. Steve 29/4

Pegasus Planning Group

Our Ref: SHB/TR/CIR.W.0228
Yr Ref: ENF/2010/0154 & P/2003/0058

WREXHAM COUNTY BOROUGH COUNCIL
29 APR 2010
27090
PLANNING DEPARTMENT

28 April 2010

Wrexham County Borough Council
Lambpit Street
Wrexham
LL11 1AR

For the attention of L Isted Esq

Without Prejudice

Dear Sir

Ruabon Business Park

I acknowledge your letter of 26 April 2010. In this you refer to your previous letter of 18 May 2009, which we have received and previously responded to on 20 May 2009. You also refer to the Council's letter of 3 March 2009 addressed to Savills. This does not appear to be a letter I have and I would ask that you forward a copy.

As previously explained in our letter of 13 May 2009, the Council's decision under Ref P/2003/1484 issued on 6 June 2005 has been a matter of public record for a considerable period of years and the time for any challenge has long passed, so that the Council's resolution has all the effects in law of a valid decision. On its face, the decision permits development to be begun within 5 years, that is by 6 June 2010.

With regard to the Counsel's Opinion, whatever the Council's position might normally be, the position in this case is sufficiently important to warrant a legitimate exception. We remain of the view that it is in the interests of all parties, in terms of time and costs if such an Opinion is released to enable the landowners to consider their position further.

You are aware that the current position maintained on behalf of the landowner is that they are acting in good faith on the basis of a Statutory Notice issued by the Council authorising development and that they are lawfully entitled to implement the works on the site as undertaken.

Two distinct and conflicting positions appear to have been adopted by the parties. On behalf of the landowner for reasons including those already broadly set out in Savills letter of 26 January 2009, we maintain that a valid consent exists. In respect of this consent, implementation works can and have been carried out within the relevant timeframe.

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Pegasus Planning Group

The Council now seeks to contend that there is no extant planning permission for the site.

We maintain the landowner is right and development can proceed. If however, contrary to this position, which we intend to defend robustly, we were to hypothetically consider the Council were correct, then the landowner would necessarily need to consider the consequences. This would appear to include consequential loss directly caused by the Council's actions and there is therefore, a real substantive issue of damages to be considered.

In all the circumstances it may well be helpful and informative to the parties if we were to meet to discuss matters. I invite your response accordingly.

Yours faithfully

Stephen H Bawtree
Partner
e-mail: stephen.bawtree@ppg-llp.co.uk

FIRST CLASS

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Fao Stephen H Bawtree

Dear Sirs

Re. Works at Ruabon, Wrexham

I am in receipt of your letter of 20 April and would refer you to previous correspondence in respect of this matter in particular the following letters:-

1. Dated 18 May 2009 addressed to you;
2. Dated 3 March 2009 addressed to Savills in response to their letter of 26 January which is referred to in your most recent letter.

It is not this Council's practice to disclose Counsel's Opinion. However I can confirm that Counsel's opinion was unequivocal in concluding that permission P/2003/0058 lapsed on 10 March 2008 and that the reserved matters approval P/2003/1484 issued on 6 June 2005 did not constitute a permission in its own right nor did it have the effect of prolonging permission P/2003/0058.

The Council's position remains that there is no extant planning permission for this site. Accordingly the Council will have no option but to consider enforcement action in respect of any unauthorised works undertaken on site.

Yours sincerely,

.....

Chief Planning Officer

Pegasus Planning Group

Our Ref: SHB/TR/CIR.W.0228
Yr Ref: SG/JW/ENF/2010/0154

20 April 2010

Wrexham County Borough Council
Lambpit Street
WREXHAN
LL11 1AR

For the attention of S Griffiths Esq

Dear Sirs

Ruabon : Works

I respond to your letter of 16 April 2010 received by my Clients on 19 April 2010. You refer to land at Ruabon and should be aware that the land has a substantial planning history via which planning permission was granted in outline for the Business Park on 26 May 1995. This was subject to variation of conditions over time including Ref RUA P/2003/0058 dated 10 March 2003 and approved RUA P/2003/1484 dated 6 June 2005.

Dealing in this instance with the latter decision only (although it may subsequently also be necessary to refer to earlier decisions) development can commence at any time prior to 6 June 2010. The earthworks and stripping of top soil and laying down of hardcore have taken place in this context pursuant to decisions notices and consents issued by your Council.

The Council should also note that the initial pegging out for the works preceded 12 April 2010 and was completed very considerably before this.

The Council should also be aware of the position taken by the then intending developers in 2009 concerning the planning status of the site. We would refer to the letter of 26 January from Messrs Savills and can supply a further copy if this would assist. The letter includes reference to Counsel's Opinion setting out inter alia why planning permission remains valid and live.

We do not accept therefore that there is no extant planning permission for the works carried out.

If the Council take and continue to take a different view in respect of the legal position and rely upon Counsel's Opinion in this regard it will be in the interests of all parties, in terms of time and costs if such an Opinion is released and shared.

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Gary Lees
Martyn Smith
David Stentiford
Jim Tarzey

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Pegasus Planning Group

This will enable the landowners to consider their position further. This is an entirely reasonable request on behalf of a landowner who is acting pursuant to a decision notice issued by your Council.

The current position maintained on behalf of the landowner is, acting in good faith, on the basis of a statutory decision notice issued by the Council authorising development, that they are lawfully entitled to implement the works on the site as undertaken.

Yours faithfully

Stephen H Bawtree
Partner
e-mail: stephen.bawtree@ppg-llp.co.uk

FILING

GK

Mr Stephen H Bawtree
Partner
Pegasus Planning Group
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Querns Business Centre
Whitworth Road
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Gloucestershire GL7 1RT

SHB/TR/CIR.W.0228
LI/JW/P/2008/0844
18 May 2009
Lawrence Isted
(01978) 292500
lawrence.isted@wrexham.gov.uk

Dear Mr Bawtree

Ruabon Business Park

I refer to your letters of 29 April and 13 May 2009 with regard to the above site.

As you are aware I have been in correspondence with your client's agents, Savills, with respect to planning permission ref: P/2003/0058 and subsequent reserved matters approval ref: P/2003/1484. I confirm that the Council's position is that planning permission P/2003/0058 lapsed on 10 March 2008 having not been implemented within the requisite period. The Council does not accept that the reserved matters approval ref: P/2003/1484 constituted a planning consent in its own right thereby extending the period for commencement of the development.

You refer in your letter of 29 April to correspondence in November 2007 in which notice was given by your client's advisors of your client's intention to commence development. I should point out that as the planning permission ref: P/2003/0058 remained extant at that time and did not lapse until four months later on 10 March 2008 there was no reason for the Council to raise an issue.

Please note that the current application ref: P/2008/0844 will be considered by the Planning Committee on 1 June. Members will be advised that there is no extant permission for development of the site but that the legal position is disputed by the applicant.

Yours sincerely

Lawrence Isted
Chief Planning Officer

SHB/TR/CIR.W.0145

29 April 2009

The Chief Planning Officer
Wrexham Borough Council
Lampit Street
Wrexham
LL11 1AR

For the attention of G Kellet Esq

Dear Sirs

Ruabon Business Park, Wrexham

We write on behalf of The Wynnstay Farming Company Ltd, who are the joint applicants with Liberty Properties Plc in respect of the current planning application P/2008/0844. This letter concerns the planning permission for the Business Park (RUA 23477) and the subsequent Variations and Approvals.

We are aware that the Council received a letter from Savills, dated 26 January 2009, acting in respect of this application. It is appropriate to record formally that the letter was approved by Wynnstay who share and adopt the position set out in that letter.

We do not accept that planning permission P/2000/0418 has lapsed. Under S73 of the Town and Country Planning Act 1990, the Council extended the period with which Reserved Matters may be submitted (P2003/0058). The Reserved Matters were submitted within the relevant extended period.

You should note that Wynnstay's advisors wrote to the Council on 6 November 2007 under the heading Ruabon Business Park Planning Consent RUA/P2003/1484. The letter explained that all the conditions precedent had been discharged and continued,

> "I trust that you agree with the above details and unless I hear from you otherwise I will advise my Clients that they are now able to commence with development and in accordance with Condition 20 this letter serves as notice of such commencement after 5 days."

No issue was raised by the Council in respect of the start date for such commencement works.

The Council's decision (ref RUA P/2003/1484) has been a matter of public record now for a period of approaching 4 years and the time for any challenge has long passed, so that the Council's resolution has all the effects in law of a valid decision. On its face it permits development that has to be begun within 5 years.

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Pegasus Planning Group

We would also draw the Council's attention to Savill's letter and para 11 on page 3 concerning planning permission RUA/P/2000/0418. The Traffic Impact Assessment has been submitted to your Council. As specified by Condition 14, the recommendations of the Assessment shall be indicated in the detailed proposals. It is also to be noted that Condition 14 stipulates that the details required by Condition 1 shall include the submission of a Traffic Impact Assessment. Condition 1 requires that express approval shall be obtained from the Local Planning Authority.

The Council must logically, formally agree the Traffic Impact Assessment, as submitted to you. This has not been completed by the Council. Should you have any detailed questions concerning the Assessment, please do not hesitate to contact me in the first instance. Nevertheless, I need to make it plain that your Council has been supplied with all the requisite details and it is now incumbent on the Council to formally approve the Traffic Impact Assessment.

A further and separate letter will be forwarded on behalf of Wynnstay concerning the Council's letter of 24 March 2009. It is our view, for the reasons set out above, and in the Savill's letter that the development may still be begun lawfully.

Yours faithfully

Stephen H Bawtree
Partner
e-mail: stephen.bawtree@ppg-llp.co.uk

SHB/TR/CIR.W.0228

13 May 2009

Email and post

L Isted Esq
Wrexham County Borough Council
Lambpit Street
Wrexham
LL11 1AR

Dear Mr Isted

Ruabon Business Park

We wrote on behalf of The Wynnstay Farming Company Ltd on 29 April, for the attention of G Kellet, in relation to the Ruabon Business Park. We are concerned that we have not received any reply or acknowledgement. We attach a further copy of our letter and would ask for the written response of the Council, in particular in respect of the need to formally agree the Transport Impact Assessment as submitted to the Council. This has not been completed by the Council.

We also refer to the Council's letter of 24 March. It should be understood that we do not accept the position you purport to describe in relation to the decision of the Council under Ref P/2003/1484, issued on 6 June 2008.

As previously explained, the Council's decision has been a matter of public record now for a period now approaching 4 years and the time for any challenge has long passed, so that the Council's resolution has all the effects in law of a valid decision. On its face, it permits development that has to be begun within 5 years.

My Clients have previously served notice on the Council that it intends to commence implementation works. This remains the case and in accordance with the Council's decision of 6 June 2008, such commencement operations can commence lawfully at any stage up to 6 June 2010.

Our colleagues at Savills will make any further submissions, should this be necessary, in respect of the current application.

Yours sincerely

Stephen H Bawtree
Partner
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libertyproperties ruabon gk.doc

Mr E E Williams
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ARR/KRK
7 April, 2009

Dear Mr Williams

Ruabon Business Park – Planning Application P/2008/0844

Thank you for your letter of yesterday's date regarding the above.

I refer to your point about not knowing when the Authority will complete consideration of the application and have asked this question of the Planning Department. The information I have been given is that consideration of the proposal has been ongoing for a number of months, as follows:

1. The Planning Case Officer, Mr Gerry Kellett, held a meeting in early October with the joint applicants and their agent (Savills) together with certain consultants. At this meeting a number of concerns about the proposal were raised. The applicants/agent wanted time to consider these and information was submitted to Planning in January, February and March of this year.

2. The agent (Savills) has written to Planning on five separate occasions requesting an extension of time to the determination period - the latest taking the period up to 8 April. The last letter stated that ' ... further assessment work is being undertaken, is progressing well and will be with you imminently.' This work has since been submitted and commented upon by the case officer (see point 4 below).

3. Following the submission of additional highway information, a meeting took place with WAG (Highways) and the Council and the applicant's highway consultants. The agent is aware that the Council has appointed highway consultants to consider this submission in detail.

Deleted: their

4. As you know, Mr Lawrence Isted, Chief Planning Officer, had attended a meeting with the Authority's Strategic Director, Mr Paul Roberts, yourself and a representative from your agent (Savills), to discuss the application. One outcome of the meeting was for the Planning Case Officer to write to the agent commenting upon everything that had been submitted to date and this was covered by letter dated 25 March, 2009. Mr Kellett, in fact, spoke only yesterday to the agent and they have asked for time to respond to the content of this letter.

Deleted: Liberty Properties

Deleted: applicant

While Liberty Properties, as joint applicant, want a decision as soon as possible, it seems your agent wants further time to make an additional response. In the light of more time being required by your agent, the fact the Council is waiting for a response from the appointed highway consultants and as I am advised that the application will probably be presented to the Planning Committee in June, I do not feel much would be achieved by having a meeting before then.

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Yours sincerely

Leader of the Council

FIRST CLASS

Savills
12 Windsor Place
Cardiff
CF10 3BY

JGK/p/2008/0844
24 March 2009
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Fao Jon Hurley

Visit our website at:
www.wrexham.gov.uk

Dear Sirs

Re. Ruabon Business Park Ruabon Wrexham
Planning permission P/2008/0844

I refer to the above planning application and further information submitted in response to the concerns raised and our recent exchange of emails. In particular I note the contents of your letter dated 21 January and Sequential Site Appraisals document.

1. Initial comment

The site has a planning history although it lies outside the settlement limit in the current unitary development plan adopted in February 2005 (UDP). Outline planning permission had previously been granted for development of the site as a business park and the site was expressly referred to in the UDP as having an extant permission (ref: RUA/2003/0058). As you are aware the approval of reserved matters pursuant to that extant permission was issued on 6 June 2005 (ref: P/2003/1484). The Council considers that planning permission lapsed in March 2008 as development had not commenced within 5 years of the date of decision notice ref: RUA/2003/0058 dated 10 March 2003. The Council does not accept your contention that the approval of reserved matters ref: P/2003/1484 issued on 6 June 2005 in fact constitutes a planning permission.

1.2 I have been asked to comment upon the current application notwithstanding the Council's position outlined above in that there is no extant planning permission. I comment as follows:

2. Policy

2.1 I do not wish to repeat the numerous local and national policies and guidance which apply to this proposal and of which you are familiar. I can confirm that the loss of a small proportion of the Business Park to retail will not raise any strategic policy concerns (UDP Policy S8 – Shopping Development within Defined Employment Areas refers). With regard to retail issues (primarily UDP Policy S4 - Large Scale Retail Development, PPW as amended February 2005 MIPPS - Planning for Retailing and Town Centres and TAN 4 – Retailing in Town Centres refer) I comment as follows:

2.2 ***Need and Scale*** – the submitted retail assessment demonstrated that a quantitative need for retail provision exists. It is accepted that there is a need but you will note that you were previously informed that the scale of the need was questioned. This was noted in your letter dated 21 January. You answered by stating that the *' ... (submitted) assessment clearly demonstrates that the proposed store is of an appropriate size having regard to the catchment population, the expenditure potential identified and is required to meet the clear qualitative deficiency in supermarket provision.'* I do not consider that you have yet fully addressed this issue of concern. It is maintained that a significant number of shopping trips is combined shopping/leisure/work trips. Wrexham Town is by far and away the most significant employment/leisure destination and it is likely that a significant proportion of shopping trips will be combined with its employment and leisure function. In order to sustain a store of the proposed size then the sales will need to be gained predominately from within the immediate catchment area, ie. diverting trade away from the existing district stores.

2.3 ***Sequential test*** - from a policy perspective the preferred location is within district centres or edge of centre. In your letter of 21 January you state that *'the RIA concluded there are no potential sequentially preferable sites which would come close to being capable of accommodating a store of sufficient size to meet the qualitative deficiency in food shopping in the area.'* As you know the Council's position is that this has not been adequately substantiated. You submitted additional information along with the January letter. However, the appraisal fails to consider two alternative sites:

- it inadequately deals with the Flexsys site and dismisses the site without full consideration. The reasons for dismissal are given as too small and divorced from the town centre. However approximately 28 hectares of land have been proposed for mixed use development, with a full range of residential, employment, community uses and retail under consideration, there is more than sufficient space to locate a foodstore. This is unannotated land within the settlement limit, there is no policy protection for employment uses on the site. No decisions have been made for the

future uses but a full range of mixed uses including employment will be considered. In terms of access to the district centre the eastern most point is approximately 200m from the district centre with a public car park between the site and the centre. Furthermore there are substantial community and regeneration benefits in finding a sustainable future use for the site. There is no evidence to prove that the site is commercially unviable due to the remediation costs.

- it does not consider the site currently occupied by Cefn Druids Football club (this site existed at the time the original assessment was undertaken - I acknowledge that it is the subject of a current consent but that does take away from the fact that it is a 'sequential site'). It is an edge of centre location with direct and practical access to the district shopping centre. There is potential for linked trip journeys into the centre to aid the regeneration objectives of the council. The site has direct access by public transport or by foot.

In summary, the appraisal does not adequately consider alternative sites, it does not conform with the requirements of the sequential test of UDP Policy S4 or MIPPS and as such it is contrary to policy.

2.4 ***Impact*** - the assessment of impact still lacks full consideration. Opening the proposed store will impact on supermarkets in Wrexham but will also impact on shopping in the district centres. The location, accessibility, range of product offering and brand value will influence shoppers decisions on where to purchase goods, including top up shopping (as provided in the district centres). There has been no detailed impact appraisal with a transparent and robust methodology. There is no analysis, no appraisal of existing trading health, volumes and no estimation of impact on trading patterns. What evidence that has been supplied is unsubstantiated. There clearly will be trade diversion but without robust methodology, evidence and reasoning it is not possible to determine the impact of this proposal.

3. Detailed considerations

3.1 The application seeks outline planning permission for the development as described in the documentation including means of access. I comment upon the highway consideration is as follows:

3.2 ***Highways*** - A Transport Update Analysis was submitted on 21 January. Pete Douthwaite (Council highway department) and Ben Beachell (WAG highways) recently met Connect consultants and representatives of Sainsburys. The concept behind the revised assessment was explained and the results discussed. I understand that the Council highway department has since appointed consultants to assess the accuracy of

the submission. Following the completion of this work I expect to receive a revised response from the highways department

2.3 ***Other matters*** – siting, design, landscaping and external appearance are reserved for further consideration. While the submission of any plan, which may also provide detail regarding a site layout, can be useful it does not take away from the fact that such matter is reserved (in other words any suggested site layout is for illustrative purposes only). Obviously issues such as adequate areas for parking and turning, a visual assessment of the application site together with appropriate vegetation retention / mitigation planting and ensuring appropriate ecological mitigation need to be addressed. It is correct for a local planning authority to look at these issues at the outline stage to be certain that measures to address the issues can be achieved. However, the detail is for further consideration following the submission of a Reserved Matters' application and submission of information to meet any relevant condition attached to the outline planning permission. You have asked me to consider the proposal on the basis that there is an extant planning permission and that the retail policy considerations have been satisfied. Without prejudice my detailed comments are as follows:

3.4 ***Landscape*** – the submission of the Visual Impact Assessment (March 2009) and revised layout plan (Drawing Ref 5740/GA/100/A) does not further the applicant's argument and justification for the submitted outline application. The visual impact report provides some limited description of the differences in character and visual intrusiveness of current proposal compared with the details contained in the 'reserved matters' approval P/2003/1484. The mitigation measures proposed seek to minimise the visual prominence of the supermarket and car parking, within a layout that has not been revised significantly to that submitted with the original application. There are no strategic landscape design recommendations that respond to the site's sensitive landscape and historic context. I therefore consider the proposed supermarket and business park development would not deliver a scheme of comparable character and quality, or positive contribution to the locality, as is presented by the previously approved scheme, and is therefore contrary to Policy GDP1.

3.5 ***Ecology*** – I accept that a substantial amount of work was undertaken in providing information in compliance with conditions attached to previous permissions. It is agreed that this work and in particular the approved mitigation measures would be sufficient in regard to the current proposal. However, the known presence of protected species will be an issue for the applicant in the event of the site being developed. As you know the RSPB informed me (as copied to you in November) that lapwings have attempted to

breed on the site in 2008. I acknowledge your response to RSPB concerns. However, it, would remain an issue for me in determining the current proposal. It may be possible that the land presently set aside for nature conservation could be managed for ground nesting birds – this could be supplemental to the existing Outline Environmental Management Plan.

I trust that I have confirmed the authority's position in relation to this application. I have attempted to identify the outstanding issues. As you know I have received a number of responses from you over a lengthy period of time and I trust I have not overlooked any. In the meantime should you require any further explanation or information, please do not hesitate in contacting me. It should be noted that the comments made above are those of an officer of the Council and in no way can they to be a guarantee that planning permission will be given.

Yours sincerely,



.....

for **Chief Planning Officer**

FILING

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For the attention of: Geraint John

Savills
12 Windsor Place
CARDIFF
CF10 3BY

LI/JW/P/2008/0844
3 March 2009
Lawrence Isted
01978 292500
lawrence.isted@wrexham.gov.uk

Dear Mr John

Re: Ruabon Business Park

I refer to your letter dated 26 January 2009 regarding the matter as above. I have carefully considered the points that you have made in the context of the legal advice obtained in this matter.

As you rightly acknowledge in your letter, development of the site as a business park was permitted by Decision Notice P/2003/0058 which was issued on 10 March 2003 and it is accepted by you that development had to be begun no later than 10 March 2008 by virtue of the operation of Section 92 (3) of the Town and Country Planning Act 1990.

Your observations and comments on the nature of Decision Notice P/2003/1484 dated 6 June 2005 are noted, but I am advised that the Decision Notice cannot be interpreted as a Planning Permission as you suggest. The following factors are significant in that regard:-

1. The application was for a reserved matters approval and this was made clear not only in the application form, but in the covering letter accompanying it.

2. The report to Planning Committee dated 6 June 2005 states on page 6 'The submission of this "Reserved Matters" application before the expiry of the 1995 Outline Permission (albeit extended twice) means that the current proposal has to be considered in light of that Outline Consent.

3. The Decision Notice itself is marked "Particulars of decision APPROVAL of reserved matters".

4. Application was made simultaneously for dischargement of conditions which explains some of the points raised in your letter.

I do not therefore consider that the development may be begun lawfully as you suggest. I am mindful of the fact that you have a current application which is under consideration for retail development on the site and confirm that council officers are willing to meet with you to discuss the issues surrounding the proposal. I understand that this is being arranged on behalf of Paul Roberts, Strategic Director, for the next week or so.

Yours sincerely

LZ

Lawrence Isted
Chief Planning Officer

(L1)

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Copy to C.K

Our Ref vcbc-1202/ks

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Wrexham
LL11 1AR

WREXHAM COUNTY BOROUGH COUNCIL
16 FEB 2009
Q1716
PLANNING DEPARTMENT

12 February 2009

Dear Mr Isted

RUABON BUSINESS PARK
PLANNING APPLICATION REF NO: P/2008 0844

Liberty Properties Plc, together with Wynnstay Estates and Sainsburys Stores, submitted our outline planning application on 31 July 2008 to Wrexham County Borough Council and registered on 1 August 2008 (over 5 months ago).

This application was for a mixed use development, using the template of the Planning Permission for Business Park: P/2003/1484. The change was the incorporation of a food store and incubator office accommodation on Phase 1, to fund the infrastructure works and where Phase 2 and Phase 3 maintain the consistency of the original B1 consent.

Pre-planning meetings and subsequent meetings were undertaken, but the issue of the extant permission was never discussed. We received, out the blue, correspondence from Gerry Kellet, dated 18 November 2008, which raised issues regarding whether the Planning Permission: P/2003/1484 remains extant.

It was somewhat frustrating after the considerable work undertaken prior to the submission date and thereafter to receive this letter. Accordingly we sought Counsel opinion and then formally responded to you, in our letter dated 13 January 2009. In our opinion and that of our QC, we do have a valid planning permission, capable of being implemented.

We have also continued to provide the Case Officer with additional information, in support of our planning application, in order that he can progress this application.

However, it is evident that nothing is taking place in respect of this application and we are in danger of creating a stalemate, that can only potentially be resolved through the legal process.

Notwithstanding the issue of the B1 consent, it is Liberty Properties Plc and Wynnstay/Sainsburys' desire that Wrexham County Borough Council consider the application before you.

liberty
properties plc

We very much believe that in light of the 80% local support for this application and the considerable benefits this scheme brings, that Members be offered the opportunity of determining this application and considering it in light of the strategic planning benefits it will bring to South Wrexham.

We are entering a recession that commentators state is probably the worst since the 1930's and we have before Wrexham County Borough Council, an application that, with private sector funding and no recourse to Welsh Assembly Government nor Local Authority Taxpayers, will fund the considerable costs of the infrastructure works to open this strategic business park, together with incubator units and contribution to Ruabon Town Centre initiatives.

This is particularly relevant, bearing in mind that Redrow will not be funding the infrastructure works (which are always essential to promoting business parks) upon Wrexham Technology Park, Phase 3 off Ruthin Road and the Inspector at the Public Inquiry, released the industrial land at the Brother site, on the basis that Ruabon Business Park was to be promoted and developed. A requirement highlighted in Grimley's recent report.

Our application, with Sainsburys as our Retailer, satisfied a need, based upon Household Survey and will complement any potential application elsewhere in the vicinity.

The benefits of our scheme are as follows:

1. Meeting a known need and providing quality and choice to the residents of South Wrexham and particularly Ruabon.

2. Through securing a quality food operator consent, that will fund the considerable costs of constructing the new roundabout and estate road, to open up this strategic business park.

3. A commitment, via Section 106, to build a 17,500 sq ft speculative, incubator development, to provide immediate occupation for new businesses in the locality, which could, in the fullness of time, expand in to Phase 2 and Phase 3.

   There is a specific occupier who also wants to open a 20,000 sq ft office and 10,000 sq ft serviced facility, which would be a major coup for the area. This flexible space will be particularly appropriate in these difficult times.

4. The creation of up to 400-600 new jobs within the next 12-15 months, on the grant of planning permission.

5. The provision, again via a Section 106 Agreement, to build a new crèche facility within the business park, for Plas Madoc Communities First.

6. £1 million contribution to town centre regeneration initiatives in Ruabon. This money will be made available and expended in accordance with the wishes of the members.

liberty
properties plc

Accordingly, in light of the fact that this is a new planning application, with these significant benefits, I very much want to have this application progressed as a matter of urgency, especially since it was submitted back on 31 July 2008.

We believe that we have evidenced a detailed and compelling case that you, as Officers, can accept and recommend the scheme favourably (ie for approval).

There should be no further delay, with regard to the legal issues of whether there is a planning consent or not. Please let the Members determine the application on its considerable merits so they can decide whether they wish to see this significant job creating opportunity, all funded by the private sector.

I very much believe we must seize this opportunity now, before the economy worsens and this opportunity may be lost for ever.

I therefore request an urgent meeting with yourself and potentially Senior Officers, to resolve this impasse and to ensure that this important and strategic application is determined with the full knowledge of its benefits.

As you can see, I have copied this letter to your Chief Executive and Regeneration Officer, together with the Leader of the Council and the Councillor responsible for Economic Regeneration in Wrexham County Borough Council.

I look forward to hearing from you as a matter of urgency.

Yours sincerely

Emyr E Williams
Development Director

c.c. Ms I Garner - Chief Executive
S Bayley Esq - Economic Development Officer
Cllr AR Roberts - Leader of the Council
Cllr JR Skelland – Head of Regeneration and Corporate Governance
Ms V Shaw – Sainsbury's
G John Esq - Savills

WREXHAM COUNTY BOROUGH COUNCIL
16 FEB 2009
PLANNING DEPARTMENT

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WREXHAM COUNTY BOROUGH COUNCIL
10 FEB 2009
PLANNING DEPARTMENT

9 February 2009

Dear Mr Isted

RUABON BUSINESS PARK
PLANNING APPLICATION REF NO: P/203/1484

I would refer to our recent telephone conversation, but more particularly my planning consultant's, Savills, letter dated 26 January 2009, setting out our position, in response to Gerry Kellet's letter dated 18 November 2008.

As you will appreciate, Liberty Properties, together with Sainsburys and Wynnstay submitted the above mentioned planning application in August 2008 and I am very keen for our application to be progressed.

Accordingly, I would like to resolve this issue regarding whether the planning permission for the business park (Ref: P/2003/1484) remains extant.

I look forward to hearing from you, in order to resolve this situation and to hear your response.

Yours sincerely

Emyr E Williams

c.c. G John Esq, Savills
J Hurley Esq, Savills

FIRST CLASS

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12 Windsor Place
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GJ122725
JGK/p/2003/1284 & p/2008/0844
04 February 2009
Gerry Kellett
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Visit our website at:
www.wrexham.gov.uk

Fao Geraint John

Dear Sir

Re. Ruabon Business Park Ruabon Wrexham
Planning permission P/2003/1484

I refer to the above and acknowledge receipt of your letter dated 26 January 2009.

I note that you have taken and obtained Counsel opinion on the matter. Having responded in detail to my earlier correspondence you will no doubt appreciate that I will need to give careful consideration to the points raised in your letter and possibly seek further advice.

I will write to you again upon completion of this consideration.

Yours sincerely,

.....
for **Chief Planning Officer**

26th January
GJ122725

savills

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Dear Mr Isted

Ruabon Business Park
Planning Application ref no: P/2003/1484

We refer to Gerry Kellet's letter of the 18th November 2008 in relation to the above application, and your subsequent correspondence of 22nd January 2009 to Emyr Williams of Liberty Properties Plc.

In both letters the Authority express a concern as to whether the planning permission for the business park under reference P/2003/1484 remains extant. I can confirm that we have taken and obtained Counsel opinion on the matter and our response is set out below.

It is useful to set out the history of this matter. It is as follows:

1. Outline planning permission was first granted for the Business Park in 1995 by Wrexham County Borough Council[1]. On the 6th October 1997 the Council varied condition 2 of that original planning permission to allow a further 3 year period within which reserved matters were to be submitted. That was done by a fresh grant of outline planning permission.[2] On the 31st July 2000 the Council relaxed the new condition 2 by way of a fresh grant of planning permission[3] under s.73 of the Town and Country Planning Act 1990 with another new condition 2 requiring submission of reserved matters before the expiry of three years.

2. On the 10th March 2003 the Council under s.73 varied that condition by way of a new planning permission to allow for an application for approval of reserved matters within 1 year of that permission.[4] Under the heading "Description of application" that document records that condition 3 of the last permission was also sought to be varied to allow a further 5 year period for commencement of development. No such variation appears under the heading "Particulars of decision that permission be granted" and no condition appears which extends the time for commencement of development for a further 5 years. But in any event by reason of s.92(3) the permission was deemed to be granted subject to such a condition. So by reason of that planning permission and the operation of s.92(3) development had to be begun not later than the 10th March 2008. Approval of reserved matters had to be sought by the 10th March 2004.

3. On the 23rd December 2003 RPS as agents submitted an application form which was intended to be an application for approval of the matters reserved under the March 2003 permission and which referred also to the original 1995 permission. See the application form under the heading of "3. Details of Application" at item 3(c) and see section 5, section 12 (c) and Part 2 of the form at section 1.

[1] Under reference 6/RUA/23477
[2] Under reference RUA CBO1467
[3] Under reference RUA P/2000/0418
[4] Under reference RUA P/2003/0058

WREXHAM COUNTY BOROUGH COUNCIL
27 JAN 2009
PLANNING DEPARTMENT

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Registered office: 20 Grosvenor Hill, London W1K 3HQ

4. The document that the Council issued on the 6th June 2005, nearly 18 months after the application, under the heading "Particulars of decision" does read "APPROVAL of reserved matters". However, nowhere else does it refer to the approval of reserved matters nor to any of the earlier outline planning permissions. Under the heading "Description of application" it states "Business Park, B1 Use (High Technology, manufacturing, research and development of prestige offices)".

5. Condition 1 provides:

> *"1. The development hereby permitted shall be begun before the expiry of five years from the date of this permission."*

In the letter of 18th November 2008 it is suggested that the imposition of that condition on an approval of reserved matters was unlawful and that the time limit for commencing the development expired on the 10th March 2008 in accordance with the 2003 permission and s.92(3) of the 1990 Act.

We would respectfully suggest the position is as follows.

1. The method for "varying" a condition attached to a planning permission is to make an application under s.73 of the Act. Such an application, if successful, produces from the local planning authority a new planning permission with new conditions attached.[5] This is what happened here with the earlier fresh permission in 2000 but not in 2003. When dealing with a successful application under s.73 for the "variation" of a condition to which an earlier permission had been subject the Council should grant a new planning permission stating and restating, as appropriate, all the conditions to which the new planning permission will be subject.[6]

2. An outline planning permission is defined by s.92(1) as *"a planning permission granted, in accordance with the provisions of a development order, with the reservation for subsequent approval by the local planning authority...of matters not particularised in the application ("reserved matters")".*

3. Article 3(1) dealing with applications for outline planning permission explains that the authority may grant planning permission subject to a condition specifying reserved matters for the authority's subsequent approval. That is what happened here with the earlier planning permissions. Furthermore, condition 14 of the 2000 permission included as one of the reserved matters or "details required" under condition 1 "the submission of a traffic impact assessment of the proposals."

4. Article 4 sets out the very limited requirements for the making of as a valid application for approval of reserved matters.

6. So on consideration of an application for approval of reserved matters the Council's task is limited to doing just that, namely, approving or otherwise the matters specified in the condition attached to the outline planning permission as reserved for this subsequent approval. There is no power to amend or vary or otherwise deal with the conditions attached to the outline planning permission.

7. The matters so reserved for subsequent approval were identified in condition 1 of the 2000 s.73 permission as the five matters (a) to (e) together with the traffic impact assessment required by condition 14 and expressly included by that condition as amongst the "details required by condition 1".

8. However, the document dated the 6th June 2005 issued by the Council whilst stating under "Particulars of decision" "APPROVAL of reserved matters" in fact purports to deal with many other matters not covered by the five reserved matters identified above. It deals with the time limit for beginning development in

[5] See s.73(2)(a) and see *Pye v SSE* [1998] 3 PLR 72
[6] See *Wilson-Reid) v SSTLGR* [2002] EWHC 2174 Admin

BOROUGH COUNCIL
27 JAN 2009
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Condition 1 which refers to "the development hereby permitted". An approval of reserved matters does not permit development. The reason given for that condition is "to comply with Section 91(3) of the Town and Country Planning Act 1990". That sections deals with the "duration of planning permission". Section 91(3) is the subsection which deems a planning permission to be granted subject to a condition limiting the time in which a development is begun where none is expressly imposed. The subsection begins: "If planning permission is granted." It is not apt for a simple approval of reserved matters.

9. Conditions 5 and 27 refer to "the development hereby approved" whereas reserved matters are not themselves development.

10. Condition 16 refers to "the development hereby permitted" indicating that the Council in attaching that condition understood that they were permitting development. That condition requires details of landscaping to be submitted for approval. It is not therefore an approval of the fifth and last reserved matter but a requirement for later approval of details of that very reserved matter.

11. Furthermore the traffic impact assessment is still required to be approved by condition 14 of the 2000 permission.

12. Other conditions deal with matters which go well beyond the reserved matters as follows.

13. Condition 4 limits the use of the land to Class B1 of the Use Classes Order. That is an appropriate condition to attach to a planning permission but it has no relevance to any of the identified reserved matters.

14. Condition 5 imposes phasing of the works which goes beyond the reserved matters.

15. Condition 6 requires a renewable energy scheme to be submitted for approval. Again that is appropriate for a new planning permission. It has nothing to do with the reserved matters.

16. Furthermore, the first page of the document refers to "relevant policies in the Wrexham Unitary Development Plan" which include a policy dealing with settlement limits PS1 whose relevance to the reserved matters when the principle of a business park on this site has been established by a grant of outline planning permission is difficult to see. There is a reference to policy GDP1 dealing with "development objectives" which is more relevant to the principle of development than to the identified reserved matters.

17. This confusion of role is also apparent from the report to committee on this application. It ends with a recommendation "That permission be granted". Section 70 refers to a local authority granting planning permission. The verb and the noun are appropriate to a planning permission not to an approval of reserved matters.

18. The resolution of the Council adopts that wording and that the resolution was to "grant permission." The Council expressly resolved to grant planning permission and that that development should be begun within 5 years of that resolution namely by June 2010. Those are the actual decisions that the Council made.

19. The Committee Report also refers to a "site notice" and a "press notice" which are publicity requirements for applications for planning permission under Article 8 of the GDPO 1995. There are no such requirements for applications for approval of reserved matters. The site notice and the press notice refer to:

WREXHAM COUNTY BOROUGH COUNCIL
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PLANNING DEPARTMENT

"NOTICE OF AN APPLICATION FOR PLANNING PERMISSION".
They refer to the "Proposed development". They expressly state:
"**An application has been received** from:-
THE WYNNSTAY FARMING COMPANY
For planning permission for:-
BUSINESS PARK, B1 USE (HIGH TECHNOLOGY, MANUFACTURING, RESEARCH AND DEVELOPMENT AND PRESTIGE OFFICES).
The proposal is 'major' development." (Our emphasis)
The public were then invited to make representations about "the proposals".

20. The consultations on the application go wider than would be normal for an application for approval of reserved matters.

21. The policy considerations too are wider.

22. In our view the Council were going beyond dealing with this as an application for approval of reserved matters. Certainly no such approval of reserved matters could extend the time for beginning the development beyond that established by the 2003 planning permission. Nevertheless the Council considered it open to them to do so and to deal with the other matters we have identified above which extend beyond any approval of reserved matters and go to the very nature of the content of the development, as would be appropriate with a grant of planning permission.

Summary

In our view it is clear from all this documentation that the officers of the Council and the members guided by them looked on this application as another s.73 application of the sort they had been familiar with in July 2000 and March 2003. The Council resolved to grant a fresh planning permission with all the appropriate conditions including condition 1 as to when the development was to be begun. No challenge was brought to the document issued by the Council on the 6th June 2005 and the time for any such challenge has long passed which means that the Council's resolution has all the effects in law of a valid decision: see eg. *R (Noble) v Thanet DC* [2006] 1 P. & C.R. 13, para. 42. On its face it permits development that has to be begun within 5 years. That was what the Council was deciding should be the case.

It clearly was the intention of the officers and members of the Council that that June 2005 document should determine the life of the development and deal with other aspects such as renewable energy and phasing that went well beyond reserved matters. Fairness alone would require that they should not be able some 3 and a half years later to go back on that position as it was conveyed to the applicants and understood and acted upon by them.

Furthermore and in any event, condition 3 of the 2000 planning permission requires that the development should be begun before the expiry of 5 years from this permission (expanded to 5 years from the 2003 permission by s.92(3)) "or two years from the date of approval of the last of the reserved matters". Importantly the traffic impact assessment expressly included in the matters for approval by condition 14 of the 2000 permission still has not been approved and so the two year period in condition 3 of the 2000 permission has not even begun to run.

In our view therefore this development may still be begun lawfully.

Yours sincerely

Geraint John
Director

Cc: Liberty & Sainsbury's Client & Consultancy Team

COUNTY
BOROUGH COUNCIL
27 JAN 2009
PLANNING DEPARTMENT

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Our Ref : EW/WCBC-2101/ks

L Istead Esq
Head of Planning
Wrexham County Borough Council
Lambpit Street
Wrexham
LL11 1WH

21 January 2009

Dear Mr Istead

RUABON BUSINESS PARK, RUABON, WREXHAM
PLANNING PERMISSION P/2003/1484

Further to Gerry Kellet's letter of 18 November 2008, which questioned whether the above planning permission retains extant, I understand that the Authority have taken and obtained Counsel opinion on the matter.

As previously indicated to Mr Kellet, we are also taking our own legal advice. This is yet to be completed, due to the necessity to undertake our own detailed review of the issue and complex/lengthy planning history to the site/proposal in the wake of Mr Kellet's letter.

In the interim, however, I respectfully request that as it is the Authority who have formally questioned whether the planning permission remains extant, we should accordingly be provided with a copy of the Counsel opinion, on which the Authority's position is based and/or confirmed.

This is considered entirely reasonable in order that we can fully consider and respond to this matter, which has been raised by the Authority.

I look forward to hearing from you as a matter of urgency, accordingly.

Yours sincerely

Emyr E Williams
Development Director

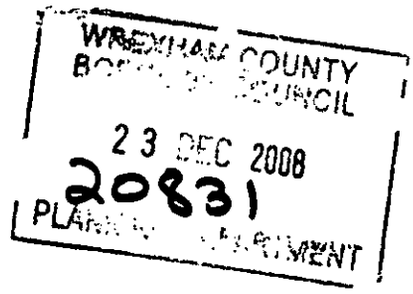
c.c. Mrs I Garner, Chief Executive, Wrexham County Borough Council

GK

22 December 2008
GJ122725

savills

Gerry Kellett
Wrexham County Borough Council
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Dear Gerry

Ruabon Business Park
Planning Permission P 2003/1484

Further to my letter of 25th November, in response to your correspondence of the 18th November 2008 which raised issues concerning whether the above planning permission remains extant, I can confirm that we are still currently in the process of liaising with Counsel with regards to a formal opinion being provided on the matter.

As I am sure you will no doubt appreciate, in order for Counsel to be fully informed on the matter, this has necessitated a significant amount of work in reviewing the information that is contained on the application file. In addition this audit also includes a review of correspondence between yourself and the previous consultants involved in the determination of the reserved matters application itself and its relationship to the series of planning permissions granted on the site.

Our legal opinion on the matter will be provided to you imminently. As you will suspect this challenges your interpretation of the facts / matters.

Dear | Love

As an aside I would also like to take this opportunity to request your response to my letter of 9th December 2008 which formally requested a further extension in the determination period of the current planning application for the site.

With kind regards

Yours sincerely

J. Tully

pp **Geraint John**
Director

Cc: Liberty & Sainsbury's Client & Consultancy Team

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WREXHAM COUNTY BOROUGH COUNCIL
03 DEC 2008
2059
PLANNING DEPARTMENT

FAO : Gerry Kellett

Dear Sir / Madam

Ruabon Business Park, Wrexham: Planning Permission P/2003/1484

I refer to your letter of 18 November – the contents of which are noted and are being carefully considered.

As you might appreciate, and as you suggest in any event, we are currently seeking our own legal advice and opinion on the matter. We will be responding imminently to you once this has been received.

Whilst this is being sought we would appreciate a written response from you to our previous correspondence requesting your formal acknowledgement and agreement to an extension of time for the current application before you (P/2008/0844). It is now taken you a month to respond to this letter – which we established (when speaking with you on the telephone) that you had not read, digested and considered, but rather filed it in error.

Turning to consider the contents of your latest letter concerning the status and standing of the Business Park planning permission, my clients wish to initially express and record (in advance of responding more fully and directly to the issues raised in your letter) their extreme frustration and surprise over the issue and your interpretation of the facts.

Our clients and others have now been in dialogue with you for over 18 months (involving both pre-application and post-submission dialogue). During which, at no time, has this matter been raised by you. My clients are having considerable difficulty understanding and appreciating your expressed stance and views on the integrity of the planning permission. Moreover, even if this were not an issue, your expressed dismissive view of the site and its planning history as a material planning consideration in the evaluation and determination of our current planning application is perplexing.

In the current economic climate, and given the deprivation that Ruabon and surrounding areas are known to experience, the opportunity to secure much needed inward investment and jobs must be a priority of your Authority. From your stance throughout this is clearly not a view that you share - which is surprising to my clients.

Numerous attempts have been made by you to dismiss the status and standing of the Business Park scheme – including expressed doubt as to whether it could ever come forward. Your more recent and pointed questioning of the validity of the permission which it benefits from exacerbates matters.

Your views are at odds with how your Authority otherwise regard and record the status of the site, for e.g. as a 'commitment' within the former Local Plan, and as an integral part and significant proportion (20%) of the employment land bank underpinning the UDP.

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Given that your recent views are based and predicted on an acknowledgement on your part that you as an Authority allegedly dealt with matters incorrectly, it would appear that you are taking a unilateral and dismissive view on the development potential and status of the land – which for the reasons outlined above is considered unreasonable, unjustified and unwarranted.

We will be responding to your letter and the views expressed within it imminently.

In the meantime we hope and trust that you will take the above comments on board, and see fit to respond to our letter requesting an extension of time forthwith.

Yours faithfully

pp **Geraint John**
Director

WREXHAM COUNTY BOROUGH COUNCIL
03 DEC 2008
PLANNING DEPARTMENT

FIRST CLASS

Savills
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Cardiff
CF10 3BY

JGK/p/2003/1284 & p/2008/084
18th November 2008
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Visit our website at:

www.wrexham.gov.uk

Fao Jon Hurley

Dear Sir

Re. Ruabon Business Park Ruabon Wrexham
Planning permission P/2003/1484

I refer to the above and your letter dated 18th November formally giving this authority 5 days notice of intention to start works associated with the site access road. I have been reviewing the various permissions relating to the site and make the following comment.

In considering the position in respect of the above proposed development and the status of the planning permissions I consider the facts relating to the grant of permission as follows:-

1. Outline permission granted for a 24 hectare business park in May 1995 with conditions that the application for reserved matters be submitted within 3 years and development be commenced within 5 years.
2. Two subsequent applications to extend the time periods were granted.
3. A third application was received to extend the period for applying for reserved matters by 3 years and for commencement of development by 5 years. The application was granted in March 2003 with a condition that the reserved matters application be submitted within 1 year.
4. The application for reserved matters was submitted within the requisite period and was approved in June 2005. A condition was included in the approval requiring development to be commenced within 5 years.

My concern is related to whether or not the permission (P/2003/1484) remains extant.

The requirement to include a time limit for commencement of development in an outline planning permission is statutory pursuant to section 92 TCPA 1990 and in the absence of an express condition stipulating the time period permission is deemed to be granted with a condition that development be commenced within 5 years (in Wales). The period stipulated in the original outline permission was validly extended by a succession of applications to March 2008 being 5 years after the last section 73 application to vary the relevant condition was granted.

pto

The approval of reserved matters is not a planning permission in its own right but is incorporated within the governing outline permission. The inclusion of a condition that the development be commenced within 5 years of the approval was not validly imposed as the application was for approval of reserved matters only and not an application for a variation of the outline permission. Accordingly it is my view that the said condition has no legal effect and should be treated as severed from the approval leaving all other conditions in place.

In view of the above the period for commencing development in accordance with the outline permission as extended has lapsed and any development on site will now be regarded as unauthorised pursuant to section 93(4) TCPA 1990. I therefore advise you that the works as detailed in your letter will be considered as unauthorised.

Obviously, the fact that there is no extant consent for the previously approved development will be a material consideration in determining the current application (P/2008/0844).

No doubt you will wish to take your own legal advice upon the above. In the meantime should you require any further explanation or information, please do not hesitate in contacting me.

Yours sincerely,

.....

for **Chief Planning Officer**

[redacted]

18 Novemb
JH/CFPL1227

GK

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Dear Gerry,

Ruabon Business Park, Ruabon, Wrexham
Planning permission P/2003/1484

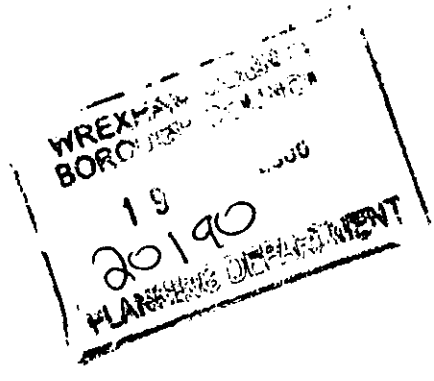
I refer to the above planning permission and our recent meeting to discuss the current application on the site.

As you are aware the conditions precedent for the above planning permission have been fully discharged. In accordance with condition 20 of the planning permission, we therefore formally give you 5 days notice of the intention to start works associated with the site access road.

Your sincerely

J. Hurley

Jon Hurley
Associate



Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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Registered office: 20 Grosvenor Hill, London W1K 3HQ

IN THE MATTER OF RUABON BUSINESS PARK

FURTHER ADVICE

---

1. INTRODUCTION

1.1. I advised in writing in relation to this matter on 1st December 2008. Agents on behalf of the owners/developers (Savills) have now made representations by letter. I am asked to consider the robustness of their arguments. Savills state that they have taken Counsel's Opinion, but they have not disclosed it.

2. THE ISSUE

2.1. The issue upon which Savills have fastened is the nature of Decision Notice P/2003/1484. This was one of two decisions which I identified in my Advice as *"crucial"*. I noted that the Decision Notice is *"curious"* in that, whilst clearly headed *"APPROVAL of reserved matters"*, other elements of its heading and terms, including several of the conditions, are more consistent with a planning permission. I continued that *"assuming*

*that P2003/1484 is simply a Reserved Matters (*RM*) approval, it cannot have enlarged (or cut down) the 'parent' permission ... because a RM approval is simply that – and not a planning permission."* I expressed the point in that way in order to deal with the owner/developer's argument as it then appeared to be being made.

2.2. Savills properly accept in their latest letter of 26 January 2009 that *"no such approval of RMs could extend the time for beginning the development beyond that established by the 2003 planning permission"*. They argue, however, that *"the Council considered it open to them to do so and to deal with the other matters we have identified above which extend beyond any approval of RMs and go to the very nature of the content of the development, as would be appropriate with a grant of planning permission"*. They appear to suggest that P2003/1484 is a fresh planning permission, but then assert that *"fairness"* requires that they should not now *"go back on that position as it was conveyed to the applicants and understood and acted upon by them"*. I note the relative portion with which they put their argument. The appeal to *"fairness"* (perhaps suggesting an estoppels/legitimate expectation argument) would be unnecessary if they really considered their arguments to be clear. As I have said, it may also be noteworthy that they have not disclosed their Counsel's Opinion.

2.3. Savills are right to point to inconsistencies on the face of Decision Notice P2003/1484. I consider the same points in my Advice. At best from their point of view, however, the position is unclear. In such circumstances, as I have advised, recourse to extrinsic material is permissible. They expressly accept that the application was for RM approval. Some of their points are explained by the fact that *"dischargement of conditions"* was applied for simultaneously (see paragraph 3.3 of Planning Supporting Statement). Savills refer in their latest letter only to elements in the consultation process consistent with a planning application, whereas the relevant letters, as I explained, *"oscillate"* between the two processes. The Planning Department's internal comment sheet approaches the application as one for RM approval. Correspondence from the applicant's then agents, RPS, expressly makes the point that the application is only for RMs (received 2/7/2004). The Chief Planning Officer's report states: *"the submission of this 'RM' application before the expiry of the 1995 outline permission ... means that the current proposal has to be considered in light of that outlined consent."* Whilst the Decision Notice is a most unsatisfactory document I do not consider that exploration of the background material establishes that it is a planning permission.

2.4. Savills suggest that the Notice has been *"acted upon"* by their client, but no details are specified. As I stated in my original advice, the curious nature of the document would have been apparent to the owners/developer's advisers. Estoppel has been disapproved in the

planning context by the House of Lords in Reprotech (Pebsham) Limited v East Sussex County Council 2003 1WLR 343. Given the terms of the application and title *"APPROVAL of RM"*, nor do I consider that there can have been any legitimate expectation that the notice would be treated as a planning permission.

2.5. I shall be happy to advise further as is necessary.

MORAG ELLIS QC
20 February 2009

2-3 Gray's Inn Square
London WC1R 5JH

IN THE MATTER OF RUABON BUSINESS PARK

FURTHER ADVICE

Wrexham County Borough Council
Finance Dept., Payments Section
Guildhall, PO Box 1284
Wrexham
Clwyd
LL11 1WF

MEMORANDUM

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wrecsam

From: Chief Legal and Democratic Services Officer

To: Chief Planning Officer

Our Ref: SWT/LMK/10000507

Your Ref:

Date: 3 December 2008

Via email only

Ruabon Business Park – Planning Permission P/2003/0058

Counsel's opinion has now been obtained in respect of the above planning permission and whether it remains extant in light of condition 1 contained within the Reserved Matters Approval (reference P/2003/1484). You have already been provided with a copy of the advice via e-mail.

It is clear from the advice that Counsel supports our interpretation and that the Reserved Matters Approval (P/2003/1484) does not prolong the life of the outline permission granted under reference P/2003/0058 which lapsed on 10 March 2008 (Counsel incorrectly inserts the date "10.v.2008" in paragraph 2.2.1 of advice). Accordingly, any development purportedly pursuant to planning permission on site would be unauthorised.

You will note that Counsel mentions the Court's reluctance to find a duty of care on the part of the Planning Authority in dealing with planning applications, particularly when the developer has had the benefit of expert advice throughout as in this case. In the event that a claim of any kind is received, it would be prudent to seek the advice of Counsel with expertise in civil litigation.

In respect of any development activity on site, Counsel advises the exercise of caution in determining whether enforcement action should be taken and if so what form it should take. You will note in particular her observation that the developer's recent letter may have been a tactical exploration of the Council's position on the matter.

There are a number of wider issues which arise from Counsel's opinion on the format of Decision Notices and the approach taken with applications pursuant to Section 73 TCPA. These issues should be the subject of further consideration and I would suggest a meeting to consider the implications and whether any refinements need to be made to your procedures and standard forms.

/Cont

IN THE MATTER OF:

RUABON BUSINESS PARK

ADVICE

RE: RUABON BUSINESS PARK

ADVICE

1. INTRODUCTION

1.1. I am asked to advise Wrexham County Borough Council as Local Planning Authority in relation to Ruabon Business Park. Since the advice is required urgently, I shall not set out the full facts. The principal points are summarised below.

1.2. The relevant planning history is as follows:-

6/23477	Business Park B1 Use (High Technology Manufacturing, research and development and Prestige Offices) Outline Planning Permission ("OPP"). Granted 31.7.95.

CB 1467	Variation of condition no 2 of RUA 23477 to allow a further three years period within which reserved matters are to be submitted. Granted 06.10.97.
P/2000/0418	Relaxation of Condition 2 imposed under planning permission Code No CB01467 to allow an extension of time for the submission of reserved matters application. Granted 31.07.2000.
P/2000/0491	Variation of Condition 6 of outline planning permission Code No. CB01467 to allow a maximum of 65% of the total site are to be taken up by operational and built development. Withdrawn 31.07.2000.
P/2000/0769	Variation of condition no. 6 imposed under outline planning permission Code No. CB01467 to allow a maximum of 85% of the total site area to be taken up by operational and built development. Withdrawn 01.11.2000.
P/2003/0058	Variation of conditions 2 & 3 of P/2000/0418 to allow a further three year period for submission of

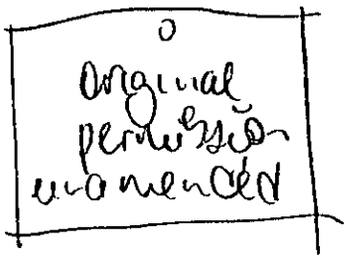
reserved matters and a further five year period for commencement of development. Granted 13.3.03.

P/2003/1484 Reserved Matters application - business park, B1 use (high technology, manufacturing, research and prestige offices. Granted 06.06.05.

P/2004/0294 Variation of condition 1 imposed under outline planning permission Code No. P/2003/0058 to allow a further one year period within which to submit an application for approval of reserved matters. Withdrawn 19.05.05.

1.3. The policy framework altered in February 2005 with adoption of the Wrexham Unitary Development Plan ("UDP"). This plan removed the business park allocation in the previous development plan and drew the settlement boundary such that the business park site lies outside, presumably in land which is treated as countryside for the purposes of planning policy. It is also clear that the site is subject to other sensitivities: archaeology, historic landscape and public transport/sustainability.

1.4. The crucial decisions are numbers P/2003/0058 and P/2003/1484. 0058 was an application under s.73 Town and Country Planning Act 1990 ("TCPA") "to seek consent to vary conditions 2 and 3" of the OPP - that is, to extend time for submission of reserved matters ("RMs") and implementation. This application was granted, but the decision notice is curious. It is headed "Town and Country Planning Act 1990, Section 73". The application is described as "Variation of conditions". Permission is granted subject to only one condition, that application for RMs referred to in the relevant OPP "shall be made within one year of this permission". The reason for the condition is stated as "To comply with Section 92 TCPA". S.92 TCPA requires and/or implies a time condition on every grant of outline planning permission. Case law has now clearly established that a grant under s.73 TCPA is a fresh, additional planning permission, which leaves the original permission unamended: Powergen UK Plc -v- Leicester City Council (CA); Pye -v- SoSE [1998] 3 PLR 72. I do not consider that such a grant is properly to be considered as an outline permission. The relationship of a s.73 permission to the conditions on the original permission was considered in R (Reid) -v- SoSTLGR [2002] EWHC 2174 Admin. The s.73 permission contained no conditions and developers therefore sought to argue that they were not bound by conditions on the original permission. This argument was rejected, but only on the basis that the application had been incorporated by reference, and that it was to be



construed on the basis that the other conditions were included. I do not consider that the words of grant in the case of 2003/0058 are open to the same convenient interpretation.

1.5. P/2003/1484 was expressed as an application for approval of RMs (see application form, Enclosure 10, Part 1, boxes 3 (c), 5, Part 2, box 1, and covering letter and Planning Supporting Statement, paragraphs 3.1, 3.2, 3.3). Interestingly, the application letter made clear that three separate applications for "dischargement of condition" (sic) were being made simultaneously in relation to "the outline consent" (references being made earlier in the letter to OPP 23477 "and the most recent renewal 2003/0058"), so the s.73 point was either not noticed or a decision was taken not to rely upon it. Taken together, however, the application material makes it quite clear that the subject matter of 1484 was RMs only, with no question of seeking planning permission. The "dischargement" letters cite 23477 and 0148, although they had both expired by that date.

1.6. The consultation publicity material in Enclosure 12 apparently oscillates between regarding 2003/1484 properly as a RM approval application and as a "development" proposal, but it is clear from statutory consultees' responses and the Committee Report that it was dealt with solely as a RM application. The decision notice is curious.

Firstly, it is headed "TCPA 1990", instead of the normal reference in a RM approval to the Town and Country Planning (Development Procedure) Order 1995. Secondly, the application is described as "Business Park etc", rather than approval of details. Whilst the Particulars of Decision are given as "approval of RMs", Condition 1 states:-

> "The development hereby permitted shall be begun before the expiry of five years from the date of this permission."

Reason: "To comply with s.91 (3) TCPA 1990". s.93 (3) TCPA deems the inclusion of a 3 year time limit on a grant of planning permission in the absence of an express condition dealing with time. A range of other conditions are added covering many matters of principle, including the agreement of payments in lieu of bus services and cycleway provisions. Further surveys and detailed submissions are also required.

1.7. The developers have recently:-

(a) submitted an application for an out of centre retail development at the site; and

(b) indicated that they propose to start work pursuant to permission P/2003/1484.

2. QUESTIONS

2.1. I am asked to answer the following questions:-

1. Whether the planning permission for development of the site as a business park remains extant by virtue of condition 1 included in the reserved matters approval (enclosure 14) or whether the time period for commencing development and therefore planning permission for construction of a business park lapsed in June 2008.

2. If permission has lapsed, whether the Council is vulnerable to a claim in respect of condition 1 in Permission ref RUA/P/2003/1484 (enclosure 14) included within the reserved matters approval extending the time for development to 2010 and if so, how such a claim can be defended or whether a suitable compromise could properly be considered by the Council.

3. In light of the above whether there are any implications for the Council in dealing with the current application for outline permission for retail development at the site.

4. Whether it is appropriate to take enforcement action against the developer should he seek to implement the permission for the business park and if so whether an injunction should be considered.

5. Any other relevant issues the Council should consider and address in the context of the planning history.

2.2. **Question 1**

2.2.1. I do not consider that RM approval 2003/1484 has the effect of prolonging the life of permission 2003/0058. As I have said, however, I consider 2003/0058 to be defective insofar as it does not include any of the conditions from the "original" permission/s. It might be argued that there is an implication by reference due to the words "RMs referred to in condition 1 of" OPP P/2000/0148, but this is far from straightforward, since Condition 1 contains no provision about time. Similarly, it might be argued that Conditions 2 and 3 are incorporated

because of the reference to them in the "description of application", but this is problematic since there is a grant of application (which suggests, therefore, that they have been "varied") but no indication as to the form of any such variation. It is therefore very difficult, in my view, to "rescue" P/2003/0058 in the way adopted in Reid. In the absence of any express time limiting condition, s.93 (3) TCPA would have operated to deem the permission to have been granted subject to a condition that development must be begun not later than five years (as it was in 2003) from the date of grant, that is 10.3.2008.

2.2.2. Assuming that P2003/1484 is simply a RM approval, it cannot have enlarged (or cut down) the "parent" permission (whether this is viewed as 0491 or 0058) because a RM approval is simply that - and not a planning permission: see Planning Encyclopaedia P62.24. The true nature of a RM approval was confirmed, even in the slightly complicated context of conditional approval, in R -v- Newbury DC., ex p. Stevens and Partridge [1992] 3 PLR 34, where Roch J. held that conditional approval was a creature known to law, but that it would be wrong for a Local Planning Authority to stipulate conditions which materially derogated from the OPP. As

Reserved matters may not be used to alter the nature of the development for which outline permission has been granted!
nor
'Outline' matters not reserved!

noted above, many of the conditions on P2003/1484 appear to go well beyond the scope of a RM approval (or, in the case of the financial ones, beyond the scope of what could have been included on a grant of planning permission), including Condition 1. Coupled with the confusing heading on the decision notice, it might be argued that the principles applying to construction of a planning permission which is ambiguous on its face ought to be applied. In such a case, the Court will look at extrinsic material, including the application, to resolve the ambiguity: see Slough Estates -v- Slough BC [1971] AC 958. As I have said, it is clear from the application and surrounding material that the application was for approval of RMs and was treated as such by the Council.

Heading or Decision Notice ?

P/2003/1484 Was an RM application

2.3. **Question 2**

2.3.1. I do not understand the reference to a "claim". If my Instructing Solicitor has in mind a negligence action, then I consider this most unlikely. Generally, the Courts have been reluctant to find that a duty of care exists in relation to the handling of planning applications: see Planning Encyclopaedia P62.94. Whilst none of the cases cited there deals with a successful applicant for approval suing an authority because

the approval was defective, I think it most unlikely that such an action would succeed (though my Instructing Solicitor should note that I am not an expert in civil litigation).

2.3.2. A complaint to the Ombudsman might be a more realistic concern, though I should have thought that there would be a good argument for saying that any maladministration had not caused injustice, since the developers were in receipt of professional advice throughout. I do not see that there is, at present, any suitable compromise to consider.

2.4. Question 3

2.4.1. Given that the planning permission has expired, the retail application must be approached on the basis that the business park does not form part of any fallback position. In other respects, clearly the retail application must be considered on the basis of adopted UDP and national policies, together with any other material planning considerations. One of the latter will be the planning history.

2.5. Question 4

2.5.1. Such a decision would need to be taken on the basis of "expediency" in the light of the development plan and other material considerations: see s.172 TCPA. I do not consider that this would be a suitable case for an injunction. At the moment, injunctive proceedings would be premature. All that has happened is that notification has been given; the Council responded and I am not instructed that anything has, in fact, happened on site. I suspect that the letter may have been by way of a tactical exploration of the Council's position. In any event, given the complexities of this case, I think it unlikely that an interlocutory injunction would become appropriate, even if work commenced. Quite apart from the discretionary nature of the remedy, a cross undertaking in damage would be required of the Council. Similarly, service of a stop notice would involve financial risk. I think it unlikely that the developers would, in fact, want to do more than make a token start, since apparently, they now have serious retailer interest which is likely to be much more attractive to them than a speculative business park in the current market.

2.6. **Question 5**

3. CONCLUSION

3.1. I shall be happy to advise further if necessary.

MORAG ELLIS Q.C.

1 December 2008

2-3 Gray's Inn Square

Gray's Inn

London WC1R 5JH

I am also aware that in October 2007 Highways met Carillion on 28 October 2007 to discussed enabling works needed to satisfy the clients obligations to the landowner. The intention was to create a temporary access in to the site to allow the construction of the leg of the proposed roundabout that lies wholly within the Wynnstay Estate Land. They were eager to commence works in order to safeguard their existing planning permission.

An email (21/11/07) to Highways from Gifford stated that it had been asked by the developer to price for the proposed roundabout leg (the section within the site boundary) which will be considered as a "significant" start on site and will then satisfy the planners in this regard.

Another email 12/12/07 to Highways from Gifford stated that the works will take place during Jan/Feb 2008 clearly before the permission was to expire in March 2008.

Nothing further happened at the site until Highways received an email from Giffords on 6/10/08 asking for another site meeting. I met with a Graham Moffatt on Friday 7 November 2008 to discuss exactly the same issues.

With Compliments / Gyda Chyfarchion

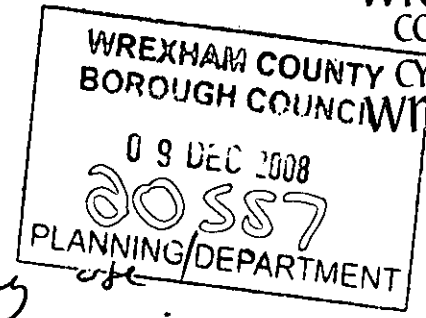
Chief Transportation & Asset Management Officer/Prif Swyddog Cludiant a Rheoli Asedau
Martin Wright

fao

Gerry Kellett
Planning Department
Lambpit Street.

don't know if this is of any use.

Pete



wrexham COUNCIL
Wrecsam

INVESTOR IN PEOPLE
BUDDSODDWR MEWN POBL

Crown Buildings, 31 Chester Street, Wrexham. LL13 8BG
Adeiladau'r Goron, 31 Stryt Caer,Wrexham. LL13 8BG
Tel/Ffôn: 01978 297102 Fax/Ffacs: 01978 292424 BT Text Phone: 01978 292067
www.wrexham.gov.uk www.wrecsam.gov.uk

From: Peter Douthwaite
To: Rhodes, Chris
CC: Jones, Geraint
Subject: Re: Ruabon Business Park - enabling works

Chris

I seem to recall agreeing this with Brain Hanlon of Carillion last year sometime.

We agreed that the enabling works could commence. From recall none of the work was actually affecting the B5605 other than a requirement for a temporary access to undertake the works.

If you can let me know in advance when you propose to start the works and give me a contact point I will arrange for our Supervisor / Engineer to visit the site as they consider necessary.

In this instance I think it unlikely that we will collect any inspection money from you up front. The favoured option would be to take our usual inspection fees (6% of the full cost of all the works) when the S38 agreement is actually signed. I don't think it'll be necessary submit contractors name / details other than as a contact point.

I would advise you to contact Geraint Jones our Streetworks Engineer who can discuss traffic management requirements for the temporary access. We will want the B5605 kept free of mud/detritus and a sweeper should be made available at all times.

Hope this helps. If you have any further queries please let me know.

WREXHAM COUNTY BOROUGH COUNCIL
09 DEC 2008
20557
PLANNING DEPARTMENT

regards

Pete

> "Chris Rhodes" <chris.rhodes@Gifford.UK.com> 06/10/2008 17:45 >>>
Peter
You may remember Peter that I once asked your advice about this one.
It may be that we do in fact need to undertake the enabling works on this project in November this year in order to satisfy our clients obligations to the landowner. These consisted of the construction of the leg of the roundabout that lies wholly within the Wynnstay Estate land (see the drawing attached).
I realise of course that there is no s278 "dialogue" happening as yet.....and that will commence post planning I believe.....however irrespective of this it occurs to me that we would really want to make some kind of arrangement with WCBC such that your guys made inspections of the "enabling" works sufficient that these works may ultimately then be incorporated in the adopted roundabout and accepted as being satisfactory.
Would this be possible?
What would WCBC's charges be?
What lead in time would you need to do this?...what information.....Contractors name/details etc etc?....I'm sure there may be quite a lot of arranging to do and I's to dot...and I need to make sure that I put these in hand over the next couple of weeks.
I would very much welcome your views on this.
Kind Regards
Chris Rhodes

From: "Chris Rhodes" <chris.rhodes@Gifford.UK.com>
To: <peter.douthwaite@wrexham.gov.uk>
CC: "Matthew Davies" <Matthew.Davies@Gifford.UK.com>, "Judith Makinson" <jud...
Date: 06/10/2008 17:46
Subject: Ruabon Business Park - enabling works

Peter

You may remember Peter that I once asked your advice about this one.

It may be that we do in fact need to undertake the enabling works on this project in November this year in order to satisfy our clients obligations to the landowner. These consisted of the construction of the leg of the roundabout that lies wholly within the Wynnstay Estate land (see the drawing attached).

WREXHAM COUNTY BOROUGH COUNCIL
09 DEC 2008
PLANNING DEPARTMENT

I realise of course that there is no s278 "dialogue" happening as yet.....and that will commence post planning I believe.....however irrespective of this it occurs to me that we would really want to make some kind of arrangement with WCBC such that your guys made inspections of the "enabling" works sufficient that these works may ultimately then be incorporated in the adopted roundabout and accepted as being satisfactory.

Would this be possible?

What would WCBC's charges be?

What lead in time would you need to do this?...what information.....Contractors name/details etc etc?....I'm sure there may be quite a lot of arranging to do and I's to dot...and I need to make sure that I put these in hand over the next couple of weeks.

I would very much welcome your views on this.

Kind Regards

Chris Rhodes

From: Peter Douthwaite
To: Kellett, Gerry
Date: 05/12/2008 15:51
Subject: Fwd: Ruabon Business Park
Attachments: W106_22 - 09-11-07.zip

>>> "Chris Rhodes" <chris.rhodes@Gifford.UK.com> 21/11/2007 18:00 >>>
Peter

I believe that Brian has spoken to you about this scheme.....and that you are already aware of it.

Carillion have been asked by the developer to price for the proposed roundabout leg (the section within the site boundary) which will be considered as a "significant" start on site and will then satisfy the planners in this regard.

I realise of course that the s278 has not been progressed as yet by PFA consulting and that as a consequence there remains a risk that the final details therein may result in part of these works being abortive (hopefully not) .....however a decision has been taken that this risk of this is acceptable to our client.

The concern for me is that WCBC Highways are brought on board as far/much as possible and as early as possible such that when the s278 is in place and the construction works on the roundabout proceed you are cognoscente of these "enabling" works and they can be accepted as part of the s278 works. I imagine that in the fullness of time it may be that arrangements need to be made for your inspectors to be involved in these works to ensure that they are constructed to adoptable standards.

I trust that the attached drawing (from PFA) clarify the extent of the proposed enabling works and allow you to discuss this further with Brian initially who I believe wants to review the practicalities of creating a "works" access before he can confirm his cost and likely programme to the client.

Many thanks for your assistance.

Kind Regards

Chris Rhodes

Regional Director

GIFFORD
20 Nicholas Street, Chester,
CH1 2NX , United Kingdom

Tel: +44 (0)1244 311855 Fax: +44 (0)1244 314560

Email: chris.rhodes@gifford.uk.com

Web: http://www.gifford.uk.com <http://www.gifford.uk.com/>

From: Peter Douthwaite
To: Kellett, Gerry
Date: 05/12/2008 15:52
Subject: Fwd: FW: Ruabon Business Park
Attachments: 14236_H_100_15.pdf; 14236-H-SD-ENW-100-15.pdf

>>> "Hanlon Brian" <Brian.Hanlon@carillionplc.com> 27/11/2007 14:59 >>>
Peter,

Updated drawings from Giffords for your info.

See you in the morning.

Thanks,

Brian

From: Moffat Graeme M
Sent: 27 Nov 2007 08:57
To: Hanlon Brian
Subject: FW: Ruabon Business Park

FYA

Graeme Moffat

Contracts Manager

Carillion Regional Building

21 Princess Drive

Colwyn Bay

LL21 8HT

Tel 01492 534156

Fax 01492 534276

Mobile 0780 326 2927

From: Chris Rhodes [mailto:chris.rhodes@Gifford.UK.com]
Sent: 26 Nov 2007 18:22
To: Moffat Graeme M
Cc: Tom Port; Matthew Davies; bill@libertyplc.co.uk; Emyr
Subject: Ruabon Business Park

Graeme

I attach a copy of the Gifford version of the PFA enabling works drawings. It is these that should form the basis of agreement for the contract.....we thought it far cleaner to produce these than to rely on a third parties drawings.

Please forward to Brian Hanlon....I just can't seem to get his email correct....must be missing an initial I think.

Please make sure that you are happy that these haven't changed from the PFA set (they shouldn't have done).

My colleague Tom Port will follow up this email with a drawing issue register to keep the QA demons at bay!

I look forward to hearing the outcome of Brian's meeting with Peter Douthwaite about access (and LA's requirement for s278 inspections).

I am away in Gibraltar on business on Wed/Thursday then on leave until the following Wednesday but please do call my mobile 07739 436741 if you need to.

kind Regards

Chris Rhodes

Regional Director

GIFFORD

20 Nicholas Street, Chester,
CH1 2NX , United Kingdom

Tel: +44 (0)1244 311855 Fax: +44 (0)1244 314560

Email: chris.rhodes@gifford.uk.com

Web: http://www.gifford.uk.com <http://www.gifford.uk.com/>

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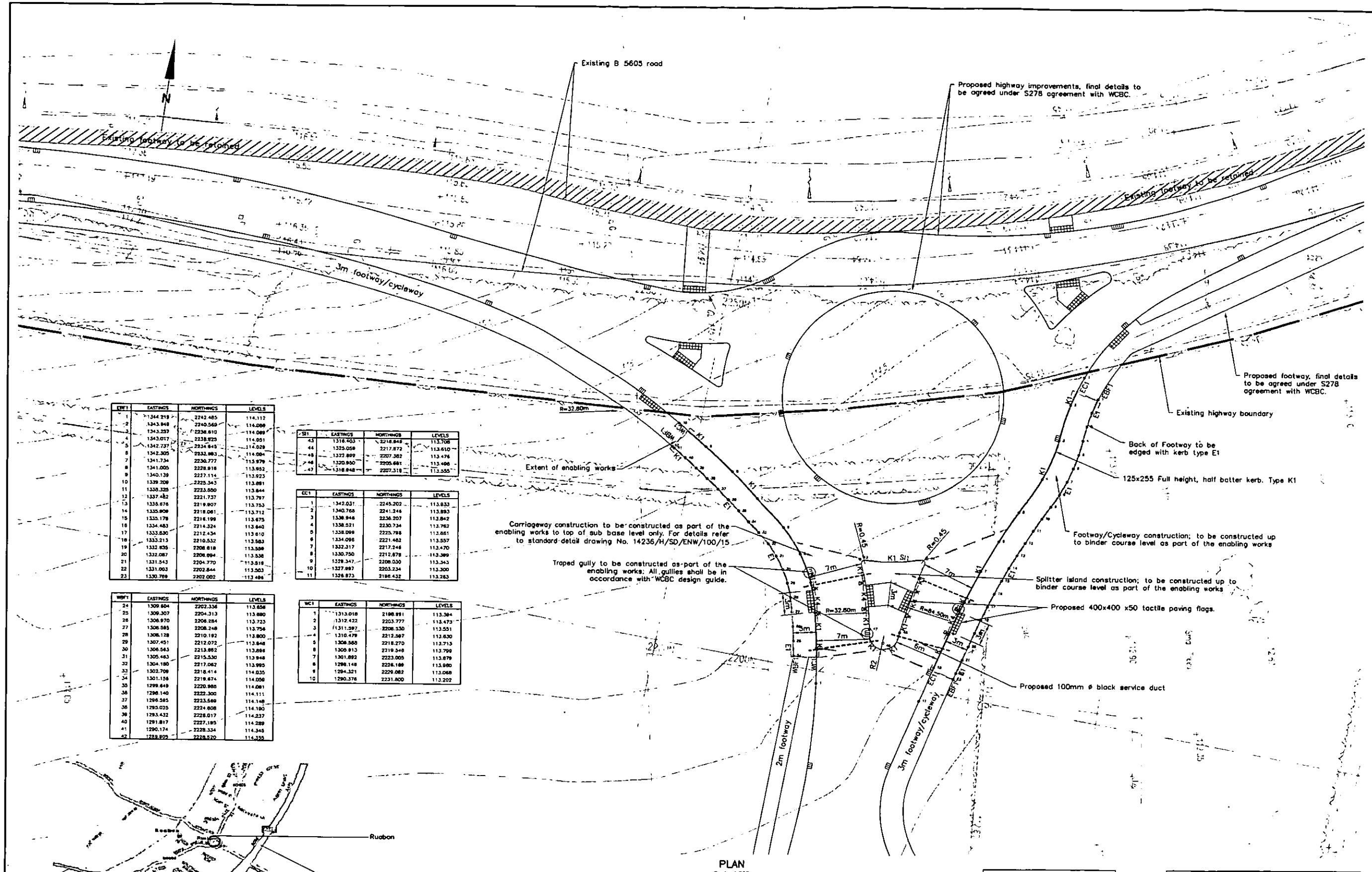
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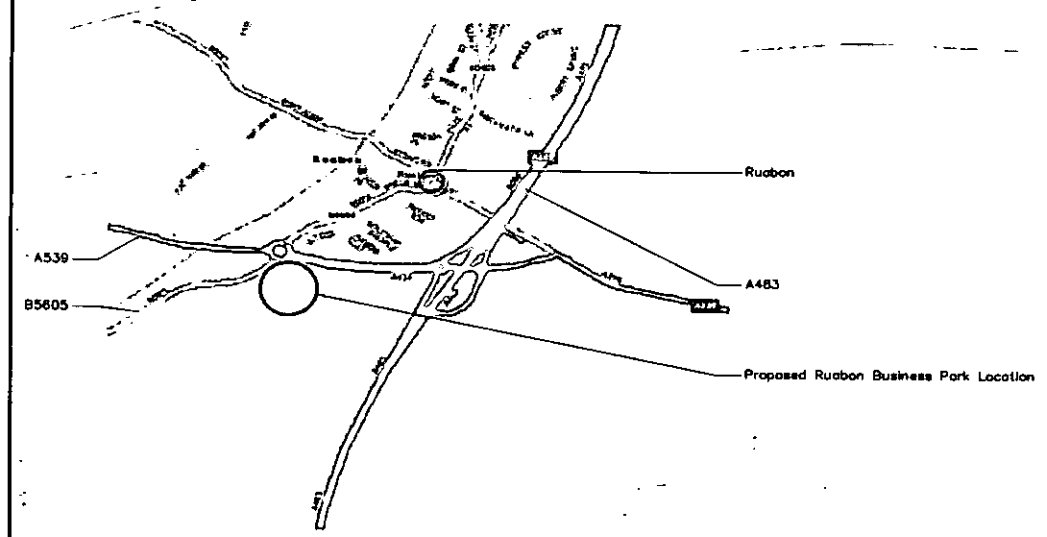
EW1	EASTINGS	NORTHINGS	LEVELS
1	1344.219	2242.485	114.112
2	1343.848	2240.569	114.098
3	1343.257	2238.610	114.089
4	1343.017	2238.925	114.051
5	1342.737	2234.945	114.028
6	1342.305	2232.983	114.004
7	1341.734	2230.777	113.979
8	1341.005	2228.818	113.952
9	1340.139	2227.114	113.923
10	1339.208	2225.343	113.891
11	1338.329	2223.550	113.844
12	1337.482	2221.737	113.797
13	1336.676	2219.907	113.753
14	1335.909	2218.081	113.712
15	1335.178	2216.199	113.675
16	1334.483	2214.324	113.640
17	1333.830	2212.434	113.610
18	1333.213	2210.532	113.583
19	1332.635	2208.618	113.559
20	1332.087	2206.694	113.538
21	1331.543	2204.770	113.518
22	1331.003	2202.844	113.503
23	1330.789	2202.002	113.496

ES1	EASTINGS	NORTHINGS	LEVELS
43	1316.403	2218.848	113.708
44	1325.059	2217.872	113.610
45	1327.899	2207.382	113.476
46	1320.950	2205.681	113.498
47	1318.848	2207.318	113.555

EC1	EASTINGS	NORTHINGS	LEVELS
1	1342.031	2245.202	113.833
2	1340.768	2241.248	113.893
3	1338.948	2236.207	113.842
4	1338.521	2230.734	113.762
5	1338.099	2225.788	113.861
6	1334.098	2221.482	113.557
7	1332.217	2217.248	113.470
8	1330.750	2212.878	113.389
9	1329.347	2208.030	113.343
10	1327.987	2203.234	113.300
11	1326.873	2198.432	113.263

WEF1	EASTINGS	NORTHINGS	LEVELS
24	1309.804	2202.338	113.656
25	1309.307	2204.313	113.680
26	1308.970	2206.284	113.723
27	1308.583	2208.248	113.754
28	1308.128	2210.192	113.800
29	1307.451	2212.072	113.848
30	1306.543	2213.882	113.886
31	1305.483	2215.530	113.948
32	1304.180	2217.062	113.995
33	1302.709	2218.414	114.035
34	1301.158	2219.674	114.058
35	1299.649	2220.988	114.081
36	1298.146	2222.300	114.111
37	1296.565	2223.589	114.148
38	1295.025	2224.808	114.180
39	1293.432	2226.017	114.237
40	1291.817	2227.185	114.289
41	1290.174	2228.334	114.345
42	1288.593	2229.520	114.355

WC1	EASTINGS	NORTHINGS	LEVELS
1	1313.018	2188.891	113.384
2	1312.422	2203.777	113.473
3	1311.592	2208.330	113.551
4	1310.479	2213.587	113.630
5	1308.568	2218.270	113.713
6	1308.913	2219.348	113.798
7	1301.892	2223.005	113.879
8	1298.148	2226.188	113.880
9	1294.321	2229.082	113.068
10	1290.376	2231.800	113.202



LOCATION PLAN

PLAN
Scale 1:250

10 0 10 20 50 100mm NATURAL SCALE

KERB TYPES

K1 – 125x255 Half battered kerb.
K4 – 125x150 Bullnose Kerb
DK – Dropped Kerbs
E1 – 50mm x 150mm Edging Kerb

Some items specified on this drawing are heavy. Attention is drawn to the H.S.E. guidance on Manual Handling of heavy objects. Contractors are required to give details in their Health and Safety Plan of how they intend to operate within the H.S.E. guidance. The Approximate weights of items on this drawing, where known by the Designer, are given for guidance only :–

Pre cast Concrete Kerb	Edging Kerb
Standard Straight = 914mm	69kg	19kg

NOTES

1. This drawing should only be read in relation to subject of the title. Other information shown on drawing is to be considered indicative only. Reference should be made to appropriate drawing series for other information.
2. Do not scale from this drawing.
3. All dimensions are in millimetres unless otherwise stated.
4. All works to be in accordance with the Specification for Highway works, the DMRB and WCBC Design guide.
5. Precast tactile paving flags shall be manufactured in accordance with BS 7265 part 1.
6. This drawing should be read in conjunction with enabling works standard detail drawing 14236/H/SD/ENW/100/15 and the MX string report.
7. Kerbs tie in lengths are to be constructed to smooth lines as indicated on this drawing.
8. Kerb runs are to be terminated by the use of appropriate transition/dropper kerbs.
9. The correct radius kerb shall be used for all radii of 12m or less.

KEY

- Footway/Cycleway and splitter island to be constructed as part of enabling works to binder course level. To include tactile paving.
- Carriageway to be constructed as part of enabling works to sub-base level.
- 1 x 100mm Duct
- Gullies to be constructed as part of enabling Works (See detail on drawing no. 14236/H/SD/ENW/100/15/SD)
- Extent of enabling works

Rev.	Drawn	Chkd.	Approvd	Date	Description
*	MRD	PS	SC	13.11.07	FOR CONSTRUCTION

Client: liberty properties plc

Project: RUABON BUSINESS PARK ENABLING WORKS

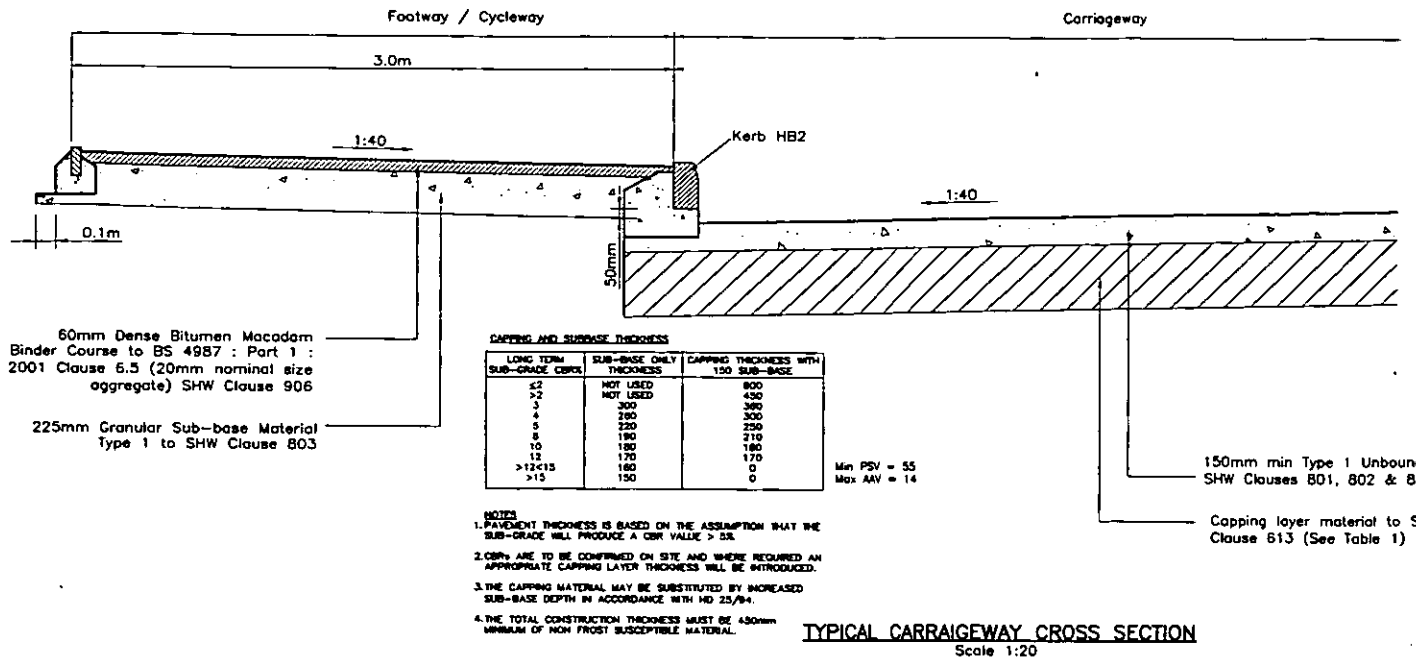
Drawing Title: ENABLING WORKS LAYOUT

Gifford
20 Nicholas Street, Chester, CH1 2NX
Tel : 01244 311555 Fax : 01244 314580 www.gifford.uk.com

Scale (at A1)	Date	Drawn
As Shown	Nov 07	MRD

Drg. no. 14236/H/100/15 Rev. -

ORIGINAL DRAWING SIZE 841 x 594

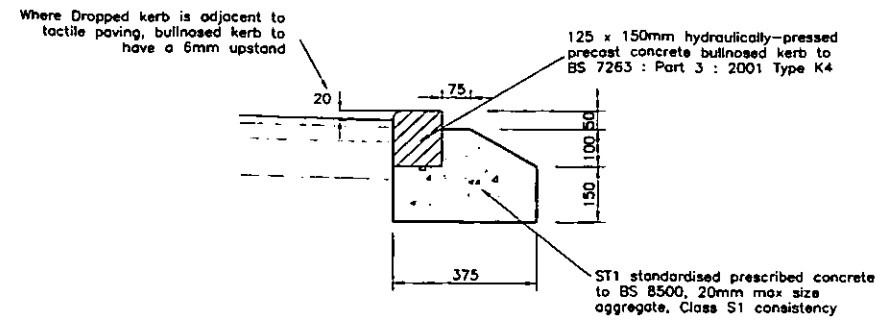


CAPPING AND SUBBASE THICKNESS

LONG TERM SUB-GRADE CBR%	SUB-BASE ONLY THICKNESS	CAPPING THICKNESS WITH 150 SUB-BASE
≤2	NOT USED	800
>2	NOT USED	450
3	300	385
4	280	300
5	230	250
8	180	210
10	180	180
12	170	170
>12<15	150	0
>15	150	0

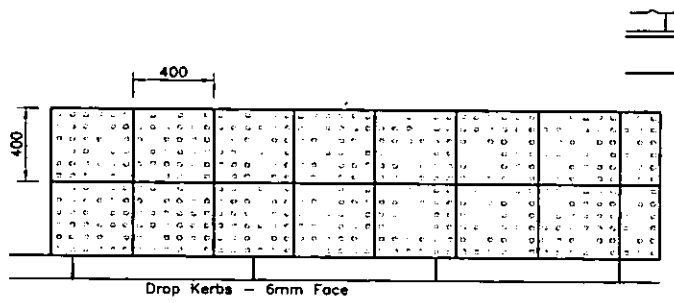
NOTES
1. PAVEMENT THICKNESS IS BASED ON THE ASSUMPTION THAT THE SUB-GRADE WILL PRODUCE A CBR VALUE > 2.5%.
2. CBR% ARE TO BE CONFIRMED ON SITE AND WHERE REQUIRED AN APPROPRIATE CAPPING LAYER THICKNESS WILL BE INTRODUCED.
3. THE CAPPING MATERIAL MAY BE SUBSTITUTED BY INCREASED SUB-BASE DEPTH IN ACCORDANCE WITH HD 25/94.
4. THE TOTAL CONSTRUCTION THICKNESS MUST BE 450mm MINIMUM OF NON FROST SUSCEPTIBLE MATERIAL.

TYPICAL CARRAIGEWAY CROSS SECTION
Scale 1:20

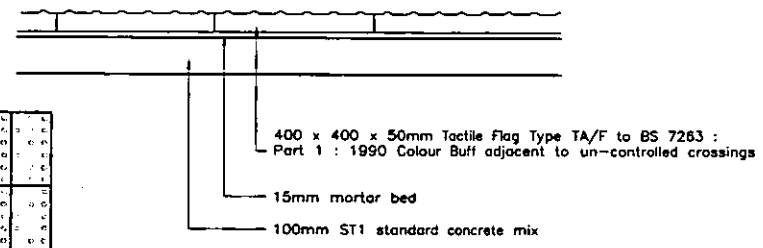


TYPE K4 BULLNOSE KERB
Scale 1:20

Ramp appropriate type K1 kerb to type K4 kerb to BS 7263 Type DK to be at each end of crossing.

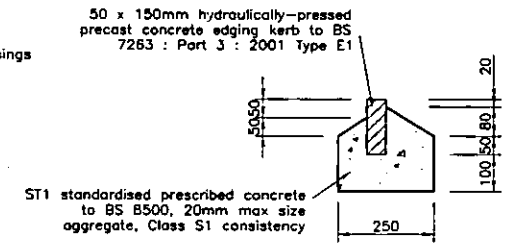


PLAN
Scale 1:20

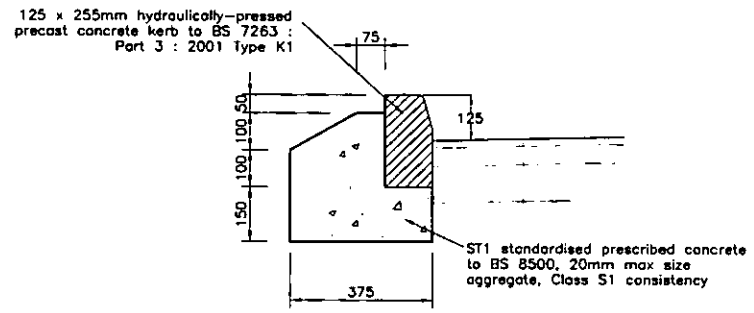


SECTION
Scale 1:20

TACTILE PAVING
Scale: As Shown

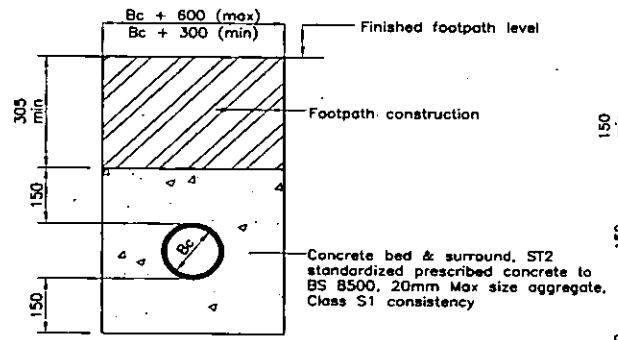


KERB TYPE E1 – EDGING KERB
Scale 1:20

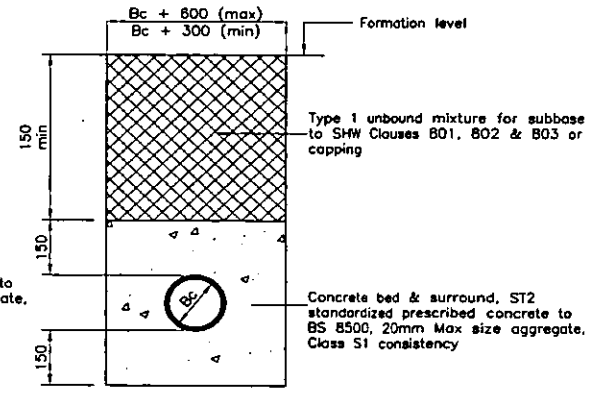


KERB TYPE K1
Scale 1:20

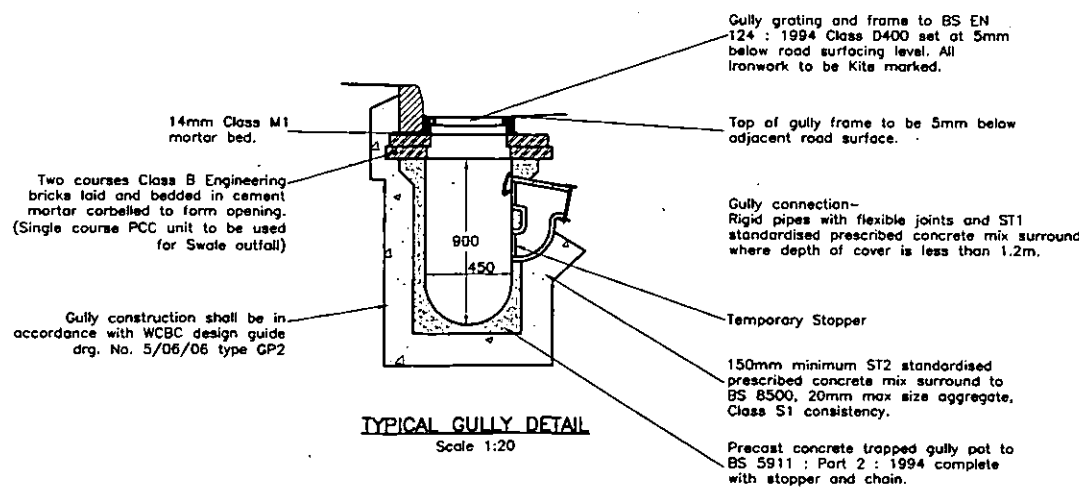
UNDER FOOTPATHS AND FOOTWAYS
(Minimum 455mm Cover to Duct)



UNDER CARRIAGEWAYS
(Minimum 750mm Cover to Duct)



SERVICE DUCT DETAILS
Scale 1:10



TYPICAL GULLY DETAIL
Scale 1:20

10 0 10 20 50 100mm NATURAL SCALE

NOTES
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2. Do not scale from this drawing.
3. All dimensions are in millimetres unless otherwise stated.
4. All works to be in accordance with the Specification for Highway works, the DMRB and WCBC Design guide.
5. Precast tactile paving flags shall be manufactured in accordance with BS 7265 part 1.
6. This drawing should be read in conjunction with enabling works standard detail drawing 14236/H/100/15 and the MX string report.

Rev.	Drawn	Chkd.	Apprvd	Date	Description
-	TP	MRD	PS	12.11.07	PRELIMINARY

Client: liberty properties plc

Project: RUABON BUSINESS PARK ENABLING WORKS

Drawing Title: ENABLING WORKS STANDARD DETAILS

Gifford
20 Nicholas Street, Chester, CH1 2NX
Tel : 01244 311888 Fax : 01244 314580 www.gifford.uk.com

Scale (at A1)	Date	Drawn
AS SHOWN	NOV 07	TP

Drg. no.	Rev.
14236/H/SD/ENW/100/15	-

ORIGINAL DRAWING SIZE 841 x 594

From: Peter Douthwaite
To: Kellett, Gerry
Date: 05/12/2008 15:52
Subject: Fwd: Ruabon Business Park
Attachments: 14236_H_100_15.pdf

>>> "Chris Rhodes" <chris.rhodes@Gifford.UK.com> 12/12/2007 08:41 >>>
Peter

You recently had a meeting with Brian Hanlon of Carillion to discuss temporary access arrangements from the B5605. This is so that our client can procure an "enabling" works contract in the form of the construction of the first part (off-highway) of a future proposed roundabout to the proposed Ruabon business park. The roundabout itself will of course be the subject of a Section 278 in due course.

I believe that you were able to confirm to Brian that WCBC Highways would be prepared to allow access directly from the Highway (B5605) adjacent to the proposed works shown on the attached PDF.

This will involve the removal of a number of young trees and a section of the Highways Boundary fencing as you know and the contractor will then be able to access the works across the Highway verge (to be reinstated to an agreed specification on completion). The programme/duration of these initial works will be less than one month.....and likely to happen during Jan/Feb 2008.

Could you possible drop me a quick email to confirm that the principle of this is agreeable to WCBC. I need this to give comfort to our client that the proposed temporary access arrangements are (in principle) satisfactory.

Please do give me a call if I have any of this interpreted wrongly or if you want to advise me of any other pertinent points.

I look forward to hearing from you

Many Thanks

Chris Rhodes

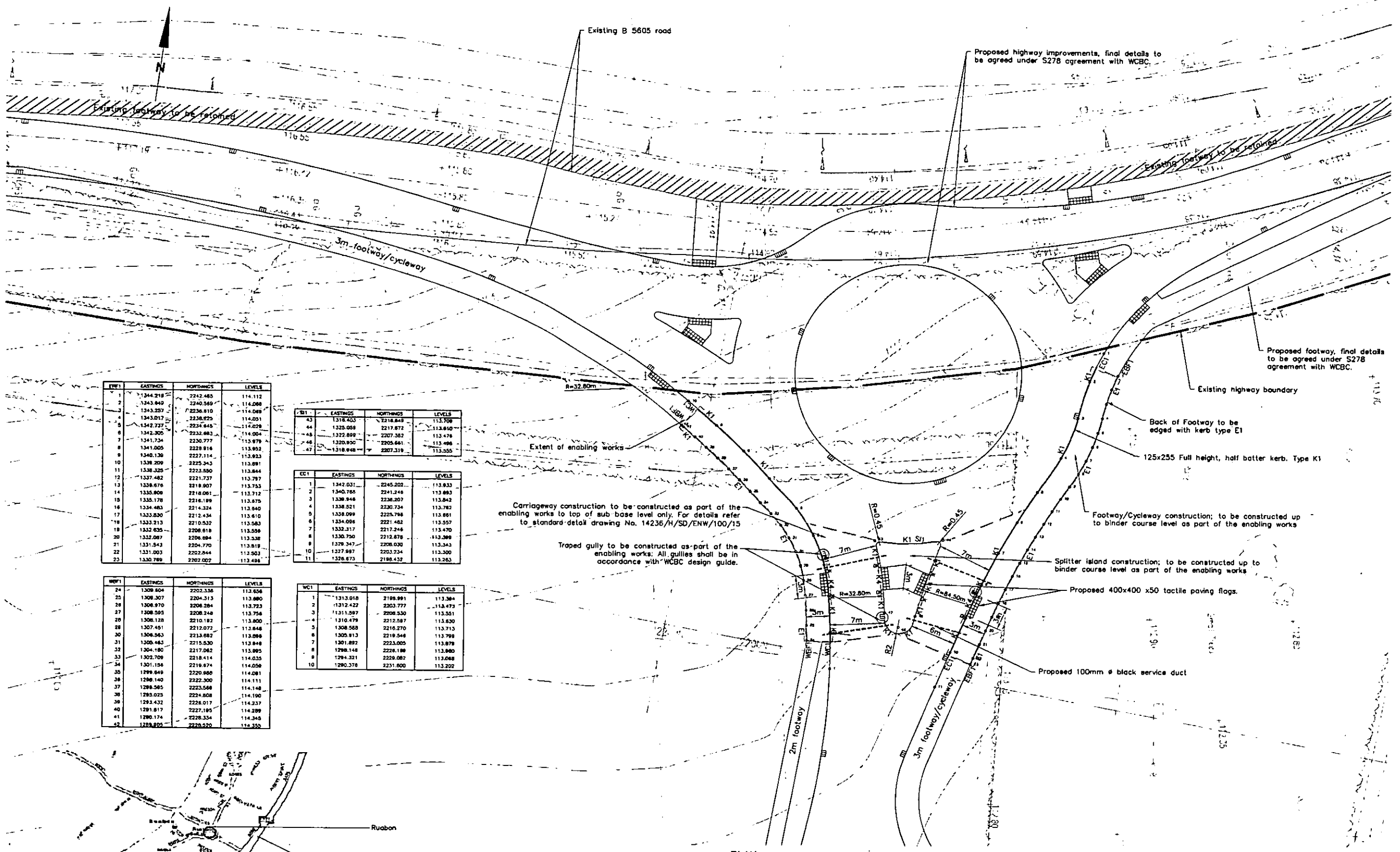
Regional Director

GIFFORD
20 Nicholas Street, Chester,
CH1 2NX , United Kingdom

Tel: +44 (0)1244 311855 Fax: +44 (0)1244 314560

Email: chris.rhodes@gifford.uk.com

Web: http://www.gifford.uk.com <http://www.gifford.uk.com/>



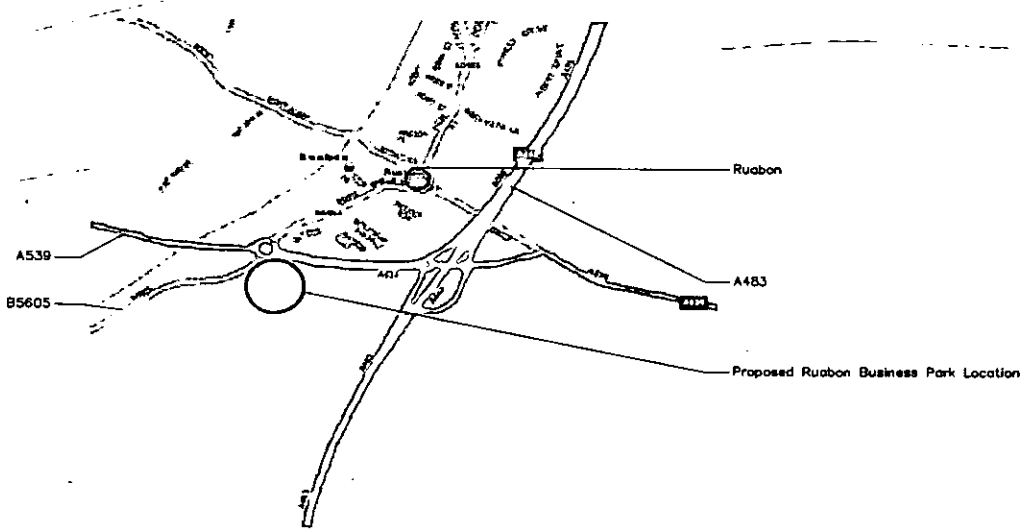
LINE1	EASTINGS	NORTHINGS	LEVELS
1	1344.218	2242.485	114.112
2	1343.849	2240.569	114.098
3	1343.257	2236.810	114.069
4	1343.017	2238.525	114.051
5	1342.737	2234.845	114.029
6	1342.305	2232.983	114.004
7	1341.734	2230.777	113.979
8	1341.005	2228.916	113.902
9	1340.139	2227.114	113.923
10	1338.209	2225.343	113.891
11	1338.325	2223.550	113.844
12	1337.482	2221.737	113.797
13	1338.676	2218.907	113.753
14	1335.808	2218.061	113.712
15	1335.178	2216.189	113.675
16	1334.483	2214.324	113.640
17	1333.830	2212.434	113.610
18	1333.213	2210.532	113.583
19	1332.635	2208.618	113.559
20	1332.087	2206.684	113.538
21	1331.543	2204.770	113.519
22	1331.003	2202.844	113.503
23	1330.789	2202.002	113.496

SI1	EASTINGS	NORTHINGS	LEVELS
43	1318.403	2218.848	113.708
44	1325.059	2217.672	113.610
45	1322.899	2207.382	113.476
46	1320.950	2205.641	113.498
47	1318.848	2207.319	113.555

CC1	EASTINGS	NORTHINGS	LEVELS
1	1342.031	2245.202	113.833
2	1340.765	2241.248	113.893
3	1338.948	2236.207	113.842
4	1338.521	2230.734	113.782
5	1338.099	2225.798	113.851
6	1334.096	2221.482	113.557
7	1332.317	2217.246	113.470
8	1330.750	2212.678	113.398
9	1329.347	2208.030	113.343
10	1327.987	2203.234	113.300
11	1326.673	2198.432	113.263

WDF1	EASTINGS	NORTHINGS	LEVELS
24	1309.804	2202.336	113.656
25	1309.307	2204.313	113.680
26	1308.970	2206.284	113.723
27	1308.595	2208.248	113.756
28	1308.128	2210.192	113.800
29	1307.451	2212.072	113.848
30	1306.563	2213.682	113.898
31	1305.483	2215.530	113.948
32	1304.180	2217.062	113.995
33	1302.709	2218.414	114.035
34	1301.156	2219.674	114.058
35	1299.849	2220.988	114.081
36	1298.140	2222.300	114.111
37	1296.565	2223.568	114.148
38	1293.025	2224.808	114.190
39	1293.432	2226.017	114.237
40	1291.817	2227.195	114.289
41	1290.174	2228.334	114.348
42	1289.855	2228.520	114.359

WC1	EASTINGS	NORTHINGS	LEVELS
1	1313.018	2185.991	113.384
2	1312.422	2203.777	113.473
3	1311.587	2208.530	113.551
4	1310.479	2212.587	113.630
5	1308.588	2216.270	113.713
6	1305.813	2219.548	113.798
7	1301.892	2223.005	113.878
8	1298.148	2226.189	113.980
9	1294.321	2229.082	113.068
10	1290.378	2231.800	113.202



LOCATION PLAN

PLAN
Scale 1:250

KERB TYPES

K1 – 125x255 Half battered kerb.
K4 – 125x150 Bullnose Kerb
DK – Dropped Kerbs
E1 – 50mm x 150mm Edging Kerb

Some items specified on this drawing are heavy. Attention is drawn to the H.S.E. guidance on Manual Handling of heavy objects. Contractors are required to give details in their Health and Safety Plan of how they intend to operate within the H.S.E. guidance. The Approximate weights of items on this drawing, where known by the Designer, are given for guidance only :–

	Pre cast Concrete Kerb	Edging Kerb
Standard Straight = 914mm	69kg	19kg

NOTES

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3. All dimensions are in millimetres unless otherwise stated.
4. All works to be in accordance with the Specification for Highway works, the DMRB and WCBC Design guide.
5. Precast tactile paving flags shall be manufactured in accordance with BS 7265 part 1.
6. This drawing should be read in conjunction with enabling works standard detail drawing 14236/H/SD/ENW/100/15 and the MX string report.
7. Kerbs tie in lengths are to be constructed to smooth lines as indicated on this drawing.
8. Kerb runs are to be terminated by the use of appropriate transition/dropper kerbs.
9. The correct radius kerb shall be used for all radii of 12m or less.

KEY

- Footway/Cycleway and splitter island to be constructed as part of enabling works to binder course level. To include tactile paving.
- Carriageway to be constructed as part of enabling works to sub-base level.
- 1 x 100mm Duct
- Gullies to be constructed as part of enabling Works (See detail on drawing no. 14236/H/SD/ENW/100/15/SD)
- Extent of enabling works

Rev.	Drawn	Chkd.	Apprvd	Date	Description
-	MRD	PS	SC	13.11.07	FOR CONSTRUCTION

Client: liberty properties plc

Project: RUABON BUSINESS PARK ENABLING WORKS

Drawing Title: ENABLING WORKS LAYOUT

Gifford
20 Nicholas Street, Chester, CH1 2NX
Tel: 01244 311955 Fax: 01244 314500 www.gifford.uk.com

Scale (at A1)	Date	Drawn
As Shown	Nov 07	MRD

Drg. no. 14236/H/100/15 Rev. -

10 0 10 20 50 100mm NATURAL SCALE

ORIGINAL DRAWING SIZE 841 x 594

From: Peter Douthwaite
To: Kellett, Gerry
Date: 05/12/2008 15:52
Subject: Fwd: Re: Ruabon Business Park

>>> Peter Douthwaite 14/12/2007 14:33 >>>
Chris

Just to confirm my agreement to the principle of your proposals.
Further details of the proposed site access construction, HSRWA signing and reinstatement of the access should be submitted asap.

Concerns were expressed at my site meeting with Brian regarding the potential for dropping mud on the road from wagons etc leaving the site. I will need some clarification that a mechanical road sweeper will be available at all times or that some form of wheel wash facility is used on site.

Please ensure that you contact the planning officer Gerry Kellett 01978 292476 to ensure he has no outstanding issues that may prevent you accessing the site.

Hope this is sufficient

regards

Pete

>>> "Chris Rhodes" <chris.rhodes@Gifford.UK.com> 12/12/2007 08:41 >>>
Peter

You recently had a meeting with Brian Hanlon of Carillion to discuss temporary access arrangements from the B5605. This is so that our client can procure an "enabling" works contract in the form of the construction of the first part (off-highway) of a future proposed roundabout to the proposed Ruabon business park. The roundabout itself will of course be the subject of a Section 278 in due course.

I believe that you were able to confirm to Brian that WCBC Highways would be prepared to allow access directly from the Highway (B5605) adjacent to the proposed works shown on the attached PDF.

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Could you possible drop me a quick email to confirm that the principle of this is agreeable to WCBC. I need this to give comfort to our client that the proposed temporary access arrangements are (in principle) satisfactory.

Please do give me a call if I have any of this interpreted wrongly or if you want to advise me of any other pertinent points.

I look forward to hearing from you

Many Thanks

Chris Rhodes

Regional Director

GIFFORD
20 Nicholas Street, Chester,
CH1 2NX , United Kingdom

Tel: +44 (0)1244 311855 Fax: +44 (0)1244 314560

Email: chris.rhodes@gifford.uk.com

Web: http://www.gifford.uk.com <http://www.gifford.uk.com/>

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From: Peter Douthwaite
To: Kellett, Gerry
Date: 05/12/2008 13:59
Subject: RUABON BUSINESS PARK

Gerry

I met Brian Hanlon of Carillion on Wednesday 28th October 2007 at 9 am in the layby near the proposed site access on B5605.

We discussed enabling works needed to satisfy the clients obligations to the landowner. The intention was to create a temporary access in to the site to allow the construction of the leg of the proposed roundabout that lies wholly within the Wynnstay Estate Land. They were eager to commence works in order to safeguard their existing planning permission.

It was intended that the temporary access would then be closed off until such time that the developer was in a position to formally start works on the formation of the roundabout.

Nothing further happened at the site until I received an e mail from Giffords on 6/10/08 asking for another site meeting. I met with a Graham Moffatt on Friday 7 November 2008 to discuss exactly the same issues.

A copy of the e mail relating to the second meeting is in the internal mail system.

regards

Pete

JGK

From: "Chris Rhodes" <chris.rhodes@Gifford.UK.com>
To: <peter.douthwaite@wrexham.gov.uk>
CC: "Hanlon Brian" <Brian.Hanlon@carillionplc.com>, <bill@libertyplc.co.uk>,...
Date: 22/11/2007 08:59
Subject: Ruabon Business Park
Attachments: W106_22 - 09-11-07.zip

WREXHAM COUNTY BOROUGH COUNCIL
11 DEC 2008
20607
PLANNING DEPARTMENT

Peter

I believe that Brian has spoken to you about this scheme.....and that you are already aware of it.

Carillion have been asked by the developer to price for the proposed roundabout leg (the section within the site boundary) which will be considered as a "significant" start on site and will then satisfy the planners in this regard.

I realise of course that the s278 has not been progressed as yet by PFA consulting and that as a consequence there remains a risk that the final details therein may result in part of these works being abortive (hopefully not) .....however a decision has been taken that this risk of this is acceptable to our client.

The concern for me is that WCBC Highways are brought on board as far/much as possible and as early as possible such that when the s278 is in place and the construction works on the roundabout proceed you are cognoscente of these "enabling" works and they can be accepted as part of the s278 works. I imagine that in the fullness of time it may be that arrangements need to be made for your inspectors to be involved in these works to ensure that they are constructed to adoptable standards.

I trust that the attached drawing (from PFA) clarify the extent of the proposed enabling works and allow you to discuss this further with Brian initially who I believe wants to review the practicalities of creating a "works" access before he can confirm his cost and likely programme to the client.

Many thanks for your assistance.

Kind Regards

Chris Rhodes

Regional Director

GIFFORD
20 Nicholas Street, Chester,
CH1 2NX , United Kingdom

Tel: +44 (0)1244 311855 Fax: +44 (0)1244 314560

Email: chris.rhodes@gifford.uk.com

Web: http://www.gifford.uk.com <http://www.gifford.uk.com/>

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From: "Hanlon Brian" <Brian.Hanlon@carillionplc.com>
To: <peter.douthwaite@wrexham.gov.uk>
Date: 27/11/2007 15:01
Subject: FW: Ruabon Business Park
Attachments: 14236_H_100_15.pdf; 14236-H-SD-ENW-100-15.pdf

Peter,

Updated drawings from Giffords for your info.

See you in the morning.

Thanks,

Brian

From: Moffat Graeme M
Sent: 27 Nov 2007 08:57
To: Hanlon Brian
Subject: FW: Ruabon Business Park

FYA

Graeme Moffat

Contracts Manager

Carillion Regional Building

21 Princess Drive

Colwyn Bay

LL21 8HT

Tel 01492 534156

Fax 01492 534276

Mobile 0780 326 2927

From: Chris Rhodes [mailto:chris.rhodes@Gifford.UK.com]
Sent: 26 Nov 2007 18:22
To: Moffat Graeme M
Cc: Tom Port; Matthew Davies; bill@libertyplc.co.uk; Emyr
Subject: Ruabon Business Park

Graeme

I attach a copy of the Gifford version of the PFA enabling works drawings. It is these that should form the basis of agreement for the contract.....we thought it far cleaner to produce these than to rely on a third parties drawings.

Please forward to Brian Hanlon....I just can't seem to get his email

correct....must be missing an initial I think.

Please make sure that you are happy that these haven't changed from the PFA set (they shouldn't have done).

My colleague Tom Port will follow up this email with a drawing issue register to keep the QA demons at bay!

I look forward to hearing the outcome of Brian's meeting with Peter Douthwaite about access (and LA's requirement for s278 inspections).

I am away in Gibraltar on business on Wed/Thursday then on leave until the following Wednesday but please do call my mobile 07739 436741 if you need to.

kind Regards

Chris Rhodes

Regional Director

GIFFORD
20 Nicholas Street, Chester,
CH1 2NX , United Kingdom

Tel: +44 (0)1244 311855 Fax: +44 (0)1244 314560

Email: chris.rhodes@gifford.uk.com

Web: http://www.gifford.uk.com <http://www.gifford.uk.com/>

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CARILLION VALUES

Openness - Collaboration - Mutual Dependency - Professional Delivery -Sustainable Profitable Growth - Innovation

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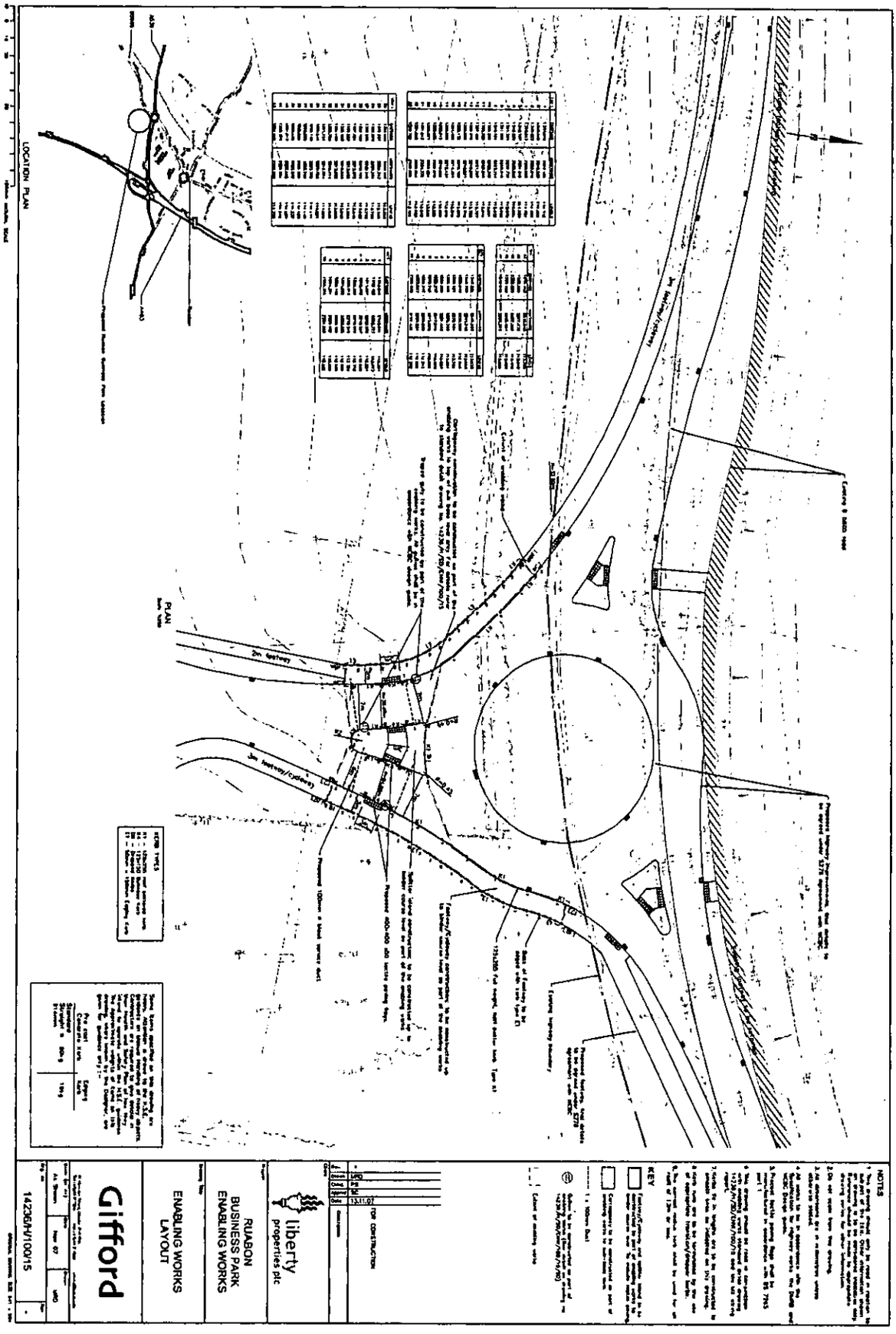
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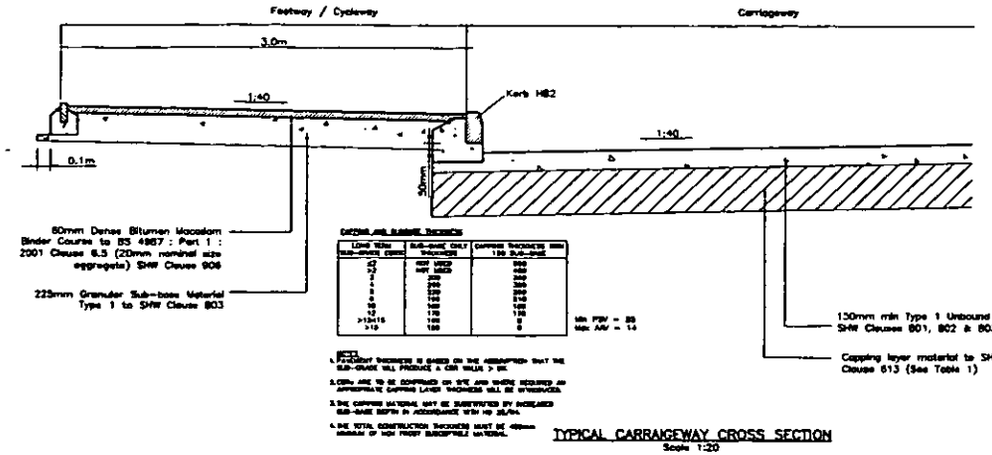
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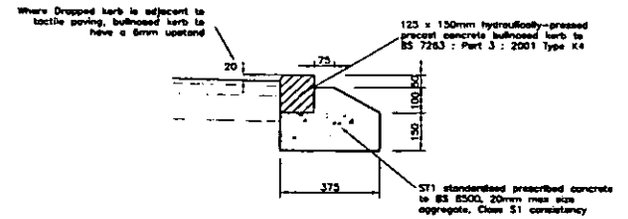
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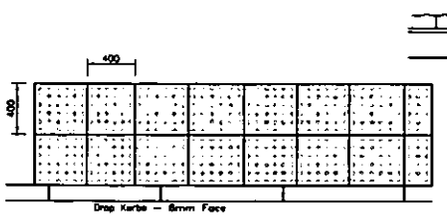

LOCATION PLAN
NOTES
KEY
FOR CONSTRUCTION
liberty properties plc
RUABON BUSINESS PARK ENABLING WORKS
ENABLING WORKS LAYOUT
Gifford
14236/H/100/15



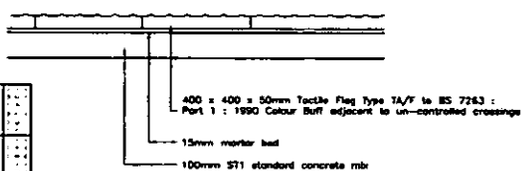
TYPICAL CARRIAGEWAY CROSS SECTION
Scale 1:20



TYPE K4 BULLNOSE KERB
Scale 1:20
Ramp appropriate type K1 kerb to type K4 kerb to BS 7263 Type DK to be at each end of crossing.

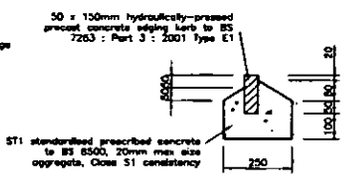


PLAN
Scale 1:20

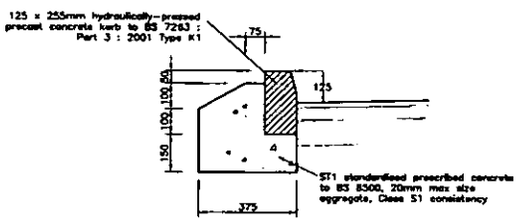


SECTION
Scale 1:20

TACTILE PAVING
Scale: As Shown

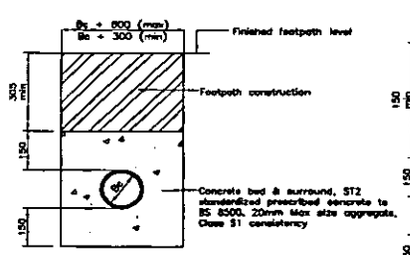


KERB TYPE E1 – EDGING KERB
Scale 1:20

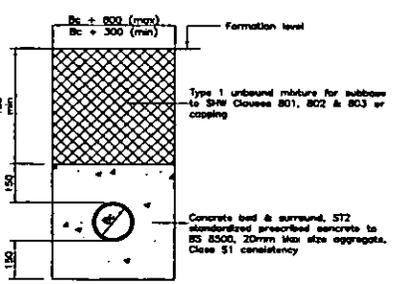


KERB TYPE K1
Scale 1:20

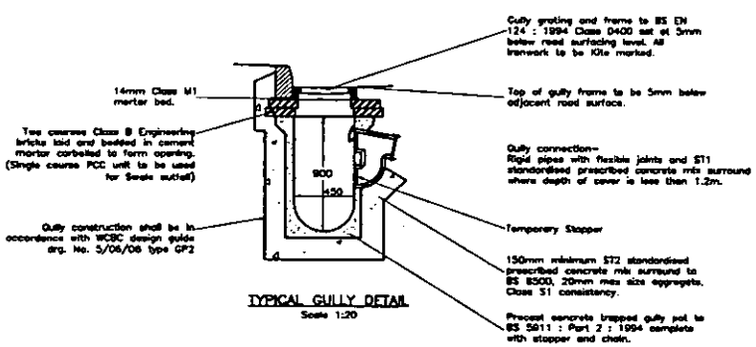
UNDER FOOTPATHS AND FOOTWAYS
(Minimum 455mm Cover to Duct)



UNDER CARRIAGEWAYS
(Minimum 750mm Cover to Duct)



SERVICE DUCT DETAILS
Scale 1:10



TYPICAL GULLY DETAIL
Scale 1:20

NOTES

1. This drawing should only be read in relation to subject of the title. Other information shown on drawing is to be considered indicative only. Reference should be made to appropriate drawing series for other information.
2. Do not scale from this drawing.
3. All dimensions are in millimetres unless otherwise stated.
4. All works to be in accordance with the Specification for Highway works, the DMRB and WCBC Design guide.
5. Precast tactile paving flags shall be manufactured in accordance with BS 7263 part 1.
6. This drawing should be read in conjunction with enabling works standard detail drawing 14236/H/100/15 and the MX string report.

Rev.	Drawn	Chkd.	Approved	Date	
-	TP	MWD	PS	12.11.07	PRELIMINARY

Client
liberty properties plc

Project
RUABON BUSINESS PARK ENABLING WORKS

Drawing Title
ENABLING WORKS STANDARD DETAILS

Gifford

Scale (at A1)	Date	Drawn
AS SHOWN	NOV 07	TP

Drg. no. 14236/H/SD/ENW/100/15 Rev. -

10 0 10 20 50 100mm NATURAL SCALE

ORIGINAL DRAWING SIZE A1 • 594

From: "Chris Rhodes" <chris.rhodes@Gifford.UK.com>
To: <peter.douthwaite@wrexham.gov.uk>
Date: 12/12/2007 08:42
Subject: Ruabon Business Park
Attachments: 14236_H_100_15.pdf

Peter

You recently had a meeting with Brian Hanlon of Carillion to discuss temporary access arrangements from the B5605. This is so that our client can procure an "enabling" works contract in the form of the construction of the first part (off-highway) of a future proposed roundabout to the proposed Ruabon business park. The roundabout itself will of course be the subject of a Section 278 in due course.

I believe that you were able to confirm to Brian that WCBC Highways would be prepared to allow access directly from the Highway (B5605) adjacent to the proposed works shown on the attached PDF.

This will involve the removal of a number of young trees and a section of the Highways Boundary fencing as you know and the contractor will then be able to access the works across the Highway verge (to be reinstated to an agreed specification on completion). The programme/duration of these initial works will be less than one month.....and likely to happen during Jan/Feb 2008.

Could you possible drop me a quick email to confirm that the principle of this is agreeable to WCBC. I need this to give comfort to our client that the proposed temporary access arrangements are (in principle) satisfactory.

Please do give me a call if I have any of this interpreted wrongly or if you want to advise me of any other pertinent points.

I look forward to hearing from you

Many Thanks

Chris Rhodes

Regional Director

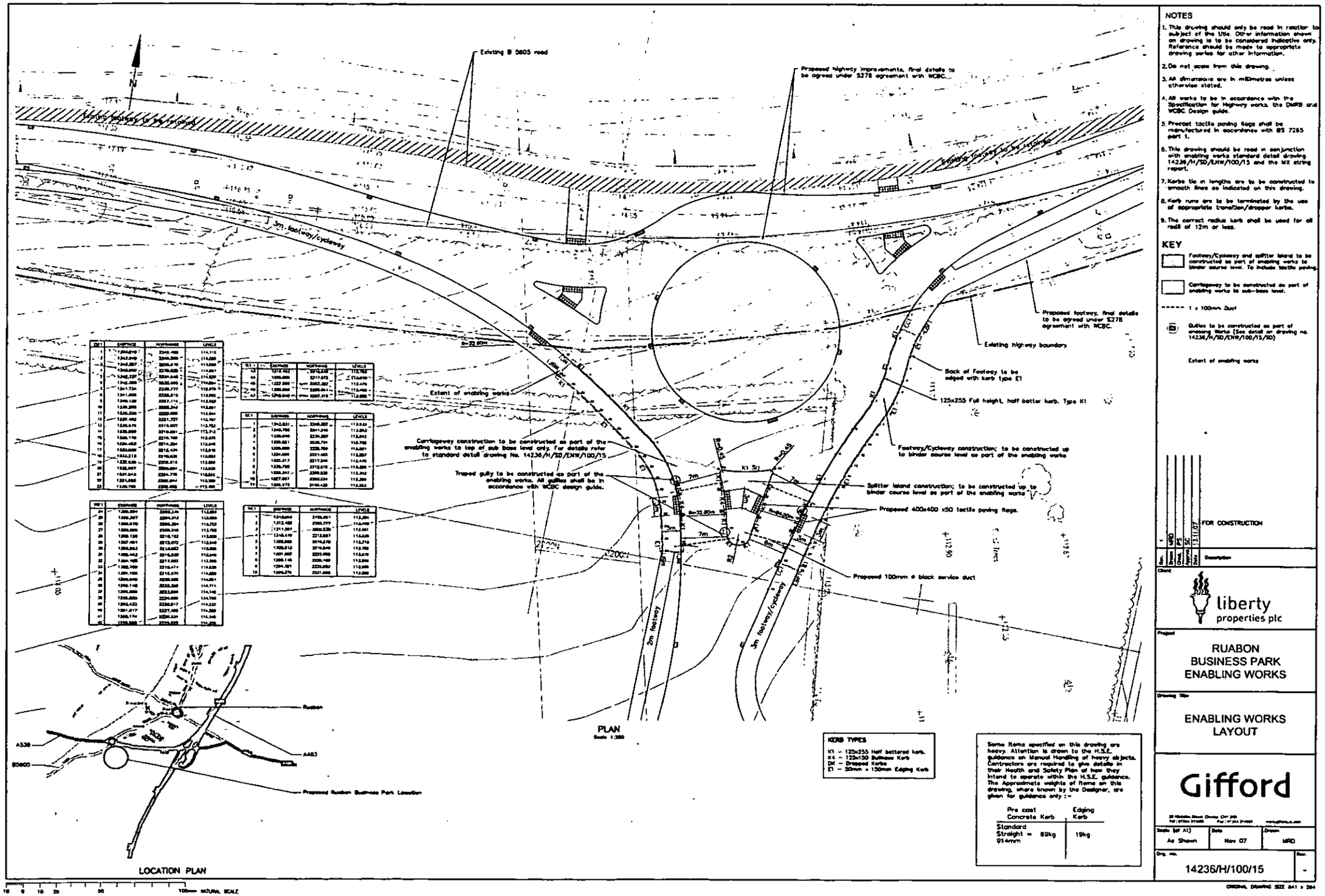
GIFFORD
20 Nicholas Street, Chester,
CH1 2NX , United Kingdom

Tel: +44 (0)1244 311855 Fax: +44 (0)1244 314560

Email: chris.rhodes@gifford.uk.com

Web: http://www.gifford.uk.com <http://www.gifford.uk.com/>

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NOTES

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2. Do not scale from this drawing.
3. All dimensions are in millimetres unless otherwise stated.
4. All works to be in accordance with the Specification for Highway works, the DMRB and WCBC Design guide.
5. Precast tactile paving flags shall be manufactured in accordance with BS 7263 part 1.
6. This drawing should be read in conjunction with enabling works standard detail drawing 14236/H/SD/ENW/100/15 and the MX string report.
7. Kerbs tie in lengths are to be constructed to smooth lines as indicated on this drawing.
8. Kerb runs are to be terminated by the use of appropriate transition/dropper kerbs.
9. The correct radius kerb shall be used for all radii of 12m or less.

KEY

Footway/Cycleway and splitter island to be constructed as part of enabling works to binder course level. To include tactile paving.

Carriageway to be constructed as part of enabling works to sub-base level.

1 x 100mm Duct

Gullies to be constructed as part of enabling Works (See detail on drawing no. 14236/H/SD/ENW/100/15/SD)

Extent of enabling works

Rev.	Drawn	Chkd.	Approved	Date	Description
-	MRD	PJS	SJC	13.11.07	FOR CONSTRUCTION

Client

liberty properties plc

Project

RUABON BUSINESS PARK ENABLING WORKS

Drawing Title

ENABLING WORKS LAYOUT

Gifford

Scale (@ A1)	Date	Drawn
As Shown	Nov 07	MRD

Drg. no. 14236/H/100/15

Rev. -

ORIGINAL DRAWING SIZE A1 x 594

From: Peter Douthwaite
To: Rhodes, Chris
Date: 14/12/2007 14:33
Subject: Re: Ruabon Business Park

Chris

Just to confirm my agreement to the principle of your proposals.
Further details of the proposed site access construction, HSRWA signing and reinstatement of the access should be submitted asap.

Concerns were expressed at my site meeting with Brian regarding the potential for dropping mud on the road from wagons etc leaving the site. I will need some clarification that a mechanical road sweeper will be available at all times or that some form of wheel wash facility is used on site.

Please ensure that you contact the planning officer Gerry Kellett 01978 292476 to ensure he has no outstanding issues that may prevent you accessing the site.

Hope this is sufficient

regards

Pete

>>> "Chris Rhodes" <chris.rhodes@Gifford.UK.com> 12/12/2007 08:41 >>>
Peter

You recently had a meeting with Brian Hanlon of Carillion to discuss temporary access arrangements from the B5605. This is so that our client can procure an "enabling" works contract in the form of the construction of the first part (off-highway) of a future proposed roundabout to the proposed Ruabon business park. The roundabout itself will of course be the subject of a Section 278 in due course.

I believe that you were able to confirm to Brian that WCBC Highways would be prepared to allow access directly from the Highway (B5605) adjacent to the proposed works shown on the attached PDF.

This will involve the removal of a number of young trees and a section of the Highways Boundary fencing as you know and the contractor will then be able to access the works across the Highway verge (to be reinstated to an agreed specification on completion). The programme/duration of these initial works will be less than one month.....and likely to happen during Jan/Feb 2008.

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Please do give me a call if I have any of this interpreted wrongly or if you want to advise me of any other pertinent points.

I look forward to hearing from you

Many Thanks

Chris Rhodes

Regional Director

GIFFORD
20 Nicholas Street, Chester,
CH1 2NX , United Kingdom

Tel: +44 (0)1244 311855 Fax: +44 (0)1244 314560

Email: chris.rhodes@gifford.uk.com

Web: http://www.gifford.uk.com <http://www.gifford.uk.com/>

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RPS Planning

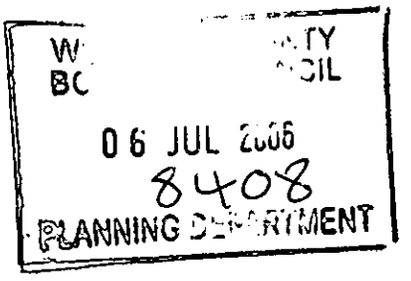
Fairwater House, 1 High Street, Wroughton, Swindon, Wiltshire SN4 9JX
T +44 (0)1793 814800 F +44 (0)1793 814818 E rpssn@rpsgroup.com W www.rpsgroup.com

GK
Highways Consulted

Our Ref: CY/TAP/JWW0789
Your Ref:

E-mail: yerburyc@rpsgroup.com
Direct Dial: 01793 816968
Date: 5 July 2006

Mr G Kellet
Wrexham County Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL



Dear Gerry

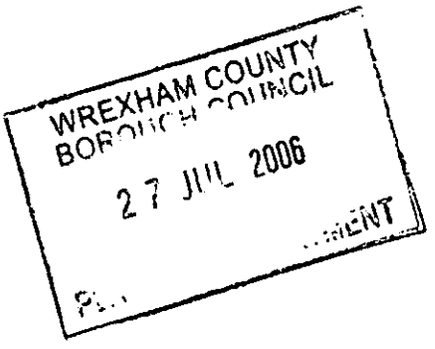
Ruabon Business Park, Planning Consent RUAP/2003/1484
Discharge of Condition 7

I write in respect of the above planning consent and have the pleasure of enclosing details in order to formally discharge condition no. 7. This condition states:

"The detailed layout, design, drainage and construction of the internal estate roads and roundabout shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority prior to the commencement of any site works."

In order to discharge this condition please find enclosed 3 copies of the following plans:

- W106-12 - J1 Roundabout; Proposed horizontal geometry and setting out
- W106-13 - J1 Roundabout; Proposed levels and setting out
- W106-14 - J1 Roundabout; Proposed drainage and road markings
- W106-15 - Road 1; Proposed Indicative horizontal geometry
- W106-16 - Road 2 & 3; Proposed Indicative horizontal geometry
- W106-17 - Longitudinal Sections 1 of 2
- W106-18 - Longitudinal Sections 2 of 2
- W106-10 - Construction Details
- W106-11 - Construction Details

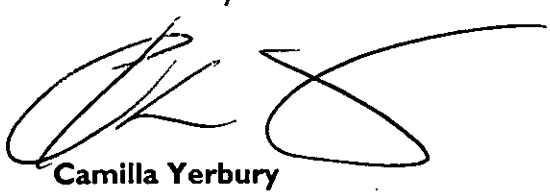


FS 32940
RPS Planning, Transport & Environment Ltd. Registered in England No. 2947164
Centurion Court, 85 Milton Park, Abingdon, Oxfordshire OX14 4RY
A member of the RPS Group plc

RPS

I trust that the enclosed is sufficient to allow you to discharge condition 7 of the planning consent and I would appreciate formal confirmation of receipt of the information. Should you require any further information please do not hesitate to contact me.

Yours sincerely



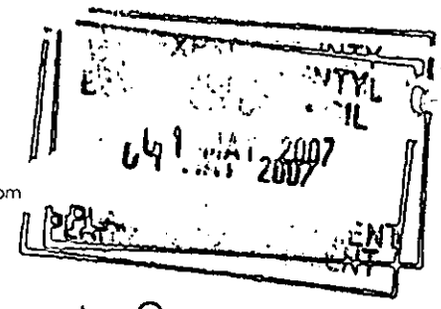
Camilla Yerbury
SENIOR PLANNER

Enc.

Cc: Mr P Godsal Cater Jonas
Mr M Smith Pegasus Planning Group

RPS

Suites 55 & 58, Cherry Orchard East, Kembrey Park, Swindon, Wiltshire SN2 8UQ
T +44 (0)1793 818100 F +44 (0)1793 818101 E rpssn@rpsgroup.com W www.rpsgroup.com



Our Ref: CY/RH/JWW0789
Your Ref:

E-mail: yerbuyc@rpsgroup.com
Direct Dial: 01793 818109
Date: 30th April 2007

Mr G Kellet
Wrexham Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL

Dear Gerry

Ruabon Business Park, Planning Consent RUAP/2003/1484
Discharge of Condition 7

I write in respect of the above and further to the submission of details in July 2006. I now have the pleasure in including information pursuant to the design assessment undertaken by your Engineering Services Department on the highway proposals. Information has also been included regarding points raised in the signing, road marking, and tactile paving assessment included in the previously mentioned assessment.

The response by the Authority required some minor amendments to the plans, as such copies are enclosed. A new plan is also enclosed which addresses Point number 5.

For reference the following documents are enclosed:

- Designers response to Design issues raised by Approving Authority, January 2007.
- Addendum to Designer's response, April 2007.
- W106/11 Rev A – Construction Details.
- W106/14 Rev A – J1 Roundabout proposed drainage and road markings.
- W106/12 Rev A – J1 Roundabout proposed horizontal geometry and setting out.
- W106/9 – Stopping sign distances at J1 roundabout (new plan).

In respect of the requirement for a safety audit of the S278 works, discussions have taken place between Elizabeth Spencer of PFA and Peter Douthwaite of Highways Development Control. It has been agreed that Mr Douthwaite can approve the drawings for the purposes of planning without a safety audit and there will then be a requirement to submit a full safety audit prior to formal technical approval of the proposals.

RPS

I trust that there above and enclosed is sufficient for your needs and I look forward to receiving confirmation that the condition has been discharged at the earliest opportunity. In the meantime should you require any further information please do not hesitate to contact me.

Yours sincerely

CAMILLA YERBURY
Senior Planner

c.c. Mr P Douthwaite – Highways Development Control
Mr P Godsal
Mr M Smith – Pegasus Planning Group

The Wynnstay Farming Company Limited
Ruabon Business Park, Ruabon, Wrexham
Code Number RUA P/2003/1484
Decision Date 06/06/2005
Designer's Response to Design Issues raised by Approving Authority

2. Design Manual for Roads and Bridges
We would comment that TD 9/93 Highway Link Design is not appropriate for internal estate road design.

3. Design Criteria Required for Carriageways
Further to our comment above (pt. 2), the quoted design criteria for horizontal curvature are not appropriate for estate road design.

4. Roundabout – J1
Speed data are not available at this time therefore agree this is an appropriate way forward.

5. Stopping Sight Distance
Arm A: We have prepared a plan (PFA Drawing No. W106/19), which shows the forward visibility achievable (142m) on the eastbound approach to J1 Roundabout (Arm A). The visibility splay is limited by the existing stone wall along the northern boundary of the site, which is to be retained. The existing forward visibility on the unaltered road in this location (also limited by the existing stone wall) is the same. Therefore the introduction of the roundabout does not alter the existing situation. It is considered that the introduction of the roundabout junction together with the associated measures, including street lighting, advance signing and anti-skid surfacing on the approaches to the junction, will actually reduce speeds along the main road below existing levels and improve highway safety. Therefore the forward visibility as provided is considered adequate.

Arm B: The forward visibility on the westbound approach to J1 Roundabout (Arm B) is 130m, as shown on the plan (PFA Drawing No. W106/19). This visibility encompasses the full extent of the road between the exit of J2 (A539/B5605 roundabout) and the entry to J1 Roundabout, and is therefore considered adequate.

Arm C: We accept that the planting proposals need consideration in relation to achieving appropriate stopping sight distance on the northbound approach to J1 Roundabout (Arm C).

6. J1 – Horizontal Alignment
Leg 1: The exit radius is 100m not 20m as stated in the design assessment. Therefore all parameters are compliant with TD 16/93.

Leg 2: Accept all parameters are compliant with TD 16/93.

Leg 3: Accept all parameters are compliant with TD 16/93.

7. Overtaking Sight Distance
The scheme is not a "link" design but provides for the introduction of a junction. Overtaking sight distances are not therefore considered to be relevant to the details submitted.

8. Business Park Roundabout
No comment.

9. Stopping Sight Distance
Approach Arm 1 (Road 1): Accept consideration of landscape proposals is needed in respect of stopping sight distance.

Arm 2 (Road 2): It is considered that 70m forward visibility is appropriate for an estate road. Again, landscape proposals need to consider visibility splay requirements.

Arm 3 (Road 3): Accept landscaping proposals need to consider forward visibility requirements.

Arm 4 (Road 4): Agree.

Horizontal Alignment – Business Park Roundabout
Leg 1 (Road 1): Do not accept recommendation to extend Entry Taper Length. Junction has been designed to restrain traffic by deliberately keeping the taper length low. Achieving a 6m exit width will not allow a solid splitter island to be provided. The section where the carriageway will be of restricted width is short and therefore a broken down vehicle will not be a problem. It is considered that adequate forward visibility can be achieved; where visibility splays cross proposed landscaped areas, the proposals will need to adequately consider visibility requirements.

Leg 2 (Road 2): Comments as for Leg 1 (Road 1).

Leg 3 (Road 3): Comments as for Leg 1 (Road 1).

10. Minor Road Junctions
Road 4: Visibility splay is only required at a set back distance of 4.5m in this location, an internal estate road junction. It is acknowledged that consideration will need to be given to the landscaping proposals in respect of visibility requirements at junctions.

Road 5: Comments as for Road 4. The speed limit within the Business Park will be 30mph. Traffic will not negotiate J1 Roundabout at more than 30mph; therefore the approach speed to Road 5 will not be greater than 30mph. Therefore the visibility achieved is considered adequate. Again, it is acknowledged that consideration will need to be given to the landscaping proposals in respect of visibility requirements.

11. Stagger Distances
This is not considered to be an appropriate standard for internal estate roads; a stagger distance of 45m is considered appropriate in this location. Also, the layout has to meet the general arrangement which has planning permission.

12. Horizontal Alignments
It is believed that the comments refer to the eastbound approach not westbound approach road as stated in the design assessment. The roundabout will be lit and therefore a 30mph limit automatically applies.

Road 1: Comment is not understood; radius is in excess of 190m.

Road 2: Comment is not understood; radius is identified as 60m, which is considered appropriate. TD 9/93 is in any event not appropriate for estate road design.

Road 3: TD 9/93 is not appropriate for estate road design. Identified radius is considered appropriate.

13. Vertical Alignment
We await response to comments.

Signing, Road Markings, Tactile Paving Assessment Response

1. Signage location details will be provided later as part of a Technical Submission.

2. Amended to include Welsh Language text. Revised 'Construction Details' plan (PFA Drawing No. W106/11 Rev A).

3. Amended mounting height details. Revised 'Construction Details' plan (PFA Drawing No. W106/11 Rev A).

4. Amended central island sign detail. Revised 'Construction Details' plan (PFA Drawing No. W106/11 Rev A).

5. Not part of this Technical Submission.

6. Amended to include sign backing boards. Revised 'Construction Details' plan (PFA Drawing No. W106/11 Rev A).

7. Would be provided as part of further Technical Submission.

8. Amended tactile paving. Revised 'Construction Details' plan (PFA Drawing No. W106/11 Rev A).

9. Amended hatching. Revised 'J1 Roundabout Proposed Drainage and Road Markings' plan (PFA Drawing No. W106/14 Rev A).

10. Amended hatching. Revised 'J1 Roundabout Proposed Drainage and Road Markings' plan (PFA Drawing No. W106/14 Rev A).

11. Road marking details have only been provided for J1 Roundabout as part of this submission; whereas details for the internal estate roads are reserved for later Technical Submission. Junction markings have however been added in this case, as junction is shown on J1 Roundabout plan. Revised 'J1 Roundabout Proposed Drainage and Road Markings' plan (PFA Drawing No. W106/14 Rev A).

12. Further annotation provided. Revised 'J1 Roundabout Proposed Horizontal Geometry & Setting Out' plan (PFA Drawing No. W106/12 Rev A). Full cycle markings and sign locations are to be provided later as part of a Technical Submission.

13. Street lighting column locations to be part of later Technical Submission.

14. Provision of anti-skid surfacing would be part of later Technical Submission.

The Wynnstay Farming Company Limited
Ruabon Business Park, Ruabon, Wrexham
Code Number RUA P/2003/1484
Decision Date 06/06/2005
Designer's Response to Design Issues raised by Approving Authority

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Speed data are not available at this time therefore agree this is an appropriate way forward.

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Arm B: The forward visibility on the westbound approach to J1 Roundabout (Arm B) is 130m, as shown on the plan (PFA Drawing No. W106/19). This visibility encompasses the full extent of the road between the exit of J2 (A539/B5605 roundabout) and the entry to J1 Roundabout, and is therefore considered adequate.

Arm C: We accept that the planting proposals need consideration in relation to achieving appropriate stopping sight distance on the northbound approach to J1 Roundabout (Arm C).

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Leg 1: The exit radius is 100m not 20m as stated in the design assessment. Therefore all parameters are compliant with TD 16/93.

Leg 2: Accept all parameters are compliant with TD 16/93.

Leg 3: Accept all parameters are compliant with TD 16/93.

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8. Business Park Roundabout
No comment.

9. Stopping Sight Distance
Approach Arm 1 (Road 1): Accept consideration of landscape proposals is needed in respect of stopping sight distance.

Arm 2 (Road 2): It is considered that 70m forward visibility is appropriate for an estate road. Again, landscape proposals need to consider visibility splay requirements.

Arm 3 (Road 3): Accept landscaping proposals need to consider forward visibility requirements.

Arm 4 (Road 4): Agree.

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Leg 2 (Road 2): Comments as for Leg 1 (Road 1).

Leg 3 (Road 3): Comments as for Leg 1 (Road 1).

10. Minor Road Junctions
Road 4: Visibility splay is only required at a set back distance of 4.5m in this location, an internal estate road junction. It is acknowledged that consideration will need to be given to the landscaping proposals in respect of visibility requirements at junctions.

Road 5: Comments as for Road 4. The speed limit within the Business Park will be 30mph. Traffic will not negotiate J1 Roundabout at more than 30mph; therefore the approach speed to Road 5 will not be greater than 30mph. Therefore the visibility achieved is considered adequate. Again, it is acknowledged that consideration will need to be given to the landscaping proposals in respect of visibility requirements.

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This is not considered to be an appropriate standard for internal estate roads; a stagger distance of 45m is considered appropriate in this location. Also, the layout has to meet the general arrangement which has planning permission.

12. Horizontal Alignments
It is believed that the comments refer to the eastbound approach not westbound approach road as stated in the design assessment. The roundabout will be lit and therefore a 30mph limit automatically applies.

Road 1: Comment is not understood; radius is in excess of 190m.

Road 2: Comment is not understood; radius is identified as 60m, which is considered appropriate. TD 9/93 is in any event not appropriate for estate road design.

Road 3: TD 9/93 is not appropriate for estate road design. Identified radius is considered appropriate.

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Signing, Road Markings, Tactile Paving Assessment Response

1. Signage location details will be provided later as part of a Technical Submission.

2. Amended to include Welsh Language text. Revised 'Construction Details' plan (PFA Drawing No. W106/11 Rev A).

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5. Not part of this Technical Submission.

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7. Would be provided as part of further Technical Submission.

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12. Further annotation provided. Revised 'J1 Roundabout Proposed Horizontal Geometry & Setting Out' plan (PFA Drawing No. W106/12 Rev A). Full cycle markings and sign locations are to be provided later as part of a Technical Submission.

13. Street lighting column locations to be part of later Technical Submission.

14. Provision of anti-skid surfacing would be part of later Technical Submission.

The Wynnstay Farming Company Limited
Ruabon Business Park, Ruabon, Wrexham
Code Number RUA P/2003/1484
Decision Date 06/06/2005
Addendum to Designer's Response to Design Issues raised by Approving Authority dated January 2007

It is accepted that compatibility is required between the landscaping proposals and forward visibility requirements. The landscaping planting proposals have been approved. Detail planting proposals are shown for Phase 1 of the development however at this stage only a generic layout is indicated for phase 2 and Phase 3. Phase 2 and Phase 3 will be subject to detailed design prior to commencement. Here, visibility requirements are considered in relation to the approved landscaping proposals. Further comment is provided as an addendum to the Designer's Response.

5. Stopping Sight Distance
Arm C: 70m stopping sight distance is achieved on the northbound approach to J1 Roundabout (Arm C), which is considered appropriate.

9. Stopping Sight Distance
Landscaping proposals submitted as part of the detailed design submission for Phase 3 will need to be compliant with the visibility requirements. Based on the generic layout, we comment as follows.

Approach Arm 1 (Road 1): 70m stopping sight distance is achieved on the southbound approach (Road 1), which is considered appropriate.

Arm 2 (Road 2): 70m stopping sight distance is achieved on the eastbound approach (Road 2), which is considered appropriate.

Arm 3 (Road 3): Planting immediately to the north of Pumping Station needs to allow for forward visibility on the westbound approach to the roundabout.

The Wynnstay Farming Company Limited
Ruabon Business Park, Ruabon, Wrexham
Code Number RUA P/2003/1484
Decision Date 06/06/2005
Addendum to Designer's Response to Design Issues raised by Approving Authority dated January 2007

It is accepted that compatibility is required between the landscaping proposals and forward visibility requirements. The landscaping planting proposals have been approved. Detail planting proposals are shown for Phase 1 of the development however at this stage only a generic layout is indicated for phase 2 and Phase 3. Phase 2 and Phase 3 will be subject to detailed design prior to commencement. Here, visibility requirements are considered in relation to the approved landscaping proposals. Further comment is provided as an addendum to the Designer's Response.

5. Stopping Sight Distance
Arm C: 70m stopping sight distance is achieved on the northbound approach to J1 Roundabout (Arm C), which is considered appropriate.

9. Stopping Sight Distance
Landscaping proposals submitted as part of the detailed design submission for Phase 3 will need to be compliant with the visibility requirements. Based on the generic layout, we comment as follows.

Approach Arm 1 (Road 1): 70m stopping sight distance is achieved on the southbound approach (Road 1), which is considered appropriate.

Arm 2 (Road 2): 70m stopping sight distance is achieved on the eastbound approach (Road 2), which is considered appropriate.

Arm 3 (Road 3): Planting immediately to the north of Pumping Station needs to allow for forward visibility on the westbound approach to the roundabout.

RPS

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Date: 17th August 2007

Mr G Kellet
Wrexham Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL

20 AUG 2007
12930

Dear Gerry

Ruabon Business Park, Planning Consent RUAP/2003/1484
Discharge of Condition 7

I write in respect of the above and further to the submission of details in July 2006 and April 2007. I now have the pleasure in including information pursuant to the further comments from your Engineering Services Department on the highway proposals.

Please find enclosed 3 copies of the following documents:-

- Second Addendum to the Designer's response, dated July 2007
- ARCADY output referred to in Item 9 of the above.
- Drawing No. W106/13 A - J1 Roundabout Proposed Levels and Contours
- Drawing No. W106/16 A - Road 2 & 3 Proposed Indicative Horizontal Geometry

I trust that enclosed is sufficient for your needs and I look forward to receiving confirmation that the condition has been discharged at the earliest opportunity. In the meantime should you require any further information please do not hesitate to contact me. I am on annual leave now until September 3rd, in my absence please feel free to contact Martyn Smith on 01285 888022 or martyn.smith@ppg-llp.co.uk.

Yours sincerely

CAMILLA YERBURY
Senior Planner

c.c. Mr P Godsal – Carter Jonas
Mr M Smith – Pegasus Planning Group

RPS Planning & Development Ltd. Registered in England No. 02947164
Centurion Court, 85 Milton Park, Abingdon, Oxfordshire OX14 4RY
A member of the RPS Group Plc

The Wynnstay Farming Company Limited
Ruabon Business Park, Ruabon, Wrexham
Code Number RUA P/2003/1484
Decision Date 06/06/2005
Second Addendum to Designer's Response to Design Issues raised by Approving Authority dated January 2007

This second addendum should be read in conjunction with the following documentation:
1. 'Designer's Response to Design Issues raised by Approving Authority', January 2007
2. 'Addendum to Designer's Response to Design Issues raised by Approving Authority dated January 2007', April 2007

5. Stopping Sight Distance
Arm C: With reference to the Addendum to Designer's Response, April 2007, 70m SSD is achieved on the northbound approach to J1 Roundabout (Arm C), which is greater than the 56m SSD required.

7. Stopping Sight Distance
The SSD provision is considered adequate as confirmed by the Approving Authority in reference to Item 5.

9. Horizontal Alignment – Business Park Roundabout
Leg 1: Traffic flows associated with Phase 3 (those plots served by the Business Park Roundabout to the south) have been established from the overall Business Park traffic generation and distributed at the junction based upon the building plot GFAs and locations. The ARCADY outputs attached demonstrate that the roundabout junction will adequately cope with the traffic demand anticipated.

12. Horizontal Alignments
Road 1: The 220m radius is simply an extrapolation of the existing radius and it is not practical to reduce that radius, which commences some considerable distance to the west. However, it is anticipated that a cross fall will need to be provided to tie into the existing cross fall. Accordingly, 'J1 Roundabout Proposed Levels and Contours' plan revised (PFA Drawing No. W106/13 Rev A).

Road 2&3: Accept reduction in the splitter island on Road 4 (Commercial Access). Accordingly, 'Road 2 & 3 Proposed Indicative Horizontal Geometry' plan revised (PFA Drawing No. W106/16 Rev A).

Signing, Road Markings, Tactile Paving
Signage location details will be provided later as part of a Technical Submission.

The tactile paving has been designed in accordance with the document 'Guidance on the Use of Tactile Paving Surfaces' and is aligned perpendicular to the kerbline to minimise the crossing length and tactile area.

ARCADY 6

ASSESSMENT OF ROUNDABOUT CAPACITY AND DELAY

Analysis Program: Release 3.0 (JUNE 2005)

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Run with file:-
"f:\Workfile\W106\ARCADY\Business Park Roundabout\Phase 3 Roundabout AM.vai"
(drive-on-the-left) at 14:40:53 on Thursday, 16 August 2007

FILE PROPERTIES

RUN TITLE: Business Park Roundabout, Ruabon Business Park
LOCATION: Ruabon, Wrexham
DATE: 16/08/07
CLIENT: Wynnstay Farming Company Ltd
ENUMERATOR: robertg [3QNB213]
JOB NUMBER: W106
STATUS: TIA
DESCRIPTION:

INPUT DATA

ARM A - Road 1
ARM B - Road 3
ARM C - Commercial Access
ARM D - Road 2

GEOMETRIC DATA

ARM	V (M)	E (M)	L (M)	R (M)	D (M)	PHI (DEG)	SLOPE	INTERCEPT (PCU/MIN)
ARM A	3.60	5.00	3.00	17.50	29.50	30.0	0.565	20.869
ARM B	3.60	4.50	2.00	13.80	29.50	22.5	0.559	20.124
ARM C	3.00	4.40	5.20	17.50	29.50	21.0	0.556	19.407
ARM D	3.60	5.00	8.00	37.50	29.50	25.0	0.613	23.624

V = approach half-width
E = entry width
L = effective flare length
R = entry radius
D = inscribed circle diameter
PHI = entry angle

TRAFFIC DEMAND DATA

(Only sets included in the current run are shown)

ARM	FLOW SCALE(%)
A	100
B	100
C	100
D	100

TIME PERIOD BEGINS 07.45 AND ENDS 09.15

LENGTH OF TIME PERIOD - 90 MINUTES.
LENGTH OF TIME SEGMENT - 15 MINUTES.

DEMAND FLOW PROFILES ARE SYNTHESISED FROM TURNING COUNT DATA

DEMAND SET TITLE: 2020 + DEV AM

ARM	NUMBER OF MINUTES FROM START WHEN FLOW STARTS TO RISE	NUMBER OF MINUTES FROM START WHEN TOP OF PEAK IS REACHED	NUMBER OF MINUTES FROM START WHEN FLOW STOPS IFALLING	RATE OF FLOW (VEH/MIN) BEFORE PEAK	RATE OF FLOW (VEH/MIN) AT TOP OF PEAK	RATE OF FLOW (VEH/MIN) AFTER PEAK
ARM A	15.00	45.00	75.00	5.69	8.53	5.69
ARM B	15.00	45.00	75.00	0.35	0.52	0.35
ARM C	15.00	45.00	75.00	0.09	0.13	0.09
ARM D	15.00	45.00	75.00	0.22	0.34	0.22

DEMAND SET TITLE: 2020 + DEV AM

TIME	FROM/TO	TURNING PROPORTIONS / TURNING COUNTS (VEH/HR) / (PERCENTAGE OF H.V.S) ARM A	ARM B	ARM C	ARM D
07.45 - 09.15	ARM A	0.000	0.440	0.121	0.440
		0.0	200.0	55.0	200.0
		(0.0)	(0.0)	(0.0)	(0.0)
	ARM B	1.000	0.000	0.000	0.000
		28.0	0.0	0.0	0.0
		(0.0)	(0.0)	(0.0)	(0.0)
	ARM C	1.000	0.000	0.000	0.000
		7.0	0.0	0.0	0.0
		(0.0)	(0.0)	(0.0)	(0.0)
	ARM D	1.000	0.000	0.000	0.000
		18.0	0.0	0.0	0.0
		(0.0)	(0.0)	(0.0)	(0.0)

QUEUE AND DELAY INFORMATION FOR EACH 15 MIN TIME SEGMENT

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
07.45-08.00									
ARM A	5.69	20.87	0.273		0.0	0.4	5.5		0.07
ARM B	0.35	18.35	0.019		0.0	0.0	0.3		0.06
ARM C	0.09	17.83	0.005		0.0	0.0	0.1		0.06
ARM D	0.22	23.36	0.010		0.0	0.0	0.1		0.04

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
08.00-08.15									
ARM A	6.79	20.87	0.325		0.4	0.5	7.1		0.07
ARM B	0.42	18.00	0.023		0.0	0.0	0.4		0.06
ARM C	0.10	17.52	0.006		0.0	0.0	0.1		0.06
ARM D	0.27	23.30	0.012		0.0	0.0	0.2		0.04

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
08.15-08.30									
ARM A	8.32	20.87	0.399		0.5	0.7	9.6		0.08
ARM B	0.51	17.52	0.029		0.0	0.0	0.4		0.06
ARM C	0.13	17.09	0.007		0.0	0.0	0.1		0.06
ARM D	0.33	23.23	0.014		0.0	0.0	0.2		0.04

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
08.30-08.45									
ARM A	8.32	20.87	0.399		0.7	0.7	9.9		0.08
ARM B	0.51	17.52	0.029		0.0	0.0	0.5		0.06
ARM C	0.13	17.09	0.007		0.0	0.0	0.1		0.06
ARM D	0.33	23.23	0.014		0.0	0.0	0.2		0.04

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
08.45-09.00									
ARM A	6.79	20.87	0.325		0.7	0.5	7.4		0.07
ARM B	0.42	17.99	0.023		0.0	0.0	0.4		0.06
ARM C	0.10	17.51	0.006		0.0	0.0	0.1		0.06
ARM D	0.27	23.30	0.012		0.0	0.0	0.2		0.04

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
09.00-09.15									
ARM A	5.69	20.87	0.273		0.5	0.4	5.8		0.07
ARM B	0.35	18.34	0.019		0.0	0.0	0.3		0.06
ARM C	0.09	17.82	0.005		0.0	0.0	0.1		0.06
ARM D	0.22	23.36	0.010		0.0	0.0	0.1		0.04

QUEUE AT ARM A

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE	
08.00	0.4	
08.15	0.5	
08.30	0.7	*
08.45	0.7	*
09.00	0.5	
09.15	0.4	

QUEUE AT ARM B

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
08.00	0.0
08.15	0.0
08.30	0.0
08.45	0.0
09.00	0.0
09.15	0.0

QUEUE AT ARM C

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
08.00	0.0
08.15	0.0
08.30	0.0
08.45	0.0
09.00	0.0
09.15	0.0

QUEUE AT ARM D

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
08.00	0.0
08.15	0.0
08.30	0.0
08.45	0.0
09.00	0.0
09.15	0.0

QUEUEING DELAY INFORMATION OVER WHOLE PERIOD

ARM	TOTAL DEMAND		* QUEUEING * DELAY *		* INCLUSIVE QUEUEING * DELAY *	
	(VEH)	(VEH/H)	(MIN)	(MIN/VEH)	(MIN)	(MIN/VEH)
A	623.9	415.9	45.2	0.07	45.2	0.07
B	38.4	25.6	2.2	0.06	2.2	0.06
C	9.6	6.4	0.6	0.06	0.6	0.06
D	24.7	16.5	1.1	0.04	1.1	0.04
ALL	696.6	464.4	49.0	0.07	49.0	0.07

* DELAY IS THAT OCCURRING ONLY WITHIN THE TIME PERIOD.
* INCLUSIVE DELAY INCLUDES DELAY SUFFERED BY VEHICLES WHICH ARE STILL QUEUEING AFTER THE END OF THE TIME PERIOD.
* THESE WILL ONLY BE SIGNIFICANTLY DIFFERENT IF THERE IS A LARGE QUEUE REMAINING AT THE END OF THE TIME PERIOD.

END OF JOB

end of file

[Printed at 14:40:59 on 16/08/2007]

ARCADY 6

ASSESSMENT OF ROUNDABOUT CAPACITY AND DELAY

Analysis Program: Release 3.0 (JUNE 2005)

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Run with file:-
"f:\Workfile\W106\ARCADY\Business Park Roundabout\Phase 3 Roundabout PM.vai"
(drive-on-the-left) at 14:41:32 on Thursday, 16 August 2007

FILE PROPERTIES

RUN TITLE: Business Park Roundabout, Ruabon Business Park
LOCATION: Ruabon, Wrexham
DATE: 16/08/07
CLIENT: Wynnstay Farming Company Ltd
ENUMERATOR: robertg [3QNB21J]
JOB NUMBER: w106
STATUS: TIA
DESCRIPTION:

INPUT DATA

ARM A - Road 1
ARM B - Road 3
ARM C - Commercial Access
ARM D - Road 2

GEOMETRIC DATA

ARM	V (M)	E (M)	L (M)	R (M)	D (M)	PHI (DEG)	SLOPE	INTERCEPT (PCU/MIN)
ARM A	3.60	5.00	3.00	17.50	29.50	30.0	0.565	20.869
ARM B	3.60	4.50	2.00	13.80	29.50	22.5	0.559	20.124
ARM C	3.00	4.40	5.20	17.50	29.50	21.0	0.556	19.407
ARM D	3.60	5.00	8.00	37.50	29.50	25.0	0.613	23.624

V = approach half-width E = entry width L = effective flare length R = entry radius D = inscribed circle diameter PHI = entry angle

TRAFFIC DEMAND DATA

(Only sets included in the current run are shown)

ARM	FLOW SCALE(%)
A	100
B	100
C	100
D	100

TIME PERIOD BEGINS 16.45 AND ENDS 18.15

LENGTH OF TIME PERIOD - 90 MINUTES.
LENGTH OF TIME SEGMENT - 15 MINUTES.

DEMAND FLOW PROFILES ARE SYNTHESISED FROM TURNING COUNT DATA

DEMAND SET TITLE: 2020 + DEV PM

ARM	NUMBER OF MINUTES FROM START WHEN FLOW STARTS TO RISE	TOP OF PEAK IS REACHED	FLOW STOPS FALLING	RATE OF FLOW (VEH/MIN) BEFORE PEAK	AT TOP OF PEAK	AFTER PEAK
ARM A	15.00	45.00	75.00	0.71	1.07	0.71
ARM B	15.00	45.00	75.00	1.92	2.89	1.92
ARM C	15.00	45.00	75.00	0.54	0.81	0.54
ARM D	15.00	45.00	75.00	1.92	2.89	1.92

DEMAND SET TITLE: 2020 + DEV PM

TIME	FROM/TO	TURNING PROPORTIONS / TURNING COUNTS (VEH/HR) / (PERCENTAGE OF H.V.S)			
		ARM A	ARM B	ARM C	ARM D
16.45 - 18.15	ARM A	0.000	0.439	0.123	0.439
		0.0	25.0	7.0	25.0
		(0.0)%	(0.0)%	(0.0)%	(0.0)%
	ARM B	1.000	0.000	0.000	0.000
		154.0	0.0	0.0	0.0
		(0.0)%	(0.0)%	(0.0)%	(0.0)%
	ARM C	1.000	0.000	0.000	0.000
		43.0	0.0	0.0	0.0
		(0.0)%	(0.0)%	(0.0)%	(0.0)%
	ARM D	1.000	0.000	0.000	0.000
		154.0	0.0	0.0	0.0
		(0.0)%	(0.0)%	(0.0)%	(0.0)%

QUEUE AND DELAY INFORMATION FOR EACH 15 MIN TIME SEGMENT

TIME		DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
16.45-17.00										
	ARM A	0.71	20.87	0.034		0.0	0.0	0.5		0.05
	ARM B	1.92	19.90	0.097		0.0	0.1	1.6		0.06
	ARM C	0.54	18.16	0.030		0.0	0.0	0.4		0.06
	ARM D	1.92	22.11	0.087		0.0	0.1	1.4		0.05

TIME		DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
17.00-17.15										
	ARM A	0.85	20.87	0.041		0.0	0.0	0.6		0.05
	ARM B	2.30	19.86	0.116		0.1	0.1	1.9		0.06
	ARM C	0.64	17.92	0.036		0.0	0.0	0.5		0.06
	ARM D	2.30	21.82	0.105		0.1	0.1	1.7		0.05

TIME		DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
17.15-17.30										
	ARM A	1.04	20.87	0.050		0.0	0.1	0.8		0.05
	ARM B	2.82	19.80	0.142		0.1	0.2	2.4		0.06
	ARM C	0.79	17.58	0.045		0.0	0.0	0.7		0.06
	ARM D	2.82	21.41	0.131		0.1	0.2	2.2		0.05

TIME		DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
17.30-17.45										
	ARM A	1.04	20.87	0.050		0.1	0.1	0.8		0.05
	ARM B	2.82	19.80	0.142		0.2	0.2	2.5		0.06
	ARM C	0.79	17.58	0.045		0.0	0.0	0.7		0.06
	ARM D	2.82	21.41	0.132		0.2	0.2	2.3		0.05

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
17.45-18.00									
ARM A	0.85	20.87	0.041		0.1	0.0	0.6		0.05
ARM B	2.30	19.86	0.116		0.2	0.1	2.0		0.06
ARM C	0.64	17.91	0.036		0.0	0.0	0.6		0.06
ARM D	2.30	21.81	0.105		0.2	0.1	1.8		0.05

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
18.00-18.15									
ARM A	0.71	20.87	0.034		0.0	0.0	0.5		0.05
ARM B	1.92	19.90	0.097		0.1	0.1	1.6		0.06
ARM C	0.54	18.16	0.030		0.0	0.0	0.5		0.06
ARM D	1.92	22.11	0.087		0.1	0.1	1.5		0.05

QUEUE AT ARM A

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
17.00	0.0
17.15	0.0
17.30	0.1
17.45	0.1
18.00	0.0
18.15	0.0

QUEUE AT ARM B

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
17.00	0.1
17.15	0.1
17.30	0.2
17.45	0.2
18.00	0.1
18.15	0.1

QUEUE AT ARM C

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
17.00	0.0
17.15	0.0
17.30	0.0
17.45	0.0
18.00	0.0
18.15	0.0

QUEUE AT ARM D

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
17.00	0.1
17.15	0.1
17.30	0.2
17.45	0.2
18.00	0.1
18.15	0.1

QUEUEING DELAY INFORMATION OVER WHOLE PERIOD

ARM	TOTAL DEMAND (VEH)	TOTAL DEMAND (VEH/H)	* QUEUEING * DELAY * (MIN)	* QUEUEING * DELAY * (MIN/VEH)	* INCLUSIVE QUEUEING * DELAY * (MIN)	* INCLUSIVE QUEUEING * DELAY * (MIN/VEH)
A	78.2	52.1	3.9	0.05	3.9	0.05
B	211.2	140.8	12.1	0.06	12.1	0.06
C	59.0	39.3	3.4	0.06	3.4	0.06
D	211.2	140.8	10.9	0.05	10.9	0.05
ALL	559.5	373.0	30.3	0.05	30.3	0.05

* DELAY IS THAT OCCURRING ONLY WITHIN THE TIME PERIOD.
* INCLUSIVE DELAY INCLUDES DELAY SUFFERED BY VEHICLES WHICH ARE STILL QUEUEING AFTER THE END OF THE TIME PERIOD.
* THESE WILL ONLY BE SIGNIFICANTLY DIFFERENT IF THERE IS A LARGE QUEUE REMAINING AT THE END OF THE TIME PERIOD.

END OF JOB

end of file

[Printed at 14:41:37 on 16/08/2007]

The Wynnstay Farming Company Limited
Ruabon Business Park, Ruabon, Wrexham
Code Number RUA P/2003/1484
Decision Date 06/06/2005
Second Addendum to Designer's Response to Design Issues raised by Approving Authority dated January 2007

This second addendum should be read in conjunction with the following documentation:
1. 'Designer's Response to Design Issues raised by Approving Authority', January 2007
2. 'Addendum to Designer's Response to Design Issues raised by Approving Authority dated January 2007', April 2007

5. Stopping Sight Distance
Arm C: With reference to the Addendum to Designer's Response, April 2007, 70m SSD is achieved on the northbound approach to J1 Roundabout (Arm C), which is greater than the 56m SSD required.

7. Stopping Sight Distance
The SSD provision is considered adequate as confirmed by the Approving Authority in reference to Item 5.

9. Horizontal Alignment – Business Park Roundabout
Leg 1: Traffic flows associated with Phase 3 (those plots served by the Business Park Roundabout to the south) have been established from the overall Business Park traffic generation and distributed at the junction based upon the building plot GFAs and locations. The ARCADY outputs attached demonstrate that the roundabout junction will adequately cope with the traffic demand anticipated.

12. Horizontal Alignments
Road 1: The 220m radius is simply an extrapolation of the existing radius and it is not practical to reduce that radius, which commences some considerable distance to the west. However, it is anticipated that a cross fall will need to be provided to tie into the existing cross fall. Accordingly, 'J1 Roundabout Proposed Levels and Contours' plan revised (PFA Drawing No. W106/13 Rev A).

Road 2&3: Accept reduction in the splitter island on Road 4 (Commercial Access). Accordingly, 'Road 2 & 3 Proposed Indicative Horizontal Geometry' plan revised (PFA Drawing No. W106/16 Rev A).

Signing, Road Markings, Tactile Paving
Signage location details will be provided later as part of a Technical Submission.

The tactile paving has been designed in accordance with the document 'Guidance on the Use of Tactile Paving Surfaces' and is aligned perpendicular to the kerbline to minimise the crossing length and tactile area.

ARCADY 6

ASSESSMENT OF ROUNDABOUT CAPACITY AND DELAY

Analysis Program: Release 3.0 (JUNE 2005)

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Run with file:-
"f:\Workfile\W106\ARCADY\Business Park Roundabout\Phase 3 Roundabout AM.vai"
(drive-on-the-left) at 14:40:53 on Thursday, 16 August 2007

FILE PROPERTIES

RUN TITLE: Business Park Roundabout, Ruabon Business Park
LOCATION: Ruabon, Wrexham
DATE: 16/08/07
CLIENT: Wynnstay Farming Company Ltd
ENUMERATOR: robertg [3QNB213]
JOB NUMBER: W106
STATUS: TIA
DESCRIPTION:

INPUT DATA

ARM A - Road 1
ARM B - Road 3
ARM C - Commercial Access
ARM D - Road 2

GEOMETRIC DATA

ARM	V (M)	E (M)	L (M)	R (M)	D (M)	PHI (DEG)	SLOPE	INTERCEPT (PCU/MIN)
ARM A	3.60	5.00	3.00	17.50	29.50	30.0	0.565	20.869
ARM B	3.60	4.50	2.00	13.80	29.50	22.5	0.559	20.124
ARM C	3.00	4.40	5.20	17.50	29.50	21.0	0.556	19.407
ARM D	3.60	5.00	8.00	37.50	29.50	25.0	0.613	23.624

V = approach half-width
E = entry width
L = effective flare length
R = entry radius
D = inscribed circle diameter
PHI = entry angle

TRAFFIC DEMAND DATA

(Only sets included in the current run are shown)

ARM	FLOW SCALE(%)
A	100
B	100
C	100
D	100

TIME PERIOD BEGINS 07.45 AND ENDS 09.15

LENGTH OF TIME PERIOD - 90 MINUTES.
LENGTH OF TIME SEGMENT - 15 MINUTES.

DEMAND FLOW PROFILES ARE SYNTHESISED FROM TURNING COUNT DATA

DEMAND SET TITLE: 2020 + DEV AM

ARM	NUMBER OF MINUTES FROM START WHEN FLOW STARTS TO RISE	TOP OF PEAK IS REACHED	FLOW STOPS IFALLING	RATE OF FLOW (VEH/MIN) BEFORE PEAK	AT TOP OF PEAK	AFTER PEAK
ARM A	15.00	45.00	75.00	5.69	8.53	5.69
ARM B	15.00	45.00	75.00	0.35	0.52	0.35
ARM C	15.00	45.00	75.00	0.09	0.13	0.09
ARM D	15.00	45.00	75.00	0.22	0.34	0.22

DEMAND SET TITLE: 2020 + DEV AM

TIME	FROM/TO	TURNING PROPORTIONS / TURNING COUNTS (VEH/HR) / (PERCENTAGE OF H.V.S) ARM A	ARM B	ARM C	ARM D
07.45 - 09.15	ARM A	0.000	0.440	0.121	0.440
		0.0	200.0	55.0	200.0
		(0.0)	(0.0)	(0.0)	(0.0)
	ARM B	1.000	0.000	0.000	0.000
		28.0	0.0	0.0	0.0
		(0.0)	(0.0)	(0.0)	(0.0)
	ARM C	1.000	0.000	0.000	0.000
		7.0	0.0	0.0	0.0
		(0.0)	(0.0)	(0.0)	(0.0)
	ARM D	1.000	0.000	0.000	0.000
		18.0	0.0	0.0	0.0
		(0.0)	(0.0)	(0.0)	(0.0)

QUEUE AND DELAY INFORMATION FOR EACH 15 MIN TIME SEGMENT

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
07.45-08.00									
ARM A	5.69	20.87	0.273		0.0	0.4	5.5		0.07
ARM B	0.35	18.35	0.019		0.0	0.0	0.3		0.06
ARM C	0.09	17.83	0.005		0.0	0.0	0.1		0.06
ARM D	0.22	23.36	0.010		0.0	0.0	0.1		0.04

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
08.00-08.15									
ARM A	6.79	20.87	0.325		0.4	0.5	7.1		0.07
ARM B	0.42	18.00	0.023		0.0	0.0	0.4		0.06
ARM C	0.10	17.52	0.006		0.0	0.0	0.1		0.06
ARM D	0.27	23.30	0.012		0.0	0.0	0.2		0.04

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
08.15-08.30									
ARM A	8.32	20.87	0.399		0.5	0.7	9.6		0.08
ARM B	0.51	17.52	0.029		0.0	0.0	0.4		0.06
ARM C	0.13	17.09	0.007		0.0	0.0	0.1		0.06
ARM D	0.33	23.23	0.014		0.0	0.0	0.2		0.04

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
08.30-08.45									
ARM A	8.32	20.87	0.399		0.7	0.7	9.9		0.08
ARM B	0.51	17.52	0.029		0.0	0.0	0.5		0.06
ARM C	0.13	17.09	0.007		0.0	0.0	0.1		0.06
ARM D	0.33	23.23	0.014		0.0	0.0	0.2		0.04

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
08.45-09.00									
ARM A	6.79	20.87	0.325		0.7	0.5	7.4		0.07
ARM B	0.42	17.99	0.023		0.0	0.0	0.4		0.06
ARM C	0.10	17.51	0.006		0.0	0.0	0.1		0.06
ARM D	0.27	23.30	0.012		0.0	0.0	0.2		0.04

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
09.00-09.15									
ARM A	5.69	20.87	0.273		0.5	0.4	5.8		0.07
ARM B	0.35	18.34	0.019		0.0	0.0	0.3		0.06
ARM C	0.09	17.82	0.005		0.0	0.0	0.1		0.06
ARM D	0.22	23.36	0.010		0.0	0.0	0.1		0.04

QUEUE AT ARM A

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE	
08.00	0.4	
08.15	0.5	
08.30	0.7	*
08.45	0.7	*
09.00	0.5	
09.15	0.4	

QUEUE AT ARM B

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
08.00	0.0
08.15	0.0
08.30	0.0
08.45	0.0
09.00	0.0
09.15	0.0

QUEUE AT ARM C

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
08.00	0.0
08.15	0.0
08.30	0.0
08.45	0.0
09.00	0.0
09.15	0.0

QUEUE AT ARM D

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
08.00	0.0
08.15	0.0
08.30	0.0
08.45	0.0
09.00	0.0
09.15	0.0

QUEUEING DELAY INFORMATION OVER WHOLE PERIOD

ARM	TOTAL DEMAND		* QUEUEING * DELAY *		* INCLUSIVE QUEUEING * DELAY *	
	(VEH)	(VEH/H)	(MIN)	(MIN/VEH)	(MIN)	(MIN/VEH)
A	623.9	415.9	45.2	0.07	45.2	0.07
B	38.4	25.6	2.2	0.06	2.2	0.06
C	9.6	6.4	0.6	0.06	0.6	0.06
D	24.7	16.5	1.1	0.04	1.1	0.04
ALL	696.6	464.4	49.0	0.07	49.0	0.07

* DELAY IS THAT OCCURRING ONLY WITHIN THE TIME PERIOD.
* INCLUSIVE DELAY INCLUDES DELAY SUFFERED BY VEHICLES WHICH ARE STILL QUEUEING AFTER THE END OF THE TIME PERIOD.
* THESE WILL ONLY BE SIGNIFICANTLY DIFFERENT IF THERE IS A LARGE QUEUE REMAINING AT THE END OF THE TIME PERIOD.

END OF JOB

end of file

[Printed at 14:40:59 on 16/08/2007]

ARCADY 6

ASSESSMENT OF ROUNDABOUT CAPACITY AND DELAY

Analysis Program: Release 3.0 (JUNE 2005)

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Run with file:-
"f:\Workfile\W106\ARCADY\Business Park Roundabout\Phase 3 Roundabout PM.vai"
(drive-on-the-left) at 14:41:32 on Thursday, 16 August 2007

FILE PROPERTIES

RUN TITLE: Business Park Roundabout, Ruabon Business Park
LOCATION: Ruabon, Wrexham
DATE: 16/08/07
CLIENT: Wynnstay Farming Company Ltd
ENUMERATOR: robertg [3QNB21J]
JOB NUMBER: W106
STATUS: TIA
DESCRIPTION:

INPUT DATA

ARM A - Road 1
ARM B - Road 3
ARM C - Commercial Access
ARM D - Road 2

GEOMETRIC DATA

ARM	V (M)	E (M)	L (M)	R (M)	D (M)	PHI (DEG)	SLOPE	INTERCEPT (PCU/MIN)
ARM A	3.60	5.00	3.00	17.50	29.50	30.0	0.565	20.869
ARM B	3.60	4.50	2.00	13.80	29.50	22.5	0.559	20.124
ARM C	3.00	4.40	5.20	17.50	29.50	21.0	0.556	19.407
ARM D	3.60	5.00	8.00	37.50	29.50	25.0	0.613	23.624

V = approach half-width
E = entry width
L = effective flare length
R = entry radius
D = inscribed circle diameter
PHI = entry angle

TRAFFIC DEMAND DATA

(Only sets included in the current run are shown)

ARM	FLOW SCALE(%)
A	100
B	100
C	100
D	100

TIME PERIOD BEGINS 16.45 AND ENDS 18.15

LENGTH OF TIME PERIOD - 90 MINUTES.
LENGTH OF TIME SEGMENT - 15 MINUTES.

DEMAND FLOW PROFILES ARE SYNTHESISED FROM TURNING COUNT DATA

DEMAND SET TITLE: 2020 + DEV PM

ARM	NUMBER OF MINUTES FROM START WHEN FLOW STARTS TO RISE	TOP OF PEAK IS REACHED	FLOW STOPS FALLING	RATE OF FLOW (VEH/MIN) BEFORE PEAK	AT TOP OF PEAK	AFTER PEAK
ARM A	15.00	45.00	75.00	0.71	1.07	0.71
ARM B	15.00	45.00	75.00	1.92	2.89	1.92
ARM C	15.00	45.00	75.00	0.54	0.81	0.54
ARM D	15.00	45.00	75.00	1.92	2.89	1.92

DEMAND SET TITLE: 2020 + DEV PM

TIME	FROM/TO	TURNING PROPORTIONS / TURNING COUNTS (VEH/HR) / (PERCENTAGE OF H.V.S) ARM A	ARM B	ARM C	ARM D
16.45 - 18.15	ARM A	0.000	0.439	0.123	0.439
		0.0	25.0	7.0	25.0
		(0.0)	(0.0)	(0.0)	(0.0)
	ARM B	1.000	0.000	0.000	0.000
		154.0	0.0	0.0	0.0
		(0.0)	(0.0)	(0.0)	(0.0)
	ARM C	1.000	0.000	0.000	0.000
		43.0	0.0	0.0	0.0
		(0.0)	(0.0)	(0.0)	(0.0)
	ARM D	1.000	0.000	0.000	0.000
		154.0	0.0	0.0	0.0
		(0.0)	(0.0)	(0.0)	(0.0)

QUEUE AND DELAY INFORMATION FOR EACH 15 MIN TIME SEGMENT

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
16.45-17.00									
ARM A	0.71	20.87	0.034		0.0	0.0	0.5		0.05
ARM B	1.92	19.90	0.097		0.0	0.1	1.6		0.06
ARM C	0.54	18.16	0.030		0.0	0.0	0.4		0.06
ARM D	1.92	22.11	0.087		0.0	0.1	1.4		0.05

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
17.00-17.15									
ARM A	0.85	20.87	0.041		0.0	0.0	0.6		0.05
ARM B	2.30	19.86	0.116		0.1	0.1	1.9		0.06
ARM C	0.64	17.92	0.036		0.0	0.0	0.5		0.06
ARM D	2.30	21.82	0.105		0.1	0.1	1.7		0.05

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
17.15-17.30									
ARM A	1.04	20.87	0.050		0.0	0.1	0.8		0.05
ARM B	2.82	19.80	0.142		0.1	0.2	2.4		0.06
ARM C	0.79	17.58	0.045		0.0	0.0	0.7		0.06
ARM D	2.82	21.41	0.131		0.1	0.2	2.2		0.05

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
17.30-17.45									
ARM A	1.04	20.87	0.050		0.1	0.1	0.8		0.05
ARM B	2.82	19.80	0.142		0.2	0.2	2.5		0.06
ARM C	0.79	17.58	0.045		0.0	0.0	0.7		0.06
ARM D	2.82	21.41	0.132		0.2	0.2	2.3		0.05

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
17.45-18.00									
ARM A	0.85	20.87	0.041		0.1	0.0	0.6		0.05
ARM B	2.30	19.86	0.116		0.2	0.1	2.0		0.06
ARM C	0.64	17.91	0.036		0.0	0.0	0.6		0.06
ARM D	2.30	21.81	0.105		0.2	0.1	1.8		0.05

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
18.00-18.15									
ARM A	0.71	20.87	0.034		0.0	0.0	0.5		0.05
ARM B	1.92	19.90	0.097		0.1	0.1	1.6		0.06
ARM C	0.54	18.16	0.030		0.0	0.0	0.5		0.06
ARM D	1.92	22.11	0.087		0.1	0.1	1.5		0.05

QUEUE AT ARM A

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
17.00	0.0
17.15	0.0
17.30	0.1
17.45	0.1
18.00	0.0
18.15	0.0

QUEUE AT ARM B

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
17.00	0.1
17.15	0.1
17.30	0.2
17.45	0.2
18.00	0.1
18.15	0.1

QUEUE AT ARM C

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
17.00	0.0
17.15	0.0
17.30	0.0
17.45	0.0
18.00	0.0
18.15	0.0

QUEUE AT ARM D

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
17.00	0.1
17.15	0.1
17.30	0.2
17.45	0.2
18.00	0.1
18.15	0.1

QUEUEING DELAY INFORMATION OVER WHOLE PERIOD

ARM	TOTAL DEMAND (VEH)	TOTAL DEMAND (VEH/H)	* QUEUEING * DELAY * (MIN)	* QUEUEING * DELAY * (MIN/VEH)	* INCLUSIVE QUEUEING * DELAY * (MIN)	* INCLUSIVE QUEUEING * DELAY * (MIN/VEH)
A	78.2	52.1	3.9	0.05	3.9	0.05
B	211.2	140.8	12.1	0.06	12.1	0.06
C	59.0	39.3	3.4	0.06	3.4	0.06
D	211.2	140.8	10.9	0.05	10.9	0.05
ALL	559.5	373.0	30.3	0.05	30.3	0.05

* DELAY IS THAT OCCURRING ONLY WITHIN THE TIME PERIOD.
* INCLUSIVE DELAY INCLUDES DELAY SUFFERED BY VEHICLES WHICH ARE STILL QUEUEING AFTER THE END OF THE TIME PERIOD.
* THESE WILL ONLY BE SIGNIFICANTLY DIFFERENT IF THERE IS A LARGE QUEUE REMAINING AT THE END OF THE TIME PERIOD.

END OF JOB

end of file

[Printed at 14:41:37 on 16/08/2007]

RPS

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WREXHAM COUNTY BOROUGH COUNCIL
08 NOV 2007
14422
PLANNING DEPARTMENT
GK

Our Ref: CY/JWW0789
Your Ref:

E-mail: yerburyc@rpsgroup.com
Direct Dial: 01793 818109
Date: 6th November 2007

Mr G Kellet
Wrexham County Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL

Dear Gerry

Ruabon Business Park, Planning Consent RUA P/2003/1484

Further to the receipt of confirmation of the discharge of condition 7, your letter dated 24th October, I am writing to you to confirm the discharge of all the conditions precedent as set out below.

Condition	Subject	Discharge Date
3	Materials	7/11/06
6	Renewable Energy Scheme	11/05/07
7	Internal Estate Rd/Roundabout	24/10/07
13	Protective Fencing	16/06/06 - Amended 3/10/06
14	Archaeological Brief	20/07/06
15	Historic Landscape Survey	20/07/06
16	Landscaping Scheme	3/10/06
18	Earthworks Scheme	6/02/07
19	Landscape Management Plan	3/10/06
26	Japanese Knotweed Control	6/02/07
27	Ecology	27/07/07
28	Lighting	17/10/06
29	Road Traffic Noise Assessment	26/09/06
30	Foul/Surface Water Scheme	4/09/06

I trust that you agree with the above details and unless I hear from you otherwise I will advise my client that they are now able to commence with development and in accordance with condition 20 this letter serves as notice of such commencement after 5 days.

RPS

Yours sincerely

CAMILLA YERBURY
Senior Planner

c.c. Mr M Smith – Pegasus Planning Group
Mr P Godsal – Carter Jonas

Camilla Yerbury
RPS Planning, Transport and Environment Ltd
Centurion Court
85 Milton Park
Abingdon
Oxfordshire
OX14 4RY

JGK/p/2003/1484
24 October 2007
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Visit our website at:
www.wrexham.gov.uk

Dear Camilla

Re. Planning Approval Code Ref P/2003/1484 – Ruabon Business Park.

I refer to correspondence, emails and discussions in relation to the above planning application.

I have received a response from the Council's Highway department and can now confirm that Condition 7 is now discharged on the basis of the information provided.

I apologise for taking so long. Should you require any further explanation or information, please do not hesitate in contacting me.

Yours sincerely,

GK

.....

For **Chief Planning Officer**

GK

MEMORANDUM

COUNTY COUNCIL
23 OCT 2007
DEPARTMENT
wrexham COUNTY BOROUGH
BWRDEISTREF SIROL wrecsam

From: Pete Douthwaite
Highways Development Control

To: Gerry Kellett
Planning Department

Our Ref: P/2003/1484

Your Ref:

Date: 19 October 2007

Ruabon Business Park

The plans resubmitted by PFA are considered to be acceptable.

Although there are some outstanding issues in respect of landscaping, signing, road markings and tactile paving I am prepared to agree to Condition 7 being discharged.

I will however require assurance that the outstanding issues referred to above will be submitted to and fully approved by the Highway Authority prior to commencement of any construction work at this site.
Please also ensure that a safety audit is submitted to and fully approved by the Highway Authority prior to commencement.

Pete Douthwaite

For Operational Manager Highways Planning

From: "Camilla Yerbury" <YerburyC@rpsgroup.com>
To: <gerry.kellett@wrexham.gov.uk>
CC: "Martyn Smith" <martyn.smith@ppg-llp.co.uk>
Date: 03/09/2007 14:17
Subject: RE: Ruabon - Highways

Thanks Gerry I trust you will press upon your Highways colleagues that a swift response would be much appreciated in light of the delays and the to-ing and fro-ing which has occurred regarding this issue to date.

I look forward to hearing from you in due course
KR
Camilla

-----Original Message-----
From: gerry.kellett@wrexham.gov.uk [mailto:gerry.kellett@wrexham.gov.uk]

Sent: 03 September 2007 12:53
To: Camilla Yerbury
Subject: RE: Ruabon - Highways

Sorry, I'm totally confused as well.
Liz and you are correct.
But I haven't been in my intray since then as I have bee working non stop on a sensitive, controversial committee report.
Found the work. I haven't but will send it immediately to highways.
All my fault.
So sorry yet again!!
Regards.
Gerry

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 03/09/2007 12:16 >>>
Totally confused me now!! hoping it is not what the holiday has done to me!

Apparently Liz spoke to you on 22nd August as I was on leave in order to confirm receipt of the amended Highways information, which I understand you did having gone through your in tray with Liz on the phone and subsequently agreed to pass info to Highways. Since then Liz has also tried to contact Jane Valentine in Highways directly as she understands that Jane will be dealing.

Thanks
Camilla

-----Original Message-----
From: gerry.kellett@wrexham.gov.uk [mailto:gerry.kellett@wrexham.gov.uk]

Sent: 03 September 2007 12:06
To: Camilla Yerbury
Subject: Re: Ruabon - Highways

Camilla,
Unless something has gone astray I have not had any contact following my email to you dated 6th July and one from Liz dated 24th July. I have checked with highways and they have not received anything. Any ideas??
Regards.
Gerry

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 03/09/2007 09:46 >>>

Morning Gerry, I hope that you are well

I understand in my absence Lis contacted you regarding confirmation of receipt of the Highways information - I don't suppose there is any further update or idea of when a response could be expected?

Thanks

Kind Regards
Camilla

Camilla Yerbury

Senior Planner

RPS, Suites 55 and 58, Cherry Orchard East, Kembrey Park, Swindon SN2 8UQ

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yerburyc@rpsgroup.com <mailto:@rpsgroup.com>

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From: "Camilla Yerbury" <YerburyC@rpsgroup.com>
To: <gerry.kellett@wrexham.gov.uk>
Date: 16/10/2007 15:48
Subject: RE: Ruabon Business Park

Fabulous thanks very much.
Camilla

-----Original Message-----
From: gerry.kellett@wrexham.gov.uk [mailto:gerry.kellett@wrexham.gov.uk]

Sent: 16 October 2007 15:46
To: Camilla Yerbury
Subject: RE: Ruabon Business Park

Ok.
Pete has replied and says he spoke to Liz this morning and will write to me before the week is finished so fingers crossed.
Gerry

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 10/16/07 3:36 PM >>>
I have received it now! Thank you.

Hopefully you have not jinxed things by speaking too soon!!!

Hope your day gets better.....its nearly home time (and yes we are back to 'real time' now!)

Camilla

-----Original Message-----
From: gerry.kellett@wrexham.gov.uk [mailto:gerry.kellett@wrexham.gov.uk]

Sent: 16 October 2007 15:08
To: Camilla Yerbury
Cc: Peter Douthwaite
Subject: RE: Ruabon Business Park

Afternoon Camilla,

I did forward your original email to Pete last week but I have not heard from him - I know he has beed pretty busy.
I am working from home but can access my emails as you can see so have copied him in.
So, hopefully we could be near a conclusion (dare I say?) Incidentally, you must be working too hard as you still think it is morning at 2.38pm!!

Regards,
Gerry

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 10/16/07 2:38 PM >>>
Gerry, any news re the below?

From: Camilla Yerbury
Sent: 09 October 2007 11:24
To: 'gerry.kellett@wrexham.gov.uk'
Subject: Ruabon Business Park

Morning Gerry,

I trust that you are well. Regarding the outstanding highways condition, Lis Spencer spoke with both Jayne Valentine and Pete Douthwaite last week. We were informed that the further information submitted in August has now been checked by the engineers and is currently sitting with Pete for official "sign off". Pete advised that he does not envisage any outstanding issues and will be writing to you to advise accordingly.

Have you heard from Pete to date? if not could you possible chase the issue at your end?

I am assuming that if Pete is happy with the information submitted, you too will be happy and able to formally discharge the condition?

I look forward to hearing from you

KR
Camilla

Camilla Yerbury

Senior Planner

RPS, Suites 55 and 58, Cherry Orchard East, Kembrey Park, Swindon SN2 8UQ

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yerburyc@rpsgroup.com <mailto:@rpsgroup.com>

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From: Gerry Kellett
To: Camilla Yerbury
Date: 27/07/2007 10:43:26
Subject: RE: Ruabon Business Park

Good morning Camilla,
I refer to your email of 19th July concerning the above.
I can confirm that the submission and approval element (in relation to a habitat and mitigation scheme) of condition 27 is discharged. Obviously, the implementation of mitigation measures are an ongoing commitment.
Regards,
Gerry

From: "Camilla Yerbury" <YerburyC@rpsgroup.com>
To: <zara.lomax@wrexham.gov.uk>
Date: 19/07/2007 16:04:02
Subject: RE: Ruabon Business Park

Thanks very much for your response Zara,

I am currently out the office and therefore do not have the benefit of the previous report information infront of me which I have recently hauled out of archive! however they have all conculded no presence of GCN.

Just for clarity can you/Gerry please outline whether any further information is therefore requried from us in order to complete the discharge of the condition?

Thanks
Camilla

From: zara.lomax@wrexham.gov.uk [mailto:zara.lomax@wrexham.gov.uk]
Sent: Thu 19/07/2007 15:15
To: Camilla Yerbury
Cc: Gerry Kellett
Subject: RE: Ruabon Business Park

Gerry/ Camilla,

If the ecological survey concluded that there was an absence of GCN within the survey area then there is no need for the temporary fencing, hence why a licence would not be required. However, I maybe got the wrong end of the stick and was under the impression that there was a presence of newts on site.

The permanent fencing would only be worthwhile if there is GCN within a 250-500 metre radius of the site.

Regards,

Zara

Zara Lomax MIEEM
Ecologist

Environment Section
Planning Department
Wrexham County Council
Lambpit Street
PO Box 1290
LL11 1AR

Tel: 01978 292016
Fax: 01978 292502

E-mail: zara.lomax@wrexham.gov.uk

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 02/07/2007 15:30 >>>
Gerry,

Thanks for forwarding our queries to Zara. Her response reads as if there are newts on site? You will remember that the various reports concluded that there are no longer newts on site.

Can you please therefore confirm the requirements of the fencing?

Any Highway's news?

KR
Camilla

-----Original Message-----
From: zara.lomax@wrexham.gov.uk [mailto:zara.lomax@wrexham.gov.uk]
Sent: 29 June 2007 11:31
To: Camilla Yerbury; Gerry Kellett
Subject: RE: Ruabon Business Park

Gerry,

In regard to the e-mail below, to answer the questions as follows:

Long term maintenance of the exclusion zone in regard to permanent newt fencing that would be maintained in perpetuity, however the temporary one-way fencing is necessary in order to translocate the newt populate and exclude them from re-entering the development site.

Long term maintenance of the exclusion zone would include a 1 metre strip of vegetation either side of the permanent fencing, this should be agreed with the Council but normally would be on the side (or more than 1 side) nearest to the next green area where you would assume other newt populations are reside next to pond clusters.

Regards,

Zara

Zara Lomax MIEEM
Ecologist

Environment Section
Planning Department
Wrexham County Council
Lambpit Street
PO Box 1290
LL11 1AR

Tel: 01978 292016
Fax: 01978 292502

E-mail: zara.lomax@wrexham.gov.uk

>>> "Camilla Arbor" <YerburyC@rpsgroup.com> 25/06/2007 10:16 >>>
Gerry,

Further to the below and your recent letter regarding the requirement for amphibian fencing we have the following queries to which we would

appreciate a quick response so that the details can be organised as soon as possible.

It is assume from your letter that the amphibian fencing referred to should run in conjunction with the protective fencing we have previously detailed on our landscape drawings. There are however a number of queries we would like to clarify before undertaking the works:

1) 'Long Term maintenance of the exclusion zone' - If the amphibian fencing is to be installed in conjunction with the protective fencing it would be a temporary fence during the construction phases, however long term maintenance suggests WCBC wish a permanent fence - can you please confirm WCBC requirements?

2) What areas do WCBC consider to be the exclusion zone? and are WCBC looking for ecological management of this area or is it long term maintenance of the fencing?

3) What time span does WCBC consider long term?

4) We assume you are happy for the amphibian fence to be shown on the existing fencing drawings to avoid the requirement for an additional drawing?

I look forward to hearing from you as soon as possible

KR

Camilla

From: Camilla Yerbury
Sent: 20 June 2007 14:53
To: 'gerry.kellett@wrexham.gov.uk'
Cc: Martyn Smith; 'Godsal, Philip'
Subject: Ruabon Business Park

Afternoon Gerry,

Many thanks for your mail dated 11th June, I can confirm that we are happy with the approach as suggested regarding the prior approval of fencing type and long term maintenance of the exclusion zones prior to installation and development taking place.

We are in the process of putting this information together for agreement as this is, again, required prior to commencement of development.

Any news from Highways, you letter referred to you contacting them for an update? We would hope that one is available shortly as this has now been with the department for some time.

I look forward to hearing from you
KR
Camilla

Camilla Yerbury

Senior Planner

RPS, Suites 55 and 58, Cherry Orchard East, Kembrey Park, Swindon SN2 8UQ

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Os nad chi yw'r derbynnydd priodol ond eich bod wedi derbyn y neges e-bost hon trwy gamgymeriad, gwaherddir ei defnyddio,ei hanfon ymlaen, ei hargraffu a'i chopio a gofynnir i chi gysylltu a'r sawl a'i hanfonodd a dileu'r deunydd o bob cyfrifiadur os gwelwch yn dda.

Dealler nad yw Cyngor Bwrdeistref Sirol Wrecsam yn rhoi nac yn cymeradwyo barn, casgliadau a gwybodaeth arall sydd yn y neges hon nad yw'n ymwneud a'i fusnes swyddogol.

Mae'n bosibl y bydd gofyn i Gyngor Bwrdeistref Sirol Wrecsam gyhoeddi manylion unrhyw negeseuon e-bost neu ohebiaeth a dderbynia, dan delerau Deddf Rhyddid Gwybodaeth 2000.

Ceidw'r Cyngor yr hawl i fonitro negeseuon e-bost a anfonir ac a dderbynnir.

Tra gwnawn bob ymdrech i gadw'n rhwydwaith yn rhydd o feirysau, dylech sicrhau bod y neges e-bost hon ac unrhyw atodiadau'n rhydd o feirysau, gan nad oes modd i ni dderbyn cyfrifoldeb am unrhyw feirws cyfrifiadurol a drosglwyddir ganddynt.

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Cyngor Bwrdeistref Sirol Wrecsam yw enillwyr Gwefan Gymraeg SPIN/SOCITM y Flwyddyn 2006

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Os nad chi yw'r derbynnydd priodol ond eich bod wedi derbyn y neges e-bost hon trwy gamgymeriad, gwaherddir ei defnyddio,ei hanfon ymlaen, ei hargraffu a'i chopio a gofynnir i chi gysylltu a'r sawl a'i hanfonodd a dileu'r deunydd o bob cyfrifiadur os gwelwch yn dda.

Dealler nad yw Cyngor Bwrdeistref Sirol Wrecsam yn rhoi nac yn cymeradwyo barn, casgliadau a gwybodaeth arall sydd yn y neges hon nad yw'n ymwneud a'i fusnes swyddogol.

Mae'n bosibl y bydd gofyn i Gyngor Bwrdeistref Sirol Wrecsam gyhoeddi manylion unrhyw negeseuon e-bost neu ohebiaeth a dderbynia, dan delerau Deddf Rhyddid Gwybodaeth 2000.

Ceidw'r Cyngor yr hawl i fonitro negeseuon e-bost a anfonir ac a dderbynnir.

Tra gwnawn bob ymdrech i gadw'n rhwydwaith yn rhydd o feirysau, dylech sicrhau bod y neges e-bost hon ac unrhyw atodiadau'n rhydd o feirysau, gan nad oes modd i ni dderbyn cyfrifoldeb am unrhyw feirws cyfrifiadurol a drosglwyddir ganddynt.

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CC: "Gerry Kellett" <gerry.kellett@wrexham.gov.uk>

Camilla Yerbury
RPS Planning, Transport and Environment Ltd
Centurion Court
85 Milton Park
Abingdon
Oxfordshire
OX14 4RY

JGK/p/2003/1484
11 June 2007
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Visit our website at:
www.wrexham.gov.uk

Dear Camilla

Re. Planning Approval Code Ref P/2003/1484 – Ruabon Business Park.

I refer to correspondence and emails and discussions in relation to the above planning application.

I am now in a position to be able to comment upon Condition 27 – Ecology.

The submitted Outline Environmental Management Plan is satisfactory and in accord with this condition. However, in relation to the temporary fencing to safeguard the areas for protection it is recommended that the fencing is one-way amphibian fencing constructed by a qualified amphibian worker with a recess that is inserted in the ground. The fenceline will also have to be monitored and maintained in order to be effective and prevent entry to the development area. Confirmation of this approach is in addition to the previously approved details for protective fencing in elation to conditions 21 and 23. Details of the fencing type and long term maintenance of the exclusion zone should be submitted for approval prior to it being installed and should be erected well in advance of any development taking place. Subject to confirmation of this approach I will be able to discharge Condition 27.

I note that the report does detail an adequate monitoring and management plan for the habitats listed of nature conservation interest, and details what is to be done and in what timescale in order to achieve favourable management status. The report also highlights the need for continued ecological surveys to be done and carried out periodically in regard to key species such as amphibian and bat populations, this is in order to ascertain population growth against management objections and whether these have been achieve.

I have spoken to highways today and asked for an update upon the consideration of the submitted highway details. Should you require any further explanation or information, please do not hesitate in contacting me.

Yours sincerely,



.....

Gerry Kellett
For **Chief Planning Officer**

From: Zara Lomax
To: Gerry Kellett
Date: 30/05/2007 10:50:59
Subject: Ruabon Business Park

Ruabon Business Park

Outline Environmental Management Plan (White Young Green, March, 2007)

Condition 27:

The above report has now submitted an outline Environmental Management Plan that is satisfactory in accordance with this condition. The plan does take account of the ecological interest of the site, this details the bat foraging routes on page 5 of the report and lists six separate species of bats and their location.

Further to the above it details the existing features of nature conservation interest located at the site considered to be the pond, pedunculate oak, scrub, and semi-natural grassland. The report identifies on page 7 how these features will be protected, it details that the pond and much of the semi-natural grassland to the north will be excluded from the proposed development areas to reduce any adverse impacts on the nature conservation of the area.

The area of woodland subject to a block TPO to the west of the site and the mature pedunculate oak to the south-east will also be retained. This will be done by temporary fencing to safeguard these areas. It is recommended that the fencing is one-way amphibian fencing constructed by a qualified amphibian worker with a recess that is inserted in the ground. The fenceline will also have to be monitored and maintained in order to be effective and prevent entry to the development area. Plans could already be in place for this type of fencing, but there is no mention in the report.

Details of the fencing type and long term maintenance of the exclusion zone should be submitted for approval prior to it being installed and should be erected well in advance of any development taking place.

The report does detail an adequate monitoring and management plan for the habitats listed of nature conservation interest, and details what is to be done and in what timescale in order to achieve favourable management status. The report also highlights the need for continued ecological surveys to be done and carried out periodically in regard to key species such as amphibian and bat populations, this is in order to ascertain population growth against management objections and whether these have been achieve.

Reasonable conservation schemes are listed as the creation of new habitats to include the new balancing pond, new grassland, woodland and scrub, and the inclusion of bat boxes to be location at a suitable location. The above also mitigates for the loss of land within the proposed development area, alongside the management of the newly created habitats and the monitoring of the inherit fauna and flora enclosed within these areas. Further to the above the retained areas to the north of the existing pond will also be managed.

To conclude the above report has mitigated and compensated for the loss of the area of land that is due to be within the proposed development boundary, and in doing so has produced a management plan that identifies what management is necessary to achieve satisfactory outcomes for nature conservation. This will benefit bats, breeding birds, amphibians, reptiles and invertebrates.

Regards,

Zara

Zara Lomax MIEEM

RPS

GK

WREXHAM COUNTY BOROUGH COUNCIL
09 MAY 2007
11456
PLANNING DEPARTMENT

Suites 55 & 58, Cherry Orchard East, Kembrey Park, Swindon, Wiltshire SN2 8UQ
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Our Ref: CY/JWW0789
Your Ref:

E-mail: yerbuyc@rpsgroup.com
Direct Dial: 01793 818109
Date: 8th May 2007

Mr G Kellet
Wrexham Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL

Dear Gerry

Ruabon Business Park, Planning Consent RUAP/2003/1484
Discharge of Conditions 6,7 & 27

I write in respect of the above and further to the submission of details in accordance with conditions 6; Renewable Energy, 7; Highways and 27; Ecology, of planning consent RUAP/2003/1484.

I would be grateful if you could confirm receipt of these details, dated 6th February, 30th April and 2nd April respectively. I would also appreciate an update on the progress of the discharge of condition 27, Ecology.

I look forward to hearing from you at your earliest convenience.

Yours sincerely

CAMILLA YERBURY
Senior Planner

c.c. Mr P Godsal Carter Jonas
Mr M Smith Pegasus Planning Group

From: "Camilla Yerbury" <YerburyC@rpsgroup.com>
To: <gerry.kellett@wrexham.gov.uk>
Date: 05/06/2007 15:56:46
Subject: RE: Ruabon

Afternoon Gerry, Any news re Ecology?

-----Original Message-----
From: Camilla Yerbury
Sent: 29 May 2007 16:35
To: 'gerry.kellett@wrexham.gov.uk'
Subject: RE: Ruabon

Yes sorry I meant Ecology Officer, apologies!
Any news on that front though?

-----Original Message-----
From: gerry.kellett@wrexham.gov.uk [mailto:gerry.kellett@wrexham.gov.uk]
Sent: 29 May 2007 16:32
To: Camilla Yerbury
Subject: RE: Ruabon

Afternoon Camilla,
Spoke to Pete. He has confirmed recept of the amended highway information. It has been taken to the engineering section who will need to look at it. It may take up to a month!! He did say he was ok with it so we are nearly there. But he also said that he has spoken to the consultants (I assume) and although a Safety Audit is still required he has agreed with them that it will be ok to submit that later but before work commences.

I think it is ecology issues outstanding not landscape? ie. Condition 27 is it not?

regards,
Gerry

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 29/05/2007 10:46 >>>
Morning Gerry,

Any news re progressing with the Landscape Officer and comments from Pete re the amendments to the Highways information?

Thanks
Camilla

-----Original Message-----
From: Camilla Yerbury
Sent: 21 May 2007 12:15
To: 'gerry.kellett@wrexham.gov.uk'
Subject: RE: Ruabon

Thanks Gerry,

We tried to contact Pete last week also to confirm he had received the information, he was however out the office and his colleagues could see

nothing in his in tray. Please give me a shout if additional plans are required for any consultees.

KR
Camilla

-----Original Message-----
From: gerry.kellett@wrexham.gov.uk [mailto:gerry.kellett@wrexham.gov.uk]
Sent: 21 May 2007 12:09
To: Camilla Yerbury
Subject: Re: Ruabon

Camilla,
Thank you for your response.
There is no need to send out the copies in the post tomight as I have located the correspondence of 30th April.
I hope I haven't inconvenienced you too much.
I promise to deal with the outstanding issues asp.
Regards,
Gerry

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****

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RPS

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Our Ref: CY/RH/JWW0789
Your Ref:

E-mail: yerburyc@rpsgroup.com
Direct Dial: 01793 818109
Date: 2nd April 2007

WREXHAM COUNTY BOROUGH COUNCIL
03 APR 2007
PLANNING DEPARTMENT

Mr G Kellet
Wrexham County Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL

Dear Gerry

Ruabon Business Park, Planning Consent RUA P/2003/1484
Discharge of Condition 27

I write in respect of the above planning consent and have the pleasure in enclosing information in order to discharge condition 27. This condition states:

> **"Prior to the commencement of development hereby approved, details of a habitat and mitigation scheme, which takes into account the ecological interest of the site, (particularly bat foraging routes) shall be submitted and approved. This scheme shall demonstrate how the existing features of ecological/wildlife interest will be protected and managed in the long term, and how those measures will be secured. The report must also propose and deliver appropriate conservation schemes and "Reasonable Avoidance Measures" and be submitted to and approved by the Local Planning Authority. Any mitigation measures required shall be implemented in accordance with timescales to be agreed as part of the measures before development commences on site".**

In order to discharge this condition please find enclosed 3 copies of an Ecological Management Plan, dated March 2007.

This OEMP was originally prepared to comply with condition 9 of planning permission RUA/P/2000/0418 which stated that:

> **"Prior to commencement of any development a management scheme for the conservation of protected species within the site shall be submitted for further approval of the Council. The scheme as approved shall indicate measures for conservation during the construction period; detailed design features to be built into the development e.g. special gully**

RPS

pots, amphibian fencing; method of preserving water quality within the lake long term management of the site".

The original OEMP was submitted on 23rd December 2003 in order to discharge condition 9 as set out above however we were informed that the condition could not be discharged whilst the Reserved Matters Application was live and hence the inclusion of condition 27.

The December 2003 OEMP has now been updated in consultation with Amanda Davies, County Ecologist and Richard Sumner, Landscape Officer, in order to discharge both Condition 9 of RUA P/2003/0148 and Condition 27 of RUA P/2003/1484.

I trust that the enclosed is sufficient to allow you to formally discharge the above conditions and I look forward to receiving this confirmation as soon as possible. In the meantime should you require any further information please do not hesitate to contact me.

Yours sincerely

CAMILLA YERBURY
Senior Planner

Enc.

c.c. Mr P Godsal – Carter Jonas
Mr M Smith – Pegasus Planning Group – Letter only

Camilla Yerbury
RPS Planning, Transport and Environment Ltd
Centurion Court
85 Milton Park
Abingdon
Oxfordshire
OX14 4RY

JGK/p/2003/1484
11 May 2007
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Visit our website at:
www.wrexham.gov.uk

Dear Camilla

Re. Planning Approval Code Ref P/2003/1484 – Ruabon Business Park.

I refer to correspondence and emails and discussions in relation to the above planning application.

I consider that the information submitted to address Condition 6 – Renewable energy – is acceptable. It is important that prospective developers are made aware of the submitted details, particularly the meeting of the energy saving measures as set out in the BREAM 2006 Offices Standard – E01 to E04.

In relation to Condition 27 – Ecology, the department has been without an Ecology Officer for a number of months. The replacement starts work with the authority next week and I will discuss the submission with her as soon as possible. For your attention, I do not appear to have received any correspondence dated 30th April.

I apologise for taking so long. Should you require any further explanation or information, please do not hesitate in contacting me.

Yours sincerely,

.....

Gerry Kellett
For **Chief Planning Officer**

GK

RPS

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Direct Dial: 01793 818109
Date: 6th February 2007

Mr G Kellet
Wrexham County Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL

Dear Gerry

Ruabon Business Park, Planning Consent RUA P/2003/1484
Discharge of Condition 6

I write in respect of the above planning consent and have the pleasure in setting out information in order to discharge condition 6. This condition states;

> ***"Prior to the commencement of development, a detailed renewable energy scheme shall be submitted to the Local planning Authority. The scheme should maximise the potential for renewable energy features on the buildings hereby approved."***

The reason for the condition is ***"to ensure that the proposal is sustainable"***

As you will be aware the application now approved was accompanied by a supporting document entitled "Sustainability Statement" which sought to respond to the Wrexham CBC Guidance Note 22 on sustainable building and outlined the following sustainable benefits arising from the scheme:

- good quality pedestrian, cyclists and public transport facilities and links.
- maximum spaces between building plots to aid ventilation and avoid wind tunnels.
- appropriate orientation maximising solar gain in winter yet avoiding over heating in summer.
- low roof pitches to avoid overshadowing;

- high use of 'natural' energy.
- potential for low water/grey water usage.
- natural drainage reducing surface water run off.
- provision of recycling facilities.
- sweeping roads and roundabouts to reduce traffic speeds.
- retainment of natural features on site, including native grassland for bat foraging and central pond.
- replacement of trees likely to be removed to facilitate the site access.
- provision of British native plant species in the landscape proposals.
- use of local provenance seed source and nursery where practicable.
- creation of areas for potential new habitats.

In the first instance we would reiterate our clients commitment to these objectives.

We have been in discussion with our clients appointed architect on the matter bearing in mind the approved detailed design of the proposed buildings forming part of the consent and the existence of building regulations which are increasingly securing energy saving matters in new developments. Plot development will be subject to building regulations approval including compliance with Part L (2005), which require significant analysis of building energy performance and reduction of energy consumption and carbon emissions.

It is important that, in addition to the matters factored into the approved design and layout of the scheme as referred to above, the development is able to compete commercially on the open market and is not placed in a position where it is not competing on a "commercial" level playing field as a result of undue planning restrictions.

To this end, we note that the planning condition does provide some latitude in dealing with the issue, as it is not the intention of the condition to seek approval by the Council of the detailed renewable energy scheme.

Having considered the matter carefully we feel that the best option is to encourage developers to implement an energy saving programme from a "menu" of possible renewable saving measures as they see fit in order to meet their own aspirations in the way they operate as a business and the way the approved buildings they propose to occupy are to be used.

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To this end we propose to encourage developers/occupiers of the site to aim to meet the energy saving objectives set out in the BREEAM 2006 Offices Standard in so far as they deal with energy issues. The categories which deal with Energy matters in the BREEAM standards are found under E01 – E04 and are listed below:

1. Where the building demonstrates a percentage improvement above the requirement for CO2 emissions as set out in the 2006 Building Regulations.

2. Where electricity sub metering is provided for substantive energy uses within the building covering lighting and small power and each of the following where present:

    - Computer Room
    - Humidification Plant
    - Cooling Plant
    - Fans (major)
    - If a building has other energy consuming items, they should be covered as appropriate e.g. catering facilities.

3. Where evidence provided demonstrates sub-metering of energy use by tenancy/areas is installed within the building.

4. Where energy efficient external luminaries are specified and all light fittings controlled for the presence of daylight.

It would be the intention that this letter will form part of the planning consent and discharged planning conditions so that prospective developers are made aware of the need to consider implementation of the above measures.

I trust that the enclosed is sufficient to allow you to formally discharge condition 6. I look forward to receiving this confirmation as soon as possible. In the meantime should you require any further information please do not hesitate to contact me.

Yours sincerely

CAMILLA YERBURY
Senior Planner

Enc.

c.c. Mr P Godsal – Carter Jonas
Mr M Smith – Pegasus Planning Group

From: Richard Sumner
To: Gerry Kellett
Date: 06/02/2007 11:57:21
Subject: Re: Fwd: FW: Ruabon Business Park

Gerry
I have checked all details submitted in relation to the following conditions:
18 - Earthworks - plans received 13 Dec
26- Japanese Knotweed - treatment covered in landscape specification submitted previously
All details are accepted and the conditions can be discharged.
Regards
Richard

Richard Sumner

Landscape Officer
Planning Environment
Wrexham County Borough
tel 01978 292478

>>> Gerry Kellett 06/02/2007 10:56 >>>
Richard,
Did I give you anything in relation to Ruabon B P that you still have to comment upon?
Regards.

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 29/01/2007 14:47 >>>
Afternoon Gerry,

Any news on the below from your end?

KR
Camilla

-----Original Message-----
From: Camilla Yerbury
Sent: 10 January 2007 17:16
To: 'Gerry Kellett'
Subject: RE: Ruabon Business Park

Happy New Year Gerry, I hope that you thoroughly enjoyed your break.

I actually had to look at what was outstanding! I know that the internal estate road issue is with us at the moment and I am waiting for Lis Spencer to return form leave also to get her response to the Highway Dept comments.

I think that there are 2 outstanding conditions with you.

18 - Earthworks, submitted on 7th December
26- Japanese Knotweed, when details were submitted for condition 16 (hard soft landscaping) in July the covering letter also responded to condition 26. Refer to e-mail sent to you on 10/10 also (just trawled through my file to find that!!)

Thanks
Camilla

-----Original Message-----
From: Gerry Kellett [mailto:gerry.kellett@wrexham.gov.uk]
Sent: 10 January 2007 14:32
To: Camilla Yerbury
Subject: RE: Ruabon Business Park

Happy New Year Camilla,
Just back in after three week break and flight back from New York - so pretty phased and tired.
Making contact to confirm what is outstanding from me.
No doubt you'll respond?
Many regards,
Gerry

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Mae'r neges e-bost hon, ac unrhyw ffeil sydd ynghlwm wrthi, yn gyfrinachol ac fe'i bwriedir ar gyfer yr unigolyn neu'r sefydliad y cyfeiriwyd hi ato.

Os nad chi yw'r derbynnydd priodol ond eich bod wedi derbyn y neges e-bost hon trwy gamgymeriad, gwaherddir ei defnyddio,ei hanfon ymlaen, ei hargraffu a'i chopio a gofynnir i chi gysylltu a'r sawl a'i hanfonodd a dileu'r deunydd o bob cyfrifiadur os gwelwch yn dda.

Dealler nad yw Cyngor Bwrdeistref Sirol Wrecsam yn rhoi nac yn cymeradwyo barn, casgliadau a gwybodaeth arall sydd yn y neges hon nad yw'n ymwneud a'i fusnes swyddogol.

18/26.

Camilla Yerbury
RPS Planning, Transport and Environment Ltd
Centurion Court
85 Milton Park
Abingdon
Oxfordshire
OX14 4RY

JGK/p/2003/1484
06 February 2007
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Visit our website at:
www.wrexham.gov.uk

Dear Camilla

Re. Planning Approval Code Ref P/2003/1484 – Ruabon Business Park.

I refer to correspondence, emails and discussions in relation to the above planning application.

I have received a response from the Council's Landscape Officer and can now confirm that Conditions 18 and 26 are now discharged on the basis of the information provided.

I apologise for taking so long. Should you require any further explanation or information, please do not hesitate in contacting me.

Yours sincerely,

Gerry Kellett
For **Chief Planning Officer**

RPS Planning

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Our Ref: CY/JWW0789
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E-mail: yerburyc@rpsgroup.com
Direct Dial: 01793 818109
Date: 7th December 2006

Mr G Kellet
Wrexham County Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL

Dear Gerry

Ruabon Business Park, Planning Consent RUA P/2003/1484
Discharge of Condition 18

I write in respect of the above planning consent and have the pleasure in enclosing information in order to discharge condition 18. This condition states;

> **"No development shall take place until details of earthworks have been submitted to and approved, in writing, by the Local Planning Authority. These details shall include the levels and contours to be formed and their relationship to existing vegetation and surrounding landform. Details of soils tripping, storage and replacement shall be included. Development shall be carried out in accordance with the approved plans."**

In order to discharge the condition 3 copies of the following plans are enclosed;

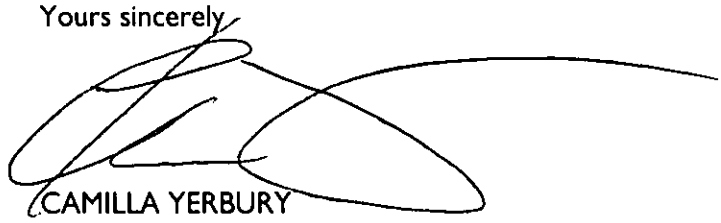
- Existing site plan indicating contours at 0.5m intervals, ref 5477 EX110
- Proposed site levels indicating contours at 0.5m intervals and building footprint locations, ref 5477 GA110
- Temporary Spoil Stockpile plan, ref 5477 GA111

All these plans are to complement plan information in plan ref GA101 already submitted and approved.

RPS

I trust that the enclosed is sufficient to allow you to formally discharge condition 18. I look forward to receiving this confirmation as soon as possible. In the meantime should you require any further information please do not hesitate to contact me.

Yours sincerely



CAMILLA YERBURY
Senior Planner

Enc.

c.c.	Mr P Godsal – Carter Jonas	(letter only)
	Mr M Smith – Pegasus Planning Group	(letter only)

GK
Copied to RDS 07/12/06.

MEMORANDUM

wrexham COUNTY BOROUGH
BWRDEISTREF SIROL wrecsam

From: Pete Douthwaite
Highways Development Control

To: Gerry Kellett
Planning Department

Our Ref: P/2003/1484

Your Ref:

Date: 05 December 2006

Ruabon Business Park

Please find attached a copy of the design assessment undertaken by our Engineering Services department on the highway proposals for the Ruabon Business Park. Please note that vertical alignment has not been checked as there are alterations required to the proposals.

Also attached is a copy of an assessment made regarding the adequacy of signing, tactile paving and road marking.

I would be grateful if you could ask PFA consulting to review the recommendations of the report and comment as appropriate.

A full safety audit will be required on the full highway proposals prior to any formal approval being given.

For Operational Manager Highways Planning

WREXHAM COUNTY BOROUGH COUNCIL
-7 NOV 2006
PLANNING DEPARTMENT

MEMORANDUM

wrexham COUNTY BOROUGH
BWRDEISTREF SIROL wrecsam

From: Operational Manager
(Engineering Consultancy)

To: Highways & Transportation Officer
F.A.O. Peter Douthwaite

Our Ref: TE06747/JY/JV

Your Ref: PD

Date: 15th November 2006

Business Park Ruabon , Wrexham

Please find enclosed for your attention the report relating to the assessment of the plans issued regarding the highway work proposals for the above scheme.

For Design & Construction Manager

Encl.

Ruabon Business Park

TE 06747 Design Assessment

1. Requirement

Full design assessment to ensure adequacy of the highway proposals put forward by PFA Consulting.

2. Design Manuals for Roads and Bridges

The following reference documentation has been used for determining the design criteria that should be applied to road alignments and roundabouts: -

TD 9/93	-	Highway Link Design
TD 42/95	-	Geometric Design of Major / Minor Priority Junctions
TD 16/93	-	Geometric Design of Roundabouts

3. Design Criteria Required for Carriageways

An assumed Design Speed of 30mph has been used for everywhere except for the A539 main road that has a speed limit of 60mph.
The following design criteria has been extracted from the Design Manuals in order to determine PFA's design compliancy.

> Stopping sight distance (SSD)	=			120m
1 step below	=			90m
> Horizontal Curvature (m) min R without camber or transitions	=			1020
min R with Super of			2.5% =	720
			3.5% =	510
			5.0% =	360
		1 step below	–7% =	255
		2 step below	-7% =	180
> Vertical Curvature - Des. Min 'K' Crest Value	=			30
1 step below	=			17
Absolute Sag	=			20
> Full overtaking sight distances	=			410m
crest 'K' value	=			200m

4. Roundabout – J1

J1 has a classification of a normal roundabout having what has been assumed to be a kerbed central island of 29m in diameter. The circulatory carriageway width is 8m therefore giving an over all ICD of 45m. It has 3 approach arms.

The design of a new roundabout on an existing road network should be related to the 85th % ile speed in wet weather conditions. This information was unavailable, so from a design assessment point of view the approach speeds on arms B and C have been assumed to be the statutory speed limit of 60mph.

5. Stopping Sight Distance

Arm A – TD 9/93 states the Stopping Sight Distance should be desirably 215m or 160m at One Step Below the desirable minimum. Neither of the 2 distances are achievable, meaning inadequate forward visibility will be available on the approach to Roundabout J1. This info has been determined from the hard and soft landscaping proposals shown on Dwg No. 60122/003/C. Additional information is required to determine the affect the stone boundary wall will have on the visibility splay.

Arm B - Neither of the 2 distances are achievable as there is insufficient distance between Proposed J1 and the existing J2 on the A539.

Arm C – Assumed approach speed is 30mph. TD 9/93 states that the stopping sight distance should be either 90 (desirable) or 70m (one step below the desirable minimum). This is achievable only with careful consideration given to proposals stated to plant an avenue of trees.

6. **J1 – Horizontal Alignment**

Leg 1 – Approach Speed – 60mph

L -	Effective Flare Length	= 37m
E -	Entry Width	= 7m
R -	Entry Radius	= 20m
V -	Approach Half Width	= 3.65m
θ -	Entry Angle	= 47°
A -	Exit Radius	= 20m
W -	Exit Width	= 7m

Recommendation

With exception of the exit radius which ideally should be between 40 and 100m, all of the above is compliant with TD 16/93.

Leg 2 – Approach Speed – 60mph

L -	Effective Flare Length	= 48m
E -	Entry Width	= 7m
R -	Entry Radius	= 30m
V -	Approach Half Width	= 3.65m
θ -	Entry Angle	= 42°
A -	Exit Radius	= 100m
W -	Exit Width	= 7m

All of the above is compliant with TD 16/93.

Leg 3 – Business park – Assumed Speed Limit - 30mph

L -	Effective Flare Length	= 50m
E -	Entry Width	= 7m
R -	Entry Radius	= 20m
V -	Approach Half Width	= 3.65m
θ -	Entry Angle	= 47°
A -	Exit Radius	= 100m
W -	Exit Width	= 7m

All of the above is compliant with TD 16/93.

7. **Overtaking Sight Distance**

Has not been evaluated as it is unsure if any provision has been made within the design of the road markings.

Information is required to determine segregation of traffic restrictions.

8. **Business Park Roundabout**
Lies between Road 1, 2, 3 and Commercial Access.

In accordance with TD 16/93 this roundabout having an ICD of 30m has the classification of a normal roundabout, thus enabling movement of large vehicles.

9. **Stopping Sight Distance**
Approach Arm 1 (Road 1) – Assumed approach speed limit is 30mph. Careful consideration is required regarding landscape proposals in order to achieve the stopping sight distance.

Arm 2 (Road 2) – Forward visibility cannot be achieved to the set design criteria due to the horizontal alignment of the approach to the roundabout. However, as detailed information is unavailable at this stage it may be the case that the visibility splay that encroaches over the landscaped area of the business units may be clear sufficiently to allow the required unobstructed visibility.

Arm 3 (Road 3) – It is anticipated that the vehicle speeds would be below 30mph on this approach due to the close proximity of a subsidiary mini-roundabout some 80m away. However, visibility appears to be relatively unobstructed over this distance but this is solely reliant upon the landscaping proposals

Arm 4 (Road 4) – Is a minor road junction leading to a large business unit and therefore approach speeds are anticipated as being very low and forward visibility appears to be unobstructed for this junction.

Horizontal Alignment – Business Park Roundabout

Leg 1 (Road 1)

L -	Effective Flare Length	= 14m
E -	Entry Width	= 5m
R -	Entry Radius	= 20m
V -	Approach Half Width	= 3.65m
θ -	Entry Angle	= 45°
A -	Exit Radius	= 42.5m
W -	Exit Width	= 5m

Recommendation

Entry width (E) is one factor that can significantly affect the capacity for the roundabout. Therefore, it is assumed that vehicle flows to this junction are predicted to be very low. However, this roundabout will be servicing a large area at the southern end of the business park.

The entry width to the roundabout is only sufficient for two cars to be adjacent to one another at the give-way line and only for a one car length.

It is recommended that the Entry Taper Length be extended so that a two lane entry be facilitated thus giving increased flexibility for the capacity of this junction and therefore accommodating for the future of the business park.

Exit Width (W) – a minimum width of 6m should be provided adjacent to a traffic deflection island, therefore allowing through traffic to pass by a broken down vehicle.

Forward visibility is a concern at the give-way of the roundabout as the visibility splay envelope encroaches over the proposed landscaped areas.

Leg 2 (Road 2)

L -	Effective Flare Length	= 21m
E -	Entry Width	= 5m
R -	Entry Radius	= 42.5m
V -	Approach Half Width	= 4.2m
θ -	Entry Angle	= 40°
A -	Exit Radius	= 20m
W -	Exit Width	= 4.7m

Recommendation

As for Leg 1 (Road 1)

Leg 3 (Road 3)

L -	Effective Flare Length	= 10m
E -	Entry Width	= 4.7m
R -	Entry Radius	= 16m
V -	Approach Half Width	= 3.65m
θ -	Entry Angle	= 50°
A -	Exit Radius	= 20m
W -	Exit Width	= 4.5m

Recommendation

As for Legs 1 and 2.

10. **Minor Road Junctions**

Design checks in accordance with TD42/95

Road 4 - Simple T-junction leading to the West side of the Business Estate.

A visibility splay has been measured at a set back distance of 9m (Road 4) and a splay length of 120m (Road 1).
Visibility to the right hand side encroaches over the landscaping areas including an area intended for tree planting.

Road 5 – Left hand splay skew junction leading to the East side of the Business Park.

A visibility splay of 9m and a splay length of 120m has been measured.
Visibility to the left and right hand side encroaches over the verges and landscaping areas including the line of the proposed tree planting.

Visibility to the right also will extend beyond the roundabout. This is a concern if the approach speed to the roundabout will be 60mph and if the roundabout is free of traffic the approach speed to Road 5 could be high therefore making a potentially dangerous maneovre for traffic exiting Road 5. Concerns therefore exist regarding achievement of the required full unobstructed visibility.

11. **Stagger Distances**

The stagger distances between the centrelines of the two adjacent minor road junctions should be a minimum distance of 50m (TD42/95).
The stagger distance measured between Roads 4 & 5 measures only 45m.

12. **Horizontal Alignments**

Westbound approach road to proposed Roundabout J1 = 220m Radius.
This radius does not comply with the horizontal curvature for a 60mph road.
Whilst it is appreciated that the entrance approach deflection is required, concerns are raised as to the approach speed of the traffic. It is therefore recommended that the speed limit is reduced to 30mph.

Road 1

> Consists of a 30m radius between chainage 115 and 190m.

Assuming Road 1 has a design speed limit of 30mph then it means that this is the desirable minimum radius with a superelevation of 5%.

> Has a 160m radius meaning this is two steps below the desirable minimum radius with a superelevation of 7%.

Recommendation – to review the horizontal alignment to achieve a more balanced crossfall.

Road 2

> Has a 44m radius between chainage 25 and 80m.

This is completely non-compliant with the horizontal curvature stated in TD9/93.
Recommendation – to review the road alignment.

Road 3

> Has a 40m radius between chainage 45 and 90m.

This is completely non-compliant with the horizontal curvature stated in TD9/93.
Recommendation – to review the road alignment.

13. **Vertical Alignment**

Not checked due to changes or further information required.

Ruabon Business Park

Signing, road markings, tactile paving assessment

1. Plans do not show locations for proposed signage.
2. Sign details do not show Welsh text.
3. Mounting height of give way sign to be 2.1m in all situations.
4. Central island sign detail is incorrect, roundel to be central.
5. Any signage proposals would require the submission of a sign schedule, foundation design calculations and wind loading calculations.
6. Consideration should also be given to sign backing boards.
7. Tactile paving not shown in any great detail. If provision for cyclists is to be made then tactile type and layout is required.
8. Tactile paving on island J1 left hand approach missing.
9. Hatching not given any diagram number from Traffic Signs Regulations General Directions manual.
10. Hatching at site access is wrong, as it leads traffic into the island.
11. No priority is given at the site access, consideration must be given here for junction markings.
12. Cycle markings are missing if any provision for cyclists is made.
13. T.R.O. is required for any change or new speed limit – if 30mph limit is by virtue of street lighting then column locations need to be shown.
14. Anti-skid surfacing should be considered for the roundabout approaches.

Camilla Yerbury
RPS Planning, Transport and Environment Ltd
Centurion Court
85 Milton Park
Abingdon
Oxfordshire
OX14 4RY

JGK/p/2003/1484
07 November 2006
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Visit our website at:
www.wrexham.gov.uk

Dear Camilla,

Re. Planning Approval Code Ref P/2003/1484 – Ruabon Business Park.

I refer to the above planning application and the submitted External Building Finishes Schedule and sample materials in relation to condition 3.

I confirm that the details as submitted are acceptable and that Condition 3 is now discharged.

Should you require any further explanation or information, please do not hesitate in contacting me.

Yours sincerely,

GK

Gerry Kellett
For **Chief Planning Officer**

8088

GK

make arrangements to view.

RPS

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Our Ref: CY/RH/JWW0789
Your Ref:

E-mail: yerburyc@rpsgroup.com
Direct Dial: 01793 816968
Date: 12th June 2006

Mr G Kellet
Wrexham County Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL

WREX... COUNTY BC... COUNCIL
13 JUN 2006
8088
PLANN... DEPARTMENT

Dear Gerry

Ruabon Business Park, Planning Consent RUA P/2003/1484
Discharge of Condition 3

I write in respect of the above planning consent, particularly condition 3 requiring the details of external facing and roofing materials to be submitted and approved. As such please find enclosed 4 copies of the External Building Finishes Schedule and photograph of samples of the proposed materials.

Samples are being held by Matthew Gregory of TACP who is happy to meet you in order to drop these off at your offices in person should you wish him to do so. Matthew can be contacted on 01978 291161.

I trust that this information is sufficient to allow you to formally discharge condition 3 and I would appreciate confirmation of receipt of this information. In the meantime should you require any further information please do not hesitate to contact me.

Yours sincerely

CAMILLA YERBURY
Senior Planner

Enc.

c.c. Mr M Smith – Pegasus Planning Group
Mr P Godsal – Carter Jonas
Mr M Gregory - TACP

Gerry – materials look fine - I haven't seen any elevations of buildings - this would be useful just to clarify extent + we. RS.

FS 32940

RPS Planning, Transport & Environment Ltd. Registered in England No. 2947164
Centurion Court, 85 Milton Park, Abingdon, Oxfordshire OX14 4RY
A member of the RPS Group plc

Planning, Transport and Environment

SN LH001

RUABON BUSINESS PARK
RUABON, WREXHAM

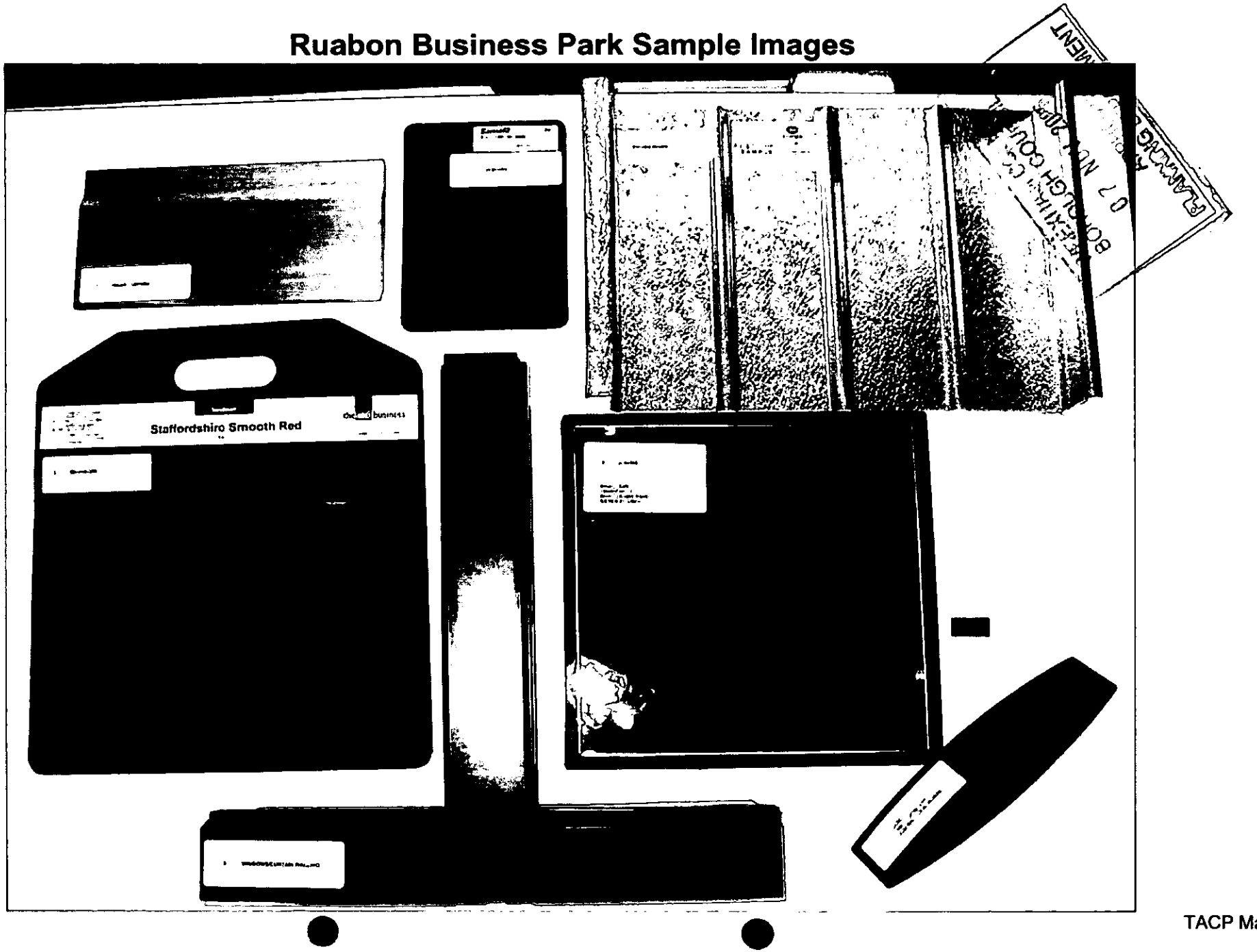
EXTERNAL BUILDING MATERIALS SCHEDULE

1.	**Pitched Roofs**	-	Standing seam metal roof Stucco embossed finish natural aluminium. (Corus Kalzip K265/4000).
2.	**Flat Roofs**	-	Single ply membrane roof. Finish Dark Grey. (Sarnafil S 327-12EL NR 9500).
3.	**Brickwork**	-	Sandown Stafford Shine Smooth Red (Selected as a close match to traditional Ruabon Red bricks).
4.	**Windows / Curtain Walling**	-	50mm wide framing members, colour RAL 7026 Graphite Grey
5.	**Louvres**	-	Aluminium aerofoil profile sun louvres. Note colour to match windows. (Levolux 250 x 50).
6.	**Glazing**	-	Opaque panels - inface ceramic panel, colour BS18B27 – Grey. All other glazing to be clear (clear solar control glazing to be provided to match where necessary).
7.	**Timber Cladding**	-	Western Red Cedar, tongue and groove cladding.
8.	**External Metalwork (Guardrails etc.)**	-	Painted RAL 5053 Distant Blue.

To be read in conjunction with material samples provided.

WREXHAM COUNTY BOROUGH COUNCIL
07 NOV 2006
APPROVED
PLANNING DEPARTMENT

Ruabon Business Park Sample Images



Camilla Yerbury
RPS Planning, Transport and Environment Ltd
Centurion Court
85 Milton Park
Abingdon
Oxfordshire
OX14 4RY

JGK/p/2003/1484
17 October 2006
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Visit our website at:
www.wrexham.gov.uk

Dear Camilla

Re. Planning Approval Code Ref P/2003/1484 – Ruabon Business Park.

I refer to the above planning application, your letter of 12th June and submission of details relating to external lighting.

I have received a response from the Council's Public Protection department and can now confirm that Condition 28 is discharged on the basis of the information provided. I enclose a copy of the submitted plan duly stamped as approved.

I apologise for taking so long. Should you require any further explanation or information, please do not hesitate in contacting me.

Yours sincerely,

GK

Gerry Kellett
For **Chief Planning Officer**

From: Peter Duncan
To: Gerry Kellett
Date: 17/10/2006 11:19:47
Subject: Ruabon Business Park - P/2003/1484

Gerry

I refer to the above and the discharge of Condition 28. I am of the opinion that the condition can now be discharged on the basis of the information provided.

PETER DUNCAN
Environmental Health Officer
Wrexham County Borough Council
Environmental Protection
Crown Buildings
Wrexham
LL13 8ZE

Tel 01978 297014
Fax 01978 297003

Sent to Pete Duncan (Public Protection)

RPS

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Our Ref: CY/RH/JWW0789
Your Ref:

E-mail: yerburyc@rpsgroup.com
Direct Dial: 01793 816968
Date: 12th June 2006

Mr G Kellet
Wrexham County Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL

Dear Gerry

Ruabon Business Park, Planning Consent RUA P/2003/1484
Discharge of Condition 28

I write in respect of the above planning consent, particularly condition 28 requiring the details of external lighting to be submitted for prior approval. As such please find enclosed 4 copies of the external lighting details including the following:

- Proposed external lighting plan, ref S477 GA102.
- Lighting design document.
- Calculations.
- Proposed lighting equipment image sheet.

You will note that in the location of the bat foraging corridor low level highly is proposed in line with the condition.

I trust that this information is sufficient to allow you to formally discharge condition 28 and I would appreciate confirmation of receipt of this information. In the meantime should you require any further information please do not hesitate to contact me.

Yours sincerely

CAMILLA YERBURY
Senior Planner

Enc.

c.c. Mr M Smith – Pegasus Planning Group
Mr P Godsal – Carter Jonas
Mr M Gregory - TACP

Camilla Yerbury
RPS Planning, Transport and Environment Ltd
Centurion Court
85 Milton Park
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OX14 4RY

JGK/p/2003/1484
03 October 2006
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Visit our website at:
www.wrexham.gov.uk

Dear Camilla

Re. Planning Approval Code Ref P/2003/1484 – Ruabon Business Park.

I refer to the above planning application, your recent letters and our exchange of emails.

With reference to my earlier letter discharging conditions I confirm that the plan (Drawing No 60122/007A) detailing the protective fencing replaces the previously approved plan in relation to Conditions 13, 21 and 23. I can also confirm that the submitted hard and soft landscape details and Landscape Management Plan are acceptable and that Conditions 16 and 19.

In relation to my earlier letter of 4th September and discharge of Condition 7 of the outline consent (P/2003/0058) and 30 of the reserved matters approval (P/2003/1484) I enclose a copy of the submitted plan duly stamped as approved.

Should you require any further explanation or information, please do not hesitate in contacting me.

Yours sincerely,

Gerry Kellett
For **Chief Planning Officer**

GK

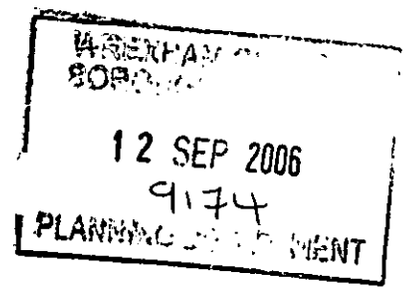
RPS

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Our Ref: CY/JWW0789
Your Ref:

E-mail: yerburyc@rpsgroup.com
Direct Dial: 01793 816968
Date: 11th September 2006

Mr G Kellet
Wrexham County Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL



Dear Gerry

Ruabon Business Park, Planning Consent RUA P/2003/1484
Discharge of Condition 13

I write in respect of the above planning consent and further recent e-mail correspondence following comment from Richard Sumner. I now have the pleasure in enclosing 2 no. copies of amended plan ref 60122/007A detailing the protective and exclusion fencing to be used in conjunction with the development. This now shows the required 2.1m Heras fencing to be used.

I trust that the enclosed is sufficient to allow you to formally discharge condition 13 and amend your files accordingly. I look forward to receiving this confirmation as soon as possible. In the meantime should you require any further information please do not hesitate to contact me.

Yours sincerely

CAMILLA YERBURY
Senior Planner

Enc.

c.c. Mr P Godsal – Carter Jonas
Mr M Smith – Pegasus Planning Group (letter only)

From: "Camilla Yerbury" <YerburyC@rpsgroup.com>
To: "Gerry Kellett" <gerry.kellett@wrexham.gov.uk>
Date: 26/09/2006 13:12:39
Subject: RE: Ruabon Business Park

Thanks very much for the update, great minds think alike and all that!

Not good on the time for Highways but suppose it cannot be helped, thanks for chasing and keeping the pressure on.

Look forward to receive the confirmation of discharges in due course, it will keep my client happy!

Camilla

-----Original Message-----
From: Gerry Kellett [mailto:gerry.kellett@wrexham.gov.uk]
Sent: 26 September 2006 13:02
To: Camilla Yerbury
Subject: RE: Ruabon Business Park

Camilla,
Yep still morning! Not now but I did start this email at 4 minutes to 12!!
You must be psychic. Been looking at your submissions this morning.
I have responded this morning in relation to condition 29.
Just spoke to highways. Bad news, at least in relation to length of time for response. The details have been forwarded by highways on again to its design section (different to highways dc) and it could be another 4 weeks. I have asked that it be chased as a matter of urgency but we are in their hands. Sorry, I will keep on it.
Lighting condition 28 still with public protection - I will chase and promise (yes, promise) to respond by next week at the latest.
I am nearly certain that landscape issues have all been addressed. However, Richard Sumner is on leave until next Monday and I just need to confirm and hopefully then discharge. I also wish to visit TACP to view materials with him - so, again beginning of next week.

Hopefully, apart from the highway details everything else will be discharged by next week. I'm sorry it has taken so long.
Regards,
Gerry

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 26/09/2006 11:46 >>>
Morning Gerry (just!)
Any response from Highways/Landscaping to date?

Many thanks
Camilla

-----Original Message-----
From: Gerry Kellett [mailto:gerry.kellett@wrexham.gov.uk]
Sent: 12 September 2006 10:51
To: Camilla Yerbury
Subject: Re: Ruabon Business Park

Good morning Camilla,
Still waiting for highway comments - Officer on leave but back shortly, and I will chase him as soon as he is back.
Landscape issues all sorted now after exchange of information and I will discharge condition after final confirmation from Landscape Officer.
I must arrange to view samples, which I will do so very soon.
Hope this will be good enough as an update.
Regards,
Gerry

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From: "Camilla Yerbury" <YerburyC@rpsgroup.com>
To: "Gerry Kellett" <gerry.kellett@wrexham.gov.uk>
Date: 12/09/2006 10:53:56
Subject: RE: Ruabon Business Park

Many thanks.

-----Original Message-----
From: Gerry Kellett [mailto:gerry.kellett@wrexham.gov.uk]
Sent: 12 September 2006 10:51
To: Camilla Yerbury
Subject: Re: Ruabon Business Park

Good morning Camilla,
Still waiting for highway comments - Officer on leave but back shortly,
and I will chase him as soon as he is back.
Landscape issues all sorted now after exchange of information and I will
discharge condition after final confirmation from Landscape Officer.
I must arrange to view samples, which I will do so very soon.
Hope this will be good enough as an update.
Regards,
Gerry

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hard copy of the document upon request.
RPS Group Plc web link: <http://www.rpsgroup.com>

From: Gerry Kellett
To: "YerburyC@rpsgroup.com".internet.WXM1DOM
Date: 30/08/2006 15:16:03
Subject: Re: Ruabon Business Park

Camilla,
I have just returned from 17 days on leave to a mountain of paperwork and 158 emails!
I am also surprised by the comment from Richard. I did pass on the landscape details for him to comment upon. I agree that the releveant tree protection condition has been discharged after consultation with the Council's tree officer. I am surprised that the proposed fencing (ie 1.2m chespale) was not picked up. I relied upon his perusal of the details and perhaps I should have checked in more detail myself. Certainly, 2.1m Heras is what I wish to see in place for protection.
I think the best way forward is to drop me a letter with 2 amended plans (which has already been amended) and for me to return a revised 'stamped approved' plan.
Regards,
Gerry

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 23/08/2006 09:20 >>>
Gerry,

The attached letter was recently received from Richard Sumner following his request to see the protective fencing plans along with the landscaping plans which are currently being considered.

As you will be aware the relevant conditions regarding the protective fencing have been previously discharged as such the contents of this letter have caused surprise. How would you like to resolve this issue?

We have no concerns over provision of the fencing to meet the contents of the letter but obviously we already have in our possession an approved plan which 'contradicts' this.

I look forward to hearing from you

KR
Camilla

From: Cardiff [mailto:cardiff@tacp.uk.com]
Sent: 10 August 2006 12:02
To: Camilla Yerbury
Cc: Martyn Smith (E-mail)
Subject: Protective Fencing (60122)

Please find attached copy of a letter from Richard Sumner referring to Protective Fencing drawing (60122-007A).
We have made the changes he required and changed the 1.5m chespale to 2.1m 'Heras' fencing.

How would you like us to proceed since the planners have already approved this drawing?

Would you like us to issue the revised drawing direct to Richard Sumner or via yourselves?

<<60122-007A_fencing.pdf>> <<letter sumner 07-08-06.pdf>>

Nikola Gruenewald
Assistant Landscape Architect
for

TACP
10 Park Grove
Cardiff
CF10 3BN
Tel: 02920228966
Fax:02920394776
Web: www.tacp.uk.com

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Any advice contained in this e-mail or any accompanying file attached hereto is for information purposes only. RPS do not take any responsibility for differences between the original and the transmission copy or any amendments made thereafter. If the addressee requires RPS to be responsible for the contents of this e-mail, RPS will be pleased to issue a signed hard copy of the document upon request.
RPS Group Plc web link: <http://www.rpsgroup.com>

Camilla Yerbury
RPS Planning, Transport and Environment Ltd
Centurion Court
85 Milton Park
Abingdon
Oxfordshire
OX14 4RY

JGK/p/2003/1484
26 September 2006
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Visit our website at:
www.wrexham.gov.uk

Dear Camilla

Re. Planning Approval Code Ref P/2003/1484 – Ruabon Business Park.

I refer to the above planning application and your recent letters and our exchange of emails.

I confirm that Condition 29 – road traffic noise is now discharged. I am of the opinion that the desktop assessment (PFA Consulting – January 2006) of noise associated with the development is indicative of no detriment to the residential amenity..

I apologise for taking so long. Should you require any further explanation or information, please do not hesitate in contacting me.

Yours sincerely,

GK

Gerry Kellett
For **Chief Planning Officer**

Camilla Yerbury
RPS Planning, Transport and Environment Ltd
Centurion Court
85 Milton Park
Abingdon
Oxfordshire
OX14 4RY

JGK/p/2003/1484
04 September 2006
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Visit our website at:
www.wrexham.gov.uk

Dear Camilla

Re. Planning Approval Code Ref P/2003/1484 – Ruabon Business Park.

I refer to the above planning application and your letter dated 5th July 2006.

I have now received confirmation from Welsh Water that the information supplied is acceptable. Conditions 7 of the outline consent (P/2003/0058) and 30 of the reserved matters approval (P/2003/1484) are now discharged.

Should you require any further explanation or information, please do not hesitate in contacting me.

Yours sincerely,

GK

Gerry Kellett
For **Chief Planning Officer**

DŴR CYMRU
WELSH WATER

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CF46 6XZ

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Chief Planning Officer
Wrexham County Borough Council
Lambit Street
PO Box 1290
Wrexham
LL11 1WL

Your Ref: JGK/P/2003/1484
Our Ref: NEO/2617/AW/Wrexham/20
Enquiries: Aled Williams
Direct Line: 01443 331155

WREXHAM COUNTY BOROUGH COUNCIL
14 AUG 2006
PLANNING DEPARTMENT

FAO: Gerry Kellett

4th August 2006

Dear Sirs

Re: Business Park, B1, High Technology Manufacturing,
Ruabon Business Park, Ruabon, Wrexham

Thank you for your letter dated 21st July 2006 and relevant enclosures regarding the site. We offer the following comments in relation to sewerage.

We note from the enclosed drawing – W106/03 that surface water flows from the above development site shall discharge to pond(s) located on site and not to the public sewerage system. In principle this would appear acceptable.

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a discharge consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru Welsh Water. Please note that the issuing of a discharge consent is independent of the planning process and a consent may be refused although planning permission is granted.

We hope the above is satisfactory; however, should you require further assistance, please do not hesitate to contact us on the above telephone number.

Yours faithfully

Rhidian Clement
Planning Team Leader

glas
Glas Cymru Cyfyngedig

Welsh Water is owned by Glas Cymru - a "not-for-profit" company
Mae Dŵr Cymru yn eiddo i Glas Cymru - cwmni nad yw'n gwneud elw

We welcome correspondence in Welsh and English
Rydym yn croesawu gohebiaeth yn y Gymraeg neu yn Saesneg

NDC South working with Dŵr Cymru in providing the planning and development functions.

Dŵr Cymru Cyf, a limited company registered in Wales no. 2366777. Regisitered office: Pentwyn Road, Nelson, Treharris, Mid Glamorgan CF46 6LY

NDC de yn cydweithio a Dŵr Cymru ar ran waith cynllunio a datblygu.

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng Nghymru rhif 2366777, Swyddfa gofrestredig: Heol Pentwyn, Nelson, Treharris, Morgannwg Ganol CF46 6LY

Welsh Water – Dwr Cymru
P O Box 10
Treharris
CF46 6XZ

JGK/P/2003/1484
21 July 2006
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Dear Sirs

Business Park, B1 use (High Technology, manufacturing, research and development of prestige offices).
At Ruabon Business Park, Ruabon, Wrexham

I refer to the above planning application, reference number P/2003/1484.

Please find enclosed a copy of the Strategic Drainage Plan no. W106/03 rev.A, received in connection with conditions 30 of the permission. I would be grateful if you could forward any comments you may wish to make.

If you require any further information, please contact the office.

Yours faithfully

for Chief Planning Officer

enc.

RPS Planning

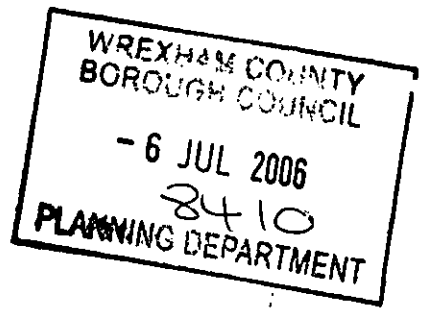
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GK
copied to Willie
Evans 21/07/06

Our Ref: CY/TAP/JWW0789
Your Ref:

E-mail: yerburyc@rpsgroup.com
Direct Dial: 01793 816968
Date: 5 July 2006

Mr G Kellet
Wrexham County Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL



Dear Gerry

Ruabon Business Park, Planning Consent RUAP/2003/1484
Discharge of Condition 30

I write in respect of the above planning consent and have the pleasure of enclosing details in order to formally discharge condition 30. This condition states:

"No development shall take place until a comprehensive scheme of foul drainage and surface water drainage has been submitted to and approved by the Local Planning Authority in consultation with Welsh Water. The approved scheme shall be completed before the development is occupied."

In order to discharge this condition please find enclosed 3 copies of Strategic Drainage Plan no. W106/03 rev.A.

We assume that this plan is also sufficient in order to discharge condition no. 7 of the outline consent, RUAP/2003/0058.

This states:

"Prior to commencement of any development full details of surface water and disposal arrangements shall be submitted for further approval of the Council....."

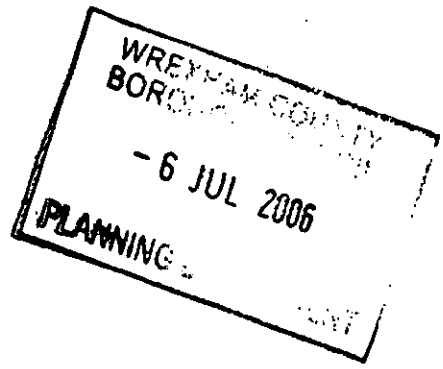
This therefore supersedes information submitted concurrently with the Reserved Matters Application dated 12 December 2003.

RPS

I trust that the enclosed is sufficient to allow you to discharge the conditions and I would appreciate formal confirmation of receipt of the information. Should you require any further information please do not hesitate to contact me.

Yours sincerely

Camilla Yerbury
SENIOR PLANNER



Enc.

Cc: Mr P Godsal Cater Jonas
Mr M Smith Pegasus Planning Group

PTE P

14 & 15

Camilla Yerbury
RPS Planning, Transport and Environment Ltd
Centurion Court
85 Milton Park
Abingdon
Oxfordshire
OX14 4RY

JGK/p/2003/1484
20 July 2006
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Visit our website at:
www.wrexham.gov.uk

Dear Camilla

Re. Planning Approval Code Ref P/2003/1484 – Ruabon Business Park.

I refer to the above planning application and your recent letters and our exchange of emails.

I confirm that Conditions 14 and 15 are now discharged. However, you should note the responsibility to comply with the recommendations as detailed in the conditioned report.

I have forwarded the submitted details in relation to conditions 7 and 20 (condition 7 in relation to the outline consent) to the council's highway department and Welsh Water respectively. I am presently considering the submitted lighting details and will make arrangements to view the samples at TACP.

I apologise for taking so long. Should you require any further explanation or information, please do not hesitate in contacting me.

Yours sincerely,

GK

Gerry Kellett
For **Chief Planning Officer**

From: "Camilla Yerbury" <YerburyC@rpsgroup.com>
To: "Gerry Kellett" <gerry.kellett@wrexham.gov.uk>
Date: 10/07/2006 11:38:29
Subject: FW: Ruabon Business Park (Wynnstay)

Gerry,

I trust that you are well. Following your forwarding of Karina's e-mail I have contacted Karina directly to discuss. Please note her response below. I would appreciate if you could confirm whether you are now happy for the email to represent the Council's formal position as constituting a partial discharge of the condition(s) to allow the development to commence or whether you are required to write formally to us on the matter.

For the avoidance of doubt the conditions this relates to are;

14. "No development of any kind shall begin until the presence of a contracted historic garden archaeology specialist has been secured on site according to the prescriptions set out in a curatorial design brief and approved by the LPA....."

15. "Prior to the commencement of development, a comprehensive detailed survey of the historic landscape by the historic garden archaeology specialist approved under Condition n14....shall be submitted for the further approval of the LPA. This shall include recommendations for the restoration and renovation of historic features to be retained. If further historical/archaeological features are found during the construction period, recommendations shall also be submitted for their restoration and renovation, where appropriate."

We note the content of condition 15 and confirm that once development commences, if any further features are found, information shall be submitted accordingly.

I look forward to hearing from you.

KR

Camilla
-----Original Message-----
From: Karina Kucharski [mailto:karina.kucharski@wrexham.gov.uk]
Sent: 10 July 2006 09:37
To: Camilla Yerbury
Subject: Re: Ruabon Business Park (Wynnstay)

Camilla

the desktop is adequate and I do not require further information at this point. The recommendations of in the report should be noted but you can certainly start on site.

Sorry not to get back sooner but have been out on site myself. Please do not hesitate to get back in touch if you need further clarification.

Regards

Karina Kucharski

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 05/07/2006 11:18 >>>
Karina,

Gerry Kellet has passed on to me your comments regarding the discharge of condition 15 relating to the above.

You stated "this report fulfils the desktop requirement of the brief adequately but has not covered the requirement for archaeological monitoring during groundwork's, which is part of the same brief, hopefully this is because groundwork's have yet to take place. The brief is therefore not yet fully discharged."

Can you please clarify to me whether by this you require additional information at this stage and that you thus do not have enough information for us to start on site or whether the condition cannot be fully discharged until we are on site?

Please do not hesitate to call me if easier to discuss.

I look forward to hearing from you as soon as possible.

KR
Camilla

Camilla Yerbury
Senior Planner

RPS Planning, Transport & Environment, Fairwater House, 1 High Street, Wroughton, Swindon, Wiltshire SN4 9JX
* switchboard: 01793 814800 * direct dial: 01793 816968 ?01793 814818
yerburyc@rpsgroup.com <mailto:@rpsgroup.com>

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CC: "Martyn Smith" <martyn.smith@ppg-llp.co.uk>, "Karina Kucharski"

13/21/23

Camilla Yerbury
RPS Planning, Transport and Environment Ltd
Centurion Court
85 Milton Park
Abingdon
Oxfordshire
OX14 4RY

JGK/p/2003/1484
16 June 2006
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Visit our website at:
www.wrexham.gov.uk

Dear Camilla

Re. Planning Approval Code Ref P/2003/1484 – Ruabon Business Park.

I refer to the above planning application and your recent letters.

I confirm that the plan (Drawing No 60122/007) detailing the protective fencing in relation to Conditions 13, 21 and 23 is acceptable. These conditions are now discharged.

Should you require any further explanation or information, please do not hesitate in contacting me.

Yours sincerely,

Gerry Kellett
For **Chief Planning Officer**

From: Gerry Kellett
To: "YerburyC@rpsgroup.com".internet.WXM1DOM
Date: 16/06/2006 08:31:35
Subject: RE: Ruabon Business Park - RUA P/2003/1484

Morning Camilla,

Conds 13/21/23 - can be discharged. Plan acceptable and letter out today confirming.

Cond 13 - see attached which is self explanatory.

Regards,
G

From: Gerry Kellett
To: "YerburyC@rpsgroup.com".internet.WXM1DOM
Date: 05/06/2006 14:28:33
Subject: RE: Ruabon Business Park - RUA P/2003/1484

Sorry about that. I don't have the correspondence of 9th May so must have passed it on to the Tree Officer for comment. He's not in at present. I will chase the matter.
Apologies
G

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 05/06/2006 12:43 >>>

Thank you,

We have indeed received a response from the landscape officer as draft landscaping plans were sent directly to him and we are dealing with his comments. Condition 13 however dealt with the protective fencing issue solely and plans were submitted to you formally for discharge, as far as I am aware no comments have been received in respect of this issue.

Camilla

-----Original Message-----
From: Gerry Kellett [mailto:gerry.kellett@wrexham.gov.uk]
Sent: 05 June 2006 12:37
To: Camilla Yerbury
Subject: RE: Ruabon Business Park - RUA P/2003/1484

Camilla,
I passed details of landscaping onto our new landscape Officer who has replied direct to TACP with comments. Awaiting a response!
I will discuss archaeological brief and assessment with karina.
Regards again,
G

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 05/06/2006 11:54 >>>
Gerry,

Further to my mail last week I was wondering if you can give me an update please?

KR
Camilla

From: Camilla Yerbury
Sent: 25 May 2006 18:25
To: 'Gerry Kellett'
Cc: 'Martyn Smith'
Subject: Ruabon Business Park - RUA P/2003/1484

Gerry,

I trust that you are well.

I was hoping that you may be able to give me some update on the correspondence sent to you on 4th April and 9th May regarding the discharge of conditions 13, 14 & 15 of the above consent.

I look forward to hearing from you in due course.

KR

Camilla

Camilla Yerbury
Senior Planner

RPS Planning, Transport & Environment, Fairwater House, 1 High Street, Wroughton, Swindon, Wiltshire SN4 9JX
* switchboard: 01793 814800 * direct dial: 01793 816968 ?01793 814818
yerburyc@rpsgroup.com <mailto:@rpsgroup.com>

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RPS

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Our Ref: CY/RH/JWW0789
Your Ref:

E-mail: yerburyc@rpsgroup.com
Direct Dial: 01793 816968
Date: 9th May 2006

Mr G Kellet
Wrexham County Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL

WREXHAM COUNTY BOROUGH COUNCIL
11 MAY 2006
1652
PLANNING DEPARTMENT

Dear Gerry

Ruabon Business Park, Planning Consent RUA P/2003/1484
Discharge of Condition 13

I write in respect of the above planning consent and further to my letter of 4th April. I now have the pleasure in enclosing 2 no. copies of Plan ref 60122/007 detailing the protective and exclusion fencing to be used in conjunction with the development.

The information is required to be submitted and agreed in accordance with Condition 13 of the above planning consent. For your information the details of the plan also set out protective measures to accord with the requirements of conditions 21 and 23 of the consent.

I trust that the enclosed is sufficient to allow you to formally discharge condition 13 and I look forward to receiving this confirmation as soon as possible. In the meantime should you require any further information please do not hesitate to contact me.

Yours sincerely

CAMILLA YERBURY
Senior Planner

Enc.

c.c. Mr P Godsal – Carter Jonas
Mr M Smith – Pegasus Planning Group

12 June 06

Gary.

Feature specification OK –

Alistair

From: Gerry Kellett
To: "YerburyC@rpsgroup.com".internet.WXM1DOM
Date: 05/06/2006 12:15:24
Subject: RE: Ruabon Business Park - RUA P/2003/1484

Camilla,
Sorry, I was on leave last week and things are absolutely hectic!!
Will get back to you asap.
Regards,
G

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 05/06/2006 11:54 >>>
Gerry,

Further to my mail last week I was wondering if you can give me an update please?

KR
Camilla

From: Camilla Yerbury
Sent: 25 May 2006 18:25
To: 'Gerry Kellett'
Cc: 'Martyn Smith'
Subject: Ruabon Business Park - RUA P/2003/1484

Gerry,

I trust that you are well.

I was hoping that you may be able to give me some update on the correspondence sent to you on 4th April and 9th May regarding the discharge of conditions 13, 14 & 15 of the above consent.

I look forward to hearing from you in due course.

KR

Camilla

Camilla Yerbury
Senior Planner

RPS Planning, Transport & Environment, Fairwater House, 1 High Street, Wroughton, Swindon, Wiltshire SN4 9JX
* switchboard: 01793 814800 * direct dial: 01793 816968 ?01793 814818
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From: Gerry Kellett
To: "YerburyC@rpsgroup.com".internet.WXM1DOM
Date: 05/06/2006 12:36:37
Subject: RE: Ruabon Business Park - RUA P/2003/1484

Camilla,
I passed details of landscaping onto our new landscape Officer who has replied direct to TACP with comments. Awaiting a response!
I will discuss archaeological brief and assessment with karina.
Regards again,
G

>>> "Camilla Yerbury" <YerburyC@rpsgroup.com> 05/06/2006 11:54 >>>
Gerry,

Further to my mail last week I was wondering if you can give me an update please?

KR
Camilla

From: Camilla Yerbury
Sent: 25 May 2006 18:25
To: 'Gerry Kellett'
Cc: 'Martyn Smith'
Subject: Ruabon Business Park - RUA P/2003/1484

Gerry,

I trust that you are well.

I was hoping that you may be able to give me some update on the correspondence sent to you on 4th April and 9th May regarding the discharge of conditions 13, 14 & 15 of the above consent.

I look forward to hearing from you in due course.

KR

Camilla

Camilla Yerbury
Senior Planner

RPS Planning, Transport & Environment, Fairwater House, 1 High Street, Wroughton, Swindon, Wiltshire SN4 9JX
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GERRM

Chief Planning Officer/Prif Swyddog Cynllunio
Lawrence Isted
Lambpit Street, Wrexham. LL11 1AR Tel: 01978 292016 Fax: 01978 292502 Minicom 01978 292067
Stryt y Lampint, Wrecsam. LL11 1AR Ffôn: 01978 292016 Ffacs: 01978 292502 www.wrexham.gov.uk

wrexham
COUNTY BOROUGH
BWRDEISTREF SIROL
wrecsam

Nikola Grunenewald
TACP
10 Park Grove
Cardiff
CF10 3BN

Your Ref/Eich Cyf 60122/LET/11-05-006(WCBWC)
Our Ref/Ein Cyf
Date/Dyddiad 18 May 2006
Ask for/Gofynner am Richard Sumner
Direct Dial/Rhif Union 01978 292478
E-mail/E-bost richard.sumner@wrexham.gov.uk

Dear Madam

RUABON BUSINESS PARK – RUA P/2003/1484
LANDSCAPE PROPOSALS: RESERVED MATTERS

Thank you for the receipt of your landscape proposals received 15 may 2006, prior to making your formal submission next week. The Planning Environment team have reviewed your landscape proposals and generic landscape specification for Phase One area of the application and provide the following comments:

Planting proposals
The integration of the site within the wider context is poor along the eastern boundary, with a narrow strip of tree planting in places providing only limited screening function. See attached plan extract for required revisions in this area.

The previous Landscape officer and Tree officer both required more tree planting within car parking areas to break up these large areas. Additional planting is therefore required along the line of the hedges at 5m intervals.

Plant schedules
Hedgerow planting to delineate parking bays – the plans and plant schedule do not indicate the number of plant species proposed and need to be included to ensure this is implemented.

Quercus robur is the most common oak species in the locality. Quercus petrea should be deleted from the plant schedule. Increase pine and common oak percentages as a result.

Grass seed mix for wetland 'flush' meadow – our ecologist would like the Greater Burnett removed from this list as it is not common to the Wrexham area. We will also require confirmation that the seed is sourced from the UK.

Landscape specification
Topsoiling:
Prior to topsoil strip – include requirements for herbicide application and/or removal of grass/ herb cover.
If topsoil storage is expected for a prolonged period include rye grass seeding.
Herbicide application to treat weed growth on topsoil mounds prior to reuse, is required.

INVESTOR IN PEOPLE
BUDDSODDWR MEWN POBL

Grass seeding:
Reference to wildflower planting - if required add to the drawings, other wise delete.
Drawing does not confirm areas of General areas, and Rough Grassed areas in spec.
I would expect the general approach to comprise short grass along the main road corridors and setting to the front of buildings; longer grass below woodland block and edge planting, rear of buildings and periphery of the site and parking areas. Please clarify on the drawings.

External planting:
Tree rabbit guards are required.

Maintenance:
Spec clauses to height of grass incorrect.
Add note to drawing key regarding tree rabbit guards (except avenue trees) and ensure drawings are read in conjunction with the landscape specification.

Surfaces and boundaries
The scheme does not confirm materials and colour of roads, footpaths, parking bays and boundary fences. Please confirm.

Management plan
No management objectives or prescriptions are included on the plan or specification to guide the long term maintenance of the site or the other phases.
To be addressed are:
Grass areas
Hedgerow maintenance and management (need to provide some screening to parking areas)
Woodland establishment and phases for selective thinning
Management objectives for the Ha Ha
Planting objectives for Phase 2 and 3 (please note generic landscape layout are considered at present insufficient to integrate the development along its boundary – landscape buffer planting, respecting the Ha Ha is required).

Lighting
Details of external lighting are required to determine any potential impact upon bat feeding corridors.

I would be happy to discuss any of the above items further. Please do not hesitate to contact me if you require any further clarification.

Yours sincerely

Richard Sumner
for Chief Planning Officer
encl.
CC. Gerry Kellett Development Control

GK

RPS

Fairwater House, 1 High Street, Wroughton, Swindon, Wiltshire SN4 9JX
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Our Ref: CY/RH/JWW0789
Your Ref:

E-mail: yerburyc@rpsgroup.com
Direct Dial: 01793 816968
Date: 4th April 2006

Mr G Kellet
Wrexham County Borough Council
Planning Services
Lambpit Street
PO Box 1290
WREXHAM
LL11 1WL

7181
Pl.

Dear Gerry

Ruabon Business Park
Discharge of Conditions 14 & 15

I write in respect of the above and have pleasure in enclosing copies of the Brief for Archaeological Fieldwork, as prepared by Wrexham Archaeology Service and the Archaeological and Historic Assessment prepared by CPAT, in accordance with conditions 14 and 15 of planning permission ref P/2003/1484. One copy is marked for the attention of Karina Kucharski and I would be grateful if you could pass these on to her.

Please note that CPAT Field Services have already arranged for 1 copy of the assessment to be lodged with CPAT Curatorial Division as requested by WCBC County Archaeologist.

Should you have any queries regarding the enclosed documents please do not hesitate to contact me,

Yours sincerely

CAMILLA YERBURY
Senior Planner

Enc.

c.c. Mr R Godsal – Carter Jonas
Mr M Smith – Pegasus Planning Group

Camilla Yerbury
RPS
Fairwater House
1 High Street
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Wiltshire
SN4 9JX

JGK/p/2003/1484
31 January 2006
Gerry Kellett
01978 292476
gerry.kellett@wrexham.gov.uk

Visit our website at:
www.wrexham.gov.uk

Dear Camilla,

Re. Ruabon Business Park – Application ref no P/2003/1484

I refer to your letter dated 17th January relating to the above and comment as follows:

Condition 6 – Renewable Energy Scheme
This does indeed relate to the building design in terms of sympathetic renewable energy features such as Combined Heat Power and photovoltaic electricity panels.

Condition 29 – Noise Survey
The submitted Transport Assessment dated 23rd December 2003 did not assess the likely impact of the increased road traffic noise arising from the development upon local amenity. The applicant needs to submit the predictions of the effects of such traffic noise in accordance with "Calculation of Road Traffic Noise" (Department of Transport, and Welsh Office, 1998).

Should you require any further explanation or information, please do not hesitate in contacting me.

Yours sincerely,

GK

For **Chief Planning Officer**

5780

GK

RPS

Fairwater House, 1 High Street, Wroughton, Swindon, Wiltshire SN4 9JX
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18 JAN 2006
5780
PLANNING DEPARTMENT

Our Ref: CY/RH/JWW0789
Your Ref:

E-mail: yerburyc@rpsgroup.com
Direct Dial: 01793 816968
Date: 17th January 2006

Mr G Kellet
Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dear Gerry,

Ruabon Business Park, Wrexham
Planning Consent RUA P/2003/1484

I write in respect of the above planning consent as we are continuing to progress with the conditions precedent. I would be grateful if you could assist in clarifying a couple of issues prior to undertaking further work.

Regarding Condition 6, which requires a detailed renewable energy scheme, we are assuming that this requirement relates to building design. Can you please confirm and clarify.

Condition 29 requires undertaking of an assessment of road traffic noise. I would be grateful if you could confirm which road is to be the subject of the required assessment.

Many thanks for your time. I would appreciate it if you are able to deal with the above queries as soon as possible to enable us to progress with the required undertakings. I look forward to hearing from you.

Yours sincerely

CAMILLA YERBURY
Senior Planner

Enc.

c.c. Mr P Godsal – Carter Jonas
Mr M Smith – Pegasus Planning Group

CONDITIONS

In pursuance of its powers under the Acts an 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

3
Expiry Date: 18/02/2004
Decision Notice Sent Date: 07/06/2005
Grid Reference:
E 330222 N 343353

Applicant	The Wynnstay Farming Company	**Code Number**	RUA P/2003/1484
Agent	RPS. Fairwater House 1 High Street Wroughton Wiltshire SW4 9JX	**Date Received**	24/12/2003
		Decision Date	06/06/2005

Town and Country Planning Act, 1990

Location of application

Ruabon Business Park Ruabon Business Park Ruabon Wrexham LL146DW

Description of application

Business Park, B1 use (High Technology, manufacturing, research and development of prestige offices).

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

EC11	Archaeology
EC4	Hedgerows, Trees and Woodland
EC5	Special Landscape Areas
EC6	Biodiversity Conservation
GDP1	Development objectives
PS1	Settlement limits
PS2	Development and the environment
T1	Public transport
T8	Parking
T9	Walking, cycling and horse riding routes

Particulars of decision APPROVAL of reserved matters

Subject to the following:-

Condition(s)

1. The development hereby permitted shall be begun before the expiry of five years from the date of this permission.

Applicant	The Wynnstay Farming Company	**Code Number**	RUA P/2003/1484
Agent	RPS Fairwater House 1 High Street Wroughton Wiltshire SW4 9JX	**Date Received** **Decision Date**	24/12/2003 06/06/2005

2. Development shall only be carried out in strict accordance with the approved plans or with any amendments thereto approved in writing by the Local Planning Authority

3. No part of the development shall be commenced 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. 07/11/06

4. The use of the site shall be restricted to uses falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987.

5. The development hereby approved shall be progressively developed in Phases I, II and III as shown in the proposed site layout (drawing no 5477 GA100 Rev M). Work shall not commence on the next phase until substantial completion of the previous phase has been undertaken.

6. Prior to the commencement of development, a detailed renewable energy scheme shall be submitted to the Local Planning Authority. This scheme should maximise the potential for renewable energy features on the buildings hereby approved. 11/05/07.

7. The detailed layout, design, drainage and construction of the internal estate roads and roundabout shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority prior to the commencement of any site works. 24/10/07.

8. An appropriate sum of money shall be agreed for the future provision of three bus stops that shall be provided on site, the siting and implementation of which shall be to the satisfaction of the Local Planning Authority.

9. An appropriate sum of money shall be agreed in lieu of the future provision of a bus service to the development site.

10. A cycleway/footway shall be provided across the full frontage of the site along B5605 Newbridge Road as detailed in drawing no W106/4. The works shall be implemented prior to occupation of the first unit in Phase 1.

11. Tactile paving shall be provided at crossing points at the new access point to the proposed site and A539/B5605 as detailed on Drawing No W106/4. The works shall be implemented prior to the occupation of the first unit in Phase I.

12. A commuted sum shall be agreed for future cycleway provision between the end of the cycleway provided above and Wynnstay Road junction.

13. Prior to the commencement of development or each phase of development, proposals for effective protective fencing for features of historical, archaeological and ecological importance shall be submitted to and approved, in writing, by the Local Planning Authority. The proposals shall include a specification for the protective fencing, and a plan showing the position of the protective fencing. Areas to be fenced shall include: an exclusion zone of 15m from the boundary of the scheduled area of Offa's Dyke, and from the conjectured boundary of its likely continuation to the north; an exclusion zone of 20m from the boundary of Green L odge, an exclusion zone of 16/06/06

Applicant	The Wynnstay Farming Company	**Code Number**	RUA P/2003/1484
Agent	RPS Fairwater House 1 High Street Wroughton Wiltshire SW4 9JX	**Date Received** **Decision Date**	24/12/2003 06/06/2005

10m from the inner edge of the ha ha along the ha ha along its entire length; and an exclusion zone of a minimum of 10m from the edge of the existing pond and other features of ecological value. The approved fencing shall be erected before any work commences and retained until completion of the building works. No work shall be carried out within these fenced areas without prior consultation and agreement of the Council.

14. No development of any kind shall begin until the presence of a contracted historic garden archaeology specialist has been secured on site according to the prescriptions set out in a curatorial design brief and approved by the Local Planning Authority. Access, at any reasonable time, should be given to this archaeologist to enable the observation and recording of any archaeological remains uncovered during the development. A report of any archaeological records made must be deposited with the County Sites and Monuments Record. 20/07/06

15. Prior to the commencement of development, a comprehensive detailed survey of the historic landscape by the historic garden archaeology specialist approved under Condition n14, or other approved specialist, shall be submitted for the further approval of the Local Planning Authority. This shall include recommendations for restoration and renovation of historic features to be retained. If further historical/archaeological features are found during the construction period, recommendations shall also be submitted for their restoration and renovation, where appropriate. 20/07/06

16. No part of the development hereby permitted shall be commenced until full details of both hard and soft landscape works for the site have been submitted to and approved, in writing, by the Local Planning Authority etc. The scheme shall include timescale or phasing proposals for implementation, any changes to ground levels (shown by existing and proposed contours or levels, and any existing vegetation to be removed or retained, proposed advance structural planting, other planting, any means of enclosure, car parking layouts, access and circulation, hard landscape materials, minor structures such as refuse and recycling stores, lamp columns, location of services, drainage including construction of outfalls and culverts, and proposals for restoration and enhancement of historic landscape features. 03/10/06

17. The landscape works, including the paving and footpath areas referred to in Condition 16 shall be completed in all respects within three months of the first use of the buildings included in each phase of the development, with the exception of soft landscape works which shall be carried out in the first planting season etc.

18. No development shall take place until details of earthworks have been submitted to and approved, in writing, by the Local Planning Authority. These details shall include the levels and contours to be formed and their relationship to existing vegetation and surrounding landform. Details of soil stripping, storage and replacement shall be included. Development shall be carried out in accordance with the approved details.

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19. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is sooner, for its permitted use. The approved landscape management plan shall be carried out as approved. 03/10/06

20. The Local Planning Authority shall be given not less than five days notice of the intended starting date of each phase of the works.

21. The erection of fencing for the protection of trees and shrubs shall be undertaken before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. The above mentioned fencing shall consist of 1.5 metre high Heras fence or other approved fence erected at full extent of each tree and shrub. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written permission of the Local Planning Authority. 16/06/06

22. No trees either existing or planted in accordance with this or a previous permission shall be lopped, topped, felled or uprooted without the prior written permission of the Local Planning Authority, nor shall any trees be wilfully damaged.

23. Protective fencing for the woodland along the western boundary and the subject of Tree Preservation Order WMBC 175 shall be 2.4m close board fencing and erected no closer than 1m outside the canopy spready of any tree. 16/06/06

24. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

25. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

26. Prior to the commencement of development a detailed scheme for the treatment of Japanese Knotweed for the disposal of soils affected by Japanese Knotweed shall be submitted to and approved by the Local Planning Authority.

27. Prior to commencement of the development hereby approved, details of a habitat and mitigation scheme, which takes into account the ecological interest of the

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site, (particularly the bag foraging routes), shall be submitted and approved. This scheme shall demonstrate how existing features of ecological/wildlife interest will be protected and managed in the long-term, and how these measures will be secured. The report must also propose and deliver appropriate conservation schemes and 'Reasonable Avoidance Measures' and be submitted to and approved by the Local Planning Authority. Any mitigation measures required shall be implemented in accordance with the timescales to be agreed as part of the measures before development commences on site.

28. Prior to the commencement of the development, details of the lighting scheme shall be submitted and agreed by the Local Planning Authority. The scheme to take into account the need for natural features to remain as "dark" corridors for use by foraging bats. 17/10/06

29. Prior to commencement of the development a satisfactory assessment of road traffic noise shall be submitted and approved in writing by the Local Planning Authority. 26/09/06

30. No development shall take place until a comprehensive scheme of foul drainage and surface water drainage has been submitted to and approved by the Local Planning Authority in consulation with Welsh Water. The approved scheme shall be completed before the development is occupied. 04/09/06

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. In accordance with the provisions of E2 of the Wrexham Unitary Development Plan.
5. To ensure that the site is developed in an orderly and sustainable progression.
6. To ensure that the proposal is sustainable.
7. To ensure the formation of a safe and satisfactory access.
8. To provide adequate accessibility to public transport.
9. To provide adequate accessibility to public transport.
10. To provide adequate pedestrian and cycling access to the proposed site.
11. In the interests of pedestrian safety.
12. To provide a connection to the Council's proposed cycle network.
13. To protect Offa's Dyke which is a Scheduled Ancient Monument, historic landscape features which are within the Wynnstay Estate, and areas of ecological interest. Also to protect landscape features which are of significant amenity value to the area and which would help to ensure a satisfactory standard of appearance of the development.

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14. To enable the observation and recording of any historic landscape / archaeological remains.
15. To protect and enhance the character of the historic landscape.
16. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
17. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
18. To ensure that the works on the site properly take account of the future health of the trees.
19. To ensure landscape features are properly considered and protected.
20. To enable the Council to monitor/supervise the landscape works.
21. To protect trees which are of significant amenity value to the area.
22. To protect trees which are of significant amenity value to the area.
23. To protect trees which are of significant amenity value to the area.
24. To prevent pollution of the water environment.
25. To prevent pollution of the water environment.
26. To prevent the spread of an invasive non-native species.
27. To ensure that the features identified as having wildlife importance are protected and maintained in the long-term.
28. To ensure that the features identified as having wildlife importance are protected and maintained iin the long-term.
29. To protect residential amenity.
30. To deal with foul and surface water drainage from the site.

Note(s) to applicant

In relation to Condition 5, the Local Planning Authority would require completion of four units in each of Phases I and II to qualify as substantial completion.

A S.104 Agreement will be required to take all surface water/roof drainage. In this instance the Highway Authority will only adopt the gullies and gully connections.

The whole of the Ruabon Business Park is within the Wynnstay Estate, although only part is included in the CADW/ICOMOS Register of Parks and Gardens of Special Historic Interest in Wales (Grade 1). The same protection should be afforded to all historic features regardless of designation. All areas of ecological interest shall be protected unless otherwise agreed with the County Ecologist.

The Council recommends that archaeological works should be undertaken by a member of the Institute of Fiel Archaeology. You are advised to contact both the Council's Archaeology Officer on (01978) 317979 and Clwyd Powys Archaeological Trust on (01939) 553670, to discuss and agree a brief for the site.

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The report required by Condition No. 15 should be deposited with the Clwyd Powys Archaeological Trust at Welshpool, with copies of the County Archaeologist, CADW and the Planning Department.

The survey and recommendations required by Condition No. 15 should be deposited with the Clwyd Powys Archaeological Trust at Welshpool, with copies to the County Archaeologist, CADW and the Planning Department.

You are advised to contact the Council's Landscape Officer to arrange advice for the preparation of the conditioned landscaping scheme.

With regard to ecological issues, you are advised to contact the Council's Ecology Officer.

You are advised of the need to ensure that the sewers serving all units are constructed to a standard whereby they can be adopted by the local Sewerage Undertaker.

You are advised the existing woodland on the western boundary is the subject of a Tree Preservation Order (WMBC 175). Any management works proposed for this woodland need to be identified in a tree survey and submitted as a separate TPO application. You are advised to contact the Council's Arboricultural Officer.

Any works affecting or culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent of the Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Agency seeks to avoid culverting, and its consent for such works will not normally be granted except for access crossings.

All fould drainage, including contaminated surface water runoff, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse, including dry ditches with connection to a watercourse.

Site operators should ensure that there is no possibility of contaminated water entering an dpolluting surface or underground waters.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990.

If, during construction/excavation works, any contaminated material is revealed then the movement of such material either on or off site should be in consultation with the Agency.

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Carriers transporting waste from the site must be registered waste carriers.

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Environment Agency Wales as an exempt activity under the Waste Management Licencing Regulations 1994.

The developers should adopt all appropriate pollution control measures, both underground and on the surface, to ensure taht the integrity of the aquatic environment, both groundwater and surface water, is assured.

Officer Appointed for this purpose
Refer to the Statement of Applicant's Rights and General Information Enclosed

Chief Planning Officer, Lambpit Street, P O Box 1290, Wrexham, LL11 1WL.

- If this is final agent AD happy to discharge conditions

White Young Green

OUTLINE ENVIRONMENTAL MANAGEMENT PLAN

RUABON BUSINESS PARK

for

THE WYNNSTAY FARMING COMPANY LIMITED

DECEMBER 2003

Reference: The Wynnstay Farming Company Limited – Ruabon Business Park: Outline Environmental Management Plan – December 2003				
Issue		**Prepared by**	**Checked by**	**Verified by**
V1	Dec 03			
V2				
V3		**RICHARD WILSON**	**DUNCAN WATSON**	**STEPHEN CARRUTHERS**
V4		Ecologist	Principal Ecologist	Director
File Ref: N:Envdata/Projects/E2171/Reports/Environmental Management Plan/EMP FINAL				

White Young Green Environmental Ltd, Arndale Court, Headingley, Leeds LS6 2UJ
Telephone: +44 113 278 7111 Facsimile: +44 113 275 0623 E-Mail: enviro.leeds@wyg.com

Report fine;
Mgt proposals Page 19 onwards; NB Jap knotweed treatment needed & low level lighting (separate condition)

THE WYNNSTAY FARMING COMPANY LIMITED

RUABON BUSINESS PARK

OUTLINE ENVIRONMENTAL MANAGEMENT PLAN

DECEMBER 2003

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1.0 INTRODUCTION

1.1 Background

White Young Green Environmental (WYGE) were commissioned in November 2003, on behalf of The Wynnstay Farming Company Ltd, to prepare an Outline Environmental Management Plan (OEMP) for the proposed Ruabon Business Park in connection with an application for full planning permission.

The Ruabon Business Park (RBP) site is located immediately south-west of Ruabon, approximately 4km south of Wrexham town centre (SJ 297432).

This OEMP has been prepared to comply with conditions imposed by Wrexham County Borough Council in granting an extension of time for the submission of a reserved matters application in July 2000.

Condition 9 of their decision (Reference: RUA P/2000/0418) states that:

'Prior to commencement of any development a management scheme for the conservation of protected species within the site shall be submitted for the further approval of the Council. The scheme as approved shall indicate measures for conservation during the construction period; detailed design features to be built into the development e.g. special gulley pots, amphibian fencing; method of preserving water quality within the lake and long term management of the site.'

It is understood that this condition was originally imposed on the basis of historical records of 110 great crested newt *Triturus cristatus* being translocated to the pond in 1988 in connection with the destruction of breeding ponds as part of a landfill development at nearby Buckley. However, surveys undertaken in 2000 and 2002 failed to record this species within the pond or its immediate margins and it is therefore considered that this species is no longer present at the site. Nonetheless, the condition relating to the production of this OEMP is still considered valid with respect to the presence of other protected species at the site (i.e. bats and reptiles) and in that it will enable nature conservation benefits to be realised as part of the scheme.

1.2 The proposed development

It is proposed to develop approximately 10.5ha (45%) of the land surrounding this pond to create the RBP with 18 plots of two and three storey buildings. Car parking space for approximately 2100 cars will also be provided along with internal roads. Further details of the proposed development are provided separately. The proposed layout is shown in master and landscape plans produced by TACP (Drawing Nos.: 5477_GA100 Revision F: 16/12/03 and 60122/003A). This identifies areas of hardstanding, buildings, car parks and retained features such as the pond, boundary wall and mature trees in addition to landscaping (formal and informal planting).

The existing pond will be retained within the development and a second 'balancing pond' will be created to the east of this. The mature trees to the west of the site and the scattered mature trees along the southern boundary (as illustrated on the Phase 1 habitat map, WYGE, 2003) are also to be retained as is an area of scrub and grassland to the north of the pond.

1.3 Objectives

The OEMP has been prepared to explain how the site will be managed before, during and after construction so as to benefit the protected species recorded on site and enhance the site's nature conservation value. Its main aim is to detail an integrated approach to nature conservation that is compatible with the other proposed land-uses at the site. This would be achieved through a programme of habitat retention and creation and long-term management, which would aim to enhance biodiversity, whilst accommodating the requirements of the development.

This document summarises the characteristics of the retained features of ecological interest at the site and their current condition and also summarises the habitat creation proposals. It sets out the aims and objectives for management and outlines the proposed management prescriptions. It also describes proposals for ongoing monitoring, required in order to assess the success of habitat creation and management at the site.

It is intended that this OEMP will be replaced by a full environmental management plan, following the granting of planning permission for the RBP. The full plan would supply more detailed management prescriptions and would be produced in consultation with a range of relevant stakeholders including Wrexham County Borough Council (WCBC) and Countryside Council for Wales (CCW) and would be subject to review at least every five years.

2.0 BASELINE INFORMATION

2.1 Ecological Interest Features

A brief summary of the main ecological interest features is provided below. The ecological interest features at the site are described in more detail in two reports that describe the results of specific ecological surveys in 2002 and 2003. The following reports have been produced and submitted separately as part of the full planning application:

- **WYGE.** 2002. *Ecological Report, Ruabon Business Park, Wrexham.* August 2002 – amphibian surveys.
- **WYGE.** 2003. *Ecological Report, Ruabon Business Park, Wrexham.* September 2003 – botanical and bat surveys

There are two statutory nature conservation designations within 2km of the site boundary but these are not considered likely to be affected by the development. There are five non-statutory sites within 2km of the site boundary that have been designated for their woodland and grassland habitats, although these are similarly unlikely to be affected.

The site itself (approximately 23ha) is generally agricultural with two fields of oat *Avena sativa* that are partially separated by an obovate pond, surrounded by semi-improved grassland and scrub. To the south of this pond is a large area of set-aside with common agricultural plant species characteristic of recently disturbed ground. The western boundary of the site is fringed with mature trees that are currently protected by Tree Preservation Orders (TPOs) for their landscape value. Of particular note ecologically is a single pedunculate oak *Quercus robur* that is present at the south-east corner of the pond (SJ 2796 4319). The pond itself is marked on the Ordnance Survey (OS) map of 1879 and so it is at least 125 years old.

Amphibian surveys undertaken in July 2000 by Chapman Warren and in August 2002 by WYGE failed to identify the presence of great crested newt *Triturus cristatus* within the pond or surrounding habitat. However, a single grass snake *Natrix natrix* was observed on the eastern bank of the pond during the survey in August 2002. Furthermore, during the botanical survey in June 2003, limited evidence of badger *Meles meles* was noted at the northern end of the site in the way of a latrine and foraging, although no evidence of any setts was observed. The nocturnal bat survey in August 2003 (results replicated in Table 1) identified five bat species that were foraging on the site. The oak tree was inspected for evidence of bat occupation and although none was found it is considered that it nevertheless provides a potential roost site. The species mentioned above (grass snake, badger and bats) are all legally protected to some extent. Further details of the relevant legal considerations are provided in Section 2.2.

Table 1: Bat species recorded on transect survey (5th August 2003)

Time (Hrs)	Location	Species	[1]Estimated minimum
2051	All areas	Noctule bat *Nyctalus noctula*	x 3
2131	South of pond	Brown long-eared bat *Plecotus auritus*	x 2
2142	West middle of pond	Soprano pipistrelle *Pipistrellus pygmaeus*	x 3
2145	Over pond	Daubenton's bat *Myotis daubentonii*	Not known
2158	Middle east area	Common pipistrelle *Pipistrellus pipistrellus* Daubenton's bat	x 6 Not known
2205	Middle east of pond	Soprano pipistrelle	Not known
2220	South	Soprano pipistrelle	Not known

In summary the primary existing features of nature conservation interest within the site include the following:

- The pond;
- The mature pedunculate oak at the southern end of the pond;
- The semi-natural grassland and scrub that forms a habitat corridor between the pond and the site boundary (to the north);
- Bat species foraging over the site (primarily using the habitats above); and
- Badger foraging in the north of the site.

The pond, mature pedunculate oak and the semi-natural grassland and scrub are equally the most important habitats on the site as they provide foraging (and possibly occasional roosting) habitat for bats and probably provide limited foraging habitat for the badger. The grassland and scrub is of further importance because it forms a corridor, along which the bats migrate into and out of the site. Plant species present within the grassland sward here include narrow-leaved bird's-foot trefoil *Lotus tenuis*, meadowsweet *Filipendula ulmaria*, early marsh-orchid *Dactylorhiza incarnata* and common spotted-orchid *Dactylorhiza fuchsii*.

The invasive non-native species Japanese knotweed *Fallopia japponica* is present in two areas to the north and east of the pond. This is of some nature conservation concern as Japanese knotweed can out-compete native species and thus reduce species diversity.

2.2 Legal and Planning Considerations

Legal Considerations

Grass snake

Grass snake receives limited protection under Section 9(1) of the Wildlife and Countryside Act, 1981 (as amended) in that is an offence to intentionally kill or injure an animal.

Badger

Badgers receive protection under the Protection of Badgers Act, 1992. Under this Act it is an offence to wilfully kill, injure, take or attempt to kill, injure or take a badger or interfere with a badger sett by damaging a sett or any part thereof, destroying a sett, obstructing access to a sett or disturbing a badger while occupying a sett. The 1992 Act defines a badger sett as: "any structure or place, which displays signs indicating current use by a badger".

[1] Minimum number of individuals counted. Not known = too many to count

Bats

All sixteen British bat species are listed in Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended) and under Annexe IV of the Conservation of Natural Habitats and of Wild Fauna and Flora Directive, 1992 ('the Habitats Directive') as a European protected species. They are therefore fully protected under Section 9 of the 1981 Act and under Regulation 39 of the Conservation (Natural Habitats etc) Regulations, 1994, which transposes the Habitats Directive into UK law.

Consequently, it is an offence to intentionally kill, injure or take any bat as well as intentionally or recklessly damage, destruct or obstruct the access to the place of shelter or disturb the animal while it is occupying it.

Japanese knotweed

Japanese knotweed is a native of east Asia (Japan, north China, Taiwan and the Korean peninsula) and was introduced to the United Kingdom in 1825 as an ornamental plant and was first recorded in the wild in 1886 (Preston *et al.*, 2002). It is a highly invasive, persistent rhizomatous perennial that is widespread throughout the British Isles and is easily spread from plant and rhizome fragments as a result of flooding, dispersal in garden waste and by other vectors. As such, it is notified under Schedule 9, part II of the Wildlife and Countryside Act, 1981 (as amended). It is an offence under Section 14(2) of the 1981 Act to plant or otherwise cause to it to grow in the wild. It is treated as controlled waste under the Waste Management Licensing Regulations, 1994 and therefore, should works occur within the vicinity of this species the Environment Agency's Code of Practice (Renals and Rene, 2001) should be adhered to. Failure to do so could breach Sections 33 and 34 of the Environment Protection Act, 1990 and result in prosecution.

Planning Considerations

Under paragraph 47 of Planning Policy Guidance Note Number 9: Nature Conservation (PPG9) "the presence of a protected species is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in harm to the species or its habitat..."

As such local authorities must consider attaching appropriate planning conditions or entering into planning obligations to secure the protection of such species.

3.0 PROPOSED MITIGATION AND HABITAT ENHANCEMENTS

3.1 Habitats to be Retained

The master plan (TACP Drawing No.: 5477_GA100) and landscape plan (TACP drawing 60122/003A) identify those habitats that will be retained within the development. The pond and much of the semi-natural grassland to the north has been excluded from the proposed development areas in order to reduce the adverse effects of the scheme on nature conservation interests. The area of woodland subject to a TPO in the west of the site and the mature pedunculate oak tree to the south-east of the pond will also be retained.

In the short term, during the construction period, retained habitats will be fenced off to protect them from damage. In order to maintain, and potentially enhance, the value of these habitats in the long term some habitat management will be required. Proposed management is described in Section 4.

3.2 Habitat Creation

The location of created habitats is shown in the landscape drawings produced by TACP and submitted separately. Proposed new habitats include a balancing pond, grassland, scrub and woodland. Both formal and informal grassland, scrub and woodland planting will be carried out. This document concentrates on the management of the more informal areas.

A second water-body (a 'balancing pond') is to be created to the east of the existing pond and will be linked to the existing habitats by a corridor containing grassland, scrub and woodland habitats. The balancing pond will be designed primarily for water attenuation purposes, although it is anticipated that it will hold water for the majority, if not the entire year and the pond design will look to maximise the benefit to biodiversity in addition to fulfilling a drainage function. It is therefore anticipated that the pond should still provide a diverse range of aquatic habitats as well as providing additional foraging habitat for bats and acting as a second corridor for bats to access and exit the development.

The newly created water-body will incorporate the following features, where possible, for the benefit of nature conservation:

- The water-body's margins should gently slope (<30°);
- The pond will be planted with appropriate native marginal and emergent plants for approximately 75% of its perimeter;
- Areas of scrub and trees, comprising wetland species (e.g. willow and alder) will be planted close to the pond but no more than 20% of the shoreline of the pond will be planted with trees to avoid excessive shading; and
- No fish will be introduced to the pond to maximise its potential for amphibians.

Except in areas where formal landscaping is required new grassland will be sown with an appropriate wild flower mix or rough grassland mix. This will comprise native species appropriate to north-east Wales.

Except in formal areas scrub and tree planting will mainly comprise native species.

3.3 Habitat Enhancement

Clearance of the areas of Japanese knotweed will commence at the outset of the construction period to prevent dispersal within and out of the site. By removing this species, it will prevent its continued spread to the detriment of other species.

3.4 Lighting

Lighting in areas close to the existing and newly created water-bodies and grassland/scrub corridor to the north of the pond will be specially designed in order to minimise negative impacts on bats. Lighting in these areas will essentially comprise low sodium / UV lights and have lumieres that deflect light directly down on the ground, minimising light spillage onto adjacent areas. It is understood that further details relating to lighting will be agreed with WCBC following the grant of planning permission.

3.5 Bat boxes

Artificial bat roosts will be created within the site to maximise the value of the site to bats. These could comprise bat boxes attached to trees for example. Further details would be provided as part of the full EMP.

4.0 MANAGEMENT PROPOSALS

4.1 Summary of Habitats requiring Management

The habitats that will require future management include both existing features and potentially newly created ones.

Retained Habitats

Retained habitats are to be left to the north of the existing pond, around the pond itself and to the west of the site. They include the following:

- Semi-natural grassland and associated scattered scrub;
- Pond and associated marginal vegetation; and
- Mature woodland.

Created Habitats

New habitats will be created during the progressive development of the RBP and these will require ongoing management. They include the following:

- The new water-body and associated aquatic margins; and
- Landscaping comprising woodland, scrub and grassland.
  - Areas around newly created water-body (and in some locations) elsewhere will be designed as informal areas
  - Other areas will be subject to more formal landscaping

4.2 Conservation Management Objectives

The aim of the OEMP is to identify how the retained and newly created habitats can be maintained and, where possible, enhanced in terms of their long-term nature conservation value. This would be achieved at Ruabon by the adoption of the following conservation management objectives:

- To manage the retained areas of grassland, scrub and aquatic habitats to provide structural diversity and to provide habitat for bats, breeding birds, amphibians, reptiles and invertebrates.
- To manage areas of created grassland to provide suitable habitat for amphibians, reptiles and invertebrates.
- To manage created areas of woodland and scrub to provide suitable habitat for small mammals, bats, birds and invertebrates.
- To manage created ponds to provide suitable habitat for invertebrates, amphibians, birds and bats.

4.3 Outline Management Prescriptions – Retained Habitats

Introduction

The existing grassland habitats at Ruabon appear to have suffered from a lack of management in recent years, with the result that the scrub, including bramble *Rubus fruticosa* agg. but also crack willow *Salix fragilis*, goat willow *Salix caprea*, white willow *Salix alba* and hawthorn *Crataegus moniogyna* have started to dominate the grassland. Furthermore, Japanese knotweed has started to invade and as such, is reducing the nature conservation value of this community. As a result, the more species-rich areas of grassland are restricted to glades as opposed to more open tracts. These grassland areas are still reasonably diverse and support a range of species

including those mentioned in section 2. However, without intervention, the scrub will begin to dominate the habitat and eventually reduce the areas of grassland to ever smaller pockets.

A three-point management strategy is proposed. Much of the work can be undertaken more or less at the same time. This will comprise:

- Japanese knotweed removal;
- Management of grassland and scrub; and
- Management of the pond and associated willows.

Due to their high landscape value no management of the mature trees in the west of the site is proposed, although it is recognised that some arboricultural management may be required in time to preserve the good health of the trees and for health and safety reasons.

Japanese knotweed management

Initially, it will be necessary to eradicate Japanese knotweed from the edge of the pond and along the banks of the culvert to the north of the pond. Management options have been considered following Renals and Rene (2001) who provide several options for the safe disposal of this species. In the context of this site, it is recommended that the following methods be adopted:

Option 1: Spraying

For the stands of Japanese knotweed along the culvert that supplies the pond, it is recommended that the plants be sprayed with 2,4-D Amine so as not to affect the grassland that is present adjacent to the site. This herbicide is approved by the Environment Agency for use near water and has an approximate persistency of approximately one month. In this instance, it is not recommended that a glyphosate-based herbicide is used as it will kill grasses too. This operation will occur annually over a period of three years. Repeated application is required in order to completely kill the plants, which can persist through several applications.

Option 2: Digging and Spraying

The area of Japanese knotweed that occurs on the eastern side of the pond is considered to be sufficiently far enough away from the pond embankments that it could be safely dug out following the guidelines in Renals and Rene (2001). An excavator would be used to scrape surface crowns and rhizomes into a pile. The exposed ground would then be cultivated to a depth of 0.5m and the piled material re-spread over the cultivated area. This process stimulates the rhizome to produce a higher density of stems, which renders it more vulnerable to herbicide treatment. Subsequent herbicide treatment has been observed to eradicate knotweed after only two applications, which may be performed within the same growing season.

Grassland and scattered scrub management

The grassland and scattered scrub to the north of the pond is currently a mosaic of recently planted young oaks (approximately 5 – 10 years old), the majority of which are pedunculate oak *Quercus robur* but a few are the non-native Turkey oak *Quercus cerris*. Within this area are additional scattered hawthorn *Crataegus monogyna*, bramble *Rubus fruticosa* agg. and gorse *Ulex europaeus* bushes.

The grassland area supports a range of species as described earlier (Section 2) and in more detail elsewhere (WYGE, 2003).

Management of this area will concentrate on retaining the mosaic of grassland and scrub habitats, without one dominating at the expense of the other. Undertaking this management will benefit protected species such as bats and reptiles as well as maintaining the diversity of habitats

currently present. It will provide a more diverse habitat for invertebrates (bat food-prey) and is also necessary to prevent the entire site from becoming dominated by scrub and eventually woodland, which would reduce the value of this habitat corridor as a flight line for bats. In order to achieve this objective, the following management should be undertaken.

Approximately 50% of the oak saplings, including all of the non-native Turkey oaks, will be felled as soon as possible. This is necessary to restore scrub / tree density to a maximum of 50% tree / scrub cover and to increase age and structural diversity, which will correspondingly increase invertebrate species diversity (bat prey) within this area.

Following the initial tree felling, a mowing regime will commence. This will comprise a single cut in late July, removing the arisings (grass cuttings) one week later (to allow seeds and any fauna (e.g. caterpillars) to disperse) to an allocated area adjacent to the pond (to create suitable nesting habitat for grass snakes). In late winter (early – mid-February), the sward will be cut again and arisings removed immediately to the designated area.

Pond and associated willows

Run-off and drainage from the adjacent fields currently significantly affects the existing pond. This has resulted in eutrophication caused by nitrate enrichment from fertiliser application and possibly short-term effects caused by herbicides and pesticides. It is considered likely that poor water quality in the pond may be responsible for the relatively low diversity of marginal and emergent vegetation and potentially for the recent lack of records for any amphibian species. Without intervention, it is considered that post-development, the contribution made by fertilisers and herbicides will reduce thereby increasing the potential for marginal vegetation and amphibians to inhabit the pond.

The mature willows *Salix* sp. and tufted hair-grass dominated grassland that is present along much of the pond margins will be managed to increase the landscape value of the pond and its margins. At the same time this management will seek to prolong the life span of the trees, whilst also preventing excessive shading of the pond margins which will be detrimental to emergent vegetation and hence to amphibians. Management will involve the pollarding of the willows and the mowing of the grassland. In order to retain structural diversity no more than 25% of the willows on the edge of the pond will be pollarded in any one year.

Should marginal vegetation (e.g. bulrush) begin to invade the pond (potentially as a result of water quality improvement) then appropriate management would have to be undertaken to prevent encroachment becoming detrimental. The need for this would be determined through monitoring (see Section 5).

4.4 Outline Management Prescriptions – Created Habitats

Introduction

Within the development, a new water-body (balancing pond) is proposed to be created to the east of the existing pond to collect surface run-off from car-parks, buildings and surrounding hardstanding.

In addition to this, informal and formal landscaping, comprising woodland, scrub and grassland planting, is proposed across the site but especially in areas close to the new pond and adjacent to the site boundary (see TACP Drawing No.: 60122/003A).

New Balancing Pond

No management should be required once the pond has become established unless dominant emergent species such as reedmace invade, in which case, they would be required to be cut

back. Requirements for such management would be identified as part of the monitoring process (see Section 5).

Created Grassland

Areas of grassland outside of formal landscaping areas, including around the new pond, will be managed on a low intensity management regime. This should comprise a single cut in late July, removing the arisings (grass cuttings) one week later (to allow seeds and any fauna (e.g. caterpillars) to disperse) to an allocated area adjacent to the pond (to create suitable nesting habitat for grass snakes). In late winter (early – mid-February), the sward should be cut again and arisings removed immediately to the designated area.

Created Woodland and Scrub

Some long term management of areas of scrub and woodland is likely to be required in order to maintain its structural diversity and hence maximise its nature conservation benefits. This may include selective thinning, the need for which would be determined through monitoring.

Bat boxes

A maintenance programme for bat boxes would be necessary if boxes were occupied. Further details would be provided as part of the full EMP.

5.0 HABITAT MONITORING

5.1 The Need for Monitoring

Monitoring is essential in order to evaluate the success of the various habitat creation projects and management techniques prescribed in this document. Monitoring would also enable management prescriptions to be amended, e.g. where monitoring demonstrates the decline of key species. Whilst the level of monitoring required will vary from species to species and over time, it is recognised that monitoring of certain features will be required over a long-term period. A full monitoring schedule would be provided as part of the full EMP, although an outline of the key areas that would be subject to ongoing monitoring and the proposed frequency of monitoring is provided below.

5.2 Habitat Condition Monitoring

Habitat condition monitoring will be carried out on at least an annual basis (more often during habitat creation works) throughout the construction period and for the first five years thereafter.

On each visit all parts of the site will be visited and the condition of both newly created and retained habitats will be assessed and if necessary action taken to address any problems, as and when they are identified. All incidental species records will also be noted, e.g. the presence of breeding birds, bats, amphibians and other protected species and again action taken as necessary. A proforma for these monitoring visits will be designed and included in the full EMP, although it is envisaged that this would include undertaking a Phase 1 Habitat Survey, in accordance with the standard methodology (JNCC, 1993) so that changes in vegetation could be quantified over time. The results will be reported annually and submitted to CCW, Wrexham City Borough Council ecologist and the landowner. Condition assessment visits should be undertaken between May – July each year.

5.3 Detailed Surveys

In addition to the basic habitat condition monitoring described in Section 5.2, detailed surveys for key species will be carried out periodically in order to assess whether management objectives are being met and to enable management prescriptions to be altered to suit key species if they are found to colonise the site. Outline survey methods are described below. More detailed survey methodologies would be defined in the full habitat management plan.

Amphibians

Surveys for amphibians, covering both the retained and created water bodies, will be undertaken every three-five years following completion of the new balancing pond. These would follow standard methods for the survey of great crested newts (English Nature, 2001).

Bats

Bat populations across the site will be surveyed annually during construction and for the first five years thereafter to determine species presence and relative abundance and to assess the impact of the development on flight-lines and foraging behaviour. A transect, similar to that given in the Bat Monitoring Programme by the Bat Conservation Trust (BCT, 2001) should be undertaken. This will involve two site visits in July of each year. Surveys should also assess whether any bat boxes that have been erected are occupied (and by which species). Analysis of these surveys over a few years will determine whether management objectives with respect to bats have been met and if not, should indicate factors that could be altered in order to improve conditions for the species.

6.0 REFERENCES

Andrews, J. and Rebane, M. 1994. *Farming and Wildlife: A practical management handbook.* RSPB: Sandy. 358pp

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White Young Green Environmental (WYGE). 2002. *Great Crested Newt Survey, Ruabon Business Park.* WYGE: Leeds.

White Young Green Environmental (WYGE). 2003. *Ecology Report. Ruabon Business Park, Wrexham.* For RPS Consultants. WYGE: Leeds.

Tina Braun Nk. 01244 534342.

Gordon Mitchell

Gerry Kellett.

From: Peter Duncan
To: Gerry Kellett
Date: 13/09/2006 11:25:23
Subject: P/2003/1484 - Ruabon Business Park

Gerry

I refer to the above Planning Application and the submission in respect to the Discharge of Condition 29 - road traffic noise. I am of the opinion that the desktop assessment (PFA Consulting - January 2006) of noise associated with the development is indicative of no detriment to the residential amenity.

Regards

PETER DUNCAN
Environmental Protection

RPS Planning, Transport and Environment

Fairwater House, 1 High Street, Wroughton, Swindon, Wiltshire SN4 9JX
T 01793 814800 F 01793 814818 E rpssn@rpsplc.co.uk W www.rpsplc.co.uk/planning

Our Ref: CY/RH/JWW0789
Your Ref:

E-mail: yerburyc@rpsgroup.com
Direct Dial: 01793 816968
Date: 23rd August 2006

Mr G Kellet
Wrexham County Borough Council
Planning Services
Lambpit Street
PO Box 1290
Wrexham
LL11 1WL

WREXHAM COUNTY BOROUGH COUNCIL
30 AUG 2006
9023
PLANNING DEPARTMENT

Dear Gerry

Ruabon Business Park, Planning Consent RUAP/2003/1484
Discharge of Condition 29

I write in respect of the above planning consent and have the pleasure of enclosing details in order to formally discharge condition 29. This condition states:

"Prior to the commencement of the development a satisfactory assessment of road traffic noise shall be submitted and approved in writing by the Local Planning Authority".

In order to discharge this condition please find enclosed 3 copies of a file note reporting the findings of a desk top assessment of road traffic noise associated with the development.

I trust that the enclosed is sufficient to allow you to discharge condition 29 of the planning consent and I would appreciate formal confirmation of receipt of the information. Should you require any further information please do not hesitate to contact me.

Yours sincerely

pp Rachel Hopper

Camilla Yerbury
SENIOR PLANNER

Enc.

Cc: Mr P Godsal Cater Jonas
Mr M Smith Pegasus Planning Group

The Wynnstay Farming Company Limited
Ruabon Business Park, Ruabon, Wrexham
Code Number RUA P/2003/1484
Decision Date 06/06/2005
Discharge of Condition 29

Introduction

The Reserved Matters Content was given on 6 June 2005.

Condition 29 of the Reserved Matters Consent states:

> **"Prior to commencement of the development a satisfactory assessment of road traffic noise shall be submitted and approved in writing by the Local Planning Authority"**

The reason for the Condition is given as "To protect residential amenity".

Subsequent clarification of the condition sought from Wrexham Borough Council states:

> **"The submitted TA dated 23rd Dec 2003 did not assess the likely impact of the increased road traffic noise arising from the development upon local amenity. The applicant needs to submit the predictions of the effects of such traffic noise in accordance with "Calculation of Road Traffic Noise" (Dept of Transport and Welsh Office 1998)"**

This File Note has been prepared to report the findings of a desktop assessment of road traffic noise associated with the development.

Methodology

A prediction of basic noise level in terms of total hourly flow has been undertaken using the prescribed methodology set out in *"Calculation of Road Traffic Noise"* (Department of Transport Welsh Office, 1988).

A comparison has been undertaken between the predicted noise levels associated with the following two scenarios:

1. 2005 base year traffic flows
2. 2005 base year plus development traffic flows

The difference in predicted noise level between the two scenarios has then been assessed against a 3dB(A) difference in noise level, which is deemed to be noticeable (*"Noise Mitigation Studies Summary Report"* (National Assembly for Wales, November 2002)).

Location of Residential Areas/Receptors

The location of sensitive receptors has been considered. The nearest area of residential development is to the north east of the site on the northern side of the A539, Cil Y Coed. There are also residential properties fronting the B5605 located to the north west of the site. These residential areas constitute the sensitive receptors considered in this assessment.

Traffic Flows

Peak hour traffic flows (two-way) on the immediate highway network in relation to the identified sensitive receptors are given in the following table for the two assessment scenarios.

Table 1: 2005 Base Year Traffic Flows (Two-way)

ROAD SEGMENT	ASSESSMENT SCENARIO	TRAFFIC FLOWS	
		AM PEAK HOUR (TWO-WAY)	PM PEAK HOUR (TWO-WAY)
A539	2005 base year	1045	1161
	2005 base year plus development	1887	1823
B5605 (SW)	2005 base year	412	621
	2005 base year plus development	537	692

Notes: 1. Peak hour flows obtained from Figure 4 and Figure 6 of the TA

Assessment

The resultant prediction of basic noise level for each of the road segments under the two assessment scenarios is calculated using the following formula, derived from Chart 2 of *"Calculation of Road Traffic Noise"* (Department of Transport Welsh Office, 1988), and summarised in the following table.

Basic noise level hourly $L_{10} = 42.2 + 10 \text{ Log}_{10} q$ dB(A)

Table 2: Predicted Basic Noise Levels for 2005 Base Year Traffic Flows (Peak Hour)

ROAD SEGMENT	ASSESSMENT SCENARIO	PREDICTED BASIC NOISE LEVEL (dB(A))	
		AM PEAK HOUR (TWO-WAY)	PM PEAK HOUR (TWO-WAY)
A539	2005 base year	74.4	74.8
	2005 base year plus development	77.0	76.8
B5605 (SW)	2005 base year	70.3	72.1
	2005 base year plus development	71.5	72.6

The following table takes the predicted basic noise levels from Table 2 and summarises the difference in dB(A) on each of the road segments between the two assessment scenarios.

Table 3: Predicted Basic Noise Levels Change for 2005 Base Year Traffic Flows (Peak Hour)

ROAD SEGMENT	PREDICTED BASIC NOISE LEVEL CHANGE (dB(A))	
	AM PEAK HOUR (TWO-WAY)	PM PEAK HOUR (TWO-WAY)
A539	+ 2.6	+ 2
B5605 (SW)	+ 1.2	+ 0.5

The sensitive receptors identified for consideration included the residential development of Cil Y Coed located on the northern side of the A539, to the north east of the site. With reference to Table 3, the A539 will likely experience an increase of 2 – 2.6dB(A) between the 2005 base year (without development) traffic flows and the 2005 base year with development traffic flows.

The other sensitive receptors identified were the residential properties fronting the B5605 located to the north west of the site. With reference to Table 3, the B5605 (SW) in the vicinity of these properties will likely experience an increase of 0.5 – 1.2 dB(A) with the addition of the traffic associated with the proposed development during the peak hours.

Since these differences in basic noise level are less than 3dB(A) difference, it is considered that the change will be unnoticeable. Therefore it is concluded that there will be no significant impact in terms of noise on the residential properties of Cil Y Coed or those properties fronting the B5605 as a result of the traffic associated with the development.

Conclusion

This File Note has assessed the potential impact in terms of noise as a result of traffic associated with the development on sensitive receptors identified in the immediate vicinity of the development. The results of the assessment show that the difference in predicted noise level as a result of traffic associated with the development is less than 3dB(A) during the peak hours in the vicinity of the sensitive receptors identified and therefore likely to be unnoticeable.

It is concluded that there will be no significant impact in terms of noise as a result of the traffic associated with the development.

The Wynnstay Farming Company Limited
Ruabon Business Park, Ruabon, Wrexham
Code Number RUA P/2003/1484
Decision Date 06/06/2005
Discharge of Condition 29

Introduction

The Reserved Matters Content was given on 6 June 2005.

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2. 2005 base year plus development traffic flows

The difference in predicted noise level between the two scenarios has then been assessed against a 3dB(A) difference in noise level, which is deemed to be noticeable (*"Noise Mitigation Studies Summary Report"* (National Assembly for Wales, November 2002)).

Location of Residential Areas/Receptors

The location of sensitive receptors has been considered. The nearest area of residential development is to the north east of the site on the northern side of the A539, Cil Y Coed. There are also residential properties fronting the B5605 located to the north west of the site. These residential areas constitute the sensitive receptors considered in this assessment.

Traffic Flows

Peak hour traffic flows (two-way) on the immediate highway network in relation to the identified sensitive receptors are given in the following table for the two assessment scenarios.

Table 1: 2005 Base Year Traffic Flows (Two-way)

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Notes: 1. Peak hour flows obtained from Figure 4 and Figure 6 of the TA

Assessment

The resultant prediction of basic noise level for each of the road segments under the two assessment scenarios is calculated using the following formula, derived from Chart 2 of *"Calculation of Road Traffic Noise"* (Department of Transport Welsh Office, 1983), and summarised in the following table.

Basic noise level hourly $L_{10} = 42.2 + 10 \text{Log}_{10} q$ dB(A)

Table 2: Predicted Basic Noise Levels for 2005 Base Year Traffic Flows (Peak Hour)

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The other sensitive receptors identified were the residential properties fronting the B5605 located to the north west of the site. With reference to Table 3, the B5605 (SW) in the vicinity of these properties will likely experience an increase of 0.5 – 1.2 dB(A) with the addition of the traffic associated with the proposed development during the peak hours.

Since these differences in basic noise level are less than 3dB(A) difference, it is considered that the change will be unnoticeable. Therefore it is concluded that there will be no significant impact in terms of noise on the residential properties of Cil Y Coed or those properties fronting the B5605 as a result of the traffic associated with the development.

Conclusion

This File Note has assessed the potential impact in terms of noise as a result of traffic associated with the development on sensitive receptors identified in the immediate vicinity of the development. The results of the assessment show that the difference in predicted noise level as a result of traffic associated with the development is less than 3dB(A) during the peak hours in the vicinity of the sensitive receptors identified and therefore likely to be unnoticeable.

It is concluded that there will be no significant impact in terms of noise as a result of the traffic associated with the development.

The Wynnstay Farming Company Limited
Ruabon Business Park, Ruabon, Wrexham
Code Number RUA P/2003/1484
Decision Date 06/06/2005
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Basic noise level hourly $L_{10} = 42.2 + 10 \text{ Log}_{10} q$ dB(A)

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It is concluded that there will be no significant impact in terms of noise as a result of the traffic associated with the development.

RUABON BUSINESS PARK – PROPOSED LIGHT FITTINGS

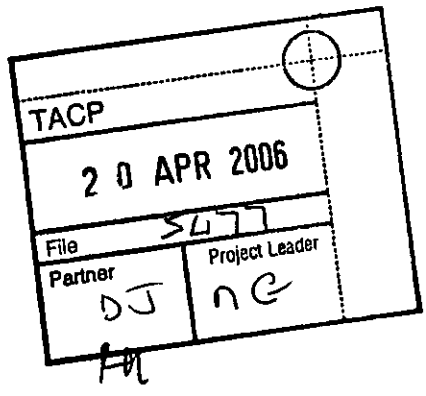


TYPE - A, B AND B1 **TYPE - C AND D** **TYPE - E**

WREXHAM COUNTY BOROUGH COUNCIL
17 OCT 2005
APPROVED
PLANNING DEPARTMENT

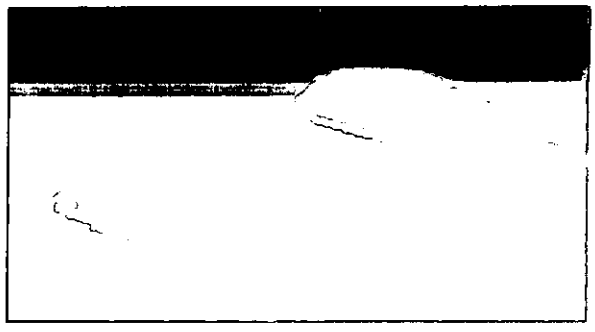
Ruabon Business Park

Street and Car Park Lighting



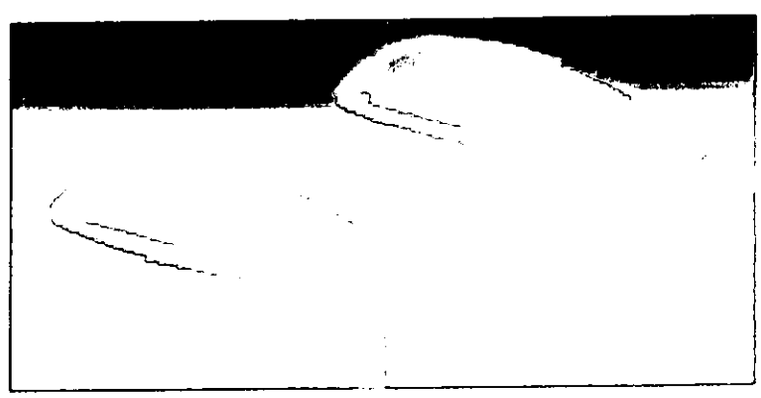
Access Roads:

The access roads to the site, have been designed to use Die cast Aluminium street lighting lanterns mounted on 10m columns with a 1m outreach bracket. The lantern used is flat glass, that is the lantern glass horizontal to the ground to avoid any upward light. Lighting has been designed to comply with EN13201 BS5489 Part ME3C which requires l cd/msq with a Longitudinal uniformity of .5 and an overall uniformity of .4.



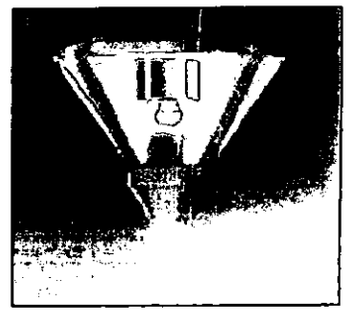
Internal Roads

Internal roads have been designed using a similar flat glass lantern, only this time using a 70w, mounted on a 6m column. Roads have been planned to comply with EN13201 Bs5489 S3 which requires 7.5lux average min 1.5lux. Luminaires have been selected that have light reduction ballasts that can be switched down from 70w to 50w during the "quiet hours". This will also assist the Nature flying zone.



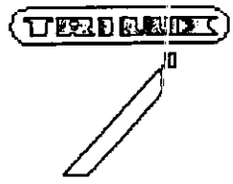
Car Parks

The Car Parks have been designed to provide 10Lux average with .25 uniformity which is in line with EN12464, part 5.9.2. For Medium traffic parking lots. This again has 6m columns, But this time utilises decorative lanterns.



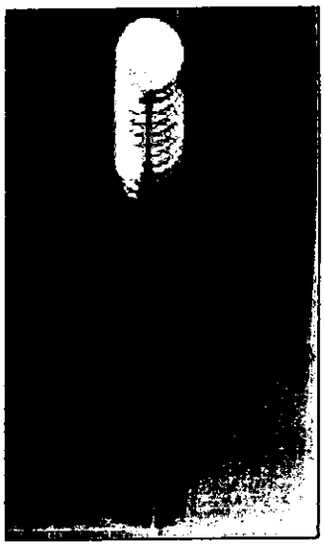
Columns

All columns are tubular Galvanised, and are finished primed ready for on site painting, as transportation and installation,regularly damages columns which have final finish before installation.



Internal Access Road
"No Columns"

There is a sensitive nature zone within the site, within which, no columns are proposed. This short section of road, whilst not complying to S3 requirements, does provide at least 1Lux average, but more importantly, no direct upward Light.



TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg



Project Description B5605
Lighting Calculated to Me3c

Date/user 27/03/06
Project No.
Calculation No.

Road Geometry

(maximum) mounting height	10.00 m
distance betw. luminaires	60.00 m
width of carriageway	7.50 m
number of lanes	2
width of lane	3.75 m
overhang	-0.50 m
tilt	0.0 °

Design Data

maintenance factor	0.75
nominal luminance	1 0 cd/m²
number of calculation points (x/y)	12 / 6
standard road surface	R2
average luminance coefficient qo	0.07 (cd/m²)/lx

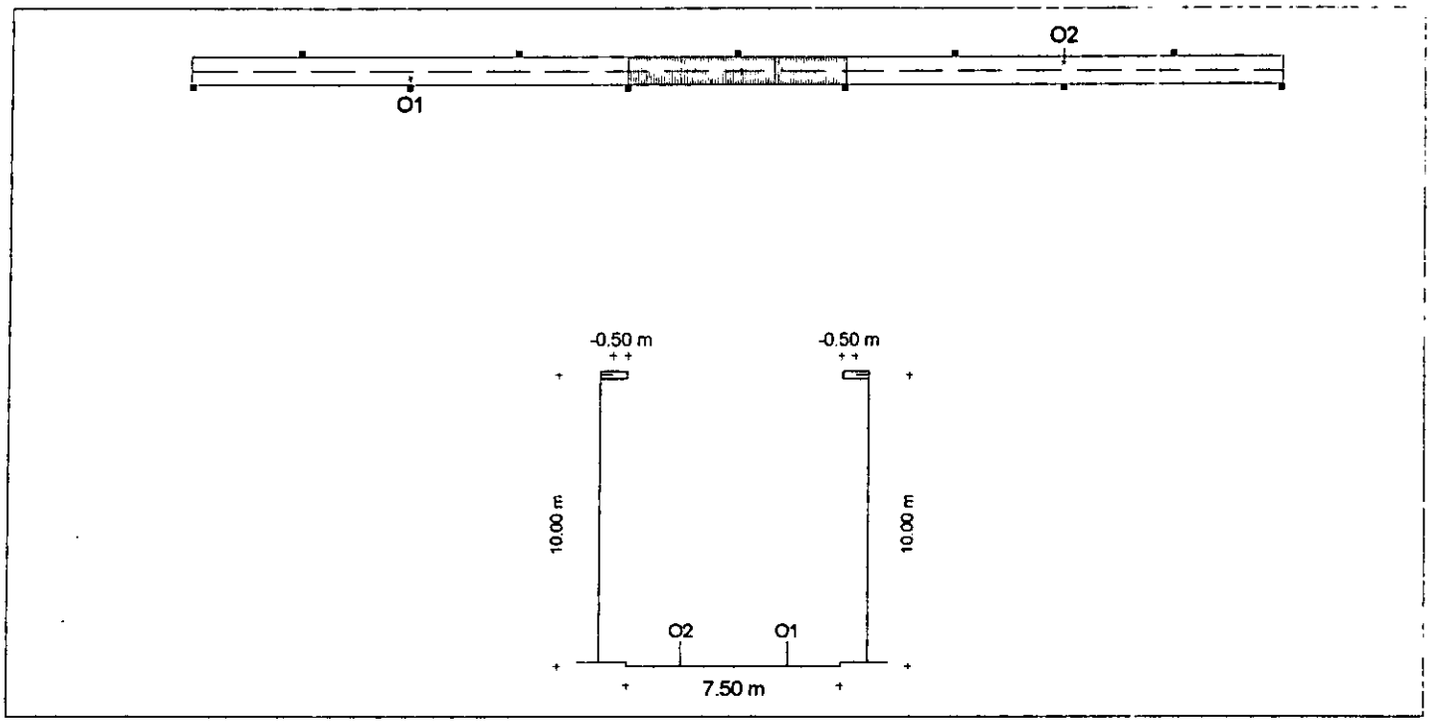
Selected Luminaires

type	luminaire name	File name	setting
2	9721SG/150HST	TX3592.ELX	1 x HST 150 W - 17500 lm

Calculation Results

	observer 1 (x = -60.00 m, y = 1.88 m)	observer 2 (x = 120.00 m, y = 5.63 m)
average luminance Lav	1.30 cd/m²	1.30 cd/m²
overall uniformity Uo	0.59	0.58
longitudinal uniformity Ul	0.56	0.56
threshold increment TI	4.9 %	4.9 %

average illuminance Eav	19.6 lx
uniformity g1 (Emin/Eav)	0.54
uniformity g2 (Emin/Emax)	0.31
surround ratio	0.67



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Heidestraße D-59759 Arnsberg



Project Description **B5605**
Lighting Calculated to Me3c

Date/user 27/03/06
Project No.
Calculation No.

Co-ordinates and Aiming Angles of Luminaires

No.	Type	x / m	y / m	z / m	Orientation / °	Tilt / °
1	2	-120.00	-0.50	10.00	0.0	0.0
2	2	-60.00	-0.50	10.00	0.0	0.0
3	2	0.00	-0.50	10.00	0.0	0.0
4	2	60.00	-0.50	10.00	0.0	0.0
5	2	120.00	-0.50	10.00	0.0	0.0
6	2	180.00	-0.50	10.00	0.0	0.0
7	2	-90.00	8.00	10.00	180.0	0.0
8	2	-30.00	8.00	10.00	180.0	0.0
9	2	30.00	8.00	10.00	180.0	0.0
10	2	90.00	8.00	10.00	180.0	0.0
11	2	150.00	8.00	10.00	180.0	0.0
12	2	210.00	8.00	10.00	180.0	0.0

co-ordinate z corresponds to mounting height of luminaires

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Project Description B5605
Lighting Calculated to Me3c

Date/user 27/03/06
Project No.
Calculation No.

Luminance Table - observer 1

road luminance Lp (cd/m²)

6.88	1.17	1.30	1.45	1.82	1.77	1.63	1.36	1.12	0.94	0.77	0.77	0.98
5.63	1.40	1.38	1.58	1.80	1.65	1.52	1.34	1.16	1.10	1.02	0.99	1.17
4.38	1.39	1.33	1.49	1.53	1.46	1.35	1.29	1.18	1.24	1.25	1.23	1.31
3.13	1.36	1.26	1.29	1.25	1.22	1.26	1.29	1.23	1.37	1.45	1.44	1.38
1.88	1.36	1.19	1.12	1.04	0.97	1.11	1.24	1.22	1.49	1.72	1.66	1.50
0.63	1.38	1.15	0.97	0.78	0.78	0.98	1.19	1.28	1.39	1.77	1.76	1.65
y / x	**2.50**	**7.50**	**12.50**	**17.50**	**22.50**	**27.50**	**32.50**	**37.50**	**42.50**	**47.50**	**52.50**	**57.50**

average luminance Lav	1.30 cd/m²
overall uniformity Uo	0.59
longitudinal uniformity Ul	0.56

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Project Description **B5605**
Lighting Calculated to Me3c

Date/user 27/03/06
Project No.
Calculation No.

Luminance Table - observer 2
road luminance Lp (cd/m²)

6.88	0.97	0.78	0.78	0.97	1.15	1.38	1.65	1.76	1.78	1.40	1.29	1.20
5.63	1.11	0.97	1.04	1.12	1.19	1.36	1.50	1.66	1.72	1.49	1.22	1.24
4.38	1.26	1.22	1.25	1.28	1.25	1.35	1.39	1.44	1.45	1.36	1.22	1.28
3.13	1.36	1.45	1.52	1.46	1.31	1.37	1.32	1.23	1.24	1.23	1.16	1.28
1.88	1.51	1.66	1.79	1.55	1.32	1.36	1.19	0.99	1.01	1.09	1.15	1.33
0.63	1.64	1.77	1.81	1.43	1.32	1.20	0.97	0.76	0.75	0.92	1.11	1.35
y / x	**2.50**	**7.50**	**12.50**	**17.50**	**22.50**	**27.50**	**32.50**	**37.50**	**42.50**	**47.50**	**52.50**	**57.50**

average luminance Lav	1.30 cd/m²
overall uniformity Uo	0.58
longitudinal uniformity Ul	0.56

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Area Lighting Design

TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg
Stadtteil Hüsten
Postfach 1960
D-59759 Arnsberg

Project Description **Ruabon Business Park**
Site Entrance Roundabout

Date/user 19 04 06
Project No.
Calculation No.

Dimensions of Calculation Area

length	46.00 m
width	46.00 m
height of utilisation plane	0.00 m
height of luminaire plane	10.00 m

Design Data

maintenance factor	0.75
maintained illuminance	20 lx
number of calculation points (x/y)	16 / 16

Selected Luminaires

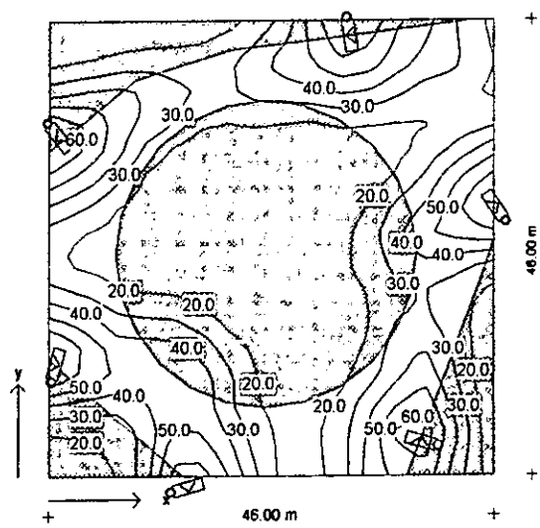
Type	number	name of luminaire	File name	setting
5	6	9721/250HST	TX882.ELX	1 x HST 250 W - 33000 lm

Calculation Results

Average illuminaces

Utilisation Plane (Eh)	37.2 lx
wattage	1.65 kW

Isolux Diagram - Utilisation Plane



1 : 750

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Heidestraße D-59759 Arnsberg
Stadtteil Hüsten
Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Site Entrance Roundabout

Date/user 19 04 06
Project No.
Calculation No.

Co-ordinates and Aiming Angles of Luminaires

single luminaires

No.	Type	x / m	y / m	z / m	orient./°	tilt/°	turn/°
1	5	14.50	-1.10	10.00	-75.0	0.0	0.0
2	5	38.40	3.50	10.00	75.0	0.0	0.0
3	5	46.10	27.30	10.00	35.0	0.0	0.0
4	5	1.00	34.40	10.00	-140.0	0.0	0.0
5	5	31.10	44.40	10.00	-170.0	0.0	0.0
6	5	0.70	11.50	10.00	-15.0	0.0	0.0

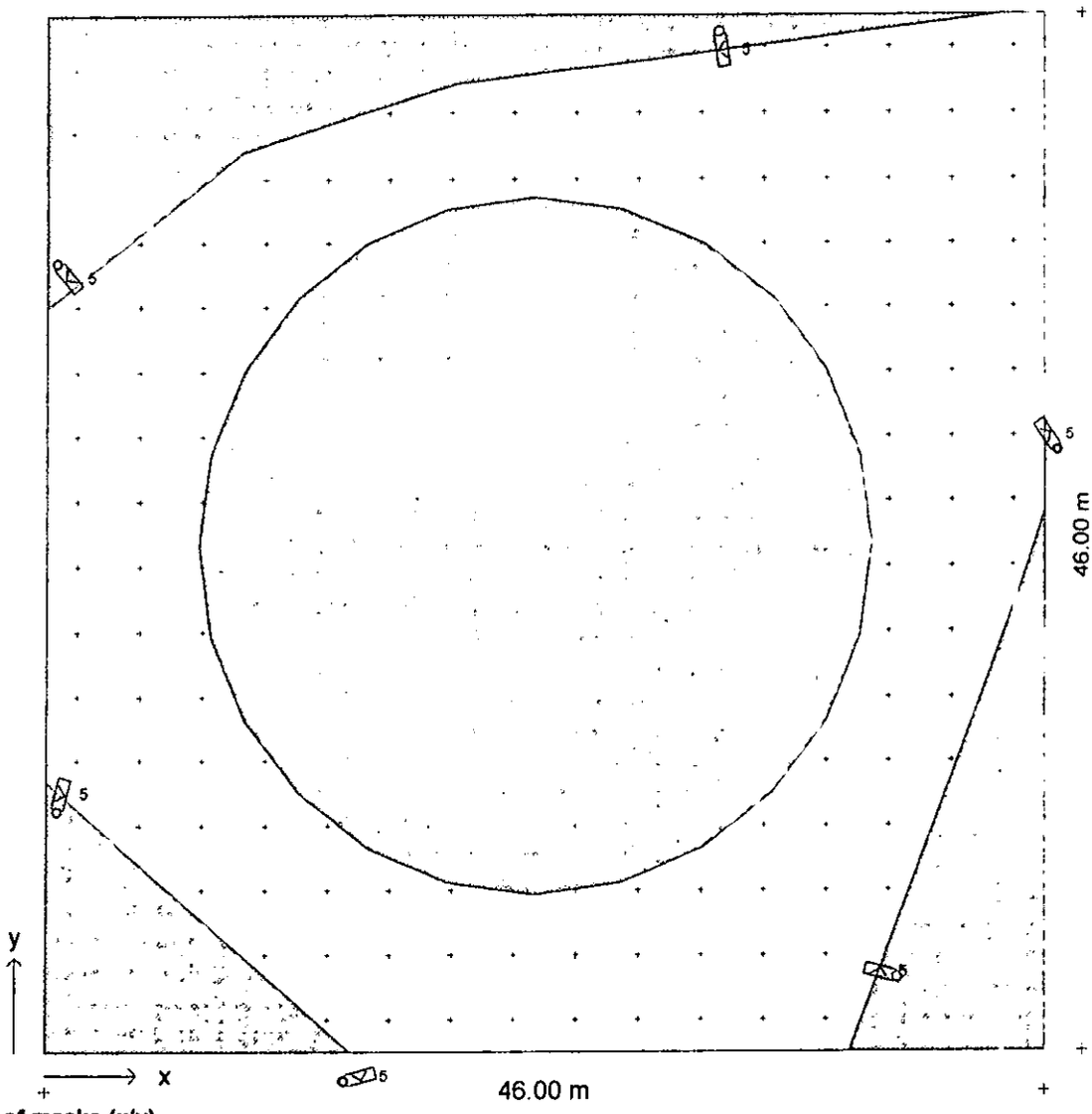
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Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Site Entrance Roundabout

Date/user 19 04 06
Project No.
Calculation No.

Plan with Luminaire Arrangement and Calculation Points



1 : 333.3

Co-ordinates of masks (x/y)

1:	1: 22.50m / 7.00m	2: 26.51m / 7.53m	3: 30.25m / 9.08m	4: 33.46m / 11.54m
	5: 35.92m / 14.75m	6: 37.47m / 18.49m	7: 38.00m / 22.50m	8: 37.47m / 26.51m
	9: 35.92m / 30.25m	10: 33.46m / 33.46m	11: 30.25m / 35.92m	12: 26.51m / 37.47m
	13: 22.50m / 38.00m	14: 18.49m / 37.47m	15: 14.75m / 35.92m	16: 11.54m / 33.46m
	17: 9.08m / 30.25m	18: 7.53m / 26.51m	19: 7.00m / 22.50m	20: 7.53m / 18.49m
	21: 9.08m / 14.75m	22: 11.54m / 11.54m	23: 14.75m / 9.08m	24: 18.49m / 7.53m
2:	1: 0.00m / 0.00m	2: 14.00m / 0.00m	3: 7.00m / 6.00m	4: 0.00m / 12.00m
3:	1: 0.00m / 46.00m	2: 0.00m / 33.00m	3: 9.00m / 40.00m	4: 19.00m / 43.00m
	5: 28.00m / 44.00m	6: 44.00m / 46.00m		
4:	1: 37.00m / 0.00m	2: 46.00m / 0.00m	3: 46.00m / 18.00m	4: 46.00m / 24.00m
	5: 45.00m / 21.00m			

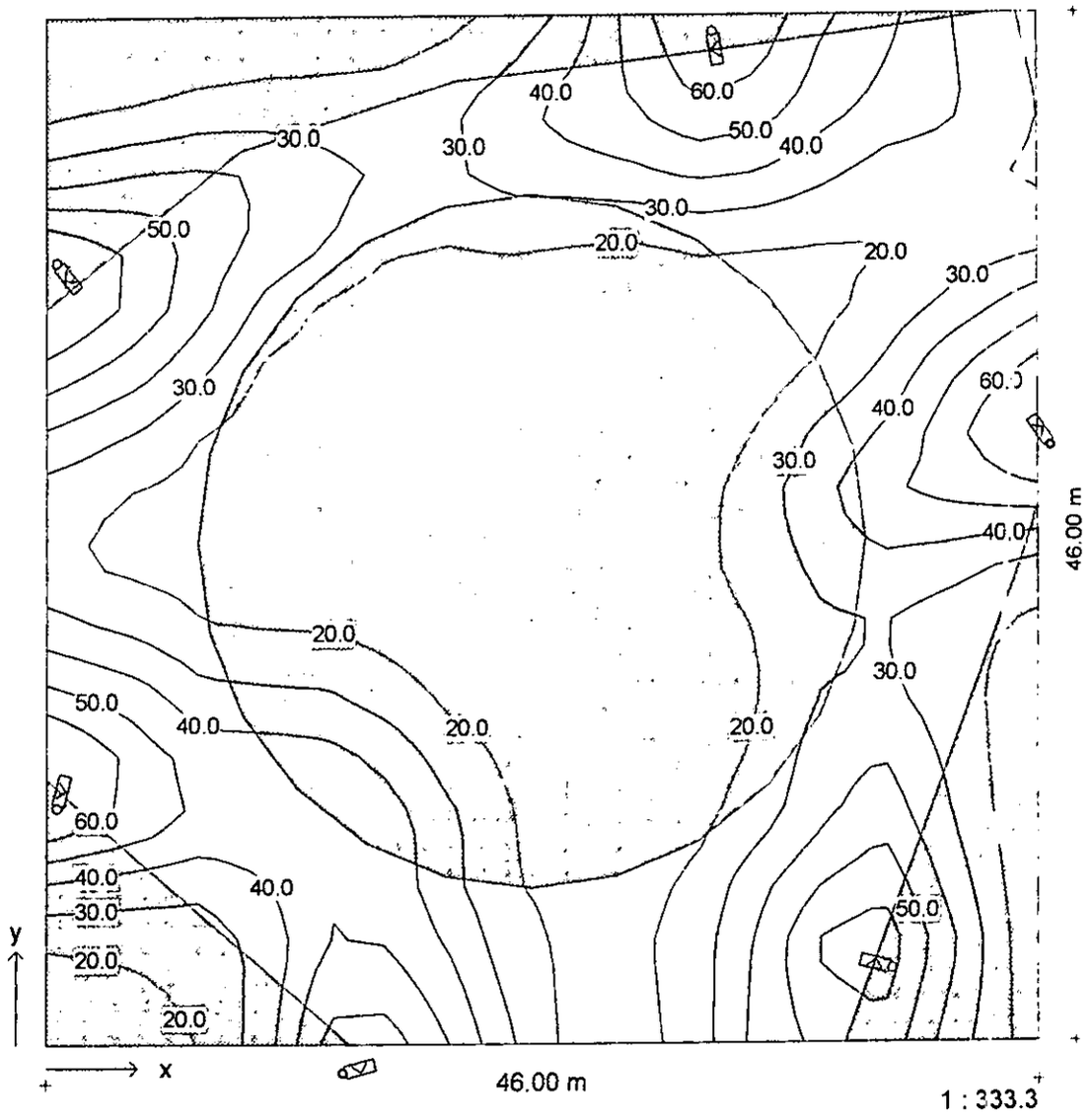
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Stadtteil Hüsten
Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Site Entrance Roundabout

Date/user 19 04 06
Project No.
Calculation No.

Isolux Diagram - Utilisation Plane (Eh)
height of utilisation plane 0.00 m



Average illuminance Eav 37.2 lx
Uniformity Emin/Eav 0.44

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Heidestraße D-59759 Arnsberg
Stadtteil Hösten
Postfach 1960
D-597 53 Arnsberg



Project Description **Ruabon Business Park**
Site Entrance Roundabout

Date/user 19 04 06
Project No.
Calculation No.

Illuminance Table - Utilisation Plane (Eh)

height of utilisation plane 0.00 m

44.56												63.4	49.6	41.7
41.69						25.2	28.6	36.0	45.4	49.8	58.7	55.2	44.6	36.9
38.81				39.4	33.2	28.3	28.4	33.4	34.7	37.5	41.2	39.2	32.4	25.8
35.94		58.5	45.6	38.1	30.7							21.3	19.7	18.9
33.06	68.1	56.3	42.9	27.2									17.4	22.6
30.19	52.0	43.5	31.5											31.4
27.31	35.1	28.7	19.9											40.9
24.44	22.1	18.3	16.3											49.2
21.56	19.9	17.3												38.3
18.69	31.8	26.8	20.6											30.1
15.81	49.3	44.1	33.1											31.5
12.94	69.9	55.1	45.7	45.5									35.4	39.5
10.06		56.2	48.3	48.2	49.9							26.0	38.1	46.7
7.19			32.4	38.9	49.7	46.6	32.6		17.2	16.3	22.0	37.0	49.8	57.1
4.31				32.8	50.5	49.6	39.2	24.0	17.7	17.6	25.4	42.2	62.2	
1.44					59.2	59.8	46.4	28.7	16.9	16.5	25.0	43.4	55.7	
y / x	**1.44**	**4.31**	**7.19**	**10.06**	**12.94**	**15.81**	**18.69**	**21.56**	**24.44**	**27.31**	**30.19**	**33.06**	**35.94**	**38.81**

44.56	31.7	22.6
41.69	32.5	24.3
38.81	24.1	20.2
35.94	21.0	24.0
33.06	31.4	41.1
30.19	46.7	57.9
27.31	54.4	70.7
24.44	52.8	55.3
21.56	35.4	30.1
18.69	24.8	
15.81	25.3	
12.94	28.5	
10.06		
7.19		
4.31		
1.44		
y / x	**41.69**	**44.56**

Eav = 37.2 lx Emin/Eav = 0.44 Emin/Emax = 0.23

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TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg

Project Description **Ruabon Business Park Internal Roads**
Lighting Calculated to S3

Date/user 28/03/06
Project No.
Calculation No.

Road Geometry

(maximum) mounting height	1.00 m
distance betw. luminaires	15.00 m
width of carriageway	7.50 m
number of lanes	2
width of lane	3.75 m
overhang	0.00 m
tilt	0.0 °

Design Data

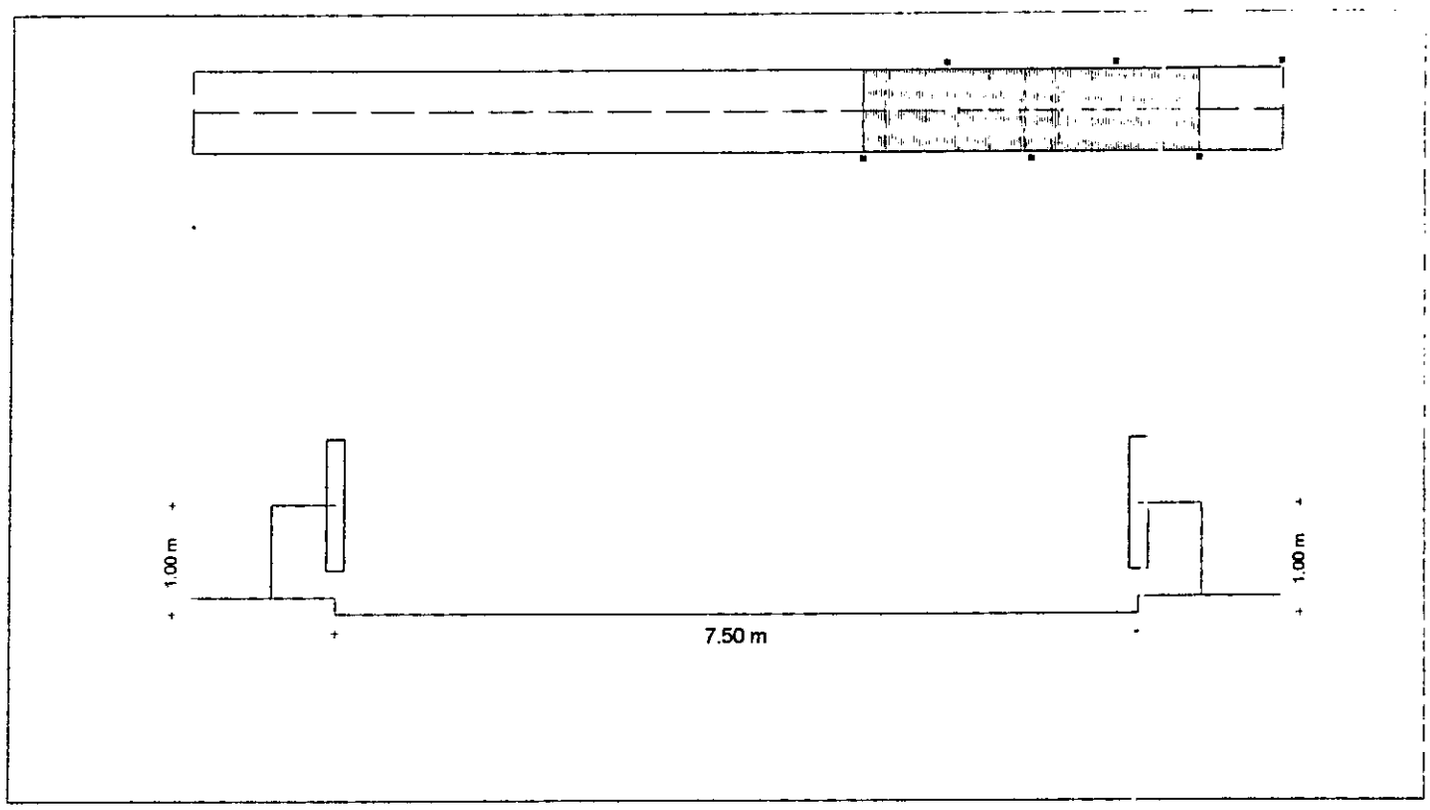
maintenance factor	0.75
maintained illuminance	7.5 lx
number of calculation points (x/y)	10 / 5

Selected Luminaires

type	luminaire name	File name	setting
2	8821Ü/50-70HST/E-E	TX2079.ELX	1 x HST 70 W - 6500 lm

Calculation Results

average illuminance Eav	5.77 lx
overall uniformity Uo	0.19
minimum illuminance Emin	1.12 lx
surround ratio	0.23



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Heidestraße D-59759 Arnsberg



Project Description **Ruabon Business Park Internal Roads**
Lighting Calculated to S3

Date/user 28/03/06
Project No.
Calculation No.

Co-ordinates and Aiming Angles of Luminaires

No.	Type	x / m	y / m	z / m	Orientation / °	Tilt / °
1	2	0.00	0.00	1.00	0.0	0.0
2	2	15.00	0.00	1.00	0.0	0.0
3	2	30.00	0.00	1.00	0.0	0.0
4	2	7.50	7.50	1.00	180.0	0.0
5	2	22.50	7.50	1.00	180.0	0.0
6	2	37.50	7.50	1.00	180.0	0.0

co-ordinate z corresponds to mounting height of luminaires

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Heidestraße D-59759 Arnsberg

Project Description **Ruabon Business Park Internal Roads**
Lighting Calculated to S3

Date/user 28/03/06
Project No.
Calculation No.

Road Geometry

(maximum) mounting height	6.00 m
distance betw. luminaires	64.00 m
width of carriageway	7.50 m
number of lanes	2
width of lane	3.75 m
overhang	-0.50 m
tilt	0.0 °

Design Data

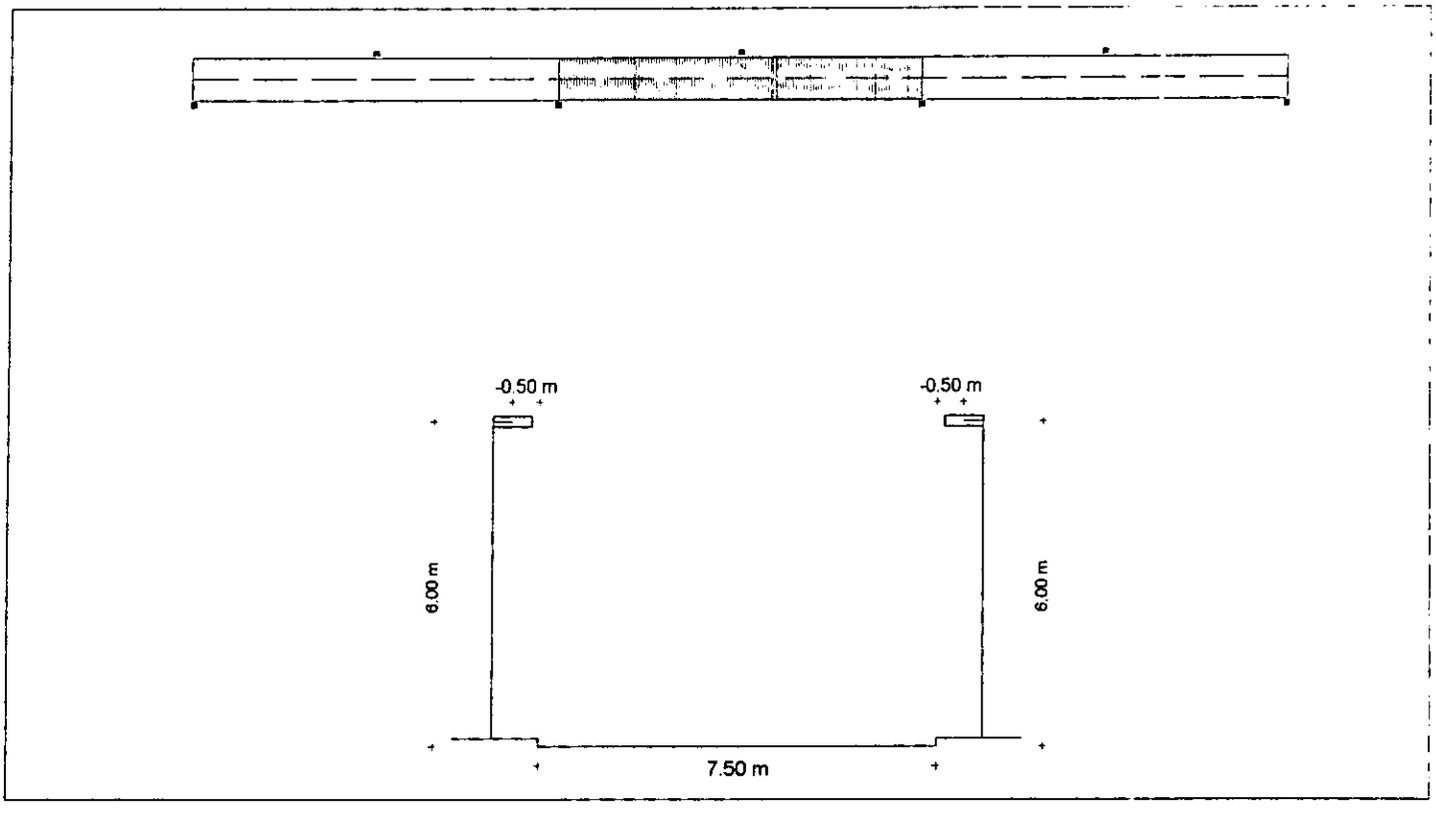
maintenance factor	0.75
Lighting class	S4
maintained illuminance	7.5 lx
minimum illuminance	1.0 lx
number of calculation points (x/y)	22 / 6

Selected Luminaires

type	luminaire name	File name	setting
1	9711SG/50-70HST	TX3388.ELX	1 x HST 70 W - 6500 lm

Calculation Results

average illuminance Eav	8.06 lx
overall uniformity Uo	0.20
minimum illuminance Emin	1.65 lx
surround ratio	0.58



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Project Description **Ruabon Business Park Internal Roads**
Lighting Calculated to S3

Date/user 28/03/06
Project No.
Calculation No.

Co-ordinates and Aiming Angles of Luminaires

No.	Type	x / m	y / m	z / m	Orientation / °	Tilt / °
1	1	-64.00	-0.50	6.00	0.0	0.0
2	1	0.00	-0.50	6.00	0.0	0.0
3	1	64.00	-0.50	6.00	0.0	0.0
4	1	128.00	-0.50	6.00	0.0	0.0
5	1	-32.00	8.00	6.00	180.0	0.0
6	1	32.00	8.00	6.00	180.0	0.0
7	1	96.00	8.00	6.00	180.0	0.0
8	1	160.00	8.00	6.00	180.0	0.0

co-ordinate z corresponds to mounting height of luminaires

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Area Lighting Design

TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg
Stadtteil Hüsten
Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 1a

Date/user 28.03.06 /
Project No.
Calculation No.

Dimensions of Calculation Area

length	42.00 m
width	42.00 m
height of utilisation plane	0.00 m
height of reference plane	1.00 m
height of luminaire plane	6.00 m

Design Data

maintenance factor	0.75
nominal illuminance	20 lx
number of calculation points (x	15 / 15

Selected Luminaires

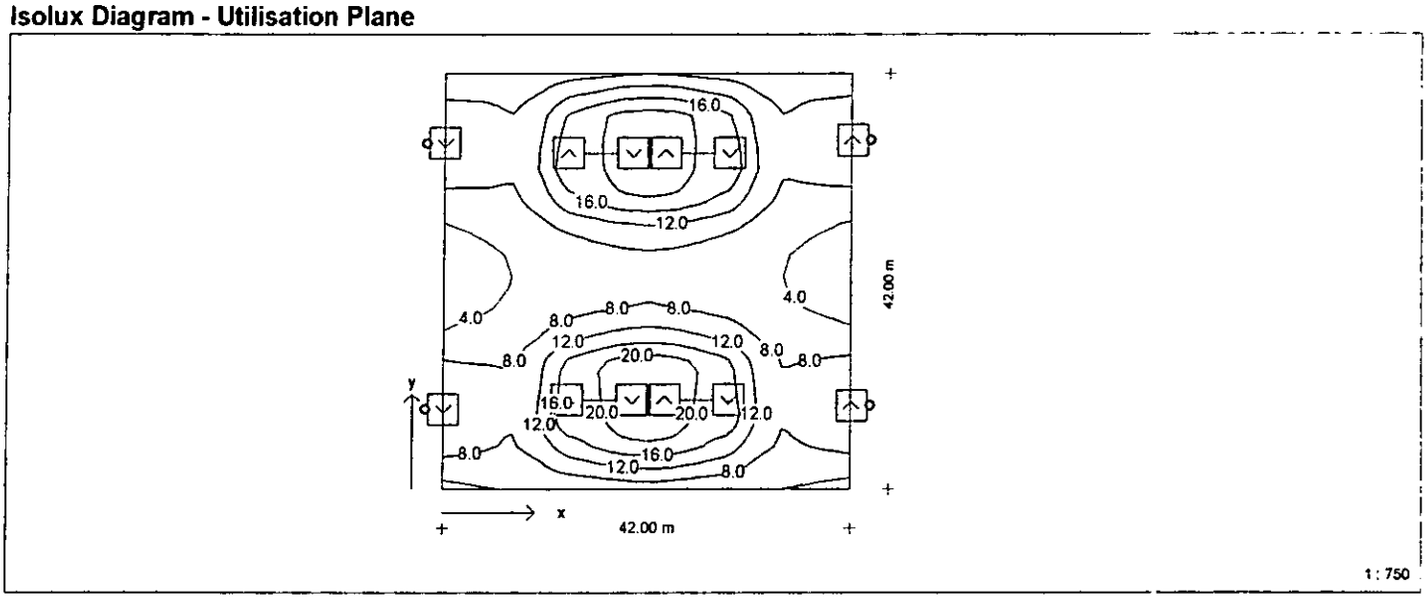
Type	number	name of luminaire	File name	setting
3	12	9831ZO/50-70HSE-E	TX2829.ELX	1 x HSE-E 70 W - 5600 lm

Calculation Results

Average illuminaces

Utilisation Plane (Eh)	10.6 lx
Reference Plane (Eh)	11.2 lx
Reference Plane (Ev1)	5.19 lx
Reference Plane (Ev2)	4.68 lx
Reference Plane (Ev3)	5.19 lx
Reference Plane (Ev4)	4.91 lx
Reference Plane (Esc1)	4.95 lx
Reference Plane (Esc2)	4.87 lx
Reference Plane (Esc3)	4.95 lx
Reference Plane (Esc4)	5.02 lx
wattage	1.00 kW

Isolux Diagram - Utilisation Plane



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Stadtteil Hösten
Postfach 1960
D-59753 Arnsberg



Project Description **Ruabon Business Park**
Car Park 1a

Date/user 28.03.06 /
Project No.
Calculation No.

Co-ordinates and Aiming Angles of Luminaires / Poles

single luminaires

No.	Type	x / m	y / m	z / m	orient./°	tilt/°	turn/°
1	3	42.10	8.40	6.00	90.0	0.0	0.0
2	3	42.10	35.30	6.00	90.0	0.0	0.0

luminaire patterns

No.	Type	x1/m	y1/m	dx/m	dy/m	z/m	orient./°	tilt/°	turn/°	Nx	Ny
1	3	16.00	9.00	10.00	0.00	6.00	0.0	0.0	0.0	2	1
	d = 0.92m										
2	3	0.00	8.00	0.00	27.00	6.00	-90.0	0.0	0.0	1	2
3	3	16.00	34.00	10.00	0.00	6.00	0.0	0.0	0.0	2	1
	d = 0.83m										

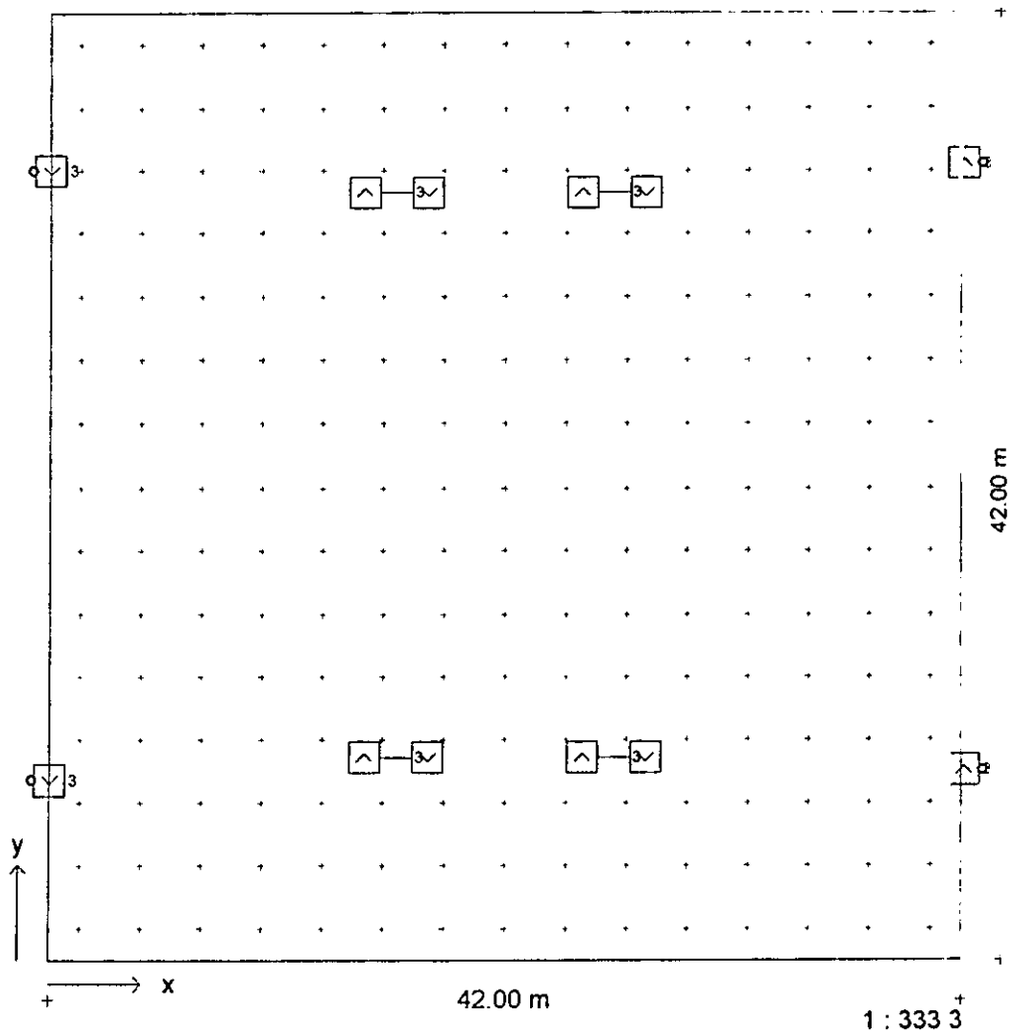
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TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg
Stadtteil Hüsten
Postfach 1960
D-59753 Arnsberg

Project Description Ruabon Business Park
Car Park 1a

Date/user 28.03.06 /
Project No.
Calculation No.

Plan with Luminaire Arrangement and Calculation Points



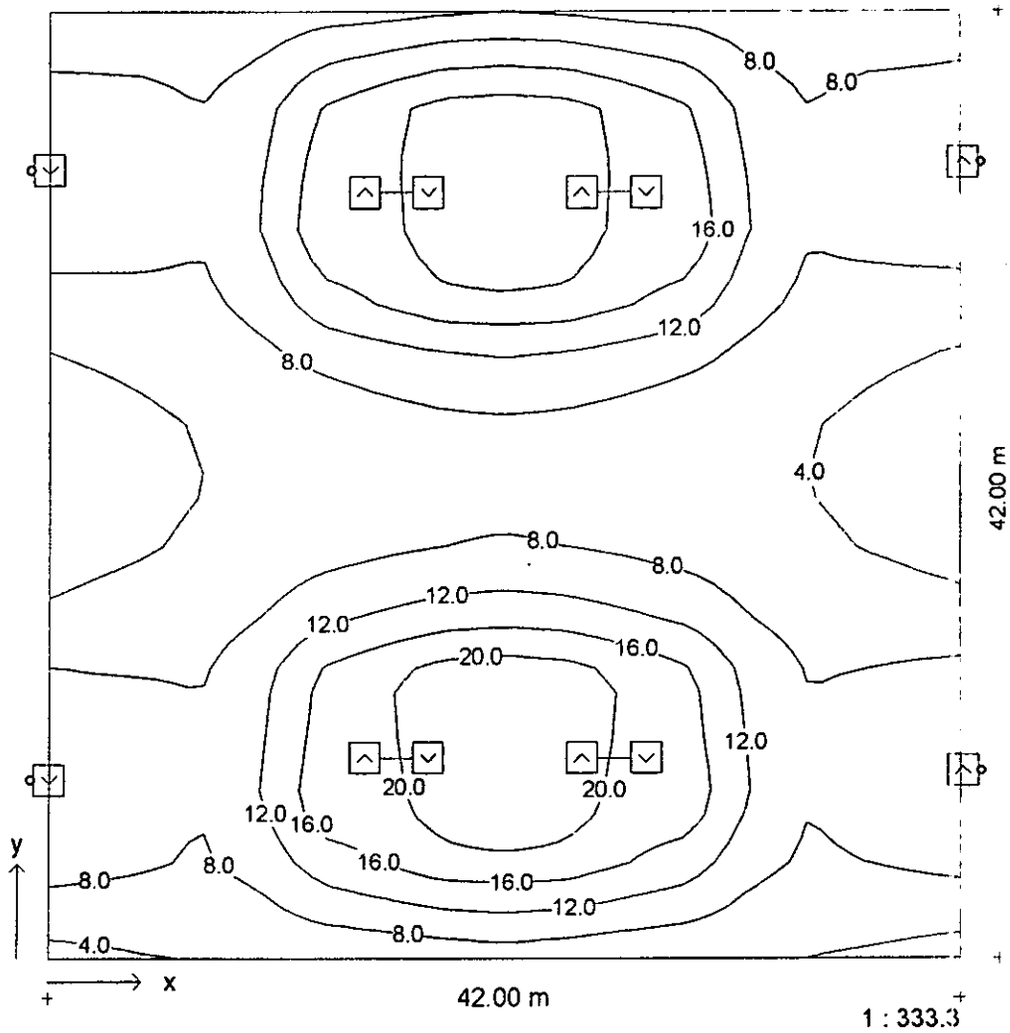
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Stadtteil Hüsten
Postfach 1960
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Project Description **Ruabon Business Park**
Car Park 1a

Date/user 28.03.06 /
Project No.
Calculation No.

Isolux Diagram - Utilisation Plane (Eh)
height of utilisation plane 0.00 m



Average illuminance Eav 10.6 lx
Uniformity Emin/Eav 0.25

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D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 1a

Date/user 28.03.06 /
Project No.
Calculation No.

Illuminance Table - Utilisation Plane (Eh)

height of utilisation plane 0.00 m

40.60	6.4	6.4	6.1	7.2	9.6	10.7	12.1	12.6	12.1	10.7	9.6	7.2	6.1	6.6
37.80	9.8	9.5	8.1	10.6	16.3	18.9	21.4	21.8	21.4	18.8	16.3	10.6	8.0	9.5
35.00	9.3	9.9	8.6	11.8	18.0	19.2	22.2	24.4	22.2	19.2	18.0	11.8	8.5	9.7
32.20	10.0	9.7	8.4	12.1	18.9	18.6	22.7	26.3	22.7	18.6	18.9	12.0	8.3	9.3
29.40	6.8	6.9	7.2	9.9	14.8	17.1	19.4	19.5	19.4	17.1	14.8	9.8	7.0	6.6
26.60	4.0	4.7	5.4	6.8	8.7	9.8	11.0	11.5	11.0	9.8	8.7	6.8	5.3	4.5
23.80	2.9	3.4	4.2	5.1	5.7	6.6	7.1	7.5	7.1	6.6	5.7	5.1	4.2	3.4
21.00	2.6	3.1	3.9	4.6	5.0	5.9	6.3	6.5	6.3	5.9	5.0	4.6	4.0	3.2
18.20	3.2	3.7	4.6	5.5	6.5	7.4	8.1	8.5	8.1	7.4	6.5	5.6	4.6	3.8
15.40	4.7	5.4	6.0	7.8	10.6	12.0	13.4	13.9	13.4	12.0	10.6	7.8	6.1	5.6
12.60	8.4	8.0	7.8	11.1	17.0	19.6	22.2	22.8	22.2	19.6	16.9	11.1	7.9	8.3
9.80	9.0	10.4	8.6	11.7	17.6	19.3	22.1	24.3	22.1	19.3	17.6	11.7	8.5	10.2
7.00	9.1	9.5	8.3	12.1	18.8	18.4	22.8	26.1	22.7	18.3	18.7	12.1	8.2	9.8
4.20	9.3	8.5	7.5	9.4	13.9	16.0	18.2	18.4	18.2	16.0	13.9	9.3	7.3	8.0
1.40	5.1	5.3	5.3	6.2	7.7	8.5	9.5	10.1	9.5	8.5	7.6	6.1	5.1	5.0
y / x	**1.40**	**4.20**	**7.00**	**9.80**	**12.60**	**15.40**	**18.20**	**21.00**	**23.80**	**26.60**	**29.40**	**32.20**	**35.00**	**37.80**

40.60	7.1
37.80	9.5
35.00	9.3
32.20	10.1
29.40	6.4
26.60	3.8
23.80	2.8
21.00	2.6
18.20	3.3
15.40	5.0
12.60	9.0
9.80	8.9
7.00	8.7
4.20	8.8
1.40	4.6
y / x	**40.60**

Eav = 10.6 lx Emin/Eav = 0.25 Emin/Emax = 0.10

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Area Lighting Design

TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg
Stadtteil Hösten
Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 1b

Date/user 28.03.06 /
Project No.
Calculation No.

Dimensions of Calculation Area

length	54.00 m
width	70.00 m
height of utilisation plane	0.00 m
height of reference plane	1.00 m
height of luminaire plane	6.00 m

Design Data

maintenance factor	0.75
nominal illuminance	20 lx
number of calculation points (x	17 / 18

Selected Luminaires

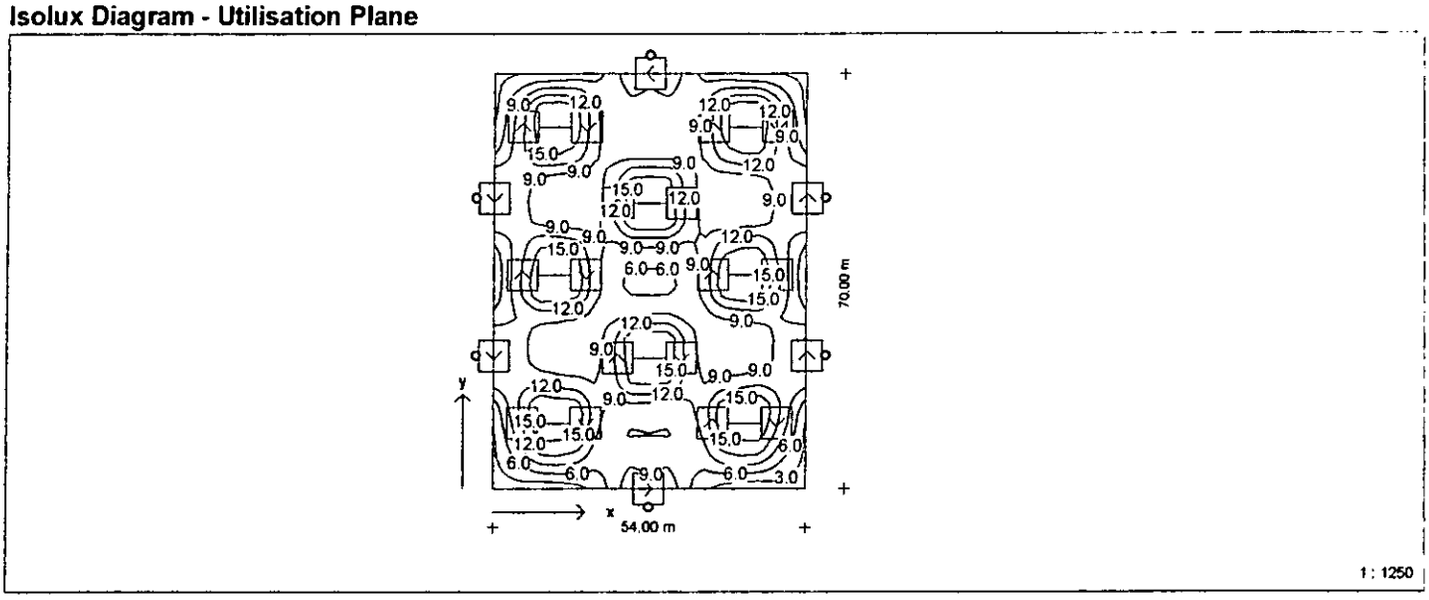
Type	number	name of luminaire	File name	setting
3	22	9831ZO/50-70HSE-E	TX2829.ELX	1 x HSE-E 70 W - 5600 lm

Calculation Results

Average illuminaces

Utilisation Plane (Eh)	10.1 lx
Reference Plane (Eh)	10.4 lx
Reference Plane (Ev1)	4.96 lx
Reference Plane (Ev2)	5.01 lx
Reference Plane (Ev3)	4.96 lx
Reference Plane (Ev4)	5.11 lx
Reference Plane (Esc1)	4.98 lx
Reference Plane (Esc2)	4.94 lx
Reference Plane (Esc3)	4.98 lx
Reference Plane (Esc4)	5.01 lx
wattage	1.83 kW

Isolux Diagram - Utilisation Plane



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D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 1b

Date/user 28.03.06 /
Project No.
Calculation No.

Co-ordinates and Aiming Angles of Luminaires / Poles

single luminaires

No.	Type	x / m	y / m	z / m	orient./°	tilt/°	turn/°
1	3	27.00	0.00	6.00	0.0	0.0	0.0
2	3	27.00	70.00	6.00	180.0	0.0	0.0

luminaire patterns

No.	Type	x1/m	y1/m	dx/m	dy/m	z/m	orient./°	tilt/°	turn/°	Nx	Ny
1	3	10.50	11.00	33.00	25.00	6.00	0.0	0.0	0.0	2	3
	d = 0.92m										
2	3	27.00	21.90	0.00	26.20	6.00	0.0	0.0	0.0	1	2
	d = 0.83m										
3	3	54.20	22.30	0.00	26.60	6.00	90.0	0.0	0.0	1	2
4	3	0.10	22.30	0.00	26.60	6.00	-90.0	0.0	0.0	1	2

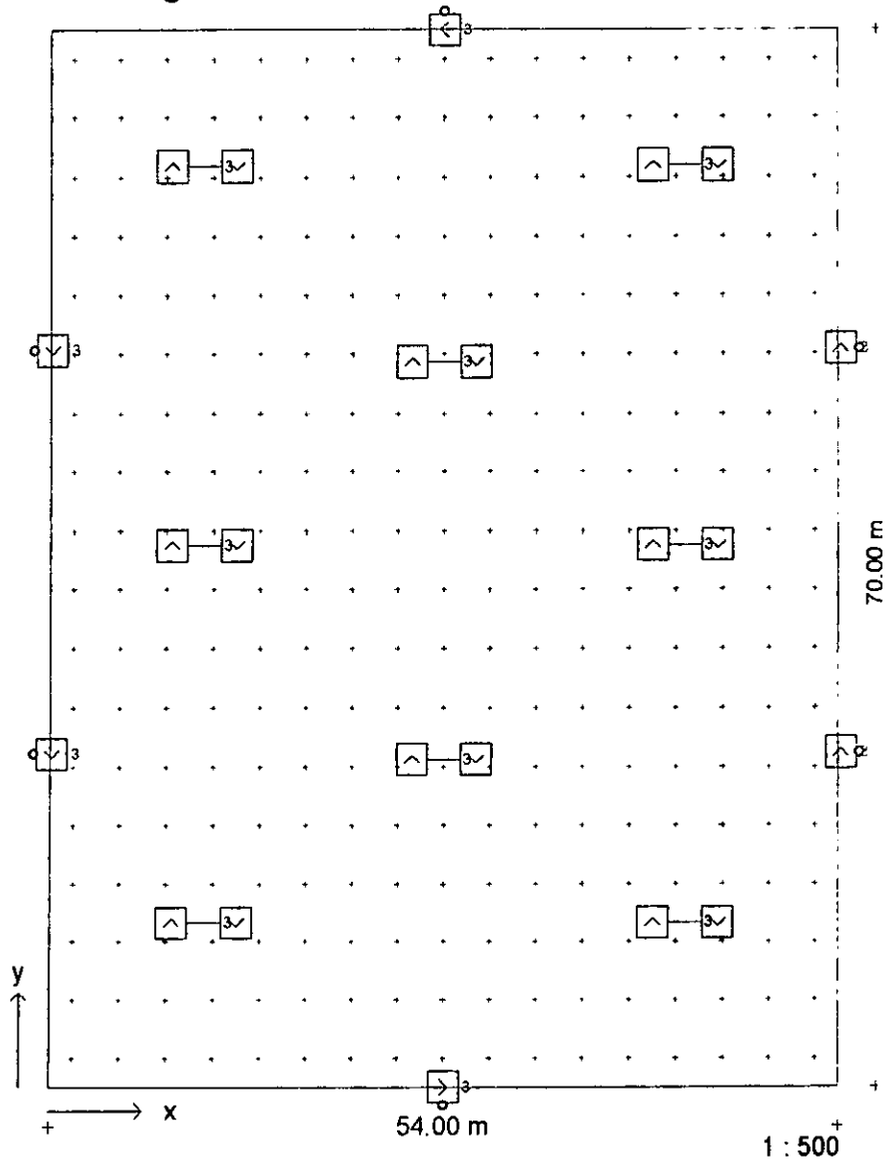
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D-59753 Arnsberg

Project Description Ruabon Business Park
Car Park 1b

Date/user 28.03.06 /
Project No.
Calculation No.

Plan with Luminaire Arrangement and Calculation Points



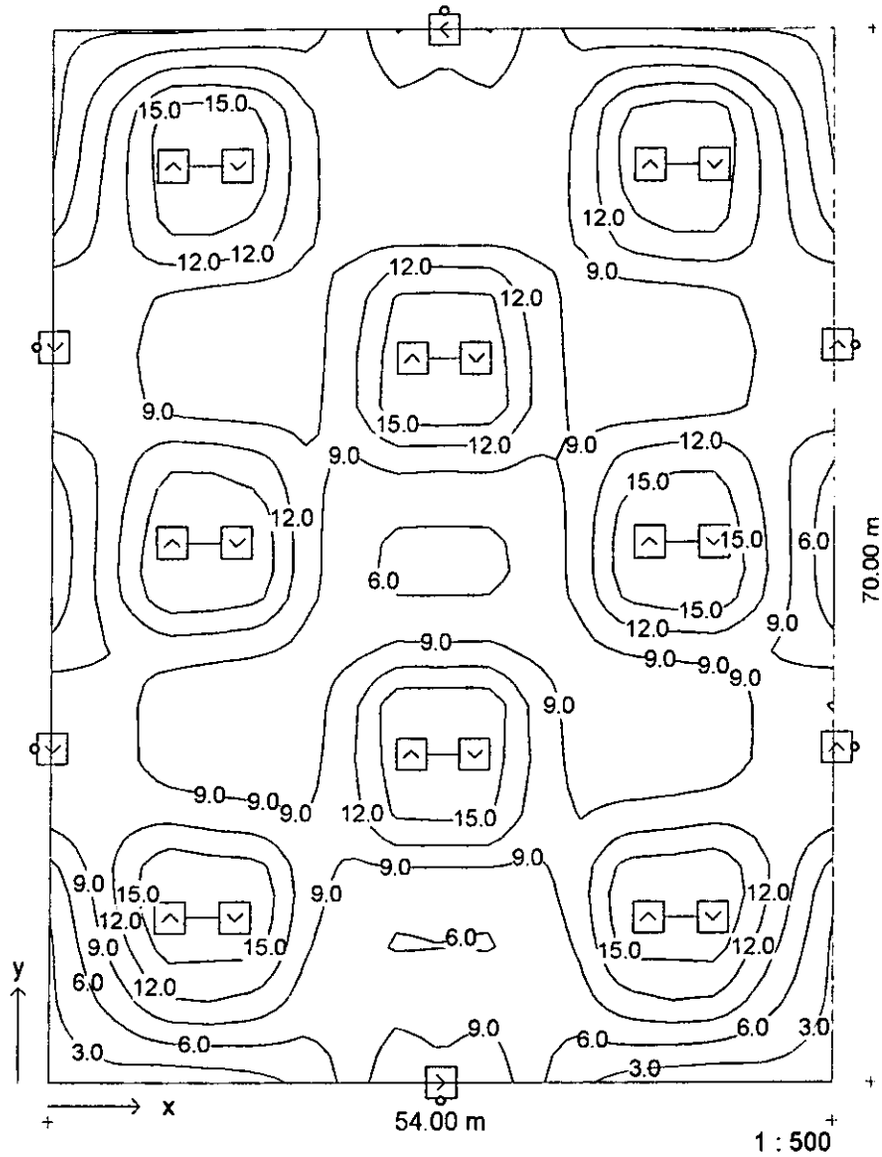
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Heidestraße D-59759 Arnsberg
Stadtteil Hüsten
Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 1b

Date/user 28.03.06 /
Project No.
Calculation No.

Isolux Diagram - Utilisation Plane (Eh)
height of utilisation plane 0.00 m



Average illuminance Eav 10.1 lx
Uniformity Emin/Eav 0.25

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TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg
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Postfach 1960
D-59753 Arnsberg



Project Description **Ruabon Business Park**
Car Park 1b

Date/user 28.03.06 /
Project No.
Calculation No.

Illuminance Table - Utilisation Plane (Eh)

height of utilisation plane 0.00 m

68.06	3.3	5.5	7.4	7.8	7.7	6.4	7.4	10.6	9.1	10.6	7.4	6.4	7.7	7.8
64.17	4.9	10.7	17.2	17.5	15.9	9.6	6.9	7.4	7.4	7.4	6.9	9.6	15.9	17.5
60.28	5.9	11.5	16.6	17.0	16.1	9.8	6.8	5.7	5.7	5.7	6.8	9.8	16.1	17.0
56.39	7.4	11.2	15.7	15.7	14.0	9.4	7.7	7.5	7.4	7.5	7.7	9.4	13.9	15.6
52.50	11.4	10.6	8.5	7.6	7.5	7.8	10.3	15.3	15.5	15.3	10.3	7.8	7.4	7.6
48.61	10.3	10.0	6.9	6.2	6.1	7.5	11.4	16.7	17.4	16.7	11.4	7.4	6.0	6.1
44.72	10.8	10.0	8.2	7.5	7.3	7.9	11.4	17.5	17.6	17.4	11.4	7.9	7.3	7.4
40.83	7.2	10.9	15.2	15.2	13.7	9.6	8.3	9.0	8.8	9.0	8.3	9.5	13.7	15.2
36.94	6.3	12.0	17.5	17.5	17.0	10.1	6.8	5.7	5.6	5.7	6.8	10.1	16.9	17.4
33.06	6.5	12.4	18.7	18.3	17.0	10.1	6.6	5.4	5.4	5.4	6.6	10.1	17.0	18.3
29.17	7.5	9.2	10.3	10.1	9.7	8.1	8.0	8.9	8.8	8.9	8.0	8.0	9.6	10.1
25.28	11.4	10.2	7.1	6.2	6.0	7.3	11.1	17.3	17.6	17.3	11.1	7.3	6.0	6.1
21.39	10.4	10.2	7.3	6.6	6.6	7.7	11.5	16.8	17.5	16.8	11.5	7.7	6.5	6.5
17.50	10.4	11.1	11.6	10.8	10.2	9.0	10.7	15.4	15.5	15.4	10.7	8.9	10.2	10.7
13.61	6.9	13.0	18.9	17.8	17.5	10.7	7.8	7.5	7.4	7.5	7.8	10.7	17.5	17.8
9.72	5.5	11.4	17.0	16.5	17.1	9.7	6.6	5.6	5.7	5.6	6.5	9.7	17.1	16.5
5.83	4.3	7.9	12.5	12.9	11.7	7.9	6.6	7.3	7.3	7.3	6.6	7.9	11.7	12.9
1.94	2.5	3.7	4.5	4.9	5.1	5.1	6.8	10.4	9.0	10.4	6.8	5.1	5.1	4.9
y / x	**1.59**	**4.76**	**7.94**	**11.12**	**14.29**	**17.47**	**20.65**	**23.82**	**27.00**	**30.18**	**33.35**	**36.53**	**39.71**	**42.88**

68.06	7.4	5.5	3.3
64.17	17.2	10.7	4.9
60.28	16.6	11.5	5.9
56.39	15.6	11.2	7.4
52.50	8.3	10.2	11.4
48.61	6.7	9.6	10.2
44.72	8.1	9.7	10.8
40.83	15.1	10.8	7.2
36.94	17.4	12.0	6.3
33.06	18.7	12.4	6.5
29.17	10.3	9.1	7.5
25.28	6.9	9.8	11.5
21.39	7.1	9.8	10.0
17.50	11.4	10.8	10.5
13.61	18.8	13.0	6.9
9.72	17.0	11.4	5.4
5.83	12.5	7.9	4.3
1.94	4.5	3.7	2.5
y / x	**46.06**	**49.24**	**52.41**

Eav = 10.1 lx Emin/Eav = 0.25 Emin/Emax = 0.13

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Area Lighting Design

TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg
Stadtteil Hösten
Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 1c

Date/user 28.03.06 /
Project No.
Calculation No.

Dimensions of Calculation Area

length	48.00 m
width	60.00 m
height of utilisation plane	0.00 m
height of reference plane	1.00 m
height of luminaire plane	6.00 m

Design Data

maintenance factor	0.75
nominal illuminance	10 lx
number of calculation points (:16 / 17	

Selected Luminaires

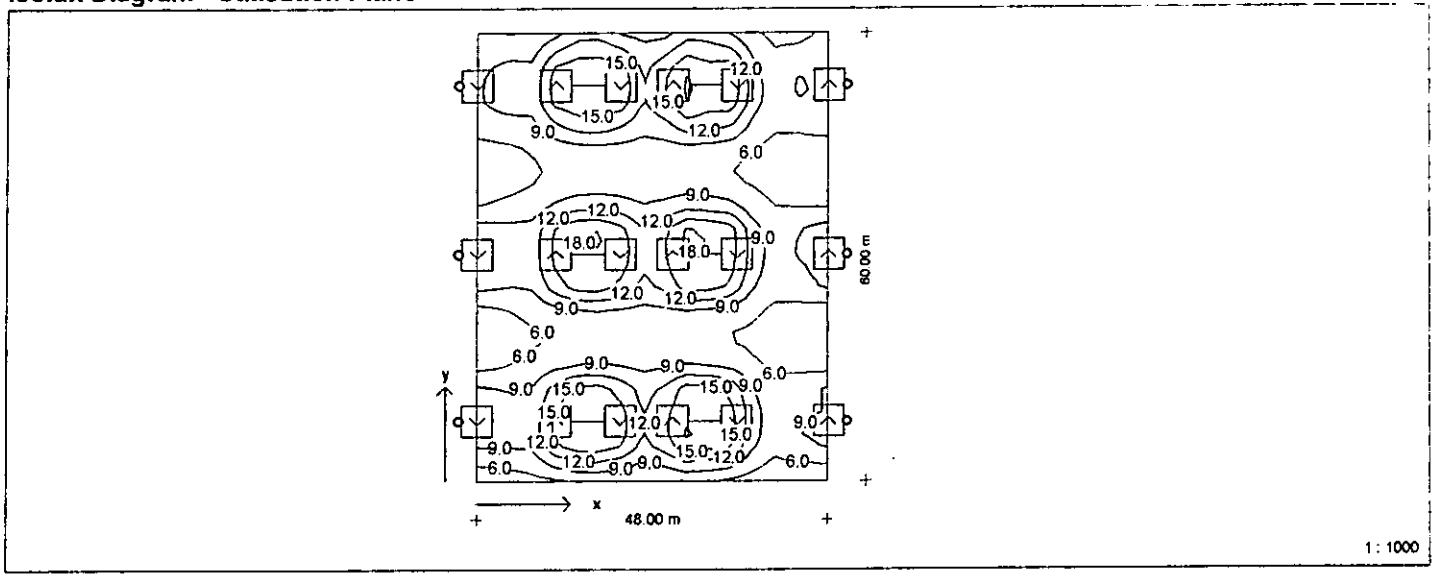
Type	number	name of luminaire	File name	setting
3	18	9831ZO/50-70HSE-E	TX2829.ELX	1 x HSE-E 70 W - 5600 lm

Calculation Results

Average illuminaces

Utilisation Plane (Eh)	10.1 lx
Reference Plane (Eh)	10.5 lx
Reference Plane (Ev1)	5.11 lx
Reference Plane (Ev2)	4.76 lx
Reference Plane (Ev3)	5.00 lx
Reference Plane (Ev4)	4.91 lx
Reference Plane (Esc1)	4.93 lx
Reference Plane (Esc2)	4.85 lx
Reference Plane (Esc3)	4.86 lx
Reference Plane (Esc4)	4.94 lx
wattage	1.49 kW

Isolux Diagram - Utilisation Plane



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Area Lighting Design

TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg
Stadtteil Hüsten
Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 1d

Date/user 28.03.06 /
Project No.
Calculation No.

Dimensions of Calculation Area

length	50.00 m
width	54.00 m
height of utilisation plane	0.00 m
height of reference plane	1.00 m
height of luminaire plane	6.00 m

Design Data

maintenance factor	0.75
nominal illuminance	10 lx
number of calculation points (x/y)	16 / 17

Selected Luminaires

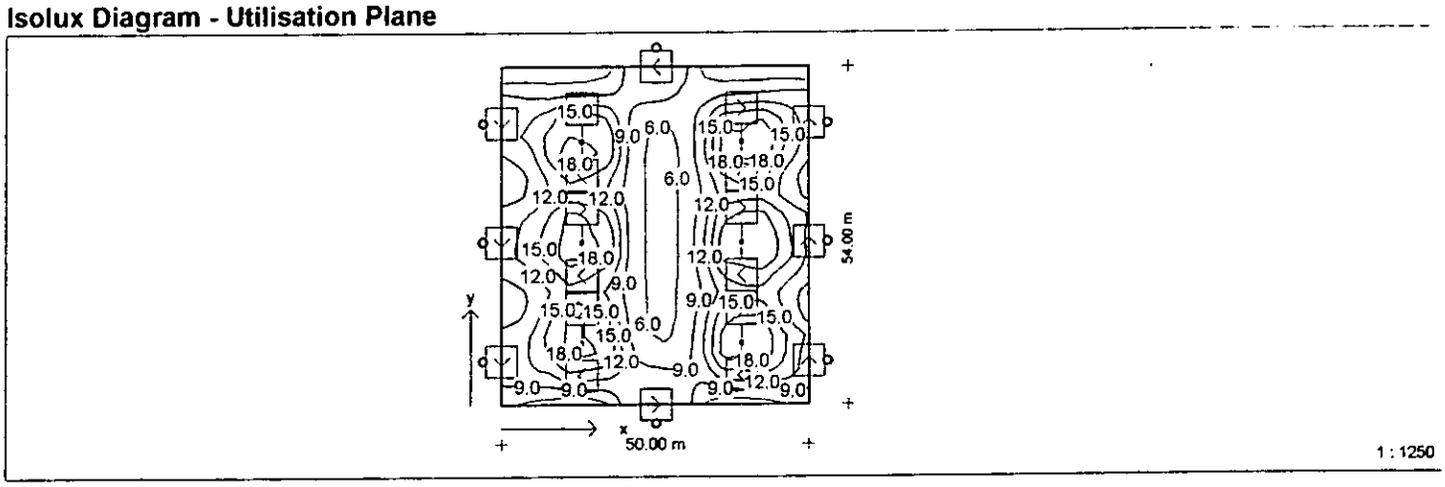
Type	number	name of luminaire	File name	setting
3	20	9831ZO/50-70HSE-E	TX2829.ELX	1 x HSE-E 70 W - 5600 lm

Calculation Results

Average illuminaces

Utilisation Plane (Eh)	11.8 lx
Reference Plane (Eh)	12.2 lx
Reference Plane (Ev1)	5.63 lx
Reference Plane (Ev2)	5.84 lx
Reference Plane (Ev3)	5.83 lx
Reference Plane (Ev4)	5.62 lx
Reference Plane (Esc1)	5.63 lx
Reference Plane (Esc2)	5.76 lx
Reference Plane (Esc3)	5.75 lx
Reference Plane (Esc4)	5.62 lx
wattage	1.66 kW

Isolux Diagram - Utilisation Plane



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Area Lighting Design

TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg
Stadtteil Hüsten
Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 1e

Date/user 28.03.06 /
Project No.
Calculation No.

Dimensions of Calculation Area

length	40.00 m
width	54.00 m
height of utilisation plane	0.00 m
height of reference plane	1.00 m
height of luminaire plane	6.00 m

Design Data

maintenance factor	0.75
nominal illuminance	10 lx
number of calculation points (x/y)	15 / 17

Selected Luminaires

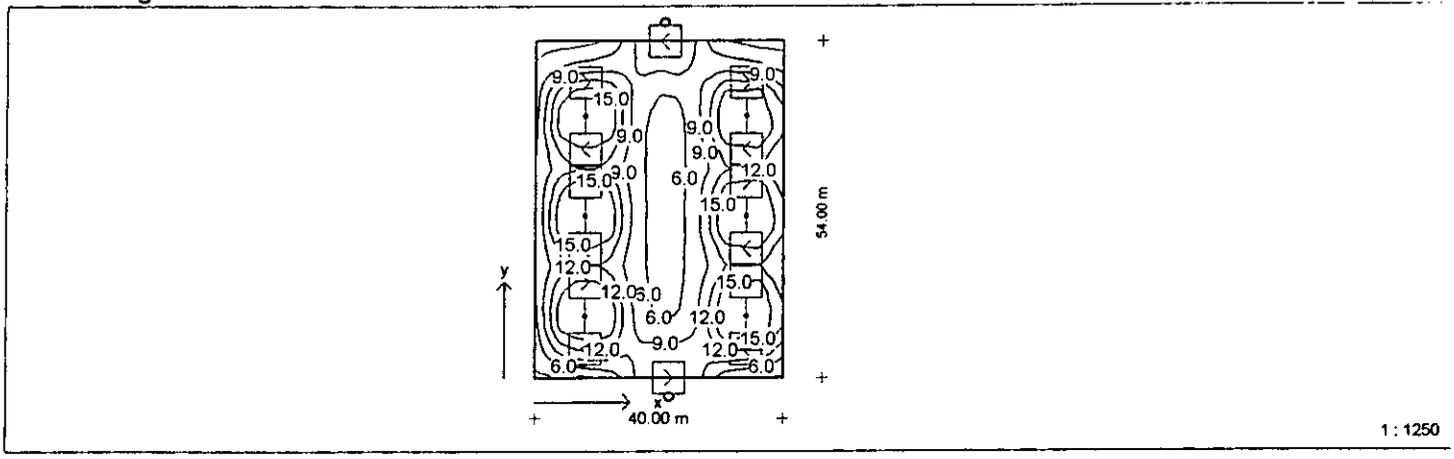
Type	number	name of luminaire	File name	setting
3	14	9831ZO/50-70HSE-E	TX2829.ELX	1 x HSE-E 70 W - 5600 lm

Calculation Results

Average illuminaces

Utilisation Plane (Eh)	10.8 lx
Reference Plane (Eh)	11.5 lx
Reference Plane (Ev1)	4.60 lx
Reference Plane (Ev2)	5.32 lx
Reference Plane (Ev3)	5.05 lx
Reference Plane (Ev4)	5.15 lx
Reference Plane (Esc1)	4.85 lx
Reference Plane (Esc2)	5.05 lx
Reference Plane (Esc3)	5.14 lx
Reference Plane (Esc4)	4.94 lx
wattage	1.16 kW

Isolux Diagram - Utilisation Plane



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Area Lighting Design

TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg
Stadtteil Hüsten
Postfach 1960
D-59753 Arnsberg



Project Description **Ruabon Business Park**
Car Park 2a

Date/user 31.03.06 /
Project No.
Calculation No.

Dimensions of Calculation Area

length	54.00 m
width	67.00 m
height of utilisation plane	0.00 m
height of reference plane	1.00 m
height of luminaire plane	6.00 m

Design Data

maintenance factor	0.80
nominal illuminance	10 lx
number of calculation points (x/y)	17 / 18

Selected Luminaires

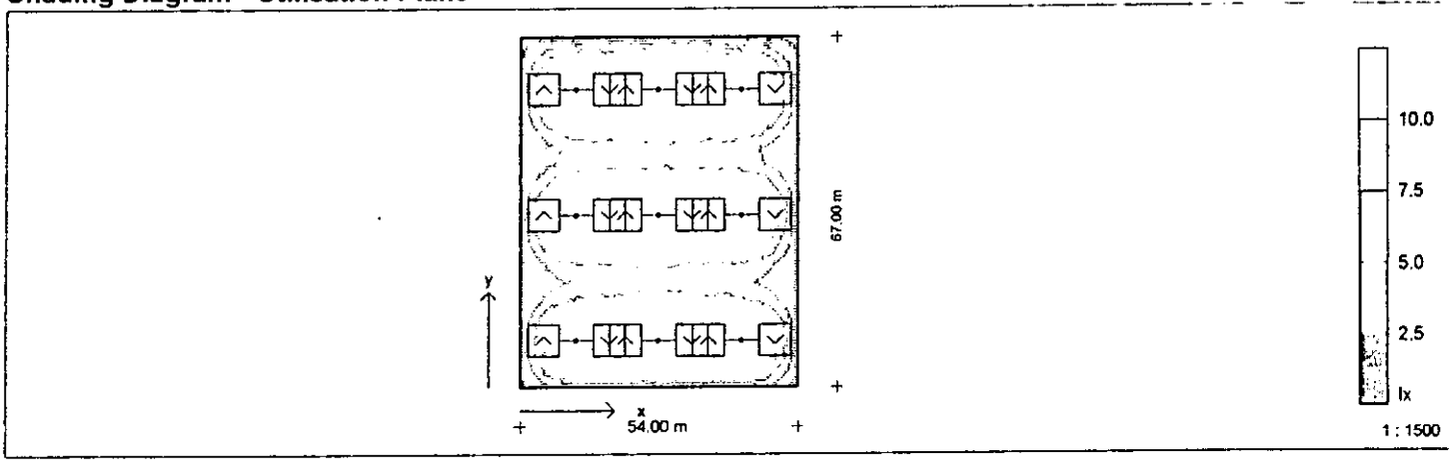
Type	number	name of luminaire	File name	setting
3	18	9831ZO/50-70HSE-E	TX2829.ELX	1 x HSE-E 70 W - 5600 lm

Calculation Results

Average illuminaces

Utilisation Plane (Eh)	10.4 lx
Reference Plane (Eh)	10.8 lx
Reference Plane (Ev1)	5.07 lx
Reference Plane (Ev2)	5.09 lx
Reference Plane (Ev3)	5.07 lx
Reference Plane (Ev4)	4.99 lx
Reference Plane (Esc1)	5.02 lx
Reference Plane (Esc2)	5.05 lx
Reference Plane (Esc3)	5.02 lx
Reference Plane (Esc4)	4.98 lx
wattage	1.49 kW

Shading Diagram - Utilisation Plane



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Area Lighting Design

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Stadtteil Hüsten
Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 2b

Date/user 31.03.06 /
Project No.
Calculation No.

Dimensions of Calculation Area

length	38.00 m
width	74.00 m
height of utilisation plane	0.00 m
height of reference plane	1.00 m
height of luminaire plane	6.00 m

Design Data

maintenance factor	0.80
nominal illuminance	10 lx
number of calculation points (x/)	15 / 18

Selected Luminaires

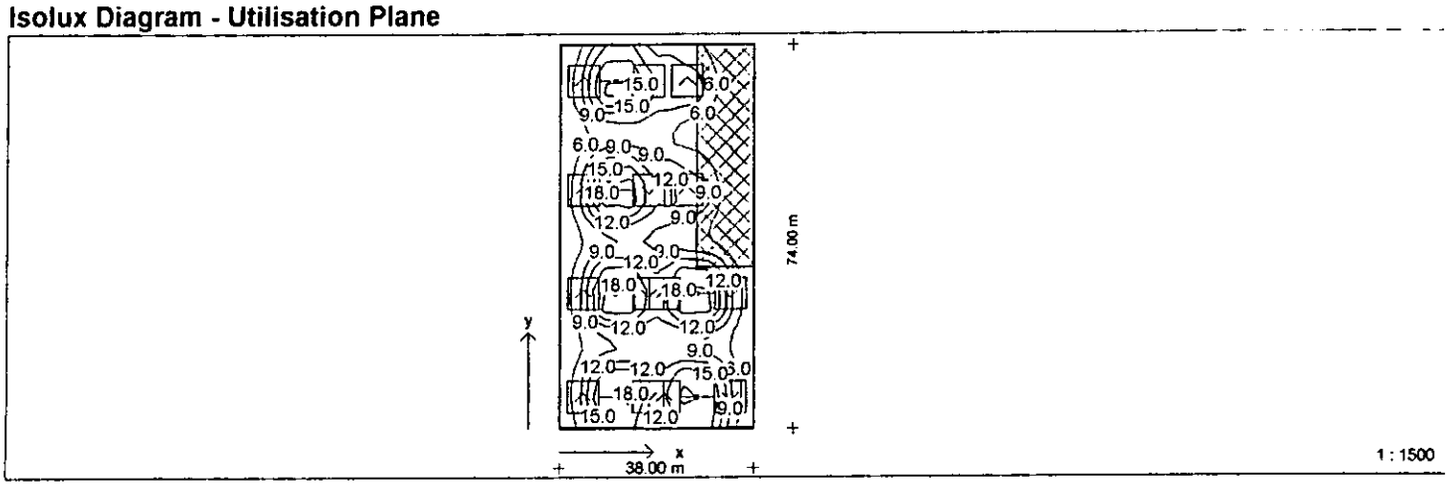
Type	number	name of luminaire	File name	setting
3	14	9831ZO/50-70HSE-E	TX2829.ELX	1 x HSE-E 70 W - 5600 lm

Calculation Results

Average illuminaces

Utilisation Plane (Eh)	11.0 lx
Reference Plane (Eh)	11.6 lx
Reference Plane (Ev1)	4.64 lx
Reference Plane (Ev2)	5.22 lx
Reference Plane (Ev3)	5.21 lx
Reference Plane (Ev4)	5.07 lx
Reference Plane (Esc1)	4.85 lx
Reference Plane (Esc2)	5.07 lx
Reference Plane (Esc3)	5.21 lx
Reference Plane (Esc4)	4.98 lx
wattage	1.16 kW

Isolux Diagram - Utilisation Plane



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Area Lighting Design

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Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 2c

Date/user 31.03.06 /
Project No.
Calculation No.

Dimensions of Calculation Area

length	59.00 m
width	44.00 m
height of utilisation plane	0.00 m
height of reference plane	1.00 m
height of luminaire plane	6.00 m

Design Data

maintenance factor	0.75
nominal illuminance	10 lx
number of calculation points (x/)17 / 16	

Selected Luminaires

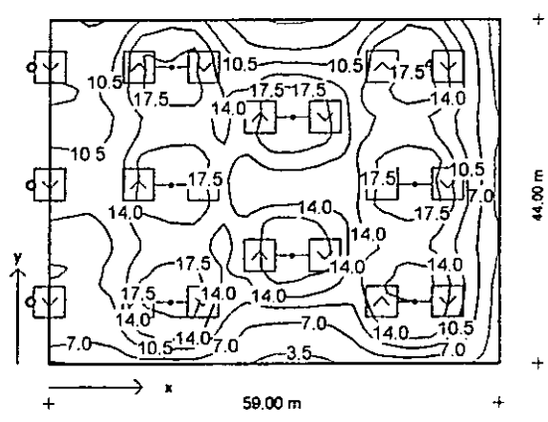
Type	number	name of luminaire	File name	setting
3	19	9831ZO/50-70HSE-E	TX2829.ELX	1 x HSE-E 70 W - 5600 lm

Calculation Results

Average illuminaces

Utilisation Plane (Eh)	12.9 lx
Reference Plane (Eh)	13.5 lx
Reference Plane (Ev1)	6.79 lx
Reference Plane (Ev2)	5.82 lx
Reference Plane (Ev3)	5.97 lx
Reference Plane (Ev4)	6.19 lx
Reference Plane (Esc1)	6.41 lx
Reference Plane (Esc2)	6.03 lx
Reference Plane (Esc3)	5.89 lx
Reference Plane (Esc4)	6.27 lx
wattage	1.58 kW

Isolux Diagram - Utilisation Plane



1 : 1000

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Area Lighting Design

TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg
Stadtteil Hüsten
Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 2d

Date/user 19.04.06 /
Project No.
Calculation No.

Dimensions of Calculation Area

length	27.00 m
width	110.00 m
height of utilisation plane	0.00 m
height of luminaire plane	6.00 m

Design Data

maintenance factor	0.80
nominal illuminance	10 lx
number of calculation points (x/y)	13 / 27

Selected Luminaires

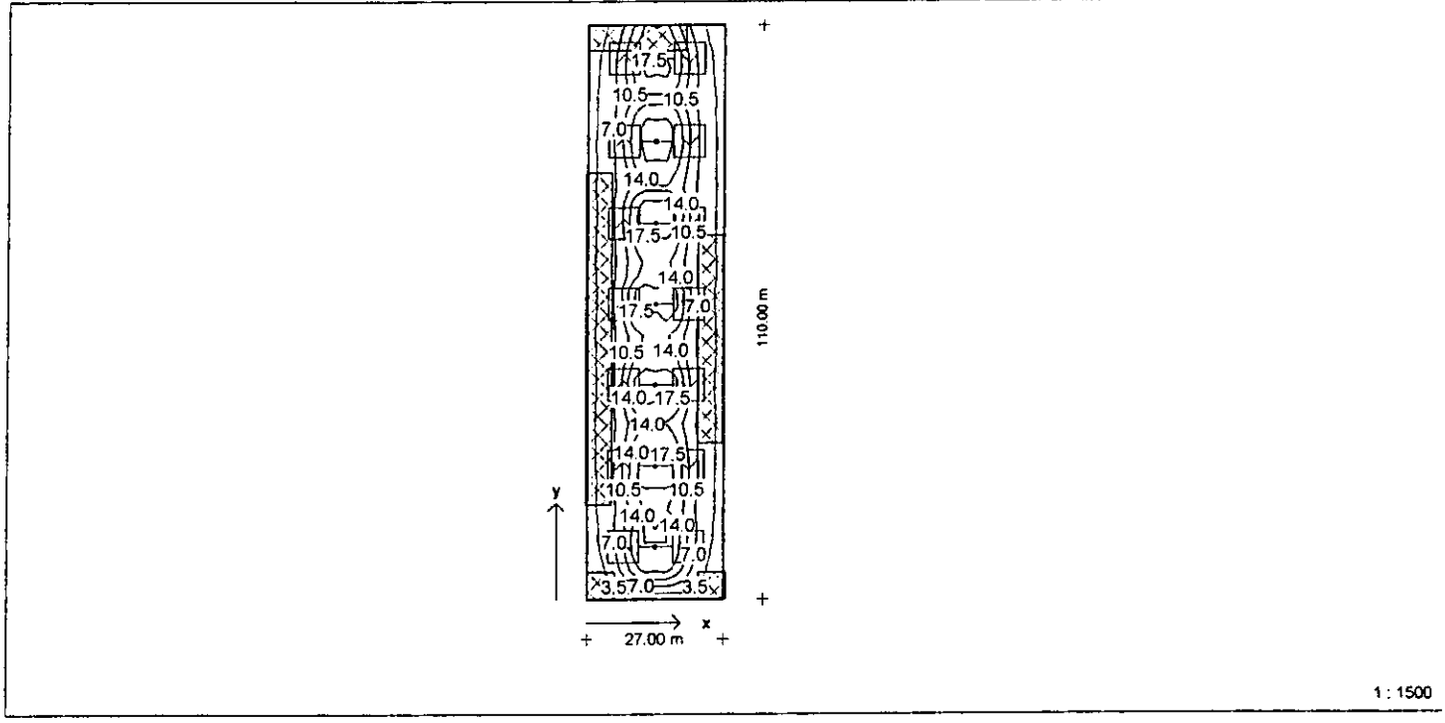
Type	number	name of luminaire	File name	setting
3	14	9831ZO/50-70HSE-E	TX2829.ELX	1 x HSE-E 70 W - 5600 lm

Calculation Results

Average illuminaces

Utilisation Plane (Eh)	11.0 lx
wattage	1.16 kW

Isolux Diagram - Utilisation Plane



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Area Lighting Design

TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg
Stadtteil Hüsten
Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 2e

Date/user 19.04.06 /
Project No.
Calculation No.

Dimensions of Calculation Area

length	53.00 m
width	56.00 m
height of utilisation plane	0.00 m
height of luminaire plane	6.00 m

Design Data

maintenance factor	0.80
nominal illuminance	10 lx
number of calculation points (x/y)	17 / 17

Selected Luminaires

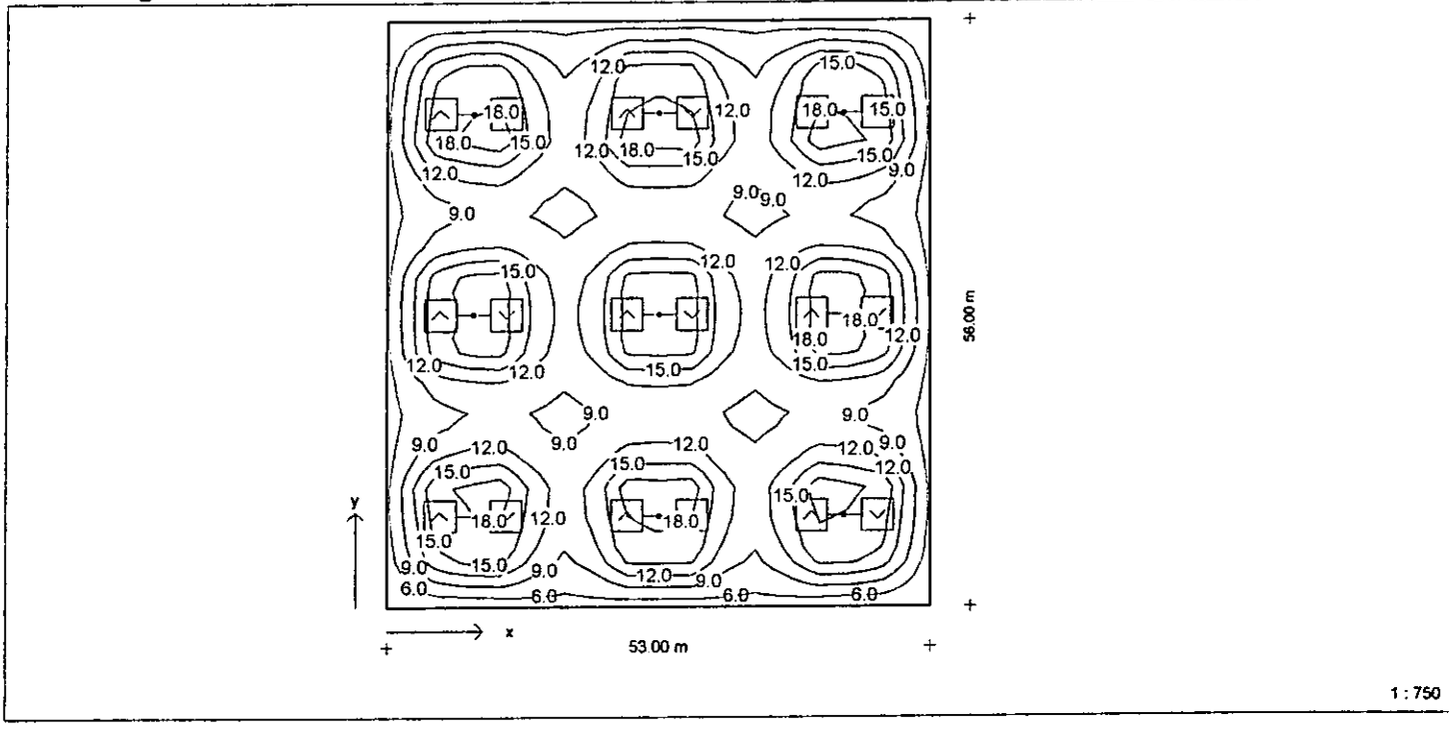
Type	number	name of luminaire	File name	setting
3	18	9831ZO/50-70HSE-E	TX2829.ELX	1 x HSE-E 70 W - 5600 lm

Calculation Results

Average illuminaces

Utilisation Plane (Eh)	12.2 lx
wattage	1.49 kW

Isolux Diagram - Utilisation Plane



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Area Lighting Design

TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg
Stadtteil Hüsten
Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 3a

Date/user 19.04.06 /
Project No.
Calculation No.

Dimensions of Calculation Area

length	58.00 m
width	26.00 m
height of utilisation plane	0.00 m
height of luminaire plane	6.00 m

Design Data

maintenance factor	0.80
nominal illuminance	10 lx
number of calculation points (x/)	17 / 13

Selected Luminaires

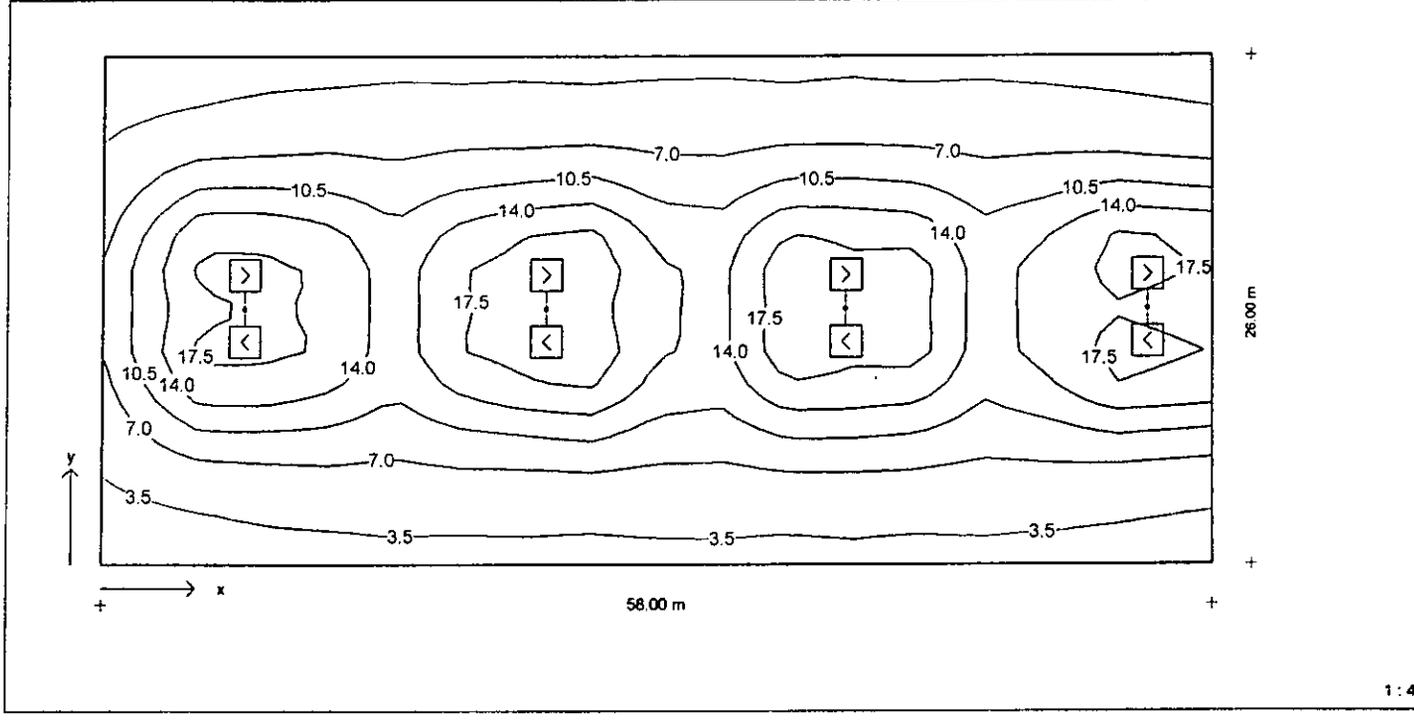
Type	number	name of luminaire	File name	setting
3	8	9831ZO/50-70HSE-E	TX2829.ELX	1 x HSE-E 70 W - 5600 lm

Calculation Results

Average illuminaces

Utilisation Plane (Eh)	9.91 lx
wattage	0.66 kW

Isolux Diagram - Utilisation Plane



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Area Lighting Design

TRILUX-LENZE GmbH + Co KG
Heidestraße D-59759 Arnsberg
Stadtteil Hüsten
Postfach 1960
D-59753 Arnsberg

Project Description **Ruabon Business Park**
Car Park 3b/c

Date/user 19.04.06 /
Project No.
Calculation No.

Dimensions of Calculation Area

length	65.00 m
width	68.00 m
height of utilisation plane	0.00 m
height of luminaire plane	6.00 m

Design Data

maintenance factor	0.80
nominal illuminance	10 lx
number of calculation points (x/y)	18 / 18

Selected Luminaires

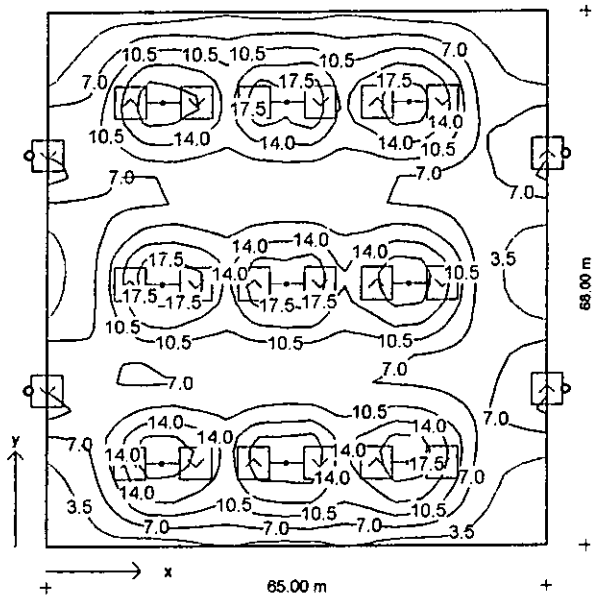
Type	number	name of luminaire	File name	setting
3	22	9831ZO/50-70HSE-E	TX2829.ELX	1 x HSE-E 70 W - 5600 lm

Calculation Results

Average illuminaces

Utilisation Plane (Eh)	9.96 lx
wattage	1.83 kW

Isolux Diagram - Utilisation Plane



1 : 1000

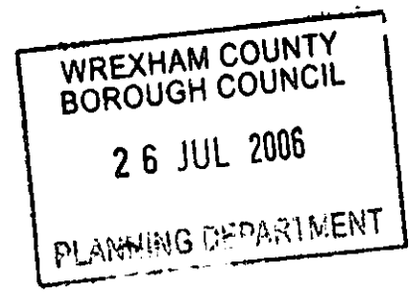
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GENERIC SOFT LANDSCAPE SPECIFICATION

RUABON BUSINESS PARK: PHASE 1

for

WYNNSTAY ESTATE FARMING LIMITED





Landscape Architects

TACP
10 Park Grove Cardiff
CF10 3BN

Tel: (029) 20228966
Fax: (029) 20394776

Project No:	**60122**
Document Status:	**Final**
Checked:	**NG**
Approved:	**PMcC**
Date:	**June 2006**

Ruabon Business Park: Generic Landscape Specification

Please note this document is for planning purposes and has been produced to provide a generic soft landscape specification for future development of Ruabon Business Park, Wrexham.

Where referred to drawings relate to Phase 1 of the development and may be refined as a part of detail design prior to implementation. Contract Preliminaries and General Conditions should be provided as a part of contract documentation and prior to commencement of any works.

Drawings referred to within this document relate to landscape works only and are as follows:

TACP drawings:

60122/007	Protective and exclusion fencing	April 2006
60122/008	Detail Planting – Phase 1 (Sheet 1 of 2)	March 2006
60122/009	Detail Planting – Phase 1 (Sheet 2 of 2)	March 2006
60122/010	Development Phasing Plan	May 2006

D20 Excavating and filling

CLEARANCE/EXCAVATING

168 SITE CLEARANCE
- Timing: Before topsoil stripping, if any.
- General: Clear site of rubbish, debris and vegetation. Do not compact topsoil.
- Treatment: herbicide application and/or removal of grass/ herb cover required.

DISPOSAL OF MATERIALS

421 TOPSOIL STORAGE HEAP TREATMENT
- Treatment: Sow with perennial ryegrass, sowing rate 20g/m2 .

Q28 Topsoil and growing media

200 GRADING SUBSOIL
- General: Grade to smooth flowing contours to achieve specified finished levels of topsoil.
- Areas of thicker topsoil: Excavate locally.

250 SUBSOIL SURFACE PREPARATION
- General: Excavate and/ or place fill to required profiles and levels, as section D20.
- Loosening:
  - Light and noncohesive subsoils: When ground conditions are reasonably dry, loosen thoroughly to a depth of 300 mm.
  - Stiff clay and cohesive subsoils: When ground conditions are reasonably dry, loosen thoroughly to a depth of 450 mm.
  - Rock and chalk subgrades: Lightly scarify to promote free drainage.
- Stones: Immediately before spreading topsoil, remove stones larger than 75 mm.
- Remove Arisings, contaminants and debris.

260 INSPECTING FORMATIONS
- Give notice: Before spreading topsoil for planting beds.
- Notice period: 7 days.

310 PREPARATION OF UNDISTURBED TOPSOIL
- Standard: In accordance with BS 4428
  - Grading and cultivation: Prepare areas to receive soft landscaping as necessary to ensure that the topsoil is in a suitable state for cultivation operations specified in section Q30 and/ or Q31.
- Hard ground: Break up thoroughly.
- Clearing: Remove visible roots and large stones with a diameter greater than 50 mm.
- Areas covered with turf or thick sward: Plough or dig over to full depth of topsoil.
- Fallow period (minimum): One month.
- Weed control: At appropriate times treat with a suitable translocated nonresidual herbicide.

330 SURPLUS TOPSOIL TO BE RETAINED
- Generally: Spread and level on site:
  - Locations: New planting beds.
  - Protected areas: Do not raise soil level within root spread of trees that are to be retained.

340A IMPORTED TOPSOIL TO BS 3882
- Quantity: Provide as necessary to make up any deficiency of topsoil existing on site and to complete the work.
- Standard: To BS 3882.
- Grade: General purpose.
- Source: Contractor's choice.
- Submit: Declaration of analysis including information detailing each of the relevant parameters given in BS 3882, clause 6 and table 2.
- Additional analyses: Not required.

Other requirements: Allow for remedial treatment of deficient topsoil

Give notice: Before stripping topsoil for transfer to site.

-Notice period: 14 days.

660 SAMPLE LOAD OF IMPORTED TOPSOIL

- General: Deliver to site a sample load of not less than 5 m^3.
- Give notice: Allow inspection before making further deliveries to site. Retain for comparison with subsequent loads.
  - Notice period: 7 days.

670 CONTAMINATION

- General: Do not use topsoil contaminated with subsoil, rubbish or other materials that are:
  - Corrosive, explosive or flammable.
  - Hazardous to human or animal life.
  - Detrimental to healthy plant growth.
- Subsoil: In areas to receive topsoil, do not use subsoil contaminated with the above materials.
- Give notice: If any evidence or symptoms of soil contamination are discovered on the site, or in topsoil to be imported.

680 TOPSOIL STORAGE HEAPS

- Location: To be agreed with Contrat Administrator prior to commencement.
- Height (maximum): 1.5 m.
- Width (maximum): 3.0 m.
- Protection:
  - Do not place any other material on top of storage heaps.
  - Do not allow construction plant to pass over storage heaps.
  - Prevent compaction and contamination, by fencing and covering as appropriate.

690 HANDLING TOPSOIL

- Aggressive weeds: Give notice and obtain instructions before moving topsoil.
- Plant: Select and use plant to minimize disturbance, trafficking and compaction.
- Contamination: Do not mix topsoil with:
  - Subsoil, stone, hardcore, rubbish or material from demolition work.
  - Other grades of topsoil.
- Multiple handling: Keep to a minimum. Use or stockpile topsoil immediately after stripping.
- Wet conditions: Handle topsoil in the driest condition possible. Do not handle during or after heavy rainfall or when it is wetter than the plastic limit as defined by BS 3882, Annex N2.

700 SPREADING TOPSOIL

- Temporary roads/surfacing: Remove before spreading topsoil.
- Layers:
  - Depth (maximum): 150 mm.
  - Gently firm each layer before spreading the next.
- Depths after firming and settlement (minimum): Grass areas: 100-150 mm according to use; Planted areas: 450 mm.
- Crumb structure: Do not compact topsoil. Preserve a friable texture of separate visible crumbs wherever possible.

910 FINISHED LEVELS OF TOPSOIL AFTER SETTLEMENT

- Above adjoining paving or kerbs: 30 mm.
- Below dpc of adjoining buildings: Not less than 150 mm.
- Shrub areas: Higher than adjoining grass areas by 50 mm.
- Within root spread of existing trees: Unchanged.
- Adjoining soil areas: Marry in.
- Thickness of turf or mulch: Included.

Q30 Seeding/turfing

GENERAL INFORMATION/REQUIREMENTS

115 SEEDED AND TURFED AREAS
- Growth and development: Healthy, vigorous grass sward, free from the visible effects of pests, weeds and disease.
- Appearance: A closely knit, continuous ground cover of even density, height and colour.

120 CLIMATIC CONDITIONS
- General: Carry out the work while soil and weather conditions are suitable.

145 WATERING
- Quantity: Wet full depth of topsoil.
- Application: Even and without displacing seed, seedlings or soil.
- Frequency: As necessary to ensure the establishment and continued thriving of all seeding/turfing.

150 WATER RESTRICTIONS
- Timing: If water supply is or is likely to be restricted by emergency legislation do not carry out seeding/turfing until instructed. If seeding/turfing has been carried out, obtain instructions on watering.

160 NOTICE
- Give notice before:
  - Setting out.
  - Applying herbicide.
  - Applying fertilizer.
  - Preparing seed bed.
  - Seeding or turfing.
  - Visiting site during maintenance period.
- Period of notice: 1 week.

170 SETTING OUT
- Boundaries: Mark clearly.
- Delineation: In straight lines or smoothly flowing curves as shown on drawings.

PREPARATION

205 PREPARATION MATERIALS
- General: Free from toxins, pathogens or other extraneous substances harmful to plant, animal or human life.
- Certification of source, analysis, suitability for purpose and absence of harmful substances: Submit.
  - Certified materials: None.
  - Give notice: before ordering or using.

212 SEED BED CLEANING BEFORE SOWING ALL GRASSED AREAS
- Operations: Remove weeds by hand weeding and hoeing.

231 PEAT
- Peat or products containing peat: Do not use.

250 CULTIVATION

- Compacted topsoil: Break up to full depth.
- Soil ameliorant/ Conditioner/ Fertilizer: Fully incorporate into topsoil to a depth of 100 mm.
- Tilth: Reduce topsoil to a tilth suitable for blade grading.
  - Depth: 100 mm.
  - Particle size (maximum): 10 mm.
- Material brought to the surface: Remove stones and clay balls larger than 50 mm in any dimension, roots, tufts of grass, rubbish and debris.

260 GRADING

- Topsoil condition: Reasonably dry and workable.
- Contours: Smooth and flowing, with falls for adequate drainage.
  - Hollows and ridges: Not permitted.
- Finished levels after settlement: 25 mm above adjoining paving, kerbs, manholes etc.
- Blade grading: May be used to adjust topsoil levels provided depth of topsoil is nowhere less than 100 mm .
- Give notice: If required levels cannot be achieved by movement of existing soil.

270 FERTILIZER FOR ALL GRASSED AREAS

- Types: Apply both:
  - Superphosphate with a minimum of 18% water soluble phosphoric acid.
  - A sulfate of ammonia with a minimum of 20% nitrogen.
- Application: Before final cultivation and three to five days before seeding/turfing.
- Coverage: Spread evenly, each type at 70 g/m², in transverse directions.

280B FINAL CULTIVATION

- Timing: After grading and fertilizing.
- Seed bed: Reduce to fine, firm tilth with good crumb structure.
  - Depth: 25 mm.
  - Surface preparation: Rake to a true, even surface, friable and lightly firmed but not over compacted.
  - Remove surface stones/earth clods exceeding:
    General areas: 40 mm.
    Fine lawn areas: 25 mm.
- Adjacent levels: Extend cultivation into existing adjacent grassed areas sufficient to ensure full marrying in of levels.

SEEDING

311 GRASS SEED FOR ALL GRASSED AREAS EXCLUDING WETLAND FLUSH MEADOW

- Supplier: Britisch Seed Houses Ltd., Camp Road, Witham St. Hughes Lincoln, LN6 9QJ, phone: 01522 868714 or similar and approved.
  - Mixture reference: A 19 Housing and Industrial Estates.
- Application rate: 35 g/m².

312 SEED MIXTURE GRASS SEED FOR WETLAND FLUSH MEADOW

- Supplier: Britisch Seed Houses Ltd., Camp Road, Witham St. Hughes Lincoln, LN6 9QJ, phone: 01522 868714 or similar and approved.
  - Mixture reference: River Floodplain/Ware Meadow mix.
- Origin (as defined in the National Plant Specification): Native UK.
- Application rate: 3-5 g/m².

319 QUALITY OF SEED FOR ALL GRASSED AREAS
- Freshness: Produced for the current growing season.
- Certification: Blue label certified varieties.
  - Standard: EC purity and germination regulations.
  - Official Seed Testing Station certificate of germination, purity and composition: Submit when requested.
- Samples of mixtures: Submit when requested.

330A SOWING
- General: Establish good seed contact with the root zone to promote healthy, consistent growth..
- Method: To suit soil type, proposed usage, location and weather conditions during and after sowing.
  - Distribution: -.

335 GRASS SOWING SEASON
- Grass seed generally: April to October.

336 WILDFLOWER SOWING SEASON
- Wildflower seed generally: March to May or August to October.

340 PRE-EMERGENT HERBICIDE FOR ALL GRASSED AREAS EXCLUDING WETLAND FLUSH MEADOW
- Standard: Pesticide Safety Directorate approved.
- Application rate: In accordance with manufacturer's written recommendation.
  - Timing: Immediately after sowing.

352 EDGES TO SEEDED AREAS ADJACENT TO PLANTING BEDS AND TREE PITS
- Timing: After seeded areas are well established.
- Edges: Clean straight lines or smooth curves.
  - Mulch and soil: Draw back to permit edging.
- Arisings: Remove.
- Completion: Respread soil and mulch.

PROTECTING/CUTTING

530 FIRST CUT OF GRASSED AREAS
- Timing: When grass is reasonably dry.
  - Height of initial growth: 40-75 mm.
- Preparation:
  - Debris and litter: Remove.
  - Stones and earth clods larger than 25 mm in any dimension: Remove
- Height of first cut: 40 mm.
- Mower type: Contractor's choice.
- Arisings: Remove from site.

550 AREAS NOT TO BE CUT
- Do not cut:
  Meadow grass containing wild flowers.

590 CLEANLINESS
- Soil and arisings: Remove from hard surfaces.
- General: Leave the works in a clean, tidy condition at Completion and after any maintenance operations.

MAINTENANCE

605 MAINTENANCE

- Duration: Carry out the following operations from completion of seeding/ turfing until the end of the defects liability period.

610 FAILURES OF SEEDING/TURFING

- Defective materials or workmanship: Areas that have failed to thrive.
  - Exclusions: Theft or malicious damage.
- Method of making good: Recultivation and reseeding/ returfing.
- Timing of making good: Submit proposals.

620 MAINTAINING GENERAL GRASSED AREAS

- Maximum height of growth at any time: 125 mm.
- Preparation: Before each cut remove all litter and debris.
- Cutting: As and when necessary to a height of 50 mm.
  - Arisings: Remove.
- Bulb planting areas: Do not cut until bulb foliage has died down.
- Trimming: All edges.
  - Arisings: Remove.
- Weed control: Substantially free of broad leaved weeds.
  - Method: Application of a suitable selective herbicide.
- Stones brought to the surface: Remove regularly.
  - Size: Exceeding 25 mm in any dimension.
- Areas of settlement: Make good.
- Watering: As clause 145.

650 MAINTAINING GRASSED AREAS WITH PERENNIAL WILD FLOWERS

- Preparation: Before each cut remove all litter and debris.
- Height and frequency of cut in first growing season:
  - Time of first cut: March/ April after Autumn sowing or June/july after Spring sowing.
  - Height of first cut: 100 mm.
  - Frequency of subsequent cutting (minimum): Every 6-8 weeks until autumn.
  - Height of growth permitted (maximum): 150 mm.
- Height and frequency of cut in second growing season:
  - Time of cut: Single cut in October.
  - Height of cut: 75 mm.
- Trimming: All edges.
  - Arisings: Remove.
- Watering: As clause 145.

680 MAINTENANCE FERTILIZER FOR ALL GRASSED AREAS EXCLUNDING WETLAND FLUSH MEADOW

- March application: 15:10:10 Spring turf fertilizer at 35 g/m².
- September application: 5:10:10 Autumn turf fertilizer at 50 g/m².

Q31 External planting

GENERAL INFORMATION/ REQUIREMENTS

112 SITE CLEARANCE GENERALLY

- General: Remove rubbish, concrete, metal, glass, decayed vegetation and contaminated topsoil.
- Stones: Remove those with any dimension exceeding 50 mm.
- Contamination: Remove material containing toxins, pathogens or other extraneous substances harmful to plant, animal or human life.
- Vegetation: 60122/007.
- Large roots: Grub up and dispose of without undue disturbance of soil and adjacent areas.
- Additional requirements: All areas of retained vegetation and historical/archaeological and ecological areas of interest indicated on TACP drawing 60122/007 to receive protective fencing and exclusion areas to be maintained thoughout construction period. Liaise with Contract Administrator to confirm areas prior to commencement of works.

118 SOIL CONDITIONS

- Soil for cultivating and planting: Moist, friable and (excepting aquatic/ marginal planting) not waterlogged.
- Frozen or snow covered soil: Give notice before planting. Provide additional root protection. Prevent planting pit sides and bases and backfill materials from freezing.

120A CLIMATIC CONDITIONS

- General: Carry out the work while soil and weather conditions are suitable.
  - Strong winds and frost: Do not plant.

125 TIMES OF YEAR FOR PLANTING

- Deciduous trees and shrubs: Late October to late March.
- Conifers and evergreens: September/ October or April/ May.
- Herbaceous plants (including marginal): September/ October or March/ April.
- Container grown plants: At any time if ground and weather conditions are favourable.
  - Watering and weed control: Provide as necessary.
- Dried bulbs, corms and tubers: September/ October.
- Colchicum (crocus): July/ August.
- Green bulbs: After flowering in spring.
- Wildflower plugs: Late August to mid November or March/ April.
- Aquatic plants: May/ June or September/ October.

130 MECHANICAL TOOLS

- Restrictions: Do not use within 100 mm of tree and plant stems.

145 WATERING

- Quantity: Wet full depth of topsoil.
- Application: Even and without damaging or displacing plants or soil.
- Frequency: As necessary to ensure establishment and continued thriving of planting.

150 WATER RESTRICTIONS

- General: If water supply is or is likely to be restricted by emergency legislation, do not carry out planting until instructed. If planting has been carried out, obtain instructions on watering.

160 NOTICE

- Give notice before:
  - Setting out.
  - Applying herbicide.
  - Applying fertilizer.
  - Delivery of plants/ trees.
  - Planting shrubs.
  - Planting trees into previously dug pits.
  - Watering.
  - Visiting site during maintenance period.
- Period of notice: 1 week.

165 PREPARATION, PLANTING AND MULCHING MATERIALS

- General: Free from toxins, pathogens or other extraneous substances harmful to plant, animal or human life.
- Certification of source, analysis, suitability for purpose and absence of harmful substances: Submit.
  - Certified materials: Imported composts and mulches.
  - Give notice before ordering or using.

200 PLANTS/ TREES - GENERAL

- Condition: Materially undamaged, sturdy, healthy and vigorous.
- Appearance: Of good shape and without elongated shoots.
- Hardiness: Grown in a suitable environment and hardened off.
- Health: Free from pests, diseases, discoloration, weeds and physiological disorders.
- Budded or grafted plants: Bottom worked.
- Root system and condition: Balanced with branch system.
  - Standard: The relevant parts of BS 3936.
- Species: True to name.
- Origin/ Provenance: British provenanceprovenance otherwise grown in the United Kingdom for at least one growing season, unless otherwise approved.
  Definition: Origin and Provenance have the meaning given in the National Plant Specification.

215 PLANTS/ TREES - SPECIFICATION CRITERIA

- Name, forms, dimensions, provenance and other criteria: As scheduled and defined in the National Plant Specification.

235 CONTAINER GROWN PLANTS/ TREES

- Growing medium: With adequate nutrients for plants to thrive until permanently planted.
- Plants: Centred in containers, firmed and well watered.
- Root growth: Substantially filling containers, but not root bound, and in a condition conducive to successful transplanting.
- Hardiness: Grown in the open for at least two months before being supplied.
- Containers: With holes adequate for drainage when placed on any substrate commonly used under irrigation systems.

245 LABELLING AND INFORMATION

- General: Provide each plant/ tree or group of plants/ trees of a single species or cultivar with supplier's labelling for delivery to site, showing:
  - Full botanical name.
  - Total number.
  - Number of bundles.
  - Part bundles.
  - Supplier's name.
  - Employer's name and project reference.
  - Plant specification, in accordance with scheduled National Plant Specification categories.
- Additional information: Submit on request: Date supplied and consignment details or reference.

260A PLANT/ TREE SUBSTITUTION

- Plants/ trees unobtainable or known to be likely to be unobtainable at time of ordering: Submit alternatives, stating:
  - Price.
  - Difference from specified plants/ trees.
  - Further alternatives: Proposed substitutions may not be acceptable and submission of further alternatives may be required.
- Approval: Obtain before making any substitution.

265 PLANT HANDLING, STORAGE TRANSPORT AND PLANTING

- Standard: To HTA 'Handling and establishing landscape plants'.
- Frost: Protect plants from frost.
- Handling: Handle plants with care. Protect from mechanical damage and do not subject to shock, e.g. by dropping from a vehicle.
- Plant packaging: Coextruded polyethylene bags with black interior and white exterior .
- Packaging of bulk quantities: Pallets or bins sealed with polyethylene and shrink wrapped .
- Planting: Upright or well balanced with best side to front.

270 PLANTING GENERALLY

- Standard: To HTA 'Handling and establishing landscape plants' (obtainable from the Horticultural Trades Association) part III, paragraphs 6.2 to 6.6.
- Appearance: Plant upright or well balanced with best side to front.

280 TREATMENT OF TREE WOUNDS

- Cutting: Keep wounds as small as possible.
  - Cut cleanly back to sound wood using sharp, clean tools.
  - Leave branch collars. Do not cut flush with stem or trunk.
  - Set cuts so that water will not collect on cut area.
- Fungicide/ Sealant: Do not apply unless instructed.

290 SURPLUS MATERIAL

- Subsoil, stones, debris, wrapping material, canes, ties, temporary labelling, rubbish, prunings and other arisings: Remove.

PREPARATION OF PLANTING BEDS/ PLANTING MATERIALS

305 WEED CONTROL -

- Locations: To all landscape planted areas.
- General: Prevent weeds from seeding and perennial weeds from becoming established, by contractor's choice of non-herbicide and cultivation.

335 GENERAL FERTILIZER -
- Locations: To all planting areas.
- Manufacturer: Scotts Professinal, Paper Mill Lane, Bramfoerd, Ipswich, Suffolk, IP8 4BZ, phone: 0871 2205353.
  - Product reference: Enmag CRF or similar and approved.
- Application: Spread evenly.
  - Timing: Immediately before cultivation.
  - Rate: 50 g/m².

341 PEAT
- Peat or products containing peat: Do not use.

357 SOIL AMELIORANT/ CONDITIONER -
- Locations: To all landscape planted areas, subject to confirmation with Contract Administrator prior to commencement.
- Type: Mushroom compost.
- Reference/ Description/ Grading: To be confirmed prior to commencement of works.
- Application: Spead evenly.
  - Timing: Apply prior to cultivation.
  - Rate: 50 g/m².

375 CULTIVATION
- Compacted topsoil: Break up to full depth.
- Cultivation: Loosen, aerate and break up soil into particles of 2-8 mm.
  - Depth: Top 250 mm of planting beds.
  - Timing: Within a few days before planting.
  - Weather and ground conditions: Suitably dry.
- Surface: Leave regular and even.
- Levels: - As required in section D20 and Q28
  - Within 50 mm of levels specified on drawing .
- Undesirable material brought to the surface: Remove visible weeds, roots and large stones with any dimension exceeding 50 mm and clods, tufts of grass and foreign matter .
- Soil within root spread of trees and shrubs to be retained: Do not dig or cultivate.

PLANTING SHRUBS/ HERBACEOUS PLANTS/ BULBS

401 REGULAR PLANT LAYOUT FORMAL/ REGULAR
- Spacing: As indicated on TACP Dwg :60122/008 and 009.
- Density: As indicated on TACP Dwg: 60122/008 and 009.

405 SHRUB PLANTING PITS
- Timing: Excavate 1-2 days days (maximum) before planting.
- Sizes: 150 mm wider than roots when fully spread and 300 mm deep.
  Additional requirement: Increase dimensins where necessary to ensure that pits ate at least 75 mm deeper than root system and wide enough to accommodate roots when fully spread.
- Pit bottom improvement Break up to a depth of 150 mm, incorporating soil ameliorant/ conditioner as clause 357.
- Backfilling material: As clause 476.

470 FORMAL HEDGES
- Shrubs for hedges: Consistent in species, cultivar and clone to ensure a uniform hedge.
- Planting: In trenches large enough to take full spread of roots. Set out plants evenly.

476 SHRUB, HERBACEOUS AND BULB BACKFILLING MATERIAL

- Composition: Previously prepared mixture of topsoil excavated from pit and additional topsoil as required:
- Ameliorant/ Conditioner: Mushroom compost.
  - Application rate: 1 m^3 per 10 m^3 of topsoil.
- Fertilizer: Slow release to Contrastors choice and Contract Administrato's appoval .
  - Application rate: As manufactures recommendation.

480 AFTER PLANTING

- Watering: Immediately after planting, thoroughly and without damaging or displacing plants or soil.
- Firming: Lightly firm soil around plants and fork and/ or rake soil, without damaging roots, to a fine tilth with gentle cambers and no hollows.
- Top dressing: Sanitized and stabilized compost as clause 358.
  - Depth: 50 mm.

485A MULCHING PLANTING BEDS TO CARPARK AREAS AND UNIT ENTRANCES

- Material: Medium grade bark mulch.
  - Purity: Free of pests, disease, fungus and weeds.
- Preparation: Clear all weeds. Water soil thoroughly.
- Coverage: 75 mm depth.
- Finished level of mulch: 30 mm below adjacent grassed or paved areas.

486 SHRUB PROTECTION

- Manufacturer: Acorn Planting Products Ltd, Little Money Road, Loddon, Morwich, NR14 6JD, phone: (01508) 528763 or similar and approved.
  - Product reference: Shelter guard Plus for trees and shrubs.
- Type: Round mesh .
- Material: Polythene.
- Size: 0.6 m high x 150 mm diameter.
- Colour: Black.
- Support: Single timber stake.
- General: Ensure that protection methods do not impede natural movement of shrubs or restrict growth.

PLANTING TREES

505 TREE PITS

- Sizes: Feathered stock 600x600xmin450mm depth
  Standard stock 900x900xmin600mm depth
  Heavy standard 1200x1200xmin750mm depth
  All tree pits to be a minimum of 75mm deeper than root system and wide enough to accommodate roots when fully spread .
- Sloping ground: Maintain horizontal bases and vertical sides with no less than minimum depth throughout.
- Pit bottoms: With slightly raised centre. Break up to a depth of 150 mm .
  - Treatment: Additional requiremendts: Incorporate approved slow release fertilizer at 40g per m^2, worked into pit bottoms .
- Pit sides: Scarify.
- Backfilling material: As clause 586 .
- Accessories: Short singele and double staking as clause 555 and 575 .

535 STAKING GENERALLY

- Stakes: Softwood, peeled chestnut, larch or oak, straight, free from projections and large or edge knots and with pointed lower end.
  - Preservative treatment: Not required.
- Nails: To BS 1202-1, galvanized, minimum 25 mm long and with 10 mm diameter heads.
- Stake size (minimum): 50 mm diameter.

555 SHORT SINGLE STAKING FOR FEATHERED TREES

- Staking: Position stake close to tree on windward side and drive vertically at least 300 mm into bottom of pit before planting.
  - Backfiling: Consolidate material around stake
- Height of stakes: Cut to approximately 600 mm above ground level.
- Ties: Cushioned ties, Contractor's choice to approval of Contract Administrator.
- Tying: Secure tree firmly but not rigidly to stake with two ties within 25 mm of top of stake.

575 SHORT DOUBLE STAKING FOR STANDARD AND HEAVY STANDARD TREES

- Staking: Drive stakes vertically at least 300 mm into bottom of pit on either side of tree position before planting.
  - Backfilling: Consolidate material around stakes.
- Height of stakes: Cut to approximately 600 mm above ground level.
- Cross bar: Wood, as stake.
  - Firmly fix on windward side of tree and as close as possible to stem.
- Ties: Cushioned ties, Contractor's choice to approval of Contract Administrator.
- Tying: Secure tree firmly but not rigidly to cross bar.

586 TREE BACKFILLING MATERIAL

- Composition: Previously prepared mixture of topsoil excavated from pit and additional topsoil as required.
- Ameliorant/ Conditioner: Mushroom compost.
  - Application rate: 1 kg per m^3l.
- Fertilizer: Slow release.
  - Application rate: To manufacturer's recommendations.

595 TREE PROTECTION

- Manufacturer: Acorn Planting Products Ltd, Little Money Roas, Loddon, Norwich, NR 14 6JD, phone: (01508) 538763 or similar and approved.
  - Product reference: Shelter guard Plus for trees and shrubs.
- Type: Round mesh.
- Material: Polythene.
- Size: 0.6 m high x 130 mm diameter.
- Colour: Black.
- Support: Single timber stake as clause 535.
- General: Ensure that protection methods do not impede natural movement of trees or restrict growth.

597 TREE SPATS/ MULCH MATS

- Manufacturer: Acorn Planting Products Ltd, Little Money Road, Loddon, Morwich, NR14 6JD, phone: (01508) 528763 or similar and approved.
  - Product reference: Bitumenous Felt Tree spats.
  - Material: Bituminous felt.
  - Size: 0.6 m high x 150 mm.
- Watering: Water soil thoroughly before laying.
- Laying: In close contact with the soil surface.
  - Fitting: Neatly and closely around tree stem, where necessary cutting a slit or flap.
  - Fixing: Single timber stake as clause 535..
  - Overlay: Not required.

WOODLAND/ MATRIX/ BUFFER ZONE PLANTING

600 WOODLAND WORK GENERALLY

- Services: Check for below and above ground services, including land drainage, in the vicinity. Give notice if they may be affected and obtain instructions before proceeding.
- Safety: Comply with Arboriculture and Forestry Advisory Group Safety leaflets.

605 EXISTING VEGETATION/ WEED CLEARANCE

- Surface vegetation clearance: As clause 112.
- Arisings: Remove.

617 REMOVING TREES AND HEDGES

- Identification: Clearly mark trees and hedges to be removed.
- Work near retained trees: Where canopies overlap, take down trees carefully in small sections to avoid damage to adjacent trees that are to be retained.
- Arisings: Remove.
- Tree stumps: Remove mechanically to a minimum depth of 300 mm below ground level.

625 CULTIVATION

- General: Ripping at 500 mm centres to full depth of topsoil.
- Consolidation: Leave for 1 month.
- Soil within root spread of trees to be retained: Do not plough or cultivate.

635 NOTCH PLANTING IN UNCULTIVATED GROUND

- Notching: Make a vertical 'I', 'L', 'T' or 'H' notch.
  - Depth: To accommodate full depth of roots.
- Planting: Plant tree, close notch with root collar at ground level and firm the soil.

665 SETTING OUT

- Distance between trees: As drawing .
- Distance between rows: As drawing .
  - Plant in staggered rows.

680 SETTING OUT

- Planting density: As drawing .
- Layout: Random groups of no less than 3 or more than 7 of the same species, ensuring that no three plants are aligned in any one direction.

PROTECTING/ MAINTAINING/ MAKING GOOD DEFECTS

710 MAINTENANCE

- Duration: Carry out the operations in the following clauses from completion of planting until practical completion.
- Frequency of maintenance visits: Monthly during growing season.

720 FAILURES OF PLANTING

- Defects due to materials or workmanship not in accordance with the Contract: Plants/ trees/ shrubs that have failed to thrive.
  - Exclusions: Theft or malicious damage after completion.
  - Rectification: Replace with equivalent plants/ trees/ shrubs.
- Replacements: To match size of adjacent or nearby plants of same species or match original specification, whichever is the greater.
- Timing of making good: During the next suitable planting season.

730A EXCLUSION AND PROTECTIVE FENCING

- Fencing type: Chestnut pale and Close boarded fencing as section Q40 and in locatoins identified on TACP drawing 60122/007.
  - Height: as indicated in section Q40.
- Erection: On completion of planting.
- Removal: Fencing will remain the property of the Contractor. Remove and refill post holes following acceptance of rectified defects.

740 CLEANLINESS

- Soil and arisings: Remove from hard surfaces and grassed areas.
- General: Leave the works in a clean tidy condition at completion and after any maintenance operations.

750 PLANTING MAINTENANCE GENERALLY

- Weed control: Maintain weed free area around each tree and shrub.
  - Diameter (minimum): The larger of 1 m or the syrface of original planting pit.
  - Keep planting beds clear of weeds: By use of approved non-residual herbicides and hand weeding where required.
- Planted areas: Fork over beds as necessary to keep soil loose, with gentle cambers and no hollows. Take care not to reduce depth or effect of mulch.
- Precautions: Ensure that trees and shrubs are not damaged by use of mowers, nylon filament rotary cutters and similar powered tools.
- Staking: Check condition of stakes, ties, guys and guards.
  - Broken or missing items: Replace.
  - Rubbing: Prevent.
  - Ties: Adjust to accommodate growth.
  - Damage to bark: Cut back neatly with sharp knife. Prevent further damage.
  - Frequency of checks: At each scheduled maintenance visit.
- Firming up: Gently firm loosened soil around trees/ shrubs. Straighten leaning trees/ shrubs.
- Trees: Spray crown when in leaf during warm weather.
  - Timing: After dusk.
- Watering: Contractor's choice.

755 PLANTING MAINTENANCE - FERTILIZER

- Time of year: March or April.
- Fertilizer: Enmag CRF Slow relaese fertiliser or similar and approved.
  - Manufacturer: Scotts Professional, Paper Mill Lane, Bramford, Ipswich, Suffolk, IP8 4BZ, phone: 0871 220 5353.
  - Product reference: Enmag CRF or similar and approved.
- Application: Evenly spread, carefully incorporating below mulch materials.
- Application rate: 50 g/m².

760 PLANTING MAINTENANCE - PRUNING

- General: Prune to promote healthy growth and natural shape.
  - Dead, dying, diseased wood and suckers: Remove.
  - Timing: As appropriate to the species.
  - Trees: Favour a single central leading shoot.
- Arisings: Remove.

765 PLANTING MAINTENANCE - WATERING

- General: As clause 145 and 150.

770 WOODLAND PLANTING MAINTENANCE

- Watering: Only as necessary to prevent plants wilting.
- Loose plants: Refirm surrounding soil, without compacting.
- Weed control: Cut down and remove weeds prior to setting seed in a 1 m diameter area around each tree.
- Vegetation except trees and coppice shoots to be retained: Cut within the plantation area.
  - Height (maximum): 50 mm.
  - Arisings: Leave between rows.
- Mechanical, chemical or mulching methods of vegetation control: Submit proposals.
- Ditches and drains: Keep clear.
- Watering: Contractor's choice.

780A MAINTENANCE INSTRUCTIONS

- General: Before end of the period stated in clause 710, submit printed instructions recommending procedures to be established by the Employer for maintenance of the planting work for one full year: Provide a schedule of any ongoing maintenance problems experienced during the defects liability period.

790A FINAL MULCHING

- Timing: At end of the period stated in clause 710.
- Watering: Ensure that soil is thoroughly moistened prior to remulching, applying water where necessary.
- Planting beds: Remulch as clause 485.
  Depth (minimum): 75 mm.
- Trees: Remulch.
  Depth (minimum): 75 mm.

Q35 Landscape maintenance

GENERALLY

110 NOTICE
- Give notice before:
  - Application of herbicide.
  - Application of fertilizer.
  - Watering.
  - Each site maintenance visit.
- Period of notice: 7 days.

130 REINSTATEMENT
- Damage or disturbance to soil structure, planting, grass, fencing, hard landscaping, structures or buildings: Reinstate to original condition.

140 CONTROL OF MAMMALIAN PESTS
- Specialist firms: Submit proposals.
  - Method: Submit proposals.

155 WATERING
- Supply: Potable mains water.
- Quantity: Wet full depth of topsoil .
- Application: Do not damage or loosen plants.
- Compacted soil: Loosen or scoop out, to direct water to rootzone.
- Frequency: As necessary for the continued thriving of all planting.

160 WATER RESTRICTIONS
- General: If water supply is, or is likely to be, restricted by emergency legislation, submit proposals for an alternative suitable source of water. Obtain instructions before proceeding.

170 DISPOSAL OF ARISINGS
- General: Unless specified otherwise, dispose of arisings as follows:
  - Biodegradable arisings: Compost on site or removed to recycling facility.
  - Grass cuttings: Remove to recycling facility.
  - Tree roots and stumps: Remove from site.
  - Shrub and tree prunings: Remove from site.
  - Litter and nonbiodegradable arisings: Remove from site.

190 LITTER
- Extraneous rubbish not arising from the contract work: Collect and remove from site.

195 PROTECTION OF EXISTING GRASS
- General: Protect areas affected by maintenance operations using boards/tarpaulins. Do not place excavated or imported materials directly on grass.

197 CLEANLINESS
- Soil and arisings: Remove from hard surfaces.
- General: Leave the works in a clean, tidy condition at completion and after any maintenance operations.

GRASSED AREAS

210 MAINTENANCE OF GRASSED AREAS

- General: Maintain turf in a manner appropriate to the intended use.
- Soil and grass:
  - Condition: Maintain a healthy vigorous sward, free from disease, fungal growth, discolouration, scorch or wilt.
  - Waterlogging and compaction: Prevent.
  - Damage: Repair trampling, abrasion or scalping.
- Ornamental lawns: Maintain reasonably free from moss, excessive thatch, weeds, frost heave, worm casts and mole hills.
  - Edges: Neat and well defined, in clean straight lines or smooth flowing curves.
- Litter and fallen leaves: Remove regularly to maintain a neat appearance.

220 GRASS CUTTING GENERALLY

- Before mowing: Remove litter, rubbish and debris.
- Finish: Neat and even, without surface rutting, compaction or damage to grass.
- Edges: Leave neat and well defined. Neatly trim around obstructions.
- Adjoining hard areas: Sweep clear and remove arisings.
- Drought or wet conditions: Obtain instructions.

225 TREE STEMS

- Precautions: Do not use mowing machinery closer than 100 mm to tree stems. Use nylon filament rotary cutters and other hand held mechanical tools carefully to avoid damage to bark.

226 TREE STEMS

- Precautions: Do not allow nylon filament rotary cutters and other mechanical tools closer than 100 mm to the stem of any tree.
  - Operations close to stems: Complete using hand tools.

250 LEAF REMOVAL

- Operations: Collect fallen leaves.
- Special requirements: None.
- Disposal: Remove from site .

265 MOWING GENERAL AREAS

- Grass height: Maintain between 25 and 50 mm.
- Arisings: Remove from site.

270 MOWING ROUGH GRASSED AREAS

- Grass height: 75 mm maximum
- Arisings: Remove from site.

272A MAINTAINING GRASSED AREAS WITH PERENNIAL WILD FLOWERS
- Preparation: Before each cut remove litter and debris.
- Height and frequency of cut in first growing season:
  - Time of first cut: March/ April.
  - Height of first cut: 100 mm .
  - Frequency of subsequent cutting (minimum): Every 6 to 8 weeks until autumn.
  - Height of growth permitted (maximum): 150 mm.
- Height and frequency of cut in second growing season:
  - Time of cut: Single cut in October.
  - Height of cut: 75 mm.
- Trimming: At the time of each cut, trim all grass edges, including round the base of trees, manholes, etc..
  - Arisings: Remove.
- Watering: As clause 155.

309 EDGES TO SEEDED AREAS
- Location: Planting beds and around newly planted trees.
- Timing: After seeded areas are well established.
- Edges: Cut to clean straight lines or smooth curves. Draw back soil to permit edging.
- Arisings: Remove.

310 RE-FORMING GRASS EDGES
- Location: Planting beds, paths, manhole covers and the like.
- Edges: Draw back soil and re-form edges to clean straight lines or smooth flowing curves, sloping slightly back from vertical.

320 LEVELLING HOLLOWS AND BUMPS IN TURF
- Standard: To BS 7370-3, clauses 12.4 and 12.5.

325 RELIEVING SURFACE COMPACTION IN TURF
- Standard: To BS 7370-3.
- Method: Spiking.
- Top dressing: Not required.
  - Depth: 2-3 mm.

330 SELECTIVE HERBICIDE
- Location: All lawns.
- Herbicide: Suitable for suppressing perennial weeds.
- Areas not to be sprayed: Wildflower areas or bulb and corm planted areas.

340 SPOT WEEDKILLING IN ROUGH GRASS AREAS
- Herbicide: Suitable for suppressing perennial weeds.
- Operations: Spot treat injurious weed species listed in the Weeds Act 1959 and Wildlife and Countryside Act 1981.

345 CONTROL OF JAPANESE KNOTWEED
- Operations: Spot treat in June and September during suitable weather conditions and when plants are growing vigorously.
- Herbicide: Glyphosate.
- Application: Spray.
- Arisings: Exisiting conditions have not identified any areas of Japanese Knotweed on site. Any areas found to contain Japanese Knotweed to be mapped and Contract Administrator to be informed immediately.

350 FERTILIZER - SPRING APPLICATION
- Type: Slow release Enmag CRF or similar and approved.
- Application rate: 60 g/m².

381 REINSTATEMENT OF WORN OR DAMAGED LAWNS
- Worn or damaged areas: Make good by returfing or reseeding:
  - Returfing standard: To BS 7370-3, Clause 12.2.
  - Reseeding standard: To BS 7370-3, Clause 12.6.
- Turf or seed: To match existing in appearance and quality.
- Protection and watering: Provide as necessary to promote successful germination and/ or establishment.

SHRUBS/TREES/HEDGES

500 ESTABLISHMENT OF NEW PLANTING
- Duration: Two full growing seasons from the date of planting or 12 month from completion.
- Weed control:
  - Method: Keep planting beds clear of weeds by use of suitable herbicides.
  - Area: Maintain a weed free area around each tree and shrub, minimum diameter the larger of 1 m or the surface of the original planting pit.
- Soil condition: Fork over beds to keep soil loose, with gentle cambers and no hollows. Do not reduce depth or effect of mulch.
- Trees: When in leaf, spray crowns during warm weather.
  - Timing: After dusk.
- Watering: Contractor's choice.

510 TREE STAKES AND TIES
- Inspection/ Maintenance times: As scheduled and immediately after strong winds.
- Stakes:
  - Replace loose, broken or decayed stakes to original specification.
  - If longer than half of clear tree stem height, cut to this height in spring. Retie to tree firmly but not tightly with a single tie.
- Ties: Adjust, refix or replace loose or defective ties, allowing for growth and to prevent chafing.
  - Where chafing has occurred, reposition or replace ties to prevent further chafing.
- Removal of stakes and ties: When instructed.
  - Fill stake holes with lightly compacted soil.

520 REFIRMING OF TREES AND SHRUBS
- Timing: After strong winds, frost heave and other disturbances.
- Refirming: Tread around the base until firmly bedded.
- Collars in soil at base of tree stems, created by tree movement: Break up by fork, avoiding damage to roots. Backfill with topsoil and refirm.

530 TREE SHELTERS
- Loose or defective shelters: Adjust, refix or replace to original specification and to prevent chafing.
- Removal: When instructed.

540 PRUNING GENERALLY

- Pruning: In accordance with good horticultural and arboricultural practice.
  - Removing branches: Do not damage or tear the stem or bark.
  - Wounds: Keep as small as possible and cut cleanly back to sound wood.
  - Cutting: Make cuts above and sloping away from an outward facing healthy bud, angled so that water will not collect on cut area.
  - Larger branches: Prune neither flush nor leaving a stub, but using the branch bark ridge or branch collar as a pruning guide.
- Appearance: Thin, trim and shape each specimen appropriately to species, location, season, and stage of growth, leaving a well balanced natural appearance.
- Tools: Use clean sharp secateurs, hand saws or other approved tools. Trim off ragged edges of bark or wood with a sharp knife.
- Disease or infection: Give notice if detected.
- Growth retardants, fungicide or pruning sealant: Do not use unless instructed.

545 PRUNING OF EXCESSIVE OVERHANG

- Timing: As instructed .
- Operations: Remove growth encroaching onto grassed areas, paths, roads, signs, sightlines and road lighting luminaires.
- Special requirements: Allow ground cover plants to partially overlap paths and lawns .

550 PRUNING OF EXCESSIVE HEIGHT

- Timing: As instructed.

Operations: Remove excessive height As instructed.

555 PRUNING TREES AND SHRUBS

- Standard: To BS 7370-4.
- Special requirements: None.

570 FORMATIVE PRUNING OF YOUNG TREES

- Standard: Type and timing of pruning operations to suit the plant species.
- Time of year: Do not prune during the late winter/ early spring sap flow period.
- Young trees up to 4 m high:
  - Crown prune by removing dead branches and reducing selected side branches by one third to preserve a well balanced head and ensure the development of a single strong leader.
  - Remove duplicated branches and potentially weak or tight forks. In each case cut back to live wood.
- Whips or feathered trees: Do not prune.
- Operatives: Extensive pruning of young trees and any surgery to larger trees must be carried out by an approved member if the Arboricultural Association or other approved specialist.

575 PRUNING ORNAMENTAL SHRUBS

- General: Prune to encourage healthy and bushy growth and desirable ornamental features, e.g. flowers, fruit, autumn colour, stem colour.
- Suckers: Remove by cutting back level with the source stem or root.

605 TRIMMING SLOWLY ESTABLISHING HEDGES

- Operations:
  - Timing: Cut back hard in June and September to encourage bushy growth down to ground level.
  - Form: Allow to reach planned dimensions only by gradual degrees, depending on growth rate and habit.

685 SOIL LEVEL ADJUSTMENT

- Level of soil/mulch at edges of beds: Reduce to 50 mm below adjacent grass or hard surface.
  - Arisings (if any): Spread evenly over the bed.

690 MAINTENANCE OF LOOSE MULCH

- Thickness (minimum): 75 mm.
  - Top up: Annually.
- Mulch spill on adjacent areas: Remove weeds and rubbish and return to planted area.
- Weeding: Remove weeds growing on or in mulch by hand weeding.

695 FERTILIZING ESTABLISHED TREES AND SHRUBS

- Time of year: As schedule.
- Type of fertilizer: Slow release Enmag CRF or similar and approved.
- Application: Spread evenly.
  - Rate: As manufacturer's recommendations.

710 WOODLAND PLANTING MAINTENANCE

- Watering: In exceptional circumstances to prevent plants dying.
- Loose plants: Refirm surrounding soil, without compacting.
- Vegetation: Except trees and coppice shoots to be retained, cut down to 100 mm above ground level within the plantation area.
  - Arisings: Leave between rows.
- Ditches and drains: Keep clear.

715 WOODLAND THINNING

- Mature planting density: 4 plants per m^2.
- Timing: Thin in stages in accordance with the agreed management plan.

TREE WORK

810 TREE WORK GENERALLY

- Identification: Before starting work agree which trees, shrubs and hedges are to be removed or pruned.
- Protection: Avoid damage to neighbouring trees, plants and property.
- Standards: To BS 3998 and Health & Safety Executive (HSE) 'Forestry and arboriculture safety leaflets'.
- Removing branches: Cut as Arboricultural Association Leaflet 'Mature tree management'. Cut vertical branches similarly, with no more slope on the cut surface than is necessary to shed rainwater.
- Appearance: Leave trees with a well balanced natural appearance.
- Chain saw work: Operatives must hold a Certificate of Competence.
- Tree work: To be carried out by an approved member of the Arboricultural Association.

815 ADDITIONAL WORK

- Defective, diseased, unsafe or weak parts of trees additional to those scheduled for attention: Give notice if detected.

820 PREVENTION OF WOUND BLEEDING

- Standard: To BS 3998, clause 8.

825 PREVENTION OF DISEASE TRANSMISSION

- Standard: To BS 3998, clause 9 and Appendix B.

830 CLEANING OUT AND DEADWOODING

- Remove:
  - Dead, dying, or diseased wood, broken branches and stubs.
  - Fungal growths and fruiting bodies.
  - Rubbish, wind blown or accumulated in branch forks.
  - Wires, clamps, boards and metal objects, if removable without causing further damage and not part of a support structure that is to be retained.
  - Other unwanted objects, e.g. tree houses, swings.
  - Climbing plants as schedule.

835 CUTTING AND PRUNING GENERALLY

- Tools: Appropriate, well maintained and sharp.
- Final pruning cuts:
  - Chainsaws: Do not use on branches of less than 50 mm diameter.
  - Hand saws: Form a smooth cut surface.
  - Anvil type secateurs: Do not use.
- Removing branches: Do not damage or tear the stem.
- Wounds: Keep as small as possible, cut cleanly back to sound wood leaving a smooth surface, and angled so that water will not collect on the cut area.
- Cutting: Cut at a fork or at the main stem to avoid stumps wherever possible.
  Large branches: Remove only if unavoidable.
  - Remove in small sections and lower to ground with ropes and slings.
- Dead branches and stubs: When removing, do not cut into live wood.
- Unsafe branches: Remove epicormic shoots and potentially weak forks that could fail in adverse weather conditions.
- Disease or fungus: Give notice if detected. Do not apply fungicide or sealant unless instructed.

855 CUTTING TREE ROOTS

- Excavating: Use hand tools only.
- Protected area: Do not cut roots within an area which is the larger of:
  - The branch spread of the tree.
  - An area with a radius of half the tree's height, measured from the trunk.
- Outside protected area: Give notice of roots exceeding 50 mm in diameter. Do not cut without approval.
- Cutting:
  - Cutting: Make clean smooth cuts with a hand saw.
  - Wounds: Minimize. Avoid ragged edges.
  - Finishing: Pare cut surfaces smooth with a sharp knife.
- Backfilling:
  - Protection: Cover cut roots with clean sharp sand.
  - Material: Backfill with original topsoil.

865 BARK DAMAGE

- Wounds:
  - Do not attempt to stop sap bleeding.
  - Bark: Remove ragged edges using a sharp knife.
  - Wood: Remove splintered wood from deep wounds.
  - Size: Keep wounds as small as possible.
- Liquid or flux oozing from apparently healthy bark: Give notice.

615 TRIMMING FIELD HEDGES
- Operations: Trim to specified height and profile using suitable mechanical cutters.

620 REMOVAL OF DEAD PLANT MATERIAL
- Operations: At the end of the growing season, check all shrubs and remove all dead foliage, dead wood, and broken or damaged branches and stems.

630 DEAD AND DISEASED PLANTS
- Removal: As soon as possible.
- Replacement: In the next scheduled round of replacement planting.

635 REINSTATEMENT OF SHRUB/ HERBACEOUS AREAS
- Dead and damaged plants: Remove.
- Mulch/ matting materials:
  - Carefully move to one side and dig over the soil, leaving it fit for replanting.
- - Do not disturb roots of adjacent plants.
- Replacement plants:
  - Use pits and plants: To original specification or to match the size of adjacent or nearby plants of the same species, whichever is the greater.
  - Additional requirements: None.
- Dressing: Slow release fertilizer:
  - Type: Enmag CRF or similar and approved.
  - Application rate: As manufacturer's recommendations.

640 THINNING BY REMOVAL OF SURPLUS PLANTS
- Plants to be thinned: Woodland Edge and Dense Woodland Block planting.
- Standard: BS 7370-4.
- Timing: In accordance with the agreed management plan.
- Roots:
  - Disturbance to adjacent plants: Minimise.
  - Soil: Refill holes with topsoil to leave an even graded surface.
  - Mulch: Maintain mulch as original specification.
  - Adjacent plants: Make good any minor damage immediately.
- Plants for retention: Select plants with a strong healthy habit.
- Mature planting density: 4 plants per m^2.

645 WEED CONTROL GENERALLY
- Weed tolerance: At all times, weed cover less than 5% and no weed to exceed 100 mm high.
- Adjacent plants, trees and grass: Do not damage.

655 WEED CUTTING BY HAND OR MACHINE
- Undesirable grass, brambles and herbaceous growth: Cut down cleanly to a maximum height of 50 mm.
- Herbicides: Do not use.

680 SOIL AERATION
- Compacted soil surfaces:
  - Prick up: To aerate the soil of root areas and break surface crust.
  - Size of lumps: Reduce to crumb and level off.
  - Damage: Do not damage plants and their roots.

WATER AREAS

890 DREDGING TO POND

- Frequency: Every 5 years.
- Time of year: To avoid disruption to nesting birds.
- Method: By draglines.
- Phasing: As instructed.

HARD LANDSCAPE AREAS/FENCING

910 HARD SURFACES AND GRAVEL AREAS

- Herbicide: Apply a suitable foliar acting or residual herbicide. Allow recommended period for herbicide to take effect before clearing arisings.
- Hard surfaces: Remove litter, leaves and other debris.
- Surface gutters and channels: Remove mud, silt and debris.
- Drainage gullies: Empty traps and flush clean.
- Gravel areas: Rake over. Remove weeds, litter, leaves and debris, and level off.
- Repairs to flexible bituminous pavings: In accordance with the original paving specification or BS 7370-2, clause 4.12.
- Stain removal: In accordance with BS 7370-2, table 4.

Q40 Fencing

310A CLOSE BOARDED FENCING TO AREAS OF TREE PRESERVATION ORDER WMBC 175

- Standard: To BS 1722-5, type As indicated on Tacp drawing 60122-007. Fending to be maintained throughout construction period for relevant development phase.
- Height: 2400mm.
- Wood: Contractor's choice and Contract Administrotors.
  - Treatment: None.
- Boards/ rails: Softwood feather edged boards on rectangular rails.
- Posts: Wood.
- Centres of posts (maximum): 2.4 m, or 3 m if a gravel board is specified.
- Method of setting posts: Rammed earth to a minimum depth of 750 mm .
- Other requirements: None.

320A CLEFT CHESTNUT PALE FENCING TO RETAINED EXISTING VEGETATION, OFFAS DYKE, HA HA AND GREEN LODGE EXCLUSION ZONES

- Standard: To BS 1722-4, type CC 120 and 150.
- Height: 1200 mm and 1500mm as indicated on TACP drawing 60122-007.
- Posts and struts: Wood.
- Centres of posts (maximum):
  - Straining posts: 70 m in straight runs and at all ends, corners, changes of direction and acute variations in level.
  - Intermediate posts: 2.25 m.
- Method of setting posts and struts:
  - Straining posts: Rammed earth to a minimum depth of 600 mm.
  - Struts: 300 x 450 mm holes, 450 mm deep filled with excavated material, well rammed as filling proceeds.
  - Intermediate posts: Driven to a minimum depth of 600 mm.
- Other requirements: None.

510 FIELD GATES AND POSTS

- Standard: To BS 3470.
- Manufacturer: Contractor's choice and Contract Administrators approval.
  - Product reference: To approval.
- Size: 1100 mm high x 3000 mm wide.
- Materials: Wood gate and posts.
  - Treatment: To provide a 20 year service life.
- Fittings: 2 hook and band hinges, return spring and a padbolt with padlock.
- Method of setting posts: Concrete foundation, 450 x 450 x 600 mm deep.

610 INSTALLATION

- Set out and erect:
  - In straight lines or smoothly flowing curves as shown on drawings.
  - With tops of posts following profile of the ground.
  - With posts set rigid, plumb and to specified depth, or greater where necessary to ensure adequate support.
  - With correct fasteners and all components securely fixed.

620 SETTING POSTS IN CONCRETE

- Mix: To BS 8500-1 and -2 and BS EN 206-1, Designated mix not less than GEN1 or Standard mix not less than ST2.
- Alternative mix for small quantities: 50 kg Portland cement to 150 kg fine aggregate to 250 kg 20 mm nominal maximum size coarse aggregate, medium workability.
- Admixtures: Do not use.
- Holes: Excavate neatly and with vertical sides.
- Filling: Position post/ strut and fill hole with concrete to not less than the specified depth, well rammed as filling proceeds and consolidated.
- Backfilling of holes not completely filled with concrete: Excavated material, well rammed and consolidated.

630 EXPOSED CONCRETE FOUNDATIONS

- Filling: Compact until air bubbles cease to appear on the upper surface.
- Finishing: Weathered to shed water and trowelled smooth.

640 SETTING POSTS IN EARTH

- Holes: Excavated neatly, with vertical sides and as small as practicable to allow refilling.
- Filling: Position posts/ struts and replace excavated material, well rammed as filling proceeds.

650 DRIVEN POSTS

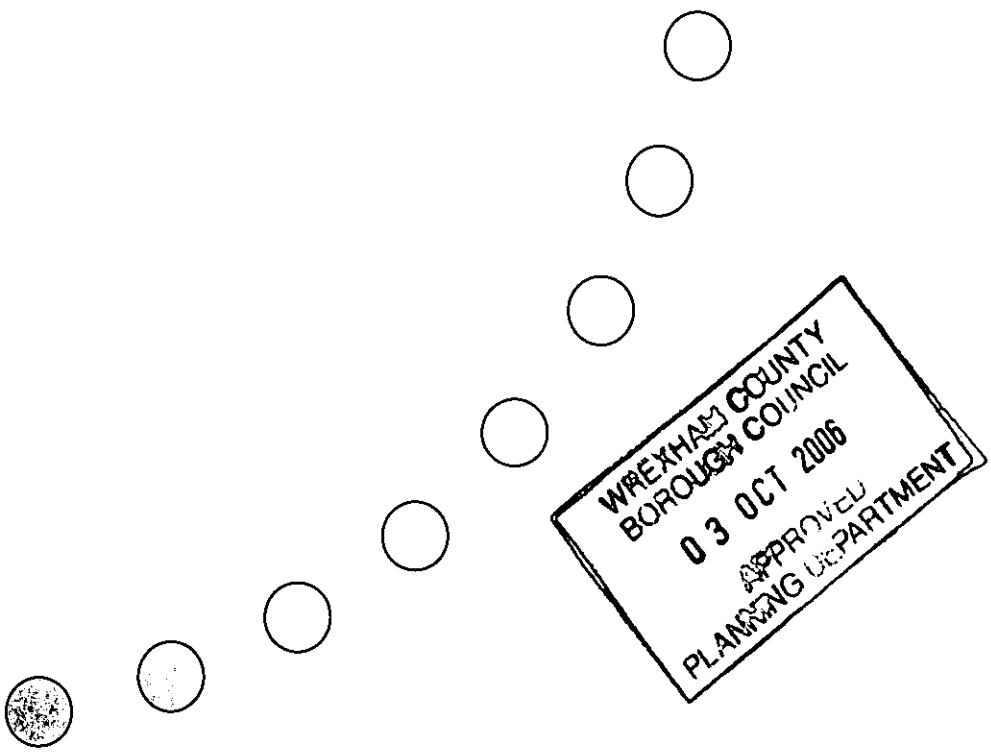
- Damage to heads: Minimize.
  - Repair: Neatly finish post tops after installation.

670 SITE CUTTING OF WOOD

- General: Kept to a minimum.
- Below or near ground level: Cutting prohibited.
- Treatment of surfaces exposed by minor cutting and drilling: Two flood coats of solution recommended for the purpose by main treatment solution manufacturer.

60122

TACP



LANDSCAPE MANAGEMENT PLAN

Ruabon Business Park

The Wynnstay Farming Company Ltd

LANDSCAPE MANAGEMENT PLAN

Ruabon Business Park

for

The Wynnstay Farming Company Ltd

Landscape Architects

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Project No:	**60122**
Document Status:	**Final**
Checked:	NG
Approved:	PMcC
Date:	07.07.06

1.0 Introduction

This document aims to set out the objectives and methodologies for the creation and future management of the soft landscape associated with the proposed business park development.

2.0 Scope

The Management Plan deals with eight principal landscape categories:

- Existing Vegetation
- Individual Trees
- Woodland
- Decorative Shrub Planting
- Hedging
- Grass Areas
- Water Feature
- Existing Ha-Ha

The Plan considers the protection of existing vegetation, the provision of new planting and its establishment, and the long-term maintenance and management of the soft landscape.

3.0 Management Plan

The Management Plan summarises the design objectives of the distinct categories within the landscape proposals. The management objectives describe how the design objectives are to be actioned and upheld throughout the lifespan of the development.
The management operations outline the foreseeable implementation operations expected to be necessary for delivering the management objectives
Future management will need to be responsive to future changes and should be informed by ongoing monitoring of the development landscape relative to the design objectives.

3.1 Existing Vegetation

3.1.1 Existing Trees

Design Objectives
Retain and manage existing trees: -

- To reinforce the historic landscape setting and provide landscape character continuity within the development.
- To provide mature landscape elements within the site

Management Objectives

- Ensure continued health and vigour of existing trees.
- Monitor and assess growth and status to identify future action.
- Maintain a safe and healthy branch structure and balanced crown
- Maximise the lifespan of the tree

Management Operations

- Undertake a five yearly arboricultural review to monitor status and safety to assess any necessary arboricultural management works
- Carry out all necessary management operations identified through the review in accordance with current Arboricultural Advisory and Information Service recommendations.
- All works to be undertaken by specialist arboricultural contractors
- Consider planting extra heavy standard specimen trees to replace existing trees which ultimately die or cease to deliver the design objectives through accidental damage, vandalism, or natural senescence.

3.1.2 Existing open woodland meadow/ scrub areas

Design Objectives

Retain and manage open woodland meadow/ scrub areas: -

- To create landscape habitat diversity within the development.
- To provide filtered views over the existing pond area.

Management Objectives

- To create bat foraging areas in the short term.
- To develop a stable open woodland habitat with a reinforced percentage of woodland tree species,
- Maintain a species diverse meadow ground flora with a network of glades and rides.
- Ensure health and vigour of existing trees and planted supplementary trees.
- Manage the habitat to control potential succession to closed woodland.
- Monitor and assess future growth to ensure maximum amenity lifespan of selected trees

Management Operations

- Undertake appropriate establishment maintenance operations for three-years on supplementary tree planting.
- Control invasive weeds annually to establish and maintain the meadow habitat.
- Control colonisation of self seeded tree species on a five yearly cycle to preserve open woodland character
- Undertake a five yearly review to monitor and assess any necessary arboricultural management works to trees
- Carry out all necessary management operations in accordance with current Arboricultural Advisory and Information Service recommendations.
- All works to be undertaken by specialist arboricultural contractors.

3.2 Newly Planted Individual Trees

3.2.1 Avenue Tree, Car Park and Feature Tree Planting and Grouped Standard Trees.

Design Objectives

Plant standard individual trees: -

- To create landscape structure within the development, [reinforcing avenues; punctuating parking areas; creating future landmark features]
- To allow clear and unobstructed passage and views below the canopy, to promote site safety.

Management Objectives

- To ensure successful initial establishment of newly planted standard trees [3 year establishment maintenance period]
- To establish strong and healthy mature standard trees with clear trunks
- To develop attractive, well formed and balanced branch structure and canopy shape
- To ensure safe growth form and maximise amenity value and lifespan
- Maintain the design objectives through the design life of the development

Management Operations

- Undertake appropriate establishment maintenance operations for three-years on all tree planting.
- Undertake a five yearly arboricultural review to monitor status and safety to assess any necessary arboricultural management works necessary to achieve objectives.
- Carry out all necessary management operations identified through the review in accordance with current Arboricultural Advisory and Information Service recommendations.
- All works to be undertaken by specialist arboricultural contractors
- Replace with new trees, all standards which ultimately die or cease to deliver the design objectives through accidental damage, vandalism, natural senescence.

3.2.2 Grouped Tree Planting – Feathered Trees

Design Objectives

Plant standard individual trees: -

- To add interest to the landscape structure, to diffuse views and to tie in with historic landscape character

Management Objectives

- To ensure successful initial establishment of newly planted standard trees [3 year establishment maintenance period]
- To establish stable and healthily growing trees with well formed branch structure
- To develop attractive, well formed and balanced branch structure and canopy shape
- To ensure safe growth form and maximise amenity value and lifespan

Management Operations [post establishment maintenance]

- Undertake an five yearly arboricultural review to monitor status and safety to assess any necessary arboricultural management works necessary to achieve objectives.
- Carry out all necessary management operations identified through the review in accordance with current Arboricultural Advisory and Information Service recommendations.
- All works to be undertaken by specialist arboricultural contractors

3.3 Woodland

Dense Woodland Block and Woodland Edge Planting

Design Objectives

Plant woodland block and woodland edge planting : -

- To establish effective landscape buffer and structure elements, to provide screening and containment to the site.
- To provide a native species woodland habitat relating to characteristic local species composition.
- To create landscape character links to existing woodland areas
- To encourage biodiversity through habitat creation and protection measures.

Management Objectives

- To establish a vigorous and healthy mature woodland habitat, exhibiting a clearly defined canopy and understorey structure.
- To ensure safe growth form of trees and maximise lifespan of canopy individuals.
- To monitor and assess future growth to ensure development of a safe and healthy woodland structure
- To maintain an effective woodland screen to ground level through management of understorey and edge planting.

Management Operations

- Manage woodland edges through coppicing of suitable species and selective thinning to favour maximum retention of lower branches of shrub and un-coppiced species on a 5-10 year cycle.
- Thin after 15-20 years growth by 25% retaining strongest trees and those that offer the longest future amenity value, create adequate spacing between trees and understorey species to promote healthy future development of the crowns of remaining trees
- Undertake a further thinning operation in year 30-40 by a further 25%.
- Undertake a five yearly arboricultural review to monitor status of woodland development to assess any extra necessary arboricultural management works necessary to achieve objectives.
- Carry out all necessary management operations identified through the review in accordance with current Arboricultural Advisory and Information Service recommendations.
- All works to be undertaken by specialist arboricultural contractors

3.4 Decorative Shrub Planting

Design Objectives

Plant decorative shrub planting: -

- to 'break up' car parking areas
- to provide screening for parking areas
- to define routes and spaces within the development whilst avoiding excessive enclosure or 'hidden spaces'
- to create an attractive amenity landscape with seasonal and all year interest
-

Management Objectives

- To maintain a boscage of shrub growth to cover as much as possible of the border area and allowing the individual plants to achieve as nearly as possible their natural form
- Maintain the borders free of visible weeds
- Maintain the design objectives through the design life of the development

Management Operations

- To ensure successful initial establishment of decorative shrub planting [3 year establishment maintenance period]
- Prune shrubs according to species as necessary and at appropriate time within the season to achieve the desirable decorative features.
- Prune locally to prevent growth onto adjacent circulation areas [footpaths, parking areas etc.] and to prevent interference with building design objectives [blocking light, maintenance access etc]
- Replace with new plants, all shrubs which ultimately die or cease to deliver the design objectives through natural senescence.

3.5 Hedge Planting

Design Objectives

Plant hedge planting: -

- to 'break up' car parking areas
- to provide screening for parking areas
- to define routes and spaces within the development whilst avoiding excessive enclosure or 'hidden spaces'

Management Objectives

- To maintain a uniform height hedge with well developed branch structure and vegetation cover
- Maintain the base of the hedge free of visible weeds
- Maintain the design objectives through the design life of the development

Management Operations

- Ensure successful initial establishment of hedge planting [3 year establishment maintenance period]
- Prune hedge planting annually to regulate height and spread and as necessary locally to prevent growth onto adjacent circulation areas [footpaths, parking areas etc.] and to prevent interference with building design objectives [blocking light, maintenance access etc]
- Replace with new plants, all hedge plants which ultimately die or cease to deliver the design objectives through natural senescence.

3.6 Grass Areas

3.6.1 General Grass Areas

Design Objectives

Establish general grass areas: -

- To create an attractive amenity lawn adjacent to buildings and hard landscape areas.

Management Objectives

- To provide an even stand of vegetation of uniform height and colour comprising predominantly grass species
- Control undesirable dicotyledenous species, eg. Dock, thistles ragwort, nettles etc.

Management Operations

- Ensure successful initial establishment of general grassed areas [3 year establishment maintenance period]
- Maintain grass height between 25-50 mm in all areas adjacent to hard landscape and as indicated on landscape proposal drawings, removing arisings.
- Review of sward condition to establish additional requirements an annual spray of suitable selective herbicide or spot weeding may be necessary.

3.6.2 Rough Grass Areas

Design Objectives

Establish rough grass areas: -

- To create a diversity of grass amenity areas within the development landscape

Management Objectives

- To provide an even stand of vegetation of uniform height and colour comprising predominantly grass species
- Control undesirable dicotyledenous species, eg. Dock, thistles ragwort, nettles etc.

Management Operations

- To ensure successful initial establishment of general grassed areas [3 year establishment maintenance period]
- Mowing to maintain grass height between 75-150 mm, spreading arisings
- Spot treatment of noxious weeds using selective herbicide

3.6.3 Wetland 'Flush' Meadow

Design Objectives

Establish wetland 'Flush' meadow grass areas: -

- To create habitat and species rich grassland associated with the wetland areas
- To promote local biodiversity objectives

Management Objectives

- To maintain appropriate species composition
- To allow natural habitat development

Management Operations

- Ensure successful initial establishment of wetland 'Flush' meadow areas [3 year establishment maintenance period]
- Annual cut to 75mm height following setting of seed each year, prevent arisings from entering the water body and remove arisings.
- Spot treatment of noxious weeds using selective herbicide

3.7 Water Features

Existing Pond and Proposed Balancing Pond

Design Objectives

Manage existing and proposed ponds: -

- To create ecological habitat value and to promote local biodiversity objectives.

Management Objectives

- Maintain and enhance existing species composition and habitat value of the existing pond.

- Protect the ecological value of the existing wetland habitat
- Create a new wetland habitat area based upon ecological advice to complement the existing pond, and Wetland 'flush' meadow.

Management Operations

- Undertake phased dredging operations on a five yearly frequency.
- Undertake a five yearly ecological review of habitat status to inform phasing of dredging operations and to monitor status of vegetation development to assess any extra necessary management works necessary to achieve objectives.
- All management operations to be carried out with full consideration of ecological advice, in terms of timing, phasing and protection.

3.8 The existing Ha-Ha

Design Objectives

Maintain existing Ha Ha: -

- To preserve historic landscape feature and retain landscape character element.

Management Objectives

- Maintain existing stone retaining wall.
- Maintain ditch as rough grass areas [Section 3.6.2]

Management Operations

- Manage any vegetation encroaching within the interstices of the wall. Spot treat with selective herbicide and cut back all woody species likely to cause damage by root growth. As far as possible avoid removal of structurally harmless annual or grass species.
- Undertake regular [minimum five yearly] inspections walking the entire length of the Ha-ha. Survey the construction for safety and stability, and undertake inspection report identifying areas for remedial works.
- Survey and inspection to be carried out by suitably qualified professional.
- Undertake recommended remedial works as identified

THE CLWYD-POWYS ARCHAEOLOGICAL TRUST

Ruabon Business Park near Wrexham

ARCHAEOLOGICAL and HISTORICAL ASSESSEMENT



CPAT Report No 783

BRIEF FOR ARCHAEOLOGICAL FIELDWORK

Work to record a Section of Wynnestay Park, Ruabon, Wrexham.

Brief prepared on behalf of TACP.

Summary

This document is the brief for archaeological work to be undertaken prior to the development of part of Wynnestay park, Ruabon, Wrexham. It sets out the requirements for an archaeological desktop study and archaeological monitoring and recording during all groundworks incurred by the development. Such a scheme should facilitate the preservation by record of the park.

The brief should be used by archaeological contractors as the basis for the preparation of a detailed archaeological project design. In response to this brief, contractors will be expected to provide details of the proposed scheme of work, to include the anticipated working methods, timescales and staffing levels.

The detailed specification will be submitted to the client above subject to the approval of the Archaeological Officer of Wrexham County Borough Council. If more than one, the client will be free to choose between those specifications which adequately satisfy this brief.

This brief has been prepared by the Wrexham Archaeology Service (part of Wrexham County Borough Council) and joint holders of the Sites and Monuments Record. It must not be altered or amended in any way without the express consent of the County Borough Council.

Planning Background

Wrexham County Borough Councils Planning Department has advised the developer that a detailed archaeological desktop study and archaeological monitoring and recording during groundwork would be an appropriate archaeological response to the development. The developer has requested that Wrexham Archaeology Service provide them with an archaeological brief for this work.

Welsh Office Circular 60/96, (December 1996) on Planning and the Historic Environment: Archaeology notes that 'There will be occasions, particularly where remains of lesser importance are involved, when planning authorities may decide that the significance of the archaeological remains is not sufficient when weighed against all the other material conditions, including the need for development, to justify their physical preservation in situ, and that the proposed development should proceed. Planning authorities will, in such cases, need to satisfy themselves that the developer has made appropriate and satisfactory arrangements for the excavation and recording, or other investigation, of the archaeological remains and the publication of the results. If this has not already been secured through voluntary agreement, planning authorities should consider granting planning permission subject to conditions which provide for the excavation and recording of the remains before development takes place.'(Paragraph 18).

This brief has been prepared by Wrexham Archaeology Service at the request of the applicant in order to provide an archaeological scope of work to allow an archaeological contractor to provide a costed project design.

Objective of the Fieldwork

The objective of the survey will be to provide a comprehensive record of the phases and structure of the park and to preserve by record that part of the park to be lost to development.

Approach

A written project design is required of the archaeological contractor, to be submitted to the Wrexham Archaeology Service and accepted by them in writing **before any costed proposals are submitted to the applicant**. The submitted project design should be based upon the format for a project design contained in "*The Management of Archaeological Projects*" (English Heritage, 2nd edition, 1991). The archaeological contractor must comply with Wrexham Archaeology Service's "*General Criteria for Archaeological Contractors in Wrexham for Work Necessitated by Development*" (attached, and part of this brief).

The Contractor should state the period of notice (at the time of writing) required to commence the project.

The Wrexham Archaeology Service is responsible for monitoring progress and standards throughout the project. To facilitate this, the project design should include a projected timetable on site (indicating staff grades, numbers, estimated visit frequency etc.). Provision should be made for a field visit by Wrexham Archaeology Service for monitoring purposes, during the survey costed at £60.00 plus VAT per visit.

Results

Details of style and format are to be determined by the archaeological contractor.

1. The report should include:

a) A description of the methodology used in undertaking the assessment.

b) A plan drawing of the development area at a suitable scale to be produced, locating the position and extent of any features of archaeological interest in relation to Ordinance Survey datum and published boundaries.

c) A description of the sites found within the development area.

d) The transcription of relevant sources.

e) Maps, plans and photographs as appropriate.

f) A full bibliography, indicating whether each reference was actually consulted.

2. The collaborative role of the Wrexham Archaeology Service in carrying out this project shall be acknowledged in all publicity (including media releases, publications etc.) arising from it.

3. An estimate of time and staff resources required for report production is required.

4. The contractor should forward their detailed project design to the Wrexham Archaeology Service for consideration and validation before any costed proposals are submitted to the applicant.

A copy of the results will be supplied to the County Sites and Monuments Record held by the Clwyd Powys Archaeological Trust, on the understanding that this will become a public document after an appropriate period of time (generally not exceeding six months).

The Report to be produced within one month of completion of the fieldwork. Further information or clarification of any aspects of this brief may be obtained from the Curator:

Wrexham Archaeology Service
County Borough Museum,
County Buildings,
Regent Street,
WREXHAM,
LL11 1RB.

Tel. (01978) 317979

Fax. (01978) 317982

CPAT Report No 783

Ruabon Business Park near Wrexham

ARCHAEOLOGICAL and HISTORICAL ASSESSEMENT

R J Silvester
March 2006

Report for TACP

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CPAT Report Record

Report and status

CPAT Report Title *Ruabon Business Park near Wrexham Archaeological and Historical Assessment*	
CPAT Project Name Ruabon Business Park	
CPAT Project No 1355	CPAT Report No 783
Confidential (yes/no) yes	draft/final final

Internal control

	Name	signature	date
prepared by	R. J. Silvester	R.J.S	15/03/2006
checked by	N. W. Jones		16/03/2006
approved by	R. J. Silvester	R.J.S	17/03/2006

Revisions

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Internal memo

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Fig. 3 The relationship of the layout of the area in 1741 to its modern counterpart

Fig. 4 The Wynnstay Estate in the early 19th century

Fig. 5 The 1st edition Ordnance Survey map of 1873

Fig. 6 The features of archaeological and historic interest

1 *Introduction*

1.1 The following report has been prepared in response to planning condition 15 imposed by Wrexham County Borough Council as Local Planning Authority in relation to the planning approval given to the Wynnstay Farming Company for the development of the Ruabon Business Park near Wrexham in June 2005 (Code no RUA P/2003/1484).

1.2 The Clwyd-Powys Archaeological Trust (henceforward CPAT) were invited by TACP in August 2005 to provide a fee proposal for undertaking the various archaeological works covered by the conditions referred to above, and a initial costing was provided in mid-September which covered the preliminaries, namely the preparation of a report based on a documentary and field assessment, together with recommendations for mitigation as required by the local authority. In preparing the costing, cognisance was taken of a detailed curatorial design brief for the work which was prepared specifically for TACP by the Wrexham Archaeology Service, a part of Wrexham County Borough Council, in September 2005, as required under planning condition 14. As a requirement of the design brief, a detailed specification was prepared by CPAT in September 2005 and was then passed to the Wrexham Archaeology Service by TACP. This was subsequently approved by the Wrexham Archaeology Service, allowing the assessment to commence.

1.3 The report deals first with the background history to the development area in as far as this can be established (in accordance with condition 15), then lists the features of historical interest within the area, and finally suggests mitigation measures for those features as required by conditions 13, 14 and 16. Additional information which provides references to other documentation and elaborates on certain aspects of the study are provided in a series of notes at the end of the report. It has been prepared by Mr R J Silvester of the Clwyd-Powys Archaeological Trust.[1]

1.4 The supplementary notes to the Conditions require that copies of the historic landscape report together with the recommendations be submitted to the Local Planning Authority for their approval, and that copies be lodge with the County Sites and Monuments Record (now the Historic Environment Record), with the County Archaeologist and with Cadw.

1.5 A preliminary report on the proposed development area had been prepared by Earthworks Archaeological Services in 1997 (Cole 1997), soon after the park at Wynnstay was included within the *Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales* (Cadw 1995; Fig 1). This provided general background information about the context of Ruabon and Wynnstay which is not repeated here, and the present report complements the earlier one rather than superseding it.

2 *The History of the Development Area*

2.1 The development area (SJ 297433), comprising two fields covering around twenty-four hectares, lies immediately to the south-west of the village of Ruabon and some 600 to 700m to the north-west of Wynnstay itself. The modern A483 trunk road runs just to the east, while the A539 and the B5605 edge the area on the north and west respectively.

2.2 The history of the area earmarked for the new business park can be taken back with some confidence to the 1740s, but not before. Neither the Home Farm to the south nor James's Farm to the east, both of which lie a little beyond the boundary of the development area, can be traced back into the 18th century, and indeed the name of the

former is evidently a 20th-century creation, even though it almost certainly functioned as such at an earlier date.

2.3 In 1741 Wynnstay Park and the surrounding demesne (the manor farm reserved for the lord's own use) was surveyed for Sir Watkin Williams Wynn, the third baronet[2]. The full-size estate map does not appear to have survived, but in addition the surveyor, Thomas Badeslade, produced for the third baronet what was termed a pocket book of maps of the demesne lands attached to several of his more important estates, Wynnstay being the primary one. These maps were copies reduced in size from the large estate maps. The original pocket book has not been traced but a photocopy exists in the Denbighshire Record Office (Fig 2).

2.4 The 1741 map does not show all of the area immediately to the south of Ruabon and west of Afon Eitha, but does depict one of the demesne farms known as Tyddyn y Rhyddalt. In as far as it is possible to plot the field boundaries from the 1741 map on to a modern base map, it is evident that much of the development area fell within the demesne. It is also clear that the field bounds in the mid 18th century were of a very irregular pattern which are not reflected in any way by the boundaries of today or indeed of the 19th century (Fig 3). The reason for this irregular pattern must lie in the earlier history of this land block, and one possibility – though not the only one – is that these fields were created by the enclosure, in the 16th or even 17th century, of open fields (where individually farmed strips of land were not separated by permanent boundaries) that had functioned in the Middle Ages. This view is given some credence by the fact that one of the Tyddyn fields was termed *Maes y neuadd*, the term *maes* often signalling a medieval open field in Wales.

2.5 Between the village of Ruabon and the Tyddyn y Rhyddalt holding no field divisions are shown in 1741. One road is depicted running south from the village through this unmapped zone and beside it a small mark on the 1741 map appears to indicate James's Farm. From the symbols used on the 1741, it appears that this road was seen as the edge of the Wynnstay park in the mid-18th century, despite some encroaching fields to the east of the road.

2.6 The Wynnstay demesne lands did not extend further south of the Tyddyn y Rhyddalt holding over the whole of what was in the 19th century termed Big Field, where the neck of land narrows between the Afon Eitha and the Dee, and this area too was left blank in 1741. While it is conceivable that this was tenanted land belonging to Wynnstay, it is more likely that in the mid 18th century it was in different ownership. This view is reinforced by an agreed land exchange in 1788 between the baronet and Richard Jones[3]. The details need not detain us, but basically an access was negotiated between the two parties for a road from Pont y Cyffylog and hence Wynnstay, to the new turnpike road beyond Bodyllttyn. This road is almost the one still in existence today. That Sir Watkin Williams Wynn needed to enter such an agreement indicates that at least part of Big Field was not in his ownership at that time.

2.7 When then did Wynnstay acquire these other portions of land on the west side of the Afon Eitha valley? They appear to fall within the 'hamlet' of Rhuddallt. In the early 18th century Rhuddallt Issa came into possession of a family named Lewis. To Lewis Lewis in 1754 Rhuddallt Issa was also known as Ty'n y Ryddalt, and it has been suggested that possibly this land was exchanged with Wynnstay in the late 18th century, although a precise date cannot be established.[3] However, establishing a precise date is arguably less important than the fact that at some point in the late 18th or early 19th century the Wynnstay Estate acquired additional land and this facilitated wide-ranging changes to the layout of this landscape.

2.8 The next plan of the Wynnstay Estate, undated, but attributed to the early 19th century perhaps between 1800 and 1820, reveals a very different picture (Fig 4).[4] It is evident that by the early 19th century, the landscape to the west of the park had been re-drawn. The field boundaries between the River Dee and the Afon Eitha valley were removed and replaced with new ones that were laid out to a more regular and rectilinear pattern. The old road running south was closed completely and does not appear on any later map though curiously, its line is almost precisely that of the new bypass.

2.9 The differential colouration on the 1820s map suggests that this area to the west of the Afon Eitha was not viewed at that time as an integral part of the parkland. Rather it was the ground around the demesne farm, later to be known as the Home Farm. Nevertheless, the wall around the whole area was known as the park wall and in 1828-32, Wynnstay was negotiating the purchase of cottages at Cefn Bychan, Swithin Place, Rhosymedre and Newbridge, some of which were within the park wall, so that they could be taken down and replaced by others outside, and the completion of the park wall as far as Newbridge. The lodges, including the fine Newbridge Lodge are usually seen as entries into the park,[6] and one field to the east of James's Farm was at some point in the 19th century known as James's Park.[7] This appears to show that that though not incorporated into the park around the main house, this area was viewed as part of a broader parkland where access was controlled by the enclosure of a stone wall, and this is in keeping with the situation that developed on great estates in other parts of England and Wales.



Plate 1. The park wall

2.10 By the 1820s James's Farm, now a part of the Wynnstay Estate, was used for horse breeding and Big Field to the south of had a training course on it. There were farm buildings where the Home Farm now is, but the key feature there at the time was a 'thrashing machine' and this later became known as Machine Farm.[8] The sunken ditch which functioned in the same way as a ha ha,[9] and whose curvilinear course remains,

had also been built by this time. It is a reasonable assumption that this was to prevent stock getting out of what in the 1820s was termed 'the Hay Meadow' into adjacent fields. All this in recognisable or implicit from the 1820s map.

2.11 A stone wall was added around the outside of the estate. Tradition has it that this was built by Napoleonic prisoners of war, so sometime in the first two decades of the 19th century, but whether this was broadly contemporary with the changes in the layout of the landscape has not been confirmed.

2.12 Minor changes did occur in later years. The pond in the middle of the development area was not in existence when the 1820s map was drawn, but there was a sinuous line on that map which almost certainly represented a stream, curving down to the site of Home Farm and a valley outlet through what is now known as Hopyard Wood. The pond lies on the line of this stream and it appears likely that it was dug out to form a header pond for an underground water supply to power machinery such as the thrashing machine, feeding other small ponds at the farm.

2.13 Later maps – the Tithe Map of 1844/45,[10] the 1st edition of the large-scale Ordnance Survey map of 1873 (Fig. 5) – add little to the overall picture. A supplementary field boundary ran diagonally across the development area to the east of the pond in the 19th century. It was not in place on the 1820s map and had been removed by the time of the Ordnance Survey survey in the 1873, but it does appear on the Tithe map and on an undated 19th-century estate map.[11]

2.14 The only other developments to note here are that in the late 19th or early 20th century an area was enclosed in the south-west portion which was used as a football pitch by the Wynnstay Colliery football team[12] and his was still functioning into the early 1970s. In the same field there was also a tennis court. The main field remained as pasture until relatively recently. Changes to the layout of the roads feeding the new bypass have sliced off the northern part of what in the 19th century was termed the hay meadow so that the development area, though following its predecessor is somewhat smaller than it.

3 The features of archaeological and historic interest

3.1 The features described below are those that are or were formerly visible within, or on the edge of, the development area. They are ordered in a simple sequential number system for ease of use, and are indicated on Fig. 6. Some of these may already have been given numbers for other purposes, within the list of Scheduled Ancient Monuments maintained by Cadw, or in the Historic Environment Record maintained by the Clwyd-Powys Archaeological Trust, but these numbers will not be referred to in this text unless it appears useful.

1) Offa's Dyke

The greatest of the early medieval boundary earthworks, Offa's Dyke is associated with the great 8th-century king of Mercia. It consists of a bank with a ditch in front of it. The length of the earthwork lying at the south-western corner of the development is a scheduled ancient monument (SAM De 177), and of a length here of 145m or so, 85m edges the development area. The rear of the Dyke bank lies within the development area, the road to Home Farm lies on top of it and the ditch in the pasture field to the west.

Immediately to the north of this upstanding section, the earthen bank has been removed and the ditch, though no doubt present has been overlain by road metalling and probably by the modern embankment.

2) The pond

A large pond, elliptical in shape, with a small islet at the mid point. Regular and steep-sided this was dug probably after *c.*1820 and before 1845. At the northern end a steep-sided gully which terminates abruptly feeds into the pond. At the southern end is a sluice, which in 1997 had recently been cleaned out for there was a dump of clay and brick rubble adjacent to it. The lower courses of the sluice channel are of stone, the upper surviving courses of brick. 'No mechanism remains, but a decaying footbridge or operator's platform lies immediately below the broken brick abutments which probably supported one' (Cole 1997). The pond is a largely utilitarian feature which retains a parkland veneer.

3) The ha ha (or enclosure boundary).

The boundary on the southern and eastern portions of the development area consists of an inner ditch, sporadically wet, about 1m deep and 3-4m wide with a substantial rubblestone wall revetting its lower, outer side. This stands to a height of 1m–1.5m and is more pronounced in the eastern sector. It has been breached in several places, but the causeway across it on the south at SJ 29734298, may be original for the alignment of the ha ha here is offset and the causeway is itself revetted. Another stone sluice, still functioning, runs through the ha ha at SJ 2955 4301.

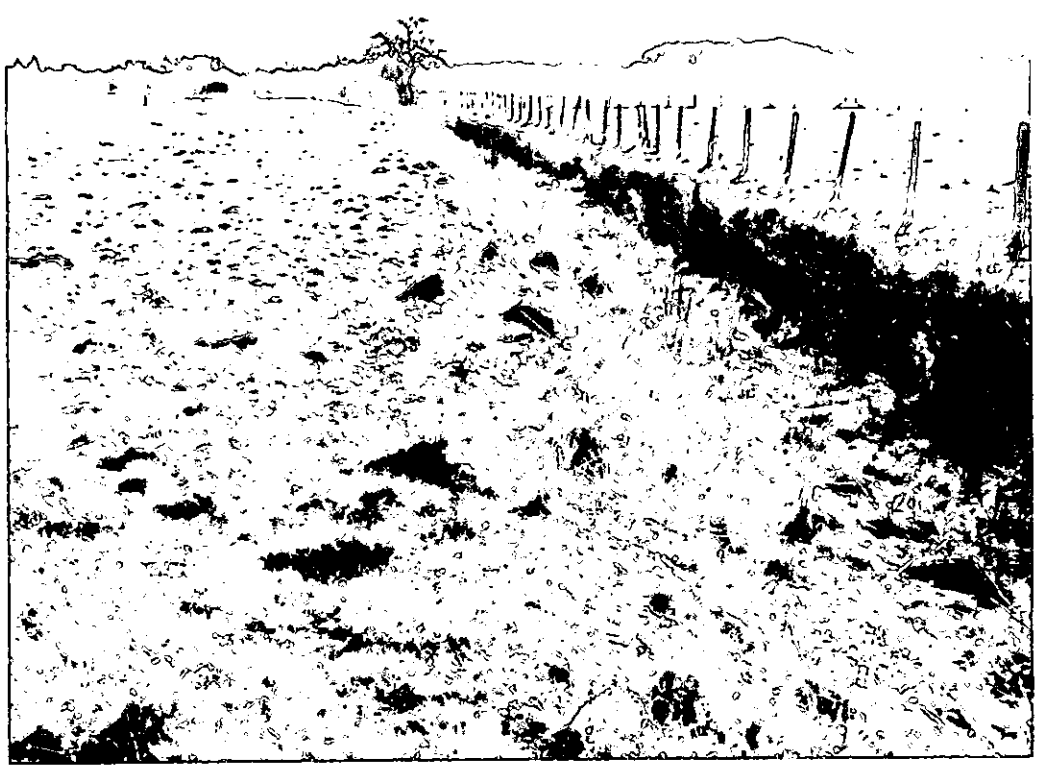


Plate 2. The ha ha or enclosure boundary on the southern side of the development area

4) Rectilinear field

The field in the south-west of the development shows traces of a rectangular sunken platform in its south-east corner which is evidently the old tennis court. The rest of the

field has an uneven surface. It is possible though far from certain that some of this unevenness is due to the presence of the mutilated corrugations of ridge and furrow cultivation.

5) Green Lodge

One of the Wynnstay lodges, lying immediately outside the boundary of the development. Built of local stone, architecturally, it has little of obvious interest.

6) The Park Wall and internal shelter belt.

For a distance of less than 200m on the west side, to the north of Green Lodge, the development area runs up to the park wall and incorporates the shelter belt that has been set within it. A very low bank, possible the original shelter belt boundary lies about 5m inside the modern fence. The wall itself is of rubble stone and is in generally good condition.

7) Knoll

Immediately to the east of the pond at NGR SJ29874331 is a gravelly knoll. This is a distinctive feature, visible as a low eminence from all directions. At 64m ENE/SWS by 58m NNW/SSE it is probably too large to be a Bronze Age barrow, and a through examination of all available aerial photographs has not provided any convincing support for such an interpretation. However, a smaller barrow lies just over one kilometre to the south, and the possibility that such a distinctive natural knoll was used for burial purposes in the prehistoric period should be considered.



Plate 3. The knoll on the east side of the pond.

8) Field boundaries
Several irregular field boundaries are shown on the 1741 map of Wynnstay and lay within the development area. No surface traces remains of these 18th century boundaries remain, but it is possible that sub-surface traces might be identified. A later, 19th-century field boundary, originally ran roughly north-west to south-east through the development. It was removed before the end of the 19th century and no trace of it survives.

9) The historic landscape - general.
The historic landscape in which the development area is to be set is quasi-parkland. It is not and as far as can be established never has been a part of what would normally be considered to be a conventional park. Nevertheless, it is a tract of ground enclosed by a park wall, but divided up into fields which, whilst functioning as elements of working farms, displayed some parkland attributes. Virtually no parkland trees now exist within the development area, and in its general appearance today it is typically farmland. Within the development area these features can be listed as the parkland wall, the tree belt within it, the pond

4 Proposals

4.1 Protection of extant features
The design of the proposed business park already takes account of the presence of some elements of the historic landscape, ensuring their future preservation.

4.1.1 Green Lodge. Condition 13 on the planning approval requires a 20m exclusion zone to be fenced off from the Green Lodge boundary. A plan showing the position of the fencing to be submitted to the local planning authority by the developers' consultants. Fencing (in accord with the aforementioned plan and in advance of any works on site) to be supervised, if required, by approved archaeologist.

4.1.2 Offa's Dyke (SAM). The scheduled area extends to the south of Green Lodge. The bank is visible on average for 6 to 7m into the field and is covered by the scheduling order. The development has been specifically designed to ensure its preservation and further, Condition 13 on the planning approval requires an exclusion zone of 15m from the boundary of the scheduled area. Cadw's advice on the precise line of the boundary will be a required input. A plan showing its position to be submitted to the local planning authority by the developers' consultants. Fencing (in accord with the aforementioned plan and in advance of any works on site) to be supervised by an approved archaeologist.[12]

4.1.3 Offa's Dyke (unscheduled). From the Home Farm access road where it passes Green Lodge northwards there are no visible surface indications of the dyke. On the basis of its projected line to the next visible section 270m to the north, the dyke bank should underlie the lane past Green Lodge and then diverge slightly from it further north. Under Condition 13, fencing for Green Lodge is to be extended northwards for a further 80m as far as the point where the access road changes its alignment, though having viewed the site the writer does not feel that such fencing is necessary. A plan showing its position to be submitted to the local planning authority by the developers' consultants. Fencing (in accord with the aforementioned plan and in advance of any works on site) to be supervised by an approved archaeologist.

4.1.4 The ha ha. Condition 13 on the planning approval requires a 10m exclusion zone to be fenced off from the inner, northern edge of the ha ha. A plan showing its position to be submitted to the local planning authority by the developers' consultants. Fencing (in

accord with the aforementioned plan and in advance of any works on site) to be supervised by an approved archaeologist.

4.1.5 The pond. This has both historic landscape and ecological relevance. Condition 13 on the planning approval requires a 10m exclusion zone to be fenced off around the pond. A plan showing its position is to be submitted to the local planning authority by the developers' consultants. Fencing (in accord with the aforementioned plan and in advance of any works on site) to be supervised, if required, by an approved archaeologist.

4.1.6 The rectilinear field. The presence of both the tennis court and the mutilated ridge and furrow should be noted and a brief record including measurements prepared for the regional Historic Environment Record. This could be done at an early stage during on-site works and would not necessitate a special visit by the approved archaeologist.

4.1.7 The knoll. It is suggested that a watching brief be maintained on all groundworks that take place on and immediately around the knoll. In the event that prehistoric burial deposits are identified, full excavation could be required.

4.1.8 The writer does not consider it either feasible or appropriate to extend preservation to the football pitch or tennis court.

4.2 Preservation and restoration of features within the historic landscape.

4.2.1 The *ha ha* has several thorn trees growing out of it, the roots of which are causing gradual damage to the stone wall. It is recommended that these trees, though not the other deciduous species that have occasionally colonised the bank, be removed to preserve the feature. No new trees should be planted on its edge.

4.2.2 *Wall and shelter belt* inside it. These features should be preserved, and a policy drawn up to replant deciduous species as necessary.

4.2.3 *The pond.* This should be preserved. Its southern sluice might be cleaned out and tidied.

4.3 General watching brief.

4.3.1 The quality and quantity of the historic mapping available makes it reasonably unlikely that there are any significant former or 'lost' parkland features which might be exposed during construction works. Known pre-parkland features which might be identified include former field boundaries (as ditches) and the culverted stream down to Home Farm. It is recommended that during major phases of earthmoving a watching brief be maintained by an approved archaeologist. The frequency and duration of the watching brief visits would be wholly dependent on the contractors' timetable and thus cannot be quantified at present. A report on the results of the watching brief would need to be prepared on conclusion of the on-site works.

4.3.2 Unrecognised archaeological and historic features. In the event that are such features are identified during construction works, consultations should be conducted to ensure that appropriate action is undertaken. Depending on the nature and importance of any such feature, this action might involve simple observation, recording, preservation, restoration or renovation, as appropriate.

Notes

1 The conditions require that the developer shall employ a historic garden archaeology specialist to conduct all the archaeological works. Robert J. Silvester, BA, FSA, MIFA is the Deputy Director and Head of Field Services of the Clwyd-Powys Archaeological Trust. He has worked in Wales for seventeen years, and is an acknowledged specialist in the study of historic landscapes, and has a long list of publications and reports to his name. He is also an authority on estate and other manuscript maps.

2 The pocket book survives as a photocopy at Denbighshire Record Office, Ruthin (*Denbs R. O./NTD 176)* where it is wrongly dated to the 1780s although its true date was recognised by Cadw in their report on Wynnstay Park (Cadw 1995, 287). Its precise date can be attributed to 1741, because one of the full size estate maps – that of Llangedwyn – survives in its original form in the Denbighshire Record Office, and carries that date.

3 Palmer 1992, 32.

4 *Denbighshire Record. Office/Wynnstay Doc 6250.*

5 Plan of the Wynnstay Demesne in the ownership of Sir Watkin Williams Wynn. It does not show the Newbridge lodge, built in 1827/8 (Mowl and Earnshaw 1985, 191), whilst Cadw (1995, 289) attribute to *c.*1800-1820. Their contention that the fifth baronet spent £40,000 on improvements between 1819 and 1830 might tie it down to around the 1820s, as improvements to the estate would offer a suitable context for its production.

6 As in Mowl and Earnshaw 1985, 188 which refers specifically to Wynnstay, and Robinson 1988, 97

7 Different beliefs exist as to whether the development area falls within the park at Wynnstay, and might be summed up as the traditional view of a park against a conceptual approach which takes a more holistic view of the park as an enclosed entity. On the one hand it has been argued that the park was solely the open and wooded area around the house, which is shaded in darker green on the early 19th-century demesne map, lying to the east of the Afon Eitha valley and this contention is strengthened by the Ordnance Survey depiction in 1879 where the conventional shading for parkland is restricted to the same area. The dissenting view as promoted by Cadw in 1995 is that the area contained within the park wall should be considered as Wynnstay Park, and this appears to be supported by at least one 19th-century document, as described in para 2.8 above. Such a view would generally be adopted by heritage organisations and the situation is paralleled on some of the great English estates such as Holkham, Norfolk where the home farm is enclosed within the boundary wall and the whole area is considered to be the park (personal communication from Dr T Williamson, University of East Anglia). It does not appear that these two views can be rationalised.

8 Undated 19th-century plan of Wynnstay Home Farm. *Denbighshire Record. Office/Wynnstay Doc 5885.*

9 The ha ha or sunken fence is normally associated with the ground immediately around a house or mansion, designed to allow uninterrupted views of the surrounding parkland or fields for the occupants of the house, whilst deterring stock from entering the gardens. The sunken boundary at the Home Farm operated on the same principle but had no apparent connection with viewpoints.

10 Tithe Map for Ruabon in National Library of Wales

11 *Denbighshire Record. Office/Wynnstay Doc 5877*

12 J Cole 1977.

13 Dr Sian Rees, regional inspector of ancient monuments for Cadw has indicated that she would be happy for the approved archaeologist to determine the boundary of the scheduled area and thus the fencing associated with it, but that Cadw would retain the right to monitor it once it was erected.

Acknowledgements

The writer's thanks are due to: the staff at the National Library of Wales, Aberystwyth and the Denbighshire Record Office in Ruthin; Sir Watkin Williams Wynn for access to the early 19th-century estate map; to the staff of the National Monuments Record at Aberystwyth for making available aerial photography; and to Dr Tom Williamson for his advice.

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Cadw 1995, *Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, Part 1: Parks and Gardens. Clwyd* Cardiff: Cadw:Welsh Historic Monuments

Cole, J, 1997. *An archaeological assessment of the proposed Ruabon Business Park, Wrexham.* Buckley: Earthworks Archaeological Services

Mowl, T and Earnshaw, B, 1985, *Trumpet at a Distant Gate*, London: Waterstone and Co Ltd

Robinson, J M, 1988, *The English Country Estate*, London: National Trust

Sources

Maps, published and unpublished

1741 Badeslade's plan of the Wynnstay demesne

1820s Map of Wynnstay demesne.

1809/36 Ordnance Surveyors' survey drawing no. 316

1844 Ruabon Tithe Map

1873 1st edition 1:2500 Ordnance Survey map: Denbighshire 35.10

1912 3rd edition 1:2500 Ordnance Survey map: Denbighshire 35.10

Aerial Photographs

RAF/G/UK/1454/3367. 02/05/1946

RAF/540/488/4386. 11/05/1951

F2158RAF/5171/0077. 16/06/1962

Meridian 40/72/256. 02/05/1971

OS (Wild) 13095 152.97. 00F047. 08/05/1993.

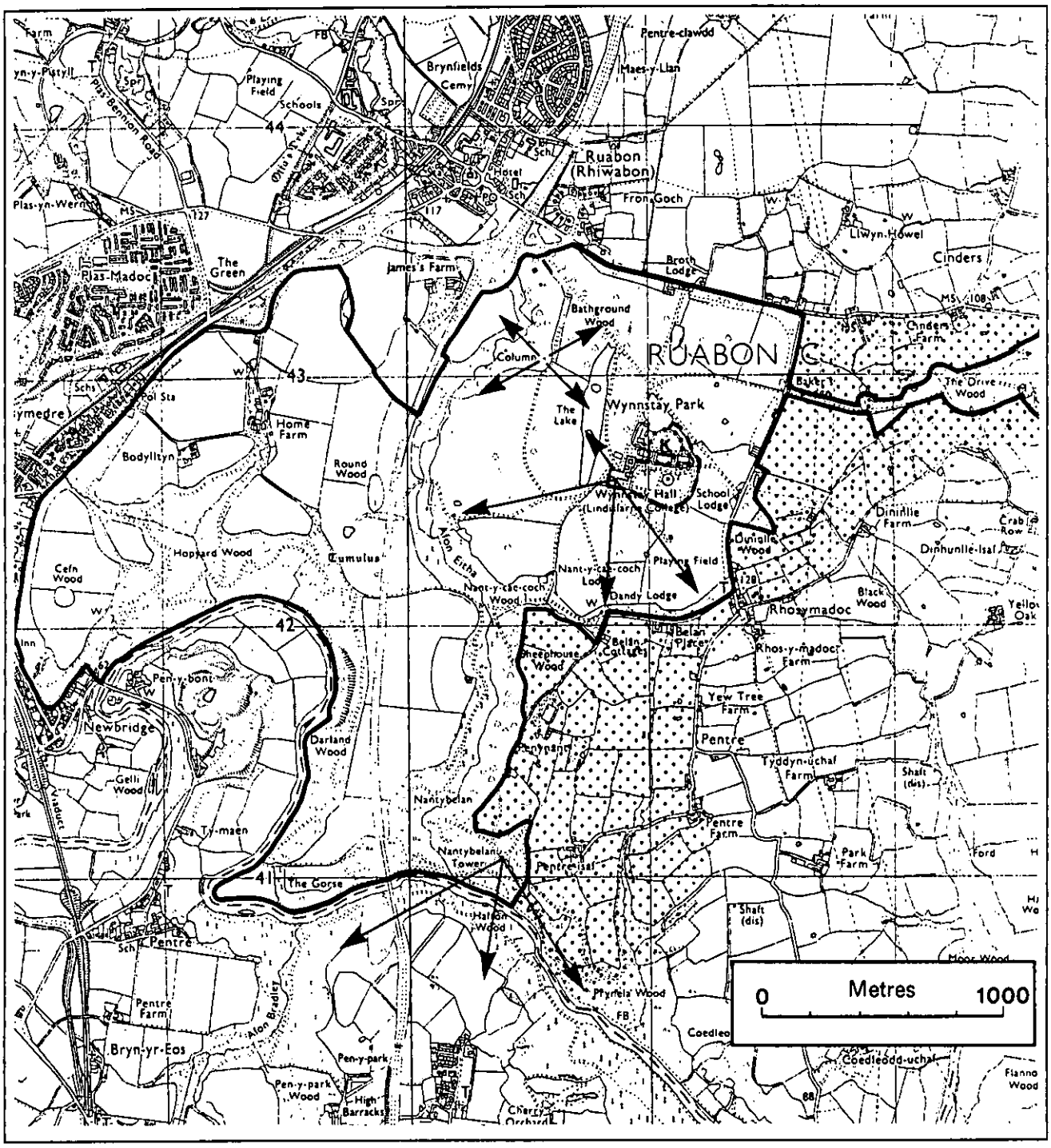


Fig. 1 The registered park at Wynnstay (after Cadw 1995)

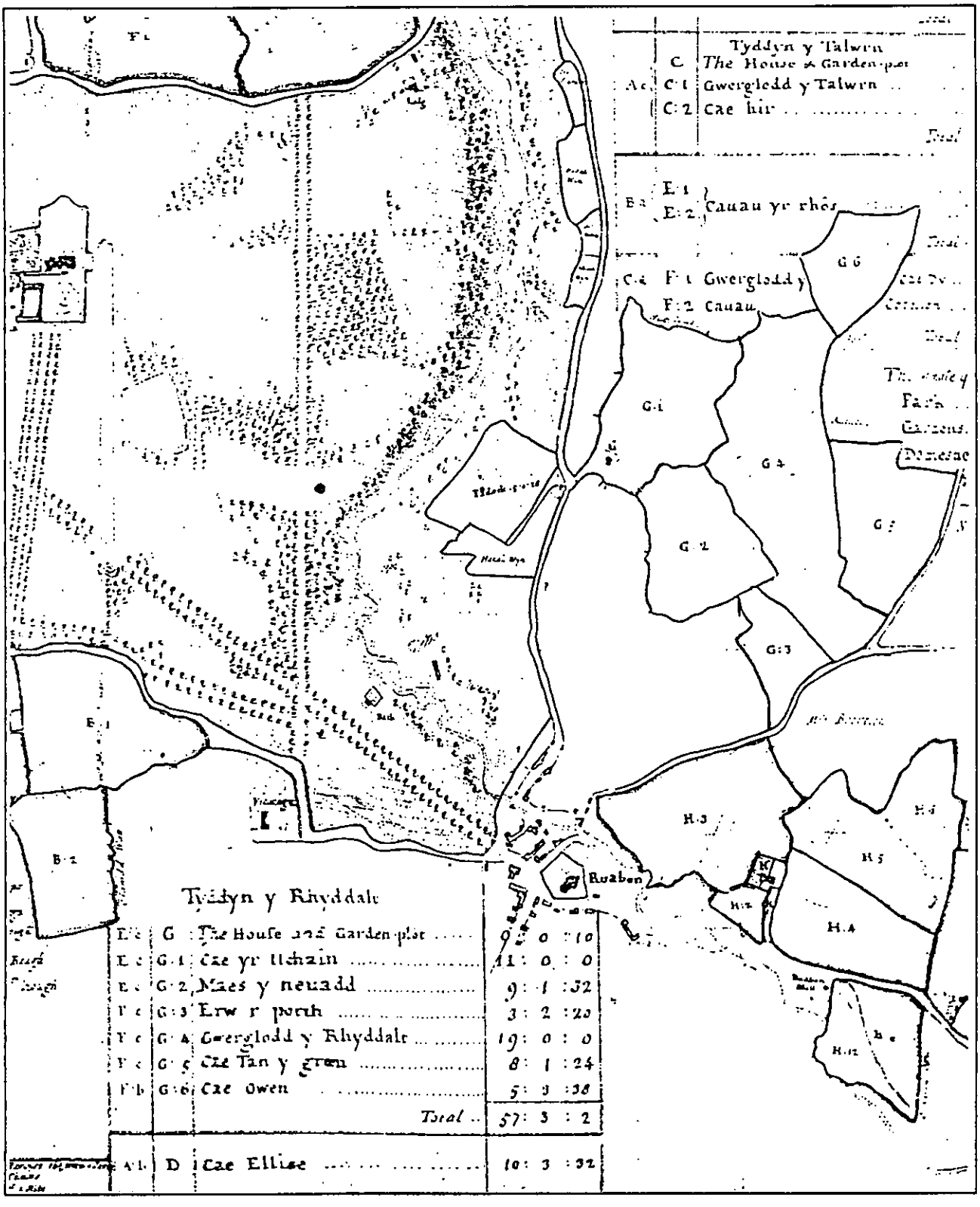


Fig. 2 Badeslade's plan of Wynnstay and its environs in 1741 showing the fields to the west of Afon Eitha (reproduced by permission of Denbighshire Record Office).



Fig. 3 The relationship of the layout of the area in 1741 to its modern counterpart. Scale 1:10,000. Ordnance Survey data provided by Wynnstay Estate under their licence.

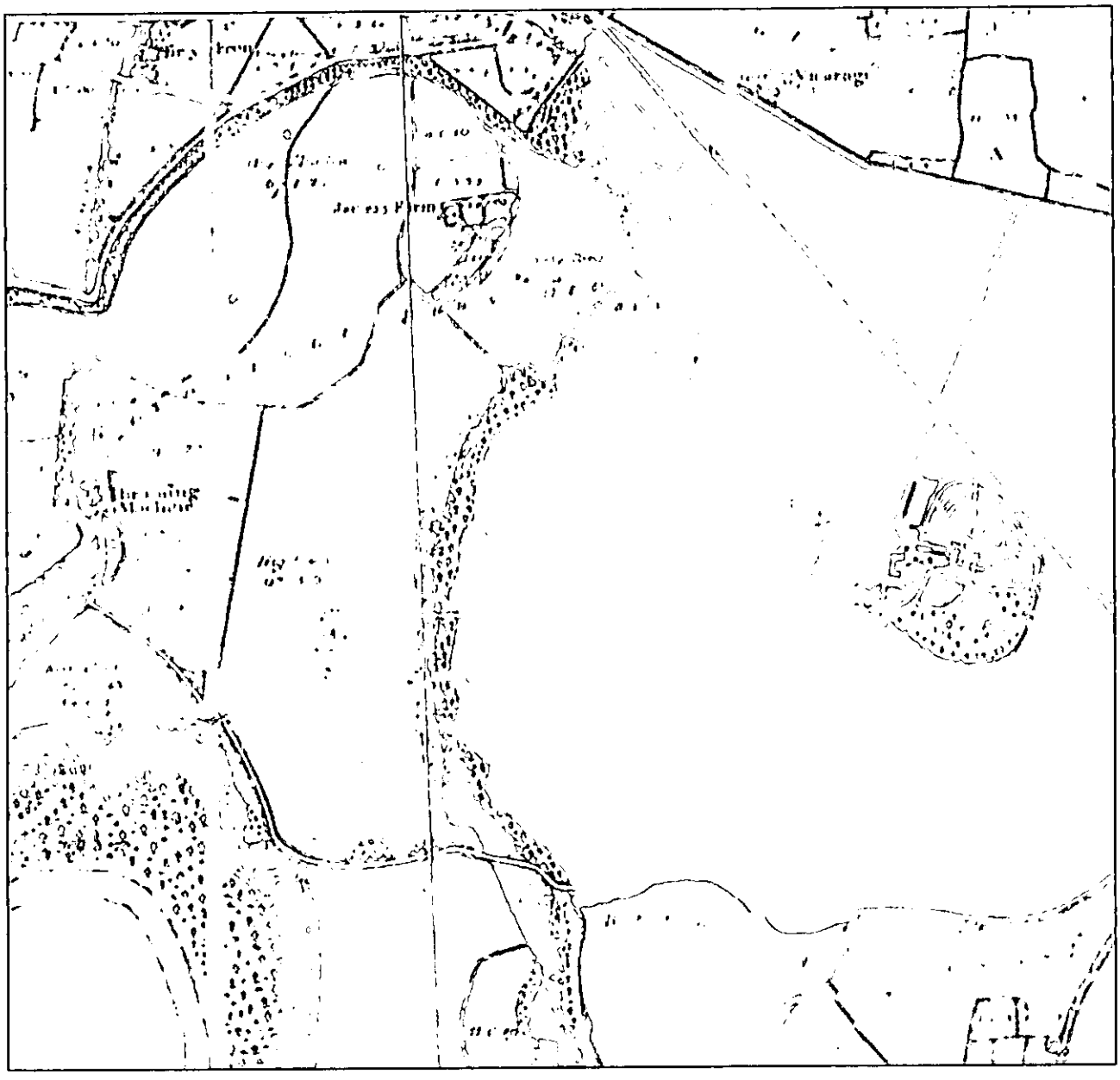


Fig. 4 The Wynnstay Estate in the early 19th century. Reproduced by permission of Sir Watkin Williams Wynn.

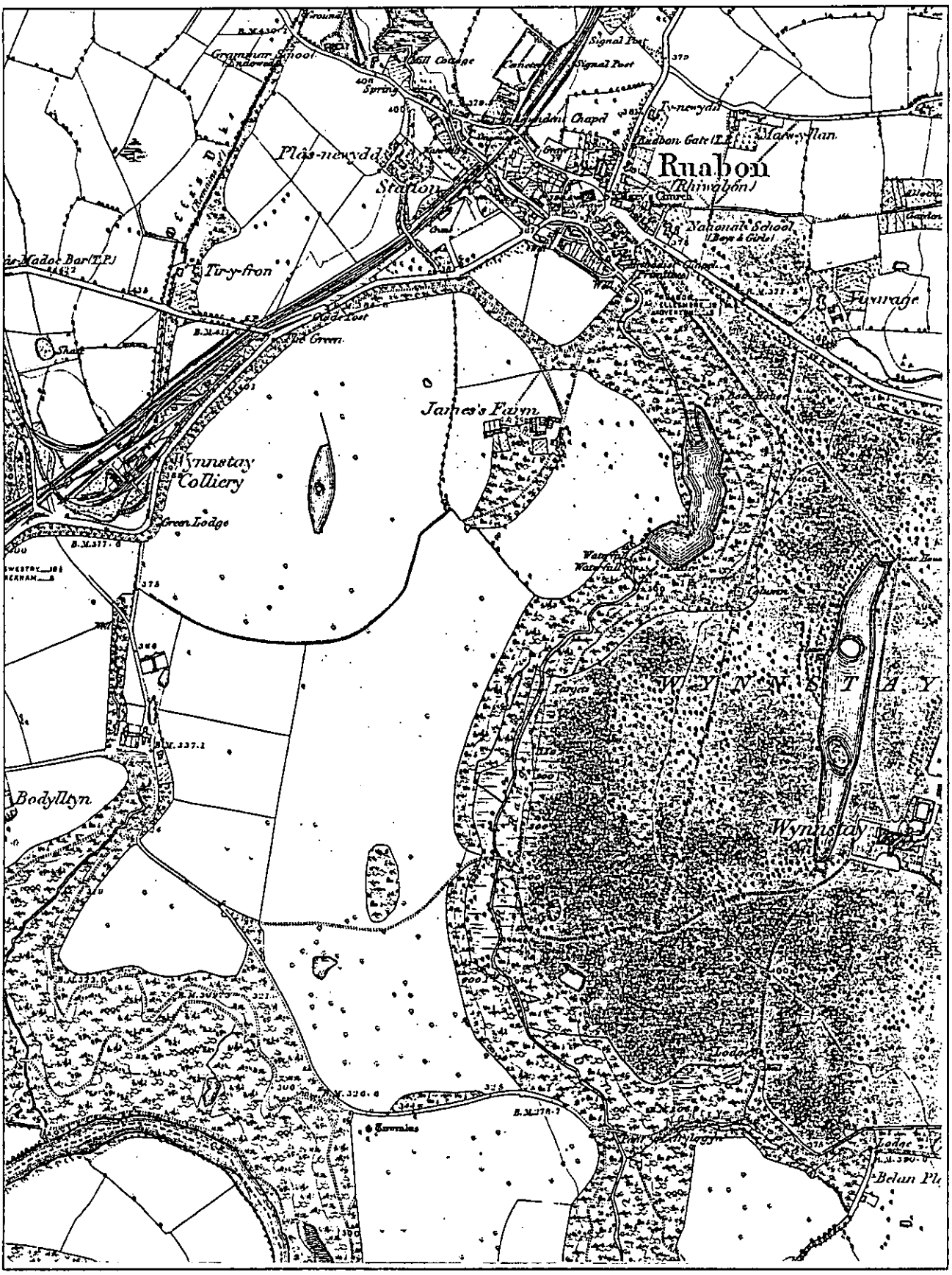


Fig. 5 The 1st edition Ordnance Survey map of 1873. Scale 1:10,560



Fig. 6 The features of archaeological and historical interest within the development area. Scale 1:5,000. Ordnance Survey data provided by Wynnstay Estate under their licence.

IN THE MATTER OF: RUABON BUSINESS PARK

INSTRUCTIONS TO COUNSEL TO ADVISE

MORGAN ELLIS, QC

Counsel will find herewith the following documents:-

1. Previous Instructions to Counsel - November 2008.

2. Advice - 1 December 2008.

3. Previous Instructions to Counsel - 11 February 2009.

4. Further Advice 20 February 2009.

5. Application for Lawful Development Certificate for an Existing Use/Operation/Activity reference P/2010/0847.

6. Location Plan and Drawing received with Application P/2010/0847.

7. Documents submitted in support of Application P/2010/0847.

Counsel is aware of this matter having previously advised on the interpretation of Decision Notices issued in connection with the proposed development of Ruabon Business Park. Counsel is referred to the previous instructions for the full history of this matter.

Counsel will recall that a planning application was under consideration at the time advice was previously sought for development of a supermarket on part of the proposed Ruabon Business Park. The application was refused following a decision of the Council's Planning Committee on 1 June 2009. The decision has not been the subject of an appeal.

In April 2010 Officers in the Planning Department were made aware that works were being carried out on site and the developer was requested to provide an explanation. The response sought to rely on the matters set out in the letter dated 26 January 2008 from Messrs Savills, a copy of which is included in enclosure 3 and which Counsel has previously considered. Discussions followed between Planning Officers and the developers' representatives and the Council agreed not to initiate enforcement action whilst the developer considered their position and in the

meantime agreed not to carry out any further works. The application for a Lawful Development Certificate has since been received which contains detailed representations on the status of the Decision Notices on which they rely.

Counsel is requested to advise on the application and whether or not based on the legal arguments advanced by the applicant the application should be approved.

If Counsel requires any further information or if she feels that a conference would assist, please contact Sioned Wyn Davies, Senior Solicitor on 01978 292212.

Dated this 19th day of November 2010

Trevor Coxon
Chief Legal & Democratic Services Officer
Guildhall
WREXHAM
LL11 1AY

IN THE MATTER OF RUABON BUSINESS PARK

AND IN THE MATTER OF AN APPLICATION FOR A CERTIFICATE OF LAWFULNESS

ADVICE

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1. INTRODUCTION

1.1. I am asked to advise in relation to an application for a certificate of lawfulness ("CLD") in respect of works undertaken in purported reliance on one or more grants of planning permission/approval of reserved matters for Business Park development at Ruabon. The application has been made on behalf of the landowners by Pegasus Planning Group Ltd ("PPG").

1.2. I have advised twice before[1] on this general matter, which has been controversial for some time. It appears as though the landowners now

[1] On 1.12.2008 and 20.02.2009

seek to resolve the issue via the CLD application. The chronology is complicated and set out in my first Advice.

1.3. The LDC application raises two main issues. By far the more complicated of these is dependent on the status of Decision Notice P/2003/1484. The second concerns the status of works undertaken at the Site and is largely a matter of fact. I have no instructions as to the accuracy of Item 13 which consists of a schedule of dates when it is claimed that conditions precedent on P/2003/1484 were discharged. Nor do I know whether paragraph 5.8 of the submission is correct; the works certainly appear capable of constituting a material operation for the purposes of s.56 Town & Country Planning Act 1990 ("TCPA"), but I cannot comment as to their consistency with approved plans. Subject to these factual points, it seems to me that the application should turn on Issue 1 rather than Issue 2.

2. STATUS OF P/2003/1484

2.1. I have fully reconsidered this matter, but remain of the opinion expressed in my Advice of 20.02.09 that the better view is that P/2003/1485 is a Reserved Matters Approval ("RMA"). In short, I continue to accept that it is a problematic document on its face and that aspects of the Council's handling of the application appear to suggest confusion and/or to support PPG's contention that the application was and/or was handled as a full planning application. PPG's submissions, however, are selective and my

view remains that if recourse is had to the application, for which there is established authority[2] in the case of a planning permission which is ambiguous on its face, the position does not improve for PPG. In fact, as I shall explain, I consider that the application is incorporated into the Decision Notice.

2.2. Much of PPG's argument is based upon further extrinsic documents, statutory consultation notices, public notifications, consultees' responses, correspondence, discussions in meetings and the officer's report. I shall deal with those in more detail below, but it should be noted at this stage that the Courts have generally taken a very cautious and restrictive approach to the introduction of such material. One of the well known exceptions to the general principle is ambiguity on the face of the decision notice, but even here it should not be assumed that the whole planning file will be taken into account on a question of construction. The Court of Appeal has been prepared, in cases of ambiguity, to look at *"any exchange between the applicant and the planning authority"* as *"part of the evidential matrix"*.[3] A later Court of Appeal was keen to limit this apparently wide statement to cases of ambiguity in Slough BC v SoSE [1995] JPL 1128. In Polhill Garden Centre Ltd v SoSE [1998] JPL 1070 at 1073, Mr Malcolm Spence QC., sitting as a Deputy Judge of the High Court said, of an inspector's reference to a committee report to assist in a

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2 R v Ashford BC ex parte Shepway DC [1948] JPL 1073. In this respect i see no reason why any more relaxed rule should apply to a RMA.

3 Oakimber Ltd v Elmbridge BC and Surrey CC [1992] JPL 40; Staffordshire Moorlands DC v Cartwright [1992] JPL 139

question of construction: *"That ... is an impossibility and [Counsel for the Secretary of State] does not seek to argue otherwise"*. Mr Spence quoted at some length from Keene J's judgment in Ashford, including the following paragraph on properly limiting the use of extrinsic material admitted to resolve ambiguity:

> *"I propose to deal with this as a matter of principle. It is important to recognise that when an application is being used for such a purpose, it is not being incorporated into the permission. This is a wholly different exercise from that involved in incorporation. The justification for such resort to extraneous material is to resolve a particular inconsistency or ambiguity. That being so, it would not be proper to regard other parts of the permission free from ambiguity as open to re-interpretation in the light of the application or, indeed, other extrinsic material. Such material is only being brought into play for a specific purpose. Such recourse does not make the application or other extrinsic material part of the permission generally. Otherwise the existence of an ambiguity on a single point or word in an otherwise complete and clear permission would mean that the extent of the development as a whole thereby permitted could be cut down by the application. That would be contrary to the general rule spelt out many years ago in* ***Miller-Mead*** *and endorsed by the Court of Appeal recently in* ***Slough Borough Council v Secretary of State for the Environment.*** *Moreover, any such exception to a general rule ought to be narrowly construed."*

2.3. There is no recognition in PPG's submission of these important general principles of construction. Nor is there any real legal analysis at all. Reference is made[4] to the case of Cardiff Corp'n v SoSW [1971] P&CR 718 for the proposition that *"an application for full permission for*

[4] Submission para 3.6

development already authorised by an outline permission may be capable of being construed as an application for the approval of Reserved Matters". This statement is an oversimplification. As Thesiger J said, at p.732, dealing with the Secretary of State's decision on a revocation order:

> *"The question for me ... is not whether the documents could be regarded ... as an original application but whether they were capable of being considered as a submission of detailed plans within the meaning of the condition of the outline planning permission which had already been given ... I can see no reason why a submission of detailed plans should not be accompanied by a copy of or a repetition of the original planning application".*

The subsequent statement at paragraph 3.7 of the submission is not supported by authority, although it is asserted that *"the Courts have shown"* that they will consider the substance of an application by reference, inter alia, to the consultation process. I noted in an earlier Advice that at no time have the landowners disclosed a copy of their legal advice.

2.4. Turning to the extrinsic material (though, as noted above, Item (1) is, in fact, incorporated into the Decision Notice):

(1) The application form is a standard one covering planning permission or *"Approval of Details of Development"*. Part 1 Boxes 3, 5 and 12 and Part 2 Box 1 all specify that RMA is sought.

(2) The covering letter from RPS (not produced by PPG) is in similar terms, though making clear that it also covered applications to discharge conditions 7,8 and 14 *"of the outline consent"* (surface water disposal, limitation to Class B1 and submission of TIA).

(3) RPS' Planning Supporting Statement is in the same terms.

(4) Statutory consultation and neighbour notification were carried out as for a planning application, though the *"standard"* consultation letter said (delphically):

> *"I have received a planning application for the development mentioned above ... This application follows the grant of outline planning permission which established the principle of the development and only those matters reserved by that permission are to be considered. I enclose a full set of the application documents as submitted by the applicant/agent."*

PPG state, at paragraph 4.15:

> *"The inference is that there is a parallel planning permission which has set up the principle of development which acts as a fallback in considering what has now been submitted."*

I do not understand this suggestion, which seems to me contrived.

(5) Several of the statutory consultees believed that the consultation related to a planning application and/or responded on matters of

principle.[5] In my experience, this is not unusual, even in the clearest of cases, and cannot affect the true nature of the approval subsequently issued.

(6) The Council requested details of sustainable building, which RPS resisted on the basis that the relevant guidance related to planning, rather than RMA applications. The Council, however, persisted. There are two points here:

(a) I do not see why sustainable building is not a RMA issue

(b) more importantly, RPS continued to treat the application as one for RMA and to insist upon this.

(7) S.106 requests were made by the Highways Department. It is not entirely clear to me whether these requests were really s.106 demands or related to one or more projected s.278 Highways Act 1980 matters. Importantly, however, RPS resisted them as in (6) above, although eventually some compromise seems to have been reached at a meeting. The position is not totally clear, save that RPS' handling of the matter rebuts any possible suggestion (not in fact advanced by PPG) of amendment from RMA to planning application. (I should say, in this connection, and with regard to the Cardiff assertion, that I am not convinced that it would have been lawful to make such a fundamental amendment

[5] Though the Highways Department did so in a response which expressly recognised the scope of the application.

even by mutual consent. A fortiori, I think it highly dubious to suggest that a LPA could achieve such a change unilaterally. Cardiff is not authority for this proposition, as noted above; whilst, on the facts of that case, it was decided that there was a RMA, it does not follow that a planning application can be *"created"* from a RMA application by the LPA).

(8) PPG produce the Officer's Report to Committee but do not comment on it in detail. They claim, at paragraph 6.12, that it *"did not set out clearly"* the relationship between the RMA application and the 2003 permission. I disagree. Although the report goes into policy considerations which were not strictly relevant, this is, perhaps, not wholly surprising given the shift which had occurred in the site's development plan notation. On pages 5 (*"Background"*), 6 (*"Policy"*) and 9 (*"Conclusion"*), the nature of the application is set out. In particular on page 9, the report says:

> *"There can be no policy objections in principle to the proposed development since it has a current consent in outline."*

2.5. Therefore, even if all the extrinsic material is consulted, I do not consider that it demonstrates that the application either was in substance or was determined as a planning application. In particular, the officer made it quite clear (at pp.6 and 9) that the Council was constrained from revisiting the principle of the development in the light of the newly adopted UDP.

2.6. In my view, the most difficult aspects of this matter arise from consideration of the decision notice itself. PPG's submissions concentrate on the *"Description of application"* policies and conditions. They do not comment on the Particulars of decision: *"APPROVAL of reserved matters"*, nor do they address the following words at the top of the Notice:

> *"In pursuance of its powers under the Acts an (sic) 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".*
>
> (emphasis added)

These words therefore clearly incorporate the application, thus allowing it to be taken into account under one of the Ashford principles.[6] This is helpful because of the unambiguous nature of the application. It should be unnecessary to look further into the truly (i.e. unincorporated) extrinsic material, notwithstanding the difficulties with the conditions on P/2003/1484. The UDP policies listed do not generally relate to the

---

[6] These words appear on all the decision notices and probably strengthen an argument that all previous conditions are incorporated into P/2003/0058. Nothing seems likely to turn on this, but I mention it for the sake of completeness. Moreover, on reflection and in the light of R v London Docklands Development Corp'n (1996) 73 P&CR 199 at 206, dealing with the implication of time limits under s.91 or s.92 (full and outline permissions) I now consider that a s.73 permission can relate to an outline permission, notwithstanding that the s.73 application is not itself for the *"erection of a building"*. Paragraphs 1.4 and 2.2.1 must be read subject to these points. Paragraph 2.2.1 should read:

> *"I do not consider that RM approval 2003.1484 has the effect of prolonging the life of permission 2003/0058. That planning permission is problematic insofar as it does not expressly 'carry over' the conditions from the 'original' permission(s). It might be argued that there is an implication by reference to the planning application, which is expressly incorporated by the note at the top of the decision notice, but the application letter is silent as to other conditions. It is therefore very difficult, in my view, to 'rescue' P/2003/0058 in the way adopted in Reid. In the absence of condition 3, however Condition 1 and s.92 would have operated to deem the permission to have been granted subject to a condition that development must be begun not later than 2 years from the final approval of RMs or the last of them to be approved, that is, as it transpired, 6.06.2007."*

principle of development and/or the site's designation, rather to general development control principles consistent with consideration of detailed design matters. The only exception is Policy PS1, Settlement Limits. If recourse is made to the committee report, as PPG apparently argue should be done, then this is fully explained. If not, then I do not consider that reference to this policy turns the approval into a planning permission; it is, at worst, from the Council's point of view, a surprising feature.

2.7. PPG analyse the conditions on P/2003/1484. I noted in my first Advice the odd nature of the decision notice, particularly with regard to conditions (paragraphs 1.6 and 2.22). As I said there, some of the conditions, as well as going beyond a RMA, also extend beyond that which is conventionally regarded as reasonable and valid on a planning permission (Conditions 8, 9 and 12). The high point of PPG's case is Condition 1, specifying 5 years and citing s.91(3) as the justification. This is inappropriate to a RMA and invalid since it purports to extend the life of the approval beyond the life of the last s.73 permission. This was made clear to the Landowners' former agents by letter dated 18th November 2008. Other conditions are more or less inappropriate to a RMA. Some, such as Conditions 4, 13, 21 and 22, duplicate those in the 2000 planning permission and are therefore surplus. Many others, to a greater or lesser extent, impose further requirements and PPG therefore say that they *"derogate from"* the original permission. Some are more debatable, such

as Conditions 6 and 7. Nevertheless, it has to be admitted that many of the conditions do go outside the parameters of (any of) the outline permissions. For this reason it might be considered permissible to examine the extrinsic material to see whether, for example, the incorporated application had been amended. I have given my opinion on this material above. It might be said that the problems with P/2003/1484 are so extensive that severance of so many invalid conditions is impossible, rendering the document void but this, for obvious reasons, is not what PPG argue. If such a view were to be reached by an inspector and/or the court, then the proper overall finding would still be that the LDC application should fail.

3. CONCLUSION

3.1. Accordingly, I advise that the LDC application should be rejected on Issue 1. As I have stated, I can express no conclusive view on Issue 2.

MORAG ELLIS QC
14 December 2010

2-3 Gray's Inn Square
London WC1R 5JH

IN THE MATTER OF RUABON BUSINESS PARK

AND IN THE MATTER OF AN APPLICATION FOR A CERTIFICATE OF LAWFULNESS

ADVICE

Wrexham County Borough Council
DX: 721924
Wrexham 4

GK
plaisum (n)

CORY ENVIRONMENTAL RESOURCE MANAGEMENT

CORY ENVIRONMENTAL

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Our Ref: HAF/P27/P11/BS
Your Ref: P/2007/0440

Date: 4 November 2009

Mr Gerry Kellet
Planning Department
Wrexham County Borough Council
Lambpit Street Offices
Wrexham
LL11 1AR

WREXHAM COUNTY BOROUGH COUNCIL
6 - NOV 2009
25286
PLANNING DEPARTMENT

Dear Mr Kellett,

HAFOD QUARRY AND LANDFILL SITE
PLANNING APPLICATION FOR EXPORT OF MINERALS REFERENCE NUMBER P/2007/0440

Further to our meeting on 19 October 2009 where we discussed the above application and the issues raised in your letter dated 9 July 2009 we will be consulting with the applicant regarding progress and in particular the differing legal views as to the adequacy of the application. I understand that it remains the intention of the Council not to determine the application until after a decision is made on the Modification Orders.

From a discussion with the Planning Division Decisions Branch of the Welsh Assembly Government I understand that the decision on the Modification Orders has still to be made but that this will be a delegated decision as opposed to a decision by the Minister which hopefully should speed up the process.

In light of the continued delay with the decision on the Modification Orders, and further to our earlier correspondence dated 9 April 2009, we can confirm agreement for a further extension of time for determination of the above application to 31st December 2009.

If you feel there may be benefit in further meetings relating to the above application or have any questions in respect to the above please do not hesitate to contact me on 07917 553328 or by e-mail at bstansfield@coryenvironmental.co.uk.

Yours sincerely,

B. Stansfield

Ben Stansfield MRTPI
Senior Planning Manager

EMS 71169 003

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VAT Registration No: 577-3648-93.
Reg. Office: 2 Coldbath Square, London EC1R 5HL.

Cory Environmental (Gloucestershire) Ltd.
Registered in England No: 2664840.
VAT Registration No: 577-3648-93.
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Cory Environmental (Energy) Ltd.
Registered in England No: 3100837.
VAT Registration No: 577-3648-93.
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CORY ENVIRONMENTAL

Cory Environmental (Central) Limited

Landscape Management Plan

for

Hafod Quarry and Landfill
Johnstown, Wrexham

Report Reference CE-HF-0238-RP01b - FINAL
August 2010

Crestwood environmental

Produced by Crestwood Environmental Ltd.

1. Introduction

Cory Environmental (Central) Limited ("Cory") operates Hafod Quarry and Landfill ("the Site") at Bangor Road, Johnstown, Wrexham. The Site has separate planning consents relating to mineral extraction and landfilling. Conditions are attached to both consents that relate to the need for the submission and approval of detailed restoration, landscaping and aftercare schemes for the Site.

As part of the area consented for landfilling and mineral extraction has been designated as part of the Stryt a'r Las, Hafod Site of Special Scientific Interest (SSSI) and the Johnstown Newt Special Area of Conservation (SAC), Wrexham County Borough Council has made Modification Orders to modify the conditions of these consents. The Modification Orders are still under consideration (currently by the Administrative Court).

Condition 27 of the Planning Modification Order states:

> *A Landscape Management Plan (to include a maintenance scheme) shall be submitted to the Mineral Planning Authority for approval in writing within six months of the date of confirmation of the Wrexham County Borough Council (Modification of Planning Permission) (Hafod Claypit, Johnstown) Order 2007 by the National Assembly for Wales. The landscape works required by condition 26 shall be maintained throughout the life of the development in accordance with the approved Landscape Management Plan.*

A Landscape Masterplan (Drawing no. CE-HF-0238-DW01A) was tabled in draft, for discussion with the planning officer (Gerry Kellett) in June 2010 and it was agreed for this to form the basis for the Landscape Management Plan and for this masterplan to be accompanied by a short report relating to the requirements of Condition 27. Comments received on the masterplan and report from the County planning and landscape officers has assisted in the finalisation of this submission.

No agricultural land classification survey results of the Site (in its condition prior to working) were used in the determination of the level of agricultural restoration required. The proposals are, however, considered appropriate for the likely ultimate farmed use of the Site and in providing added ecological interest alongside this land use.

Submissions required under other conditions relating to restoration, landscaping and aftercare of both the modified landfill and mineral planning consents will be made separately to this submission made under Condition 27. These submissions will, where relevant, be based on the details approved as part of this submission.

This document together with the Landscape Masterplan forms the Landscape Management Plan pursuant to Condition 27.

2. Landform, Capping and Soils

The landform is based on that previously approved for the Site. Area requirements for surface water attenuation ponds have necessitated minor alterations to the landform, notably in Field 2, adjacent to Pond 2 (see Drawing no. CE-HF-0238-DW01a) where slopes have accordingly been changed to accommodate this. A maximum post-settlement slope gradient of 1:5 will be present in Field 2.

Capping will be undertaken in strict accordance with the Environmental Permit for the Site. Any environmental pipework, either for landfill gas or leachate collection, will be placed above the cap (near the base of the soil profile).

On-site soil-forming material and imported soils ("restoration soils") will be used to ensure the satisfactory restoration of the Site and will follow guidance[1] on the minimum requirements for soil and soil-forming materials for agriculture and woodland (see below).

Table 2.1 Minimum restoration soil requirements:

Property	Agricultural Grassland Topsoil	Agricultural Grassland Subsoil	Woodland Soil
Bulk density	<1.3g/cm3	<1.5g/cm3	<1.5g/cm3 (to 0.5m+) <1.7g/cm3 (to 1m)
Stoniness	<15% by vol (>20mm) <10% by vol (>60mm)	<40% by vol	<40% by vol Few stones > 100mm
Organic matter	>0.5%	nil	>0.5%
pH	6.0-8.5	4.5-8.5	5.5-8.5
Nutrients (P, K, Mg)	Aim for ADAS Indexes 0, <2, 1+ respectively		
Electrical conductivity	<2000 µS cm-1		
Iron pyrite content	< 0.5%		
Heavy metal content & organic contaminants	As per the most relevant Cory work instruction for acceptance of restoration soil (current work instruction is presented in Appendix A)		

Cory operates a work instruction which details how restoration soils will be assessed and accepted at the Site thus minimising the risk of acceptance of unsuitable materials.

Phases may be restored to a temporary 'interim' level in the first instance (using 500m depth of restoration soils (and no topsoil)) to allow environmental control pipework to be installed whilst allowing initial settlement to take place in the first 2-3 years such that any subsequent remedial works can be undertaken without damaging topsoil. After this time the full soil profile will be instated.

[1] Soil-forming Materials – Their Use in Land Reclamation (DeTR -1999)

A total profile depth of 1.5m of restoration soils will be placed above the cap, including 200mm depth of topsoil in grassland areas. No topsoil will be used in woodland areas (in accordance with modern guidance for protection of the cap and establishment of habitats on landfill sites[2]).

In the year prior to planting of restored areas, sampling and testing of the placed soil will be carried out to determine any amelioration requirements in relation to the particular restoration afteruse or habitat. As the risk of acceptance of contaminated soils will be minimised through the employment of the Cory restoration soil work instruction, it is expected that the sampling frequency will be around one sample per hectare. Sampling will be undertaken using a number of sub-samples taken from along a 'w'-shaped route or using grid pattern, as appropriate for the placed soils. The sample will be mixed and taken for analysis immediately. Soils will be analysed for pH, available P, K, Mg, lime requirement, hand texture and total nitrogen. Further tests will be undertaken if specific soil elements are suspected to need amelioration. The requirements in Table 2.1 will be used as minimum criteria for amelioration programmes, but tailored to suit the specific target habitat or land-use.

Mixing of restoration soils (with other soils, compost, other ameliorants etc.) will be undertaken as required to achieve the correct blend of components for the topsoil layer in accordance with the minimum standards set out in Table 2.1.

Restoration soils will be handled (stripped, transported, placed and cultivated) when the soil is dry and friable and during suitably dry weather conditions in accordance with modern guidance on the protection of soil structure [3, 4].

Loose tipping techniques via a combination of (low ground pressure) excavator, dozer and dumptruck will in general also be used to minimise damage to soil structure. Any temporary storage of topsoil would be in stockpiles/bunds to a maximum height of 3m. Subsoil and soil-forming material storage bunds would be limited to 5m in height.

In general, reinstated soils will be ripped to a maximum of 0.4m depth at 0.6m centres across in two perpendicular directions to relieve any residual compaction upon placement and ensure that the soil is free-draining, prior to cultivating the topsoil.

During the aftercare period, testing of representative samples of soils may be undertaken to determine any amelioration requirements where there appears to be plant failures or nutrient deficiencies.

In accordance with the principles set out above and as required by other conditions of the landfill and mineral modification orders further restoration, landscaping and aftercare details will be submitted and approved for each phase of restoration.

---

2 Technical Guidance on Capping & Restoration of Landfills – Consultation Draft (Environment Agency November 2004)

3 Good Practice Guide for Handling Soils (MAFF – April 2000)

4 Code of Agricultural Practice for the Protection of Soil – (MAFF - Revised 1998)

3. Grassland Restoration

The areas to be restored to grassland would provide circa 13.1ha of herb-rich agricultural grassland that would be managed via hay cutting and grazing.

Any areas initially restored to an interim level will be sown to a temporary grassland sward of a 50:50 mix of *Lolium westerwoldicum* (Westerwold's annual ryegrass) and *Festuca rubra* (red fescue) at an indicative rate of 10g/m^2.

All seeding will be undertaken in suitable conditions during the first available period following reinstatement of the restoration soils to create the restoration landform in that area. Suitable conditions for seeding will be taken to mean mild and damp weather when the ground is at most moist but not wet or waterlogged.

Prior to seeding of areas of final restoration, soils will, where necessary, be power-harrowed to a depth of 250mm to create a homogenous well-broken, non-compacted tilth of 20mm down to prepare the seed bed and to allow free drainage between the placed topsoil and subsoil.

These final areas will be sown with species characteristic of the NVC MG5 grassland community, as shown in Table 3.1. 20% herbs and 80% grasses will be sown at an indicative rate of 6g/m^2 together with an appropriate pre-seeding fertiliser, preferably in spring time.

Erosion issues from slope gradients are not expected as the pre-settlement slopes will be a maximum of 1:4 gradient. If sowing is late in the season or wash off is anticipated for whatever reason, seeding rates will be increased and the use of an establishment nurse species (e.g. annual ryegrass) will be considered for inclusion. Final seeding mixtures and rates will be submitted to and agreed with the Planning Authority for each phase of restoration, as required by other conditions of the Planning and Mineral Modification Orders. Evaluation of the success of previously sown areas will be taken into consideration when refining the seeding specification as part of the annual review process.

Cont'd overleaf...

Table 3.1 – Grassland Species:

English name	Latin name
Autumn hawkbit	*Leontodon autumnalis*
Bird's-foot-trefoil	*Lotus corniculatus*
Common bent	*Agrostis capillaris*
Common knapweed	*Centaurea nigra*
Crested dog's-tail	*Cynosurus cristatus*
Meadow buttercup	*Ranunculus acris*
Meadow vetchling	*Lathyrus pratensis*
Ox-eye daisy	*Leucanthemum vulgare*
Red clover	*Trifolium pratense*
Red fescue	*Festuca rubra*
Ribwort plantain	*Plantago lanceolata*
Sweet vernal-grass	*Anthoxanthum odoratum*
White clover	*Trifolium repens*
Yellow rattle	*Rhinanthus minor*
Yarrow	*Achillea millefolium*
Yorkshire-fog	*Holcus lanatus*

Grassland Maintenance

The entire landholding of Cory Environmental at the Site is subject to an Agricultural Holding Number, issued by the Welsh Assembly Government. The final and interim grassland areas will be maintained for five years after sowing via:

- A cutting regime based on a cut to 50-75mm height in mid July and late September/early October each year;
- Strimming of ditches to 75mm height in late September/early October each year;
- A grazing regime to replace and/or supplement the cutting regime (when appropriate and practical);
- Control of weeds injurious to agriculture;
- Re-seeding of failed areas.

A summary of the grassland maintenance programme is provided in Appendix A of this report. This programme will be reviewed as part of the annual review process and changes to this programme may consequently result.

4. Woodland Restoration

Proposed native broadleaved woodland areas will be planted in the first available season following reinstatement of the final restoration soils to create the restoration landform in that area. Woodland composition has been based on NVC woodland W8 and will comprise the mixture shown in Table 4.1:

Table 4.1 – Woodland Species:

English name	Latin name	%
Ash	*Fraxinus excelsior*	15
Pedunculate oak	*Quercus robur*	15
Field maple	*Acer campestre*	10
Rowan	*Sorbus aucuparia*	6
Hawthorn	*Crataegus monogyna*	15
Hazel	*Corylus avellana*	15
Guelder rose	*Viburnum opulus*	5
Blackthorn	*Prunus spinosa*	4
Dogwood	*Cornus sanguinea*	4
Gean	*Prunus avium*	1
Goat willow	*Salix caprea*	2
Holly	*Ilex aquifolium*	4
Silver birch	*Betula pendula*	4
		100

Woodland planting will be undertaken at an average density of 2,500 plants per hectare, using a combination of 40-60cm undercut transplants and pot grown plants (holly).

Planting operations will generally will be undertaken in accordance with the document "*Handling and Establishing Landscape Plants*" produced by the Horticultural Trades Association and the Committee for Plant Supply and Establishment in its revised format in March 2002.

All woodland plants will be planted into pits excavated to approximately twice the diameter of the root spread or pot and 1.5 times the depth of the roots of the stock to be planted to ensure fitting of root spread without folding or compressing and that the plants are planted at the same depth as previously grown in the nursery. Soil backfill will consist of soil mixed with compost (1:1 proportion) and slow-release fertiliser in accordance with manufacturer's instructions.

Plants will be protected from stock and rabbit grazing, either by individual guards or by protective stock and/or rabbit proof fencing, depending upon the size and shape of the planting area to be protected. Further details will be provided under Condition 26 of the Planning Modification Order for the landfill planning permission.

Upon planting, the woodland areas will be sown (at an indicative rate of 4g/m^2) with the grass-herb mixture in Table 4.2, using 80% grasses and 20% herbs:

Table 4.2 – Woodland Ground Flora Species:

English name	Latin name
Garlic Mustard	*Alliaria petiolata*
Ramsons	*Allium ursinum*
Nettle-leaved Bellflower	*Campanula trachelium*
Foxglove	*Digitalis purpurea*
Meadowsweet	*Filipendula ulmaria*
Hedge Bedstraw	*Galium mollugo*
Wood Avens	*Geum urbanum*
Bluebell	*Hyacinthoides non-scripta*
Perforate St John's Wort	*Hypericum perforatum*
Ragged Robin	*Lychnis flos-cuculi*
Primrose	*Primula vulgaris*
Selfheal	*Prunella vulgaris*
Red Campion	*Silene dioica*
Betony	*Stachys officinalis*
Hedge Woundwort	*Stachys sylvatica*
Wood Sage	*Teucrium scorodonia*
Common Bent	*Agrostis capillaris*
Sweet Vernal-grass	*Anthoxanthum odoratum*
False Brome	*Brachypodium sylvaticum*
Crested Dog's tail	*Cynosurus cristatus*
Tufted Hair-grass	*Deschampsia cespitosa*
Slender-creeping Red-fescue	*Festuca rubra* ssp. *juncea*
Wood Meadow-grass	*Poa nemoralis*

5. Hedgerow Restoration

Hedgerow species will be planted using the mix in Table 5.1, plus ash, field maple and pedunculate oak hedgerow trees in the locations shown on Drawing no. CE-HF-0238-DW01a:

Table 5.1 – Hedgerow Species:

English name	Latin name	%
Hawthorn	*Crataegus monogyna*	60
Hazel	*Corylus avellana*	20
Guelder rose	*Viburnum opulus*	5
Blackthorn	*Prunus spinosa*	5
Dogwood	*Cornus sanguinea*	5
Holly	*Ilex aquifolium*	5
		100

Generally, all planting will be undertaken in a double-staggered row with plants distributed evenly along each row to provide a density of 6 hedge plants per linear metre. A corridor 0.9m wide centred on centreline of hedge will be dug over to remove compaction to 0.5m depth and non-peat compost added to create a 2:1 mix of soil to compost prior to planting.

A combination of 40-60cm undercut transplants and pot grown plants (holly) will be used for the hedgerow shrubs and 80-100cm high stock will be used for the hedgerow trees.

All plants will be protected from stock and rabbit grazing, either by individual guards or by protective fencing, depending upon the length and location of the hedge to be protected. All hedgerow plants will be planted using notch-planting techniques into the previously prepared trench along the hedge corridor.

Woodland and Hedgerow Maintenance

Woodland and hedgerows will be maintained for five years after planting to ensure that:

- Weed-free circles of minimum 1m diameter (0.5m radius) around each plant (1.3m wide corridors for hedges) are maintained (to reduce the competition from grasses for water and nutrients);
- The areas do not develop weeds injurious to agriculture;
- Planted woodland areas are cut to 50-75mm height in late September/early October each year for the first 3 years;
- Replacement of failures is undertaken before the start of the next growing season following failure; and
- Formative pruning is undertaken at the appropriate stage of development to ensure a good 'A-shaped' hedge form develops.

Watering of plants will be undertaken during prolonged dry spells to prevent plants from dying during the first year, where practical to do so.

A summary of the woodland and hedgerow maintenance programme is provided in Appendix A of this report. This programme will be reviewed as part of the annual review process and changes to this programme may consequently result.

6. Ongoing Responsibilities

Each phase of restoration will be subject to a five year aftercare period, with maintenance operations undertaken in accordance with those listed above and as detailed in subsequent schemes required to be submitted under the modified landfill and mineral consents.

For example, condition 28 of the modified landfill permission requires the submission of a review report on the Landscape Management Plan every five years. Furthermore, an annual review of restoration and aftercare will be undertaken (as required by Condition 34 of the Planning Modification Order for the landfill planning permission), with Cory providing, to the Planning Authority, a record of the management and operations carried out on the land in the previous year (as required by Condition 35). It is expected that an annual aftercare meeting will be held, when required, during the spring of each year.

The overall responsibility for the organisation of the implementation of landscape works and maintenance operations at the Site lies with the Site Manager and these works are likely to be let on a competitive tender basis, using the approved details as the basis for the specification and quality of the work required.

APPENDIX A: Aftercare Maintenance Summary

HAFOD LANDFILL MAINTENANCE SUMMARY SHEET **CORY ENVIRONMENTAL**

Item	Year					Month											
	1	2	3	4	5	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Grassland Maintenance																	
Grass cuts to 50-75mm height and strimming of ditch sides (75mm)																	
Provisional seasonal grazing regime to replace grass cutting regime																	
Noxious weed eradication using chemical and physical methods in grassland areas as appropriate for species of weed																	
Reseed failed grassland areas as directed																	
Woodland and Hedgerow Planting Maintenance																	
Maintain weed-free circle around young plants and along hedgerows via herbicide applications/hand weeding																	
Noxious weed eradication using chemical and physical methods in woodland areas as appropriate for species of weed																	
Grass cuts to ground vegetation within planting compartments areas to 75mm height																	
Refirm plants and shelters, prune plants to remove dead or dying shoots and also suckers to favour leading shoot																	
Replacement of plant failures and guards as directed																	
Watering of plants (where necessary and practical to do so)																	
Cut hedgerows to develop good 'A-shaped' form																	
General																	
Annual Aftercare Meetings to be held with relevant stakeholders																	

File: Maintenance-Summary - FINAL
Sheet: Hafod

APPENDIX B: Cory Work Instruction on Acceptance of Restoration Soil

No:	GEN-WI-011r
Issue:	Version 2.0
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CORY ENVIRONMENTAL

WORK INSTRUCTION FOR ACCEPTANCE OF RESTORATION FORMING MATERIAL

Interfaces

Reference	PPC Permit Environmental Protection Act 1990 The Landfill (England and Wales) Regulations 2002, as amended
Objective	To ensure all material accepted into the restoration areas do not pose an environmental risk
Scope	Cory Environmental (North & West) landfill sites

1.0 Responsibility

It is the overall responsibility of the Waste Compliance Manager (WCM) to ensure that these procedures are followed.

2.0 Procedure

2.1 SECTION A - INITIAL ENQUIRIES

Enquires concerning the placement of soils as restoration materials at the site will be dealt with in accordance with the Work Instruction for waste enquiries a summary of which follows:

a) When an enquiry is received, Cory will record the following information:

   i) Site address
   ii) Type of site (transfer station / greenfield / brownfield)
   iii) Customer
   iv) Quantity

b) The material will be assessed in accordance with the Sections 2.0 and 3.0 prior to a disposal quotation being released.

c) Upon acceptance of the quotation by the customer, the soil will be given a unique reference number to enable tracking of quantities. A waste transfer note detailing the description of the material, source and List of Wastes code must accompany the material.

d) The soil will be sampled and analysed in accordance with Sections B and C.

2.2 SECTION B - BASIC CHARACTERISATION AND COMPLIANCE TESTING

Material will only be accepted for use as restoration material, provided that the corresponding List of Wastes code is present on Table 1 (Section C).

Where the material is from a source where there is unlikely to be any contamination for example a Greenfield site, analysis of the material is not required.

Where there is a risk of contamination, testing must show that the material conforms to Table 2, *or else* the limit values in Table 3.

Initial assessment of the material and subsequent compliance testing will be carried out as follows:

a) Transfer station soils - A Duty of Care inspection will be conducted at each producers site before commencing acceptance of soil.

b) Greenfield site soils - Analysis is not required from sources unlikely to be contaminated.

c) Brownfield site soils - Soils from these sites will only be accepted if Cory receive site investigation analysis that confirms the soil falls within the Acceptance Criteria.

d) Soils without analysis - These soils will only be accepted into a designated area prior to screening/placement. The subsequent stockpiled soil will be sampled at the equivalent of every 50th load. The results of the testing will be used to monitor compliance with the Acceptance Criteria in Section C.

e) Other materials - To conform to Acceptance Criteria in Section C. Analysis is not required from sources unlikely to be contaminated, such as compost.

The acceptance of 'Soils without analysis' (category d above) will be at Cory's own risk, and any contaminated material subsequently identified will be removed to a suitable location.

All analysis will be carried out at a suitably accredited laboratory. Results received by Cory, will be made available to the Environment Agency within 7 days upon request.

The results of analysis will be retained within the administration system at Cory's Stafford offices. Results will be retained for a minimum of 2 years.

2.3 SECTION C - ACCEPTANCE CRITERIA

Material will only be acceptable if the material description and List of Wastes code matches one of those on Table 1.

Table 1 – Acceptable EWC Codes

Source of waste	*Kind of waste*	*Wastes code*
Wastes from physical and chemical processing of non-metalliferous minerals	Waste gravel and crushed rocks Waste sand and clays	01 04 08 01 04 09
Wastes from sugar processing	Soil from cleaning and washing beet	02 04 01
Wastes from pulp, paper and cardboard production and processing	De-inked paper sludge and de-inked paper pulp	03 03 05
	Lime mud waste	03 03 09
Wastes from power stations and other combustion plants (except wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and waste for industrial use)	Pulverised fuel ash Bottom ash and slag	10 01 02 10 01 01
Wastes from manufacture of ceramic goods, bricks, tiles and construction products	Waste ceramics, bricks, tiles and construction products (after thermal processing)	10 12 08
Wastes from manufacture of cement, lime and plaster and articles and products made from them	Waste concrete and concrete sludge	10 13 14
Concrete, bricks, tiles and ceramics	Bricks Tiles and ceramics Mixtures of concrete, bricks, tiles and ceramics	17 01 02 17 01 03 17 01 07
Soil (including excavated soil from contaminated sites), stones and dredging spoil	Soil and stones other than those containing dangerous substances Dredging spoil other than those containing dangerous substances	17 05 04 17 05 06
Soil (including excavated soil from contaminated sites), stones and dredging spoil	Track ballast other than those containing dangerous substances	17 05 08
Wastes from aerobic treatment of solid wastes	Compost	19 05 99
Wastes from waste water treatment plants	Sludges from treatment of urban waste water	19 08 05
Wastes from the preparation of water intended for human consumption or water for industrial use.	Sludges from water clarification	19 09 02
Wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, palletising) not otherwise specified.	Minerals for example sand, stones	19 12 09
Wastes from soil and groundwater remediation	Solid wastes from soil remediation (other than those containing dangerous substances)	19 13 02
Wastes from soil and groundwater remediation	Sludges from soil remediation other than those containing dangerous substances	19 13 04
Garden and park wastes including cemetery waste	Soil and stones	20 02 02

The threshold values to be applied as described in Section C are those *either* in Table 2 or Table 3.

Values may be exceeded if they are found to be naturally occurring, for example elevated sulphates are permissible at Hempsted and Wingmoor sites as the elevated sulphate will not effect plant growth or result in surface water pollution and is due to the mineral gypsum in the limestone horizons present in the Lower Lias in this area.

Table 2 – Restoration material threshold values using solid testing and NRA leachate test method

Parameter	Permissible solid concentration (mg/kg) without leachate data*	Permissible solid concentration (mg/kg) with leachate thresholds not breached	ug/l leachate threshold (NRA test)
Arsenic	**55**		
Barium	**625**		
Cadmium	**15**		
Chromium	**400**		
Copper	**240**	1000	10
Lead	**2,000**		
Mercury	**10**		
Nickel	**210**	350	500
Selenium	**6**		
Vanadium	**100**	250	20
Zinc	**720**	1000	400
Boron (water sol)	**10**	20	1000
Cyanide Provided free cyanide does not exceed 25mgkg^{-1}	**250**		
Sulphate	**2,000**	>2000	400mgl^{-1}
Mineral Oils	**5,000**		
PAH	**1,000**		
Sulphide	**250**		At pH <6.5, leachate target = 0.025µgl^{-1}

* Subject to the waste being non-hazardous

Table 3 Restoration material limit values using BS EN:12457 and solid organics testing

Leachate Parameters (using test BS EN:12457) L/S = 10 l/kg					
Parameter	Symbol	Limit mg/kg	Parameter	Symbol	Limit mg/kg
Arsenic	As	0.5	Antimony	Sb	0.06
Barium	Ba	20	Selenium	Se	0.1
Cadmium	Cd	0.04	Zinc	Zn	4
Total Chromium	Cr_{total}	0.5	Molybdenum	Mo	0.5
Copper	Cu	2	Nickel	Ni	0.4
Mercury	Hg	0.01	Lead	Pb	0.5

2.4 SECTION D - ENVIRONMENTAL PROTECTION MEASURES

There are a number of measures that will be taken to ensure that the acceptance of soils into the restoration area has no adverse environmental effects.

- Materials that emanate from a source where there may be contamination, soil analysis will be requested at the time of enquiry. If deemed to be a non-hazardous List of Wastes code that is on Table 1, they will be compared to the parameters in Table 2 and/or the relevant table for inert wastes in the Landfill Regulations. Any material failing to achieve these criteria will not be authorised to tip unless the contamination is naturally occurring.

- Material will be subjected to visual checks to confirm they correspond with the description given at the time of enquiry.

Wingmoor & Hempsted

- Surface water run off from the soils accepted under this protocol will be directed to the surface water grassed perimeter cut-off ditch to ensure suspended solids are not channelled into adjacent surface water course (Hyde Brook or Newark Brook at Wingmoor and Hempsted respectively). A grass sward will be established as soon as possible to minimise erosion.

- The current suite of surface water monitoring program is capable of detecting any adverse impact from site run-off as proposed within the recently awarded PPC Permit.

All other sites

- Surface water run off from the soils accepted under this protocol will be directed to perimeter cut-off ditch. From here it will be channelled into the surface water lagoons located within the site boundary.

- The water contained within the surface water lagoon is already sampled on a monthly basis to determine compliance with the surface water discharge consent. The current suite of surface water monitoring will be amended to include those parameters contained within Table 4 below.

Table 4 – Proposed surface water monitoring frequencies

Surface Water Monitoring Schedule	
Monthly	pH, electrical conductivity, NH_4-N, suspended solids, Na, K, Ca, Mg, Fe, Mn, Cd, Cr, Cu, Pb Ni, Zn
Quarterly	as monthly + SO_4, alkalinity, As, Cn, Hg, sulphide, PAH, phenol

Additional woodland planting

Area kept clear of vegetation to allow ongoing access to monitoring boreholes and surface water pipework etc.

Existing (retained) mound)

Retained SSSI / SAC area (Woodland within shown indicatively as taken from aerial photographs) - no works proposed in this area

Pond 4

Pond 3

Path (um)

Drain

Discharge consent point 2

Ditches positioned to provide 1:250 minimum (post-settlement) gradient along length whilst maximising catchment area

Field 3 3.8ha

Field 1 5.0ha

Field 2 4.3ha

Downscaled access track for field, pond and environmental management infrastructure maintenance

Additional pond space to allow for surface water attenuation

Surface water 'cut-off grip'

Pond 2

Pond 1

Discharge consent point 1

Location of permitted landfill gas utilisation compound

Woodlands to be planted at 2m staggered centres using a combination of transplants and pot grown stock (40-60cm) with species to include: ash, blackthorn, holly, field maple, gean, goat willow, hazel, hawthorn, pedunculate oak, rowan, guelder rose, silver birch and dogwood.

Hedgerows to be planted in a double staggered row (6 plants per linear metre) using hazel, hawthorn, blackthorn, holly, guelder rose and dogwood with pedunculate oak, field maple and ash hedgerow trees.

All planting will be protected from browsing using a combination of individual shelters and stock/rabbit proof fencing.

All areas will be maintained for five years upon implementation of restoration features in each area and phase of working. Woodland and hedgerow areas will be maintained by keeping a weed-free zone up to 0.5m from each plant in accordance with best practice.

Grassland areas will be maintained to ensure noxious weeds are treated and that the sward diversity is maintained via a combination of hay cutting (in late July) and/or grazing (if cattle are available) or via a second cut in late September/early October. Failed areas will be resown.

Areas to be sown to grassland will be sown with the mix indicated below following testing of the final soils and amelioration via ripping, secondary cultivations and chemical rectification where required. A pre-seeding fertiliser will be added if required to promote early establishment.

English name	Latin name
Autumn hawkbit	*Leontodon autumnalis*
Bird's foot-trefoil	*Lotus corniculatus*
Common bent	*Agrostis capillaris*
Common knapweed	*Centaurea nigra*
Crested dog's-tail	*Cynosurus cristatus*
Meadow buttercup	*Ranunculus acris*
Meadow vetchling	*Lathyrus pratensis*
Oxeye daisy	*Leucanthemum vulgare*
Red clover	*Trifolium pratense*
Red fescue	*Festuca rubra*
Ribwort plantain	*Plantago lanceolata*
Sweet vernal-grass	*Anthoxanthum odoratum*
White clover	*Trifolium repens*
Yellow rattle	*Rhinanthus minor*
Yarrow	*Achillea millefolium*
Yorkshire-fog	*Holcus lanatus*

Legend:

- Landfill Planning Permission boundary following Modification Order
- SSSI/SAC boundary
- Limit of landfilling
- Proposed post-settlement restoration contours (mAOD)
- Survey contours (mAOD)
- Existing (retained) mature woodland and trees
- Proposed areas of native woodland
- Pastoral agricultural grassland restoration (managed as meadow and pasture)
- Proposed new hedgerows
- Access track
- Proposed survey water ditches
- Proposed and existing surface water attenuation ponds
- Approximate routing of existing amphibian exclusion fencing (to be removed upon completion of restoration)

Notes:

Waste will be tipped to pre-settlement levels to allow for capping layer and 1.5m depth of soils over landfilled area such that settlement will result in the landform shown with intended final gradients generally ranging between 1:5 and 1:20 across the Site

Final Revision:	Date:	Description:	By:	Chk:
-	-	-	-	-
-	-	-	-	-

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Site: **Hafod Quarry Landfill**

Drawing Title: **Landscape Masterplan**

Date:	Scale:	Paper Size:
28 July 2010	1:1,750	A2

Drawn By:	Checked By:	Status:	Final Revision:
KJ	BS	FINAL	a

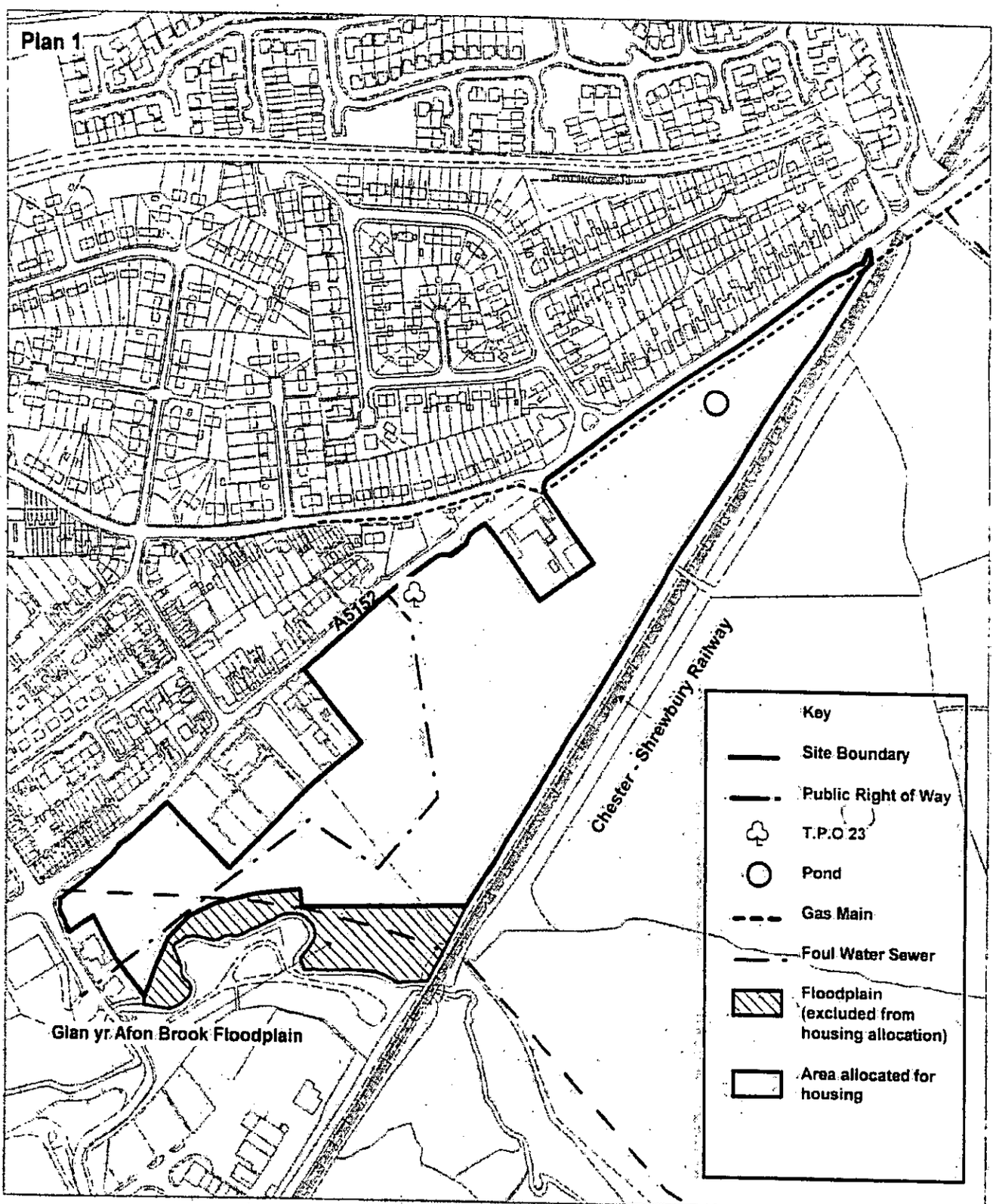
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Drawing No. CE-HF-0238-DW01a

Wrexham Road, Rhostyllen

Planning Development Brief

October 2004



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Date : 15/04/2004

wrexham COUNTY BOROUGH
BWRDEISTREF SIROL wrecsam

mapinfo/proposedmods/wxmrd/plan1

1 Introduction

1.1 The purpose of this development brief is to:

- Provide a framework for developers to clarify specific land use issues which require consideration before a planning application is submitted; and
- Promote better design to improve the sustainability and quality of development through highlighting the need for innovative design.
- Promote sustainable development particularly with the following aims in mind – achieving a resource-efficient settlement pattern; minimising the demand for travel by the private car; encouraging energy-efficient development; contributing towards the protection and improvement of the environment; providing convenient access to employment, shopping, education, health, community, leisure, and open space facilities; contributing to the protection and where possible the improvement of people's health and well-being.

2 Location and description of site

2.1 The site is located to the south of the former mining village of Rhostyllen, which has a population of some 2,000 people. The land is currently in dual ownership between the National Trust and the owners of Manor Farm. 7.57 hectares of the site have been allocated in the Wrexham Unitary Development Plan for housing.

2.2 To the north-west the site abuts the A5152 Wrexham Road, which is part of the core highway network which links Wrexham to the east with the urban villages of Johnstown, Rhos and Ruabon to the west. To the east of the site is the Chester - Shrewsbury railway line and to the south-west is the Bersham Industrial Park. A public right of way crosses the site in the south-west. The site layout is illustrated in Plan 1.

2.3 The site is currently in agricultural use and is situated close to the village's services, which include several public houses, general stores, takeaways, a school, a health centre, a village hall and a football field. Several bus stops stand adjacent to and opposite the site on Wrexham Road. Frequent buses serve Rhostyllen to Wrexham, Ruabon, Rhos, Cefn Mawr, Oswestry and Llangollen.

2.4 The site is reasonably level, but just beyond the area allocated for housing the land drops steeply towards the Glan yr Afon Brook in the south-west. This low lying land forms part of the watercourse's flood plain.

2.5 Along the A5152 a mature hedgerow bounds the site, and in the northern section of the site is a small pond.

2.6 Two existing developments abut the site along Wrexham Road. In the north-west there is a development which consists of 2 car showrooms and 2 semi-detached residential properties and to the south-west stands the Holy Trinity

Church, together with a small cluster of residential properties. These are shown on the Plan 1.

2.7 Several foul water sewers run through the south-west section of the site and there is a gas main running parallel to the site boundary along the A5152 to the north-west of the site. These are illustrated in Plan 1.

2.8 A site mining report on the existence of any underground activity stipulates that the site is within the likely zone of influence on the surface from working in 6 seams of coal at 250m-460m depth. The last date of working being 1976 and that ground movement from these past workings should have now ceased.

3 Planning Context

3.1 The site is allocated for housing in both the Wrexham Maelor Local Plan: Forward to 2001 (adopted February 1996) and the Wrexham Unitary Development Plan (UDP) which is currently at an advanced stage in it's production and is in operation for Development Control purposes.

3.2 The Unitary Development Plan (May 2004 Post Modifications Edition) proposes:

- To allocate 7.57 hectares of land at Wrexham Road for the development of around 160 dwellings (Policy H1).

Proposals must also comply with other relevant policies including those relating to:

- Settlement and Transport (Policies PS1, PS2, PS4)
- General Development Principles (Policies GDP1, GDP2)
- Conserving Hedgerows, Trees and Woodland (Policy EC4)
- Safeguarding Biodiversity (Policy EC6)
- Protecting Waterways, avoiding flood risks and managing alternations to surface water run-off rates (Policy EC12)
- Affordable Housing (Policy H7)
- Providing Open Space (Policy CLF5)
- Maintaining Rights of Way (Policy CLF6)
- Transportation and Public Transport links (Policies T1, T6, T8, T9)

The above policies are listed in full in Appendix 1.

3.3 The proposed development must also be in full accordance with the relevant Council's Local Planning Guidance Notes. These, together with other relevant Council Documents are listed in Appendix 2.

4 Planning History

4.1 A Public Local Inquiry to consider objections made to the Deposit Draft Unitary Development Plan took place in 2002. Following an objection made by the Environment Agency the inspector recommended to reduce the extent of the adopted allocation to exclude the 2.13ha within the flood plain of the

Glan yr Afon Brook that may be at risk of flooding. As a result, the area allocated for housing in the UDP was reduced from 9.70ha to 7.57ha.

4.2 There has been a planning application made on the Southern area of the site for the creation of an access road to a combined sewer overflow, which is contained within the development boundaries. Temporary planning permission has been granted, which expires on 30 June 2005. This will not affect the development of the site for housing.

5 Planning Guidance

5.1 Transport and Access

(i) The preferred main vehicular access point to the development is via a roundabout located opposite the end of Eldon Grove. It would be preferable to have a second access, served by a roundabout, towards the western end of the development site. This second access point would be considered essential for a development of over 150 dwellings. Due to the increased demand for movement across the A5152 traffic management and road safety will be a prime consideration. The access point at the end of Eldon grove is shown on Plan 2. Drainage will need to be considered when designing the roundabout and it shall be designed in accordance with the National Assembly for Wales' Guidance TD 16/93.

(ii) The housing areas will be linked to a distributor road through the development; connection roads should be curved in design and must incorporate traffic calming to ensure a design speed of 20 mph.

(iii) All residential roads and footpaths must comply with highway standards.

(iv) The development should be planned to minimise its reliance upon travel by the car. A Travel Plan and a Traffic Impact Assessment should be submitted and approved as part of any planning application. It must contain provisions for pedestrian and cycle links both across the A5152, to the commercial and social facilities in the village and to the surrounding countryside, the provision of a central refuge would achieve this. Connections to existing cycle routes and public transport links should be facilitated where possible.

(v) The developer will be required to make contributions towards the improvement of the bus services; e.g. the provision of bus shelters. The developer must ensure safe access to existing bus stands along the A5152.

(vi) The existing Public Right of Way is an important link from Rhostyllen to the National Trust property at Erddig and must be protected. If it proves to be a significant constraint to the development and it becomes necessary to divert the path, alternative routes must be discussed with the Council's Public Rights of Way Section.

(vii) The agricultural bridge over the railway is in poor condition. Once development begins this bridge will become redundant and will therefore need to be removed.

5.2 Biodiversity and Landscape

(i) The site is largely covered with improved grassland. There are no existing records of protected species or any significant biodiversity on site, however a detailed ecological survey of the site, including the Glan yr Afon brook, is required as part of any planning application.

(ii) Midway along the road frontage is a mature ash tree that is covered by Tree Preservation Order No. 23. This tree may not be lopped, topped or felled without the prior written approval of the Council and a protection area around the ash tree must be provided. Full details regarding Tree Preservation Order No. 23 are found in Appendix 3.

(iii) Natural features on the site should be conserved subject to the ecological survey. Screening will be required along the railway line, around the garage enterprise and around the business premises on the south-west boundary.

(iv) The southern area of the housing site has a steep gradient towards the Glan yr Afon Brook floodplain. This area should be progressively planted towards the floodplain and be used as Public Open Space.

(v) The low-lying area bounding the railway line will need additional landscaping to screen views of the railway.

(vi) The hedgerow which lines the site along the A5152, should be retained and enhanced where possible to buffer against traffic noise from the road.

(vii) When carrying out tree planting, native species should be used and developers will be expected to comply with the appropriated British Standards in all tree-planting schemes.

5.3 Public Open Space

(i) The provision of public open space must be provided in accordance with advice contained in Local Planning Guidance Notes 10: Public Open Spaces in New Housing Developments. In addition, developers must enter into legal agreements in order that funding can be provided for the future maintenance of the open space.

(ii) The area adjacent to the Glan yr Afon Brook can be used as public open space. It should only be used for informal recreation and it is not to be developed for any other use. However, it will not contribute towards the required public open space as defined in paragraph 5.3 (i) above.

(iii) Health and safety should be taken into account when designating areas of public open space around waterways. All areas will be inter-linked by public access routes, including an access route to the Glan yr Afon brook.

5.4 Developer Contributions

(i) Should the development create a deficiency of community facilities in Rhostyllen (for example schools), then the council, in accordance with UDP Policy GDP2, will negotiate a financial agreement with the developer. This will require the developer to either provide the additional capacity on or off – site, or provide funding for the Council to provide the additional capacity itself.

5.5 Design Requirements

(i) Development proposals will be required to demonstrate how they respond to the need to integrate the new housing area with the established village, provide safe and convenient facilities for cyclists and pedestrians – including those travelling along and across Wrexham Road, create a high quality environment within the development and support local distinctiveness. The treatment of the Wrexham Road frontages and the area around the church require particular attention.

(ii) Service access to the gas main and the foul water sewers must be retained within the development layout.

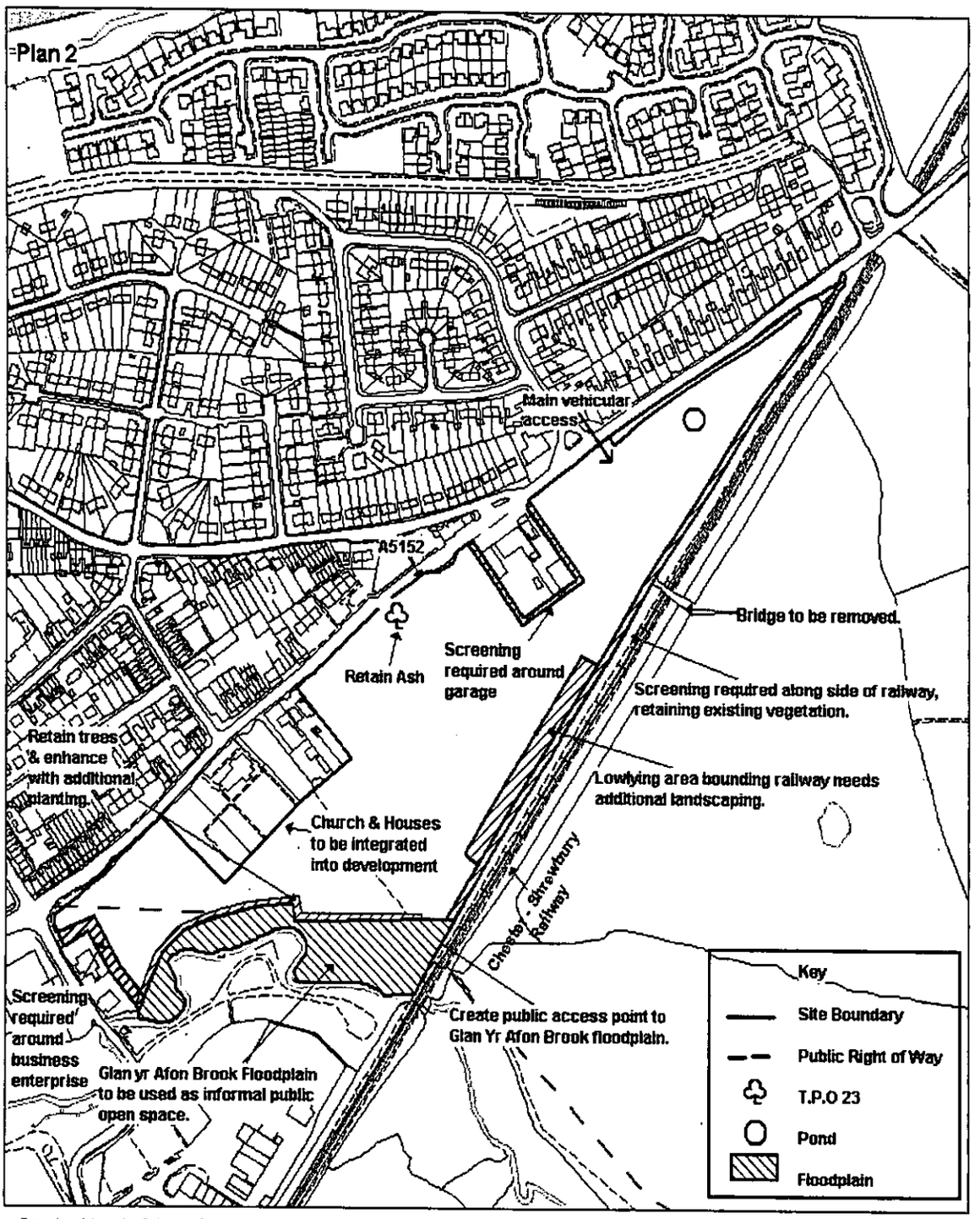
(iii) The development must make prudent use of natural resources. Locally sourced materials such as stone, bricks and wood are preferable where available to mass-produced, energy intensive materials such as steel, concrete and plastic. Housing layout and design may wish to maximise renewable energy sources and technologies for both domestic use and street lighting. House design should also promote biodiversity.

(iv) The orientation of buildings, house type and layout together with the design of heating systems and the provision of efficient lighting systems must comply with Approved Document L1 of the Building Regulations 2000 – Conservation of Fuel and Power. Proposals should also aim to comply with the Building Research Establishment's Environmental Assessment Method and EcoHomes minimum standard of 'Good'.

(v) Water usage on site should be sensitive to the need to conserve water; this could be achieved by developing Sustainable Drainage Systems (SUDS). Household waste recycling facilities should be accommodated on-site.

(vi) The development must include a variety of house types, densities and tenures. The provision of affordable housing will be required within the development in accordance with development plan policy.

(vii) The Site Layout is summarised in Plan 2.



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Date : 15/04/2004

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BWRDEISTREF SIROL
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Prospective developers are advised to contact both the Planning and Transport & Engineering departments for an informal discussion prior to the submission of a formal planning application.

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APPENDIX 1:

Wrexham Unitary Development Plan Relevant Polices (May 2004 Post Modifications Edition)

As of May 2004, the UDP has been approved by the Council and made operational for development control purposes with the exception of further proposed modifications to policies contained within chapter 11 relating to Minerals and Waste. These further proposed modifications are subject to change following public consultation and consideration of any representations which may be received. Therefore, the key policies relating to the Wrexham Road Development Site listed below will not be subject to change.

Polices H1 and T6 have been abbreviated to omit details of land allocations and routes which do not apply to the Wrexham Road site.

HOUSING

Housing Allocations

H1 Sufficient land will be allocated for housing development between 2001 and 2011 including the following:

Urban Villages:

Ref:	Location	Area (ha)	Units
10	Rhostyllen: Wrexham Road	7.57	160

Affordable Housing

H7 Where there is a proven lack of affordable housing to meet local needs, the Council will negotiate with developers to provide an element of affordable housing in new proposals of 25 or more homes. The initial benefit of discounted prices will be retained for subsequent and future occupants through the scheme's management by a suitable local housing body with the aid of legal agreements.

PLANNING STRATEGY

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

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

PS4 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.

GENERAL DEVELOPMENT PRINCIPLES

Development Objectives:

GDP1 All new developments should:

(i) 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.

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

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

(iv) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearly locality.

(v) 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.

(vi) 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 industrial and quarrying, and associated noise, odour or vibration arising from development.

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

(viii) 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.

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

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

(xi) Secure development of sustainable communities, through the promotion of the economics, social and environmental well being of the area.

Capacity of Infrastructure and Community Facilities

GDP 2 Where the capacity of infrastructure, including community facilities, is likely to be deficient as a consequence of new development, a planning agreement/obligation will be negotiated whereby the developer provides the additional capacity either on or off-site and/or provides funding for the Council to provide the additional capacity itself. Requirements will be fairly and reasonably related in scale and kind to the proposed development.

ENVIRONMENT AND CONSERVATION

Hedgerows, Trees and Woodland

EC4 Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape. Development which results in the loss of significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.

Biodiversity Conservation

EC6 Development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Where such development is permitted, damage should be kept to a minimum, and compensatory measures should be provided. Measures to improve the biodiversity value of sites and enhance their natural conservation interest and landscape quality, including the establishment of local nature reserves, will be supported.

Development and Flood Risk

EC12 Development (including the raising of land) within defined flood plains will only be permitted if it:

(i) would not be subject to an unacceptable risk of flooding on-site; and / or
(ii) does not result in an unacceptable risk of flooding on or off-site; and / or
(iii) does not adversely affect flood management or maintenance schemes.

Surface Water Run-off

Development which would result in an unacceptably adverse impact on the water environment due to additional surface water run-off will not be permitted.

Protection of Controlled Waters

Development which would have an unacceptable adverse impact upon the capacity, flow, quality or availability of controlled waters and associated land will not be permitted.

COMMUNITY AND LEISURE FACILITIES, AND TOURISM

Open Space Requirements for new Residential Developments

CLF5 New Developments of ten dwellings or more must provide informal public open space within the site at a minimum level of 0.4 hectare per 50 dwellings, be conveniently located for users, and usable for playing field(s) and / or equipped children's play area(s) and open amenity area(s). In exceptional circumstances, the application of these standards may be varied, in the case of small urban infill housing development, where the developer enters into a legal agreement for financial contributions towards the cost of public open space provision where:

(a) the site is unsuitable for public open space provision; or
(b) the development would not place significant additional pressure on public open space facilities in the vicinity of the site.

Informal Recreation

CFL6 The existing pattern of public rights of way will be protected, maintained and improved and any potential new routes will be identified and safeguarded.

TRANSPORT

Public Transport

T1 Proposals for new and improved public transport facilities for bus, taxi and rail services will be supported, to include public transport interchange facilities, park and ride facilities, car and cycle parking, cycle and walkway routes, and access for buses on new developments.

Primary and Core Highway Network

T6 The design of road improvement schemes; of traffic management proposals; and the control of development adjacent to the primary and core highway network will have regard to the need to ensure the free and safe flow of traffic. Routes forming the primary and core network will take precedence over other routes and there will be limitations on access, parking, crossing and turning movements. The primary and core network includes the following:

Core Highway Network

A525 Wrexham (A5152) to Minera (B5430)
A534 Llanypwll (A5156) to Wrexham (A5152)

A541 Wrexham (A5152) to County Bridge (Flintshire Boundary)

This policy defines the County Borough's road hierarchy for the purposes of assessing the highway implications of development proposals.

Parking

T8 Development granted planning permission will be required to provide vehicle parking spaces either on site or nearly, in accordance with the Council's current parking standards. Special regard will be paid to the following factors, as appropriate:

(a) the availability of public transport nearby,
(b) proximity to public car parking.
(c) Proximity to local services and facilities,
(d) Road safety hazards and amenity considerations arising from on street parking in the vicinity of the site.

Where implementation difficulties arise in making parking provision on-site or nearby, the Council will require a developer to make financial contributions for measures to assist public transport, or walking and cycling as appropriate.

Walking, Cycling and Horse Riding Routes

T9 Development proposals will be required to provide walking and cycling routes, where feasible and appropriate, that link with existing or proposed walking and cycling routes, and integrate with the public transport system. Opportunities for horse riding along these routes will be secured where appropriate.

Copies of the UDP can be obtained from:

Wrexham County Borough Council
Planning Policy Department
Lambpit Street Offices
PO Box 1290
Wrexham
LL11 1WL

Tel: 01978 292016

Or online at the following web-site:
http://www.wrexham.gov.uk/english/planning_portal/plan_policy/wxm_udp.htm

APPENDIX 2:

Relevant Local Planning Guidance Notes.

LPG7: **Landscape and Development**

LPG10: **Public Open Space in New Housing Developments**

LPG15: **Cycling**

LPG16: **Parking Standards**

LPG17: **Trees and Development**

LPG21: **Space around Dwellings**

LPG22: **Sustainable Building**

LPG24: **Designing out Crime**

LPG27: **Developer Contributions to Schools**

LPG28: **Affordable Housing (draft)**

Other Relevant Council Documents:

Biodiversity Action Plan

Copies of LPG's can be obtained from:

Wrexham County Borough Council
Planning Department
2nd Floor
Lambpit Street Offices
PO Box 1290
Wrexham
LL11 1WL

Tel: 01978 292016

Or online at the following web-site:
http://www.wrexham.gov.uk/english/planning_portal/lpg_notes/lpg_notes.htm

APPENDIX 3:

Map referred to in the
WREXHAM COUNTY BOROUGH COUNCIL
Community of Esclusham

Tree Preservation Order WCBC No. 23
Land adj. MG Garage, Wrexham Rd,
Rhostyllen

Derek A. Griffin
Chief Executive Officer.

G.J. Evans
Chief Planning Officer.

Scale 1:200. Sheet No.SJ3148

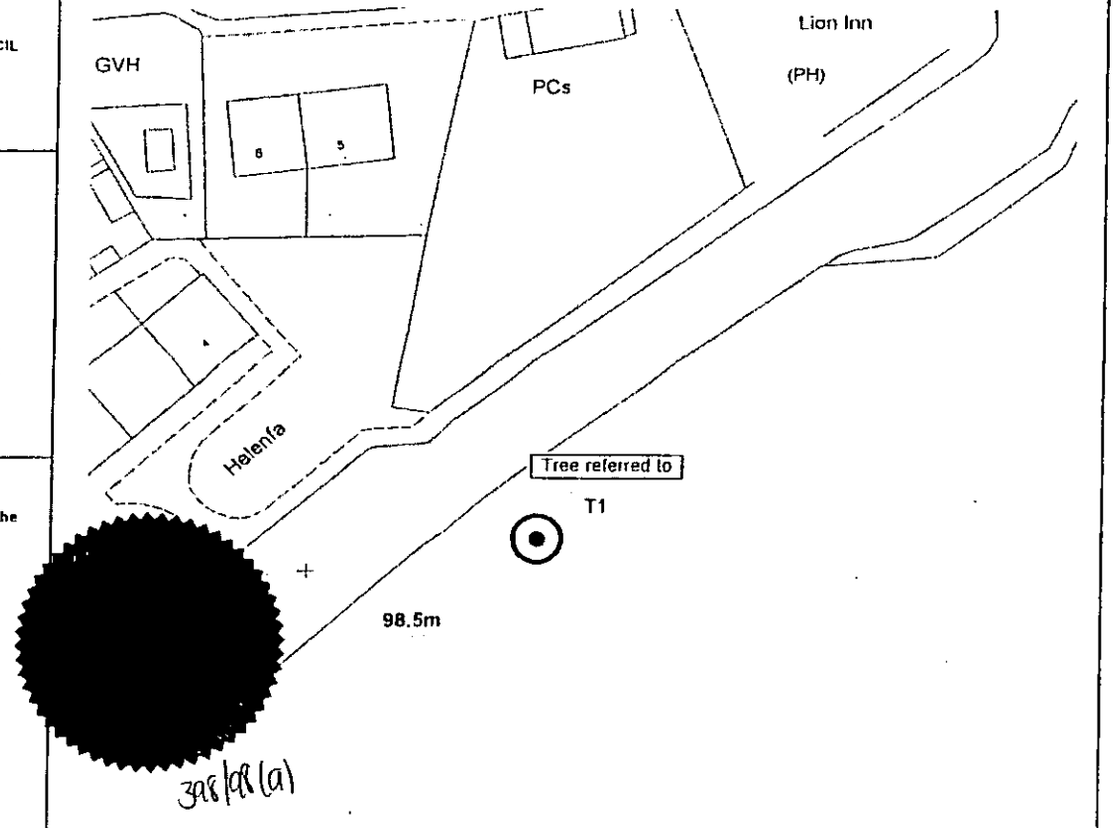
Reproduced from the Ordnance Survey Map with the permission of The Controller of Her Majesty's Stationery Office.
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The Common Seal of Wrexham County Borough Council was hereunto fixed in the presence of:

Mayor.

Chief Legal and Administration Officer.

12 August 1998
Date



FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY*

(encircled in black on the map)

No. on Map.	*Description.*	*Situation.*
T1	Ash (Fraxinus excelsior)	E:331646 N:348702

TREES SPECIFIED BY REFERENCES TO AN AREA*

(within a dotted black line on the map)

No. on Map.	*Description*	*Situation.*
	None	

GROUPS OF TREES*

(within a broken black line on the map)

No. on Map.	*Description.*	*Situation.*
	None	

* The word "NONE" must be entered where necessary.

IN THE MATTER OF RUABON BUSINESS PARK

AND IN THE MATTER OF AN APPLICATION FOR A CERTIFICATE OF LAWFULNESS

ADVICE

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1. INTRODUCTION

1.1. I am asked to advise in relation to an application for a certificate of lawfulness ("CLD") in respect of works undertaken in purported reliance on one or more grants of planning permission/approval of reserved matters for Business Park development at Ruabon. The application has been made on behalf of the landowners by Pegasus Planning Group Ltd ("PPG").

1.2. I have advised twice before[1] on this general matter, which has been controversial for some time. It appears as though the landowners now

[1] On 1.12.2008 and 20.02.2009

seek to resolve the issue via the CLD application. The chronology is complicated and set out in my first Advice.

1.3. The LDC application raises two main issues. By far the more complicated of these is dependent on the status of Decision Notice P/2003/1484. The second concerns the status of works undertaken at the Site and is largely a matter of fact. I have no instructions as to the accuracy of Item 13 which consists of a schedule of dates when it is claimed that conditions precedent on P/2003/1484 were discharged. Nor do I know whether paragraph 5.8 of the submission is correct; the works certainly appear capable of constituting a material operation for the purposes of s.56 Town & Country Planning Act 1990 ("TCPA"), but I cannot comment as to their consistency with approved plans. Subject to these factual points, it seems to me that the application should turn on Issue 1 rather than Issue 2.

2. STATUS OF P/2003/1484

2.1. I have fully reconsidered this matter, but remain of the opinion expressed in my Advice of 20.02.09 that the better view is that P/2003/1485 is a Reserved Matters Approval ("RMA"). In short, I continue to accept that it is a problematic document on its face and that aspects of the Council's handling of the application appear to suggest confusion and/or to support PPG's contention that the application was and/or was handled as a full planning application. PPG's submissions, however, are selective and my

view remains that if recourse is had to the application, for which there is established authority[2] in the case of a planning permission which is ambiguous on its face, the position does not improve for PPG. In fact, as I shall explain, I consider that the application is incorporated into the Decision Notice.

2.2. Much of PPG's argument is based upon further extrinsic documents, statutory consultation notices, public notifications, consultees' responses, correspondence, discussions in meetings and the officer's report. I shall deal with those in more detail below, but it should be noted at this stage that the Courts have generally taken a very cautious and restrictive approach to the introduction of such material. One of the well known exceptions to the general principle is ambiguity on the face of the decision notice, but even here it should not be assumed that the whole planning file will be taken into account on a question of construction. The Court of Appeal has been prepared, in cases of ambiguity, to look at *"any exchange between the applicant and the planning authority"* as *"part of the evidential matrix"*.[3] A later Court of Appeal was keen to limit this apparently wide statement to cases of ambiguity in Slough BC v SoSE [1995] JPL 1128. In Polhill Garden Centre Ltd v SoSE [1998] JPL 1070 at 1073, Mr Malcolm Spence QC., sitting as a Deputy Judge of the High Court said, of an inspector's reference to a committee report to assist in a

---

2 R v Ashford BC ex parte Shepway DC [1948] JPL 1073. In this respect i see no reason why any more relaxed rule should apply to a RMA.

3 Oakimber Ltd v Elmbridge BC and Surrey CC [1992] JPL 40; Staffordshire Moorlands DC v Cartwright [1992] JPL 139

question of construction: *"That ... is an impossibility and [Counsel for the Secretary of State] does not seek to argue otherwise"*. Mr Spence quoted at some length from Keene J's judgment in Ashford, including the following paragraph on properly limiting the use of extrinsic material admitted to resolve ambiguity:

> *"I propose to deal with this as a matter of principle. It is important to recognise that when an application is being used for such a purpose, it is not being incorporated into the permission. This is a wholly different exercise from that involved in incorporation. The justification for such resort to extraneous material is to resolve a particular inconsistency or ambiguity. That being so, it would not be proper to regard other parts of the permission free from ambiguity as open to re-interpretation in the light of the application or, indeed, other extrinsic material. Such material is only being brought into play for a specific purpose. Such recourse does not make the application or other extrinsic material part of the permission generally. Otherwise the existence of an ambiguity on a single point or word in an otherwise complete and clear permission would mean that the extent of the development as a whole thereby permitted could be cut down by the application. That would be contrary to the general rule spelt out many years ago in* ***Miller-Mead*** *and endorsed by the Court of Appeal recently in* ***Slough Borough Council v Secretary of State for the Environment.*** *Moreover, any such exception to a general rule ought to be narrowly construed."*

2.3. There is no recognition in PPG's submission of these important general principles of construction. Nor is there any real legal analysis at all. Reference is made[4] to the case of Cardiff Corp'n v SoSW [1971] P&CR 718 for the proposition that *"an application for full permission for*

[4] Submission para 3.6

development already authorised by an outline permission may be capable of being construed as an application for the approval of Reserved Matters". This statement is an oversimplification. As Thesiger J said, at p.732, dealing with the Secretary of State's decision on a revocation order:

> *"The question for me ... is not whether the documents could be regarded ... as an original application but whether they were capable of being considered as a submission of detailed plans within the meaning of the condition of the outline planning permission which had already been given ... I can see no reason why a submission of detailed plans should not be accompanied by a copy of or a repetition of the original planning application".*

The subsequent statement at paragraph 3.7 of the submission is not supported by authority, although it is asserted that *"the Courts have shown"* that they will consider the substance of an application by reference, inter alia, to the consultation process. I noted in an earlier Advice that at no time have the landowners disclosed a copy of their legal advice.

2.4. Turning to the extrinsic material (though, as noted above, Item (1) is, in fact, incorporated into the Decision Notice):

(1) The application form is a standard one covering planning permission or *"Approval of Details of Development".* Part 1 Boxes 3, 5 and 12 and Part 2 Box 1 all specify that RMA is sought.

(2) The covering letter from RPS (not produced by PPG) is in similar terms, though making clear that it also covered applications to discharge conditions 7,8 and 14 *"of the outline consent"* (surface water disposal, limitation to Class B1 and submission of TIA).

(3) RPS' Planning Supporting Statement is in the same terms.

(4) Statutory consultation and neighbour notification were carried out as for a planning application, though the *"standard"* consultation letter said (delphically):

> *"I have received a planning application for the development mentioned above ... This application follows the grant of outline planning permission which established the principle of the development and only those matters reserved by that permission are to be considered. I enclose a full set of the application documents as submitted by the applicant/agent."*

PPG state, at paragraph 4.15:

> *"The inference is that there is a parallel planning permission which has set up the principle of development which acts as a fallback in considering what has now been submitted."*

I do not understand this suggestion, which seems to me contrived.

(5) Several of the statutory consultees believed that the consultation related to a planning application and/or responded on matters of

principle.[5] In my experience, this is not unusual, even in the clearest of cases, and cannot affect the true nature of the approval subsequently issued.

(6) The Council requested details of sustainable building, which RPS resisted on the basis that the relevant guidance related to planning, rather than RMA applications. The Council, however, persisted. There are two points here:

(a) I do not see why sustainable building is not a RMA issue

(b) more importantly, RPS continued to treat the application as one for RMA and to insist upon this.

(7) S.106 requests were made by the Highways Department. It is not entirely clear to me whether these requests were really s.106 demands or related to one or more projected s.278 Highways Act 1980 matters. Importantly, however, RPS resisted them as in (6) above, although eventually some compromise seems to have been reached at a meeting. The position is not totally clear, save that RPS' handling of the matter rebuts any possible suggestion (not in fact advanced by PPG) of amendment from RMA to planning application. (I should say, in this connection, and with regard to the Cardiff assertion, that I am not convinced that it would have been lawful to make such a fundamental amendment

[5] Though the Highways Department did so in a response which expressly recognised the scope of the application.

even by mutual consent. A fortiori, I think it highly dubious to suggest that a LPA could achieve such a change unilaterally. Cardiff is not authority for this proposition, as noted above; whilst, on the facts of that case, it was decided that there was a RMA, it does not follow that a planning application can be *"created"* from a RMA application by the LPA).

(8) PPG produce the Officer's Report to Committee but do not comment on it in detail. They claim, at paragraph 6.12, that it *"did not set out clearly"* the relationship between the RMA application and the 2003 permission. I disagree. Although the report goes into policy considerations which were not strictly relevant, this is, perhaps, not wholly surprising given the shift which had occurred in the site's development plan notation. On pages 5 (*"Background"*), 6 (*"Policy"*) and 9 (*"Conclusion"*), the nature of the application is set out. In particular on page 9, the report says:

> *"There can be no policy objections in principle to the proposed development since it has a current consent in outline."*

2.5. Therefore, even if all the extrinsic material is consulted, I do not consider that it demonstrates that the application either was in substance or was determined as a planning application. In particular, the officer made it quite clear (at pp.6 and 9) that the Council was constrained from revisiting the principle of the development in the light of the newly adopted UDP.

2.6. In my view, the most difficult aspects of this matter arise from consideration of the decision notice itself. PPG's submissions concentrate on the *"Description of application"* policies and conditions. They do not comment on the Particulars of decision: *"APPROVAL of reserved matters"*, nor do they address the following words at the top of the Notice:

> *"In pursuance of its powers under the Acts an (sic) 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".*
>
> (emphasis added)

These words therefore clearly incorporate the application, thus allowing it to be taken into account under one of the Ashford principles.[6] This is helpful because of the unambiguous nature of the application. It should be unnecessary to look further into the truly (i.e. unincorporated) extrinsic material, notwithstanding the difficulties with the conditions on P/2003/1484. The UDP policies listed do not generally relate to the

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[6] These words appear on all the decision notices and probably strengthen an argument that all previous conditions are incorporated into P/2003/0058. Nothing seems likely to turn on this, but I mention it for the sake of completeness. Moreover, on reflection and in the light of R v London Docklands Development Corp'n (1996) 73 P&CR 199 at 206, dealing with the implication of time limits under s.91 or s.92 (full and outline permissions) I now consider that a s.73 permission can relate to an outline permission, notwithstanding that the s.73 application is not itself for the *"erection of a building"*. Paragraphs 1.4 and 2.2.1 must be read subject to these points. Paragraph 2.2.1 should read:

> *"I do not consider that RM approval 2003.1484 has the effect of prolonging the life of permission 2003/0058. That planning permission is problematic insofar as it does not expressly 'carry over' the conditions from the 'original' permission(s). It might be argued that there is an implication by reference to the planning application, which is expressly incorporated by the note at the top of the decision notice, but the application letter is silent as to other conditions. It is therefore very difficult, in my view, to 'rescue' P/2003/0058 in the way adopted in Reid. In the absence of condition 3, however Condition 1 and s.92 would have operated to deem the permission to have been granted subject to a condition that development must be begun not later than 2 years from the final approval of RMs or the last of them to be approved, that is, as it transpired, 6.06.2007."*

principle of development and/or the site's designation, rather to general development control principles consistent with consideration of detailed design matters. The only exception is Policy PS1, Settlement Limits. If recourse is made to the committee report, as PPG apparently argue should be done, then this is fully explained. If not, then I do not consider that reference to this policy turns the approval into a planning permission; it is, at worst, from the Council's point of view, a surprising feature.

2.7. PPG analyse the conditions on P/2003/1484. I noted in my first Advice the odd nature of the decision notice, particularly with regard to conditions (paragraphs 1.6 and 2.22). As I said there, some of the conditions, as well as going beyond a RMA, also extend beyond that which is conventionally regarded as reasonable and valid on a planning permission (Conditions 8, 9 and 12). The high point of PPG's case is Condition 1, specifying 5 years and citing s.91(3) as the justification. This is inappropriate to a RMA and invalid since it purports to extend the life of the approval beyond the life of the last s.73 permission. This was made clear to the Landowners' former agents by letter dated 18th November 2008. Other conditions are more or less inappropriate to a RMA. Some, such as Conditions 4, 13, 21 and 22, duplicate those in the 2000 planning permission and are therefore surplus. Many others, to a greater or lesser extent, impose further requirements and PPG therefore say that they *"derogate from"* the original permission. Some are more debatable, such

as Conditions 6 and 7. Nevertheless, it has to be admitted that many of the conditions do go outside the parameters of (any of) the outline permissions. For this reason it might be considered permissible to examine the extrinsic material to see whether, for example, the incorporated application had been amended. I have given my opinion on this material above. It might be said that the problems with P/2003/1484 are so extensive that severance of so many invalid conditions is impossible, rendering the document void but this, for obvious reasons, is not what PPG argue. If such a view were to be reached by an inspector and/or the court, then the proper overall finding would still be that the LDC application should fail.

3. CONCLUSION

3.1. Accordingly, I advise that the LDC application should be rejected on Issue 1. As I have stated, I can express no conclusive view on Issue 2.

MORAG ELLIS QC
14 December 2010

2-3 Gray's Inn Square
London WC1R 5JH

IN THE MATTER OF RUABON BUSINESS PARK

AND IN THE MATTER OF AN APPLICATION FOR A CERTIFICATE OF LAWFULNESS

A D V I C E

Wrexham County Borough Council
DX: 721924
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