MEMORANDUM

wrexham COUNCIL CYNGOR wrecsam

From:	Chief Officer, Environment & Technical	**To:**	Chief Officer Economy & Planning
		FAO:	Lauren Rowlinson
Our Ref:	ET/DC/PP/P/2026/0130	**Your Ref:**	P/2026/0130
Date:	25/03/2026		

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSAL: CODI WAL GONCRIT A FFENS BREN GYDA THIRLUNIO CYSYLLTIEDIG / ERECTION OF CONCRETE WALL AND TIMBER FENCE WITH ASSOCIATED LANDSCAPING

LOCATION: HOLLY HOUSE, SUMMERHILL ROAD, GWERSYLLT, WREXHAM, LL11 4SW

I refer to your consultation / email dated 16/03/2026 in respect of the above.

General

The proposed development comprises the construction of a retaining wall with fence above which has already been constructed.

Access

The previously constructed retaining wall / fence fronts Rogers Lane which is an unclassified , residential road subject to a 20mph speed limit.

The retaining wall does not encroach on the existing highway. However, given the proximity of the wall to the existing highway, **the LHA recommend the submission of appropriate plans / calculations to demonstrate the suitability / structural integrity of the wall (AIP – Approval in Principle).**

The LHA recommend the applicant liaises with the WCBC Structures Section (email: rob.davies@wrexham.gov.uk) for further advice.

Supplementary Notes

The applicant's attention should be drawn to item nos. 1, 2, 3, 4 & 5 of the supplementary notes.

Note to Applicant:

The Approval in Principle (AIP) submission for highway structures is primarily rooted in the technical approval requirements stipulated under Section 167 of the Highways Act 1980.

Retaining walls within 4 yards (3.658m) of the highway and higher than 4 feet 6 inches (1.372m) are dealt with by our Highways department under Section 167(5) of the Highways Act 1980 extract below:

The Highways Act 1980
167 Powers relating to retaining walls near streets.
(1)This section applies to any length of a retaining wall, being a length—
(a)any cross-section of which is wholly or partly within 4 yards of a street; and
(b)which is at any point of a greater height than 4 feet 6 inches above the level of the ground at the boundary of the street nearest that point; but does not apply to any length of a retaining wall erected on land belonging to any transport undertakers so long as that land is used by them primarily for the purpose of their undertaking or to any length of a retaining wall for the maintenance of which a highway authority are responsible.
(2)No length of retaining wall, being a length which when erected will be a length of retaining wall to which this section applies, shall be erected otherwise than in accordance with plans, sections and specifications approved by the local authority in whose area the street is situated; and before giving such approval that authority, if they are not the highway authority for the street, shall consult the highway authority.
(3)Any person aggrieved by the refusal of a local authority to approve any plans, sections and specifications submitted to them under this section may appeal to a magistrates' court.
(4)If a person erects a length of retaining wall in contravention of this section, he is guilty of an offence and liable to a fine not exceeding **[**level 3 on the standard scale**]**.
(5)If a length of retaining wall to which this section applies is in such condition (whether for want of repair or some other reason) as to be liable to endanger persons using the street, the local authority in whose area the street is situated may, by notice served on the owner or occupier of the land on which that length of wall is, require him to execute such works as will obviate the danger.
(6)Where the power conferred by subsection (5) above is exercisable in relation to a length of wall and has not been exercised by the local authority empowered to exercise it, then, if that authority are not the highway authority for the street in question, the highway authority may request the local authority to exercise the power; and if the local authority refuse to comply with the request or fail within a reasonable time after the request is made to them to do so, the highway authority may exercise the power.
(7)Subsections (2) to (7) of section 290 of the Public Health Act 1936 (appeals against and the enforcement of, certain notices under that Act) apply to any notice served under subsection (5) above as they apply to such notices as are mentioned in subsection (1) of that section, but subject to the following modifications:—
(a)references to the local authority are to be construed as including references to the highway authority;
(b)for paragraph (f) of subsection (3) there is substituted the following paragraph—
"(f)that some other person ought to contribute towards the expense of executing any works required by the notice"
(8)Sections 300 to 302 of the Public Health Act 1936 (supplementary provisions relating to appeals under the said section 290) apply, with the necessary modifications, to appeals brought by virtue of subsection (7) above.
(9)In this section "retaining wall" means a wall, not forming part of a permanent building, which serves, or is intended to serve, as a support for earth or other material on one side only.

Appendix

Highways Development Control Standard Advisory Note

In the interests of maintaining highway safety, and to avoid obstruction of the public highway (in contravention of the Highways Act), The Applicant is advised to coordinate with the highway authority at

highwayroadworks@wrexham.gov.uk in advance of commencement of the development/works with respect to:

1. *Skip, scaffolding, hoarding or A frame/signage (Permit required for these items, if on the public highway);*
2. *Use of a parking space for a set down/delivery area;*
3. *Record a dilapidation survey of the adjacent carriageway prior to commencement (to avoid being ask to repair damage by the Applicant whilst carrying out their works);*
4. *If any lane closure or obstruction of the highway is required for a crane or similar;*
5. *Protection against dust and debris blowing onto the public highway*
6. *Construction traffic parking locally avoiding nuisance to others;*
7. *If the Applicant's scope of work includes new apparatus in the highway, such as new mains services then a Section 50 licence will be required. Insurances and demonstration of competency to carry out works in the public highway will be required.*
8. *Lowering of kerbs or minor pavement alterations require Section 184 / 171 agreement. Insurances and demonstration of competency to carry out works in the public highway will be required.*
9. *A section 278 agreement works agreement is required for more significant alterations to the existing highway*
10. *Any temporary works affecting traffic lights, [pedestrian/cycle road crossings, or bus stops require pre-planning and permits;*
11. *For applications with a private driveway (either existing or proposed) connecting onto the public highway, the following conditions of approval apply:*

    - *No surface water from the applicants site should be allowed to drain onto the public highway,*
    - *The first 5m* minimum (for residential property) should be hard paved, avoiding gravel or loose chippings form spreading.*
    - *No gate should be built in a location where it would result in a car obstructing the highway whilst being unlocked, and it should not swing out and over a pavement or any other part of the highway.*

    **The hard paved length and set back if required is subject to the applicants proposed vehicular length*

The applicants should allow a minimum of 4 weeks' notice for any of the above standard requirements, and 6-8 weeks for lane closures & road closures (lead times may change without notice subject to workload and complexity). Any works involving Trunk roads should be coordinated separately and directly with the North & Mid Wales trunk Road Agency. For larger sites with a significant impact upon the highway, a Construction Traffic Management Plan will be required.



On behalf of Chief Officer, Environment & Technical