

To: Chair and Members of the Planning Committee

Date: 13 April 2023

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Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 AM** on **WEDNESDAY, 19 APRIL 2023** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE.**

**LATE REPS**

Yours sincerely

G Williams  
Monitoring Officer

## **MEMBERSHIP**

### **Councillors**

Councillor Mark Young (Chair)

Councillor Peter Scott (Vice-Chair)

Ellie Chard  
Karen Edwards  
Gwyneth Ellis  
James Elson  
Chris Evans  
Jon Harland  
Huw Hilditch-Roberts  
Alan James  
Delyth Jones  
Julie Matthews

Terry Mendies  
Raj Metri  
Win Mullen-James  
Merfyn Parry  
Pete Prendergast  
Gareth Sandilands  
Andrea Tomlin  
Cheryl Williams  
Elfed Williams

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## PLANNING COMMITTEE

Date – 19<sup>th</sup> APRIL 2023

### ADDENDUM REPORT BY HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

#### AGENDA ORDER, LATE INFORMATION AND AMENDMENTS TO PLANNING COMMITTEE REPORTS

The following sheets are an addendum to the main agenda for the Committee. They set out the order in which items will be taken, subject to the discretion of the Chair. They provide a summary of information received since the completion of the reports, and matters of relevance to individual items which should be taken into account prior to their consideration.

Where requests for public speaking on individual planning applications have been made, those applications will normally be dealt with at the start of that part of the meeting.

#### AGENDA FOR THE MEETING

1. APOLOGIES
2. DECLARATIONS OF INTEREST
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 7 - 12)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Item number 5)
6. ADDITIONAL ITEM (Item number 6)

#### ORDER OF APPLICATIONS

##### PART 1

	Application no.	Location	Page
<b>Public Speaker items</b>			
<b>5</b>	09/2022/1080/PF	LAND OPPOSITE PORTH Y WAEN, ABERWHEELER, DENBIGH	13
<b>Other items</b>			
<b>6</b>	N/A	REVIEW OF MEMBER TRAINING PROTOCOL	39

## PUBLIC SPEAKER ITEMS

### Item No.5 – Page 13

**Code No:** 09/2022/1080/PF

**Location:** Land opposite Porth y Waen, Aberwheeler, Denbigh

**Proposal:** Change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works

LOCAL MEMBER(S): Cllr Merfyn Parry (c)

OFFICER RECOMMENDATION IS TO **REFUSE**

PUBLIC SPEAKER FOR- Helen Williams (Aberwheeler Community Council Clerk (applicant)

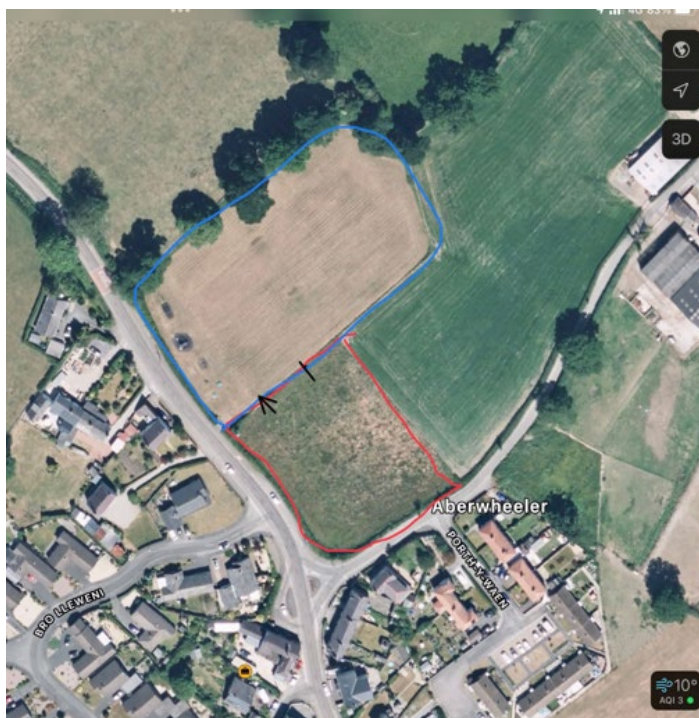
PUBLIC SPEAKER AGAINST- None.

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**Addendum report** – None.

### **Late representations received –**

Officers have been asked to clarify the relationship between the proposed site and the existing play area and playing field. The plan below shows the connection from the proposed site (outlined in red) with the existing playing field and play area within the north western boundary (outlined in blue).



**Late representation received –**

A late response from the Councils Biodiversity Officer has been received which informs that the hedgerow to be removed to create the access is classed as an 'important' hedgerow (as defined by the Hedgerow Regulations 1997).

The criteria for determining 'important' hedgerows includes that the hedgerow:

a) has existed for 30 years or more;

CPAT advised that the hedgerow is visible on the 1st ed Ordnance Survey mapping and so is considered to be over 30 years old.

And;

b) satisfies at least one of the criteria listed in Part II of Schedule 1

The hedgerow satisfied criteria 7.a) on average in a 30m length, at least 7 woody shrub and tree species listed in the regulations

The Council's Biodiversity Officer confirmed that the woody species in this hedgerow are hawthorn (*Crataegus monogyna*), blackthorn (*Prunus spinosa*), ash (*Fraxinus excelsior*), elder (*Sambucus nigra*), rose (*Rosa* species), hazel (*Corylus avellana*), and holly (*Ilex aquifolium*).

**Additional Information** – None.

**Officer Note** – Officers have considered the response of the Councils Biodiversity Officer, the Hedgerow Regulations 1997 and relevant planning case law.

Planning case law makes it clear that the Local Planning Authority must consider the 'importance' of hedgerows when determining a planning application which includes the removal of a hedgerow. There is a general duty on LPA's to require the retention of a hedgerow which meets the definition of 'important' (as defined in the Hedgerow Regulations 1997), unless there is a good reason to justify its removal. It follows therefore that a planning authority should not grant planning permission for any works relating to the loss of such a hedgerow, unless there is a similarly good reason – ie the impact of a proposal on any important hedgerow is a material consideration which carries significant weight.

Members of the Planning Committee are advised by the Councils Biodiversity Officer that the hedgerow to be removed as part of this proposal is classed as 'important' (as defined in the Hedgerow Regulations 1997).

As the hedgerow is classed as 'important' the planning authority must have good planning reasons to allow the removal of hedgerow.

In Officers opinion, given the recommendation to refuse planning permission based on unjustified loss of Best Most Versatile Agricultural land, it should follow that the loss of an 'important' hedgerow is also unjustified.

Officers therefore suggest that the unjustified loss of an important hedgerow should form the basis of a second reason for refusal.

**Additional reason for refusal –**

2. It is the opinion of the Local Planning Authority that the proposal would result in the unjustified loss of a section of hedgerow which is classed as 'important' (as defined by the Hedgerow Regulations 1997). The proposal is therefore contrary to Planning Policy Wales (Edition 11) paragraphs 6.4.24 and 6.4.25.

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**OTHER ITEMS**

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**Item No.6 – Page 39**

**Code No:** N/A

**Location:** N/A

**Proposal:** MEMBER TRAINING PROTOCOL (PLANNING) REVIEW

Officer recommendation is that Members note the contents of this report and adopt the suggested changes to the Member Training Protocol (Planning).

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No additional information.

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