

**REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION**

**RECONSIDERATION OF PLANNING APPLICATION**

**Variation of condition no. 3 of planning permission code no. 24/2007/0694 (granted under appeal) to allow other organisations as authorised by North Wales Police to be permitted to use the site**

**Craig y Ddywart Quarry, Rhewl, Ruthin**

**APPLICATION NO. 24/2014/1246/PS**

**1. PURPOSE OF REPORT**

- 1.1 To seek Planning Committee's reconsideration of an application presented to Committee on 21<sup>st</sup> January 2015.
- 1.2 The report will provide Members with the relevant background information and the reason why the application has been referred back to Committee for determination.

**2. BACKGROUND**

- 2.1 The application to vary Condition 3 on the existing planning permission relating to the use of the North Wales Police Firearms facility at Rhewl Quarry was recommended for grant by Officers, having regard to the contents of the application, planning considerations and representations.
- 2.2 A copy of the Officer report to the January Committee is attached as Appendix 1 to this item. The Appendix also includes representations on the application received from Llanynys Community Council, which were included on the late information sheets circulated before consideration of the application.
- 2.3 The matters raised in debate at the January Committee included local concerns over the use, including the issue of site supervision and checks on users, noise, and highways implications.
- 2.4 At the end of debate on the item, Members may recall that there were two votes on the application:
  - The first vote was on a proposition to grant permission with a variation to the officer recommendation, to add a condition obliging the presence of a supervisor on site when other organisations were using the facility. The vote was 15 in favour of this amendment and 5 against.
  - The second vote was on a proposition to refuse the variation to the condition. Councillor Merfyn Parry suggested as a basis for a refusal, (i) control of users on site and (ii) increase in crime

locally and nationally from who is training for firearms use. The vote was 12 to refuse permission and 8 to grant. The decision was therefore to refuse permission.

- 2.5 As Officers we are fully respectful of the views of Members and the fact that Committee voted to refuse to vary the condition in this case. We have since attempted to draft a reason for refusal to encompass the basis of the concerns expressed, to give effect to the resolution of Committee. However, with every respect to the suggested basis of the refusal and the vote at Committee, having due regard to the information submitted with the application, and the evidence to support a refusal, it is our professional opinion that there is a clear prospect of a cost award at appeal if we issue a refusal based on the grounds outlined. It is on these grounds that the application is being referred back to planning committee for determination in accordance with Section 2.1.10 of the Scheme of Delegation.
- 2.6 The following section of the report therefore contains further commentary on the issues arising in relation to the proposal, and requests Members to reconsider the application.

### **3. KEY ISSUES ON THE APPLICATION**

- 3.1 The Officer report in Appendix 1 sets out in some detail the basis of the application seeking the variation of Condition 3. It explains the facility is long established and that in respect of this particular application, its use is governed by conditions set by a planning inspector on appeal in 2008. The variation sought is essentially to allow other organisations authorised by North Wales Police to use the site during already permitted hours of use.
- 3.2 Responses on the application from consultees and private individuals are referred to on page 223 and 224 of the Officer report. The Llanyrys Community Council's response and Officers' notes relating to them, as included on the late information sheets to the January Committee, are in the final sheet of the Appendix. The concerns expressed are over potential noise, access / highway impacts, fear of increased crime in the area, and over hirers not being supervised.
- 3.3 Specific attention is drawn to the contents of Section 1.6 of the Officer report on Pages 226 and 227. This highlights information provided by North Wales Police in relation to the users of the facility and detailed site management arrangements. In summary :
- \* The use would be by accredited gun clubs and other government organisations
  - \* In terms of Site Management the application states:–
    - any organisation using the facility would have to be a large scale body and have accredited standards (such as the British Association for Shooting and Conservation);
    - would have to have licensed instructors in place;
    - the organisation would have to have risk assessments in place for their activities and hold suitable public liability insurance;
    - Chief Officers of NWP would need to sign off on authority for the organisations to use the range
    - all activities would be monitored by the Range Warden, who would also be responsible for opening and closing the site and ensuring that shooting only took place within the permitted hours;
    - register of those attending and hours of use would be kept; and

- in the event of any unsafe activities or breaches of rules occur then the Organisation would be de-authorised from using the range.

- 3.4 In relation to control over the users of the site, Officers would suggest that the submission makes clear that this is a matter for North Wales Police, and as noted above, that there are detailed checks in place as part of their supervisory regime that should offer suitable comfort over who uses the facility, including monitoring by way of the Range Warden.
- 3.5 In relation to fear of crime, the Officer report accepts that this may be a material consideration but questions how it would be a defensible ground for refusing the variation of condition, given the site is operated by a responsible body in the form of North Wales Police, who would have to authorise which organisations use the facility, and monitor individual users.
- 3.6 In offering Members advice on this matter following the resolution at the January Committee, Officers recognise that perception of harm may be a legitimate consideration in the assessment of a planning application, but that it is a very difficult matter to determine what weight, if any, should be accorded to fear of crime arising from the potential use of the firing range by organisations who are authorised and supervised by a responsible body such as North Wales Police. In defending any appeal against a refusal, it would be necessary to provide a clear evidence basis that there is a reasonable likelihood of there being an increase in crime in the locality or nationally as a result of the grant of the variation. Officers do not consider that there is such evidence to support a refusal.
- 3.6 It would be Officers' view therefore that whilst appreciating the grounds of concern, this is not an instance where significant weight should be given to fear of an increase in crime as a ground for resisting the application.

#### **4. RECOMMENDATION**

- 4.1 In acknowledging Members' resolution on the application, having regard to the contents of this report and the Officer report to the January Committee, it is recommended that Planning Committee adopt the original recommendation of the Planning Officer and grant the variation of the condition.

**GRAHAM H. BOASE  
HEAD OF PLANNING & PUBLIC PROTECTION**