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40/2015/0199 - BODELWYDDAN CASTLE, ENGINE HILL, BODELWYDDAN

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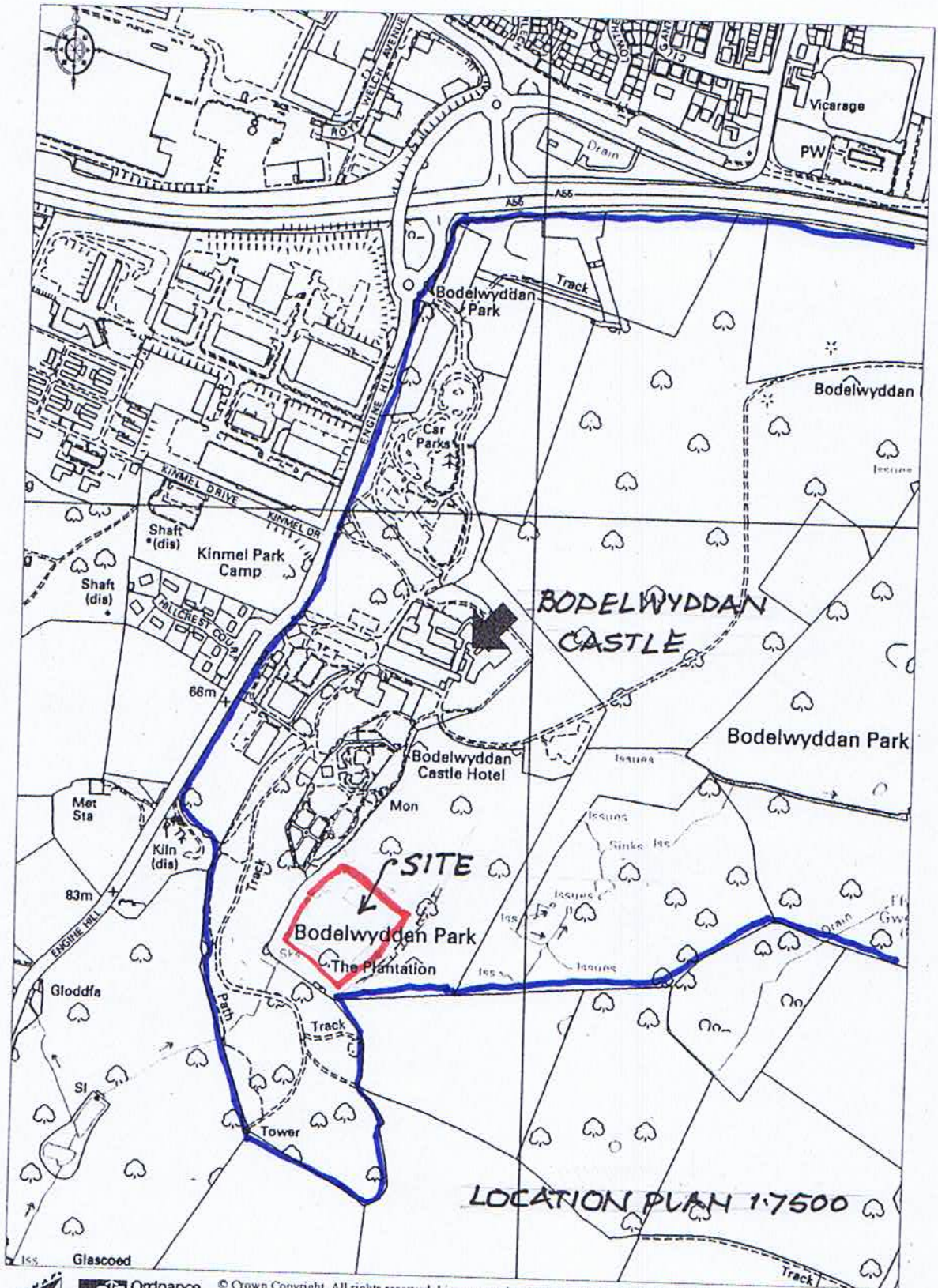
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Denbighshire Boundary  




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**WARD :** Bodelwyddan

**WARD MEMBER(S):** Cllr Alice Jones (c)

**APPLICATION NO:** 40/2015/0199/ PF

**PROPOSAL:** Construction of replica WW1 trenches

**LOCATION:** Land At Bodelwyddan Castle Engine Hill Bodelwyddan Rhyl

**APPLICANT:** MrPhilip Eyton Jones

**CONSTRAINTS:** Scheduled Ancient Monument

**PUBLICITY UNDERTAKEN:** Site Notice – Yes  
Press Notice – Yes  
Neighbour letters - No

**UPDATE:**

Members will recall that this application was presented to the Planning Committee on 15 July 2015, at which time the item was deferred to allow time for an Archaeological Pre-Determination Evaluation to take place. This report has now been provided with a detailed report assessing the findings from two trial trenches which have been excavated, both 70 metres long and 1.5 metres wide. Neither of the trenches revealed any archaeological features with the report concluding that the area was likely to have been left mostly untouched since it was agricultural land. One live blank bullet and one exploded grenade were discovered, reflecting the wider use of the area for army training.

All original consultees have been notified of the report for any further comments, and the application is therefore now referred back to the Planning Committee for a decision with the officer recommendation being to grant permission.

**CONSULTATION RESPONSES:**

BODELWYDDAN TOWN COUNCIL –  
Comments awaited at the time of drafting this report.

**CADW –**

Note the archeologically sensitive nature of the site which is around 150 metres to the west of the main scheduled section of the scheduled ancient monument known as First World War Practice Trenches at Bodelwyddan Park FL186, immediately adjacent to the scheduled outlying command post and in an area where related buried archaeological evidence might be expected to survive.

Whilst the proposed site falls outside of the main scheduled area, CADW suggest that the designation is a relatively limited one in relation to the broader extent of the trench system which is known from a combination of earthwork, aerial photographic and survey evidence to continue a considerable distance beyond it in most directions and as such there is some potential for the scheme to disturb unrecorded, undesigned archaeology related to known features.

CADW further note that the proposed site of the replica trenches also lies within the grade II registered historic park and garden at Bodelwyddan and the proposed trenches lie within an area of parkland to the south of the walled garden and to the east of the wooded pleasure grounds. The proposed trenches encompass a relatively large area of parkland in a sensitive location close to parkland trees and in view of the gardens.

Overall, in CADW'S opinion the proposals will have both direct and indirect impacts on the historic park and views within it.

**WELSH HISTORIC GARDENS TRUST –**

Object to the planning application on the basis that any physical interventions of the landscape such as new trenches with associated parapets and bunds will affect the character of the parkland.

It is further suggested by WHGT that new paths will also be needed for any number of visitors, and that the site will be visible from the walled garden over the long Beech hedge and the southeast side, which is open to the parkland, and the proposed communications trench is sited between two mature trees and will interrupt an undisturbed area of parkland.

**CLWYD POWYS ARCHAEOLOGICAL TRUST**

Raised initial concerns in the absence of any pre-determination evaluation, but have now confirmed they have no objection on the basis of the report provided and subject to a condition to ensure that a watching brief/programme of archaeological work is retained, with the wording suggested as follows:

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES**

**CONSERVATION ARCHITECT**

No objection from a listed building point of view.

From an historic park and garden point of view the proposals will impact on the appearance of a small part of the parkland, but it is considered that as most of the construction is below the existing ground level the overall impact on the appearance of the parkland will be minor.

**BIODIVERSITY OFFICER**

Made initial comments relating to the absence of any reports on the activity of badgers in the area and the need for tree protection measures should the development go ahead.

Further information on badgers was provided by the Clwyd Badger Group to demonstrate that there would not be any significant issues due to the distance of setts away from the site, and this was accepted by the Biodiversity Officer who raises no objection in this regard.

**COUNTY ARCHAEOLOGIST**

No objection on the basis of the submitted pre-determination evaluation report, subject to a condition along the lines of that put forward by CPAT.

**ECONOMIC DEVELOPMENT OFFICER –**

Supports the scheme on the basis of the valuable information and tourist offer which the replica trenches would provide.

**RESPONSE TO PUBLICITY:** None.

**EXPIRY DATE OF APPLICATION:** 30/04/2015

**REASONS FOR DELAY IN DECISION (where applicable):**

Further information relating to protected species and archaeological impacts was required.

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposals**

- 1.1.1 The application proposes to create a series of replica WW1 trenches to mark the 100<sup>th</sup> anniversary of the conflict. The trenches would be dug out in an area to the south of the main castle and would cover a maximum area of 80 metres by 50 metres.
- 1.1.2 The trenches are arranged in a format to include areas designated as front line trenches, accessible trenches, communication trenches and support line trenches, along with some smaller areas of underground structures to show shelters, dressing stations, etc.

- 1.1.3 The cross sections provided with the application plans show the trenches having a maximum depth of 2.0 metres from their base up to the adjacent mounds running alongside the dug-out areas, with wooden supports and iron sheeting along with hoop iron areas forming the inside of the trenches.
- 1.1.4 The application is accompanied by a Design and Access Statement which provides the detailed information in support of the scheme.
- 1.1.5 In general terms, access to the site will be either from the main car parking areas or from the grassed temporary car parks at the entrance to the Castle. Access and egress to and from the trenches will be from the parkland, via two ramps leading down into the Communication Trenches, or from the direction of the Woodland to the West and joining up near the proposed site of the 'Dressing Station' from where the communication trenches radiate.
- 1.1.6 The main lengths of communication trench will be wide enough to accommodate a wheelchair or pushchair either on boards or more realistically on trench-boards as detailed, although nearer the 'Front Line Trench' the width narrows and duckboards are narrower with some lengths widened to give restricted access for wheelchairs, but with the same 'Firing Steps' and all other details.
- 1.1.7 The landscaping of the work on site will involve the digging of the trenches, keeping the excavated material and using it for parapets and bunds.
- 1.1.8 The applicant considers that the proposal will deliver an imaginative, realistic experience of the need, construction, utilization and portrayal of the life in the Trenches in the Western Front in Belgium and France during the Great War of 1914-1918.
- 1.1.9 The plans showing the proposals are copied at the front of the report.

## 1.2 Description of site and surroundings

- 1.2.1 The site is an area of open land standing around 200 metres due south of the castle hotel complex, with woodland to the south, west and east and two mature trees standing outside of but nearby to the site, namely a Hungarian Oak and a Horse Chestnut.
- 1.2.2 The road of Engine Hill lies around 200 metres to the west to the other side of woodland.
- 1.2.3 The topography of the site slopes down from the south to the north towards the castle itself and the open area of Bodelwyddan Park.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site stands outside of any development boundary, in an area without any specific designation in the Local Development Plan.
- 1.3.2 The castle is a Grade II\* Listed Building and the area is designated as a scheduled monument and a registered historic park and garden.

## 1.4 Relevant planning history

- 1.4.1 The site has a history relating to alterations and advertisements for the hotel complex and other miscellaneous proposals, none of which appear to be of direct relevance to the current application.

## 1.5 Developments/changes since the original submission

- 1.5.1 The agent for the scheme was contacted for comments on the submitted representations by CADW and the WHGT, and an email with attached photographs was received to respond.



- 1.5.2 In respect of CADW, the applicant considers that the proposed layout falls well outside the area of the Scheduled Ancient Monument (the existing practice trenches) with the exception of what is thought to be a 'scheduled command post' lying around 20 metres from the nearest part of the proposed trench system. In practical terms, it is considered that once excavations begin, a watching brief could be accepted to enable archaeologists to discover whether or not there was any further underground working or evidence of other activity.
- 1.5.3 In response to the comments made by WHGT, the applicant suggests that the proposed siting of the trenches is on a plateau at the top of the parkland and the earthworks will hardly be seen the closer to the Castle. The main views are adjudged to be eastwards over the parkland, and the view to the south, and of the proposed trenches, which is partially blocked by the shrubs and trees to the bottom part of the garden.
- 1.5.4 In addition, as mentioned earlier the pre-determination archaeological evaluation report was submitted following the deferral of the application from the July 2015 committee.

1.6 Other relevant background information

- 1.6.1 None.

**2. DETAILS OF PLANNING HISTORY:**

- 2.1 2/BOD/314/84 – Rehabilitation of toilets, residential areas, classrooms and alterations of former gym: Granted 06/02/1985.
- 2.2 2/BOD/10/85 – Change of use from educational establishment to cultural recreation and leisure complex: Withdrawn 28/02/1985.
- 2.3 2/BOD/0001/85 – Restoration and refurbishment: Granted 11/03/1985.
- 2.4 2/BOD/85/85 – Change of use from educational establishment to cultural recreation and leisure complex: Withdrawn 16/07/1985.
- 2.5 2/BOD/0030/93/A – Two externally illuminated signs and two non-illuminated signs: Granted 02/12/1993.
- 2.6 2/BOD/0027/94/A – External illumination of two existing pole signs: Granted 06/12/1994.
- 2.7 2/BOD/0084/93/P – Construction of 18 hole golf course: Refused 02/06/1995.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:  
Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)  
Policy PSE5 – Rural Economy  
Policy PSE11 – Major New Tourism Developments  
Policy VOE1 – Key Areas of Importance  
Policy VOE5 – Conservation of Natural Resources

3.1 Supplementary Planning Guidance

SPG – Listed Buildings  
SPG 18 – Nature Conservation and Species Protection

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014  
Welsh Office Circular 61/96 - Planning and the historic environment: Historic Buildings and Conservation Areas.  
Welsh Office Circular 60/96 – Planning and the Historic Environment: Archaeology

## 4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Impact on the Listed Building and Historic Setting
- 4.1.4 Biodiversity

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy PSE 5 outlines the general intent of the Local Development Plan to help sustain the rural economy, through the support of tourism and commercial development, subject to detailed criteria relating to the character and distinctive qualities of the local landscape.

Planning Policy PSE 14 relates specifically to outdoor activity tourism. Policy PSE 14 supports proposals for development that expand or reinforce the tourism offer of the County, provided that proposal is appropriate to its setting and location in terms of infrastructure requirements and landscape impacts, with specific reference to the AONB.

Given that the scheme is aimed almost entirely at the tourism sector to allow the public to view a recreation of historic trenches utilised a century ago in the First World War, the scheme is considered potentially acceptable in principle as it is in line with the aims and objectives of Policies PSE 5 and PSE 14.

The proposals raise a number of issues in relation to impacts on the historic environment, which require assessment in terms of Welsh Government policy and guidance in Planning Policy Wales and related circulars. These are reviewed in the following sections of the report.

4.2.2 Visual amenity

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.

A number of concerns are raised by the relevant consultees in respect of visual appearance, but these are aimed more directly at the visual impact of the proposal on the adjacent listed building and historic setting of the site, rather than specifically at the visual impact on the actual landscape and the current sloping open land.

However, it is noted that the responses of WHGT refers to the visual impact on the 'character of the parkland' and this matter requires assessment.

The majority of works for the development will be below the existing ground level. However the use of the mounds alongside the trenches along with any access paths and other paraphernalia associated with the attraction will be visible from adjacent viewpoints within the castle and its grounds to the north and west, and from open land to the east with the woodland backdrop and the topography of the land largely precluding any views from the south.

With respect to the representations, it is not considered that the fact the area of the trenches may be visible from selected viewpoints necessarily means that by definition any material harm will occur to the landscape setting. The merits of the scheme as a valuable historical tourist attraction which contributes to the offer of the castle must also be taken into account.

The submitted cross-sections of the mounds proposed to the sides of the trenches are indicated as reaching a maximum height of 0.75 metres above the existing ground level which will serve to screen much of the dugout trench areas, although clearly the complex of the trenches will be noticeable when the site is viewed from the land to the west, north and east.

The land is currently visible only as an open sloping area of grassland in which are planted a number of mature trees with the woodland to the south, and the proposed laying out of the trenches with their associated mounds will result in people visiting the castle heading up to view the historic attraction of the trenches with pathways being required and the potential erosion of some well-trodden areas of the existing open land being a likely result.

However, whilst the creation of the trench complex will be visible in its setting in the parkland, on balance the merits of the scheme to introduce a new tourist attraction is considered to outweigh any particular harm that being able to see the feature will cause to the landscape.

#### 4.2.3 Impact on the Listed Building and Historic Setting

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. The context for assessment of applications involving alterations / extensions to a listed building which require planning permission is set by Welsh Office Circular 61/ 96 and Planning Policy Wales (Section 6), which stress the importance of protecting the historic environment. PPW 6.1 refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.5.9 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses. SPG 14 sets out further guidance on the issues of development which affects a listed building.

It is noted that the scheme has attracted concern/objections from CADW and the WHGT in respect of the detrimental impact the digging out and formation of the complex of trenches would cause to the historic landscape and the setting of the listed building and scheduled monument.

However, on the basis of the additional pre-evaluation report submitted CPAT and the County Archaeologist do not raise any objections, and the Council's Conservation Architect adjudges that the listed building will not be harmed and any visual impact on the setting of the wider historic park will be minor.

The comments made by the WHGT raise very specific objections to the proposal in regard to:

- i) a 'replica' being constructed besides a scheduled monument;
- ii) the physical intervention of the trenches and mounds into the historic landscape;
- iii) the potential impact on as yet undiscovered original practice trenches;
- iv) views of the attraction from the castle terrace and garden.

The basis for the location of the proposed trench network is that it is nearby to an original network of practice trenches which were used for the First World War. The point made by WHGT regarding the 'unusual' nature of the scheme being placed in such a sensitive location is wholly recognised, but it is precisely this point which the applicant considers renders the site ideal for purpose, as it links to the historic trenches utilised 100 years ago and will allow for a wider education of visitors to the castle who can also see the forms and layout of trenches utilised in the war. Therefore, whilst the scheme is a 'replica' of the trenches network used in the war, this should not preclude its development even in such a sensitive site due to the merits of the scheme in relation to tourism and the linked trips to the facility which will occur with the associated benefits to the castle and its grounds as a tourist attraction.

The second key point for consideration relating to the appearance of the mounds and trenches into the landscape has been largely addressed by the preceding section of this report. The trenches complex will stand due south of the castle and its grounds and will be visible from certain viewpoints in that direction, and also from the open land to the north east. However, given the benefits which will be derived from the historic educational aspect of the trenches it is not considered that their form and appearance with earthworks reaching a maximum height of 0.75 metres will cause a sufficiently detrimental impact on the adjacent listed building and scheduled monument which would justify a refusal of permission.

In regards to the potential impact on any undisturbed trenches, a suitable condition such as that proposed by CPAT will ensure that a meticulously careful approach is utilised for any earthworks which will therefore allow for any discovered features of interest to be maintained.

The fourth main area for concern established by the WHGT relates to the visual appearance of the trenches from the castle terrace and garden areas. This has been addressed to some extent by the preceding assessment of landscape impact, but in effect the view of the trenches complex in a relatively small area of the currently undulating parkland in the southern area of the castle grounds is not considered to represent sufficient visual harm to the setting of the listed building or historic landscape. It is accepted that there will be views of the trenches and this will be in place of currently undisturbed gently sloping grassland, but again given the tourism and history benefits of the scheme such a visual appearance is considered to be appropriate.

Overall, in light of the merits of the scheme as essentially a method of informing the public about the exact nature of the workings of the trenches utilised a century ago, it is considered that, on balance, the visual impact of the development is acceptable and will not cause sufficient harm to the historic environment in which the site stands to a degree which would be unacceptable and would justify a refusal of permission.

The development is therefore not considered to be contrary to Policy VOE1, the requirements of PPW7, SPG 14 or the Welsh office Circulars.

#### 4.2.4 Biodiversity

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning

Policy Wales (Section 5.2), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The concern initially raised by the Biodiversity Officer in respect of the absence of details relating to badgers which are known to reside/forage in the area has been addressed by the information submitted by the Badger Group.

On this basis, the scheme is not considered to be contrary to the requirements of Policy VOE5 or SPG 18.

## **5 SUMMARY AND CONCLUSIONS:**

5.1 The tourism and educational merits of the scheme need to be closely balanced against any potential detriment to the landscape, wildlife and historic setting of the site given the highly sensitive location in which the site lies.

5.2 Taking all factors into account including the concerns raised by the relevant consultees it is considered that on balance the application is acceptable and is recommended to be granted as the tourism and educational benefits which would be derived from the scheme are of sufficient merit to allow its construction in the location as proposed.

### **RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than the expiration of five years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Site plan (drawing number BCT/14/101) received 26 February 2015
  - (ii) Section plan (drawing number BCT/14/102) received 26 February 2015
  - (iii) Location plan received 6 March 2015
  - (iv) Archaeological Trial Trenching Report by Gwynedd Archaeological Trust received 28 September 2015
3. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust {41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670}. After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd- Powys Archaeological Trust for inclusion in the regional Historic Environment Record.
4. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.
5. All trees and hedges to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by 1 metre high fencing erected 1 metre outside the outermost limits of the branch spread, or in accordance with an alternative scheme agreed in writing by the Local Planning Authority; no construction materials or articles of any description shall be burnt or placed on the ground that lies between a tree trunk or hedgerow and such fencing, nor within these areas shall the existing ground level be raised or

lowered, or any trenches or pipe runs excavated, without prior written consent of the Local Planning Authority.

6. Prior to the development commencing, full details of the route, width, depth and materials used to form any pathways leading to the site shall be submitted to and approved in writing by the Local Planning Authority.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To secure preservation by record of all archaeological remains which will be impacted by the development.
4. In the interests of visual amenity.
5. In the interests of visual amenity.
6. In the interests of visual amenity.

**NOTES TO APPLICANT:**

None