

46/2024/1200



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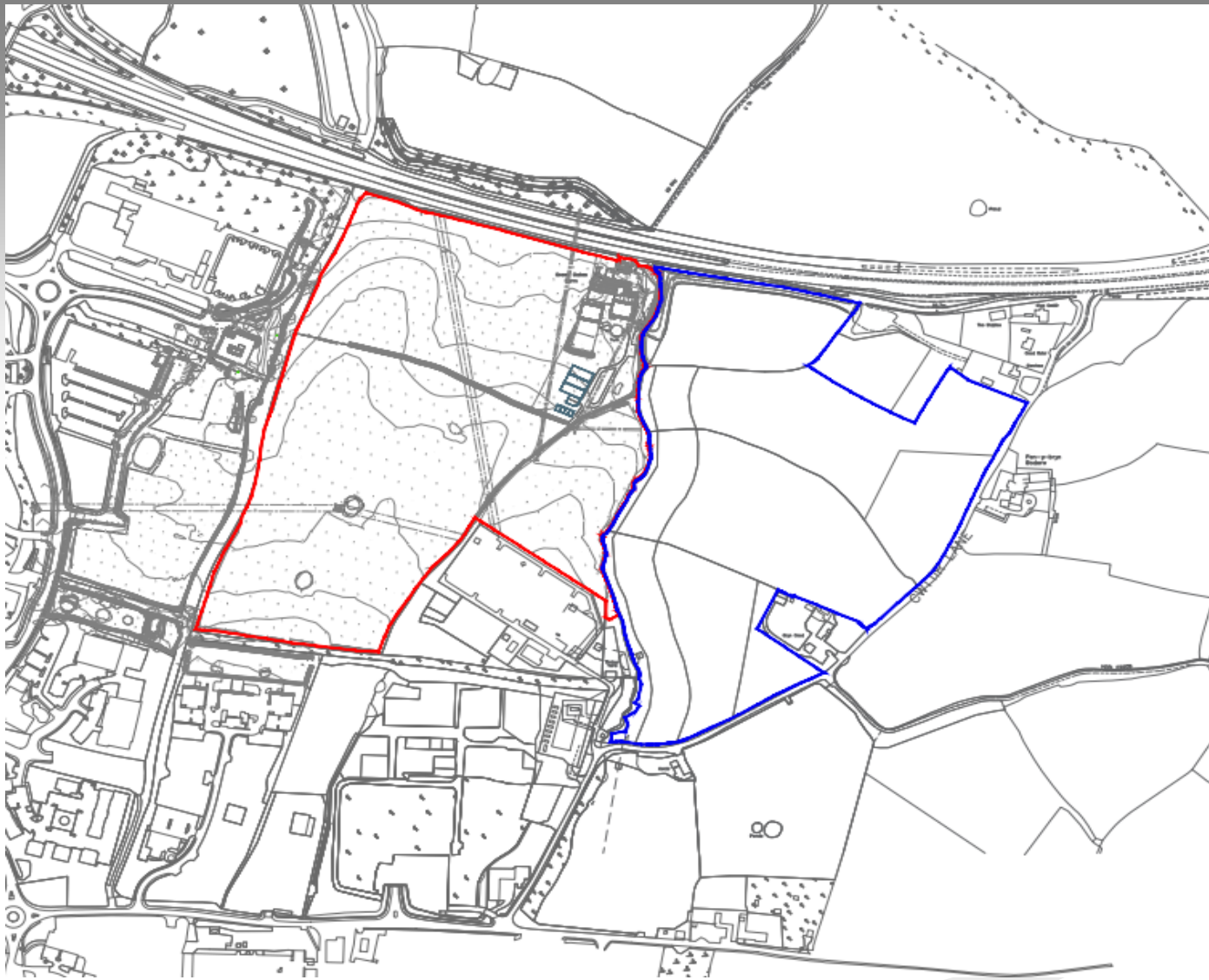
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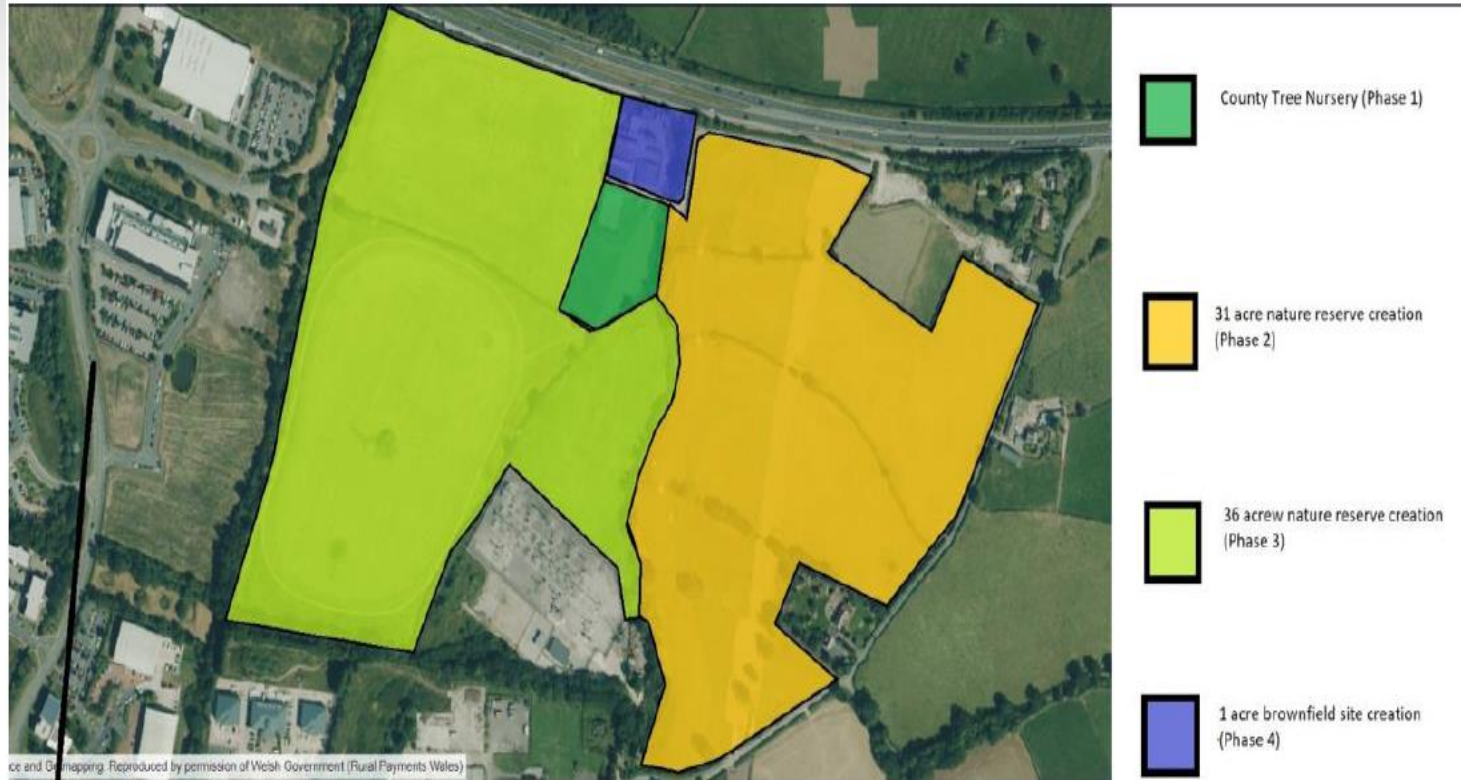
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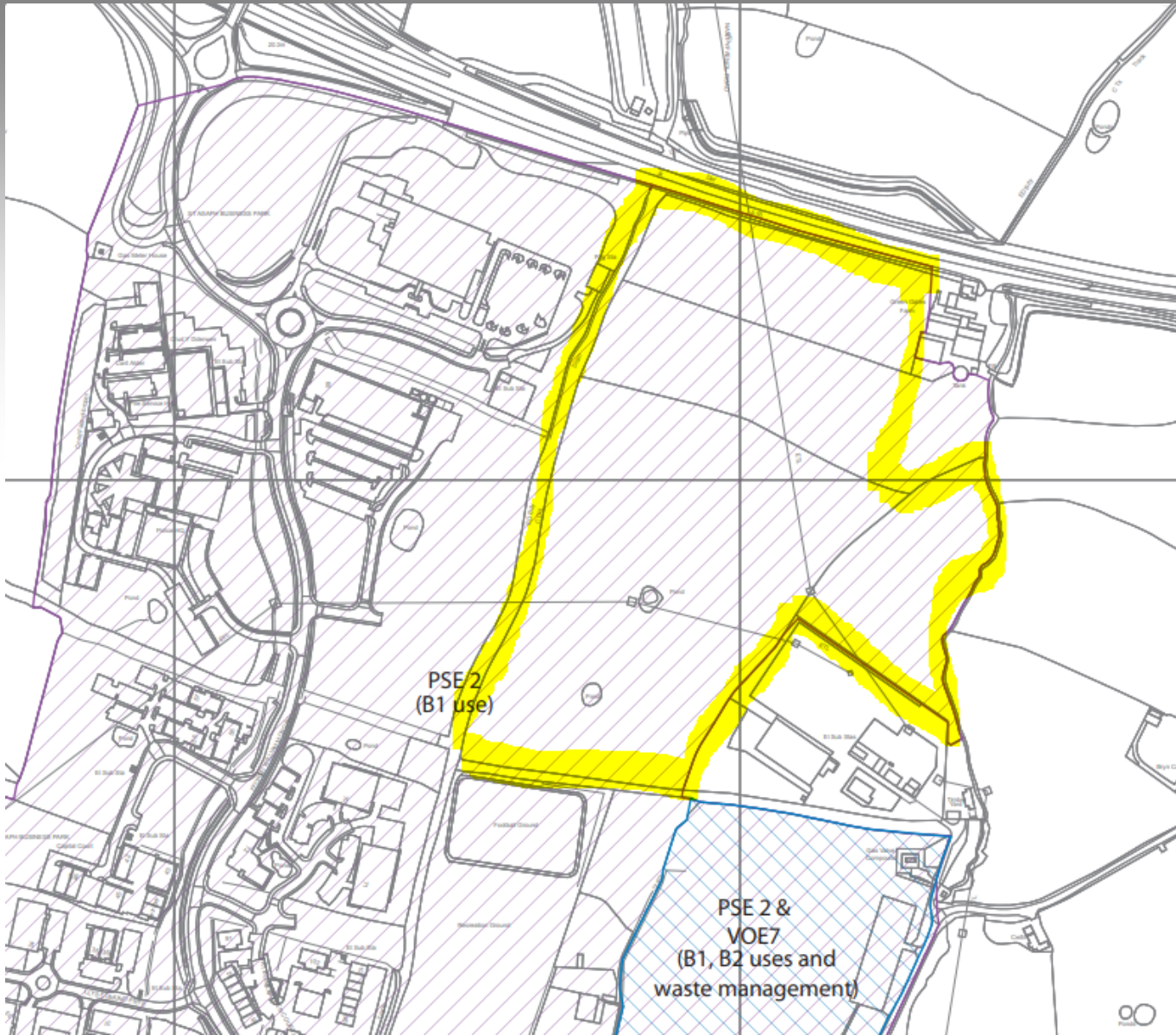
**Green Gates,
Cwttir Lane, St Asaph**



Location plan

Development phases





Local Development Plan Proposals Map Allocation



Proposed Site Layout Plan

Tree Nursery Fencing

Green Gates Farm (Derelict Buildings)



SITE PHOTOGRAPH 1:

Green Gates Farm (Derelict Buildings)



SITE PHOTOGRAPH 2:

Green Gates Farm (Derelict Buildings)

Extensive area of concrete and hardstanding

Tree Nursery Fencing



SITE PHOTOGRAPH 3:

Dense vegetated boundary to Business Park

A55



Moel Hiraddug

Green Gates Farm (Derelict Buildings)

Tree Nursery



SITE PHOTOGRAPH 5:

A55



SITE PHOTOGRAPH 6:

Site photographs



WARD: St Asaph West

WARD MEMBER(S): Councillor Peter Scott

APPLICATION NO: 46/2024/1200/PF

PROPOSAL: Demolition of existing buildings, change of use of land from agricultural land to a new nature reserve and habitat creation comprising of the restoration of existing ponds, the creation of new ponds, the creation of a wetland area adjacent to two small watercourses and creation of woodland and grassland habitat areas, construction of a permissive pathway and engineering works to create a raised viewing area together with associated works

LOCATION: Green Gates Cwttir Lane, St Asaph, Denbighshire, LL17 0LE

APPLICANT: Mr Joel Walley Denbighshire County Council

CONSTRAINTS: Tree preservation orders
Public Rights of Way 10m buffer
Within 67m of Trunk Road

PUBLICITY UNDERTAKEN: Site notice - yes
Press notice – no
Neighbour letters – yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – Departure from Development plan

CONSULTATION RESPONSES:

ST ASAPH CITY COUNCIL

The Council has no objections to this application.

NATURAL RESOURCES WALES

No objection subject to the inclusion of a condition ensuring ecology reports are approved documents. Advisory notes requested.

DWR CYMRU / WELSH WATER

No objection

CLWYD POWYS ARCHAEOLOGICAL TRUST

Having consulted the information held within the Historic Environment Record confirm that there are no archaeological implications for the development.

WELSH GOVERNMENT HIGHWAYS (TRUNK ROAD)

Directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1) The applicant is required to dimension the distance of any proposed items within close proximity of the site boundary to the nearside of the live carriageway of the trunk road. Any

new hazard placed within 15m of the trunk road would require the relevant risk assessment to be carried out in accordance with CD 377 of the Design Manual for Roads and Bridges (DMRB).

2) The applicant is required to confirm what mitigation measures are proposed to minimise the risk of distraction to traffic on the A55 during the works.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer

Awaiting response

- Footpaths Officer

Having checked the definitive map of public rights of way for the development area confirm that path 10 Bodelwyddan (BR), abuts the development boundary. The proposals will not impact on the path.

Ecology Officer

No objections subject to the inclusion of conditions and notes to applicant.

Flood Risk Officer

Advised SAB approval is required

RE-CONSULTATION RESPONSES

WELSH GOVERNMENT HIGHWAYS (TRUNK ROAD)

Awaited at time of writing report

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 09/10/2024

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 Full planning permission is sought for the demolition of existing buildings, change of use of land from agricultural land to a new nature reserve and habitat creation comprising of the restoration of existing ponds, the creation of new ponds, the creation of a wetland area adjacent to two small watercourses and creation of woodland and grassland habitat areas, construction of a permissive pathway and engineering works to create a raised viewing area together with associated works at Greengates, Cwttir Lane, St Asaph.

1.1.2 The proposal seeks to demolish the derelict farm buildings at Greengates Farm and retain an area of hardstanding for parking provision. The rest of the site is proposed as a nature reserve and habitat creation. The site layout plan is included below and at the start of the report, which shows the extent of the site with the location of existing ponds to be restored, new ponds proposed, formation of pathways, wetland areas, woodland and grassland habitat areas to be created: -



1.2 Other relevant information/supporting documents in the application

1.2.1 In addition to the necessary plans, the application is also accompanied by a:

- Planning, Design & Access Statement
- Pre Application Consultation Report
- Ecological Reports and Green Infrastructure Statement
- Habitat Management Plan

1.3 Description of site and surroundings

1.3.1 The site comprises of approximately 16 hectares of agricultural land with some derelict buildings and hardstanding's located in the north eastern section of the site (Greengates Farm).

1.3.2 The site lies to the south of the A55 and is accessed from an existing road off Cwttir Lane off Glascoed Road and which leads to the site, running parallel in part to the A55.

1.3.3 The site is mainly open agricultural land with some ponds on the site, there are trees and shrubs along the boundaries with small streams to the eastern boundary.

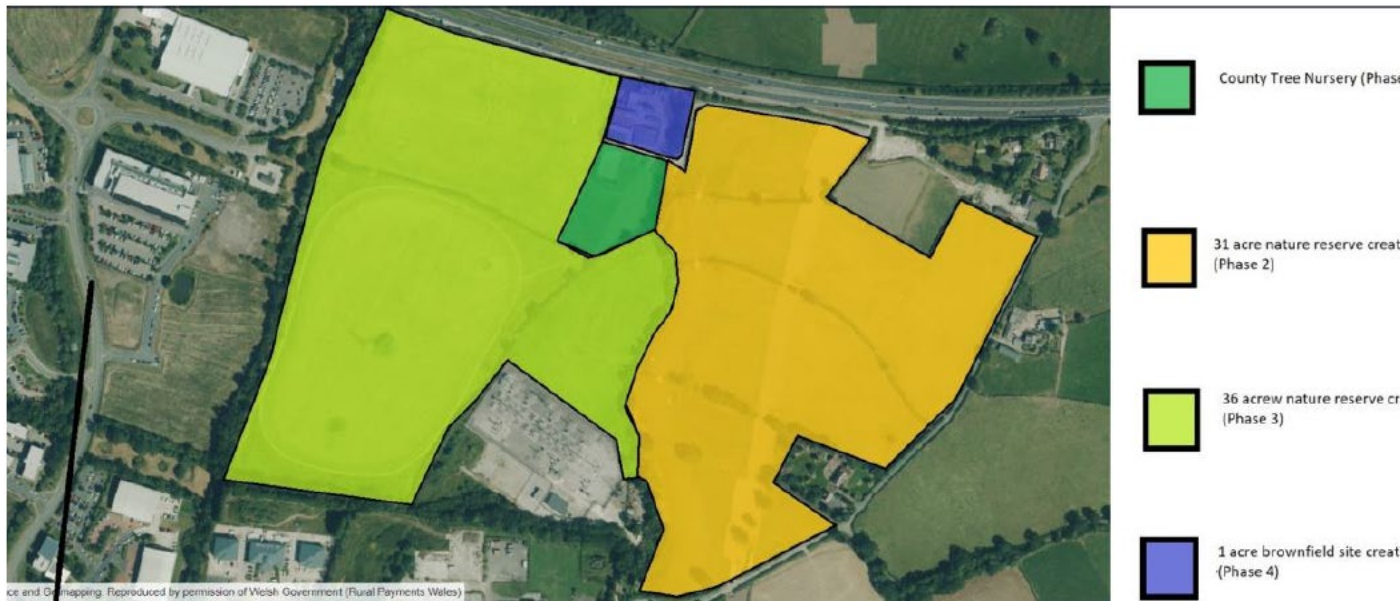
1.3.4 To the west and south of the site is St Asaph Business Park, the A55 abuts the northern boundary and to the east is open countryside with the land immediately adjoining the site recently granted planning permission to be used as a nature reserve including the erection of a wildlife barn.

1.4 Relevant planning constraints/considerations

1.4.1 The application site is located outside of a development boundary on land allocated for employment use in the Local Development Plan (Policy PSE 2). The Policy PSE 2 allocation is shown at the front of the report in the LDP Proposals Map.

1.5 Relevant planning history

1.5.1 The proposed development is Phase III of habitat creation at Green Gates. Phase I of the development comprised of the establishment of the County Tree Nursery with Phase II comprising of the creation of a 31 acre nature reserve which subject to a separate planning application (details included below). A Fourth phase is proposed in the future in the form of a small brownfield site creation but this phase is yet to be developed. The site plan below illustrates the various phases: -



1.6 Developments/changes since the original submission

1.6.1 Some minor amendments have been made to the plans as the position of a proposed pond on the site has been amended, and additional information included to address the comments from Welsh Government Highways.

1.6.2 A bat emergence survey has also been submitted along with an amended Planning, Design, Access Statement to provide some additional information relating to the employment land designation.

1.7 Other relevant background information

1.7.1 In 2019, Denbighshire County Council declared a climate and ecological emergency, in response to the threats faced by the changing climate and dramatic declines in Biodiversity. In response to this, the council published and adopted the Climate and Nature Strategy 2021-22 to 2029-30. This document sets out the approach Denbighshire County Council will take to reverse the loss of biodiversity and reduce carbon emissions and sequester carbon through changes in land use. This will ensure the council is a Net Carbon Zero Council and an Ecologically Positive Council by 2030.

The Climate and Nature Strategy 2021-22 to 2029-30, sets out specific actions which Denbighshire County Council will undertake to meet the targets. This includes the creation of a new 70-acre nature reserve in St Asaph, restoring habitats and supporting rare and important wildlife. It is this action to which this planning application relates. The replacement of species poor grassland to species rich grasslands, wetlands, woodland and scrub habitats is an essential step to meeting the authority's targets, and will result in increases to biodiversity and carbon sequestration.

This ambition is also a corporate priority for the Council and is set out in the "Greener Denbighshire" section of the corporate plan 2022 – 2027.

2. DETAILS OF PLANNING HISTORY:

2.1 46/2020/0944/PF Formation of a temporary tree nursery including the erection of 2 no. polytunnels, siting of storage container, access track and associated works GRANTED 7th January 2021.

46/2021/0851/PF Erection of polytunnel GRANTED 14th October 2021

46/2024/1084 Change of use of land from agricultural to form a nature reserve, erection of associated wildlife barn, reconfiguration of access off Cwttir Lane and associated works. GRANTED 8th August, 2024

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan Adopted June 2013

Policy PSE 2 - Land for employment uses

Policy PSE 3 - Protection of employment land and buildings

Policy VOE 5 - Conservation of natural resources

Supplementary Planning Guidance

Supplementary Planning Guidance Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Trees and Landscaping

Government Policy / Guidance

Planning Policy Wales Edition 12, 2024

Future Wales: The National Plan 2040

Development Management Manual 2017

TAN 5 - Nature Conservation and Planning (2009)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It 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.

The DMM further states that material considerations 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 (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales (Edition 12, 2024) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 12) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and 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 Residential amenity
- 4.1.4 Ecology
- 4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy PSE 2 of the Local Development Plan supports development of existing employment sites on the proposals maps, by way of uses within Class B1 (Business Use), B2 (General Industrial and Waste Management facilities) and B8 (Warehousing and Distribution).

Policy PSE 3 seeks to protect employment land and buildings and only offers support for proposals which would result in the loss of such land and buildings where strict tests can be met:

- where there are no other suitable sites available for the development
- where there is evidence of a continuous marketing process of 1 year alongside practical attempts to retain the employment use and where the premises are no longer capable of providing an acceptable standard of accommodation for employment purposes;
- where there is evidence that the loss of the site/premises would not prejudice the ability of an area to meet a range of employment needs, or the proposal involves the satisfactory relocation of a non-conforming use from an unsuitable site.

The range of policies referred to above are in general conformity with the approach to development in Planning Policy Wales (Edition 12) and supporting sustainable economic development. Future Wales: The National Plan 2040 (2021) is also material in assessing the proposal.

Having regard to Policy PSE 2, the use of the land as a nature reserve would not be compliant with this policy and therefore the proposal needs to comply with Policy PSE 3.

Policy PSE 3 'Protection of employment land and buildings' seeks to resist the loss of employment land for alternative forms of land use and all 3 distinctive policy criteria must be met, these are each considered below: -

PSE3 i) - there are no other suitable sites available for this development;

Within the Supporting Statement, it explains that the proposal relates to the third phase in the creation of the nature reserve and that the overall site has been specifically selected for its biodiversity interests, especially in relation to Great Crested Newts that are present on the site. The site contains ponds, hedgerows, running water and scattered trees, all of which are considered to be habitat that are ecologically valuable.

It is understood due to the habitat and biodiversity value of the site, that Natural Resources Wales (NRW) have identified the site as a potential Site of Special Scientific Interest (SSSI for Great Crested Newts).

A sequential site search would normally be submitted to demonstrate that other sites have been considered for the use, however this has not been undertaken and has not been requested in this instance. The proposal would be located adjacent to the County Tree Nursery on land which is considered to be ecologically rich and selected for use as a nature reserve for this reason.

In relation to criteria i) of Policy PSE 3, whilst detailed information has not been submitted to demonstrate that alternative sites have been considered, Officers feel this particular case is unique and as the success of a nature reserve is heavily reliant on the specific features and ecological interest of a site in the first instance, considers this to be a material factor in assessing the tests of Policy PSE 3.

PSE3 ii) - a continuous marketing process of 1 year, alongside all practical attempts possible to retain the employment use, has demonstrated that the site or premises is no longer capable of providing an acceptable standard of accommodation for employment purposes:

The land was subject to a fixed term farm business tenancy which expired in 2021 and the Supporting Statement confirms that the application site has not been actively marketed since it was vacated in 2021.

It is understood from discussions with the applicant that the employment allocation was subject to extensive feasibility work undertaken by the Council to understand the sites suitability for employment development. The conclusions of the feasibility work identified the site as having access issues; a number of power lines crossing the site (underground and overhead lines) which would influence and limit the developable area; identified important habitat and biodiversity value particularly for great crested newts and other species such as grass snakes; limitations on the provision of services to the site (particularly electric and gas) along with limitations on foul water drainage which would make a number of employment uses difficult (such as food processing). All of these constraints not only have a significant impact on the cost of development but also on the extent of developable land.

In addition to the constraints it was also highlighted that there were significant concerns in terms of demand in the area, and it was noted that very few general enquiries had been received in the 5 years (prior to 2021) for employment development on the site and noted the extent of serviced sites that are ready for development on St Asaph Business Park and these sites that do not face the same development constraints (and associated infrastructure costs) as Greengates.

As a result, the site was withdrawn as a candidate employment site in the replacement LDP as the decision of the landowner (DCC) was made not to pursue the land for employment use. This decision was taken by Property Services following a report to Asset Management Group in 2021.

As a number of significant constraints had been identified, it was agreed that alternative uses needed to be considered. Following this, it is understood that discussions began around the provision of a County Tree Nursery with plans developing over time in relation to the nature reserve and associated works in connection with it.

In relation to criteria ii) of Policy PSE 3, it is considered that it has been demonstrated that the site is no longer capable of providing an acceptable standard of accommodation for employment purposes.

PSE3 iii) - the loss of the site or premises would not prejudice the ability of an area to meet a range of local employment needs or the proposal involves the satisfactory relocation of a non-conforming use from an unsuitable site:

The proposal would result in a significant area of land being lost from the St Asaph Business Park employment land allocation however having regard to all of the information available relating to the constraints and suitability of the site for development along with the availability of serviced units or land available on the Business Park it is not considered that the proposal would conflict with this policy criteria.

In relation to criteria iii) of Policy PSE 3 Officers consider the loss of the site would not prejudice the ability of the area to meet a range of local employment needs or the proposal involves the satisfactory relocation of a non-conforming use from an unsuitable site.

In conclusion on the loss of employment land and the current protection of the site for employment uses, Officers have given significant weight to the constraints and feasibility of delivering employment

uses on the site coupled with the withdrawal of the site as an employment site from the LDP and conclude the principle of the proposal is acceptable. In addition and quite significant in the assessment of the proposal, is the unique nature of the proposal and the ecological and well-being benefits a nature reserve would bring. The site has been chosen for its ecological value with a wide range of biodiversity enhancements which would assist the Council in achieving its Climate and Ecological Emergency targets

The site offers the opportunity to enhance the habitat and biodiversity value of the overall area and in light of all information Officers consider the loss of employment land can be justified.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (iv) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

There are no representations raising visual amenity concerns.

The proposal is for the demolition of the existing farm buildings and for the change of use of approximately 16 hectares of land from agricultural land to a new nature reserve and habitat creation. The proposal seeks to restore existing ponds, create new ponds, create a wetland area adjacent to the existing streams and the creation of woodland and grassland habitat areas. As part of the use it is proposed to construct a permissive pathway and some engineering works to create a raised viewing area.

The extent of development and engineering works on the site would be limited. The visual impact of the proposal would be minimal and considered acceptable with additional planting and formation of a woodland enhancing the area and wider landscape.

4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

There are no representations raising residential amenity concerns.

There are no residential dwellings within close proximity to the site itself. There are some dwellings along the access road to the site (along Cwttir Lane) however the number of vehicle movements

associated with the use of a nature reserve is expected to be minimal and limited to staff and some small organised events when the use of public transport, walking, cycling and car share wherever possible will be encouraged.

It is considered that the proposals would not have an unacceptable impact on residential amenity.

4.2.5 Ecology

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 (Edition 12, 2024) within Chapter 6 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG 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.

Planning Policy Wales (Edition 12, 2024) sets out that "*planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems*" (Section 6.4.5).

Planning Policy Wales (Edition 12, 2024) also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

Planning Policy Wales (Edition 12, 2024) includes policies relating to green infrastructure, net benefits for biodiversity and the Step-Wise Approach, protection for Sites of Special Scientific Interest (SSSI) and Trees and Woodlands.

- *Green Infrastructure*

A strong emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments and the submission of proportionate green infrastructure statements with planning applications.

- *Net Benefit for Biodiversity and the Step-wise Approach*

Clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. A number of factors will affect the implementation of the step-wise approach, pre-emptive site clearance works should not be undertaken however if this does occur its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place and a net benefit for biodiversity must be achieved from that point.

- *Protection for Sites of Special Scientific Interest (SSSI)*

Protection is strengthened with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape'.

- *Trees and Woodlands*

A closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right trees in the right place.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

Future Wales – The National Plan 2040 (2021) Policy 9 advises that 'In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment'. It is therefore recommended that these are included and form part of any planning application.

The application is accompanied by a number of ecological reports and detailed plans designed to ensure the greatest benefit to biodiversity.

Natural Resources Wales (NRW) have been consulted and raise no objection subject to the inclusion of a standard condition which would ensure the recommendations contained within all of the ecological reports are followed. The Biodiversity Officer has raised no objection to the proposal subject to a number of planning conditions.

Taking into account the nature of the proposal which would create a new nature reserve enriched with a wide range of biodiversity enhancements, subject to the imposition of appropriately worded conditions, it is considered that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity opportunities at the site.

4.2.7 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require consideration of the impact of development on the local highway network.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments

These policies reflect general principles set out in Planning Policy Wales (Edition 12, 2024) and TAN 18 – Transport, in support of sustainable development.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

There are no representations raising highway related concerns.

Vehicular access to the site would be via an existing access track to the east which served Greengates Farm from Cwttir Lane, and which runs along the south of the A55. The proposal would utilise this existing access. Access within the wider site is limited to a pedestrian access along the permissive pathway around the northern part of the site, providing access to the proposed viewing platform however there would be no access provided to the southern part of the site.

The very nature of the proposal is to promote health and well-being amongst local people. It is suggested that some small organised events may be arranged however they would be small scale and the use of public transport, walking, cycling and car share (wherever possible) will be

encouraged. The nature reserve would primarily be targeted at local residents/workers/volunteers to use and therefore the requirement for car parking would be limited however a small car parking area is proposed on the existing hardstanding near the current farm buildings.

There are no objections to the proposal on highway safety grounds from the Councils Highway Officer.

Due to the proximity of the site to the A55 trunk road, Welsh Government Highway Officers have been consulted and initially requested additional information. The information required additional information relating to the distance of any parts of the proposal close to the site boundary to the nearside of the carriageway of the A55 trunk road and also requested details of what mitigation measures are proposed to minimise the risk of distraction to traffic on the A55 during the works.

The applicant has provided information in respect of the activities close to the site boundary and confirmed that no works are within 15m from the edge of the A55. In relation to the mitigation measures, the majority of the works are taking place a considerable distance from the road and are shielded from view by the presence of the existing hedgerows which run adjacent to the carriageway and across the central field. The closest works would be the demolition of the existing buildings on site. The applicant has requested Welsh Government consider a pre-demolition condition is imposed requiring the submission of details prior to the demolition of any of the existing buildings on the site.

At the time of writing this report, Welsh Governments response is awaited and will be reported to the Planning Committee.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. A public authority must, in the exercise of its functions, have due regard to advancing equality.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

5. SUMMARY AND CONCLUSIONS:

5.1 The application site is located on the St. Asaph Business Park which is not within the development boundary of a settlement as defined in the adopted Denbighshire Local Development Plan. Land at the Business Park has been allocated and safeguarded for employment uses only.

5.2 In conclusion on the loss of employment land and Policy PSE 3 conflict, Officers have given significant weight to the constraints and feasibility of delivering employment uses on the site coupled with the withdrawal of the site as an employment site from the LDP and conclude the principle of the proposal is acceptable.

5.3 The site has been chosen for its ecological value with a wide range of biodiversity enhancements which would assist the Council in achieving its Climate and Ecological Emergency targets.

RECOMMENDATION: GRANT subject to the following conditions: -

1. The development to which this permission relates shall be begun no later than 5 years from 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

Ecological Protection Plan Received 08-08-2024
Vegetation Establishment Strategy Received 08-08-2024
Preliminary Ecological Appraisal Report Received 08-08-2024
Biodiversity GI Statement Form Received 08-08-2024
Planting Schedules (Drawing No. 089.02.07) Received 08-08-2024
Location Plan (Drawing No. 089.02.01A) Received 08-08-2024
Existing Site Plan (Drawing No. 089.02.02) Received 08-08-2024
Habitat Management Plan Received 08-08-2024
Site Photographs (Drawing No. 089.02.24) Received 08-08-2024
PAC Report Received 08-08-2024
GCN Licence Application: Method Statement Received 20-08-2024
Proposed-Viewing-Mound Received 12-09-2024
Car-Parking-and-Brownfield-Site Received 12-09-2024
Proposed-Site-Plan Received 12-09-2024
Hard-Boundaries-Plan-and-Details Received 12-09-2024
Emergence-Report Received 12-09-2024
Revised DAS & Supporting Statement Received 12-09-2024

3. The development hereby approved shall be carried out in strict accordance with the biodiversity enhancement measures set out in the Vegetation Establishment Strategy (Biodiversity Advanced Ltd, June 2024).

4. The development shall be carried out strictly in accordance with the Mitigation and Compensation Measures set out in Section E.3 of the approved Great Crested Newt Method Statement (Biodiversity Advanced Ltd, July 2024).

5. Prior to demolition of the buildings a Reasonable Avoidance Measures Statement (RAMS) shall be submitted to and approved in writing by the Local Planning Authority. The demolition shall be completed in accordance with the submitted details.

6. Prior to the completion of the development, details of an Ecological Compliance Audit (ECA) for the scheme shall be submitted to and approved in writing by the Local Planning Authority. The Audit shall be completed in accordance with the submitted details.

7. The development hereby approved shall be managed and maintained in strict accordance with the approved Habitat Management Plan (Biodiversity Advanced Ltd, June 2024).

8. No site clearance or construction works shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a detailed Construction Method Statement. The Statement shall provide details of:

- a) the arrangements for the parking of vehicles of site operatives and visitors;
 - b) the location of any construction compound and measures to reinstate the land following completion of the works;
 - c) the hours of site works and deliveries;
 - d) the location of areas designated for the loading, unloading, and storage of plant and materials;
 - e) pollution prevention and control measures, including measures to control the emission of dust and dirt, and to prevent pollution of watercourses;
 - f) measures to minimise noise and disturbance to neighbouring residential properties / properties in the vicinity of the site;
 - g) wheel washing facilities;
 - h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- The development shall be carried out strictly in accordance with the approved elements of the Construction Method Statement throughout the construction period.

The reasons for the conditions 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. In order to maintain and enhance biodiversity
4. In order to maintain and enhance biodiversity
5. In the interest of preserving ecological interests.
6. In the interest of preserving ecological interests.
7. In the interests of visual amenity, nature conservation and to ensure ecological mitigation and enhancement measures are provided.
8. In the interests of protecting public and residential amenity, pollution prevention and control, and of the safety and the free flow of traffic on the adjoining highway.