

CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

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Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

Heading:

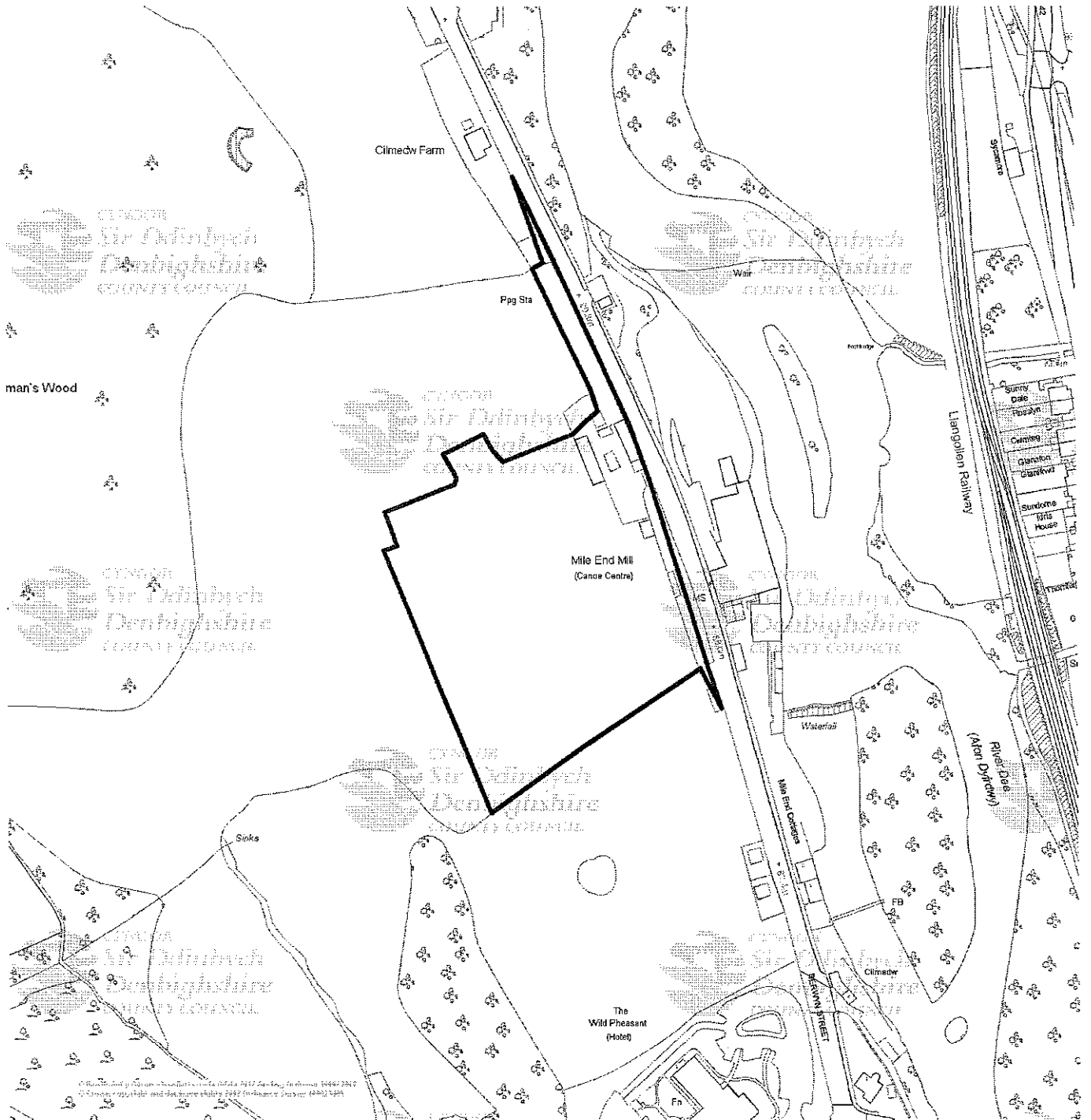
REFERENCE NO. 03/2012/0029/PF
Cilmedw Farm, Berwyn Street
Llangollen

4



Date 22/8/2012 Scale 1/2500
Centre = 320721 E 342765 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.

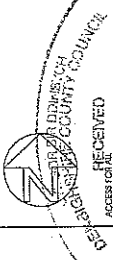


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Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa E! Mawrhydi © Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at eryriad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

LAYOUT PLAN

03/2012/000707



ACCESS: ROAD
 Full access will be provided from the site boundary to the highway. Access to the site will be provided from the highway to conform with the highway regulations. Full access will be provided from the site boundary to the highway to conform with the highway regulations. Full access will be provided from the site boundary to the highway to conform with the highway regulations. Full access will be provided from the site boundary to the highway to conform with the highway regulations.

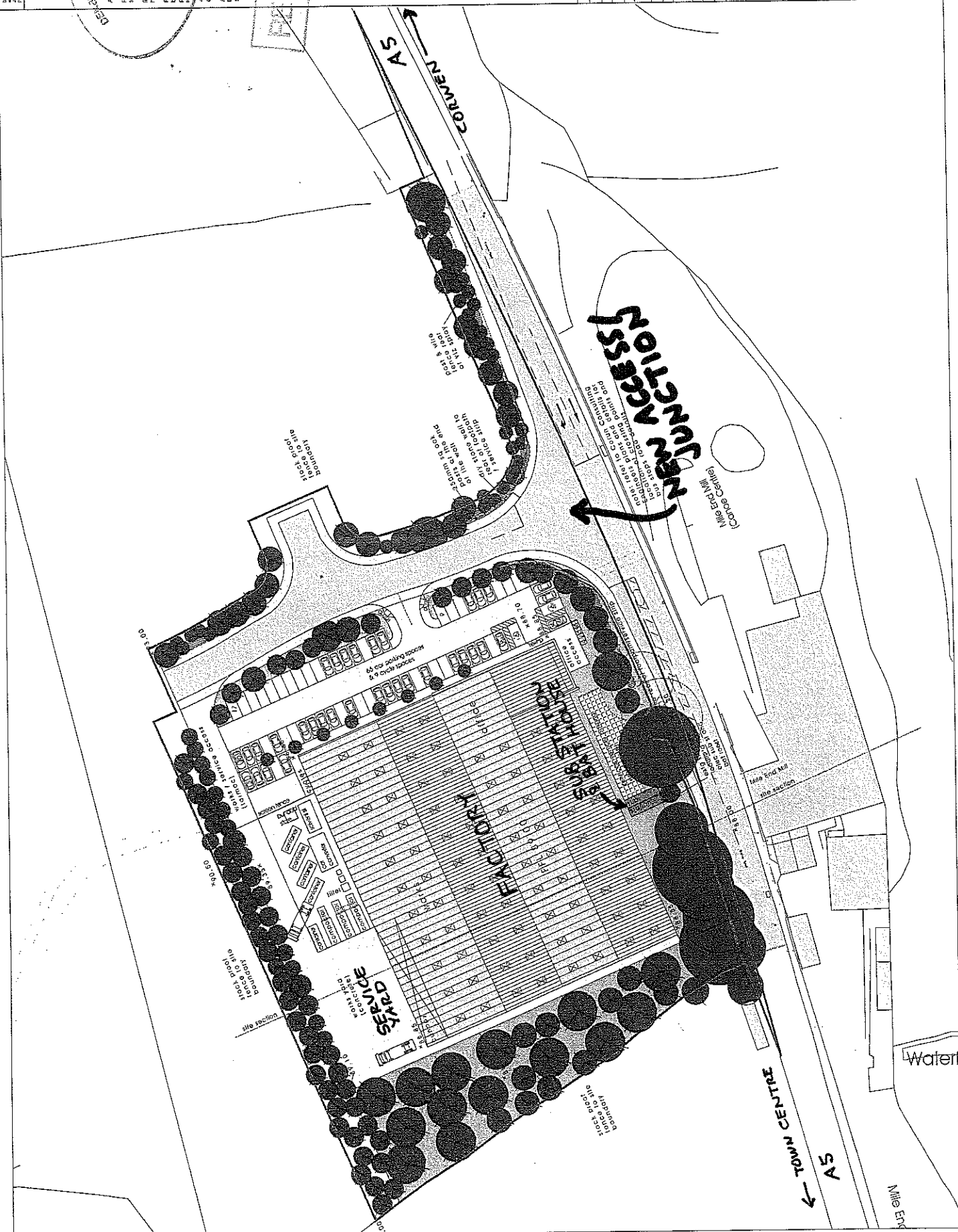
REVISED PLAN

1	Site plan	1/2012	1/2012
2	Site plan	1/2012	1/2012
3	Site plan	1/2012	1/2012
4	Site plan	1/2012	1/2012
5	Site plan	1/2012	1/2012
6	Site plan	1/2012	1/2012
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14	Site plan	1/2012	1/2012
15	Site plan	1/2012	1/2012
16	Site plan	1/2012	1/2012
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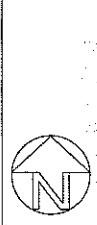
Proposed relocation of
 Dobson & Crowther plain warts
 Berwyn Road, Langpollen, Dartington.

Drawing No. 1027-011-p02 (1/750)

J. ROSS
 Development Ltd



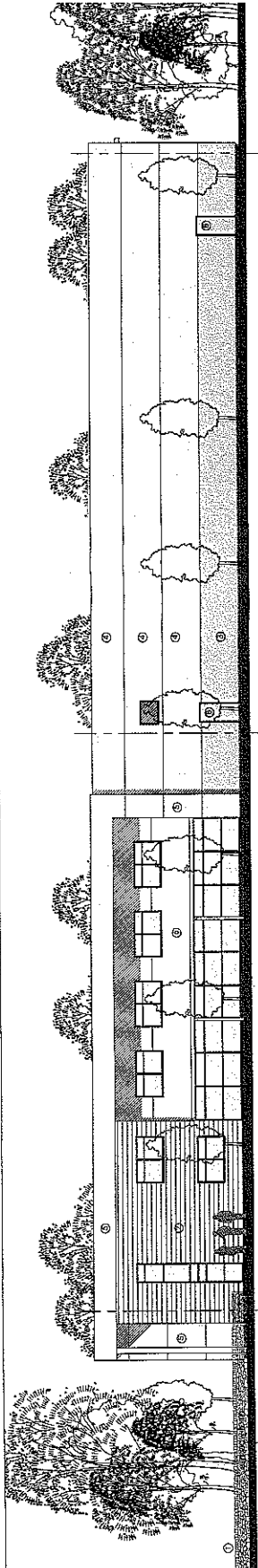
Do not use. All rights reserved. This drawing is the property of J. Cross Developments Ltd. It is not to be used for any other project without the written consent of J. Cross Developments Ltd. All dimensions are in millimeters unless otherwise stated.



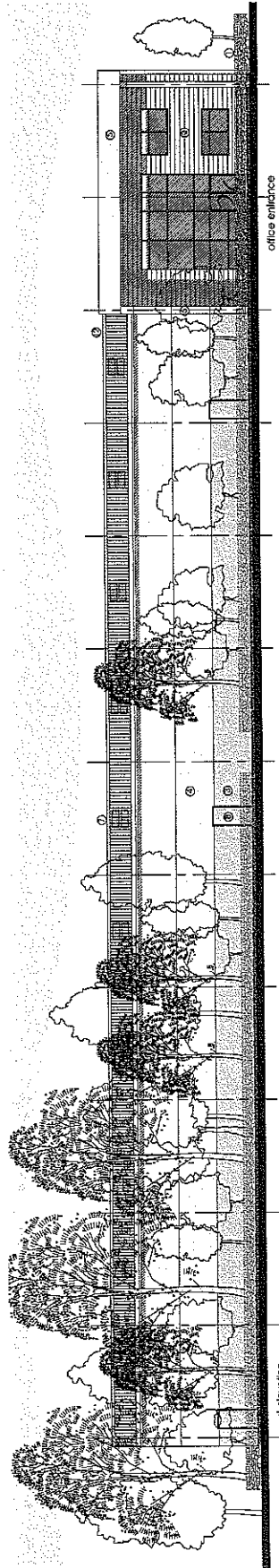
- 1 grey stone wall about 100mm high
- 2 white coating on wall
- 3 insulation with mesh panels - main grey colour
- 4 insulation with mesh panels - full grey colour
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FACTORY ELEVATION PLANS

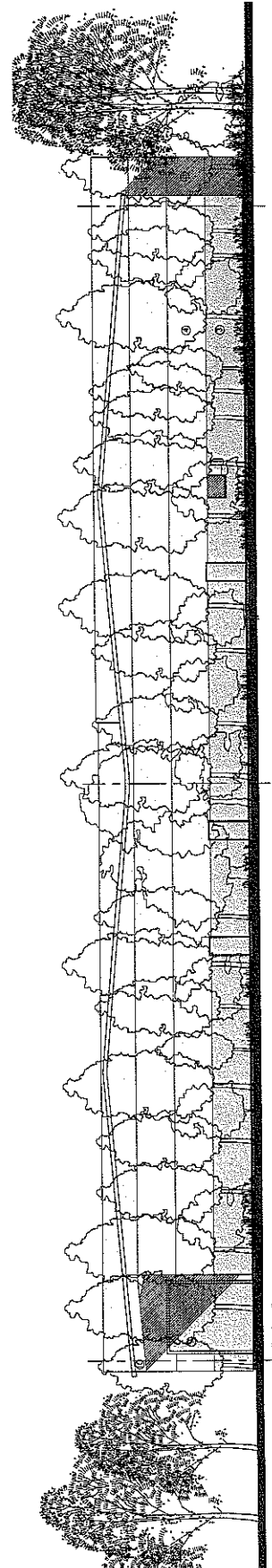
client	J. Cross Developments Ltd
project	Proposed relocation of Dobson & Crow
location	Berwyn Road, Llangollen, Denbighshire
drawing no.	1027-ele-p01
date	dec 2011
author	J.E
checked	J.E
approved	J.E
scale	1:100
sheet no.	1 of 1



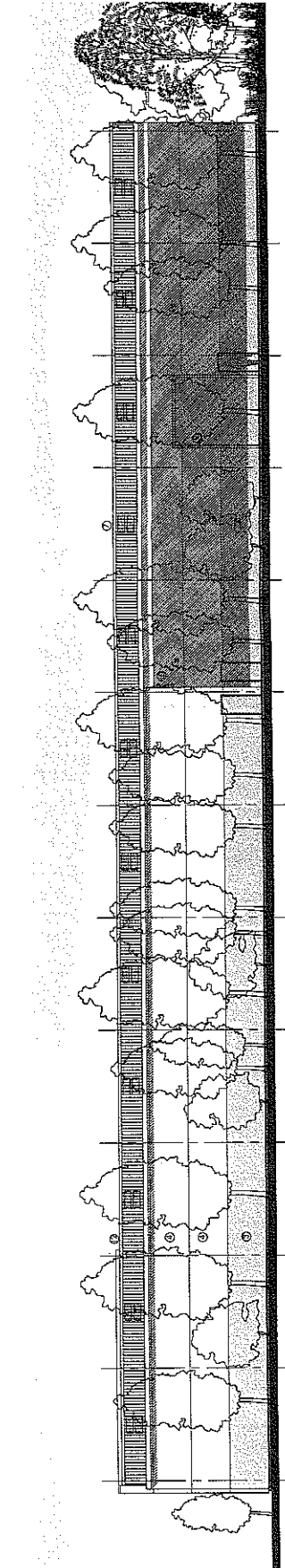
north elevation



east elevation

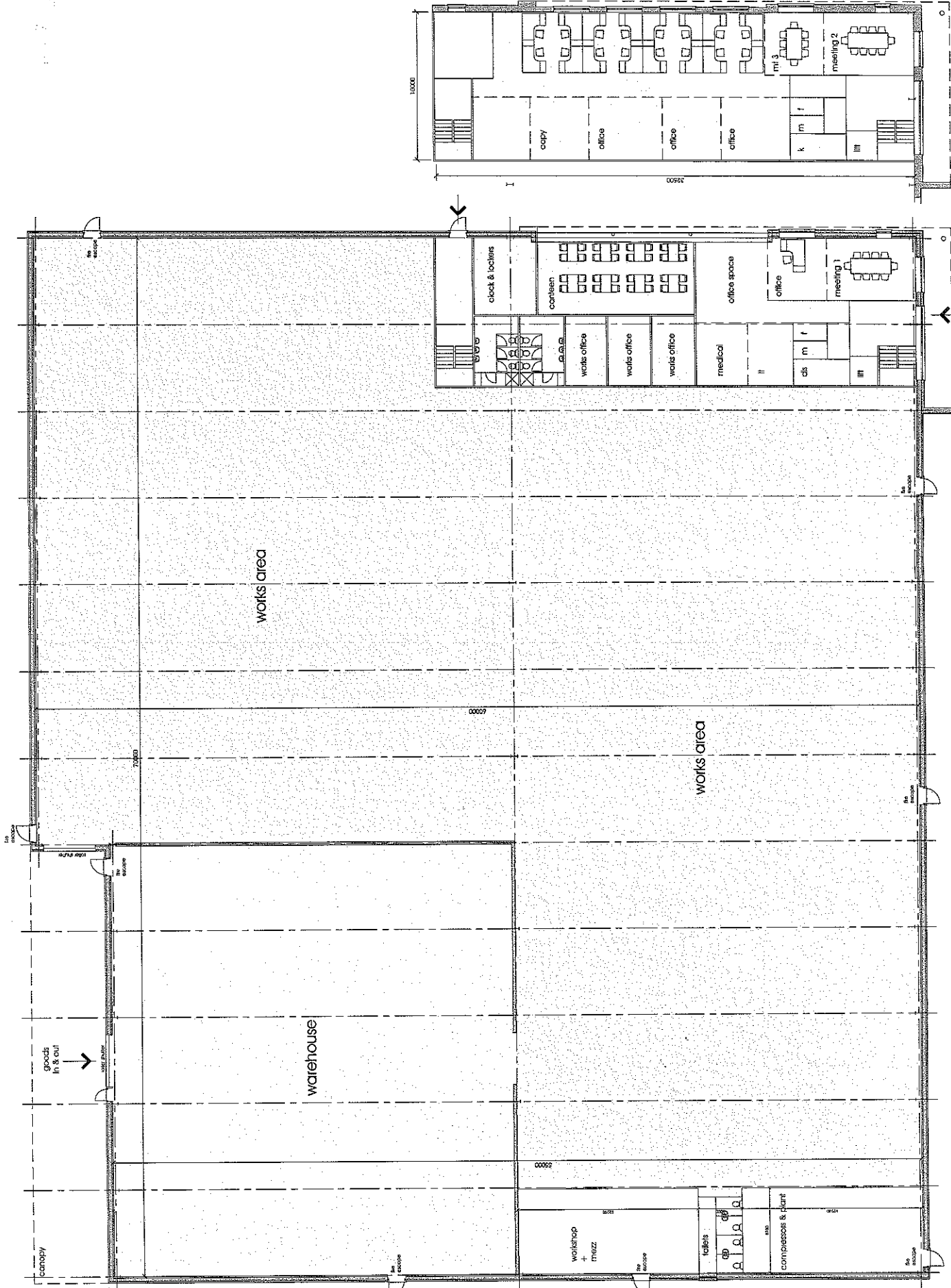


south elevation



west elevation





service yard



ground floor plan

FACTORY FLOOR PLAN



-  772 sq m floor area
-  140 sq m floor area
-  2743 sq m floor area
-  665 sq m floor area

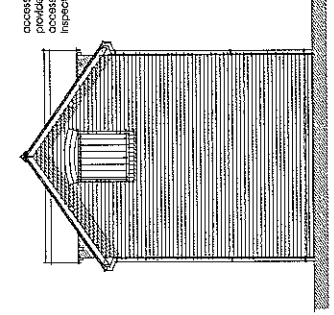
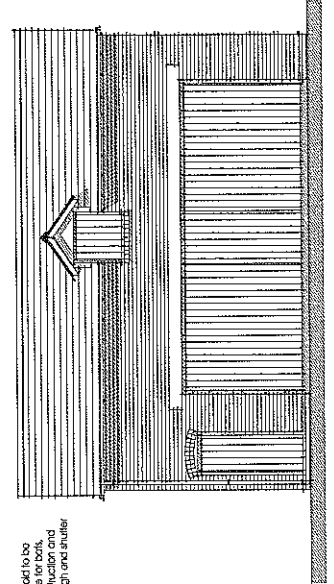
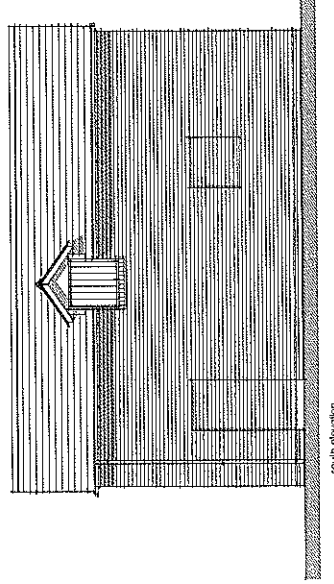
no.	description	date	rev.
1	initial design	2011	1
2	revised design	2011	1
3	final design	2011	1

project: Proposed relocation of Dobson & Crowther paint works
 Bevvyn Road, Llangollen, Denbighshire.
 drawing title: proposed floor plan

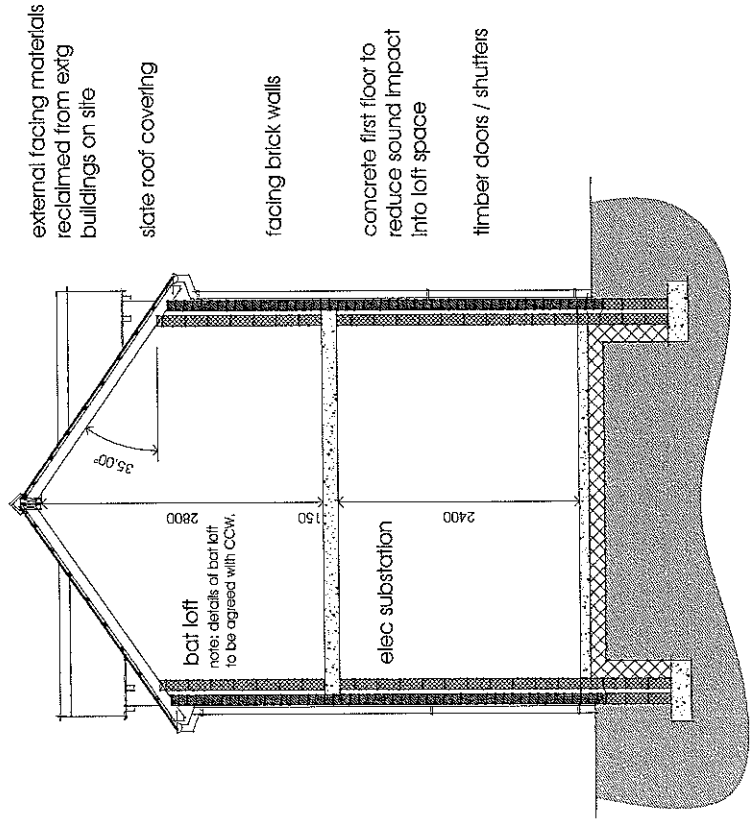
client: J.ROSS	checked: J.E.
drawing no.: 1027-ga-p01	rev: A

SUB STATION & BAT HOUSE BUILDING ELEVATIONS

note:
details for bat loft to be agreed with CCW



access to be provided to be used for access for bats, access for construction and inspection through and shutter



- external facing materials reclaimed from extg buildings on site
- state roof covering
- facing brick walls
- concrete first floor to reduce sound impact into loft space
- timber doors / shutters

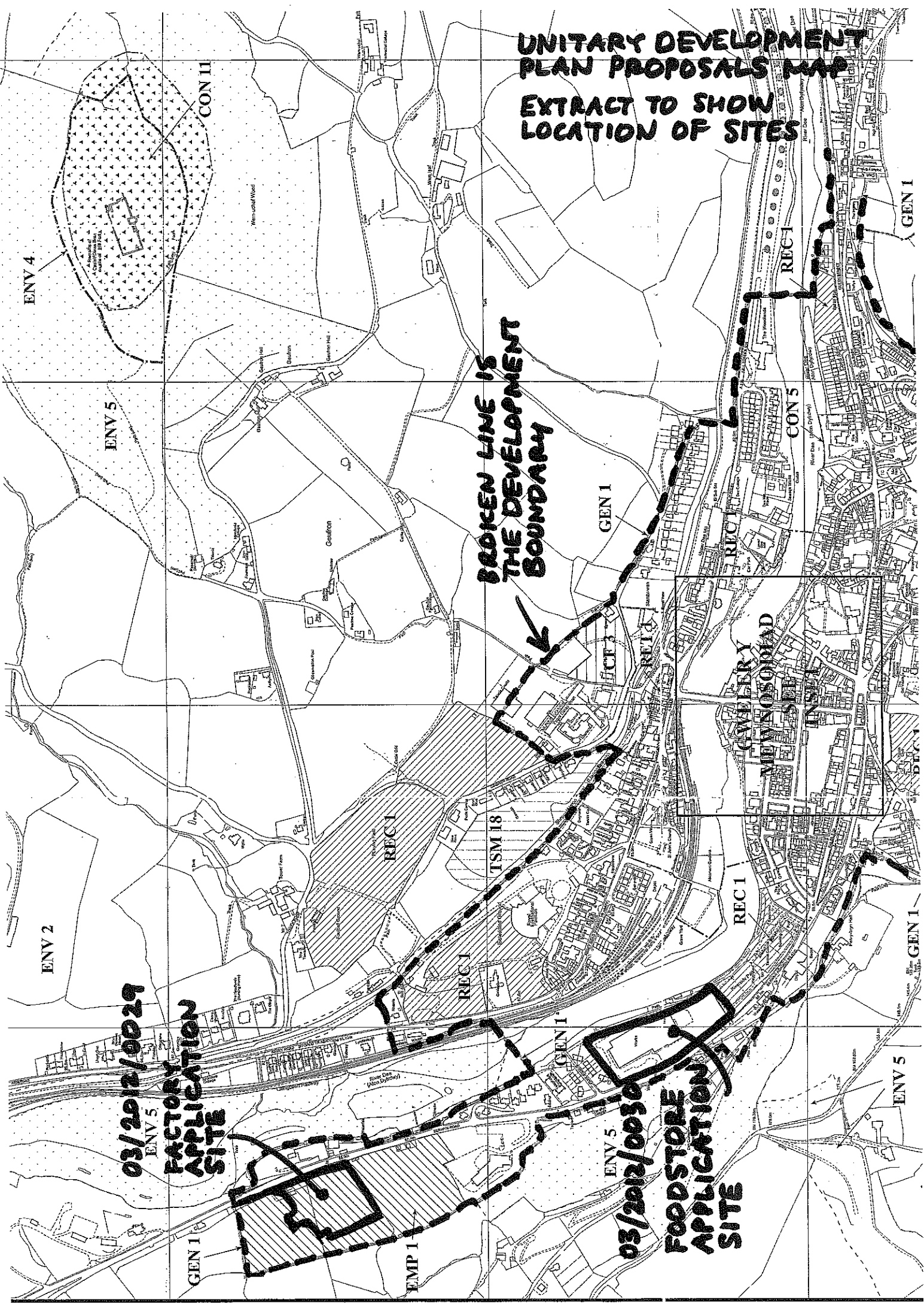
Proposed relocation of Dobson & Crowther print works Benwin Road, Illogan, Denbighshire.	
drawing title electric substation & bat house drawing	
scale 1:500 @ A3	date July 2011
drawing no. 1027-d81-p01	revision B
JROSS Developments Ltd Gwynedd, Wales	

**UNITARY DEVELOPMENT
PLAN PROPOSALS MAP
EXTRACT TO SHOW
LOCATION OF SITES**

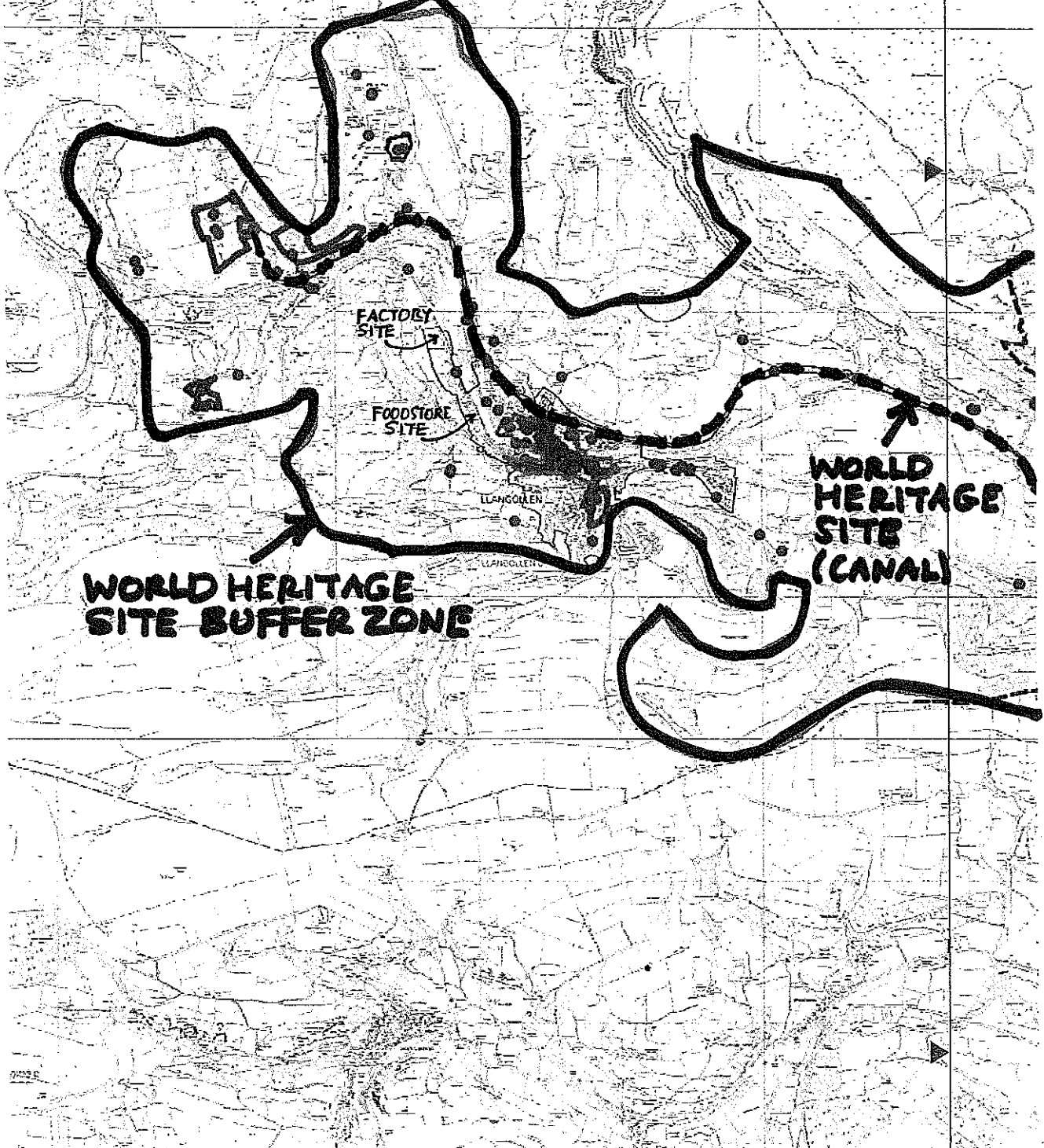
**BROKEN LINE IS
THE DEVELOPMENT
BOUNDARY**

**03/2012/0029
ENV 5
FACTORY
APPLICATION
SITE**

**03/2012/0030
ENV 5
FOODSTORE
APPLICATION
SITE**



Appendix 1: Pontcysyllte Aqueduct and Canal World Heritage Site + BUFFER ZONE



APPENDIX 1 Pontcysyllte Aqueduct and Canal World Heritage Site

World Heritage Site Buffer Zone	Conservation Areas
World Heritage Site (Canal)	Listed Buildings
Historic Parks and Gardens	Scheduled Ancient Monuments
Historic Landscape Wales	Local Authority Boundary

Scale 1:10000

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ITEM NO: 4
WARD NO: Llangollen
APPLICATION NO: 03/2012/0029/ PF
PROPOSAL: Erection of new print works building, with associated car parking, servicing, and related accesses, construction of substation, new package treatment plant and soakaways, surface water attenuation system, and new vehicular and pedestrian accesses off trunk road
LOCATION: Land at Cilmedw Farm Berwyn Street Llangollen
APPLICANT: Mr Nicholas Scott J Ross Developments Ltd and Mr and Mrs R J Best
CONSTRAINTS: Within 67m Of Trunk Road
 World Heritage Site Buffer
 AONB
PUBLICITY UNDERTAKEN: Site Notice - Yes
 Press Notice - Yes
 Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received
- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANGOLLEN TOWN COUNCIL

Original Response

"Members raised no objection to this application".

Final Response

"No objections"

LLANGOLLEN CIVIC SOCIETY

Original Response

Opposes the proposals on basis of: use of green field site with potential for recreational use, impact of industrial development on a gateway into the town, inappropriate design and use of materials, previous refusals of permission, impact of new access on highway safety, limited public transport, foul and surface water drainage concerns, impact on landscape, AONB (premature to allow pending AONB Management Plan being developed), and World Heritage Site Buffer Zone (premature to allow pending agreed policy for that area), impact on wildlife, Local Development Plan seeks to take employment land allocation away.

Final Response

No response received in relation to additional information.

CLWYDIAN RANGE & DEE VALLEY AONB

Joint Advisory Committee

Original Response

"The JAC assumes that the application will be considered under the adopted Denbighshire Unitary Development Plan and, on this basis, has no observations to make on the principle of development of this allocated Employment Site. The JAC also notes that the application is part of a package of measures to relocate and secure the long term future of Dobson and Crowther as a major employer in the town, which is supported in principle.

The JAC has no observations to make on the design of the building, but is unsure about the proposed wall and roof cladding colours in respect of reducing the visual impact of this large building in a rural setting. The choice of lighter grey coloured walls sandwiched between a darker grey coloured plinth and roof is supported, but it is recommended that sample panels are erected on site to evaluate the most appropriate colours prior to their final selection.

The loss of three mature trees along the A5 frontage to provide the required visibility for the new access is regrettable but the JAC accepts that this is unavoidable if the site is to be developed, and welcomes retention of the majority of mature trees in this area which are an important landscape feature and help screen the site. Appropriate measures to protect these trees during construction will be essential. The intention to retain and reinstate the natural stone boundary wall to the A5 is also supported, but the JAC would prefer to see this extended further north behind the visibility splay.

The extensive landscaping scheme to help screen and integrate the development into the rural setting is supported including the proposed new native hedgerow boundaries and the specification of semi mature trees. However, the JAC would suggest that the scheme would be improved by a more substantial tree planting belt along the western boundary to provide enhanced screening from the higher ground to the west. In addition, a new native hedge should also be planted along the northern boundary to supplement the proposed buffer planting and should be extended behind the visibility splay and suggested stone wall to the north of the access.

It appears that limited details have been supplied for lighting the site and proposed access road. This is a relatively 'dark' area and the JAC would recommend that full details of any lighting scheme should be provided and that it should be designed to minimise light pollution and spillage outside the site.

The JAC observe 'Dobson and Crowther' have 220 employees however, there seems to be insufficient car parking space in the current application. The JAC would like to be reassured that the current 60 spaces allocated in the new plan is sufficient for 220 employees".

Final Response

"The JAC welcomes the revised landscaping proposals which incorporate a more substantial tree planting belt along the western boundary of the site to provide enhanced screening from the higher ground to the west, extended native hedge planting, and an extension of the natural local stone boundary wall frontage to the A5."

COUNTRYSIDE COUNCIL FOR WALES (CCW)

Original Response

CCW's original response indicated no objections in principle but further information was requested to show whether development would not have adverse effects, specifically in relation to River Dee and Bala Lake Special Area of Conservation (SAC), River Dee Site of Special Scientific Interest (SSSI), Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB), and Brown Long Eared Bats.

Final Response

Additional information addresses concerns in respect of natural heritage interests, so have no objection to the proposal. Suggest bat mitigation be addressed by planning

condition/obligation.

ENVIRONMENT AGENCY WALES

Original Response

The Agency does not raise any objections to the proposals. In relation to Flood Risk, they confirm the site is outside any Flood Risk Zone: Surface water drainage needs to be designed to accommodate a 1 in 100 year flood event, and any culverts crossing the site will need to be protected/investigated. There are no concerns relating to contaminated land but further sampling and investigation would be necessary following site clearance. Foul water disposal arrangements would need detailing to ensure discharges are properly attenuated to minimise impacts on the aquifer and base flow to the River Dee, which is a sensitive receptor. The Package Treatment Plant would be subject to the Agency's Permit processes. Separate consent processes apply to the storage of 'controlled substances' which may be used in connection with the industrial use.

Subsequent Responses

1. Note no culvert has been discovered on site. Conditions should be attached to control details of the surface water drainage works. Foul water proposals as revised have addressed concerns over risks to groundwater from the proposals.
2. Are satisfied at the proposed surface water attenuation which is designed to accommodate the predicted 1 in 100 year event with an additional 30% allowance for climate change.

Otherwise, previous comments still applicable.

WELSH WATER/DWR CYMRU

As the proposals involve utilising a private treatment works, Welsh Water defer to the Environment Agency for comment.

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objections. Suggest conditions be attached if permission is granted, requiring a low level building survey prior to demolition, and a watching brief on the initial ground preparation works. CADW will comment separately on World Heritage Site buffer zone issues.

WELSH GOVERNMENT TRANSPORT

Original Response

Requested similar additional information as the County Council's Head of Transport, i.e. plans showing full visibility splays and 2 metre footways along the site frontage, increased width of main service road, provision of bus stops and shelters either side of the A5, provision of a turning head at the end of the service road, surface water drainage details, and a Stage 1 Safety Audit.

Subsequent Responses

Requested further consideration of the A5 junction arrangement following a Safety Audit and further information; and following receipt of this information in July 2012 have directed that any permission granted includes conditions requiring submission and approval of full details of the highways works before commencement of site works, and protection of the visibility splays from obstruction.

Cadw

(Protection and Policy Section – comments are on those aspects of the proposals which fall within CADW's remit as a consultee on planning applications, i.e. the impact of developments on scheduled monuments or Registered Historic Landscapes, Parks and Gardens).

Note the site is within the historic landscape of the Vale of Llangollen and Eglwyseg (included in the Register of Landscapes of Special Historic Interest in Wales), and within the Buffer Zone of the World Heritage Site (WHS) Pontcysyllte Aqueduct and Canal. With regard to the historic landscape, CADW consider the development would have a serious adverse effect on the registered historic landscape in terms of its location, character and scale. The character of the area is essentially rural and not encroached by industrial buildings of any kind; the development is industrial and large scale and would completely alter the character of the landscape from rural to industrial. No amount of mitigation measures to reduce visibility, such as boundary planting would alter this fundamental fact.

With regard to the World Heritage Site (WHS) CADW have considered the Environmental Impact Assessment, and their view is that the main impact of the development will be on the sense of arrival into the WHS Buffer Zone. Their view is that the EIA underestimates the full impact of the building on the heritage values, as it will be substantially larger in scale than adjoining properties, and will be visible from some distant historic monuments, including Castell Dinas Bran. Conclude that the development cannot be seen to make a positive contribution to the sense of arrival to the WHS and even with screening will have an adverse effect on its wider historic setting.

Final response

Do not wish to amend advice on the impact on the historic landscape of the Vale of Llangollen and Eglwyseg. In relation to the World Heritage Site, accept that the development will not have a direct impact on the canal, but will have an effect on the sense of arrival into the WHS due to the scale of the building and proximity to the road. Do not accept the applicant's contention that the new building will strengthen the sense of arrival, but with the proposed additional screening, state that the impact of the new building can be down played, and overall CADW's view is that with the screening, the development will not result in the loss of the Outstanding Universal Value of the World Heritage Site.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF HIGHWAYS AND INFRASTRUCTURE

Original Response

Requested further details of highways proposals (road widths, provision of bus stops and shelters, turning head, surface water disposal, A5 junction layout, footways), and in conjunction with Welsh Government Highways has sought clarification of visibility splay details and traffic speed information in connection with proposals to reposition the 30mph speed limit signs on the A5.

Final Response

Defers to Welsh Government Transport in relation to the A5 junction arrangements. Requests inclusion of conditions relating to parking and construction details, completion of access, parking and servicing arrangements prior to operation of factory and service yard, and construction method statement.

TREE CONSULTANT

Regrets the loss of 2 trees at the entrance, but accepts if there is no option then proposed planting should be with native and traditional forest trees species using advanced nursery stock to gain the earliest possible impact. Other planting should include mature trees to retain and conserve the mature wooded character of the area.

BIODIVERSITY OFFICER

Original Response

No objection in principle. Has undertaken an Article 16 Assessment for long eared

bats, and a Test of significance of effects on a 'Special Area of Conservation'. Requested a number of ecological issues to be addressed. This included submission of further information to ensure no detrimental effect on the maintenance of favourable conservation status of brown long eared bats, and revised mitigation; compensatory measures for loss of bird nesting habitat and a dust management strategy.

Final Response

Happy with the contents of the landscaping plans. The proposed 'flowering lawn' would need an appropriate cutting regime, and bat mitigation agreed previously would need to be detailed. Has advised that the developers should contact CCW if badgers are found to be present, as separate procedures would need to be followed to enable development to proceed.

TECHNICAL OFFICER (Pollution)

Original Response

Requested further details of noise abatement plant and controls over noise and dust at construction stage.

Final Response

Advises that an acoustic barrier would be necessary adjacent to the compactor in the service yard area and delivery hours should be restricted to between 0800 – 2100 Monday to Saturday.

CONSERVATION ARCHITECT

Notes factually that the site is within the town's development boundary and is allocated for employment use under Policy EMP 1, is within the historic landscape area of the Vale of Llangollen, the AONB and the Buffer Zone of the Pontcysyllte Aqueduct and Canal World Heritage Site (WHS). These designations post date the Unitary Development Plan adoption, hence any development needs to mitigate impact as far as possible. Main conclusions are:

- there will clearly be an impact;
- in the context of the WHS Buffer Zone considerations and development on the site being acceptable in principle, the building design should be as neutral as possible in terms of appearance with the concentration of design and articulation to be on the office and main entrance, as the most prominent part of the building;
- overall the building design is reasonably acceptable, and as far as can be achieved it should fit into the backdrop of the valley side;
- landscaping/planting should be reinforced and controlled to reduce the visual bulk of the building and to minimise the impact on the setting of the WHS, although the site is not prominent when viewed from the WHS and it is difficult to see the WHS from the site;
- with visual links between the WHS and the site being tenuous, the setting of the WHS will not be harmed by the development;
- in relation to the experience of arrival into the WHS, the Mill on the opposite side of the A5 is another engineering project of significance alongside the concentration of 3 historic types of transport route that concentrate at this point of the valley, and the construction of a new manufacturing unit would seem to fit in this location from a philosophical point of view. From a sense of arrival point of view the unit reinforces the entrance from a rural to an urban environment and vice versa;
- suitable controls should be exercised over external lighting, boundary treatment and use of external materials.

SENIOR SCIENTIFIC SERVICES OFFICER

Requests that any permission includes conditions to ensure no potential pollution and effect to water quality and/or flow regime.

ASSET OFFICER (Access Officer role)

Raises no objections, but notes no reference in the Equality Impact Assessment to research used in its preparation, or responses to consultation and engagement with stakeholders to understand how the needs of different groups will be met or participation of different groups will be encouraged. In relation to the specific proposals, suggests facilities for needs of all users, baby changing and feeding should be planned before commencement.

LANDSCAPE CONSULTANT

Notes the planning policy and guidance background, the existing landscape and visual qualities/characteristics/and designations in the area and the detailing of the development, and has viewed the site from viewpoints such as Dinas Bran. Suggests 'distinctive place making development appropriate to the rural locality is required within this key gateway location to Llangollen'. Expresses reservations over elements of the scheme, including:

- the extent of landscape integration measures in relation to the scale of the building, particularly given the location in an AONB where conservation and enhancement of landscape is important
- the amount of visual interest within the architectural detailing of the building, given the relationship with the locality and Llangollen;
- the dominance of the development relative to the A5, which appears to be partly in conflict with Policy EMP 1 which seeks open frontage and low impact development;
- the need for a more comprehensive look at the development of the whole Cilmedw site. Concludes that development should be consistent with a master plan setting out a landscaping framework, which would not be compromised by phased incremental development. Hence scheme does not conserve and enhance the AONB and is in part conflict with EMP1; although it would not impact on the setting of the World Heritage Site, improvements/reconsideration of the approach to the development would assist in providing a positive or at least very benign effect upon visitor experience to the World Heritage Site.

ARCHAEOLOGIST

No objection, but requests inclusion of conditions to ensure a record is made of wartime structures on the site, and an archaeological watching brief during the initial ground disturbance phase of work.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

D. Stiff, Hillside Cottage, Hafod Maidd, Berwyn, Llangollen
S. Brown, 25, Church Street, Llangollen (2 emails)
Mr. & Mrs. Riley, Greenheys, Geraint, Llangollen (e-mail)
D. B. Davies, 5, Gerddi y Bache, Llangollen
M. Elson, 80, Pengwern, Llangollen
K. Mills, Swyn y Coed, Glyndyfrdwy, Corwen
R. Goodman, Bro'r Awelon, Berwyn, Llangollen
E. A. Slawson (e-mail)
R. M. Horne, Llanarth, Llantysilio, Llangollen
Prof. C. Adams, Llwyn Bedw, Berwyn, Llangollen
J. Barrow, 45, Hadlow Road, Willaston, Neston
M. Crumpton, Hafod y Maidd Ucha, Berwyn, Llangollen
M.W. Edwards, 5, Trem y Creigiau, Greenacre Park, Llangollen
P. Jones, Glen Garreg, Tyndwr, Llangollen
Cadnant Planning, 1 Connaught House, Riverside Business Park, Benarth Road, Conwy (on behalf of the Co-Operative Group)

Summary of planning based representations in objection:

Principle of development

Unacceptable development on greenfield land when there is brownfield and vacated industrial land in vicinity/contrary to Welsh Government policy/land is not zoned in Local Development Plan therefore contrary and premature to its intentions / would devalue area for tourists/Cilmedw land was allocated for employment use by the UDP Inspector as it provided additional employment land for the town, but no demand since/case not made for relocation/precedent for further unspecified development / UDP out of date/previous refusal decisions 1979 and 1981 on the site and appeal decision confirmed potential impact on high quality landscape.

Visual amenity/landscape

Unacceptable impact on attractive open countryside at entrance to Llangollen/AONB/Historic Landscape/unacceptable ribbon development/site is an ancient meadow used for sheep grazing/development would not improve the quality of the town and would reduce the attractiveness of the natural environment in this area, contrary to tourism strategies/inadequate tree planting proposals and ineffective screening for at least 10 years/development will block views of Inman's Wood / AONB Committee's concerns not addressed / development should be 'low rise'.

Historic environment

Unacceptable impact on Buffer Zone of World Heritage Site/proposals underplay the visibility of the site, which can be seen from many locations close to and distant from Cilmedw/unacceptable statement that there is a 'negligible contribution to the Outstanding Universal Value of the World Heritage Site/impact on Historic landscape arguments to counter CADW's concerns do not stand examination.

Residential amenity

Concern over noise emissions on properties in close proximity/potential for nuisance if 24 hour activity is proposed.

Highways issues

Original Highways information suggests additional surveys need to be undertaken, so these should be done before any permission is considered (bus stop location, access point, speed surveys, swept path analysis). Site is not realistically accessible by foot / would be a vehicle reliant location / revised proposals for a traffic light junction on an unrestricted speed section of road seem nonsensical and would surely oblige extension of the 30mph limit (and associated extension of the LDP development boundary) traffic lights would further impede traffic flow on A5 and would impact on existing accesses to properties along the A5/any pedestrian crossing should be permanent.

Ecological impact

Application underplays potential impact on wildlife habitat (owls, badgers, newts, bats, slow worms/no mitigation proposals for badgers/unnecessary removal of trees and habitat)/no mitigation.

Geotechnical assessment

Inadequate assessment undertaken to determine whether there may be problems with soakaways, foundations, radon gas.

Questionable employment gains

Only a quarter of employees live in Llangollen/employment claims should be interrogated/no guarantee that relocation will secure existing jobs / more modern processes will mean fewer jobs.

Other options for factory location

Company could relocate to other 'brownfield' sites or industrial estates (Wrexham/Air Products/Ruabon) where there would be less impact/should look at option of re-use of unused buildings in the area.

Water Supply

No information on proposed water supply/existing problems with supply in the area/how would the larger employment site be serviced.

Relevance of link to foodstore application

Questionable that weight should be given to suggested link as a means of 'saving' Dobson and Crowther business/company could relocate regardless of foodstore application/applications should be considered on their separate merits / Council should ensure a suitable legal agreement to guarantee construction of the factory before the foodstore opens, or that development commences / should ensure enforceability of any agreement as otherwise this is only a statement of intent.

Potential religious significance of Cilmedw area

Other matters

Comments on representations from Ken Skates, AM.

Concerns over exaggerations and factually incorrect statements over employment numbers, relevance of UDP/LDP.

In support

- Individual representations received from:
 - R. Thomas, 8, Maes Pengwern, Llangollen
 - A. Maybury, 12, Pengwern, Llangollen
 - K. Davies 10, Aberadda, Pengwern, Llangollen
 - A. McAulay, 14, Shakespear Road, Neston
 - R. Davies, 35, Pengwern, Llangollen
 - T. Rawlinsion, 16, Gerddi y Bache, Llangollen
 - D. Tobia, 18, The Oaks, Trefor, Wrexham
 - P. Longlands, 2, Oak Mews, Llangollen
 - K. Francies, 8 Maes Pengwern, Llangollen
 - F. Dalton, Mile End Mill, Pengwern, Llangollen
 - J. Hamilton, 4, Sands Ciottages, Brampton, Cumbria
 - J. Francis, 8, Maes Pengwern, Llangollen
 - K. Francis, 5, Bourne Terrace, Froncysyllte, Wrexham
 - T. Palmer, 11, Regent Street, Llangollen
 - G. Roberts, 3, Greenfield, Llangollen
 - R.M. Williams, Birch Cottage, Eglwyseg, Llangollen
 - C.M. Williams, Birch Cottages, Eglwywseg, Llangollen
 - S. Collinge, Glanafon, Abbey Road, Llangolln

Summary of planning based representations in support

(Individual comments and those comprised in petitions and replicated letters)

Principle of development

Site is allocated Employment land in the Unitary Development Plan/such development is vital for the future of the town/can't stop change which may benefit town/would open up a vital employment zone.

Employment in locality

Development would secure jobs/Dobson & Crowther are the last remaining factory in the town/site offers prospect for additional employment/youth employment vital in area/town too heavily reliant on tourism and is becoming a retirement destination/without work there is no future for small rural towns/vital for factory to move to a more modern, purpose built site and to remain competitive.

Visual amenity

Development would be on a site with a derelict farm and air raid shelter.

Residential amenity

Relocation offers potential to improve amenity of residents close to existing factory.

- Separate to the individual letters referred to above, a letter has been received from Ken Skates AM along with a petition outlining support for the application and the one for the foodstore on the Dobson and Crowther site at Berwyn Road.

The main points in the covering letter in relation to the factory application are:-

- Potential for the development to bring huge benefits for Llangollen (securing jobs and create additional opportunities;
- Dobson & Crowther are a significant employer and generate money for the town
- Cilmedw proposals would open up additional employment land

The accompanying material with the letter consists of:-

a) A petition headed 'YES to Dobson and Crowther new facility and new supermarket. 230 new jobs created and the end to costly shopping trips better for the environment and the town'. The sheets contain some 347 signatures with addresses, and a column with comments.

b) 111 individually signed and addressed A4 sheets headed with the same words as in a), but with text containing reasons for supporting the applications (employment, town centre enhancement additional parking, reduced travel to equivalent stores, reduces leaked expenditure).

- Representations in the form of a replicated A4 sheet dated 22nd February 2012 have also been handed in, in the form of batches of 24 and 43 signed and addressed individually. The contents are in support of the proposed supermarket and move of Dobson and Crowther to a new purpose built factory at Cilmedw. The main points in the sheet in relation to the factory application are:- retention of local jobs, new bespoke facility suited to the company's needs, more efficient building, opening up an additional 8 acres for additional job creation, design in compliance with a sensitive location (AONB).

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 The application is for full planning permission to develop a 'replacement' printing works facility for the Dobson and Crowther Company, on land at Cilmedw, Llangollen. The proposals involve associated access, parking, servicing and landscaping works.

1.1.2 The proposals are linked to the application which immediately precedes this one on the agenda, Code No. 03/2012/0030, which involves the demolition of

the existing Dobson and Crowther factory on Berwyn Road, and the erection of a foodstore on that site.

- 1.1.3 The new printing works application is also submitted by White Young Green Planning and Design, on behalf of J. Ross Developments and Mr. & Mrs. R. J. Best, who are the named applicants on the forms. The ownership certificate confirms the land forming the site is owned by Mr. W. Best, although separate notice has been served on Denbighshire County Council, and Welsh Government as there are various works proposed on the adjacent highway, and notice has been served on a nearby private landowner in relation to visibility splays proposed at the new junction onto the A5.
- 1.1.4 The site is indicated as 1.32 hectares (3.3 acres) in extent.
- 1.1.5 The application forms state that Dobson & Crowther manufacture printed envelopes and packaging, that equipment within the works will include paper cutting, folding, and printing equipment, and that there will be waste extractor systems to external compactor units. It is indicated there is no hazardous waste involved in the proposals.
- 1.1.6 The main elements of the scheme are:-
 - the erection of a main building with a gross internal floor space of 4360 square metres, to be used as a printing works. This would be located on the west side of the A5 immediately opposite the existing buildings at Mile End Mill (currently a canoe centre). The building would contain a main works area, warehouse, and an office section on two floors. The elevational plans show a building of relatively simple detailing, with the office section close to the A5 entrance being clad partly in timber and grey metal sheeting, and the remainder of the elevations and the roof being clad in different shades of grey metal sheeting. The roof would also contain a number of rooflights. The elevation and floor plans are attached at the front of the report.
 - a new main vehicular access off the A5 to serve the print works and potential additional development on the Cilmedw land. The proposed detailing of this A5 junction has been revised in the course of progressing the application and is now for a signal controlled junction, i.e. a traffic light system.
 - two access points off the 'service road' leading from the A5, one leading into a staff parking area with 65 parking spaces, the other providing a separate works/service access to the works yard at the rear of the main building. (See plan at the front of the report).
 - a small substation building in the location of an old air raid shelter between the main print works and the A5. This would be served by a separate access and turning area.
 - associated landscaping and planting, including erection of a replacement dry stone wall at the back of the new footways at the site entrance.
 - provision of a package treatment plant with a soakaway system to handle foul water.
 - the forms indicate the equivalent number of full time employees will be 100 (the agents have confirmed that at May 2012 there were 105 staff employed at the existing Dobson and Crowther factory, 103 full-time and 2

part-time).

- additional information received in May 2012 confirms the proposed hours of operation would be 24 hours a day, Monday to Saturday, and that deliveries would be restricted to 0700 – 2300 Monday to Saturday.
- the client company is agreeable to a suitably worded planning condition or legal agreement to ensure the print works is built and operational prior to the foodstore opening on the existing factory site.

1.1.7 The application contains a range of documents in addition to the standard forms and plans. These include an Environmental Impact Assessment (incorporating a Heritage Impact Assessment, a Landscape and Visual Assessment, an Ecological Survey, a noise assessment, Geo-Environmental assessment, and an Air Quality Assessment), a Design and Access Statement, Statement of Community Engagement, a Geotechnical Assessment, Transport Assessment, Flood Consequences Assessment, Tree Survey, and Drainage Calculations. Additional information and amended plans have been submitted in May 2012 in response to consultee comments on the original application, including an Equality Impact Assessment and Road Safety Audit, and there have been further revisions in July 2012 including amendments to the A5 junction arrangement, and a revised Road Safety Audit.

1.1.8 The following section provides a very basic summary of the main points/conclusions in the supporting documents:-

- The Design and Access Statement
The Statement provides background material to the proposals and mentions:-
 - Dobson and Crowther is the largest employer in Llangollen, with 100 employees. It is the UK's largest producer of litho printed envelopes, and the UK market leader for the production of seed packets.
 - The existing premises has developed in an ad hoc way and is inefficient and costly to maintain.
 - Relocation to Cilmedw allows the company to remain local, to safeguard existing jobs, and facilitates Dobson and Crowther 's future development and growth for the benefit of the town and its residents.
 - Relocation to a modern, purpose built unit is a significant investment in the future of the company and demonstrates their commitment to the existing workforce and the town.
 - The new premises are designed to meet the operational requirements of the Company, offering space for future needs, being of energy efficient design and capable of meeting changing demands of a growing business.
 - The proposals provide the infrastructure to facilitate the release of a further 8 acres of serviced allocated employment land at Cilmedw.
 - The scheme has been subject to extensive pre-application consultation.

- The site is part of an area of allocated Employment land in the Unitary Development Plan.
- The proposals take into account the requirements of planning policy.
- The issues of use, scale, amount, design, layout, access, appearance, landscaping, and sustainability have been taken into account in formulating the final scheme. Sketch plans are attached showing possible options for the future development to the employment land adjacent.

- The Environmental Impact Assessment (EIA)

The EIA is a 159 page document with an Appendix.

The Non Technical Summary of the EIA refers to:-

- **The Site.** This contains a description of the site and surroundings, and planning designations.
- **Proposed development.** This sets out the detailing of the print works facility and key elements of the scheme.
- **Consideration of alternatives.** This section comments on the lack of serviced employment land in the County and that this equally applies to Llangollen. It argues the land is the most appropriate location for employment development in Llangollen, as there are no alternative sites or allocations that would be suitable for a development of this size and nature; and that the proposals would have the benefit of providing a dedicated access and servicing to the wider Cilmedw site, meeting the Council's Strategic objectives of securing sustainable development and the employment needs in this part of the County. Relocation of the print works to alternative sites outside Llangollen has therefore not been considered.
- **Planning policy context.** This details a range of Welsh Government and development plan policies and guidance relevant to the proposals.
- **Cultural Heritage.** This outlines consideration given to the potential effect of the development on cultural heritage, including the impact on the Outstanding Universal Value of the World Heritage Site and its buffer zone and refers to a separate Heritage Impact Assessment submitted as an Appendix to the EIA. It concludes the site does not contribute directly to the Outstanding Universal Value of the World Heritage Site as defined in the Statement of Outstanding Universal Value, integrity and authenticity, although it forms part of the landscape setting which is an important aspect of the setting of the World Heritage Site. In terms of impact on this landscape setting, the conclusions are that the combination of proposals to retain trees and certain existing buildings, the siting and detailing of the new building, and its relationship with the buildings at Mile End Mill would enhance the 'bottleneck' effect which is a feature of the area, concentrating the impact of the existing trees on the boundary and their relationship with the Mill, providing further closure and emphasis, rather than allowing views to 'leak away'. The building would be on a level area of the site and would not impose itself on the slopes that will remain visible and will not affect the ability to read the underlying topography. The choice of materials for the building would ensure distant views

are not compromised. Overall, the conclusion is that whilst the proposal involves the loss of an area of open countryside on the northern approach to the town, subject to satisfactory mitigation, the impact on Heritage Values will be minimal, and mitigation measures should be secured by planning conditions.

- Landscape and visual impact. This reviews potential impact on identified landscape areas, landscape and visual character, and the loss of open space on landscape character. It accepts it would not be possible to fully mitigate effects, but design measures including planting and the siting of the building represent a reasonable response to potential impact on the character and views.
 - Ecology. The assessment identifies designated nature conservation sites in the vicinity and concludes on potential impacts. It indicates the site is of low ecological value, being dominated by species – poor improved grassland, and that the completed development is unlikely to result in a permanent direct change in the local ecosystem structure. There remain risks to adjacent protected sites, which should be strictly managed and controlled through design and adequate procedures in order to reduce risks (at construction and operational stage).
 - Water Quality. The assessment indicates foul water will be treated on site by a package treatment works and infiltration of treated effluent via field drains designed and constructed in accordance with the appropriate Building Regulations. Surface water would be managed by way of a below ground attenuation storage arrangement. Overall, subject to mitigation measures, there would be a negligible effect on water quality in and around the site during construction and operation.
 - Noise and vibration. This assessment identifies the nearest receptors to the site, and the main generators of noise currently as the A5 and River Dee. It notes the noise generating areas (service area, and external plant), would be positioned to the rear of the main building, and that once in operation, noise associated with fixed building services plant would be controlled by planning condition. It is anticipated that changes in noise level on the road network will be negligible, that no adverse effects considered to be significant were identified, and no significant vibration effects are associated with this type of development at operational phase.
 - Air Quality. Appropriate mitigation measures would be necessary at construction and operational stage to limit impacts on sensitive receptors.
- Geotechnical assessment
The assessment confirms no previous potentially contaminated uses have been identified, although further investigation may be necessary on demolition of the old farm buildings. Further works would be necessary to confirm the foundation options and any recontouring of the land.
- Tree Survey
The Survey concludes on the structural condition of trees within the site and offers specific management recommendations for works thereon.

- The Statement of Community Engagement
This document summarises the pre-application consultation undertaken in connection with the foodstore and print works relocation. It refers to the distribution of leaflets, posters, news releases, advertisement, and a 2 day public exhibition, and presentations to the Town Council and Chamber of Trade. It advises that feedback forms were handed out and that the exhibition and the counting of the forms were observed by the Town Council and passed on to Denbighshire County Council to maintain integrity and transparency. The Statement comments that the vast majority of respondents fully supported the Dobson and Crowther relocation, and that the proposed look of the new building was welcomed as unobtrusive.
- Transport Assessment
The Assessment deals with both the foodstore and print works proposals. In relation to the print works, it concludes that this will not generate any additional traffic movements, as a simple transfer of traffic movements from the existing site will take place. The proposals are considered to satisfy transport planning policy at local and national level.
- The Equality Impact Assessment
At the request of the Authority, the agents have provided a basic assessment which details considerations given to the promotion of Equality, following the introduction of the Equalities Act 2010. The 3 page document includes reference to accessibility considerations (provision of facilities for a range of users, including for disabled persons, pedestrians, cyclists, and bus stops for those using public transport), and specialist facilities within the factory for persons with disability and mothers with children. The document notes that many considerations relevant to the Equalities Act are outside the remit of the planning application and are matters for the factory management, such as equal opportunities for employees and treatment of employees.
- The Road Safety Audit
The July 2012 document provides detailed commentary on the findings of the Road Safety Audit and a number of designers responses and recommendations which have led to the adopted design solutions for the traffic signalled junction.

Members will appreciate that the preceding 'notes' outlining the contents of the submission are necessarily limited given the extent of material involved in an application of this nature. All the documents are available for inspection.

1.2 Description of site and surroundings

- 1.2.1 The application site is some 250 metres to the north of The Wild Pheasant Hotel, on the west side of the A5 trunk road as it runs out of Llangollen towards Corwen. It forms part of a larger area of land close to Cilmedw Farm, and as noted earlier, is opposite the Mile End Mill complex which includes a substantial main building of 3 - 4 storey height on its A5 frontage (formerly and flannel works and now a canoe centre).
- 1.2.2 The site is within an attractive area of open grassland which rises up gently to the west from the A5, before the gradient increases up to the hills including Geraint or Barber's Hill which frame the south side of the Vale of Llangollen in this area.

- 1.2.3 There are a range of old stone and brick buildings on the site, close to the A5, which have been used previously in connection with an agricultural unit at Cilmedw. There is also an old air raid shelter building opposite the Mile End Mill complex, a low stone wall along the A5 road frontage, and a number of mature trees. Overhead electricity lines run across parts of the site.

1.3 Relevant planning constraints/considerations

- 1.3.1 The application site lies within the development boundary of Llangollen as identified in the proposals map of the Unitary Development Plan. Within the Unitary Plan, it is part of an Employment Allocation, subject to Policy EMP 1 which identifies land suitable for employment development over the plan period.
- 1.3.2 The detailed table accompanying Policy EMP 1 lists all the major Employment Allocations and in relation to the 4.37ha at Cilmedw, indicates the following Design Guidance: "B1/B2 units/low rise low impact development set back from road to maintain open frontage alongside A5/high quality design, materials and landscaping/provision of right turn facility/retention of mature trees".
- 1.3.3 The proposals map for Llangollen in the Local Development Plan (LDP) does not show any use allocation for the Cilmedw land, and indicates the development boundary terminating at the Wild Pheasant Hotel. However, the Local Development Plan carries no weight in the process of determining applications until it is formally adopted. Section 1.6 contains a more detailed commentary on the respective status of the Unitary Plan and the Local Development Plan.
- 1.3.4 The site (along with the whole of the town) is also within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB), the Vale of Llangollen Historic Landscape, the Buffer Zone of the Pontcysyllte Aqueduct and Canal World Heritage Site (WHS) and is within the River Dee & Bala Lake Special Area of Conservation (SAC).
- 1.3.5 For the record, the Pontcysyllte Aqueduct and Canal was 'designated' as a World Heritage Site by UNESCO's World Heritage Committee in June 2009. This confirmed the international value of the Aqueduct and canal as a heritage asset, and recognised what is referred to as its 'Outstanding Universal Value' (OUV) i.e. its cultural/natural significance is considered so exceptional as to transcend national boundaries'. The Outstanding Universal Value of the Aqueduct and canal is not restricted to the actual canal structures themselves, but extends to elements of the landscape which contribute to its setting, sense of arrival and history. Accordingly, the Buffer Zone has been drawn around the WHS to recognise areas which may be important to its OUV, and where close consideration has to be given to development proposals which may impact on its qualities. The Buffer Zone itself is not of OUV. In response to the WHS designation, Officers of Denbighshire, Wrexham and Shropshire have drafted a Joint Supplementary Planning Document setting out a protocol for considering planning applications in the WHS and its Buffer Zone, but at the time of drafting this report, the Document has not been formally adopted by Denbighshire.

1.4 Relevant planning history

- 1.4.1 The site was the subject of an outline planning application submitted in February 2010 for a retail foodstore. The application was withdrawn before

determination.

- 1.4.2 There have been two previous refusals of permission for the development of the Cilmedw land for industrial purposes, on landscape and highway grounds, in 1979 and 1981. The 1979 refusal was the subject of a planning appeal which was dismissed. These refusals predate the allocation of the Cilmedw land for employment development, which followed the Public Local Inquiry onto the Unitary Development Plan in 2001/2002, a matter which is covered in more detail in Section 1.6 of the report.

1.5 Developments/changes since the original submission

- 1.5.1 The planning application was originally submitted in January 2012 and has been subject to extensive consultation and publicity. A number of responses raised questions obliging requests for additional information from the applicants/agents. Further details were received in May 2012, and were the subject of a repeat consultation and publicity exercise. Revisions to the junction arrangement onto the A5 were submitted in July 2012 and have been the subject of further reconsultation and publicity. The basis of the 'revised' details received in May and July are outlined in paragraphs 1.1.6 and 1.1.8, and the responses to consultation and publicity are summarised in the earlier Sections of the report.
- 1.5.2 In the course of progressing the application, Officers have sought clarification of the applicant/agent's position over 'linking' the Cilmedw development to the previous foodstore development on the existing Dobson and Crowther site, as the application documents make some play on the significance of the proposals being considered together. The applicants have indicated willingness to enter into a suitable legal agreement or to accept planning conditions in the event that permissions are granted, requiring the completion of the factory before the commencement of trading at the foodstore.

1.6 Other relevant background information

Status of Unitary Development Plan/Local Development Plan

- 1.6.1 Members may appreciate that questions have been raised over the status of the Council's Development Plans in relation to the consideration of the Cilmedw application.
- 1.6.2 Planning Policy colleagues have confirmed that at this point in time all applications have to be determined in accordance with the policies of the adopted Unitary Development Plan. The Local Development Plan has no status in the consideration of planning applications until the point it is formally adopted. The Local Development Plan Inspector's report is not now anticipated until late 2012 / early 2013 and there can be no guarantee of the outcome of that process. It would be unreasonable in practice and principle to defer consideration of the application simply to await the adoption of the Local Development Plan.
- 1.6.3 As noted previously in 1.3, the Cilmedw site is included within the Unitary Plan development boundary of Llangollen and is an Employment Allocation. The Cilmedw land was allocated in the Unitary Development Plan as there was an identified need for a strategic employment site in Llangollen and limited, if any realistic alternative sites in or near the town. Whilst noting objectors' reference to refusals of permission for light industrial development on the land in the late 1970's and early 1980's, these clearly predate consideration of the whole principle of developing Cilmedw land by the Welsh Office Inspector scrutinising the Unitary Development Plan prior to adoption in 2002. His main conclusions, culminating in the allocation of the land for

employment use are of some relevance in the context of the current application, and were:

- Welsh Government policy was to encourage economic development in a way which was compatible with stated environmental and transport objectives, and encouraged provision of a variety of sites whilst achieving a balance between employment and population.
- the County is an exporter of jobs in that people travel outside the area to work, and in terms of achieving sustainable patterns of development and reducing reliance on the motor car, it would be beneficial if more employment were to be available locally.
- there were no available brownfield sites of similar size to Cilmedw.
- although the site is greenfield, it is within 1km of the town centre and is accessible by a variety of transport modes, and in that respect its location can be regarded as sustainable; and the provision of jobs for local people would help to reduce commuting; on balance the allocation could be justified to provide a site capable of attracting forms of employment which would diversify the economy of the town.
- Cilmedw is a prominent and highly sensitive site in an Area of Outstanding Beauty and development detracting from the attractive character and setting of the town could affect the tourist trade; hence guidance in the UDP on the type of development was supported to ensure low rise, low impact development, confined to the valley floor to avoid being unduly prominent.
- Ultimately the Inspector concluded the sole justification for the release of the Cilmedw land was the need for additional employment land within the town (not land for retail, hotel or fast food outlets); and that on balance that need outweighed the change that would occur to the character of the area.

1.6.4 Planning Policy colleagues have advised that the proposal to remove the Cilmedw land from allocation in the Local Development Plan was simply that the allocation in the UDP was not taken up and there was no clear evidence at the time of preparing the draft LDP that this would happen in the course of its lifetime. The situation is now materially different, as the relocation of the print factory in the short term would open up the Cilmedw land for future employment development. Consequently, Planning Policy Officers submitted a 'Statement of Common Ground' to the hearing session of the Local Development Plan on 2nd February 2012, suggesting that if the permission were to be granted for the factory relocation and the development was implemented, the Cilmedw land would be classed as 'R1 Employment Land' in the LDP – helping to meet strategic objectives of securing sustainable development, reducing the need to commute long distances, and help meet future employment needs in this part of the County.

2. DETAILS OF PLANNING HISTORY:

2.1 03/2009/1620/PO

Development of 1.68 hectares of land by erection of a Class A1 retail foodstore and car park, together with associated highway works (outline application with some reserved matters) – Land at Cilmedw Farm, Berwyn Street, Llangollen – WITHDRAWN – 11/01/2011

03/3073 (Glyndwr District Council)

Development of 9.57 acres of land for industrial purposes and construction of means

of access (outline application).

REFUSED 05/12/1978

Reason for refusal directed by Secretary of State in pursuance of powers relating to trunk roads:

"The proposed development, if permitted would result in a considerable volume of traffic entering and leaving the traffic streams on this fast, open stretch of rural trunk road with consequent detriment to the safety and free flow of traffic."

Subsequent appeal dismissed 31/8/1979

03/5031 (Glyndwr District Council)

Development of 12 acres of land for industrial purposes, and construction of new vehicular access.

REFUSED – 17/11/1981

Reasons for refusal:

"1. The application site is located on the outskirts of the town of Llangollen in an area shown on the statutory Denbighshire County Development Plan as 'white land' where the existing uses are intended to remain for the most part undisturbed. Its development as an industrial estate as proposed would be seriously detrimental to the character and visual amenity of this area of high landscape attraction and would thereby materially conflict with policies 29 and 104 of the submitted Clwyd County Structure Plan. These policies do not provide for an industrial estate type development on such sites of very high landscape attraction, which in this case would result in the loss of an open area of land contributing to the general high landscape quality to be found in this area forming an impressive entrance way into the town.

2. The proposed development if permitted would result in a considerable volume of traffic entering and leaving the traffic stream on this fast, open stretch of rural trunk road with consequent detriment to the safety and free flow of traffic.!

Reason for refusal No. 2 was imposed on the direction of the Welsh Office Transport & Highways Group in pursuance of powers as Trunk road authority.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy STRAT 1	-	General
Policy STRAT 5	-	Design
Policy STRAT 6	-	Location
Policy STRAT 7	-	Environment
Policy STRAT 8	-	Employment
Policy STRAT 13	-	New Development
Policy STRAT 14	-	Highways
Policy GEN 1	-	Development within development boundaries
Policy GEN 6	-	Development Control Requirements
Policy GEN 8	-	Planning Obligations
Policy GEN 9	-	Environmental Assessment/Statement
Policy ENV 1	-	Protection of the Natural Environment
Policy ENV 6	-	Species protection
Policy ENV 7	-	Landscape Townscape Features
Policy CON 10	-	Scheduled Ancient Monuments
Policy CON 11	-	Areas of Archaeological Importance
Policy CON 12	-	Historic Landscapes, Parks and Gardens
Policy EMP 1	-	Amount and distribution of Employment Land
Policy TRA 6	-	Impact of New Development on Traffic Flows
Policy TRA 7	-	Road Design
Policy TRA 8	-	Transport Requirements in Major Developments
Policy TRA 9	-	Parking and Servicing Provision
Policy ENP 4	-	Foul and surface water drainage

- Policy ENP 6 - Flooding
- Policy ENP 8 - Contaminated Land

3.2 Supplementary Planning Guidance

- SPG 2 - Landscaping
- SPG 8 - Access for All
- SPG 15 - Archaeology
- SPG 18 - Nature Conservation & Species Protection
- SPG 21 - Parking requirements in New Developments

Joint Supplementary Planning Guidance Document – Pontcysyllte Aqueduct & Canal (see Section 4.2.5)

3.3 WELSH GOVERNMENT POLICY GUIDANCE

Planning Policy Wales Edition 4 2011

CIRCULARS

Welsh Office Circular 60/96 : Planning and the Historic Environment : Archaeology

Welsh Office Circular 61//96 – Planning and the Historic Environment : Historic Buildings and Conservation Areas

Welsh Office Circular 13/97 – Planning Obligations.

Technical Advice Note 5 – Nature Conservation and Planning

Technical Advice Not 12 – Design

Technical Advice Note 11 – Noise

Technical Advice Note 15 – Development and Flood Risk

Technical Advice Note 18 – Transport

Documents relating to the World Heritage Site and Buffer Zone:

X'ian Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas – ICOMOS (draft 2010).

Other documents

English Heritage documents (not applicable to development in Wales)

- Protection and Management of World Heritage Sites in England, (2009)
- Seeing the History in the View : A method for Assessing Heritage Significance within views (draft 2008)
- The Setting of Heritage Assets (draft 2010)

- English only Circulars (not applicable in Wales)

07.2009 : Protection of World Heritage Sites (Communities and Local Government Circular)

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle of development
- 4.1.2 Highway impact
- 4.1.3 Residential amenity
- 4.1.4 Visual amenity impacts
- 4.1.5 - Impact on the historic environment
 - Vale of Llangollen Historic Landscape
 - Buffer Zone of World Heritage Site
- 4.1.6 Ecology
- 4.1.7 Archaeology

- 4.1.8 Flooding/drainage
- 4.1.9 Contaminated land
- 4.1.10 Inclusive design and access/Equality issues
- 4.1.11 Sustainability Code issues
- 4.1.12 Agricultural land quality
- 4.1.13 Economic / employment benefits

Other Matters

- Status of the Unitary Development Plan / Local Development Plan
- Legal agreements
- Alternative sites
- Water supply

4.2 In relation to the main planning considerations:

4.2.1 Principle

The proposed site for the new print works lies within the development boundary for Llangollen in the Unitary Plan, and is part of a designated 'Employment Allocation' covering land up to the boundary of the Wild Pheasant Hotel in the Proposals map (see front of the report). The Unitary Plan's Strategic Policies encourage sustainable development and the concentration of new development within existing settlements such as Llangollen, in Policies STRAT 1, STRAT 6 and GEN 1, and general Policy EMP1 makes specific provision for employment development on allocated sites including 4.3 hectares of land at Cilmedw. Other strategic and general policies set tests requiring assessment of specific/localised environmental impacts of development, and are addressed under the topic headings which follow in the following sections of the report. The Strategic Policies reflect general advice in Planning Policy Wales to secure sustainable development, all subject to impact tests.

In terms of representations received, there are objections to the principle of the development, based on the use of a greenfield site which is proposed to be taken out of allocation for employment use in the Local Development Plan.

There is also support for the relocation of the printworks, based on the allocation in the Unitary Plan, the potential for further employment development for the benefit of the town with the opening up of the Cilmedw land, and the retention of one of the town's largest employers.

Officers' views in relation to the broad principle of developing a factory on an allocated employment site within the development boundary of a town are that this would be acceptable in terms of the strategic policies of the Unitary Development Plan, and Policy EMP1. As explained in Section 1.6 of the report, the Unitary Plan is the relevant Development Plan for the purposes of considering and determining the application. The Local Development Plan can not be accorded any status in the weighing of the application, and it would be inappropriate to seek to delay consideration of the application with the sole purpose of awaiting the adoption of the LDP. Nonetheless, even if the general principle of an employment development on an allocated employment site is compatible with the strategic policies of the Unitary Plan, it is inevitably the localised impacts of the particular proposals that have to be assessed in detail to determine the acceptability of such a development, and these are the subject of review in the following sections of the report.

4.2.2 Highways impact

The main Unitary Plan policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development provided there are no

unacceptable impacts on the safe and free flow of traffic, and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within a site for parking and servicing. GEN 6 also contains basic tests including in vii a requirement that development provides safe and convenient access for a range of users, and adequate parking and servicing. TRA 7 sets requirements to ensure new road schemes or improvements to existing roads are designed so they do not, for example, have unacceptable impacts on the landscape, townscape or topography of the locality. TRA 8 obliges new major developments generating a substantial number of trips to make proper provision for public transport facilities, pedestrians and cyclists.

The proposal is to create a new main access off the A5, which would be capable of serving the factory and future development on the allocated employment site. The detailing of the proposals have been revised since the original submission, which showed ideas for a widening of the A5 to help create a right turn waiting bay arrangement for vehicles approaching from the Corwen direction. Following dialogue with Welsh Government Transport Officials, the applicant's Transport Consultants have opted for a signal controlled junction, with associated new footways and bus stops. There would also be a second small entrance off the A5 to serve a proposed substation building between the factory and the road and bus stops on either side of the road. The plans show 65 parking spaces to serve the print works. There are concerns expressed by a private individual over the potential dangers of introducing a signal controlled junction on a section of road where the national speed limit of 60mph applies.

Welsh Government Transport have spent some time in dialogue with the applicants' Highways Consultants, as they were not able to support the original proposals for a simple 'right turn' junction off the A5 to serve the proposed factory and future development on the Cilmedw land. Revised proposals submitted in July 2012 including a new Road Safety Audit and a traffic light junction arrangement have been considered by Welsh Government, and they have now raised no objections to the proposals subject to suitable conditions being imposed on any permission. Officials from Welsh Government Transport have also advised that the speed limit along this section of the A5 will not automatically be changed if the signalised junction is implemented, but the suitability of the existing speed limit is being reviewed by their agents in line with the national Speed Limit Review Process. They also confirm that the recommendations of the Road Safety Audit of the signalised junction has been carried out by an independent road safety auditor in accordance with relevant guidance, and all the recommendations have been incorporated into the outline design of the junction (including stopping sight distances for all movements through the junction commensurate with the measured vehicle speeds). Welsh Government is satisfied that the submitted outline junction design meets current standards. The Council's Highway Officer has restricted comment to the internal highway elements of the scheme and has no objection to the proposals subject to inclusion of conditions relating to the detailing of highway works and construction traffic arrangements.

Officers' conclusions on the highways issues are that as the design of the new entrance off the A5 and the signal controlled junction layout is technically acceptable to the respective Highway Officers, subject to conditions, the proposals are compliant with the relevant Unitary Plan policies. The new access would be capable of accommodating future additional development on the employment land at Cilmedw, and the proposals would ensure provision of adequate parking to serve the factory, new pedestrian footways, and new

bus stops on the A5 providing convenient drop off points for users of public transport.

4.2.3 Residential amenity

The main Unitary Plan policy requiring assessment of impact on residential amenity is GEN 6. This obliges due regard to be given to the effect of new development on the occupiers of nearby property, including evaluation of acceptability of the size, scale, and intensity of development, and impacts such as noise and disturbance.

The proposals are to develop a factory unit which would give rise to potential noise and a volume of related traffic. The main service yard and external plant would be located on the west side of the building. The assessment with the application identifies existing noise generators as the A5 and River Dee and suggests that conditions can be imposed to restrict noise levels from the development. The nearest receptors are the dwelling at Cilmedw, residential properties at Mile End Cottages, properties on higher land to the west, and the Wild Pheasant Hotel to the south. Representations received express concern at potential impacts from noise emissions and 24 hour activity. The Council's Pollution Control Officer has no objections to the proposals and suggests the inclusion of conditions requiring submission and approval of an acoustic barrier in the service yard, and restrictions on delivery hours.

Having regard to the comments of the Pollution Control Officer, Officers suggest that with suitable conditions obliging the approval of acoustic screening to the compactor and limiting the delivery hours to the factory to between 0800 and 2100 Monday to Saturday, the development should not give rise to unacceptable impacts for occupiers of residential properties in the locality.

4.2.4 Visual amenity

The Unitary Plan's main policy obliging consideration of impact on visual amenity is GEN 6. GEN 6 requires assessment of the effect of development on a site and its surroundings, including the acceptability of scale, form, design and intensity of use, and impact on the form and character of the surrounding landscape and townscape. As the site is within the recently extended Area of Outstanding Natural Beauty, Policy ENV 2 is also relevant, and requires development affecting that area to be assessed against the primary planning objective to conserve and enhance the natural beauty of the area. Matters relating to the impact on the historic environment (the Historic Landscape and the Buffer Zone of the World Heritage Site) are reviewed separately in the following section of the report.

The plans at the front of the report show the elevational treatment of the building, and proposed landscaping around the site. The submission suggests the approach to the development has been to secure 'low impact' through screening and a 'simple, well mannered and unassertive design', with the use of a high quality glazed frontage to the offices to raise the standard of the most visible part of the building, and the reconstruction of the stone frontage wall behind the visibility splay at the main entrance to the site.

Representations on visual amenity issues include those from the Llangollen Civic Society, who suggest the proposed factory design and use of materials is inappropriate; the AONB Committee, who recommend careful control over choice of materials and treatment of walls, planting and lighting; the County Conservation Architect, who considers the design of the unit is reasonably acceptable and its visual bulk should be reduced by landscaping and planting; and the Council's Landscape Consultant, who has reservations over the

impact on the AONB, the approach to the landscaping/planting, the architectural detailing and the dominance of development relative to the A5.

Officers' opinion on the visual/landscape implications of the development is that there would be a negative impact on the Historic Landscape and the AONB, which is a factor to place in the balance alongside other considerations on the application. The proposals are for a substantial building to house an industrial use, and perhaps inevitably result in a largely 'functional' looking structure. Attempts have been made in the evolution of the design to detail a simple building with a 'neutral' impact which the County Conservation Officer suggests is reasonably acceptable, and its visual bulk can be reduced by suitable quality landscaping and planting. The landscaping and planting proposals have been enhanced during the progression of the application, but there are still reservations from the Landscape Consultant, shared by Officers, over the extent of planting and its likely effectiveness in the short/medium term in mitigating the impact of the factory development. Further improvements may be possible through the imposition of conditions, but would need to show considerably greater commitment to 'structural' planting to address the concerns.

4.2.5 Impact on the historic environment (Historic Landscape and Buffer Zone of the World Heritage Site)

There are no Policies in the Unitary Plan which deal specifically with proposals for development adjacent to the Pontcysyllte Aqueduct and Canal World Heritage site, or within its Buffer Zone, as this was designated in 2009, well after the approval of the Unitary Plan in 2002. However, policies CON 10 and CON 11 require due consideration of impacts of development which may affect a nationally important ancient monument or its setting, and on areas of archaeological importance, and CON 12 requires that development does not unacceptably harm the character of an historic landscape.

The planning policy context at Welsh Government Level consists of Planning Policy Wales 2011 (Chapters 5 & 6), and Circulars 69/96 and 61/96 which set out basic requirements for local planning authorities to ensure new developments conserve or enhance historic assets. These reinforce the general principle that statutory designation does not necessarily prohibit development, but such development should be carefully assessed for its effect on the heritage interest the designation is intended to protect. Chapter 6 of PPW notes that World Heritage Sites are a material consideration to be taken into account, where the impact on development proposals on both the sites and their settings should be carefully considered. It also states that information in the Register of Historic Landscapes should be taken into account in considering the implications of development which are of such a scale that they would have more than local impact on an area within the Register.

The recently drafted Joint Supplementary Planning Guidance Document relating to the World Heritage Site and Buffer Zone (prepared by Denbighshire, Wrexham and Shropshire), seeks to amplify the development plan policies of the respective Councils, and provide guidance on considerations relevant to the determination of applications affecting the World Heritage Site and its setting. At the time of preparing this report, the Guidance note remains a draft document and its protocol of the consideration of planning applications in the WHS and Buffer Zone has no formal status. However, it is a useful reference document setting out objectives and responsibilities of the respective local authorities in managing development in a positive way that supports the vision for the Management of the World Heritage Site, and it establishes important principles against which

applications should be considered. Key objectives in the Pontcysyllte World Heritage Site Management plan are:-

- to manage the WHS and Buffer Zone in a sustainable manner to conserve, enhance and present the Outstanding Universal Value of the Site locally and internationally
- to balance the needs of protection, conservation and access the interests of the local community and the achievement of sustainable growth.

The Guidance Document emphasises that the Buffer Zone itself is not of Outstanding Universal Value, and that it is not the purpose of this Zone to impose a blanket "no development" approach to the entire area, but to encourage sustainable development "which through contextual awareness conserves and enhances the World Heritage Site". The Document also offers general advice on the content of applications, requiring that they demonstrate how they have considered the impact on the WHS (analysis of character of area and how development affects it, impacts on views in and out of the WHS, how redevelopment contributes to or minimises impacts on the integrity and authenticity of the WHS, and how it contributes to visitors' sense of arrival to the WHS.

Members will note from the list of 'Other background documents' in Section 3.3 of the report that there is a range of reference material relating to World Heritage Site matters, including guidance on the approach to assessment of impacts from ICOMOS (the International Council on Monuments and Sites), which the applicants have used as reference in preparing their Heritage Impact Assessment.

In relation first to the Vale of Llangollen Historic Landscape, factually, this extends across a wide area from Cynr y Brain in the north, to Llantysilio Mountain in the west, Vivod Mountain to the south west and Garth in the east, and including Llangollen town amongst its many character areas. The application site is within the Vivod Character Area which refers to irregular fieldscapes and woodland in stream valleys and hillslopes south and west of Llangollen, with 19th Century estate, estate farms and cottages.

The submission accepts that the factory would have an adverse landscape impact but argues that this will be significantly reduced through mitigation, and that the scheme represents a substantial landscape enhancement of the current situation.

Objections are voiced by CADW and private individuals at the impacts on the Historic Landscape, in particular at the alteration in character from rural to industrial.

In relation to the World Heritage Site Buffer Zone, factually, this extends quite widely in the area around Cilmedw and up to the ridgeline including Geraint Hill to the south west (see map at front of report). As noted elsewhere, the purpose of the Buffer Zone is to identify the landscape setting and features with historic association relevant to the World Heritage Site, and within its boundary, there is a duty on the Council to protect and manage change which could adversely affect that setting and views to and from the WHS.

The application contains a Cultural Heritage section and a Heritage Impact Assessment which contain detailed assessment of impact on the Buffer Zone of the WHS. The submission suggests that the site does not contribute directly to the Outstanding Universal Value of the World Heritage Site,

although it forms part of the Landscape setting which is an important aspect of the setting. It concludes that the benefits and disbenefits of the proposals are balanced in heritage terms, and that as there would be overall public benefit, they are compatible with the management of sustainable change within the WHS Buffer Zone.

There are representations in relation to the proposal, from CADW, Llangollen Civic Society and private individuals and these respectively suggest the submission underplays the visibility of the site, and the impact of the building on heritage values. CADW's final comments on the proposals are that the proposals will not have a direct impact on the canal, but have an effect on the sense of arrival into the WHS due to the scale of the building and its proximity to the road. Significantly, however, CADW have commented that the additional proposed screening, that the impact of the new building can be downplayed and that overall – with screening – the development will not result in loss of the Outstanding Universal Value of the World Heritage Site. The Council's Conservation Architect takes the view that the setting of the WHS would not be harmed by the development, and that in relation to the sense of arrival into the Buffer Zone, a new manufacturing unit would reinforce the entrance from a rural to an urban environment, and vice versa. He raises no objections subject to reinforcing planting, controlling lighting, boundary planting and external materials.

Conclusions

Having due regard to the background information and the range of considerations relevant to the respective impacts of the proposals on the historic landscape and on the Buffer Zone of the World Heritage site. Officers' conclusions are:-

Historic Landscape Issues

The site lies on the fringe of Llangollen town, and as noted, within the Historic landscape of the Vale of Llangollen, in the non-statutory Clwyd Powys Archaeological Trust's (CPAT) Historic Landscape Register. This is an undisputedly attractive landscape, noted in the CPAT introduction to the Register as "presenting a remarkable visual combination of stark natural landforms and ancient and modern man-made features". On the basis of responses to the application, Officers would suggest that there would be an unavoidable impact on the local landscape from a factory development in this location, and that even accounting for the 'mitigation' arguments from the design of the building and significant planting, that there is a negative landscape impact to be weighed in the balance against other considerations. At the same time, however, Officers suggest due account does need to be taken of the CPAT description of the Historic Landscape in that it refers to the combination of natural and man-made ancient and modern features in characterising the area; this may equally be capable of interpretation as suggesting there is a capacity for accepting new development, subject to due consideration of its impact in a particular location. In Officers' view, the development would have impact on the location but this would not be of such a scale as to have more than local impact on the Historic Landscape Area.

World Heritage Site Buffer Zone Issues

Members will appreciate from the detailed background material in the report that this is a relatively new material consideration on planning applications, with limited Development Plan policy context and no approved Supplementary Planning Guidance in place currently, to assist the Committee's deliberations. Having assessed that material, Officers would suggest initially, that regardless of the differing opinions of consultees on the conclusions of the applicant's Heritage Assessment, the document covers

matters relevant to the consideration of the impacts on the Buffer Zone sufficient to allow the Council to take a view on the acceptability of those impacts (character of the area, impacts on views, contribution to sense of arrival to the WHS, etc).

Whilst accepting there are differences in opinion on the impacts, Officers consider it is significant that CADW have modified their stance on the application and conclude that with appropriate additional screening, the development will not result in loss of the Outstanding Universal Value of the World Heritage Site. The Conservation Architect concludes that with regard to the actual proposals, neither the setting nor the sense of arrival into the Buffer Zone would be harmed by the development. Officers ultimately take the view that there would be an impact on the sense of arrival into the Buffer Zone, but that taking account of the location and the detailing of the application, the extent of that impact would not be so harmful as to diminish the public's experience of the heritage asset, to the extent that it would justify a refusal recommendation on the application.

4.2.6 Ecology

Unitary Plan policies, Welsh Government guidance and current legislation oblige due consideration of impact on ecological interests, and in particular protected species (ENV 1, ENV 6 and GEN 6). This approach is supported by SPG 18 – Nature Conservation and Species Protection. At national level, the guidance is in Planning Policy Wales and Technical Advice Note 5, and there are specific requirements set out in the EEC's Habitats Directive 1992 and the Habitats Regulations 2010 (as amended) regarding the consideration to be given to the implications of developments on protected species.

The Ecological Assessment with the application indicates the site is of low ecological value and that the completed development is unlikely to result in permanent direct change in the local ecosystem structure. Representations suggest the potential impact on habitat is underplayed and the loss of trees is regrettable. The revised proposals submitted in May 2012 includes additional ecological details in the form of a 'bat barn' within the proposed substation and compensation for the loss of breeding bird habitat in the form of bird boxes to be sited on completion of building works. The Countryside Council for Wales and the Council's Biodiversity Officer have confirmed they have no objections to the proposals, subject to implementation of the mitigation proposals outlined.

In the absence of any objections from the key consultees, Officers would suggest the ecological impact of the development would not be unacceptable, subject to the imposition of conditions obliging the completion of the bat barn and bird nesting compensation proposals.

4.2.7 Archaeology

Unitary Plan Policies obliging consideration of the impact of development on archaeological interests are STRAT 7, GEN 6 and CON 11, which all seek to protect the historic environment, and these are supported by SPG 15 – Archaeology. CON 11 deals specifically with areas of archaeological importance. Planning Policy Wales sets out Welsh Government land use policy and guidance in relation to archaeological considerations, and Circular 61/96 contains basic reference to World Heritage Sites.

There are no objections raised by consultees or private individuals on archaeological grounds, Clwyd Powys Archaeological Trust and the County Archaeologist suggest suitable conditions obliging a survey of existing buildings and a watching brief during ground works.

Officers do not consider there are any adverse archaeological impacts likely from the development, and any permission could include standard conditions as suggested to survey buildings and allow for ground investigation at construction stage.

4.2.8 Flooding/drainage

Flooding and drainage considerations are contained in Policies ENP 4, ENP 6 and GEN 6 of the Unitary Plan and in TAN 15 – Development and Flood Risk. The basic requirement is to ensure there are no unacceptable flooding, foul or surface water impacts from development.

The proposals involve the installation of a package treatment plant and soakaways for handling foul water, and an underground surface water storage system with soakaways for roof and surface water. The site is outside the areas indicated as susceptible to flooding in the Development Advice Maps relating to Technical Advice Note 15. The Environment Agency Wales raise no objection to the proposals, subject to imposition of conditions controlling the detailing of the foul and surface water drainage arrangements. The Agency have separate permit processes relating to package treatment plants. Dwr Cymru/Welsh Water has no comments on the application as the foul water system would involve a private treatment system.

The 'technical' consultees on drainage and flooding matters have no concerns over the proposals. Officers suggest the development would be acceptable in relation to the policies outlined subject to inclusion of conditions requiring approval of the detailing of the particular drainage systems.

4.2.9 Contaminated Land

Policy ENP 8 of the Unitary Plan states that development should not be permitted on or close to contaminated land unless it can be established there is no unacceptable risk to life, the environment, water resources or property.

The Geotechnical assessment with the application concludes there is no indication of previous potentially contaminated uses, but suggests further investigation on demolition of the farm buildings. There is concern expressed by a private individual over the adequacy of survey information to determine acceptability of soakaways, foundations and radon gas. No specific objections are raised by 'technical' consultees on such matters.

Having regard to consultation responses, Officers would not consider there are substantive grounds for concern over matters of contamination. The finer points of drainage detailing would need to be agreed in conjunction with the Environment Agency. Foundation detailing and radon gas protection measures are matters for resolution at Building Regulation stage.

4.2.10 Inclusive design/access and Equality issues

There is only indirect reference to inclusive design/access issues in the Strategic policies of the Unitary Plan. STRAT 1 sets out the requirement for development to be sustainable and mentions the need to maintain and enhance community benefit through provision of services and facilities. Other policies refer to the need to maintain and enhance accessibility through car parking, public transport, cycling and walking (STRAT 10, 12 and 14). GEN 6 refers to the need for proposals to provide safe and convenient access for persons with disabilities, pedestrians, cyclists and vehicles, and RET 3 requires that proposals are accessible by a choice of means of transport including public transport. This is reflected in Section 3.4 of Planning Policy Wales which looks to ensure good accessibility for all as part of new

developments. TAN 12. Design sets out requirements for the contents of Design and Access Statements accompanying applications, including the need to demonstrate how access arrangements make reasonable provision to ensure that all users will have equal and convenient access (both into the site from its boundaries to all new buildings, and within the site).

At national level, the Equalities Act 2010 has introduced new public sector Equality duties, consolidating previous legislation requiring County Councils to positively promote equality and opportunity, and includes a wider responsibility to address how development conforms with anti-discrimination considerations. The scope of the Equalities Act stretches well outside the remit of land use planning, including at corporate level, the preparation of a Strategic Equality Plan, and there is limited clear guidance up to this point on the specific considerations to be given when weighing the merits of individual planning applications. However, Officers understand the general requirement on the Planning Authority is to assess planning proposals involving developments such as factories in terms of the provision for inclusive access, which would include the accessibility of a development by a wide range of groups with different needs (addressing physical barriers, provision for persons with varying disability and needs, pedestrians, cyclists, etc). The Council has separate responsibilities in administering the Building Regulations, within which Part M relates to Access to and use of buildings, and looks to foster a more inclusive approach to design to accommodate the needs of all people, including in terms of access into buildings and the detailing of internal features.

The application contains information in the Design and Access Statement and in the Equality Impact Assessment on inclusive design matters, explaining the approach to promoting equality within the site and the building. The Access Officer in the Council's Property Section has reviewed the application details, including the Equality Impact Assessment, and raises no specific objections. Whilst drawing attention to limitations in the submission, the Access Officer suggests appropriate facilities for all users should be detailed before commencement of development, which can be dealt with through the imposition of condition(s) should permission be granted.

Having regard to the comments of the Access Officer, Officers' opinion is that the proposals demonstrate an acceptable general approach towards provision of inclusive access in and around the application site, and that matters of detail can be dealt with by inclusion of suitable planning condition(s).

4.2.11 Sustainability Code Issues

Guidance in TAN 12 Design and TAN 22 Sustainable Buildings has introduced an obligation on applicants to demonstrate the approach to a range of design considerations, including how standards of environmental sustainability are to be achieved. These reflect general requirements in the strategic policies of the Unitary Plan STRAT 1, 2 and 13 to ensure sustainable development principles are embodied in schemes.

The submission contains a BREEAM pre-assessment which confirms the proposed factory would achieve a BREEAM minimum standard of "Very Good" generally and "Excellent" for ENE 1, which demonstrate the physical development would attain high environmental sustainability standards.

The implementation of the Sustainability Code standards can be adequately addressed through planning conditions here.

4.2.12 Agricultural land quality

Strategic and detailed policies of the Unitary Plan (STRAT 1, 7; ENV 11) and Planning Policy Wales seek to protect high quality agricultural land from 'permanent' forms of development unless there is an overriding need. ENV 11 looks to resist unacceptable permanent loss of agricultural land of grades 1, 2, and 3a, except where overriding need exists, and land of lower quality is not available, or lower grade land has other specific statutory protection.

In this instance, the land is shown as Grade 3 quality on the ADAS Agricultural Land Classification map of England and Wales, prepared on the basis of a 1966 soil survey. Officers are not aware of any updated surveys of land quality in recent years, so it is not possible to state categorically whether the land is grade 3a, is still likely to be of high quality, and a consideration on any application.

In recognising the agricultural land quality issue, it is material here that the site is specifically allocated for employment development in the Unitary Plan, which has passed through public scrutiny at examination stage. The explanatory text to Policy ENV 11 recognises that the county's Main settlements are also located in areas of high grade agricultural land, and as part of the General Development Strategy outlined in Part 1 of the Plan, some expansion of settlements into such land is considered necessary. On these grounds, Officers consider that the 'need' test for development has been applied previously and the allocation of the land for employment use should carry significant weight and counter any potential conflict with planning policy.

4.2.13 Economic/employment benefits of the proposals/links with the foodstore application

Strategic policies of the Unitary Development Plan offer support for proposals which ensure a healthy and diverse local economy (STRAT 8). The economic benefits of proposals are a factor to weigh in the balance on applications of this nature. The approach is in line with Planning Policy Wales which reaffirms the importance of economic development and its relevance as a consideration in relation to planning applications, and with the first of the County Council's draft priorities in its new Corporate Plan, which is to develop the local economy and communities.

The submission argues that the employment benefits associated with the application are a significant material factor to be taken into account by the Council in the consideration of the application. These 'benefits' are in the form of the relocation of an established business (retaining a large existing employer in the town), new jobs in the foodstore on the current factory site, and the potential for additional employment on the Cilmedw land through opening it up via the proposed new access off the A5. The application forms state there would be the full time equivalent of 110 employees in the relocated factory. The applicants have also offered to enter into a legal agreement in the event of permission being granted, to secure the completion of the new factory prior to trading commencing at the foodstore on the existing factory site.

Objectors to the application question the potential employment gains and the extent of 'local' employment/benefits to the town from the development. Supporters suggest the retention of existing jobs and potential opening up of the Cilmedw land for further employment uses is vital for the future of the town.

Officers' view is that employment considerations should be viewed as a positive factor in the weighing of the application. In this case, there is a clear

benefit from relocation of a key local employer with some 100 jobs, on an allocated employment site, and the potential for well in excess of that number on the remainder of the Cilmedw site through opening it up for future development. In noting questions on whether the jobs would be for local persons, there is no planning requirement to demonstrate that businesses would employ 'locals', nor any reasonable planning control over the employment policy of a private firm.

4.3 Other matters

4.3.1 Status of the Unitary development Plan/Local Development Plan

Members are referred to the detailed contents of Section 1.6 of the report which sets out Officers' understanding of the approach to be adopted to the respective Development Plan documents.

In summary, the application has to be considered against the policies of the Unitary Development Plan, as the Local Development Plan carries no weight in the determination of planning proposals until it is formally adopted.

4.3.2 Legal Agreements

Section 4.2.13 above and 1.5.2 outline the offer of the applicants to accept planning conditions or a suitable legal agreement to complete the factory development at Cilmedw before trading commences at the foodstore, should permission be granted. The use of planning obligations where appropriate and necessary to the grant of permission is advocated in Policy GEN 8 of the Unitary Plan.

In Officers' opinion, the possibility of linking implementation of the two schemes may be a consideration in the weighing of the application, but respectfully this needs to be assessed in the context that each application should be determined on its own merits against planning policy and material considerations. The general principle is that Legal agreements may be an appropriate mechanism to help deliver planning gains where there are clear policy conflicts or other problems that can not be addressed by planning conditions, but where proposals may be considered acceptable when assessed against policy and other considerations, the need for such gains/agreements to make a development acceptable is more questionable. It is not considered in the circumstances here that the option of using 'negative' planning conditions to oblige the implementation of a separate development would meet the relevant tests to be applied to imposition of conditions.

4.3.3 Possible alternative sites for the factory

A number of objectors suggest there are alternative sites in the area which would be more suitable for a factory development, and that this option should be taken into account as there should be a preference for developing on brownfield or existing industrial sites rather than 'greenfield' land such as Cilmedw.

Officers' response to this point is that there is no requirement on an applicant in the Unitary Plan's policies to investigate alternative sites for the development of a factory unit. The application to erect a factory on an allocated employment site has respectfully to be determined on its particular land use planning merits, against planning policy and related considerations.

4.3.4 Water Supply

Questions are raised on the proposals for adequacy of water supply to the

new factory, with reference to recent problems in the locality with wells and springs running dry.

Officers understand that there is a mains supply available along the A5 which would be capable of serving the development. The Council's Senior Scientific Services Officer has advised that conditions should be attached to any permission to ensure no pollution potential and no effect to water quality. Officers would suggest that these matters can be addressed through appropriate conditions and notes to the applicants if a permission were to be granted.

5. SUMMARY AND CONCLUSIONS:

- 5.1 This application to erect a 'replacement' printing works for Dobson and Crowther at Cilmedw appears on the agenda immediately following the application to redevelop the site of the Company's existing factory on Berwyn Road. The applicants/agents have indicated the proposals are linked and are amenable to a suitable form of legal agreement to require the completion of the new printing works before the commencement of trading at the foodstore.
- 5.2 Officers' suggest this application for a new print works should be determined on its own merits in relation to planning policy and other considerations, regardless of the decision on the foodstore application preceding it on the agenda.
- 5.3 The factory application has been subject to a similar consultation process as the foodstore proposal, in the form of three separate exercises in February, May and late July 2012, the latter two following receipt of additional plans and information in response to requests for further details/revisions from consultees.
- 5.4 The Officer report follows the format of the one on the foodstore application in setting out the basis of representations and consultee responses received local and national planning policies and considerations of relevance to the proposals. There are a mix of opinions on the merits of the application and again negative and positive factors to take into account in determining the acceptability of the particular proposals.
- 5.5 Factors in favour of the application are the fact that the site is within an allocated Employment Area in the operative Unitary Plan, there are immediate employment benefits from the relocation of the print works and the proposals would open up a potentially larger area for further employment development. Negative aspects of the application are outlined in concerns over the visual and landscape impact, including on the Historic Landscape and the sense of arrival in the Buffer Zone of the World Heritage Site. Consultee responses indicate there are no significant issues over impacts on highways, ecology, archaeology, drainage or contaminated land.
- 5.6 Officers have followed normal practice on applications of this nature and sought dialogue with the applicant's agents to explore potential mitigation of impacts on a 'without prejudice' basis to the final recommendation. This has included the potential of a 'link' between the foodstore development and the factory relocation to ensure the two schemes are implemented. The applicants have offered a Unilateral Undertaking under Section 106 of the Planning Act to ensure the practical completion of the factory prior to the commencement of trading at the foodstore. Such an agreement may be a legitimate consideration in the weighing of the issues on an application.
- 5.7 Ultimately, it is Officers' opinion that the determination rests largely on the weight to be attached to the fact that the application site is part of an allocated employment area in the Council's Development Plan, and that the grant of permission would secure the potential for employment development in Llangollen, in this case in the form of the relocation of the Dobson and Crowther works. This in turn would create

the opportunity for developing further businesses on the larger Employment land allocation at Cilmedw. Whilst acknowledging the potential impacts on visual, historic landscape and heritage interests, which may only be capable of partial mitigation through imposition of planning conditions, it is respectfully suggested that the employment arguments should carry significant weight in this instance. This stance reflects the reasoning of the Unitary Development Plan Inspector in 2002, that the need for employment land in Llangollen outweighed the change which would occur to the character of the area, and that there is a clear public benefit to balance against the harm to the place which may arise from new development.

5.8 The recommendation is therefore to grant permission subject to a number of conditions to ensure the detailing of the development, including the landscaping, is controlled and improved to provide as much mitigation of impact as possible, to set the scene for a high standard of development on the rest of the Cilmedw site.

The contents of the Environmental Statement have been taken into account in the consideration of the application.

THE RECOMMENDATION is therefore to GRANT permission:-

- a) Subject to completion of a Unilateral Undertaking to ensure the completion of the factory prior to the commencement of trading of the foodstore..
- b) Subject to compliance with the following conditions.

The Certificate of Decision will not be released until the completion of the Unilateral Undertaking.

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

IN RELATION TO THE DETAILING AND USE OF THE FOODSTORE

2. No work shall be permitted to commence on the external faces of the walls and roofs of the factory building until the written approval of the Local Planning Authority has been obtained to the type and colour of timber cladding; all external wall and roof panels; the type, colour and the finish on the roller shutters, window frames, the colour of the canopy columns and panels and the colour of the fascia features.

The development shall be carried out strictly in accordance with the details as approved under this condition.

3. No work shall be permitted to commence on the proposed substation and bat barn building until the written approval of the local planning authority has been obtained to the detailed design, external appearance, materials, layout and associated landscaping / planting, fencing and access proposals.

The development shall be carried out strictly in accordance with the details as approved under this condition.

4. The permission hereby granted relates to a Use Class B2 print works with a maximum gross internal floor area of 4360 square metres. The floor area shall not be increased at any time beyond that approved through the construction of internal floors or any other means, and the building shall not be subdivided into separate units, other than with the prior written approval of the Local Planning Authority.

5. The factory shall not be permitted to operate at any time on Sundays, other than with the prior permission of the Local Planning Authority.

6. Deliveries to the factory, and the transfer / collection of waste and other activity within the service area shall not be permitted outside the hours of 0700 - 2300, Monday to Saturday, and there shall be no deliveries or collection of items on Sundays.

7. No works of construction shall be permitted on the factory building hereby permitted until an 'Interim Certificate' has been submitted to the local planning authority, certifying that a minimum BREEAM overall very good rating and a minimum of 6 credits under Ene 1 - Reduction of CO2 Emissions can be achieved for that building in accordance with the requirements of BREEAM in force at the time of the grant of this permission.

8. Prior to the bringing into use of the factory hereby permitted, a 'Final Certificate' shall be submitted to the Local Planning Authority, certifying that a minimum (BREEAM) overall very good rating and the minimum of 6 credits under the Ene 1 - Reduction of CO2 'Emissions; has been achieved for that building in accordance with the requirements of BREEAM in force at the time of the grant of this permission.

9. Noise emissions arising from the operation of the factory, including its associated extraction/ventilation equipment, any mechanical plant and equipment, activity arising from the delivery and collection of goods, and any other activity of the service yard, shall not be permitted to exceed 45dB LAeq, 1hr and 60dB LAmax, fast at the facade of the nearest noise sensitive premises at any time.

10. In the event of complaints to the Local Planning Authority over noise attributable to the operation of the factory, and on initial investigation by the Authority that there is justification for such complaints -

- a) The Authority shall notify the applicants in writing
- b) Within one month of notification by the Authority, the applicants shall organise, at their own expense, the carrying out of a noise assessment by independent acoustic consultants, in accordance with a brief to be set by the Authority, to establish whether the terms of Condition 9 are being met, to identify the source of any noise which may be giving rise to complaint, and to put forward measures for addressing/mitigating noise so that the levels set in Condition 9 are met, including the timing of implementation of the measures,
- c) A copy of the noise assessment undertaken in accordance with b) shall be submitted to the Authority no later than two months from the date of notification in a).

11. In the event that a noise assessment carried out in accordance with Condition 2 identifies noise exceeding the levels set in Condition 9.

- a) Specific mitigation measures as set out in the assessment, or such other alternative means of addressing the source(s) of noise are submitted for the consideration and approval of the Local Planning Authority no later than one month from the submission of the noise assessment to the Authority, shall be implemented in accordance with a timescale to be agreed in writing with the Authority.
- b) The same acoustic consultants who undertook the noise assessment referred to in Condition 10. b) shall undertake monitoring of noise levels at an agreed noise sensitive facade for a period to be agreed with the Authority, once the approved mitigation measures have been implemented, to determine whether the requirements of Condition 9 are being met.
- c) A copy of the findings of the further noise monitoring undertaken in accordance with b) shall be submitted to the Authority within 7 days of completion.

12. In the event that the noise monitoring required by Conditions 10 and 11 of this permission confirms that noise levels remain in excess of those set in Condition 9, the item(s) of plant, equipment, activities, etc identified as giving rise to the problem shall not be permitted to continue to operate until alternative mitigation measures are approved in writing by the Local Planning Authority, the measures as approved are implemented, the same noise monitoring arrangements as set out in Condition 11. b) and c) are undertaken, and the written approval of the Authority is obtained to the continued operation of the particular plant, equipment, activities, etc.

13. The operation of the factory and service area and any external ventilation / refrigeration equipment, electrical or mechanical plant or equipment associated with the use of the factory, shall not be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of a suitable acoustic screen to be erected within the service area. The factory, service area, and any associated equipment or plant shall not be permitted to operate until the screen has been erected in accordance with the details as approved in relation to this condition. The screen shall be retained at all times.

IN RELATION TO SITE LAYOUT /LANDSCAPING

14. Notwithstanding the submitted details, no work shall be permitted to commence on the exposed external faces of any freestanding walls, or the erection of any fences or means delineating the site boundary without the prior written approval of the Local Authority to the design / proposed use of materials / height and extent of each feature. The development shall be carried out strictly in accordance with the details as approved under this condition, and the works shall be completed before the factory is brought into use.

15. Notwithstanding the submitted detailing of the proposed footways, landscaping / planting, and the reconstruction of the frontage wall along the A5, the development shall not be carried out as shown but shall be in accordance with such alternative detailing as is submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works associated with the factory or access to serve the site.

16. No work shall be permitted to commence on the final hard surfacing of any parts of the application site until the written approval of the Local Planning Authority has been obtained to the proposed surfacing materials to be used, and the development shall be carried out strictly in accordance with the details as approved under this condition and completed before the factory is brought into use.

17. All trees and hedges which are to be retained in accordance with the approved landscaping / planting scheme shall be protected in accordance with a scheme that has been submitted to and approved in writing by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the bringing into use of the factory. Any trees or plants which within a period of 5 years from their introduction die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

19. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

20. Notwithstanding the submitted proposals, no external lighting of the factory building, car park area, service yard or any part of the application site shall be permitted, until the written approval of the Local Planning Authority has been obtained to the detailing of all lights and lighting columns, their position, height, design, means and intensity of illumination, hooding, and hours of operation, and proposals for reduced intensity between the hours of 2200 and 0600. The development shall be carried out strictly in accordance with the details approved under this condition.

21. There shall be no external storage of goods, crates, waste, or any items relating to the delivery or collection of goods from the site at any time other than within the service area.

22. No external sound amplification or music systems shall be permitted at any time without the prior written approval of the Local Planning Authority.

IN RELATION TO HIGHWAYS/ACCESS/PARKING

23. Full details of the vehicular access, carriageway widening and associated highway works as indicated on the approved plans, including the detailed design, layout, construction, drainage and street lighting shall be submitted to and approved in writing by the planning authority, after consultation with the highway authority, before the commencement of any site works as the works shall be completed in accordance with the approved plans before the development is brought into use.

24. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05 metres above the level of the adjoining carriageway.

25. Facilities shall be provided and retained within the site for the parking, turning, loading and unloading of vehicles in accordance with the approved plan and shall be completed prior to the proposed development being brought into use.

26. The detailed layout, design, means of traffic calming, street lighting, signing, drainage and construction of the internal estate road shall be submitted to and approved by the Local Planning Authority prior to the commencement of any work on site and the work shall be constructed as the approved drawings before the development is brought into use.

27. No development shall take place, including any works of demolition, until a Construction Method Statement and Site Waste Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement and Plan shall be adhered to throughout the construction period.

The Statement and Plan shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoardings;
- v) wheel washing facilities if considered necessary by the highway authority;
- vi) measures to control the emission of dust and dirt during demolition and construction (to incorporate the Dust Management Scheme).
- vii) a scheme for recycling / disposing of waste resulting from demolition and site clearance.
- viii) the notification of the commencement of works to the Council and Environment Agency.
- ix) hours and days of work during demolition and construction works.
- x) the site compound location.
- xi) a traffic management scheme.
- xii) the management and operation of construction vehicles.

28. The factory shall not be permitted to operate until the written approval of the Local Planning authority has been obtained to a detailed Green Travel Plan, including proposals for its implementation in conjunction with the scheme.

IN RELATION TO DRAINAGE / CONTAMINATION

29. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of the proposed foul water treatment plant and associated soakaway system, and to the surface water drainage and attenuation system. The approved systems shall be completed before the construction of any impermeable surfaces draining to the surface water system, and before the discharge of any foul water from the development.

30. No works of construction on the factory building shall be permitted to commence until there has been submitted to and approved in writing by the Local Planning Authority details of flood protection measures to limit the potential for overland flooding from run off from the steep hillside to the west. The agreed shall be completed before the factory is brought into operation.

31. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus a capacity of 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

32. Surface water drainage from hardstanding areas that accept deliveries of chemicals and oils, or storage of said substances and waste skips shall be directed to the foul sewer system.

33. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into the surface water system and soakaway system, all surface water designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

34. Within one month of the carrying out of the demolition and clearance works, there shall be carried out further sampling of ground material and water quality as proposed in the ESP preliminary Geotechnical Assessment (July 2011), and the results and proposals necessary to address any contamination shall be submitted for the consideration and approval of the Local Planning Authority. Any remediation proposals necessary, and as approved by the Authority, shall be implemented in accordance with such timetable as may be approved as part of such details.

35. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to any remediation strategy detailing how this unsuspected contamination shall be dealt with.

IN RELATION TO ECOLOGY

36. No works of demolition or construction shall be permitted until the written approval of the Local Planning Authority has been obtained to a Construction Environmental Management Plan, to include for biosecurity proposals to prevent the spread of non native invasive species, and the details of proposals for the timing of site works to avoid wildlife disturbance, compensatory measures for breeding bird habitat, including the location and timing of introduction of such measures. The development shall be carried out strictly in accordance with the details as approved under this condition.

37. No works of demolition shall be permitted to commence until there has been undertaken a detailed photographic record of the buildings on the site, and copies of the record have been submitted to the Local Planning Authority and the Clwyd Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR.

38. No works of demolition or construction shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the details of an archaeological watching brief in connection with the carrying out of site works.

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. In the interests of visual amenity.
3. In the interests of visual amenity.
4. In order that the Local Planning Authority retains control over the use, floorspace and subdivision, having regard to the extent of parking and servicing provision.
5. In the interests of residential amenity.
6. In the interests of residential amenity.
7. To ensure relevant Sustainability Code standards are met in connection with the building.
8. To ensure relevant Sustainability Code standards are met in connection with the building.
9. In the interests of residential amenity.
10. To ensure proper investigation of noise complaints arising from the operation of the factory.
11. To ensure suitable steps are taken to mitigate any breaches of the noise levels set in Condition 9.
12. To ensure suitable steps are taken to mitigate any breaches of the noise levels set in Condition 9.
13. In the interests of residential amenity.
14. In the interests of visual amenity.
15. In the interests of visual amenity.
16. In the interests of visual amenity.
17. To protect existing trees, in the interests of visual amenity.
18. In the interests of visual amenity.
19. In the interests of visual amenity.
20. In the interests of residential amenity, visual amenity, and to address issues of disturbance to wildlife.
21. In the interests of residential and visual amenity.
22. In the interests of residential amenity.
23. To ensure the development is served by safe and satisfactory access and servicing arrangements, and to maintain the safety and free flow of trunk road traffic.
24. To ensure the development is served by safe and satisfactory access and servicing arrangements, and to maintain the safety and free flow of trunk road traffic.
25. To ensure the development is served by safe and satisfactory access and servicing arrangements, and to maintain the safety and free flow of trunk road traffic.
26. To ensure the development is served by safe and satisfactory access and servicing arrangements, and to maintain the safety and free flow of trunk road traffic.
27. To ensure the development is served by safe and satisfactory access and servicing arrangements, and to maintain the safety and free flow of trunk road traffic.
28. In the interests of sustainability.
29. To ensure the development is serviced by adequate drainage systems.
30. To protect the development from potential flooding from run off from the hillside to the west of the site.
31. To prevent pollution of the water environment and Controlled Waters.
32. To prevent pollution of the water environment and Controlled Waters.

33. To prevent pollution of the water environment and Controlled Waters.
34. In order to ensure suitable measures are carried out to address any contamination which may become evident during site works.
35. In order to ensure suitable measures are carried out to address any contamination which may become evident during site works.
36. In the interests of protection and enhancement of wildlife and habitat.
37. To ensure a suitable record is made of the buildings on the site.
38. To ensure adequate opportunity for the observation and recording of matters of archaeological interest.

NOTES TO APPLICANT:

The contents of the Environmental Statement have been taken into account in the determination of the application.

As the grant of permission effectively opens up the possibility of development of Cilmedw land for further employment uses, you are strongly advised to engage in dialogue with Officers of the County Council with a view to formulating a Masterplan to set key principles for such development. (layout, strategic landscaping, design principles, drainage, wildlife enhancement, etc).

You are advised to contact the Development Control Case Officer prior to the submission of the details required by a number of conditions on this permission, to discuss the approach to key elements of the scheme.

In relation in particular to :

- Conditions concerning landscaping. You are asked to reconsider the approach to the landscaping and planting of the site to incorporate more extensive 'structural' planting to mitigate the impact of the factory development and the opening up of the land for employment use; and to reconsider the position and detailing of the new footways between the site and the A5, with the possibility of retaining the frontage wall alongside the trunk road.
- Conditions concerning noise and acoustic screening. You should contact the Pollution Control Officer, to discuss any noise level issues.
- Conditions concerning ecology. You should contact the County Biodiversity Officer, Pollution Control and Planning Officers to ensure a sensitive approach to lighting proposals given the location in open countryside and the Special Area of Conservation.
- You should also contact the Council's Biodiversity Officer to discuss the detailing of the bat friendly features proposed for the bat barn; and to the ideas for the location of the compensatory bird boxes.
- Conditions concerning access and highway works. You are advised that Conditions 23 and 24 of this permission have been imposed on the direction of Welsh Government Transport.

You should contact the Council's Highways Officers to discuss matters of detail relating to the construction method statement. The Highways Officers draw your attention to :

Highways Supplementary Notes 1, 2, 3, 4, 5 & 10.

New Roads and Street Works Act 1991 - Part N Form

Denbighshire County Council Specification for Road Construction

Denbighshire County Council General Notes for Highway Lighting Installation

Denbighshire County Council General requirement for Traffic Signs and Road Markings;

You are also advised by the Highways Officers that a suitable agreement will be necessary in relation to the carrying out of the highway works proposed.

You should contact the Environment Agency for advice in relation to any site investigation works necessary to comply with conditions of this permission.

You are advised that Welsh Government Transport have asked that you be notified of the

following:

a. The applicant should be advised that they will be required to enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the planning authority cannot be implemented.

b. The applicant shall agree with the highway authority a system of temporary road signing in accordance with Chapter 8 of the Traffic Signs Manual and the New Roads and Streetworks Act 1991.

c. Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant authority and shall be carried out at the applicant's own expense.

The Environment Agency also draw attention to the following:

- the developer should follow the advice contained within their Pollution Prevention Guideline 6: Working at construction and demolition sites, which can be viewed on their website under the link below:

<http://publications.environment-agency.gov.uk/PDF/PMHO0410BSGN-E-E.pdf>

- the proposed means of foul water disposal will require a permit under the Environmental Permitting Regulations 2010 and you should contact the Agency's permitting support centre for further information (via their website <http://www.environment-agency.gov.uk/business/sectors/116826.aspx> or telephone 03708 506506,

- the sensitivity of local ground conditions (aquifer flowing to the River Dee, seasonal variations in groundwater levels), and the need to refer to BS6297 and PPG 4 for further information in designing the foul and surface water systems (<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>)

- A Dee Valley Water Protection Zone consent may be needed for the site if the operator will be storing 50 litres or more of controlled substance in a single container or 200 litres or more in smaller containers.

In relation to water supply, there are existing service mains running along the A5 and you should ensure you contact Dee Valley Water for arrangements to connect to that system.

Your attention is drawn to the attached advisory notes from the Council's Senior Scientific Services officer, who you should contact in relation to proposals relating to any non mains water supply, and in connection with the foul drainage proposals, to ensure there is no risk of contamination to local water supplies.

Demolition works are subject to legislation outside planning control, hence you should ensure early communication with the Council's Building Control Section, the Environment Agency, and other relevant bodies such as the Health and Safety Executive as necessary.

You are advised that where there is the potential for the presence of protected species which may become evident during demolition works, you should ensure relevant best practice is followed. Where protected species are discovered, all works must cease and the Countryside Council for Wales should be contacted immediately. The Authority's attention has been drawn to the presence of badgers in the area and you should ensure that prior to any development, proper investigations are carried out to determine the potential presence within the application site.