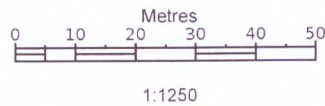


Produced 02 Mar 2023 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



Tyn Yr Ardd, Bodlonfa Rd To Rhedyn
Coch, Rhualt, Llanelwy
LL17 0TT

Supplied by: Blue Fox
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Reference: OI1586993
Centre coordinates: 308528 376459

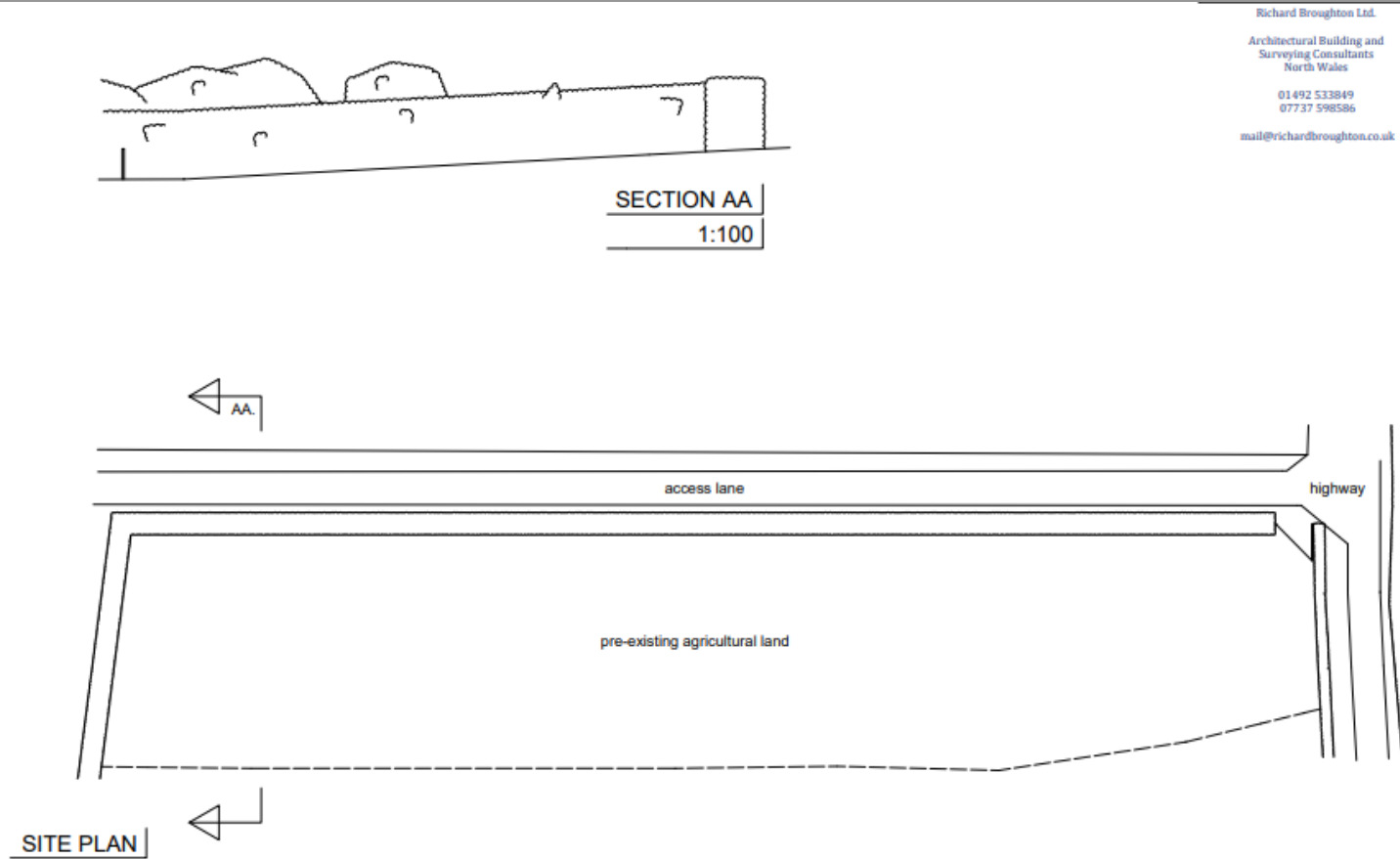
47/2024/1341/PC

**Retention of excavation and reprofiling of land;
formation of hardstanding and accessway, and
formation of means of access to a highway
(retrospective application)**

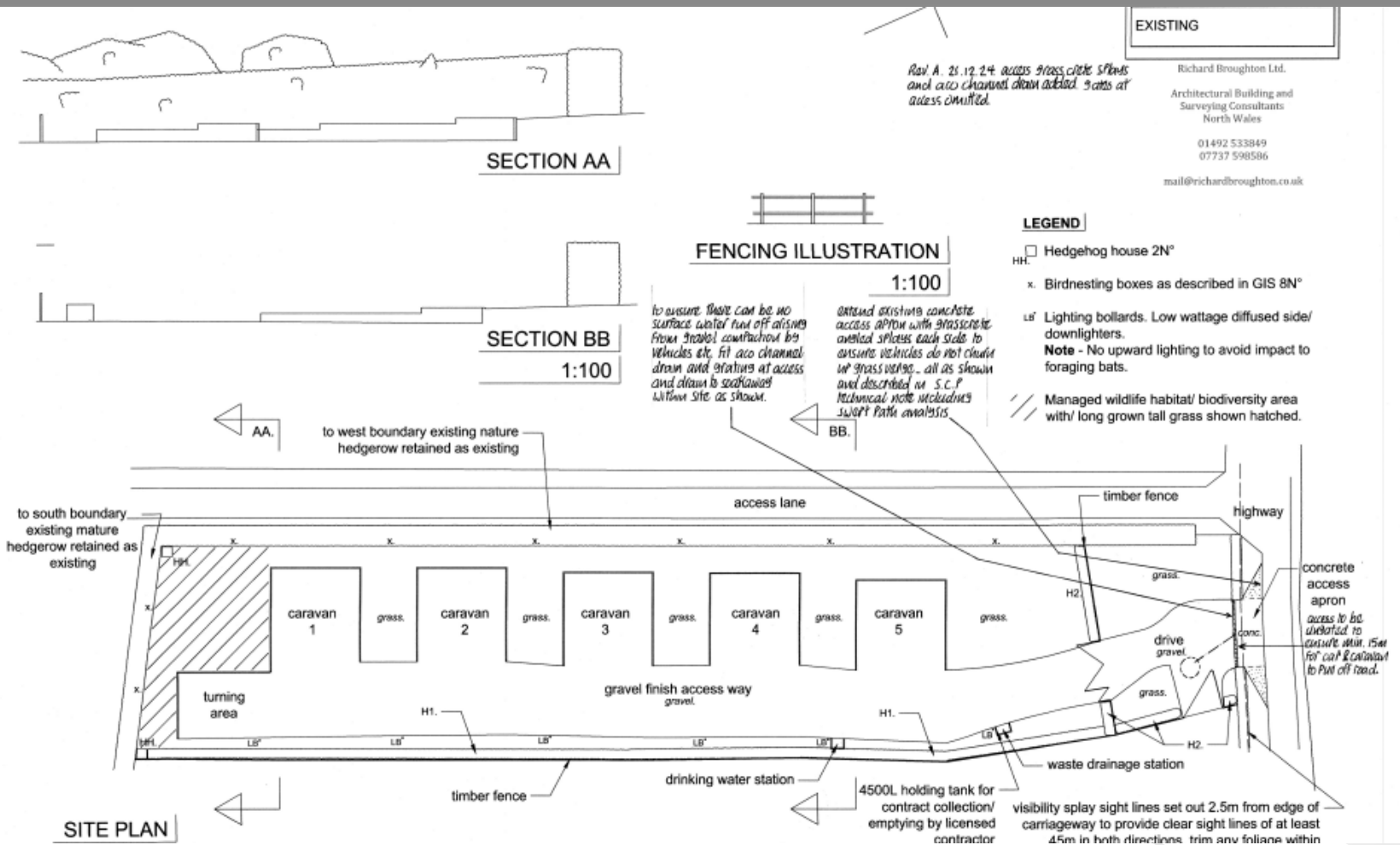
Tyn yr Ardd, Rhualt



Location plan



Site plan and section prior to works



Current Site plan and section



Site Photographs – March 2025



Google image June 2023



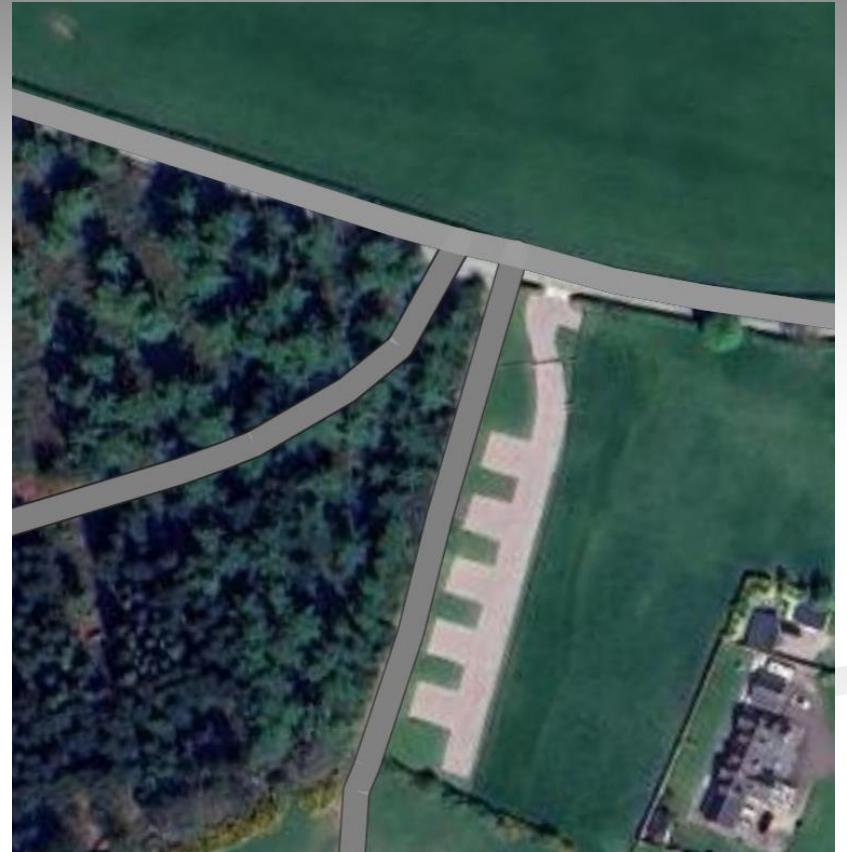
April 2024



April 2024



April 2024



Aerial photographs

Officer - Sarah Stubbs

Ward - Tremeirchion, Cwm & Waen

Ward Member(S) - Councillor Robert Chris Evans (C)

Application Number - 47/2024/1341/PC

Proposal - Retention of excavation and reprofiling of land; formation of hardstanding and accessway, and formation of means of access to a highway (retrospective application)

Location - Tyn Yr Ardd, Rhualt, St Asaph, Denbighshire, LL17 0TT

Applicant - Mr Paul Cumberlidge

Constraints

Denbighshire Electoral Divisions	Tremeirchion
City Town and Community Councils	Cwm Community
Areas of Outstanding Natural Beauty - AONB	Clwydian Range and Dee Valley
Planning Applications 1974 to 1999	47/0452/96/PF
Local Development Plan	Area of Outstanding Natural Beauty
Source Protection Zone 50k	1
Nitrate Vulnerable Zone 25k	NVZ
Airport Consultation Zone	Within 30km of Hawarden Airport Safeguarding Zone

PUBLICITY UNDERTAKEN:

- Site Notice** - f -
- Press Notice** - f
- Neighbour letters** - 16

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

TREMEIRCHION/CWM WAEN COMMUNITY COUNCIL

"No objections subject to arrangements to greet arrivals so as to ensure no caravans left hanging out in the highway causing blocking of road."

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY

JOINT ADVISORY COMMITTEE

"The Joint Committee raise no objections subject to the imposition of conditions to retain the existing hedgerow to the west and southern site boundaries at a height of no lower than 2m and a further condition to provide additional hedge planting in accordance with the proposed landscaping schedule."

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Traffic, Parking and Road Safety:
- Highways Officer
- Additional information requested

RE-CONSULTATION RESPONSES (Following submission of additional Highway Information)

TREMEIRCHION/CWM WAEN COMMUNITY COUNCIL

"No objections subject to gate being set back 15 metres from the verge"

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY

JOINT ADVISORY COMMITTEE

"The Joint Committee raise no further comments to those made previously in our response dated 9th October 2024. However, it should be noted that our comments relate specifically to the retrospective works undertaken. The Joint Committee will not support the principle of a permanent caravan site in this location."

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer

Following the submission of additional information: -

The Automatic Traffic Counters put in place on Wednesday 4th December 2024 for a period of 7 days, demonstrate that the road is relatively lightly trafficked in the vicinity of the site with two-way flows of 85 vehicles per day. The site is located a short distance from the A55 Trunk Road which is likely to be the main point of direction for visitors accessing the site. Whilst it is appreciated the road leading to the site is single track, however there are intermittent informal passing places offering vehicles an opportunity to pass each other.

The proposed site access arrangements demonstrate compliance with the visibility standards set out in Annex B of TAN 18 and are therefore considered to be acceptable. The applicant has demonstrated that visibility splays in excess of the splay requirements set out in TAN 18 can be achieved in both directions.

The proposed development will have an open and ungated access, until 15m from the edge of carriageway to allow a car towing a caravan to safely wait clear of the highway.

Swept paths have been undertaken showing a caravan entering and leaving the site. To ensure no damage to existing verges as a result of these manoeuvres, it is proposed that the access apron is splayed as set out in drawing SCP/241151/ATR01 in Appendix 1 of the Technical Note.

A swept path of a car and caravan reversing into a pitch is also included at drawing SCP/241151/ATR02 in Appendix 2 of the Technical Note. It has been demonstrated that there is ample space for vehicles to manoeuvre within the site and exit onto the highway in a forward gear.

The applicant has shown the area to be free draining gravel which in theory should prevent any surface water run-off. However, with the degree of compaction that would be required to form a sufficient level of bearing capacity for the vehicles using the site, the permeability of this type of material would be significantly reduced. Considering this, a request was made to provide a method to prevent the run-off of surface water onto the carriageway. To avoid any issues with surface water run-off, a linear drain is to be located at the end of the drive.

Having regard to the assessment above, taking into consideration the capacity of the existing highway network, accessibility, site access and site layout, Highways Officers would see no reason to object to the retention/proposals of the development.

RESPONSE TO PUBLICITY:

Dr Harishchandra Medagedara, Bodlonfa Hall, Rhualt
Eva Walters, Bodlonfa Lodge, Rhualt
Lesley Williams, Pen Y Cefn Ucha, Cwm Road, Trelawnyd, Flintshire
Simon Vicary, 7 Parc Bron Deg, Dyserth
Mr & Mrs De Vera Davey, Cherry Tree House, Bodlonfa Hall, Rhualt
Diana Hughes, Tyddyn y Driw, Holywell Road, Rhualt
James Wright, 1 Bodlonfa Hall Mews, Rhualt
Moiria Gelder, 2 Bodlonfa Hall Mews., Rhualt
A.G Moore, Waen Wen Holywell Road Rhualt

Summary of planning based representations in objection:

Residential amenity including noise and disturbance:

Introducing a caravan site with its potential for noisy holidaymakers and increased foot traffic will impact on the tranquility of the area.

Visual Amenity including impact on AONB:

Cutting down hedge and concreting a wider entrance will harm the local environment; inappropriate in an AONB and close to Offas Dyke; removing essential habitats for wildlife and altering the natural landscape; the site works and resultant hardcore field in an AONB.

Highway safety:

The narrow road leading to the caravan site from the A55 lacks adequate passing place; the lane cannot accommodate long vehicles/towing caravans emerging from the site as insufficient clearance; concerns regarding increased vehicular traffic; limited visibility of oncoming traffic; substantial hazard to road users including vehicles, cyclists and horses riders all of whom routinely use this road; more pollution on the roads; the traffic information is flawed in the Traffic Assessment – it wasn't conducted properly; done during a period of low activity; does not accurately reflect the traffic volume during peak times, such as summer, when farmers are active and more people use the woods; would cause extra wear and tear to the road surfaces especially the edges of the carriageway where large vehicles push right up to the hedge to pass oncoming vehicles.

Drainage & Water Supply:

Ongoing issues with water supply, the influx of more residents utilising water upstream will likely exacerbate this problem; the proposed soakaway by the entrance is insufficient to manage the increased surface water runoff from the concreted area which could lead to flooding and waterlogging, affecting the site and surrounding properties.

Environmental and Wildlife Impact:

Cutting down hedge and concreting a wider entrance will harm the local environment, removing essential habitats for wildlife and altering the natural landscape; increase activity in the area will disrupt biodiversity; anticipated increase in lighting and noise will have a detrimental effect on the local ecosystem; additional traffic in the area will affect wildlife in the verges.

General Comments:

Establishing one caravan site could set a precedent for additional developments, highway concerns tranquility of the area a concern if too many sites; this development represents a material change to the use of agricultural land and the creation of a business; overdevelopment and change of use of agricultural land; Fire risk - the existing water supplier is already unable to guarantee service, the woods are very close to this proposed caravan site.

EXPIRY DATE OF APPLICATION: 18-06-2025

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 Retrospective planning permission is sought for the Retention of excavation and reprofiling of land; formation of hardstanding and accessway, and formation of means of access to a highway at Tyn yr Ardd in Rhualt.

1.1.2 The application is for the operational development associated with the use of the land as a 'Certified' Caravan Site. The use of land as Certified caravan sites falls within permitted development rights and therefore a change of use of land does not form part of this application (further information relating to Certified Caravan sites is contained in Section 1.7 below).

1.1.3 The operational development subject of this application includes 3 main elements: -

- Retention of excavation and reprofiling of the land

The reprofiling of the land has been undertaken to provide level pitches upon which the touring caravans can be sited, where the ground level is cut into the land, timber sleepers have been inserted as retaining structures.

- Formation of hardstanding and accessway

A gravel finished accessway and hardstandings have been constructed within the field for the caravans to park.

- Formation of means of access to the highway

This has been formed off the northern boundary within a hedgerow, a concreted access has been constructed leading onto a gravelled forecourt with grassed areas to the sides and a timber fence and gate leading into the site. The gated access is located 15m into the site. A barrier has also been installed at the access.

1.1.4 The existing hedgerows to the west and south site boundaries are retained, the hedge along the northern boundary along the highway boundary has been retained on either side of the newly formed access. Along the eastern boundary an open timber fence has been erected and shown to be supplemented by additional planting with additional planting also shown within the site.

1.2 Other relevant information/supporting documents in the application

1.2.1 In addition to the plans, a justification statement, landscaping schedule, Green Infrastructure Statement and Highway Technical Note have been submitted in support of the application. The Justification statement is set out as follows: -

Introduction

The site comprises a modest portion of land that has been formed into a 5 pitch touring caravan site in accordance with the caravan and camping club exemption criteria, who have confirmed acceptance of the site.

The works to form the site have been undertaken, under the guidance of the caravan and camping club, who specified their requirements for licensing the site. Unfortunately the owners were not aware that some aspects of the work would have required planning consent and have completed the work.

The application therefore is submitted retrospectively for retention of certain aspects of the works undertaken, and as specified on the planning enforcement warning notice (ref PC/47/2024/133/EW) :

Excavation and reprofiling of land

Formation of hardstanding and accessway

Formation of means of access to a highway

Justification

Reprofiling of land

The original land had a gentle slope, north to south, and was grassed field area.

The reprofiling of the land has been undertaken to provide level pitches upon which the touring caravans can be sited, the largest extent of cut into the slope of the ground is circa 900mm (pitch 5) and most typically max 600mm to other pitches.

Where the reduced level are cut into the slope the natural level grassed areas are retained with brown timber sleepers as retaining structure.

The reprofiling of the land on the modest site area has very little impact in the context of the locality.

Formation of hard standings and access way

These have been gravel finished to form a practical to use access and pitches for the touring caravans. This prevents the common scenario of many touring caravan sites which can become muddy in wet weather, resulting in muddy tyres carrying mud out onto the highway in wet weather conditions. As the accessway and pitches are surfaced with porous free draining gravel, this will ensure that the highway is not affected by mud as can be the case with many other similar sites.

The visual appearance of the pitches and accessway, being gravel finished is a typical finish in rural locations, drives and accessways, and therefore appears a natural surfacing choice for the rural locality.

Formation of vehicular access

This has been formed with an open and ungated access into the site of sufficient width and forming a forecourt area at least 15m from the highway to the position of the gated site, that will allow vehicles towing a caravan to easily maneuver into the site without having to stop on the highway.

The proportions of the forecourt area therefore ensures that the vehicular access will not cause any disruption to traffic flow on the highway.

Visibility splays are available in both directions at the new vehicular access with good visibility in both directions. Some degree of pruning to the existing foliage will be required to maintain visibility with no foliage within the splays to exceed 1m height . Any such pruning is only to be undertaken between 1st September and 1st March in the following spring.

Summary

From the foregoing explanations we have concluded that the relevant matters requiring planning consent, have been undertaken to ensure a safe and practical to use caravan facility as licensed by the caravan and camping club.

The site works include significant additional landscaping and biodiversity enhancements which lead to a net gain of ecological and biodiversity features within the site, as well as enhancing the landscape character of the rural locality.

1.3 Description of site and surroundings

1.3.1 The application site comprises an area of approximately 0.3 hectares of land located to the north-west of the dwelling Tyn yr Ardd in Rhualt. The land gently slopes and has mature hedging along the south and west boundaries, the south boundary running parallel with an access road with woodland beyond.

1.3.2 To the northern boundary is a hedgerow which bounds the highway and where a newly formed access has been constructed.

1.3.3 There is a group of dwellings located to the south/east of the site (Cherry Tree House, Bodlonfa Mews and Bodlonfa Hall).

1.4 Relevant planning constraints/considerations

1.4.1 The site is located within the open countryside as defined by the Local Development Plan. The site is located within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).

1.5 Relevant planning history

1.5.1 None

1.6 Developments/changes since the original submission

1.6.1 Additional highway information and amended plan submitted in response to Highway Officers queries.

1.7 Other relevant background information

1.7.1 It is noted that a number of local concerns relate to the use of land as a caravan site.

1.7.2 For clarity the use of land as a caravan site which has been certified by an 'exempted organisation' such as the Caravan and Motorhome Club to be used by not more than five caravans at any time would fall within permitted development rights by virtue of Part 5 of Schedule 2 to the Town and County Planning (General Permitted Development) Order 1995 (as amended).

1.7.3 Sites which fall within these permitted development rights are referred to as 'Certified Locations'.

1.7.4 The applicant has applied to the Caravan and Motorhome Club for the site to become a Certified Location, and it is understood this will be issued once planning approval has been obtained for the operational works and the site is ready to open and re-inspected.

1.7.5 In 2020, a similar application at the Farmers Arms (Waen) for operational development in association with the use of land as a caravan and motorhome club certified location/exempted caravan site was considered by the Council (ref 47/2020/0237/PF). Following a refusal of planning permission, an appeal was lodged with the Planning Inspectorate (now PEDW) and within the decision the Inspector provides clarity over the use of land and confirms that it sits outside the planning process: -

"Concerns have been raised regarding the initial contentions of the Appellants that the site benefits from a Caravan Club licence and is a certified location / exempted caravan site. However, the Appellants now acknowledge within their appeal evidence that the site does not have a licence, but the land is subject to an ongoing certification process. Notwithstanding this, my determination of this appeal relates solely to the operational development required for the use of the site as a caravan site. This includes the formation of a vehicular access, internal access tracks and hardstanding areas, drinking water tap, electricity hook up points, chemical toilet waste disposal facility with rinsing tap, wildlife pond and landscaping. The change of use of land as a caravan site is not the subject of the appeal proposals and the assessment of the impact of the development on visual amenity is limited to the operational development being proposed. Therefore, the Caravan Club Site Licence and the certification process lie outside the planning appeal process and does not fall to be considered under this appeal."

1.7.6 That appeal was subsequently allowed with the Inspector considering that the physical impacts of the operational development were acceptable.

2. DETAILS OF PLANNING HISTORY:

2.1 None

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Denbighshire Local Development Plan Adopted June 2013

Policy PSE 5 - Rural Economy

Policy VOE 2 - Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE 5 - Conservation of natural resources

Policy ASA 3 - Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Caravans Chalets and Camping

Supplementary Planning Guidance Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Trees and Landscaping

Government Policy / Guidance

Planning Policy Wales Edition 12, 2024

Future Wales: The National Plan 2040

Development Management Manual 2017

TAN 18 - Transport (2007)

4. MAIN PLANNING CONSIDERATIONS:

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

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

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

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

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

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

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

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

4.1.1 Principle

4.1.2 Visual amenity including impact on Area of Outstanding Natural Beauty

4.1.3 Residential amenity4.1.5 Ecology

4.1.4 Drainage (including flooding)

4.1.5 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

In terms of national policy, Planning Policy Wales (PPW 12) Section 3.60 states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Section 3.38 of PPW 12 states that *“The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake for its ecological, geological, physiographic, historical, archaeological, cultural, and agricultural value and for its landscape and natural resources*

This application is for the retention of operational development consisting of the retention of excavation and reprofiling of land; formation of hardstanding and accessway, and formation of means of access to a highway for the site to operate as a Caravan and Motorhome ‘Certification Location’. The use of land as a caravan site for not more than five caravans would fall within permitted development rights meaning planning permission is not required for the change of use of land to a caravan site and the merits or otherwise of a such a use in this location are not the subject of this application.

Having regard to the permitted use of the site as a caravan site, Officers conclude that associated operational development on the site is acceptable in principle, subject to an assessment of detailed impacts which are set out in the remainder of the report.

4.2.2 Visual amenity including impact on the Area of Outstanding Natural Beauty landscape

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

PPW 12 Section 6.3.3 states *‘All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.’*

Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

This reflects guidance in Planning Policy Wales (PPW 12) which requires planning authorities to give great weight to conserving and enhancing the natural beauty of AONBs, and should have regard to the wildlife, cultural heritage, and social and economic well-being of the areas. The special qualities of designated areas should be given weight in the development management process. Local representations raise the visual impact of the proposal as a concern locally.

The AONB Officer raises no objections to the application. Local representations are concerned with the impact of a caravan site on the tranquility of the area.

Officers would note that the use of land as a caravan site is not subject of the application and the assessment of impact on visual amenity is limited to the operational development.

The operational development that has been undertaken at the site includes excavation and reprofiling of land to form 5 caravan pitches, an accessway with forecourt and the formation of means of access to a highway. With the exception of the concrete used at the access point,

gravel has been used and grass retained around the gravelled areas with sleepers used to define boundaries and retain land levels where required. Traditional style timber fencing has been used with hedgerow boundaries primarily retained and shown to be enhanced on particular boundaries and within the site.

Having regard to the design, siting and scale of the operational development proposed, in relation to the locality and landscape, it is considered that the operational development would not have an unacceptable impact on visual amenity or the tranquility of the AONB and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Local residents have raised concerns regarding noise and disturbance and general tranquility of the area which mainly relate to the impact of a caravan site.

There are no residential properties immediately adjacent to the application site, the nearest property is at Tyn yr Ardd itself which is approximately 60m away from the site boundary, and further away are dwellings at Cherry Tree House, Bodlonfa Mews and Bodlonfa Hall which are approximately 100m away from the application site boundary at a lower land level.

Officers would note that the use of land as a caravan site is not subject of the application and the assessment of impact on residential amenity is limited to the operational development. Matters relating to the use of the site by caravans and tourists are not material considerations to this application.

Having regard to the scale, location and design of the operational development, it is considered that the proposals would not have an unacceptable impact on residential amenity of the neighbouring property or other properties in the vicinity of the site, and the proposal would therefore be in general compliance with the tests of the policies referred to.

4.2.4 Ecology

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

This reflects policy and guidance in Planning Policy Wales (Edition 12, 2024) within Chapter 6 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

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

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

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

- *Green Infrastructure*

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

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

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

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

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

- *Trees and Woodlands*

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

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

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

The proposal is not supported by an ecology survey but a Green Infrastructure Statement (GrIS) has been submitted. PPW 12 states that all new developments should demonstrate a biodiversity enhancement. The plans show hedgehog and bird boxes located on the site and details are provided within the GrIS. A small wildlife area is also shown to the southern end of the site with additional landscaping also shown within the site. It is considered that the biodiversity enhancement is acceptable given the proportions and location of the development. It is therefore considered that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity net gain at the site.

Subject to the imposition of an appropriately worded condition or conditions, it is considered that the proposals are in line with the advice contained in PPW 12 and would provide enhancement measures to increase the biodiversity opportunities at the site.

4.2.5 Drainage (including flooding)

Local Development Plan Policy RD 1 test (xi) requires that development satisfies physical or natural environmental considerations relating to drainage and liability to flooding.

Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.

Planning Policy Wales (Edition 12, 2024) at para 6.6.9 states '*The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity*'.

Planning Policy Wales ((Edition 12, 2024) at paras 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

Concerns have been raised by Town Council and members of the public on drainage grounds.

The Council's Drainage Officer has considered that the proposal would need separate SAB approval and in making its decision the SAB will take account of any local knowledge or concerns regarding drainage.

Some locals have raised concerns regarding surface water drainage.

The 5 pitches, access way and forecourt have been formed by gravel and are stated to be permeable. An eco channel drain and grating at the access point is also shown. Within the site a 4500 litre holding tank (for waste water) is shown and to be emptied by a licenced contractor.

On the matter of surface water drainage, the applicant is advised that the Sustainable Urban Drainage (SuDs) approval process may apply and therefore separate consent from the SuDS Approval Body may be required in addition to planning consent. Officers do not consider it necessary to request additional drainage details as it would duplicate other regulatory controls.

Officers would conclude that the proposal would not give rise to unacceptable impacts on the interests listed above.

4.2.6 Highways (including access and parking)

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

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

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

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Concerns have been raised by the Community Council and members of the public on highway safety grounds in terms of the access arrangements, visibility standards and general condition of the roads in the area.

Officers would stress again that the use of land as a caravan site is considered to be permitted development, and therefore the assessment of the proposal on highway safety has to be limited to the impact of the operational development and not the use of land.

The site would be accessed from the highway via the vehicular access formed in the northern hedgerow boundary with the highway as shown in the photographs at the front of the report. Additional information was initially requested by the Highway Officer and this was submitted by the applicant's agent, including a Highway Technical Note prepared by SCP Transport Planning.

Visibility splays and swept path analysis information has been provided and Highway Officers have been consulted and conclude that the proposed access arrangements are acceptable and demonstrate compliance with the visibility standards set out in Annex B of TAN 18. The application demonstrates that visibility splays in excess of the splay requirements set out in TAN 18 can be achieved in both directions.

The proposed development will have an open and ungated access, until 15m from the edge of carriageway to allow a car towing a caravan to safely wait clear of the highway. The Community Council have referred to the need for a 15m set back within their response, the proposal achieves this.

Swept paths have also been undertaken showing a caravan entering and leaving the site. To ensure no damage to existing verges as a result of these manoeuvres, it is proposed that the access apron is splayed. A swept path of a car and caravan reversing into a pitch has also been included and it has demonstrated that there is ample space for vehicles to manoeuvre within the site and exit onto the highway in a forward gear.

The applicant has shown the area to be free draining gravel which should prevent any surface water run-off. However, with the degree of compaction that would be required to form a sufficient level of bearing capacity for the vehicles using the site, the permeability of this type of material would be significantly reduced and a request was made to provide a method to prevent the run-off of surface water onto the carriageway. To avoid any issues with surface water run-off, a linear drain is to be located at the end of the drive.

Having regard to the assessment above, taking into consideration the capacity of the existing highway network, accessibility, site access and site layout, Highways Officers would see no reason to object to the retention of the operational development. development.

Other matters

Well – being of Future Generations (Wales) Act 2015

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

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

upon the achievement of well-being objectives as a result of the proposed recommendation.

Equality Act 2010

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

Having due regard to advancing equality involves:

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

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

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is for operational development associated with the use of land as a 'Certified Location' caravan site which includes retention of excavation and reprofiling of land; formation of hardstanding and accessway, and formation of means of access to a highway.

5.2 The use of land as a 'Certified Location' caravan site to be used by not more than five caravans is permitted development, and therefore the use of land is not subject of this application, and the assessment of impacts is solely based on the operational development.

5.3 Notwithstanding the concerns raised, having regard to the scale and nature of the operational development, the potential impacts on the locality, and the particular tests of the relevant policies, the application is considered to be acceptable and is recommended for grant.

RECOMMENDATION: GRANT subject to the following conditions: -

1.The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:

Highway Technical Note (Ref: GW/241151/TN01-Rev 00 SCP Transport Planning) Received 21-12-2024

Location Plan Received 08-08-2024

Pre-existing site plan (Drawing No. 02) Received 08-08-2024

Landscaping Schedule Received 08-08-2024

Justification Statement Received 08-08-2024

Green Infrastructure Statement Received 08-08-2024

Existing Site Plan (Drawing No DG 1 Rev A) Received 21-12-2024

2. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development 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 otherwise agreed in writing.

3. No new external lighting shall be installed unless a detailed external lighting plan is submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid negative impacts on nocturnal wildlife in accordance with the Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment Series.

The lighting shall be implemented as approved and maintained thereafter.

4.The development hereby approved shall be carried out in strict accordance with the biodiversity enhancement measures set out on the approved Site Layout Plan (DG. 1 Rev A) and as specified in the Green Infrastructure Statement and shall be implemented in full within 3 months of the date of this permission.

The reasons for the conditions are: -

1. For the avoidance of doubt and to ensure a satisfactory standard of development
2. In the interests of visual amenity
3. To maintain the favourable conservation status of protected bat species.
4. In order to maintain and enhance biodiversity

Notes to Applicant

Compliance with Approved Plans and Conditions

Please be reminded that any permission or consent must be carried out strictly in accordance with the approved plans and conditions imposed which are clearly listed on this certificate of decision. Pre-Commencement conditions should be given particular attention. Failure to do so could result in enforcement action being taken by the Local Planning Authority.

Further detailed information on how to comply along with other relevant information relating to your decision is contained in the detailed Notes to Applicant attached to this certificate which you are strongly advised to consider.

If you are in any doubt about your obligations, including any obligation you may have to pay commuted sums, please contact the Local Planning Authority at planning@denbighshire.gov.uk quoting the reference of your planning permission.

Highways - Part N Form

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

Highways - Supplementary Notes

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

Highways - Vehicular crossing

Your attention is drawn to the attached notes relating to applications for consent to construct a vehicular crossing over a footway / verge under Section 184 of the Highways Act 1980

SuDS Approval required

Developments of more than a single dwelling, or those involving a construction area of more than 100sq.m may be subject to the Sustainable Urban Drainage approval process. Denbighshire County Council is the appointed SuDS Approval Body, contact 01824 706901 or email landdrainage.consultations@denbighshire.gov.uk

Detailed information and advice is available on the Councils website:

<https://www.denbighshire.gov.uk/en/planning-and-building-regulations/planning/sustainable-drainage-systems-suds.aspx>