

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

Expiry Date: 28/04/2010
Decision Notice Sent:
08/03/2010
Grid Reference:
E 336490
N 347340



Applicant	DWR CYMRU WELSH WATER	Code Number	MAR P/2010/0012
Agent	CAULMERT LTD CRANFORD HOUSE MALT STREET KNUTSFORD CHESHIRE WA16 6ES	Date Received	07/01/2010
		Decision Date	08/03/2010

Town and Country Planning Act, 1990

Town and Country Planning (Environmental Impact Assessment) Regulations 1999

Location of application

FIVE FORDS WASTE WATER TREATMENT WORKS, CEFN ROAD,
CROSS LANES, WREXHAM, LL13 0PA

Description of application

ERECTION OF SLUDGE TREATMENT DIGESTER AND SUSTAINABLE ENERGY PLANT, ESTABLISHMENT OF NATURE CONSERVATION COMPENSATION AREA, IMPROVEMENTS TO MEANS OF ACCESS, PROVISION OF SCREEN PLANTING AND FORMATION OF TEMPORARY CONSTRUCTION COMPOUND

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
GDP1	Development objectives
MW12	Waste management
MW13	Waste disposal
PS10	Waste management priorities
PS11	Biodiversity
PS12	Renewable energy
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
T8	Parking

Applicant DWR CYMRU WELSH
WATER

Code Number MAR P/2010/0012

Agent CAULMERT LTD
KNUTSFORD
CHESHIRE
WA16 6ES

Date Received 07/01/2010

Decision Date 08/03/2010



**Particulars of decision that permission be GRANTED
Subject to the following:-**

Condition(s)

1. The development hereby permitted shall be begun before the expiry of five years from the date of this permission.
2. No part of the development shall be commenced until samples of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
3. Development shall only be carried out in strict accordance with the approved plans unless the prior written approval of the Local Planning Authority has been obtained.
4. Construction noise mitigation measures as detailed/recommended in Section 9 of the PDA Noise Impact Assessment, Reference RDC/NC/6510, dated 7th December 2009, shall be implemented for the duration of the construction phase of the development".
5. Construction works, ancillary works and the use of plant or machinery audible at or beyond the site boundary shall only be carried out between the hours of 07:30 and 18:00 (Monday to Friday) and 08:00 to 14:00 (Saturday) and at no time on Sundays or Bank Holidays.
6. Odour from the proposed development shall be controlled in accordance with the odour control measures described in the Odour Strategy Group's revised Odour Mitigation Plan dated February 2010.
7. The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at the nearest noise sensitive premises. Measurements and assessment shall be made in accordance with BS4142 :1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.
8. No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include a specification for tree protection fencing and ground protection measures that complies with British Standard 5837:2005; a plan showing the location of retained trees' with their crown spreads, Root Protection Areas' and the location of protective fencing plotted. A full specification for any access, driveway, path, underground services or wall foundations within retained trees' Root Protection Areas', including any related sections, details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires; details of the frequency of supervisory visits and procedures for notifying the finding of such visits to the Local Planning Authority and method

Applicant DWR CYMRU WELSH
WATER

Code MAR P/2010/0012
Number

Agent CAULMERT LTD
KNUTSFORD
CHESHIRE
WA16 6ES

Date
Received 07/01/2010

Decision
Date 08/03/2010



statement for protecting retained trees during demolition works should also be included. Works shall be carried out in accordance with the approved method statement.

9. No part of the development hereby permitted shall be commenced until full details of both hard and soft landscape works for the site have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with a timescale to be approved in conjunction with the scheme of details.

10. Within six months of the first use of the development, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved by the Local Planning Authority. Any trees or shrubs removed, dying, being severely damaged, or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

11. No part of the development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangement for its implementation. Development shall be carried out in accordance with the approved schedule.

12. Before beginning work, the contractor shall contact the Chief Planning Officer giving him seven days notice of a meeting on site to review all work procedures, access routes, storage areas and tree protection measures. Development shall be carried out in strict accordance with the agreed measures.

13. Prior to the commencement of development a plan showing the earthworks layout plan in relation to the retained trees and hedgerows shall be submitted to and approved in writing by the Local Planning Authority. Works shall only take place in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

14. Prior to the commencement of development a scheme for improvements to the existing/proposed access onto Cefn Road serving the development site shall be submitted to and approved in writing by the Local Planning Authority. These works shall be implemented prior to the commencement of construction works unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be retained.

15. Prior to the commencement of development details for the provision of suitable passing places to accommodate HGV movements along the internal access road shall be submitted to and approved in writing by the Local Planning Authority. The passing places shall be constructed prior to any building works taking place on the site and shall thereafter be retained.

16. Prior to the commencement of works a 'Construction Traffic Management Plan' including provisions for contractor parking shall be submitted to the Local Planning Authority for further approval. The recommendations of this Plan shall be implemented prior to any building

Applicant DWR CYMRU WELSH
WATER

Code Number MAR P/2010/0012

Agent CAULMERT LTD
KNUTSFORD
CHESHIRE
WA16 6ES

Date Received 07/01/2010

Decision Date 08/03/2010



works taking place on the site.

17. Prior to the commencement of development details of vehicular turning and parking facilities shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the first operation of development and thereafter retained unless otherwise approved in writing by the Local Planning Authority.

18. The ecological mitigation measures as outlined in Section 6 of the 'Five Fords Sludge Treatment and Sustainable Energy Facility Ecological Assessment' as prepared by Aecom Environment, dated November 2009 shall be implemented in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

19. Prior to commencement of the development hereby approved, an Ecological Method Statement and Management Plan, which take into account the ecological interest of the site, shall be submitted and approved in writing by the Local Planning Authority. The details shall demonstrate how existing features of ecological/wildlife interest will be protected, enhanced, monitored and managed in the long-term. They must also propose and deliver appropriate conservation schemes and 'Reasonable Avoidance Measures'. All approved details shall be implemented in accordance with timescales to be agreed as part of the measures before development commences on site.

20. The surface water shall only be directed to a properly designed and constructed soakaway to prevent runoff of soil into any watercourses during storm events and heavy rainfall.

21. Within 6 months of the completion of the building works the temporary compound shall be dismantled, all plant, equipment and machinery associated with the construction removed and the land restored to its previous condition.

Reason(s)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
3. To ensure that the development fully complies with the appropriate policies and standards.
4. In the interests of the amenity of nearby occupiers.
5. To protect the amenities of the occupiers of nearby properties.
6. In the interests of the amenity of nearby occupiers.
7. In the interests of the amenity of nearby occupiers.
8. To ensure the amenity afforded by the trees is continued into the future.
9. To ensure a satisfactory standard of appearance of the development in

Applicant DWR CYMRU WELSH
WATER

Code Number MAR P/2010/0012

Agent CAULMERT LTD
KNUTSFORD
CHESHIRE
WA16 6ES

Date Received 07/01/2010

Decision Date 08/03/2010



the interests of the visual amenities of the area.

10. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

11. To ensure landscape features are properly considered and protected.

12. To ensure that the works on the site properly take account of the future health of the trees.

13. To ensure the proposed earthworks do not affect the Root Protection Areas of the retained trees and hedgerows.

14. In the interests of highway safety.

15. In the interests of highway safety.

16. In the interests of highway safety.

17. To ensure that reversing by vehicles into and from the highway is rendered unnecessary in the interests of highway safety.

18. To ensure that there is no adverse impact on Protected Species.

19. To ensure that the features identified as having wildlife importance are protected and maintained in the long term.

20. To ensure that the integrity of the watercourses is not affected.

21. In the interests of the appearance of the site.

Note(s) to applicant

Applicants should note that the Council has the option to control construction site noise by means of a Control of Pollution Act 1974, Section 60, Notice, where deemed necessary.

You are advised to contact the Highway Authority with regards to the improvements to the Cefn Road/access road junction.

The applicant's attention should be drawn to item nos. 1,2,3,4 & 5 of the supplementary notes.

The proposed improvements to the existing access shall be constructed to a standard suitable for adoption by the Council for future maintenance at the public expense and the developer will need to enter into an agreement with the Council under s.278 of the Highways Act 1980.

You are advised that the Highway Authority will require such works to be completed to their satisfaction before they will formally adopt the relevant Highway works for public use and to be maintained at public expense. This will include the provision of a bond to cover the estimated value of such works.

The appropriate fees will become due to the Council when the Highways Authority approve the proposed works to be carried out.

Applicant DWR CYMRU WELSH
WATER

Code Number MAR P/2010/0012

Agent CAULMERT LTD
KNUTSFORD
CHESHIRE
WA16 6ES

Date Received 07/01/2010

Decision Date 08/03/2010



Public Footpath No. 39 (Marchwiell) passes through the development site and should not be interfered with. I would recommend that the applicant liaises with the Public Rights of Way Section (contact Sean Hanratty on 01978 729761).

The proposal will require an Environmental Permit or an exemption. The developer is advised to contact the Environment Agency on 08708 5060506.

The contaminated water must not present a risk to the treatment processes at Five Fords treatment works or the works ability to comply with its current consent conditions.

The method for transferring/discharging contaminated water to the existing waste water treatment works must not result in a risk to any surface or groundwater bodies.

The applicant is advised that a licence issued by the Welsh Assembly Government (WAG) is required for all works affecting any Protected Species.

The scheme of landscaping referred to in the above conditions shall include any changes to ground levels (shown by existing and proposed contours/levels) and any existing vegetation (showing that to be retained) and proposed planting. In addition, any of the following which apply to the particular site must be included:-

means of enclosure, car parking layout, access and circulation areas, materials for hard surfaced areas, any minor structures (e.g. refuse stores, lamp columns, play equipment) location of services, and any historic landscape features to be retained/improved.

The majority of the permanently affected views will see the new structures against the skyline. It is considered that the single use of dark green as proposed is not entirely appropriate. A range of colour options for the different structures need to be proposed in relation to views from Marchweil Marsh Nature Reserve, residential views from the edge of Marchweil and the A525. A drawing showing elevations, existing vegetation structure and colour options will be required for submission under Condition 2.

The structural planting proposals presented within figure 9 of the landscape and visual impact assessment need to be supplemented with light standard trees to provide some immediate screening impact within the new hedgerow adjacent to diverted footpath PF337, screen planting adjacent to the disused railway and over the proposed bunds. Other details required include - a full

Applicant DWR CYMRU WELSH
WATER

Code Number MAR P/2010/0012

Agent CAULMERT LTD
KNUTSFORD
CHESHIRE
WA16 6ES

Date Received 07/01/2010

Decision Date 08/03/2010



planting specification detailing soil quality, depth and cultivation for the earth bunds prior to planting, method of planting and use of rabbit guards if required; establishment specification detailing operations and frequency; and management plan for existing vegetation (how existing hedgerows will be strengthened) and new planting detailing - operations and frequency for a minimum of 5 years.

Notwithstanding the approved plans, the layout of the earthworks along the southern edges of the site need to be amended to avoid the root protection areas of trees and hedgerows to be retained.

Officer Appointed for this purpose
Refer to the Statement of Applicant's Rights and General Information Enclosed

Chief Planning Officer, Lambpit Street, P O Box 1290, Wrexham, LL11 1WL.



EUROPEAN COMMUNITIES ACT 1972

TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(ENGLAND & WALES) REGULATIONS 1999 REGULATION 21 (1) (b)**

WREXHAM COUNTY BOROUGH COUNCIL

**STATEMENT OF DECISION ON
AN EIA APPLICATION**

Wrexham County Borough Council has determined an application by **Dwr Cymru Welsh Water** for planning permission for EIA development. The application, reference **P/2010/0012** for:-

Erection of sludge treatment digester and sustainable energy plant, establishment of nature conservation compensation area, improvements to means of access, provision of screen planting and formation of temporary construction compound.

at

Five Fords Waste Water Treatment Works, Cefn Road, Cross Lanes, Wrexham. LL13 0PA.

has been **GRANTED** subject to conditions

A copy of the Decision Notice is set out in Schedule 1 below.

The main reasons and considerations on which the decision is based and a description of the main measures to avoid, reduce and, if possible, off set the major adverse effects of the development are contained in Schedule 2 below.

If the Applicant is aggrieved by the decision to grant consent subject to conditions, he may appeal to the Welsh Ministers in accordance with Section 78 of the Town and Country Planning Act 1990 within 6 months from the **date of the Decision Notice**.

Any other person wishing to challenge this decision by way of Judicial Review may apply to the High Court within 3 months of the **date of the Decision Notice**.

Signed 
Lawrence Isted
Chief Planning Officer
on behalf of Wrexham County Borough Council

Date 8 MAR 2010

SCHEDULE 1

SCHEDULE 2

The main considerations and reasons for the decision are those set out in the attached Officer's Report of 08 March 2010.

P/2010/0012

Gerry Kellett

CONSULTATION RESPONSES	Objects	No Objection	Comments	Accepts/ Supports	No reply
Community Council					x x
Local member(s)					x x
Highways					
Public Protection		x	Add conditions and advisory Notes		
Environment Agency		x	Add conditions and advisory Notes		
Welsh Water		x	Add conditions and advisory Notes		
Wxm Access Group					x
PROW					x
Ramblers Association					x
CCW		x	Add conditions		
Badger Group				x	
National Grid					x
North Wales W T					x
CPRW					x
Airbus		x	Outside required area for consultation		
HSE		x	Do not advise against		
Neighbours					x

KEY ISSUES	Summary of Relevant History (See SX3 History) Request for a Scoping Opinion September 2008 from Dwr Cymru Welsh Water prior to submitting a planning application for the construction of a sewage sludge digester and Combined Heat and Power (CHP) plant, the establishment of a nature conservation reserve and for the temporary use of land as a construction compound at Five Fords Treatment Works. These areas lie to the immediate east and south of the existing works. Dwr Cymru Welsh Water intends to undertake the preparation of an Environmental Impact Assessment in relation to this proposed development and to submit an environmental statement as part of the forthcoming planning application. Scoping Opinion issued 17 October 2008. No application received as yet. A Screening Opinion was issued in December 2008 relating to the proposed installation and erection of aeration and settlement tanks on land to the north and east of the existing works. Based upon the assessment and the information known at the time, no significant environmental impacts of more than local importance were identified that would justify a decision to require an Environmental Impact Assessment. No application received as yet. Planning application (P/2009/0016) – Construction of an enhanced digestion facility, establishment of a nature reserve, improvements to means access, provision of landscaping and formation of a temporary construction compound. Withdrawn 14.01.09. Planning application (P/2009/0739) - Proposed erection of two ferric dosing kiosks, three control kiosks, one rising main unit kiosk and three blower enclosure kiosks. Granted 26.10.09.
Action required	Committee Y/N (Check delegation scheme) (*Committee decision required if application requires an Appropriate Assessment) Relationship to Council Employee/Member? Delegated.

PLANNING POLICY/CONSTRAINTS

UDP NOTATION	YES	ACCEPTABLE	NOT ACCEPTABLE
Outside settlement	x	x	
Inside settlement			
Conservation Area			
Listed Building/ setting			
Green Barrier			
Special Landscape Area			
Flood Risk			
Within Buffer Zone or affecting SAC*			
World Heritage Site			
Other			

LPGN's No.	Title	ACCEPTABLE	NOT ACCEPTABLE
7	Landscape and Development	x	
16	Parking Standards	x	
17	Trees and Development	x	
26	Landscape and Industrial Development	x	

WAG Guidance	Title	ACCEPTABLE	NOT ACCEPTABLE
	PPG Wales	x	
	Wise about Wales	x	
	TAN 21 - Waste	x	
	WO Circular 62/91	x	

KEY ISSUES	Acceptable	Observations below	Conditions Required	Not Acceptable	N/A
Residential Amenity	x	x	x		
Design* (see below)	x	x	x		
Accessibility*					
Highway safety	x	x	x		
Parking	x	x	x		
Conservation/LB					
Ecology	x	x	x		
Landscaping	x	x	x		
Other					

Design Statement*	Yes	No	Comments
DAAS Acceptable	x		
Design Justified	x		
Design Acceptable	x		

*Refer to DAAS document on SX3 if applicable

OBSERVATIONS:

Overall, the design of the proposal is acceptable. The buildings are larger than existing and can be glimpsed from a number of viewpoints. The proposed dark green is an inappropriate colour – lighter shade being better (details conditioned for approval). Other conditions are attached to protect existing trees and provide for adequate landscaping including the supplementing of nearby hedging and hedgerow trees. Adequate compensatory land is set aside for ecological mitigation with the support of CCW (conditions also attached). Passing places are proposed along the internal access road and improvements are proposed for the existing junction with traffic calming on Cefn Road (again conditions attached to ensure submission / approval of appropriate details). Larger road tankers are to be used resulting in movements remaining within the existing daily range of movements. Noise and odour reports are acceptable and mitigation for both are adequately conditioned.

Proposal is in accord with the principles of sustainable development as set out in local and national planning policies. It will be operated within the strict controls of the submitted documentation and proposed conditions originally. Subject to this I consider that the proposal is acceptable and that there will be no adverse impact upon the local area.

The application site relates, primarily to operational land that is likely to remain in wastewater treatment use for the foreseeable future. I also note the significant investment in infrastructure historically and that of the proposal together with the fact that DC / WW has a statutory duty to protect the environment under the terms of the Water Act and that the implementation of the proposed maintenance regime will be a requirement of the GCN licence. As the applicant is a public authority and has statutory duties outside the planning regime and given the investment in the site I accept that it is likely to remain in use for the foreseeable future. The ecological area forms part of the current planning application site and if the site were to be decommissioned and allocated for a different use then the ecological area would need to be considered as part of any planning application relating thereto and no doubt retained. I do not consider that the ecological area could be separately disposed of.

I consider that it is a matter of judgment for the lpa as to whether it should insist upon a section 106 agreement. For the above reasons **only** I consider that the approval / implementation of an acceptable Ecological Management Plan which identifies the long term management of the land would suffice in the context only of the application, the identity of the applicant and other statutory constraints on the applicant coupled with the requirements of any licences issued by WAG. I discussed my intended course of action with CCW. I am aware that: CCW has had meetings with DC / WW regarding proposed mitigation/compensation measures; DC / WW has applied for a Reg 44 (2) (e) licence re proposed schemes; and that CCW has accepted long term proposals put forward by DC / WW. CCW is therefore in agreement. In this respect I intend to recommend that planning permission be granted subject to, amongst other matters, a condition to secure the submission and approval of an acceptable Ecological Management Plan together with an Ecological Method Statement.

RECOMMENDATION SUMMARY

Recommend Grant	Without Conditions	With Conds.	Refer to Cadw	S106	Notes
X		X			

Recommend Refusal	Summary of Reasons	LM(s) Notified of Delegated refusal? (Include any response)

Please complete Green Register Sheet with conditions/ reasons and any special instructions.