

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **14TH DECEMBER 2016**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **FULL APPLICATION – CHANGE OF USE OF DISUSED QUARRY TO COUNTRY PARK INCORPORATING HERITAGE ATTRACTION, RECREATIONAL USES AND VISITOR CENTRE WITH ASSOCIATED PARKING AT FAGL LANE QUARRY, FAGL LANE, HOPE.**

APPLICATION NUMBER: **054863**

APPLICANT: **PARK IN THE PAST CIC**

SITE: **FAGL LANE QUARRY,
FAGL LANE, HOPE**

APPLICATION VALID DATE: **20TH JANUARY 2016**

LOCAL MEMBERS: **CLLR. T. NEWHOUSE**

TOWN/COMMUNITY COUNCIL: **HOPE COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SIZE OF THE SITE EXCEEDS THAT FOR WHICH POWERS FOR DELEGATED DETERMINATION EXIST.**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full planning application seeking permission for the change of use of the former quarry via the creation of a historically themed country park with a scaled recreation of a Roman Fort and Iron Age Village, and a visitor centre set within and straddling the boundaries of a former gravel extraction site in the Alyn Valley. This will also entail the restoration of land within the former quarry itself for purposes including ecological mitigation land, arable and pastoral use.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

2.01 That conditional planning permission be granted subject to the applicant entering into a Section 106 Obligation/Unilateral Undertaking to provide the following:

a) Payment of £3000 as a contribution to the costs of the formulation of a Traffic Regulation Order to restrict flows along Pigeon House Lane. Such sum payable before the first use of the development.

b) In addition, a Deed of Variance or replacement S.106 in respect of aftercare arrangements and management for the site will be required.

2.02 Conditions

1. 5 years commencement
2. In accordance with approved plans
3. Materials to be submitted and agreed
4. Access design siting and layout to be submitted and agreed. No formation until details agreed.
5. Access to be kerbed and base course before any other works.
6. Access gates to open inward and be 5m back from edge of road.
7. 1.8m footway along site frontage. Details to be submitted and agreed.
8. Construction traffic management plan to be submitted and agreed.
9. Travel plan and transport implementation strategy to be submitted and agreed
10. No special events to take place until events traffic management plan submitted and agreed.
11. Scheme of directional signage to be submitted and agreed.
12. Bridge soffit level no lower than 81.39m AOD
13. Bridge approach ramp design to be submitted and agreed to allow conveyance of flood flows up to 0.1% AEP event.
14. Bridge parapet to be of open design to allow for overtopping in event of blockage.
15. No raising of existing ground levels within floodplain.
16. Site flood evacuation plan to be submitted and agreed.
17. Great Crested Newt (GCN) avoidance and mitigation measures to include exclusion barriers to be submitted and agreed.
18. Detailed GCN compensatory proposals to be submitted and agreed.
19. Long term management and surveillance plan to be submitted and agreed.
20. Scheme for wardening of site for the operational life of the proposed scheme to be submitted and agreed.

21. Submission and agreement of any proposed external lighting.
22. Bat habitat retention and management plan to be submitted and agreed.
23. Biosecurity Risk assessment to be submitted and agreed.
24. Scheme for Ecological Compliance Audit to be submitted and agreed.
25. No motorised water craft vehicles to be used upon the lake.
26. No use of the lake (other than for peg angling) between 1st October and 30th April in the subsequent year.
27. No more than 50 water craft or swimmers upon the lake at any time.
28. Routes of Footpaths 17, 23 & 27 to be safeguarded.
29. Land contamination and mitigation scheme to be submitted and agreed. Implementation as per approved scheme.
30. Surface water management scheme to be submitted and agreed.
31. Landscaping scheme to be submitted and agreed.
32. Implementation of site landscaping with maintenance for 5 year period.
33. Hours of operation to be submitted and agreed.

3.00 CONSULTATIONS

3.01 Local Member

Councillor T. Newhouse

Considers proposals are one of 3 great projects for the Hope Community, the others being the medical centre and the sports pavilion. Considers the proposals to be tremendous and invites the Members of the Planning Committee to support the proposal.

Adjoining Ward Members:

Councillor D. Williams

No objections.

Councillor R. Hughes

No response at time of writing.

Hope Community Council

Supports the application.

Adjoining Community Councils:

Penyffordd Community Council

No objections.

Leeswood Community Council

No response at time of writing.

Highways DC

No objections subject to the impositions of conditions. Advises of the need for a S.106 to address the need for a £3000 contribution towards

the costs of a Traffic Regulation Order to regulate traffic flows along Pigeon House Lane.

Advises that Footpaths 17, 23 and 27 cross the site. Any amendments to the routes of these footpaths will require the prior consent.

Pollution Control

No objections subject to the imposition of a condition requiring

Economic Development & Regeneration

Supports the proposals. Considers the cultural, heritage, recreational and educational offer will enhance the tourism appeal and reputation of the area.

Local Authority Drainage

Advises that a condition for the submission and agreement of the precise surface water management scheme should be imposed.

Dwr Cymru/Welsh Water

Raises no objection as the proposals do not seek to utilise the public sewerage system.

Natural Resources Wales

No objection subject to the imposition of conditions in respect of flood risk and ecology matters at the site.

CADW

Considers the proposals are unlikely to significantly impact upon the settings of either Scheduled Ancient Monuments or Registered Historic Parks and Gardens within the vicinity of the site.

CPAT

No objection provided the proposals safeguard the original field boundaries and land form to the eastern side of the site.

Airbus

No objection subject to the imposition of conditions in respect of bird hazard management and lighting schemes to be submitted and agreed.

4.00 PUBLICITY

4.01 The application has been publicised by way of the publication of a press notice, display of a site notice and neighbour notification letters.

4.02 At the time of writing this report, 28 No. representations expressing support for the proposals have been received. This includes North Wales Police Crime Architectural Liaison Service. Supporters cite the educational, health and wellbeing, environmental and economic benefits, especially to the local tourist economy as reasons to support

the scheme.

4.03 In addition, 5No. representations raising objection on the following grounds:

- Adverse impacts upon users of public footpaths;
- Increased traffic to the detriment of highway safety;
- Inadequate existing road network;
- Detrimental impacts upon ecological features upon the site;
- Adverse impacts upon the character of the landscape; and
- Site should be left undeveloped for the benefit of nature.

5.00 SITE HISTORY

5.01 No history in relation to the application proposals. All historical applications relate to the extraction of sand and gravel. The only historical applications which have a bearing upon the application are:

01/3/00384

Application to extend the life of the quarry and extend in a northerly direction

Permitted subject to a S.106 agreement 1.7.2002

034999

Continuation of quarrying operations permitted by planning consent ref 01/3/384 without compliance with condition no. 16 (relocation of crusher)

Permitted subject to a S.106 agreement 16.9.2003

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 - New Development

Policy STR6 - Tourism

Policy STR7 - Natural Environment

Policy STR10 - Resources

Policy STR11 - Sport, Leisure and Recreation

Policy GEN1 - General Requirements for Development

Policy GEN3 - Development in the Open Countryside

Policy D1 - Design Quality, Location & Layout

Policy D3 - Landscaping

Policy L1 - Landscape Character

Policy L5 - Environmental Improvement Schemes

Policy WB1 - Species Protection

Policy WB4 - Local Sites of Wildlife & Geological Importance

Policy WB5 - Undesignated Wildlife Habitats

Policy WB6 - Enhancement of Nature Conservation Interests

Policy HE5 - Protection of Landscapes. Parks & Gardens of Special Historic Importance.

- Policy HE6 - Scheduled Ancient Monuments
- Policy AC1 - Facilities for the Disabled
- Policy AC2 - Pedestrian Provision & Public Rights of Way
- Policy AC3 - Cycling Provision
- Policy AC13 - Access and Traffic Impact
- Policy AC18 - Parking Provision and New Development
- Policy SR1 - Sports, Recreation or Cultural Facilities
- Policy SR2 - Outdoor Activities
- Policy T1 - Tourist Attractions
- Policy MIN4 - Restoration and Aftercare
- Policy EWP14 - Derelict and Contaminated Land
- Policy EWP15 - Development of Unstable Land
- Policy EWP16 - Water Resources
- Policy EWp17 - Flood Risk

7.00 PLANNING APPRAISAL

7.01 Site and Surroundings

The application site comprises a 45 hectare site containing the lake formed following the extraction of sands and gravels during the operational life of the quarry, which ceased in 2004, and its surrounding environs. The site is located to west of the settlement of Hope.

7.02 The site is bounded to the north by adjacent open agricultural land and the route of Footpath 23. The site bounds the Wrexham – Bidston railway line which runs on a north –south alignment to the east, with Stryt Isa beyond. Fagl Lane abuts the site to the south on an east – west alignment, from which vehicular access is both currently and is proposed to be derived. In addition, Pigeon House Lane, forms part of the south easterly boundary of the site. The course of the River Alyn to the west marks the majority of this boundary, although fields to the most south westerly areas of the site extend to the boundary of the site with the adjacent A541. Boundaries are formed either by stock proof fences, particularly to the north, or existing mature hedgerows interspersed with trees to the remaining boundaries.

7.03 The Proposals

The application proposes the change of use of the site from a quarry to a site to be used for a country park and historical attraction. The change of use is effected by the following activities and operational developments;

- The creation of wildlife conservation areas;
- The erection of a visitor centre;
- The formation of car and coach parking areas;
- The creation of a replica Iron Age meeting hall (to be used for performance, group activities and display purposes);
- The creation of a replica Iron Age farmstead and village;
- The creation of a replica Roman Fort;

- The erection of a storage building to house agricultural machinery;
- The erection of a replacement bridge across the River Alyn
- Use of the lake for limited recreational purposes; and
- The creation of routes ways within the site and enhancement of existing defined and permissive footpaths.

7.04 The Main Issues

The main issues for consideration in the determination of this application are;

- The principle of the proposed development;
- Flood risk;
- Ecological Issues;
- Historic Landscape Impact
- Highway and Access Considerations
- Mineral Aftercare and Safeguarding

7.05 The Principle of Development

The site is located outside the settlement boundary for Hope in the adopted UDP. Both national and local planning policy seek to ensure that new development is strictly controlled in such areas. However, Planning Policy Wales (PPW) contains a strong presumption in favour of sustainable development and offers broad support for the concept of such a proposal in terms of environmental protection and enhancement, tourism, recreation, leisure and education.

7.06 I consider that the UDP reflects the broad in principle support contained within PPW and provides a strategic context for the creation of country park and its accompanying elements.

7.07 Policy STR1 in criteria a) seeks to direct new development to settlement boundaries and other locations but specifies 'and will only be permitted outside these areas where it is essential to have an open countryside location'.

7.08 Policy STR6 supports development which enhances tourism in the County where it a) meets the needs of both visitors and residents b) it is of a scale and type appropriate to the locality; and c) wherever possible, it either assists in the regeneration of brownfield land or buildings, or contribute to rural diversification.

7.09 Policy STR7 seeks to safeguard the natural environment of Flintshire by: b) protecting and enhancing the character, appearance and features of the open countryside and the undeveloped coast; c) protecting and enhancing areas, features and corridors of nature conservation, biodiversity and landscape quality both in urban and rural areas, including urban green space; f) the protection and enhancement of the water environment.

- 7.10 Policy STR10 Resources requires development to make the best use of resources through a) the utilisation of suitable brownfield land and buildings wherever practicable in preference to green field land or land with ecological, environmental or recreation value.
- 7.11 Policy STR11 sets out a number of ways in which the sport, leisure and recreation needs of the County can be met.
- 7.12 In addition, policy GEN3 allows for development related to agriculture, minerals extraction, rural diversification, tourism, leisure and recreation, and existing educational and institutional establishments, provided there is no unacceptable impact on the social, natural and built environment.
- 7.13 The development of new tourism attractions is addressed primarily via policy T1. This policy sets out that proposals outside of defined settlement limits will be considered where the proposal is dependent upon a geographically restricted natural or historic resource and, in the case of new buildings associated with such uses, no other suitable buildings exist. The proposal is located thus on the basis of the physical location of the lake, as the basis for the water based activities, and on the basis of current archaeological evidence which points to the vicinity being the location of a Roman encampment.
- 7.14 Accordingly I consider that, as a matter of principle, the proposals would be acceptable.
- 7.15 Flood Risk
The site is located within the river valley of the Alyn River and as such the site falls within both Zone A and Zone C2 areas as defined within TAN15. Most of the built elements within the proposals (Visitor Centre, car and coach parking, storage building, Roman fort, Iron Age farmstead and Iron Age meeting hall are to be located within Zone A and are therefore not considered to be at risk from flooding.
- 7.16 The proposed river bridge and the area of the site identified as an area for temporary event car parking are located within C2 flood risk areas. However, consultation with NRW has established that subject to the imposition of conditions in relation to the design, approach to and soffit level of the proposed bridge will ensure that the bridge would not give rise to unacceptable levels of risk associated with blockage and consequent flooding.
- 7.17 The temporary event car parking area is partially at risk from flooding. Whilst the use of the site for this purpose would be an intensification, having regard to its current undeveloped state, I am of the view that this use would be less vulnerable due to the temporary and infrequent nature of the proposed use. I am satisfied that the imposition of a condition requiring the applicant to produce a flood evacuation plan,

with the prominent display of such details within the areas of known flood risk, together with the applicant signing up to receive flood warnings from NRW will adequately address any risk arising.

7.18 Ecological Issues

The site comprises 35 hectares of mixed habitat, including a 15 hectare lake which is a locally designated wildlife site but does not form part of a statutory European designated wildlife site. However, the impact of the development on any European Protected Species which may be present is required to be undertaken. The site provides habitat to Wetland birds (including birds upon Annex 1 of the Conservation of Wild Birds Directive 2009), Great Crested Newts, otter and bats. Both Natural Resources Wales (NRW) and the County Ecologist have considered the impact of development particularly upon the above listed species, a number of which are located in proximity to the application site.

7.19 European Protected Species (EPS) and their breeding sites and resting places are protected in the United Kingdom under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (as amended) and Article 12 of the Habitats Directive 92/43/EEC. The Directive (Article 16) only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is

- (i) no satisfactory alternative and
- (ii) no detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.20 Regulation 9 (1) and 9 (5) of the 2010 Regulations requires public bodies in the exercise of their functions, to ensure compliance with and to have regard to the provisions of the Habitats Directive. Consequently, in determining planning applications which may affect EPS, the Local Planning Authority must take account of the provisions of the Habitats Directive.

7.21 Guidance to Local Planning Authorities is given in TAN 5: Nature and Conservation Planning (particularly paragraphs 6.3.6 and 6.3.7). In particular, at paragraph 6.3.7 it is stated:

7.22 “It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) [now regulation 53 of the 2010 Regulations] licence are likely to be satisfied.”

7.23 Recent court decisions have made it clear that a Local Planning Authority may properly grant planning permission unless it concludes that:

- (a) the proposed development would be likely to offend Article 12 of the Habitats Directive and
- (b) be unlikely to be licensed pursuant to the derogation powers.

7.24 In other words, if the Local Planning Authority concludes that a EPS licence is likely to be granted under regulation 53 of the 2010 Regulations or if it is unsure of the Welsh Government's (as the licensing body) likely response, then that should not, on its own, prevent planning permission being granted.

7.25 In coming to its view, the Local Planning Authority has given considerable weight to the advice received from NRW as the relevant statutory consultee.

7.26 The applicant has provided undertaken ecological surveys and produced a variety of mitigation proposals. In response to consultation, NRW advise they are generally satisfied with methods and detail of the ecological surveys undertaken for the project. The survey reports conclude that the proposed development is unlikely to cause detriment to the favourable conservation status of any protected species. NRW broadly agree with this conclusion, subject to the imposition of conditions as set out further in this report.

7.27 Great crested newts (GCN) are present within the site and surveys indicate that the species utilises the site for breeding, foraging, dispersal and sheltering purposes. Whilst it not considering that the proposals itself would be detrimental to the continued favourable conservation status of the species, the development and construction phase has the potential to adversely affect the species. I am advised however that conditions in respect of the following will ensure that such impacts are mitigated and compensated for.

- GCN avoidance and mitigation scheme to include exclusion fences;
- Submission, agreement and implementation of detailed compensatory proposals in respect of GCN detailing tenure, use and occupancy of the dedicated area;
- Management plan to address long term management and surveillance;
- Details of the wardening arrangements throughout the operational life of the scheme; and

- Measures to prevent incidental capture or killing of amphibians during construction works.
- 7.28 The impact upon birds and in particular, wetland birds has been considered through the submitted reports. The proposals indicate that large areas of the site will be retained principally for nature conservation and the provision of species specific requirements. These include the maintenance of the river corridor to the benefit of Kingfisher and additional pond creation, principally for GCN, but this will have benefits for wetland birds. The scheme proposes to replace the failed Sand Martin wall and creates habitat for Little Plover.
- 7.29 The lake itself is the biggest element of the scheme in bird habitat terms, providing feeding and over wintering grounds for wetland birds, including 7 Annex 1 bird species, 22 red listed birds of conservation concern and 31 amber listed birds. Accordingly, the activities upon the lake, comprising non-motorised water craft activities, open water swimming and shore based angling utilising fishing pegs will be subject to conditional restrictions as set out below;
- No motorised water craft to be used;
 - No use of the lake for any activities between 1st October and 30th April of the subsequent year (excluding peg angling);
 - No water based activities in the northern part of the lake at any time;
 - 20 metre water recreational exclusion zone around the lake shore; and
 - Not more than 50 watercraft or other water users upon the lake at any one time.
- 7.30 Subject to these conditions it is considered that the continued favourable conservation status of any local bird population will be safeguarded.
- 7.31 The impact on bats has also been considered in detail. Again, subject to the imposition of conditions in relation to the need for any external lighting scheme to be submitted and agreed, and the submission of a bat retention and management plan, the proposal is not considered to be likely to be detrimental to the continued favourable conservation status of any bat populations.
- 7.32 Conditions are also required in relation to matters of biosecurity, concerning Invasive Non-Native Species, in this case Himalayan Balsam. A bio security risk assessment is required to control such species. In addition, a condition requiring the submission and implementation of an ecological compliance audit is required.

- 7.33 Concerns have been raised in response to consultation by third parties that the proposals do not have proper regard to the legislative requirements in respect of the protection of features of ecological interest. A request was made to Welsh Government seeking a Screening Opinion in accordance with the Environmental Impact Assessment (EIA) Regulations 2016. Welsh Government have advised that whilst the proposals would be Schedule 2 development, it does not amount to EIA development as the proposals are unlikely to give rise to significant impacts upon protected species, sites or historical assets. This reflects the view of the LPA in its screening opinion.
- 7.34 Returning therefore to the Requirements under Article 16 it is considered that the proposals are in accordance with the aims of the Well-Being of Future Generations Act 2015. In accord with Section 3(2), the proposals will assist in the management, use and enhancement of Wales' natural resources to support long term well-being.
- 7.35 The alternative to the proposals are to do nothing, which in itself is not a satisfactory alternative. The site is a natural resource which has arisen from a former quarry working. It is therefore an inherently dangerous place unless properly managed in the interests of public health and public safety. The site is presently catered for under mineral aftercare arrangements but as set out elsewhere in this report, these extend only for a further 6 year period. The proposals will secure continued management of the site in the interest of both public safety and environmental protection.
- 7.36 The consideration of all ecological issues as set out above demonstrates that NRW are satisfied that the proposals would not give rise to a detrimental impact upon the continued favourable conservation of any of the species in question.
- 7.37 Accordingly I am satisfied that the Article 16 derogation tests are satisfied and there is no ecological impediment to planning permission being granted.
- 7.38 Historic Landscape Impact
The application site is located within the vicinity of several Scheduled Ancient Monuments, namely Caergwrle Castle, Caer Estyn Hillfort and Wats Dyke. The eastern side of the site, within which the main visitor attractions are proposed to be located, would be 330m west of and downhill from a well preserved and near continuous stretch of Wats Dyke which occupies the eastern flank of the Alyn river valley.
- 7.39 The ruins of the late 13th century Caergwrle Castle is situated some 1.4km to the south of the site upon an isolated elevated promontory. Caer Estyn Hillfort is located at a similar elevation upon the adjacent heavily wooded summit some 1.5km from the site. Historically, both

would have been situated to command views of the valley to the north.

- 7.40 Whilst there is likely to be some degree of inter-visibility between Wats Dyke and the taller structures within the site, the intervening railway lines, Stryt Isa, the 6m x 500m long screening bund associated with the former quarry, several intervening field boundaries and areas of existing and proposed areas of woodland will, in combination, offer extensive screening such that views are likely to only be intermittent. The development would also be partially viewable from Caergwrlle Castle and possible, during winter months, from Caer Estyn Hillfort. However, these views will be distant and limited by the screening effects of the woodlands surrounding both monuments, intervening boundaries, buildings, vegetation and the topography of the site.
- 7.41 Whilst it is appreciated that there is potential for the proposed Roman and Iron Age features to be confusing or anachronistic features within the landscape, these will be seen as complete structures, clearly not genuine features of the periods concerned and not within the context of surviving remains of either period. Accordingly it is considered that they are unlikely to be interpreted as such. The proposals to restore elements of the site to woodland and pastoral use, coupled with the retention of original field boundaries, will serve to enhance the setting of Wats Dyke.
- 7.42 The site is also located within 2km of the Historic Parks and Gardens at Bryn Iorwyn, Hartsheath and Plas Teg. The site is not located in any of the significant views from these sites and the topography, vegetation and buildings between the site and the above historic parks will provide significant screening. As such there will be no impact upon the settings of these parks.
- 7.43 Highway and Access Considerations
The application is accompanied by a Transport Statement (TS) which concludes that the proposals can be adequately served by the existing transport infrastructure. This assessment has been undertaken upon the basis of projected visitor numbers, traffic generation and modal split. The proposal projects a range of visitor numbers for different periods throughout the development period. The anticipated levels of traffic generation have been calculated using TRICs data obtained from similar historic based attractions in the UK. These figures indicate modest traffic volumes (47 trips) during even the development peak hour (early Sunday Afternoon). I am advised by the Highways DC that such generation rates are unlikely to cause significant impact to the operation of the local highway network.
- 7.44 The TS does assume that visitors will arrive at the Fagl Lane entrance to the site. However, visitors approaching from the north, via the A55/A494, and assuming use of satellite navigation systems, are likely to approach via Pigeon House lane. This lane, due to its alignment and width, is unsuitable to carry additional volumes of traffic. I am

advised by Highways DC in response to consultation that a Traffic Regulation Order restricting the flow of traffic on the road will be required. The applicant is therefore required to either enter into a S.106 agreement/unilateral undertaking or make advance payment of £3000 to cover the costs of making such an order. In addition, a condition requiring a scheme of directional signage will also be required to be imposed.

- 7.45 The site is accessible by a variety of sustainable modes of transport. It is within easy walking distance of Hope and the majority of Caergwrlle and the reasonable provision of pedestrian footways and public footpaths make the site attractive to pedestrian visitors. A significant proportion of site visitors will be resident within 5km of the site and are likely to utilise the site for recreational walking and/or dog walking. This area includes a number of local communities. The site is also accessible via bus and train although the frequency of services will affect the attractiveness of visitors utilising these modes of transport.
- 7.46 I am advised by Highways DC that there is no objection to the proposal from a highway safety perspective. However, in addition to those detailed above, any permission granted should be the subject of conditions requiring the submission and agreement of both a Traffic Management Plan and Travel Plan. In addition, the precise details of the proposed access amendments at the Fagl Lane entrance will be required to be submitted and agreed.
- 7.47 Mineral Aftercare and Safeguarding
Sand and gravel extraction has taken place at Fagl Lane quarry under a series of planning permissions from 1956 through to 2003 when planning permission was granted vary a condition to allow the enclosure of the crusher and retention in its current location. This consent was subject to a S.106 agreement which provided for an extended period of aftercare and management period from 5 years to 10 years for a proportion of the site (the south of the current application site). The period of extended aftercare and management of 10 years would extend until 25 October 2022.
- 7.48 Other land within the application site, but outside of the S.106 area is subject to a 5 year aftercare period which would conclude on 25 October 2017. Therefore, the area subject to the extended aftercare has a further 6 years and all other areas outside of the legal agreement area has another year of aftercare/management.
- 7.49 Considering the current application proposal, much of the nature conservation interests and management prescriptions would be taking place in the north of the site, with the south of the site focusing on the visitor centre, visitor activities and associated infrastructure. Whilst this would conflict with areas of the existing Aftercare and Management plan in terms of areas to the south of the site, it is noted that the current proposals show that part of the lake would include an

exclusion zone and a 20 metre shore exclusion zone. Also the north of the lake would be designated and managed as the north shore conservation zone and to the west, the Peat Field Conservation Zone.

7.50 It would broadly appear that nature conservation has been considered and whilst some areas of the existing aftercare scheme would be lost, others would be maintained. The area subject to the extended 10 year aftercare would be most affected by this proposal. However, nature conservation areas are offered in parts of the south of the site, and to the north of the site and part of the lake where there would only be 1 year left of management should planning permission not be granted. I am therefore of the view that the nature conservation areas identified within the current proposals compensate for the loss of extended aftercare that would be lost by this proposal. The existing S.106 agreement would need to be either varied or revoked and a new one entered into should it be deemed necessary. I recommend accordingly in this regard.

7.51 In terms of mineral safeguarding, much of the site has been worked. There are mineral resources located to the north of the site which, whilst included in the last planning consent, were not worked. However, should there be future interest to work the mineral, the granting of permission for the current proposals would not sterilise the resource. As such, there is no objection from a mineral safeguarding perspective.

8.00 CONCLUSION

8.01 Current national and local planning guidance encourages uses which manage and enhance Wales' natural resources alongside wider environmental, social and economic factors. I consider this proposal provides benefits and opportunities for each of these considerations and therefore amounts to a form of sustainable development. Accordingly I recommend that planning permission be granted in the terms set out in Section 2 of this report.

8.02 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

8.03 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

- 8.05 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: David Glyn Jones
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Email: david.glyn.jones@flintshire.gov.uk