

**WREXHAM COUNTY BOROUGH COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 97**  
**THE WREXHAM COUNTY BOROUGH COUNCIL (MODIFICATION OF PLANNING**  
**PERMISSION) (HAFOD CLAYPIT, JOHNSTOWN) ORDER 2007**

**Trevor Coxon**  
**Chief Legal and Administration Officer**  
**Wrexham County Borough Council**  
**Guildhall**  
**WREXHAM**  
**LL1 1AY**

**WREXHAM COUNTY BOROUGH COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 97**

**THE WREXHAM COUNTY BOROUGH COUNCIL (MODIFICATION OF PLANNING PERMISSION) (HAFOD CLAYPIT, JOHNSTOWN) ORDER 2007**

**RECITALS**

1. On 10 July 1995 the Secretary of State for Wales (“the Secretary of State”), in pursuance of his powers under the Town and Country Planning Act 1990, granted planning permission, on appeal to him under the identifying reference PP016-99-003 (“the Planning Permission”) in respect of the land described in the First Schedule (“the land”) to Dennis Ruabon Limited. The Planning Permission was for the infill with domestic, commercial and industrial refuse, associated site control building and engineering operations (incorporating office, weighbridge, laboratory , wheelwash and gas venting and collection system) and ancillary development and restoration to agriculture and amenity of Hafod Claypit Johnstown Wrexham.
2. The conditions attached to the Planning Permission are annexed as the Second Schedule.
3. The Wrexham County Borough Council (“the Authority”) is the local planning authority for the said land.
4. The building or other operations referred to in the Planning Permission have not yet been completed.
5. On December 13<sup>th</sup> 2004 the Johnstown Newt Sites Special Area of Conservation (EC Site Code UK0030173, and described herein as “the Special Area of Conservation”) was designated by the National Assembly for Wales .
6. It appears to the Authority, having regard to the development plan, and the need to protect the Special Area of Conservation (EC Site Code UK0030173) and following a review of the Planning Permission by the Authority pursuant to regulation 55 of the Conservation (Natural Habitats, & c.) Regulations 1994 and all other material considerations that it is expedient to modify the Planning Permission in the manner hereinafter appearing.
7. The modification of the Planning Permission will take effect immediately pursuant to regulation 57 of the Conservation (Natural Habitats, & c.) Regulations 1994 pending confirmation.

**NOW THEREFORE** the Authority as local planning authority and in pursuance of section 97 of the Town and Country Planning Act 1990, regulation 55 of the Conservation (Natural Habitats, & c.) Regulations 1994 and all other powers enabling hereby makes the following order:

1. The Planning Permission shall be modified by the exclusion of the area shown edged and hatched red on Drawing number WCBC/Hafod/02 annexed to this Order.

2. The conditions attached to the Planning Permission are modified as follows:

a. Delete sub heading "Time limits".

b. Before condition 1 insert:

"A1 In these conditions:-

"Site" means the area shown edged red on Drawing number WCBC/Hafod/02.

"SSSI/SAC" means the Stryt Las a'r Hafod Site of Special Scientific Interest and the Johnstown Newt Sites Special Area of Conservation"

c. In conditions 1, 6, 8, 9, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 26, 29, 31 and 33 delete the word "site and insert "Site".

d. In condition 1 in line 3 delete "8".

e. After condition 3 insert:

"3A Landfill shall be only carried out in accordance with the details specified in the MWH letter dated 28<sup>th</sup> October 2003 and the accompanying plans and documents as follows:

- (a) Drawing Number 2425/4/03 – landfill phasing layout,
- (b) Drawing Number 2425/4/04 Revision A – proposed post settlement restoration profile,
- (c) Materials Volume Report (ref 2425/4/01).

No landfill or other works shall take place within the area shown hatched and notated as a screen bund on Drawing Number 2425/4/03 or in the area lying between the said screening bund area and the boundary of the SSSI/SAC.

3B The surface water management system shall be constructed in accordance with Drawing Numbers 2425/6/02, 2425/6/03, 2425/6/04, 2425/6/05, 2425/6/06, 2425/6/07, 2425/6/08 and 2425/6/09. There shall be no departure from the approved details without the prior written approval of the Mineral Planning Authority. The scheme shall provide for the monitoring and control of the surface water run off from the Site

3C Prior to the commencement of tipping in Phases D and E shown on Drawing Number 2425/4/03 hereby approved, a full assessment of the available mineral reserve in the area to the north west of those phases shall be submitted to and approved in writing by the Mineral Planning Authority. No tipping in landfill Phase D shall commence until such mineral as agreed to be workable in this phase and the area to the immediate west has been extracted. No tipping in landfill Phase E shall commence until the remaining mineral as agreed to be workable in this phase and the area to the north-west of landfill phases D and E has been extracted.

3D A long term nature conservation management scheme shall be submitted to the Mineral Planning Authority for approval in writing within six months of the date of confirmation of the modification of this permission by the National Assembly for Wales. The scheme shall be in respect of:

- (a) the areas of SSSI/SAC in the control of the applicant; and
  - (b) areas within the Site that function as or are proposed to function as wildlife corridors during landfill operations, and the scheme shall be implemented as approved.”
- f. After condition 4 delete sub heading “Preliminaries”.
  - g. In conditions 1, 2, 3, 4, 5, 6, 8, 9, 10, 12, 13, 16, 20, 23, 24, 28, 29, 31 and 35 delete “mineral planning authority” and insert “Mineral Planning Authority”.
  - h. In condition 7 delete “minerals planning authority” and insert “Mineral Planning Authority”.
  - i. In condition 10 at line 4 delete “6/15143” and insert “P/2003/1220”.
  - j. Delete condition 11 and insert:  
“11. Condition 11 no longer used.”
  - k. In condition 15 at line 1 delete “phases E and F” and insert “phases D and E”.
  - l. In condition 16 at line 1 before “phase” insert “each” and after “phase” delete “D”; at line 2 delete “phases F1 and F2” and insert “each subsequent phase”; and at line 3 delete “phases F1 and F2” and insert “each phase”.
  - m. After condition 16 delete heading “Hours of working”.
  - n. After condition 18 delete heading “Dust and noise limitation”.
  - o. In condition 23 in line 2 delete “107 IDADD” and insert “107m AOD”.
  - p. In condition 24 line 4 after “When” insert “, in Phase A,” and after “level” delete “so defined” and insert “of 99 m AOD along the southern face of the claypit”.
  - q. After condition 25 delete heading “Landscaping”
  - r. In condition 26 line 1 delete “Each phase of the development hereby permitted shall be landscaped in accordance with” and insert “Upon completion of landfilling in each phase”; in line 2 after “scheme” delete “which”, after “shall” delete “first have been” and insert “be”; in line 3 delete “the mineral planning authority. Such scheme” and insert “the Mineral Planning Authority. Such schemes”; and after the end of sub paragraph iii insert “Such schemes shall be implemented to an agreed timescale”.
  - s. In condition 27 at the beginning insert “A Landscape Management Plan (to include a maintenance scheme) shall be submitted to the Mineral Planning Authority for approval in writing within six months of the date of confirmation of the Wrexham County Borough Council (Modification of Planning Permission)(Hafod Claypit, Johnstown) Order 2007 by the national Assembly for Wales”; in line 2 insert “approved” before “Landscape Management” and delete “Policy [Inquiry document 3/42F] prepared by Messrs Bowman Plant Associates or such other programme as shall be submitted to, and approved in writing by the mineral planning authority” and insert “Plan”.

- t. In condition 28 line 1 after "Landscape Management" delete "Policy, or such other scheme as may be approved pursuant to Condition 26, and maintenance scheme" and insert "Plan as detailed in condition 27".
- u. After condition 28 delete heading "Restoration and aftercare".
- v. In condition 29, in sub paragraph (c) delete "cap J" and insert "cap,".
- w. In condition 33 delete "Welsh Office Agriculture Department" and insert "Farming and Rural Conservation Agency".
- x. In condition 34 lines 4 and 5 delete "mineral planning authority and the Welsh Office Agriculture Department" and insert "Mineral Planning Authority and the Farming and Rural Conservation Agency".
- y. At the end of condition 35 add:

**"Notes to Applicant - these do not form part of the permission hereby granted and are included for the purposes of clarity"**

1. You are advised to comply with the conditions set out under code numbers RUA/CB/02532 (dated 11<sup>th</sup> March 1999) and RUA/CB/02502 (dated 8<sup>th</sup> February 1999).
2. Condition 1 'reserved matters' approved under RUA/CB/02532 (dated 11<sup>th</sup> March 1999).
3. Condition 2 - subsequent application to extend period for submission approved under RUA/CB/2094 (dated 17<sup>th</sup> September 1998); 'reserved matters' approved under RUA/CB/02532 (dated 11<sup>th</sup> March 1999).
4. Condition 3 - access roadway and concrete bases for site infrastructure were implemented completed 7<sup>th</sup> April 2000.
5. Condition 5 - complied with under approval RUA/CB/02502, variation of conditions 5 and 8 (dated 8<sup>th</sup> February 1999); approval of repositioned access removed the need to widen Bangor Road.
6. Condition 6 - submitted and approved under RUA/CB/02532 and subsequently undertaken.
7. Condition 7 - submitted and approved under RUA/CB/02532 (dated 11<sup>th</sup> March 1999) and subsequently implemented between 1999 and 2000
8. Condition 8 - complied with under approval RUA/CB/02502, variation of conditions 5 and 8 (dated 8<sup>th</sup> February 1999).
9. Condition 9 to RUA/6/18883 - details submitted and approved under RUA/CB/02532 (dated 11<sup>th</sup> March 1999); external appearance approved by letter January 2006 and vehicle cleansing facility now in place.
10. Condition 10 - details were submitted and agreed under RUA/CB/02532 (11<sup>th</sup> March 1999).
11. Condition 12 - complied with under approval RUA/CB/02532 (dated 11<sup>th</sup> March 1999).
12. Condition 13 - complied with under approval RUA/CB/02532 (dated 11<sup>th</sup> March 1999).
13. Condition 20 - complied with under approval RUA/CB/02532 (dated 11<sup>th</sup> March 1999).
14. Condition 23 - noise bund constructed between points A and B; landscaping details approved by letter January 2006.

15. Condition 24 - details of ground markers submitted October 2005 approved by letter January 2006.”
3. The plans and documents referred to in Article 1 and in the modifications set out in Article 2 are annexed at the Third Schedule and in the folio of plans referred to there.
4. The Planning Permission is confirmed in all other respects.

### **FIRST SCHEDULE**

30.9 hectares or thereabouts lying to the south of Bangor Road, Johnstown, Wrexham and known as Hafod Clay Pit.

### **SECOND SCHEDULE**

ANNEX C TO WELSH OFFICE  
LETTER REF PP016-99-003  
DATED 10 July 1995

**CONDITIONS ATTACHED TO THE PLANNING PERMISSION FOR THE INFILL WITH DOMESTIC, COMMERCIAL AND INDUSTRIAL REFUSE, ASSOCIATED SITE CONTROL BUILDING AND ENGINEERING OPERATIONS (INCORPORATING OFFICE, WEIGHBRIDGE, LABORATORY, WHEELWASH AND GAS VENTING AND COLLECTION SYSTEM), AND ANCILLARY DEVELOPMENT AND RESTORATION TO AGRICULTURE AND AMENITY OF HAFOD CLAYPIT, JOHNSTOWN, WREXHAM**

#### *Time limits*

1. Approval of the details of the siting, design and external appearance of the site control building and other structures included in the application, the means of access thereto and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the mineral planning authority.
2. Application for approval of the reserved matters shall be made to the mineral planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later. Written notification of the date of commencement shall be given to the mineral planning authority within one week of the said date.

4. The landfilling operations hereby permitted shall cease within fifty-five years of the date of commencement of the development. The date of cessation of landfilling operations (comprising the importation and deposition of wastes) shall be notified to the mineral planning authority within one week of the said date.

*Preliminaries*

5. The landfilling operations hereby permitted shall not be commenced until the B5426 Bangor Road has been widened, between points E and F on the plan attached to this permission, in accordance with a scheme to be submitted to, and approved in writing by, the mineral planning authority.
6. Prior to the commencement of the development hereby permitted a survey of the application site shall be carried out- to determine the numbers of Great Crested Newts present on the land and a scheme submitted to the mineral planning authority, for approval by them. Such scheme shall provide details of a rescue programme for the relocation of the numbers of Great. Crested Newts, which may be identified in the survey.
7. The landfilling operations hereby permitted shall not be commenced until the Great Crested Newts identified by the survey required by condition 6 have been relocated in a suitable alternative habitat provided in accordance with a scheme to be agreed, in writing, with the minerals planning authority.
8. Prior to the commencement of the development hereby permitted an access to the site shall be constructed from the B5426 Bangor Road in accordance with a scheme to be submitted to, and approved in writing by, the mineral planning authority. Such scheme shall provide for a left in/right out access for waste haulage vehicles.
9. Prior to the commencement of the landfilling operations hereby permitted a vehicular cleansing facility shall be installed at the site in accordance with a scheme to be approved, in writing, by the mineral planning authority.
10. Prior to the commencement of the landfilling operations hereby permitted a scheme for the storage and handling of soils, soil forming materials, daily cover materials, engineering and construction clays and restoration materials (to the extent that such operations are not authorised by the clay extraction permission 6/15143) shall be submitted to, and approved in writing by, the mineral planning authority. Such operations shall be undertaken in accordance with the approved scheme.
11. Prior to the commencement of the landfilling operations hereby permitted a surface water drainage system to deal with run-off from the site shall be constructed in accordance with a scheme to be submitted to, and approved in writing by, the mineral planning authority; such scheme shall provide for monitoring and control of the surface water run-off from the site.

12. Prior to the commencement of the landfilling operations hereby permitted the site control area shall be constructed in accordance with such details as may have been approved, in writing, by the mineral planning authority.
13. No security fencing shall be erected around the perimeter of the site until details have been submitted to, and agreed in writing by, the mineral planning authority.
14. All fixed or mobile lighting used on the site shall be so positioned, orientated or shielded as to prevent nuisance from glare to occupants of adjoining properties or users of adjacent roads.
15. Landfill operations shall not be commenced in phases E and F of the development hereby permitted until sand and gravel extraction operations have been completed and there shall be no storage of sand and gravel on the site other than for use as cover material.
16. Prior to the completion of landfilling operations in phase D of the development hereby permitted, a scheme of details for the infilling of phases F1 and F2 shall be submitted for approval, in writing, by the mineral planning authority. The infill of phases F1 and F2 shall be undertaken in accordance with the approved details.

#### *Hours of working*

17. The landfilling operations hereby permitted shall be carried out between 0700 and 1800 hrs Mondays to Fridays and 0700 and 1300 hrs on Saturdays. No such operations shall be undertaken on Sundays or Bank and Public Holidays.
18. No maintenance work shall be carried out on mobile plant except between 0700 and 1800 hrs Mondays to Saturdays and, other than in the case of breakdown, only within the area approved for- such works within the site control area.

#### *Dust and noise limitation*

19. All waste haulage vehicles leaving the site shall pass through the vehicular cleansing facility provided in accordance with condition 9 above and shall have their wheels, underbodies and sides thoroughly cleansed before they leave the site.
20. The landfilling operations hereby permitted shall be carried out in accordance with a scheme to be submitted to, and approved in writing by, the mineral planning authority prior to the commencement of the development setting out the measures required to minimise dust emissions from the site. The agreed scheme shall be implemented throughout the period of the landfill operations hereby permitted.
21. Except as may be provided in condition 22 below, noise emitted from the development hereby permitted shall not exceed the lower of either

- (a) 55 dB(A) expressed as a one hour Laeq, measured at a point one metre from the facade of any occupied property adjacent to the site; or
- (b) a level of 10 dB(a) above the existing background noise levels expressed as a one hour Laeq as measured between 3.5m and 10m away from the facade of any occupied property adjacent to the site between 0700 and 1800 hrs, Mondays to Fridays and 0700 and 1300 hrs on Saturdays.

22. For a period not exceeding 8 weeks in any calendar year, and only during the carrying out of the following operations viz:

- (a) the stripping, transportation and storage of topsoil, subsoil and overburden.
- (b) the construction and removal of noise or visual screen bunds.
- (c) the spreading and treatment of overburden and soils for purposes of restoration.
- (d) the carrying out of landscaping works and other restoration works other than the construction and removal of bunds and the maintenance of landscaping and restoration works.

Noise emitted from the site shall not exceed 70 dB (A) expressed as a one hour Laeq between 0800 and 1800 hours, Mondays to Fridays and as a one hour Laeq between 0800 and 1300 hours on Saturdays, measured between 3.5m and 10m away from the facade of any occupied property adjacent to the site.

23. Prior to the commencement of formation of the overburden stockpile in the north west corner of the site, a noise bund shall be constructed along the 107 IDADD contour at the western boundary of the site between points A and B on the plan attached to this permission. Such bund shall be 10 m in height and landscaped and seeded or grassed as may be agreed, in writing, with the mineral planning authority.

24. Prior to the commencement of deposit of wastes in Phase A of the development hereby permitted, ground markers of such type and at such intervals as may be agreed, in writing, with the mineral planning authority shall be installed to define the level of 99m AOD along the southern face of the claypit. When the waste deposit reaches the level so defined landfilling shall cease until the southern noise bund has been constructed in accordance with a scheme that shall first have been submitted to, and approved in writing by, the mineral planning authority.

25. No mobile plant used in the landfilling operation shall be fitted with reversing alarms other than with self adjusting volume, capable of maintaining a level not exceeding 5dB(A) above ambient noise levels or other appropriate reversing safety devices.

### *Landscaping*

26. Each phase of the development hereby permitted shall be landscaped in accordance with a comprehensive landscaping scheme which shall first have been submitted to, and approved in writing by, the mineral planning authority. Such scheme' shall provide for:
- i. a detailed specification setting out species I density and numbers of trees and shrubs to be planted in each phase of the landfill development interim and final stages.
  - ii. a detailed plan or plans showing where plants will be located within the site.
  - iii. detailed specification of how and when trees and shrubs will be planted and protected.
27. The landscape works required by condition 26 shall be maintained throughout the life of the development in accordance with the Landscape Management Policy [Inquiry document 3/42F] prepared by Messrs Bowman Plant Associates or such other programme as shall be submitted to, and approved in writing by the mineral planning authority.
28. A review report of the Landscape Management Policy, or such other scheme as may be approved pursuant to Condition 26, and maintenance scheme shall be submitted to the mineral planning authority at intervals of five years, commencing five years after the date of the commencement of the development hereby permitted, and continuing throughout the lifetime of the landfilling operations (including the programmed temporary cessation) including the period of aftercare specified in condition 31. Each review report shall summarise the works of management and maintenance over the past five year period, shall set out the current management and maintenance requirements and shall put forward proposals for amendments to the management and maintenance programme for the ensuing five year period.

#### *Restoration and aftercare*

29. Each phase of the development hereby permitted shall be capped with clay and restored in accordance with such details as may be approved by the mineral planning authority, in writing, prior to the commencement of landfilling in that phase. The details to be submitted for the approval of the mineral planning authority shall address the following matters:
- (a) a contour plan showing the surcharged (pre-settlement) levels of the waste in each phase, graded to receive the clay cap;
  - (b) the progressive placement of the clay cap;
  - (c) the spreading of the overburden on the emplaced clay cap J the thickness of the overburden and the grading of the surface of the overburden;
  - (d) the removal from the upper half of the overburden of any objects which could be deleterious to the agricultural after-use of the land;
  - (e) the ripping and cross-ripping of the overburden with an agricultural winged tine sub-soiler to an appropriate depth to break up compaction;

- (f) the spreading of a layer of free draining material thickness on the surface of the overburden;
- (g) the spreading and grading of sub-soil or soil forming material on the surface of the drainage layer to a suitable thickness;
- (h) the removal from the sub-soil or soil forming materials of any objects which could be deleterious to the agricultural after-use of the land;
- (i) the ripping and cross-ripping of the subsoil or soil forming materials with an agricultural winged tine subsoiler to an appropriate depth to break up compaction;
- (j) the spreading of topsoil or soil forming materials to a suitable thickness;
- (k) the removal from the topsoil or soil forming materials of any objects which could be deleterious to the agricultural after-use of the site;
- (l) the ripping and cross-ripping of the topsoil or soil, forming materials with an agricultural winged tine subsoiler to break up compaction;
- (m) analysis of the topsoil, sub-soil and soil forming materials to determine fertiliser, nutrient and mineral dressing requirements in terms of types and rates of application;
- (n) the cultivation (method and timing) of the soils and soil forming materials;
- (o) the application of fertiliser. Nutrient and mineral dressings of such types and at such rates of application as may be determined to be appropriate under (m) above;
- (p) the seed mixes to be used, detailing species. Proportion and rates of application;
- (q) the preparation of a seedbed including cultivation and tining;
- (r) drainage works;
- (s) field layout, including fencing and the establishment of trees and hedges on all field boundaries and the provision of agricultural access;
- (t) the provision of a field water system;
- (u) the removal or other means of disposal of all buildings, plant structures, foundations, installations, road ways, hardstandings, lagoons and other drainage works, signs, fencing, gates, leachate, ground and surface water, landfill gas and mine gas control and monitoring systems, as and when these become unnecessary for the purposes of the operation of the site, the restoration of the site, the maintenance of the restoration; the aftercare of the site. The after-uses of the site and the closure of the access from the B5426 Bangor Road and the planting of a boundary hedge along the site frontage;
- (v) where the after-use of any part of the land is to be for purposes other than agriculture details of progressive capping and restoration for that part shall set out the method of restoration for the defined after-use; and
- (w) a plan of the site at a scale not less than 1/2500 defining the areas intended for the after-uses proposed.

30. The final phase of restoration shall be completed within 2 planting seasons of the date of cessation of landfilling the height of the final landform shall not exceed 122m AOD.
31. Each phase of restoration shall be the subject of an aftercare scheme, requiring such steps as may be necessary to bring the land to a condition reasonably fit for the proposed end uses, the details of which shall be submitted to the mineral planning authority no later than 6 months prior to the date on which it is expected that the restoration of the phase will be completed. The submitted scheme shall specify the steps to be taken and the 5 year period during which they are to be undertaken and shall include details of:
- (a) tree planting and landscaping.
  - (b) cultivation, seeding and management of grassland in accordance with the rules of good husbandry.
  - (c) fertiliser and lime application based on soil analysis.
  - (d) grazing management.
  - (e) field water supplies.
  - (f) ditch/watercourses and piped ditch systems to control surface run-off and prevent erosion and a piped drainage system consistent with good practice for restoration of the land of the type occurring on the site and soil treatments such as moling and subsoiling.
  - (g) any other agricultural treatment particularly relevant to the site.
32. The aftercare of each phase shall be carried out in accordance with the approved scheme.
33. Entry onto the site shall be granted to officials of the Welsh Office Agriculture Department at all times during stripping operations, working, restoration and aftercare of the site.
34. At least once a year during the periods of restoration and aftercare there shall be a formal review to consider the operations which have taken place on the land during the previous year and the programme of management to be aimed for during the ensuing year. The parties to this review shall include the landfill operator, the owner(s) and occupier(s), the mineral planning authority and the Welsh Office Agriculture Department.
35. At least 4 weeks before the date of each annual review the landfill operator shall provide the mineral planning authority with a record of the management and operations carried out on the land during the period covered by the review.

## **THIRD SCHEDULE**

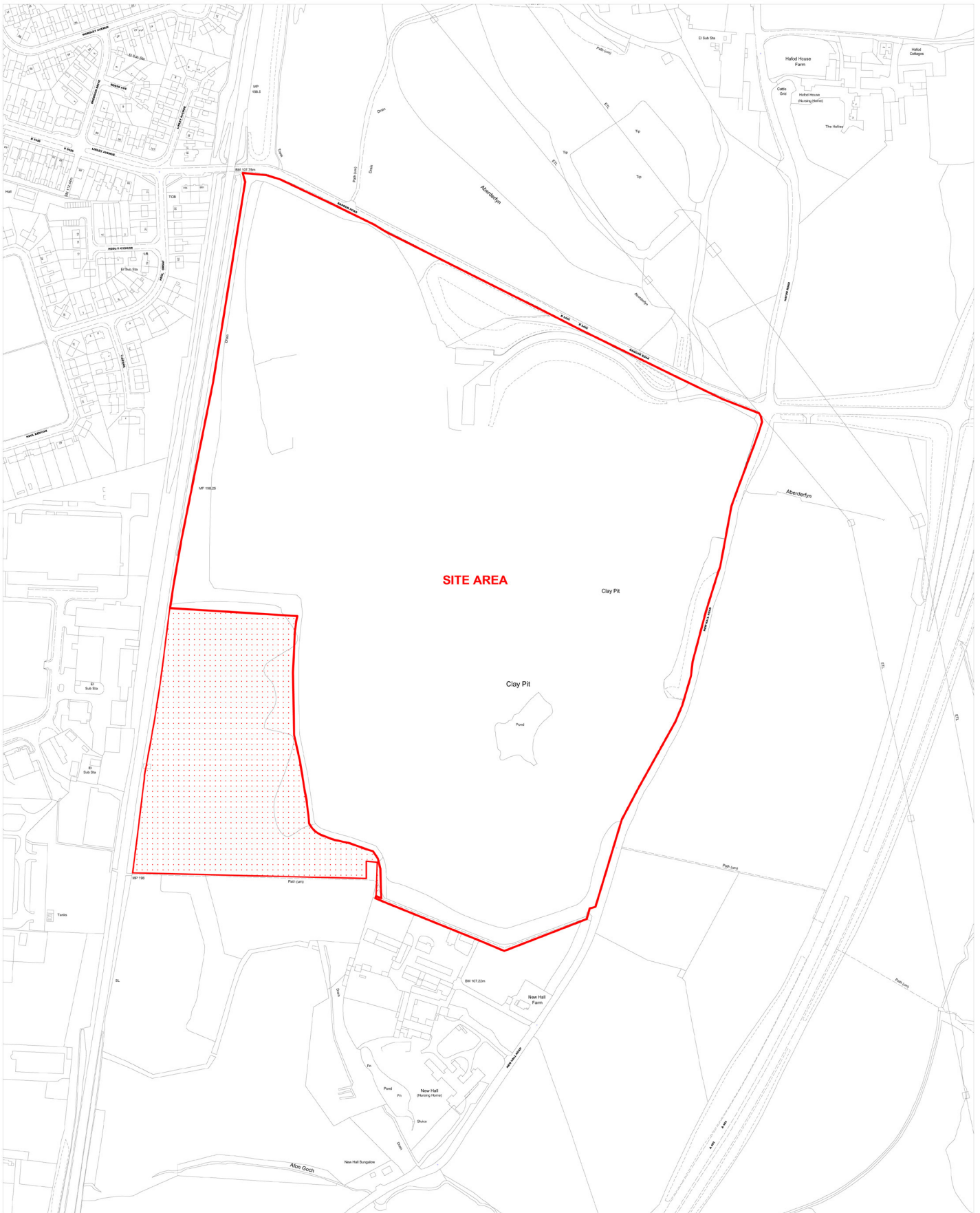
### **Plans and documents annexed**

1. Condition 1A: Drawing number WCBC/Hafod/02
2. Condition 3A:  
MWH Associated Limited letter dated 28<sup>th</sup> October 2003.  
Materials Volume Report (ref 2425/4/01).

### **Other plans and documents**

The following Plans are bound a separate folio bearing the title "Plans Referred to in the Third Schedule to the Wrexham County Borough Council (Modification of Planning Permission) (Hafod Claypit, Johnstown) Order 2007" and sealed with the Common Seal of the Council:

1. Condition 3A:  
Drawing Number 2425/4/03 – landfill phasing layout.  
Drawing Number 2425/4/04 Revision A – proposed post settlement restoration profile.
2. Condition 3B: Drawings Numbers 2425/6/02 to 09 (inclusive)



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**Key**

 Formally within Application Site Area and part of Johnstown Newt Sites Special Area of Conservation (SAC) and Stryt Las a'r Hafod SSSI

Drawing No WCB/C/Hafod/02

**WREXHAM COUNTY BOROUGH COUNCIL**  
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 97

The Wrexham County Borough Council  
(Modification of Planning Permission)(Hafod Claypit, Johnstown) Order 2007

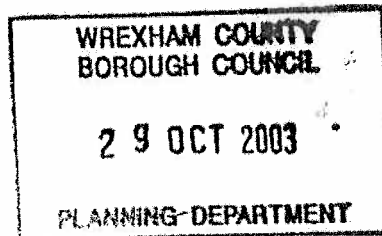


Ref 740

Chief Planning Officer  
Wrexham County Borough Council  
Lambpit Street  
PO Box 1290  
Wrexham  
LL11 1WL

**P/2003/1242**

FAO Mr RAB Sheffield



28<sup>th</sup> October 2003

Dear Sir,

**HAFOD QUARRY AND LANDFILL SITE, JOHNSTOWN**  
**APPLICATION TO VARY CONDITION 1 OF PLANNING CONSENT REFERENCE**  
**RUA CB02532**

In accordance with regulation 3(3) of the Town and Country Planning (Applications) Regulations 1988, we should be grateful if you would accept this letter as an application under section 73 of the Town and Country Planning Act 1990. Regulation 3(3) requires such applications to be made in writing and to give sufficient information to enable the authority to identify the previous grant of planning permission and any condition in question.

The previous grant of planning permission is reserved matters approval reference RUA CB02532 and a copy of this approval is enclosed for ease of reference as part of the attached supporting information.

The condition in question is condition 1 which specifies the details approved by the decision. Amongst other details, a Materials Volume Report reference DR/HQ/NL/723/01 and Figure 3 Drawing Reference ML/HQ/6-98-7738 are listed as approved. Copies of these two documents are also enclosed for ease of reference.

The Materials Volume Report includes in particular drawing number DR/HQ/2-92/1877 which identifies landfill phases and the progress of mineral extraction at the site. Figure 3 Drawing Reference ML/HQ/6-97/7738 identifies the proposed post-settlement restoration profile and surface water drainage system of the site on the completion of landfilling operations.

As has been discussed in previous meetings with your Mr Sheffield, the notification by the Countryside Council for Wales in 2000 of the inclusion of the south western part of the site the subject of this approval as within the Stryt las a'r Hafod Site of Special Scientific Interest ("SSSI") necessitates a variation to the approved landfill phasing plan in order to comply with the Countryside and Rights of Way Act 2000 and prevent any potentially damaging operations to the SSSI. It has been agreed that the approved scheme details should be varied prior to the commencement of phase C as shown on drawing number DR/HQ/2-92/1877. The

required amendment to the phasing of the landfill operations will also result in the requirement to amend the post-settlement restoration proposals.

As a consultee of the environment agency, you will be aware that an application was made on behalf of MWH Associates Limited in November 2002 for a PPC permit in order to comply with the Pollution, Prevention and Control (England and Wales) Regulations 2000. In making this submission, the applicant was required to consider the use of "best available techniques" ("BAT") with regard to the development and operation of the landfill site. As a result, as part of a comprehensive risk assessment, the phasing and restoration plans submitted to the Environment Agency showed revised phasing of the landfill operations in order to protect the SSSI and consequent changes to the final restoration scheme for the site.

In line with the discussions with Mr Sheffield, this application is being made to vary the planning permission for the landfilling operations to accord with the revised phasing and final restoration shown in the PPC submission so that consents issued through the Town and Country Planning system and the PPC permit system are congruent and provide for BAT for the development and operation of the site.

Accordingly, we hereby formally apply to vary condition 1 of planning permission reference RUA CB02532 by replacing reference to drawing numbers DR/HQ/2-92/1877 and ML/HQ/6-98/7738 and report ref DR/HQ/NL/723/71 with drawing numbers 2425/4/03, 2425/4/04 and report ref 2425/4/01 respectively. Copies of these two new drawings are enclosed. As a consequence of this variation, we wish condition 1 on planning permission reference RUA CB02532 to be replaced with the following condition:

*"The details hereby approved are those specified in the application letter of 17 August 1998 and the accompanying plans and documents, namely figure 14, drawing reference NL/HQ/7/98/7850, the Materials Volume Report reference 2425/4/01, drawing number 2425/4/03, schedule 1 in respect of dust control, reference ML/HQ/GT/239/01, schedule 2 in respect of surface water management, reference ML/HQ/GT/239/01 and drawing number 2425/4/04 and the report entitled Hafod Translocation Report by Ecological Services Limited, submitted by letter dated 19 February 1999. There shall be no departure from the approved details except with the prior written approval of the Local Planning Authority."*

The proposed amendment to this condition and therefore to the currently approved operations will provide substantial benefits to the local area. These proposals, which through the PPC permit application have been subjected to a risk assessment, will prevent any adverse impact on the SSSI. They also result in landfill operations being moved some 160 metres further away from the nearest sensitive receptor at Heol Orsaf, Johnstown than would be permitted under the currently approved scheme.

We have taken legal advice with regard to whether this application is for Schedule 2 Development as defined in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and this has confirmed that as the application is for a change to Schedule 2 development which is already authorised, it would fall within paragraph 13(a) of Schedule 2 only if it "*may have significant adverse effects on the environment*".

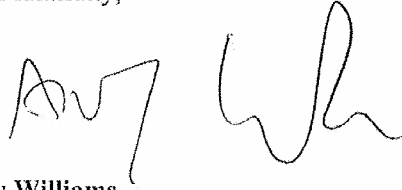
As explained above, the proposed change will have only beneficial effects on the environment as the purpose of the change is to protect the SSSI. Accordingly, the application is not for schedule 2 development, no environmental impact assessment is required and there is no requirement for your authority to screen the application under Regulation 7.

Our legal advisers, DLA, are writing separately to your legal department to confirm this point and we hope this will be of assistance.

We enclose our cheque in the sum of £110 in respect of the application fee for this section 73 application.

Should you require any further information, please contact myself at the above address otherwise we look forward to receiving confirmation that this application has been registered.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Andy Williams', written in a cursive style.

**Andy Williams**  
**GENERAL MANAGER**

## APPENDIX 4

### ENCIA MATERIALS VOLUME REPORT REF: 2425/4/01

#### 1. INTRODUCTION

- 1.1 Encia Consulting Limited have been commissioned by Mersey Waste Holdings Limited to undertake an assessment of the materials volumes within the phasing of mineral extraction and landfilling operations at Hafod Claypit, Ruabon.
- 1.2 This report provides details in respect of the quantities of in-situ clay available for use in the development of the site as a contained landfill facility, the quantity of clays available for other use (such as at the Hafod Tilery), and the potential void space created. The volumetric information is presented in tabular form as a materials balance for each phase of the operation (Table No 1).
- 1.3 For the avoidance of doubt this materials balance exercise relates only to that area which will be occupied by the proposed landfill development. It is understood that details in respect of materials to be excavated from those areas outwith the proposed landfill development boundary have been dealt with by others in the form of a submission of a Review of Mineral Permissions under the Environment Act 1990.
- 1.4 Subject to the outcome of the Romp Submission the surplus materials identified in the Table No 1 could be utilised in the following manner:
  - Backfill for the areas of mineral extracted under the ROMP scheme.
  - Exported from the site for use in the production of tiles or other value added product.
  - Provision of daily cover for the landfilling operation.

#### 2. ASSUMPTIONS AND SOURCES OF DATA

- 2.1 The volume calculations were undertaken using the MX Computer Modelling System to compare models representing the proposed site development works, existing topographic survey and post settlement restoration levels. These principal models were developed from the information submitted as part of the PPC Permit Application for the site.
- 2.2 The waste volume calculations have been undertaken on the assumption that waste will be surcharged by 15% to allow for settlement. Table 1 provides details of the materials utilised and available for each landfill phase together with the surplus/deficient of materials arising from each phase of the development.

#### 3. SITE PREPARATION

- 3.1 During the first phase of operations engineering materials will be excavated from Phase A and utilised in the construction of a screening mound adjacent to the Western boundary of the site. In addition materials will be utilised for the construction of formation levels within Phase A.

- 3.2 The materials deficit identified in the table for Phase A will be made up from surplus materials available from Phase B. The balance of surplus materials will be utilised for the activities identified in Section 1.4.
- 3.3 Any balance of surplus materials arising from the development of each phase which can not immediately be put to those uses identified in Section 1.4 will be deposited in the overburden storage area as defined by the existing scheme. For avoidance of doubt the maximum volume of materials stockpiled at any time will be 490,000m<sup>3</sup> and the maximum stockpile height will be as per the existing approved scheme.
- 3.4 The engineering design for the site will be as per the approved scheme with the following amendments, which have been implemented as a result of the introduction of the Landfill Directive, the Landfill Regulations 2002 and the requirement to revise the Hydrogeological and Stability Risk Assessment for the site as part of the PPC Permit Application process.
- The Side wall battens will now be 1 in 3.
  - The basal lining system will now comprise an artificially or naturally established geological barrier together with an artificial sealing liner comprising re-compacted clay materials.

HAFOD LANDFILL SITE  
PHASE MATERIAL VOLUMES FOR ENGINEERING

**Table 1 : Materials Balance**

PHASE	TOTAL MATERIALS		MATERIALS FOR ENGINEERING			MATERIALS BALANCE	VOID CREATED
	CUT	FILL	SCREENING	LINER	CAP & SOILS		
A	339,581	144,097	160,241	52,093	92,648	-109,498	1,040,497
B	216,149	12,809	0	19,480	35,776	148,084	607,703
C	185,015	24,076	0	19,706	37,166	104,066	637,551
D	565,560	14,549	0	20,948	39,298	490,765	696,772
E	330,408	114,971	0	63,020	120,886	31,531	1,540,305
<b>TOTAL</b>	<b>1,636,713</b>	<b>310,502</b>	<b>160,241</b>	<b>175,247</b>	<b>325,774</b>	<b>664,949</b>	<b>4,522,828</b>

**GIVEN UNDER THE COMMON SEAL of**  
**THE COUNTY BOROUGH OF WREXHAM**  
authenticated by:

this        day of        2007

## ANNEX