

WREXHAM COUNTY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 97

THE WREXHAM COUNTY BOROUGH COUNCIL (MODIFICATION OF PLANNING PERMISSION) (HAFOD CLAYPIT, JOHNSTOWN) (No. 2) ORDER 2007

EXPLANATORY STATEMENT

Background

1. A full application for landfill at Hafod Claypit was refused by Clwyd County Council on 6th December 1991 (ref: 6/ 18883). Following a Public Local Inquiry the then Secretary of State for Wales granted planning permission reference PP016-99-003 on 10 July 1995 with a number of conditions ("the Original Planning Permission")
2. On 17th April 1998 an application was made to Wrexham County Borough Council ("the Council") (the statutory successor to the functions of the Clwyd County Council) pursuant to section 73 of the Town and Country Planning Act 1990 for the relaxation of condition 2 of the Original Planning Permission to allow for an extension of six months of the time period for submission for approval of certain reserved matters.
3. On the 17th September 1998, the Council granted permission for the relaxation of condition 2 of the Original Planning Permission. As a matter of law this permission ("the Second Planning Permission") is a separate planning permission from the permission granted by the Original Planning Permission. Save for the relaxation of the time limit in condition 2 the Second Planning Permission was in all respects the same as the Original Planning Permission and incorporated the same conditions.
4. A portion of the site granted permission now forms part of the Stryt Las a'r Hafod Site of Special Scientific Interest (SSSI) designated in July 2001 and the Johnstown Newt Sites Special Area of Conservation (SAC) designated in December 2004 as shown in Appendix 1 to this Statement.
5. On the 2nd May 2007 the Council made the Wrexham County Borough Council (Modification of Planning Permission)(Hafod Claypit, Johnstown) Order 2007. The purpose of that Order is fully explained in the Explanatory Note published by the Council in respect of that Order. In summary that Order was made to protect the SAC.

Purpose of this Modification Order

The purpose of the Order named above is to protect the SAC by modifying the Second Planning Permission and ensuring that the Second Planning Permission continues to mirror the content of the Original Planning Permission.

A copy of the Second Planning Permission as modified by this Order is set out in the annexe to this statement.

Documents

In the event that there are objections to the confirmation of the Order the Council may refer to the following documents during any hearing that may be held in connection with such objections:

1. Determination of conditions for mineral site (ROMP) and approved drawings P/2003/1220.
2. Report the Planning Committee of the Wrexham County Borough Council 4th September 2004 number CPL0/44/06. Subject; Hafod Quarry.
3. Wrexham County Borough Council Planning Committee Meeting of 4 September 2006. Addendum. Report of the Chief Planning Officer. Item 4 – Hafod Quarry.
4. Minutes of Meeting of the Wrexham County Borough Council Planning Committee held on 4th September 2006. Item 2(i).
5. Designation of the Stryt Las a'r Hafod Site of Special Scientific Interest.
6. Johnstown Newt Site Special Area of Conservation Map 1/1.
7. Conditions set out under code numbers RUA/CB/02532 (dated 11th March 1999) and RUA/CB/02502 (dated 8th February 1999).
8. "Reserved matters" approved under RUA/CB/02532 (dated 11th March 1999).
9. Application to extend period for submission approved under RUA/CB/2094 (dated 17th September 1998) ("reserved matters" approved under RUA/CB/02532 (dated 11th March 1999)).
10. Details of access roadway and concrete bases for site infrastructure implemented and completed 7th April 2000.
11. Approval of variation of conditions 5 and 8 under approval RUA/CB/02502 (dated 8th February 1999).
12. Details under Condition 6 submitted and approved under RUA/CB/02532.
13. Details under Condition 7 submitted and approved under RUA/CB/02532 (dated 11th March 1999).
14. Details under Condition 9 to RUA/6/18883 approved under RUA/CB/02532 (dated 11th March 1999) and approval of external appearance by letter January 2006.
15. Details under Condition 10 agreed under RUA/CB/02532 (11th March 1999).
16. Details under Condition 12 submitted and approved under RUA/CB/02532 (dated 11th March 1999).
17. Details under Condition 13 submitted and approved under approval RUA/CB/02532 (dated 11th March 1999).
18. Details under Condition 20 submitted and approved under approval RUA/CB/02532 (dated 11th March 1999).
19. Landscaping under condition 23, details approved by letter January 2006.
20. Details of ground markers under Condition 24 submitted October 2005 approved by letter January 2006.

ANNEXE

Landfill Planning Permission

Copy of the Second Planning Permission as Modified

WREXHAM COUNTY BOROUGH COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 97
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) ORDER 1995
REGULATIONS 55 AND 57 OF THE CONSERVATION (NATURAL HABITATS ETC)
REGULATIONS 1990**

Grant of Planning Permission

LOCATION AND DESCRIPTION

HAFOD CLAYPIT, JOHNSTOWN, (ALSO IN ESCLUSHUM COMMUNITY)

RELAXATION OF CONDITION TO ALLOW FOR EXTENSION OF SIX MONTHS OF THE TIME PERIOD FOR THE SUBMISSION FOR APPROVAL OF CERTAIN RESERVED MATTERS.

PARTICULARS OF DECISION

PERMISSION GRANTED

01. Application for the approval of matters reserved by planning permission granted by the Secretary of State under reference PP016-99-003 dated 10th July 1995 shall be made to the Mineral Planning Authority before 31st March 1999.
02. All other conditions provided in planning permission reference PP016-99-003 as modified by the Wrexham County Borough Council (Modification of Planning Permission) (Hafod Claypit, Johnstown) Order 2007 shall apply to this permission.

REASONS

01. To ensure the development is carried out within a reasonable period.

Appendix 1

