Lower Berse Farm, Wrexham.

Outline development proposal for up to 1520 dwellings plus associated roads, open space, a local centre, primary school and a wastewater treatment plant.

Planning Statement

the Planning Consultancy

1. Introduction.

1.1. This Planning Statement has been prepared to accompany a planning application by Redrow Homes Ltd for residential development on land on the southern side of Ruthin Road, Wrexham, it is one of a series of documents provided as part of the application that, together, explain why the development is one that should be granted planning permission.

1.2. The application site has an area of 72.85 hectares. As noted above, the site is located to the south of Ruthin Road, the A483 provides a boundary to the west, whilst to the south the site abuts Bersham Road. On its' eastern boundary the site abuts the existing development along Homestead Lane (playing fields, Ysgol Clywedog, and residential development) which currently forms the western edge of Wrexham in this locality. The site, therefore, represents a logical site for the extension of the City within clearly defined physical boundaries.

1.3. The application proposal is an outline application for:

Residential development for up to 1520 dwellings, plus associated roads, open space, community facilities, a site for a primary school and a wastewater treatment plant (if necessary).

As part of the application, approval is sought for access into the site, but all other matters such as detailed design and layout, landscaping etc are reserved for subsequent reserved matters approval. However, two masterplans are submitted with the application:

1.3.1. Masterplan 1 demonstrates how it is proposed that the development would be laid out, it shows where it is envisaged that the different land uses would be located on the site, where existing features of the site would be retained for ecological and landscape reasons, and how a buffer area would be provided to safeguard the separate identity of Bersham. Masterplan 1 demonstrates that there is sufficient land within the application site to enable approximately 1430 dwellings to be built, comprising a mix of housetypes, which would also include 15% affordable homes.

1.3.2. Masterplan 2 shows an alternative option for the development of the site excluding the Wastewater Treatment Plant. As will be explained, it is the Applicant's preference for the development to be connected to the public sewerage system which would then enable foul sewage to be drained to the Five Fords Treatment Plant. However, this is not presently possible which is why Masterplan 1 proposes an alternative solution. It is hoped that the current problems preventing additional development connecting to the Five Fords Treatment Plant will be resolved in the near future and in these circumstances Masterplan 2 illustrates how the development would be undertaken without the need for an on-site Wastewater Treatment Plant and with a consequent increase in the number of dwellings to 1520.

1.4. As part of an approval, Redrow Homes would invite the imposition of a condition requiring the development to be undertaken substantially in accordance with Masterplan 1 (or, Masterplan 2 if the problem with treatment of foul sewage is resolved at an appropriate time) so as to ensure that the development is completed in a comprehensive fashion with all of the elements of the proposed approach being delivered. It is also acknowledged that the development would need to be the subject of a S.106 Agreement that will provide a commitment in relation to the delivery of a number of matters, including financial contributions to infrastructure etc which will be necessary in order to enable planning permission to be granted.

1.5. The proposed development is of such a scale that, in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, it is accepted that the application needs to be supported by an Environmental Impact Assessment (EIA). Application was made to the Council in May 2021 for a formal screening opinion as to what matters it would be necessary to cover within the EIA, the Council's subsequent advice was that the EIA should address issues concerned with:

- Agricultural land quality
- Minerals
- Heritage
- Archaeology
- Foul water drainage.

The Applicants have, therefore, prepared an EIA in support of this application covering each of the above but, in addition, issues associated with landscape and ecology have also been included.

1.6. The EIA subjects are not, however, the only matters that need to be considered in relation to this proposal and, therefore, in addition to the EIA and this Planning Statement, the application is supported by further reports dealing with:

- Ground conditions/contamination
- Surface water drainage/SuDS
- Arboriculture
- Highways and Transportation
- Air quality
- Odour
- Noise

Whilst the above reports are commented upon briefly within this Planning Statement, all of them are part of this application in their own right and should, therefore, be considered in detail.

2. Planning Background

2.1. The current adopted development plan is the Wrexham Unitary Development Plan (UDP), adopted in 2005 and intended to cover the period between 1996 and 2011, the assumption being that, by 2011, the plan would have been reviewed and replaced by a revised/new document. However, the Plan has not, as yet, been replaced and, consequently, for the time being its general policies remain in place and provide the starting point for considering planning applications.

2.2. With an end date of 2011, it was never intended that the UDP would need to be making provision for housing development in 2023, and it does not. Since 2011 applications have continued to come forward and be considered on their merits having regard to the general policies of the UDP.

2.3. The UDP contains two policies of particular significance in relation to the application site:

2.3.1. The site falls within an extensive area designated as Green Barrier by Policy EC1, designed to protect the openness of the area between Wrexham, Bersham and Rhostyllen. Policy EC1 is consistent with National policy in Planning Policy Wales (PPW) relating to Green Wedge (green wedge and green barrier have previously been used as interchangeable names for the same thing), the policy regards most types of new development, including new buildings, as "inappropriate" which should not be granted planning permission except in "very special circumstances".

2.3.2. The site is also shown as lying within an area designated as a Special Landscape Area by Policy EC5. Within such areas, priority is given to the conservation and enhancement of the landscape, development is not, however, precluded but it should conform to a high standard of design and landscaping with special attention being paid to minimising visual impact.

2.4. It is acknowledged that the UDP does not anticipate development on the application site and, indeed, includes policies that place significant obstacles in its way. However, no policy should be seen as an absolute bar to development, S.38(6) of the Planning and Compulsory Purchase Act 2004 indicates that planning application must be determined in accordance with the adopted plan, unless material considerations indicate otherwise and, similarly, as noted above, "very special circumstances" can be demonstrated. As will be explained in the next section of this Statement, there are very special circumstances in this case which justify planning permission being granted, despite the currently adopted policies that may be seen as suggesting otherwise.

2.5. Wrexham County Borough Council (the Council) have been working on a replacement development plan for several years. The first version of the Plan ran into difficulties and had to be withdrawn, following which work began on a second version. In March 2018, the Council issued the Deposit version of its new Local Development Plan to cover the period between 2013 and 2028, an Examination was held to consider objections and, In February 2023, the Inspector's issued their report which, subject to a number of changes, found the Plan sound.

2.6. Some of the most significant policies within the document of relevance to the current application are summarised as follows:

2.6.1. Policy SP1 identified that there was a need to make provision for 8083 new dwellings within the Plan period, whilst some of this overall figure was already committed, and other development would come forward through windfall developments, it was, nevertheless, concluded that new housing allocations capable of delivering 3806 dwellings that could be delivered by 2028 were required.

2.6.2. Policy SP4 proposes to allocate Key Strategic Site 1 (Land at Lower Berse Farm, Ruthin Road, Wrexham) for a residential led mixed use scheme comprising a minimum of 1500 dwellings, 400 of which would be provided before 2028, the site was also to provide for highway improvements, a primary school, public open space, community facilities, active travel and public transport.

2.6.3. The entirety of the proposed KSS1 allocation site is included within the current application site, apart from the existing playing fields and a small parcel of land in separate ownership, both on Homestead Lane,. Additional land, not allocated for development, but lying between the site and Bersham, is also included. Therefore, this application is not a speculative 'windfall' application, to the contrary, it reflects the policy aspirations of the Council for development on this site which has been their stated position for at least the past four years since the Deposit Plan was submitted for Examination in April 2019.

2.6.4. Implicit within the proposed allocation of the site for development is the conclusion that, whilst it had been considered appropriate to designate the application site as Green Barrier in the past, that designation was no longer appropriate. Indeed, this approach is made clear in the context of draft Policy SP7 which deals with, what is now proposed to be termed Green Wedge, it makes reference to a Strategic Green Wedge Review undertaken in 2016 such that the land now proposed on the Proposals Map to be included within the Green Wedge is only that which is necessary to prevent settlement coalescence and that the Green Wedge operates in conjunction with settlement boundaries to strategically manage built form, including controlled

expansion on the edge of Wrexham.

2.6.5. Similarly, the areas protected by the Special Landscape Area designation were also reviewed in a report published in 2016 and, once again, the proposed Policy NE5 no longer proposes to designate the application site and surrounding areas as a Special Landscape Area.

2.7. Therefore, it is clear that the Council's policy approach and, indeed, aspirations for the application site have fundamentally changed since the UDP policies were adopted in 2005 and that they are now looking to put in place a policy framework that provides for the site to be developed.

2.8. Policy SP4 of the Draft Plan indicates that development should only come forward in association with the completion of works to Junction 4 on the A483. It was originally proposed that these works would be part of a broader road improvement scheme undertaken by the Welsh Government, however, this scheme has now been dropped. Nevertheless, the development can itself deliver highway improvements to Junction 4 that are sufficient to enable the additional traffic from the development to be accommodated on the highway network. This issue is addressed in greater detail later in this Statement and, also, within the accompanying Highways Statement.

2.9. An additional issue of fundamental importance in relation to this proposal relates to foul water drainage. The Applicants originally established through pre-application discussion several years ago that there was no fundamental capacity issue that would prevent a development of the application site being drained to the existing Five Fords Wastewater Treatment Works which serves most of Wrexham. However, in January 2021, Natural Resources Wales introduced new standards for phosphorus discharge into Special Areas of Conservation (SAC). The Five Fords plant discharges into the River Dee and Bala Lake SAC. Work is underway to establish how the effluent from new development can be treated without resulting in additional phosphorus discharge that would have an adverse impact on water quality within the SAC. Whilst this work is underway, no new permissions will be granted for residential development unless, or until, it can be demonstrated that the development would not have an adverse impact on water quality.

2.10. The above circumstances have had a fundamental impact on the delivery of new residential development in Wrexham, and in relation to the progress of the emerging LDP, were it not for this issue it is likely that this application would have been submitted at least 12 months ago.

2.11. The LPA and key stakeholders have been investigating this issue since NRW issued their new guidance in order to try and find a workable solution. In November 2021 the Council issued The Dee Catchment Phosphorus Reduction Strategy (DCPRS) which examined the issue, identified possible solutions and set out a timetable for delivering mitigation that would enable residential development to proceed. It was envisaged that a strategy of short term and long term measures would be agreed with some housing being capable of occupation by June 2022 and a phasing strategy in place relating to all other development thereafter, allied to a Developer Contribution Scheme which would enable the necessary works to be funded.

2.12. Some initial progress has recently been made in terms of reviewing the permit for the Five Fords plant, and it is understood that this may enable some additional new development to be connected in the short to medium term, but whether this will enable the application site to be connected to Five Fords is still unknown . Therefore, the Applicants have in the circumstances felt obliged to develop their own solution.

2.13. In response to the above circumstances, a new Policy NE6 has been introduced in to the Draft LDP, this requires all development to have no adverse impact on the SAC through the treatment of wastewater. The Policy identifies two options for achieving this objective, first of all, by making financial contributions to the DCPRS and phasing development thereafter or, alternatively, using other mitigation approaches which can be demonstrated to achieve the same objective of 'no adverse effects'. It is this latter approach that is presently adopted by the Applicants and, therefore, the application should be viewed as consistent with the emerging Policy NE6.

2.14. Finally, whilst making reference to relevant policies, the proposed Policy SP4 is accompanied by a Masterplan Framework Plan (as subsequently modified by Focussed Change 2). The status of this plan is not clear from the draft Policy, however, it identifies a series of features and constraints/opportunities as follows:

- The retained Green Wedge around Bersham is identified, the proposals would not seek to encroach into this area, save in relation to the provision of recreational space.

- The frontages to Ruthin Road and Bersham Road are identified as Sensitive Frontages, this has been recognised in the detailed design of the Masterplan so as to ensure that the development presents attractive frontages to both of these roads.

- The telecom mast site and an adjacent existing residential property, both 'within' the development area but excluded from the application site, are identified as requiring consideration, the proposals have had full regard to ensuring that they are appropriately protected.

- The existing bridleway running generally east/west through the centre of the site is identified as an existing feature, this has been fully considered in terms of its ecological, arboricultural and recreational value and incorporated within the Masterplan as a key access corridor (there will be a requirement for access roads to cross the bridleway at two points so as to provide for connectivity between the northern and southern parts of the development, but, otherwise, it is intended that it would remain as a recreational corridor to which vehicles would not have access).

- An area around Lower Berse Farmhouse and its outbuildings has been identified as the setting to the listed buildings, once again, the approach of the Masterplan has had full regard to protecting the setting of the listed buildings.

- Finally, the plan identifies an area of land off Ruthin Road which is suggested to be an indicative first phase for development, this is consistent with the Applicant's own thinking as to how the development would be phased.

2.15. The above are all matters that are considered and explained in detail within other documents supporting this application and, in particular, within the Design and Access Statement, however, it is clear that the detailed approach of this application proposal and the related Masterplans (see 1.3 above) is substantially in accordance with both the basic principles and the detailed guidance that forms part of the emerging Policy STR4.

3. **Are there "very exceptional circumstances" which justify planning permission being granted, despite the current development plan policies?**

3.1. Reference has been made in the previous section to the current policies of the UDP which would appear to indicate that planning permission should not be granted for the application proposal, this is primarily because the application site falls within an area designated as Green Barrier wherein there is a presumption against most forms of new development unless "very exceptional circumstances" can be demonstrated in order to justify development despite the basic policy intent.

3.2. It is clear that there are very exceptional circumstances that justify development in the present circumstances which are set out as follows:

3.2.1. There has been a failure of the Plan-led planning system, the Council have failed to deliver a new Plan in the twelve years since the UDP time-expired in 2011. It is inevitable that, twelve years after the Plan time-expired, it will provide no meaningful basis for the delivery of housing development in Wrexham and that proposals will need to be granted planning permission even though they may be in conflict with the policies of the UDP.

3.2.2. The need for sites to be brought forward through planning applications is further emphasised by the evidence of housing completions relative to the Council's own proposals for housing delivery within the emerging LDP. It is apparent that housing delivery is falling well behind that which the Council has itself considered necessary, the Draft LDP has established a need for an average annual provision of 517 dwellings per annum (dpa), but, since 2013, the start of the LDP Plan period, completions have averaged just 251 dpa, less than half of the established need.

3.2.3. In addition, the failure to deliver housing at a rate that meets identified need creates particular problems for those in need of affordable housing and who are unable to compete for housing in the open market. The 2017 Local Market Assessment identified an affordable need for 157 dpa, the rate actually achieved since 2013 is just

45 dpa (28.6% of the assessed need).

3.2.4. The residual need for both market and affordable housing that arises from shortfalls in provision in previous years, increases the need in future years, making it even less likely that need will be met.

3.2.5. The identification of the current housing requirement, both market and affordable housing, and then identifying appropriate sites upon which housing need can be met is a fundamental part of Planning Policy Wales (see Section 4.2), therefore, the UDP is inconsistent with National policy.

3.2.6. The phosphorus issue has only compounded the issue of housing delivery, if there is a means on a particular site (as is proposed on the application site) whereby housing can be delivered despite the ongoing phosphorous issue, then this is a compelling reason why planning permission should be granted if a proposal is in all other respects acceptable.

3.2.7. The application site is a highly accessible, sustainable, site for development, outside of the current adopted settlement boundary, but logically related to the built-form of Wrexham to which it would result in a logical extension.

3.2.8. It is clear that the Council no longer consider it necessary for the application site to be designated either as Green Barrier or as a Special Landscape Area, it would be illogical to resist development on the basis of policies that the Council admits itself are no longer appropriate.

3.2.9. Furthermore, the decision of the Council to allocate the application site for development within the Draft LDP emphasises their assessment that the site is a sustainable, and in all other respects, appropriate, site for residential development.

3.2.10. Finally, the appropriateness of the application site for development has been considered by the LDP Inspectors who have also concluded that the site is an appropriate site for development, this conclusion has had regard to all material considerations including housing need, the present Green Barrier and Special

Landscape Area designations, ecology, heritage, agricultural land quality and access.

3.3. The above considerations amount to very exceptional circumstances, sufficient to justify the grant of planning permission despite the conflict with Green Barrier policy within the currently adopted UDP.

3.4. It was envisaged of course that the conflict with proposals of the UDP would have been overcome by now, with the Draft LDP, in which the site is allocated for development, having been adopted. A report was taken to the April 2023 meeting of the Full Council in which officers recommended that, in the light of the Inspector's finding the plan to be sound, it should proceed to be formally adopted. However, the Council voted not to adopt the Plan. This is a unique situation that has not arisen before, not least because from a legal position there is no discretion for the Council to consider whether the Plan should be adopted or not, given that the Council initially approved it for submission and that following Examination the Inspectors have concluded that it is sound.

3.5. The status of the Draft LDP is likely to be resolved over the coming months. However, for the purposes of this application it is considered that the Draft LDP should be considered to be a document of significant weight for the following reasons:

3.5.1. It is illogical to make planning decisions solely in relation to the policies of the UDP which, whilst technically still the adopted development plan, time-expired 12 years ago, it is inevitable that its approach and site-specific policies will have little or no relevance to the consideration of development needs today and for the future. In these circumstances an alternative more appropriate and up to date basis for making decisions needs to be used.

3.5.2. By contrast, the polices of the Draft LDP are relevant and up to date, they have been scrutinised by independent Inspectors through an Examination and concluded to be sound in providing an appropriate development strategy for Wrexham going forwards, reference has already been made to some of these matters above, but, specifically:

3.5.2.1. In order to meet the housing requirements of Wrexham through to 2028 which have been established as being 516 dwellings per annum (average), it is

necessary to identify land for 3806 dwellings through allocations, over and above existing housing completions.

3.5.2.2. The Draft LDP proposals have regard to studies undertaken by the Council itself that have concluded that neither the Green Barrier or Special Landscape Area designations on the application site are necessary.

3.5.2.3. In proposing the application site for development in the Draft LDP, the Council have themselves acknowledged that the site is the most appropriate, sustainable, location upon which necessary development can be provided, both within the Plan period and going forward beyond the Plan period into the future.

3.5.3. Not having an up-to-date development plan does not result in the need for development going away, decisions still need to be made on development proposals to meet future development requirements. The options in these circumstances are to either give weight to the policies of the Draft LDP, that the Council have themselves put forward and which have been found to be sound following Examination, or to await applications on unspecified sites that the Council implicitly finds less appropriate than those included within the Plan and consider them accordingly in the light of the significant need for development. It is very clear that in looking for an appropriate basis on which to make planning decisions, the Draft LDP should be afforded significant weight rather than resorting to a completely unstructured decision-making process.

3.6. In order to further endorse the above, reference can also be made to the Minister for Housing and Local Government's conclusions in respect of an appeal relating to a residential proposal, also in the Green Barrier, on land at Lane Farm, Trevalyn, Rossett (ref 3231048), the proposal was for up to 132 dwellings and was determined in February 2020. The Ministers' conclusions (paras 34 – 40 of decision letter) are set out and compared to the present application proposals as follows:

3.6.1. The site was located in the countryside, outside the settlement limits, the proposal conflicted with Policy H5 relating to development in the countryside and was also inappropriate development in the Green Barrier, permission should only be granted where very exceptional circumstances could be demonstrated where other

considerations clearly outweigh the harm that development would do to the Green Wedge – These considerations are also relevant to the application proposal.

3.6.2. *It was noted that, in accordance with TAN 1, the Council did not have an adopted development plan and did not, therefore, have a five year land supply, it was concluded that the need to increase the housing land supply weighed heavily in favour of the grant of planning permission* – It was noted by the Minister that the above guidance had been 'disapplied' by the time of the decision and that the weight to be attributed to the need to increase housing supply was a matter for the decision maker, in this case the Minister concluded that the proposal would make a contribution towards addressing housing land supply and would provide much needed affordable housing. These same conclusions are applicable to the current proposal.

3.6.3. *The Minister was satisfied that the underlying evidence for the emerging LDP demonstrated a need for housing development on undeveloped sites and weight was attached to this matter, on commenting specifically on the site in question, it was noted that the site was proposed to be included within the settlement limits and was also being omitted from any Green Wedge or landscape designation* – Precisely the same considerations apply to the application site.

3.6.4. *It was noted that the proposal would provide affordable housing in accordance with policy* – The emerging LDP has recognised that viability considerations indicate that different levels of affordable housing will be appropriate in different areas of the County Borough in order to maintain viability, it is proposed, based on a viability assessment reviewed by the District Valuer, that 15% of the dwellings within the development would be affordable

3.6.5. *Finally, the Minister noted that she was satisfied with the conclusions in respect of agricultural land quality, biodiversity, traffic, and flood risk* – All of these issues are addressed in relation to the application proposal and, as concluded within the EIA or the separate reports as appropriate, none are considered to give rise to material concerns.

3.7. Taking all of the above factors into account, the Minister concluded that:

Whilst the development would comprise inappropriate development in a green wedge, I am satisfied, in this case, when all of the above factors are taken into account in their totality, they constitute the very exceptional circumstances necessary to outweigh any harm to the green barrier. These factors also outweigh any harm to the wider countryside and landscape setting. I am satisfied that there are no other factors which weigh against the appeal.

Planning permission was, consequently, granted.

3.8. The circumstances and considerations in relation to the current application are extremely similar, if not identical, the only obvious difference is that the future delivery of housing is even less certain now than it was at the time of the appeal decision, this would add additional weight to the conclusion that the balance of material considerations justifies the grant of planning permission for a development that can deliver housing in the short to medium term, despite the conflict with the presently adopted UDP. It is clear that the Rossett appeal decision identified a series of factors that were concluded to amount to very exceptional circumstances in the context of Wrexham County Borough, all of these considerations are equally applicable in a positive sense in relation to the application proposal. Therefore, significant weight should also be attached to the appeal precedent which indicates that very exceptional circumstances do exist to justify planning permission being granted for this proposal, despite the current Green Wedge designation.

3.9. Since the Rossett decision was made, the Draft LDP has been the subject of Examination and has been found to be sound, the weight to be attached to its proposals, with which this application proposal complies is, therefore, greater.

4. Detailed Planning Considerations.

4.1. Aside from the principle of development (addressed in the previous section of this Statement), this section explains the detailed considerations that have informed the preparation of the submitted Masterplan. It is considered that development of the site in

accordance with the Masterplan will result in an attractive development, in full accordance with the good design, or Placemaking, criteria that are set out in Section 3 of PPW.

4.2. These design considerations are set in more detail within the submitted Design and Access Statement, and within the individual sections of the EIA and other supporting documents, however, within this section a brief summary of the main considerations and conclusions within each report are set out in the context of relevant policy so as to enable them to be identified and balanced in reaching a decision.

4.3. ***Agricultural Land Quality***

4.3.1. PPW (para 3.58) states that the best and most versatile agricultural land is a finite resource that should be protected where possible, it should only be developed where there is an overriding need for development and where available lower grade land has an environmental value that outweighs the objective of protecting high grade agricultural land.

4.3.2. Policy EC2 of the UDP adopts a very similar approach, presuming against development on land within grades 1, 2 and 3a, but, again, the explanation of the Policy recognises the need for flexibility in this respect. Finally, the emerging LDP has no equivalent policy, but PPW policy, of course, remains relevant.

4.3.3. Agricultural land quality has, of course, been considered as part of the Council's work in proposing sites for allocation within the emerging LDP, the appeal Inspector in the Lane Farm, Rossett appeal noted this at para 83 of his report:

The emerging LDP evidences the need for the release of greenfield sites to meet the identified housing need and the allocation of the site has been undertaken within the context of a substantial evidence base that indicates that the housing requirements cannot be met without the loss of such BMV land.

Para 5.29 of the Deposit Plan comments on this matter further in the context of introducing the application site and observes that:

The SA/SEA identifies that these KSS will impact on Best and Most Versatile agricultural

land and minerals of national importance, however, the need to provide housing, infrastructure and other community facilities in sustainable locations outweighs the need to protect these resources in this instance.

4.3.4. Notwithstanding the work already undertaken by the Council in proposing this site for development, the Applicant's have, nevertheless, investigated agricultural land quality on the application site and this work is included in the EIA. The assessment concludes that some 81% of the site area does, indeed, fall within the BMV categories. Whilst this is a factor that must be viewed as a negative consideration, it is an issue that has already been considered by the LPA prior to allocating the site and, consistent with the guidance of PPW, the desirability of delivering development on this site as a sustainable and logical extension of Wrexham is considered by the Council to outweigh the general desire to protect BMV land.

4.3.5. This approach to BMV has also been endorsed by the LDP Inspectors who at paragraph 7.6 of their report concluded that: "We are, therefore, satisfied that sites have only been allocated where there is an overriding need for development, and either previously developed land or land in lower agricultural grades is unavailable, consistent with National policy".

4.4. ***Minerals***

4.4.1. PPW makes clear the importance of minerals and the need to protect them for future use, whilst balancing this objective against the need for development and environmental objectives.

4.4.2. The UDP Policy MW9 looks to protect areas of sand, gravel and clay from non-mineral development, it identifies Mineral Resource Areas, one of which relates to the eastern part of the application site, where development will be resisted unless an assessment demonstrates that the reserves are not exploitable. In the context of the emerging LDP, Policy MW1 indicates that development will only be permitted where a Mineral Safeguarding Assessment has been undertaken, including, on sites of more than 4ha, a Prior Extraction Assessment. The requirements of this Policy must also be viewed in the context of para 5.2.9. of the Draft LDP (see 4.3.3. above) where the desirability of

developing the site is considered to outweigh, not just the agricultural land quality consideration, but that relating to minerals as well.

4.4.3. The Applicants have undertaken such an assessment in relation to the application site. The Assessment confirms that the site forms a small part of an extensive area of sand and gravel deposits on the western side of Wrexham (there are also likely to be clay and coal deposits within the site as well). Given the geological conditions, with the individual minerals interbedded and varied across the site, it is concluded that extraction within this site would not be a viable proposition. In addition, extraction, even if it were a viable proposition, would result in environmental impacts in terms of its visual impact, noise, dust and traffic that would be likely to be a significant concern to existing local residents and other established uses in the locality.

4.4.4. The Assessment , therefore, concludes that the presence of minerals within the site should not in this case prevent development without prior extraction.

4.5. ***Archaeology and Heritage***

4.5.1. Paragraph 6.1 of PPW reaffirms that the historic environment is central to Wales' culture and its character and a series of policy approaches protect different types of assets.

4.5.2. Lower Berse Farm House is a Grade II* listed building and some of its older associated farm buildings, although not specifically listed, may be considered to also be subject to the listing as curtilage buildings. Policy EC9 of the UDP requires any development within the curtilage or setting of such buildings to respect their setting. Parts of Bersham to the south of the application site are designated as a conservation area and Policies EC7 and EC8 relate to development within conservation areas, however, there is no UDP policy relating to development within the vicinity of a conservation area. Policy SP16 of the emerging LDP adopts a broader approach and seeks to ensure that development impacting on listed buildings, conservation areas and other heritage

assets will only be supported where it conserves, protects and enhances the asset.

4.5.3. Against the above background, the potential impact of the proposed development on a wide range of heritage assets has been assessed, including Scheduled Monuments, listed buildings, a conservation area and non-designated heritage assets, although many are identified and 'scoped out' from further consideration on the basis of the absence of intervisibility with the site. However, specific impacts are identified in relation to the listed buildings at Lower Berse Farm (where archaeological investigation is also proposed in relation to non-designated assets), Bryn Moel, the former extent of the Plas Power park and garden, the Bersham Conservation Area and the listed buildings within it. In each case the effect of the development is assessed as either minor adverse or negligible, particularly when the mitigation that can be included within the development (archaeological investigation, landscaping, detailed design and off-setting of new built form, for example) is taken into account.

4.5.4. On this basis, it is acknowledged that the development will have some impact on heritage assets, but this would not result in material harm to Welsh Government's specific objectives for the historic environment as set out in PPW (para 6.16).

4.6. ***Foul water drainage***

4.6.1. As has been noted previously in this Statement, a change in approach relative to phosphorus discharge into the River Dee and Bala SAC, and the absence of a solution to the problem, has prevented most new residential developments within Wrexham from discharging into the existing wastewater treatment works. These circumstances have persuaded the Applicants to put forward their own solution in relation to foul water treatment so as to achieve 'no adverse impact' on the SAC.

4.6.2. The foul drainage report describes the wastewater treatment works that it is proposed to construct on-site. The concern regarding phosphorus discharge is a national problem and a treatment plant has already been designed, and tested, that will achieve the required neutral impact on water quality. The testing that has been

undertaken not only demonstrates that the required water quality can be achieved, but, in addition, noise and odour has been monitored so as to demonstrate that a modern plant of the type proposed can operate on a site such as this without causing unacceptable environmental impacts.

4.6.3. This approach to the issue of sewage treatment is entirely consistent with the approached proposed within the draft Policy NE6 of the LDP.

4.6.4. However, the Applicants have proposed the WWTW as part of this application because it is the only practical approach until such time as the various public authorities involved with sewage disposal establish a Borough-wide solution that can accommodate the scale of development required. The Applicant's clear preference is to link into the public sewage treatment facilities rather than providing their own on-site solution, however, this is subject to the proviso that the delivery of housing is not delayed significantly or occupation is prevented for a significant period beyond any requirement to contribute financially. However, assuming an acceptable solution is found, the proposed WWTW would not then need to be constructed and the Applicants would look towards an alternative residential use of that part of the site proposed for the construction of the WWTW, as illustrated on Masterplan 2.

4.7. ***Landscape***

4.7.1. Whilst the UDP remains part of the development plan, the application proposal has to be considered in the context of Policy EC5 relating to Special Landscape Areas. In general terms the policy looks to strictly control most forms of development within the designated areas, and this would initially suggest that, in principle, development on the scale proposed for the application site would be considered unacceptable. However, given that the UDP time-expired in 2011, and the Council themselves no longer consider the designation of this site as a Special Landscape Area to be appropriate, it is clearly relevant to consider the weight to be attached to the Policy and the scale of the harm to landscape objectives that would result from the development proceeding, in order to assess whether it should be viewed as an

obstacle to development.

4.7.2. A landscape report has been submitted as part of the EIA, the report notes that the development would be of similar character to that in its immediate surroundings, the development will, of course, impact on the site itself, but it will not impact upon any landscape feature that is either rare or highly distinctive.

4.7.3. The site is considered to be a minor part of the extensive Special Landscape Area on the western side of Wrexham and the impact of the change arising from the development will be localised. Similarly, the Green Barrier would not be materially impacted and, in particular, the separation of development from Bersham to the south will be maintained, this separation, and the impact of the development within the wider landscape will be further reduced through time as the strategic landscaping illustrated on the Masterplans becomes established.

4.7.4. In overall terms it is concluded that the development will, of course, have a visual impact, but this will largely be limited to views in close proximity. It is clear that the site is not of significant landscape value, nor does it perform a significant role in separating settlements, therefore, from a landscape perspective the proposal is considered to be an appropriate location for development of the scale proposed – a conclusion that the Council have, of course, already reached for themselves in proposing the site for development.

4.8. ***Ecology***

4.8.1. The application site is not affected by any specific designations relating to biodiversity, nevertheless, PPW emphasises the importance of taking biodiversity into account at an early stage in development proposals and that where adverse effects cannot be avoided, then planning permission should be refused (para 6.4.4). Indeed, PPW goes further and requires development to "*provide a net benefit for biodiversity"* (para 6.4.5).

4.8.2. Policy PS11 of the UDP contains a general policy that gives encouragement to proposals that would improve the biodiversity of a site, however, as PPW now requires

a net benefit in terms of biodiversity, this Policy adds nothing to the policy context that is already in place.

4.8.3. Finally, within the Draft LDP, Policy SP15 indicates that development will only be supported where it protects, conserves and enhances the natural environment, it refers specifically to areas which are subject to specific designations, but also refers more generally to natural landscape features, green infrastructure and habitats.

4.8.4. It is against the above policy background that the existing biodiversity interest of the application site has been identified and the potential impact of the development assessed, having regard to existing trees, hedgerows, badgers, bats, breeding birds, and great crested newts. The hedgerows across the site, including the trees within them, were assessed as one of the main habitats of ecological value, comprising a good mix of species and assessed as 'important'. Similarly, the areas of woodland within the site are also assessed as important ecological features. The two ditches/brooks within the site are of poor quality, but are nevertheless assessed as of importance at a local level. [redacted]bats and birds were confirmed to be using the site, however, great crested newts, otters and water vole are considered to be absent.

4.8.5. Whilst the development proposals illustrated on the two Masterplans have sought to retain existing ecological features of significance, it is inevitable that the development will result in harm, consequently specific mitigation measures are proposed to address these impacts. The residual impact of the proposals, taking account of the mitigation, is assessed with the impacts in most cases being assessed as either 'positive significant' or 'not significant', the one exception is in relation to semi-improved neutral grassland within the site although this can be compensated for through the creation of new grassland areas. The overall impact is assessed as one whereby there will be ecological benefits in the medium to long-term in association with landscape and ecological management plans which will manage the areas of ecological significance.

4.9. Each of the above issues have been addressed in detail within the EIA, however, reports dealing with the following additional issues have also been prepared and submitted as part of the application.

4.10. ***Ground conditions/contamination***

4.10.1. Historical data has confirmed that the site has been in agricultural use certainly for the past 150 years, whilst there is evidence that there are small pockets of made ground, associated, for example, with the infilling of former ponds, where there might be localised issues in relation to either pollution or ground conditions relative to construction (foundations etc), the site is generally concluded not to give rise to requirements for abnormal construction techniques.

4.11. ***Surface water drainage/SuDS***

4.11.1. Paragraph 6.6.9 of PPW makes clear that sewerage infrastructure should be fully considered as part of any development proposal and that this includes considerations of climate change, with the objective being to avoid the risks associated with surface water flooding. Residential developments also require a separate Sustainable Drainage System approval (SuDS) so proposals prepared in the planning context should also have this in mind.

4.11.2. A detailed assessment of existing surface water drainage conditions on the site, together with a detailed design for the proposed surface water drainage system have been prepared. Ground investigations reveal that the site is a mixture of gravelly sand and clay together with mudstone, and occasional clay and cobbles, infiltration tests show that parts of the site can drain naturally whilst others cannot. The majority of the site is shown on the Development Advice Map to be in Flood Zone C1 where there is little or no risk of flooding, however, two limited areas adjacent to Ruthin Road are shown as being at risk (Zone C2) in both cases the risk appears to relate to inadequate capacity within existing culverts, no housing development is proposed within either of the two C2 areas.

4.11.3. Therefore, the flood risk is very low across the majority of the site, however, in order to address the issues where a flood risk has been identified a combination of measures are proposed to address the constraint (provision of a flood storage area, improve channel capacity and culvert capacity and raising the level of the access road).

4.11.4. In accordance with National guidance, the development should not result in additional run-off from the site as compared to the undeveloped situation, a combination of measures (in accordance with SuDS) are proposed including: domestic water butts (of limited impact in overall terms), infiltration into the ground where conditions permit, and discharge to existing watercourses (existing watercourses are present in the northern and southern parts of the site). The existing greenfield run-off rate has been calculated, in order that the existing run-off rate is not exceeded, on-site floodwater attenuation will need to be provided in a series of ponds and swales that will have sufficient capacity to accommodate a 1 in 100 year storm plus 40% climate change event.

4.11.5. It is, therefore, clear that surface water drainage and flood risk is not a constraint to the development of this site.

4.12. ***Arboriculture***

4.12.1. Trees are a key component of the landscape and can also contribute significantly to the biodiversity of a particular area, therefore, the trees on the site have been considered as part of the landscape and biodiversity reports referred to above. Nevertheless, the Applicants have undertaken a detailed arboricultural study of the trees on the site so that their significance can be properly understood.

4.12.2. The survey identified 86 individual trees, 50 groups of trees, 43 hedgerows and 2 areas of woodland, the most significant trees are those within the woodland area in the south-west corner of the site, the linear feature along the bridleway running east-west through the centre of the site, the trees along the watercourse to the south-east of the Farmhouse and, in addition, there are of course individual trees elsewhere within hedgerows etc.

4.12.3. The potential impact of the development on the trees within the site has been assessed by reference to the Masterplan approach, whilst the development would involve the removal of some individual trees and parts of groups of trees, the higher value trees and groups of trees have, generally, been incorporated into the layout. In addition, the report identifies opportunities for extensive new planting such that the

potential in the longer term Is for significant long-term gain so far as trees are concerned, the final conclusion is that it is possible to develop the site, as proposed, without having a significant impact on the wider arboricultural resource.

4.13. ***Noise***

4.13.1. A noise survey has been undertaken in order to establish whether existing or proposed sources of noise give rise to concern. It has been concluded that for the majority of the site area, noise does not give rise to concern such that mitigation would be necessary. However, some limited areas of the site give rise to a higher level of concern, most notably and unsurprisingly, in close proximity to the A483 on the western boundary of the site, nevertheless, detailed acoustic design will be able to address these issues in an acceptable fashion at the reserved matters stage.

4.13.2. The report, therefore, concludes that noise is not a material consideration relative to the determination of this application.

4.14. **Air quality**

4.14.1. The air quality assessment has considered likely impacts, first of all, on air quality arising from earthworks and construction in respect of dust effects with the impact being concluded to be either low or negligible.

4.14.2. In respect of the operational phase of development, NO_2, PM_{10} and $PM_{2.5}$ concentrations were compared to baseline conditions at sensitive receptor locations, in each case, whilst a change is identified, the levels of concentrations in the air as a consequence of the development remain below the relevant air quality objective levels (AQO) with the scale of change being categorised as negligible. A similar assessment was undertaken in relation to future residents of the development for whom, again, pollutant concentrations were below the AQO.

4.14.3. In conclusion, the potential impact of the development on air quality is considered to be 'not significant' and, therefore, air quality considerations do not give rise to

concern in respect of the appropriateness of the proposals.

4.15. ***Odour***

4.15.1. It is recognised that the potential for odour in relation to the Wastewater Treatment Works (WWTW) is likely to be a matter in relation to which local people will want further information, consequently, an Odour Risk Assessment has been undertaken.

4.15.2. The proposed WWTW will be a modern, state of the art, treatment plant. The Assessment includes details of the results obtained from a demonstrator plant of the same design at Petersfield in Hampshire where, not only has the ability of the plant to remove phosphorous been monitored, but so has the potential for the plant to cause nuisance to sensitive receptors in the locality by reason of odour, the report concludes that an offset distance between the plant and residential development of between 30 and 50 metres would avoid any threat of nuisance.

4.15.3. The odour assessment has then considered the proximity of sensitive receptors in proximity to the proposed WWTW within the development site, it has considered wind direction and wind strength in assessing the potential sensitivity of receptors. The WWTW is proposed with a 50 metre comprehensively landscaped buffer zone surrounding it, this is at the maximum end of the range recommended on the basis of the assessment at the Petersfield plant, however, in addition, it is also proposed that further mitigation would be installed, beyond that available at Petersfield. As a consequence of the above the risk of odour exposure is concluded to be negligible and the magnitude of any odour effect is, similarly, negligible.

4.16. ***Highways and Transportation***

4.16.1. The submitted Highways Assessment has considered two matters, first of all, the sustainability of the site's location and its access to services including public transport and, secondly, the potential impact of traffic generated by the development on the surrounding highway network. The fact that the Council has proposed that the site be allocated for residential development, of course, indicates that they have already

concluded that the site is suitable for development in both of these respects.

4.16.2. Indeed, in relation to the sustainability of the site, the submitted report concludes that the site has ready access to a wide range of facilities within both walking and cycling distance, and further facilities, such as a primary school, local centre and open space would be provided within the site itself. Furthermore, existing bus services already run past the site and the proposed road layout for the site has been designed so that services can be routed through the site as well. As described previously, the development would result in a logical extension to the existing built-up area of Wrexham and this conclusion is reinforced by the accessibility of the site and its relationship to other areas of the City.

4.16.3. So far as traffic impact associated with the development itself is concerned, this has been modelled in detail. The Assessment concludes that whilst there are congestion issues on the surrounding network, up to 500 dwellings on the site could be delivered without any material impact on the scale of the congestion. Furthermore, a package of highway improvements are identified which, if provided, could accommodate the entire development alongside net benefits in terms of congestion.

4.16.4. On the above basis, the development will comply with the highway requirement of Draft Policy SP4 and the permission can be conditioned to trigger the delivery of the package of highway improvements proposed by the developer.

4.17. ***Design and Access Statement***

4.17.1. A number of matters arising within the Design and Access Statement are highlighted as follows:

4.17.2. **Primary School –** Draft Policy SP4 requires the development to make provision for a primary school within the development site capable of accommodating a school for 420 pupils. The Masterplan makes provision for a site that is capable of accommodating a two-form entry primary school if required. The Applicant's would be willing to make a contribution towards education provision, beyond the available

capacity of existing schools, that is commensurate with the scale of the proposed development and phased in accordance with its delivery.

4.17.3. **Open Space -** Policy CLF5 of the UDP requires open space to be provided at a rate of 0.4 hectares/50 dwellings, with the open space including equipped play areas, informal open space and, in the case of larger developments such as this proposal, formal playing fields. The equivalent policy in the emerging LDP (Policy CF2) actually proposes a lower requirement of 0.25 ha/50 dwellings.

4.17.4. Assuming a development of 1520 dwellings, compliance with the UDP would require 12 hectares of open space to be provided whilst compliance with the Draft LDP policy would require 7.5 ha of provision. The Masterplan illustrates the provision of 15.42 ha of public open space, and a further 7.89 ha of strategic open space giving a total of over 23 hectares of open space within the development (in addition, the identified drainage attenuation areas can be seen as adding nearly another 2 hectares to this total). It is, therefore, clear that the amount of open space proposed to be provided within this development is more than double that required by Policy which will significantly benefit biodiversity on the site as well as enhancing the character of the development and its Placemaking credentials (see Planning Policy Wales).

4.17.5. **Community Facilities –** In addition to the primary school and open space mentioned above, it is proposed that a local centre will be provided in the north-western corner of the development, just off Ruthin Road, the local centre will, therefore be accessible, not only to residents of the development but also to other people living and working in the locality.

4.17.6. The Local Centre will be based on a conversion of the listed buildings at Lower Berse Farm, where it is envisaged that the more recent utilitarian agricultural buildings will be demolished and replaced with new buildings more appropriate to the setting of the listed buildings. The precise mix of uses to be provided would be a matter for further discussion and consideration at the reserved matters stage, however, it is envisaged that the Local Centre would most certainly include a shop(s) providing for everyday requirements (newsagents, top-up groceries, off-licence etc) together with other

community facilities such as a community hall, children's nursery and a public house.

4.17.7. The proposed community facilities will contribute significantly to making the development an attractive place to live with its own community identity.

4.17.8. **Affordable Housing –** All large housing developments are required to provide affordable housing to assist in meeting the housing needs of those who are unable to compete for housing on the open market. The Applicant's fully accept this obligation on their part and will negotiate with the Council to establish the number of dwellings required, the mix of different sizes and types, their tenure, and the means whereby qualifying applicants will be identified and allocated properties. As noted previously, it is proposed that 15% of the total number of dwellings would be affordable homes, but, in order to maintain viability, this does need to be subject to final confirmation once the overall scale of S.106 contributions is known in detail.

4.17.9. **S.106 –** It is a well-established planning principle that where, in order to grant planning permission, it is necessary for a development to commit to certain matters and, very commonly, financial contributions, then a S.106 Agreement should be entered into whereby a legally binding obligation on the part of the Applicant is entered into for this purpose. No policy relating to this is included in the adopted UDP, but the Draft LDP does include a policy covering this issue (Policy SP6) and indicates that the application site will require such an Agreement, the Applicant's fully recognise that this is the case.

4.17.10. The justification for any such contributions will need to be demonstrated (they must be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development), however, in principle, it is envisaged that the S.106 Agreement will need to include provisions relating to:

- the provision of a primary school site and a financial contribution towards its construction,
- details of the affordable housing provision and its management
- the provision and management of the open space/ecological areas, and
- the delivery of highway improvements.

The Applicant's look forward to being able to enter into negotiations with the Council in relation to these matters, and any others that the Council may consider to be necessary, at the earliest opportunity.

5. **Conclusions.**

5.1. This application is an outline application for the erection of up to 1520 dwellings, all matters are reserved for future approval with the exception of access into the site itself. The application is, however, accompanied by two Masterplans which indicate how it is proposed that the development would be laid out on the site. Masterplan 1 includes the provision of a Waste Water Treatment Works which is presently considered to be necessary. Masterplan 2 excludes the Treatment Works and replaces it with an additional area of housing.

5.2. The design exercise that has informed the preparation of the Masterplans has had regard to much of the initial survey work that forms part of this application (where relevant), it has regard to ground conditions, areas of ecological interest within the site, the setting of listed buildings (Lower Berse Farm), access constraints, background noise and air quality. The design proposes the provision of high-quality residential areas with access to public open space, a local centre and a primary school.

5.3. Drainage has been a key issue in the design of this site. In relation to surface water, full account has been taken of the existing areas within the site which in extreme conditions are liable to flood, the surface water drainage scheme has been designed to accommodate this flooding, but also has regard to climate change and the potential for increased rainfall in the future, surface water can be held within the site before being discharged to existing watercourses without increasing the risk of flooding downstream of the site.

5.4. Issues in relation to phosphorus discharge from the main wastewater treatment plant for Wrexham have resulted in the development proposing the provision of its own wastewater treatment plant that will treat the effluent, meeting all current standards. If the off-site sewage treatment constraints are acceptably resolved, then the Applicant's preference would be to link into the public system and in these circumstances the development could

proceed in accordance with Masterplan 2, excluding the on-site Treatment Works.

5.5. The proposals include a series of highway improvements at the A483 junction, together with the details of the access points into the site itself, that will enable the additional traffic generated by the development to be accommodated on the highway network.

5.6. The Design and Access Statement submitted with the application explains in detail how and why the proposals for the site have been prepared to deliver a high-quality development, fully consistent with the Placemaking objectives of Planning Policy Wales.

5.7. Fundamentally, this application is the next step in realising a development proposal that has been put forward by the Council in relation to its Draft Local Development Plan. The Council's own work in considering the proposal prior to it proposing the allocation established the suitability of the location to meet a significant part of the housing land requirement within a sustainably designed development area. This proposal is now informed by a more comprehensive assessment which further confirms the suitability of the proposal.

5.8. The submitted Environmental Impact Assessment, together with the additional reports considering issues not included within the EIA, demonstrate how this development can be brought forward to deliver an attractive new development area for Wrexham with only minor impacts on the environment.

5.9. Whilst at this time the Local Development Plan has not been adopted and, therefore, the Unitary Development Plan, originally approved in 2005, still remains the starting point for the consideration of the proposal, it is clear that there are a series of particular circumstances (or, in the context of Green Wedge policy, very exceptional circumstances) that justify the development being approved now, despite the fact that the Unitary Development Plan does not promote this particular development.

5.10. The Draft Local Development Plan should be afforded significant weight in the consideration of this application.

5.11. For all of these reasons it is hoped that this development will be approved. The Applicants would invite the permission being conditioned so that the development was delivered substantially in accordance with the submitted Masterplan. In addition, it is recognised that the development would need to be subject to a series of conditions and a S.106 Agreement which would provide the necessary commitments to, amongst other things, the provision of the open space, affordable housing, the local centre, and education.