the Planning Consultancy

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19th November 2024

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Fao: Matthew Phillips

Dear Matthew

Re: Lower Berse Farm – Application P/2024/1466.

Following on from our meeting on 30th October, I am writing to enclose minutes of the meeting and to respond formally in relation to a number of matters that we discussed and on which we promised to provide further information.

So far as the minutes are concerned, I hope that you agree that these provide a reasonable summary of the meeting, but please let me know if you have any comments or queries that require amendment.

A significant part of the meeting was taken up with discussing highways issues which, of course, remain of significant importance. We were hoping to have confirmation of the WSP trip rates shortly after the meeting, but, some three weeks later, we have still not received this information. We will continue to push for this information from our end, but, in view of the importance of this matter, I wonder whether it would be possible for you to extend the invitation for our scheduled next meeting on 27th November to Michelle Zenner and, potentially Gwyn Davies from WSP?

I comment on other matters arising as follows:

Archaeology The issue that we have relates to the request from Heneb that we undertake trial trenching across the entire site prior to the application being determined. Our position in relation to this was set out in our letter dated 12.3.24. relating to the current appeal application (P/2023/0593), but the points raised do not appear to have been addressed. We do not in principle object to the requirement for trial trenching, our concern is in relation to its timing which, we consider, should be undertaken prior to development in any particular phase of development rather than it all being upfront as presently suggested, our reasons for this relate primarily to the disruption to farming activity that would result from the widespread archaeological works, plus the fact that any archaeological remains would not, in any event, come under increased risk unless or until planning permission is granted and development takes place.

It seems to us that our suggested approach is fully supported by guidance within PPW. Paragraph 6.1.26. makes clear that where archaeological remains are known to exist, or there is potential for them to have survived, an application must be supported by sufficient desk based or field evaluation to enable a full understanding of the impact of the potential development, we have, of course, done this with a full report being part of the submitted Environmental Statement. It is clear from paragraph 6.1.27. of PPW that the extent of the work to be undertaken in support of the planning application is less than that being advocated in this case, the paragraph discusses circumstances where a planning authority is minded to grant planning permission where archaeological remains may be affected by development and specifically refers to the potential to impose a condition to ensure that satisfactory provision is made for their recording and evaluation, self-evidently, therefore, it is not necessary for this scale of evaluation to be undertaken prior to planning permission being granted.

As noted above, we have proposed a condition in this case:

> *Prior to the approval of reserved matters for any phase of development, a scheme shall be submitted and approved in writing for trial trenching across that particular phase of the development. Trial trenching shall be undertaken in accordance with the approved details which shall include the reporting of findings to the LPA for approval, together with any necessary subsequent mitigation measures.*

It seems that a condition of this type would be fully in accordance with PPW guidance and would also ensure that the required trial trenching is undertaken prior to development within any particular phase.

Ecology

The consultation response requested further detail in relation to Net Biodiversity Benefit (NBB) and raised concerns in relation to the proposed crossing points of the Green Lane by the distributor roads, as illustrated on the Indicative Masterplan.

So far as NBB is concerned, I attach a Technical Note which assesses the potential for NBB, based on the Indicative Masterplan layout, this demonstrates that NBB can be achieved and, indeed, expresses the view that it should be possible to improve on its findings at the reserved matters stage. We hope that this document will be considered sufficient to demonstrate that NBB can be achieved, the matter is, of course, one that will need to be the subject of a condition with the detailed calculation of NBB needing to be related to the detailed/reserved matters proposals at the appropriate stage in the development process.

The second issue relates to the proposed crossing of the Green Lane by distributor roads at two points. As part of our overall strategy for sustainable travel, we see it as a priority that the road, cycleway and footpath networks do cross the Green Lane, so as to ensure permeability through the development as a whole, but also to provide for bus routes that can serve the entire development and surrounding areas. However, we also recognise that this must be done in a manner that safeguards ecological assets as far as reasonably possible – there is a balance that must be struck.

Our potential solution starts with the guidance of the Joint Nature Conservation Committee in their document 'Habitat Management for Bats' which indicates that gaps of less than 10 metres in hedgerows (we include tree lines within this same category) may restrict some species of bats from using the hedgerow/tree line as a flight route – this would, therefore, appear to be a minimum dimension that we should look to achieve. Manual for Streets (para 7.1.2) indicates that carriageways on bus routes should not generally be less than 6.0m in width, this is significantly less than the 10.0m maximum referred to above. Simply providing the carriageway does not, of course, provide for associated cycleways and footways, but, where it is necessary, our suggested approach would be to investigate opportunities to relocate the cycleways and footways away from the carriageway edge and 'slot' them through the trees and hedgerows at appropriate points where any loss of existing vegetation can be kept to an absolute minimum (if necessary at all). This proposed approach would, of course, be subject to detailed design at the reserved matters stage but we hope that you can see that it is entirely possible to restrict the necessary gaps to a dimension that is significantly less than the minimum that the guidance in relation to bat flight paths requires.

I should add that our proposals at the reserved matters stage would also involve the reinforcement of vegetation along the Green Lane wherever the potential arises, as well as the provision of an appropriate lighting scheme that would minimise light pollution.

We hope you will agree, therefore, that whilst the issue will need to be the subject of further detailed design, there is no reason why an appropriate balance between highway requirements and ecological interests along the Green Lane cannot be secured as part of the reserved matters approval.

Minerals

I attach a Planning Response Letter from our Minerals Consultants, E3P, which responds to the requests for additional information received from the North Minerals and Waste Planning Service. As a very brief summary, the document explains that the mineral deposits on the site are so variable across the site and uncertain in terms of their volume, especially when environmental considerations are taken on board, that commercial extraction is not considered to be viable. Having regard to the points we have made above, considerations relating to archaeology and ecology only further emphasise this basic conclusion.

We have also noted the approach that the Council has taken to KSS2 on this matter where, similarly mineral deposits are present, but they have not been considered of sufficient significance to justify delaying development whilst they are extracted, the same approach would seem to be appropriate to Lower Berse Farm, not least, because we do not see extraction as a viable proposition in the circumstances.

Conclusion

We hope that you find these further comments helpful in addressing the issues that have been raised, we look forward to discussing the points further when we meet on the 27th, but if there are any matters arising in the meantime, please let us know.

Yours sincerely

M GILBERT