

12th March 2024

Chief Officer Economy and Planning
Wrexham County Borough Council
Guildhall
Wrexham
LL11 1AY

Fao: Matthew Phillips

Dear Matthew

Re: Application P/2023/0593 – Land at Lower Berse Farm, Wrexham.

Now that we have had an opportunity to review a number of the consultation responses that you have received, we thought that it was time to provide our own response to the various matters that have been raised.

Since we submitted the planning application, the most significant change in circumstances has been that the Local Development Plan has now been formally adopted, this, of course, means that the principle of development on the site is now a commitment pursuant to Policy SP3. Furthermore, whilst we are aware that there are people who object to the principle of the development, both amongst the public and some councillors too, the allocation of the site confirms that the principle of the development should not be questioned, one of the key considerations when allocating sites is that the proposal should be deliverable and that there are no fundamental reasons why planning permission should not be forthcoming when the application is finally determined.

We are, of course, aware of a current legal challenge relating to the adoption of the LDP, we do not consider that there is any legitimate basis for this challenge whatsoever, but without prejudice to this view, whilst that challenge runs its course, whatever that might be, the LDP continues to be an adopted development plan and the planning application must be considered on that basis, we are confident that you will make this point very clear to Members when they determine the application.

In the following sections of this letter we summarise our response to a number of the consultation responses received, this letter is accompanied by a number of technical response documents that set out our responses in more detail and we would ask that you add these to the application documents and, of course, take them into account in full.

In this letter we do not address highway issues. It is unfortunate that neither the Wrexham Highways Department or Welsh Government Highways responded at the pre-application consultation stage or, indeed, prior to that when we sought to engage in discussions, however, we are pleased that they are both now in discussion with our highway consultants. We are confident that we will be able to address their various queries satisfactorily, but we propose to deal with this issue in separate correspondence once the discussions have reached a conclusion.

Similarly, we have only very recently been made aware of new concerns from your Flood and Water Management Team, these will also be addressed in separate correspondence once we have had an opportunity to consider the matters raised.

In the meantime, however, we hope that we can make progress in relation to a number of other matters:

Foul Water Drainage

At the time when the application was being prepared there was effectively an embargo on new residential development connecting to the Five Fords Wastewater Treatment Works due to the potential additional discharge of phosphorus into the SAC, it was for this reason that in order to bring the development forward, we proposed a Wastewater Treatment Works as part of the development.

Since the application was submitted the situation has materially changed, the Five Fords Works can now accept additional connections and, as the Welsh Water consultation response acknowledges, foul drainage can appropriately be conditioned. Since providing their consultation response discussions between the Applicants and Welsh Water have been ongoing, there may be a need for both local works and works at the Treatment Works in order to accommodate the flows from this development and more generally, the details of which are subject to ongoing hydraulic modelling.

Consequently, a foul drainage solution is available to the development via the public sewer, the delivery of which can now be conditioned. At present the description of the development includes the provision of "...a wastewater treatment plant (if necessary)" and the Option One Masterplan Framework also includes the treatment works. In the circumstances it would now seem appropriate to amend the description of the development to exclude reference to the treatment works and also to withdraw the Option One Masterplan Framework.

Assuming that you are happy at officer level that the foul water treatment issue has progressed sufficiently such that you are happy to recommend that it is addressed via a condition, could you confirm that our proposed amendments above provide an acceptable way forward?

Ecology

The recent amendments to Planning Policy Wales require planning applications to be accompanied by a Green Infrastructure Statement, setting out how green infrastructure has been incorporated into the development and, in particular, how the 'step-wise' approach has been applied. The

methodology that has been set out in PPW assumes that this work is done as the development proposal is being prepared, this was not, of course, possible in this case because the application had already been submitted when the new guidance emerged. Nevertheless, green infrastructure considerations were, in any event, a key factor in the preparation of the proposals and it has, therefore, been possible to provide a Green Infrastructure Statement which is attached to this letter. The GIS confirms how green infrastructure considerations have been at the forefront of the development of this proposal, we look forward to any comments you may have once you have reviewed this additional document.

The comments on ecological matters from Natural Resources Wales requested further detailed work relating to bats and their conservation status. In response to this, we have prepared a Favourable Conservation Status Study which also accompanies this letter. The conclusion of this Study is that with the retention, as far as possible, of the existing tree and woodland habitats within the site allied to further planting to enhance habitat (all of which is envisaged in the proposals with details to be provided as part of a subsequent reserved matters submission), it is not likely that the range of bat species noted within the area will be reduced.

The Council's Ecologist has made a series of comments in relation to the development, many of which relate to the potential detailed impact of the proposals. A Technical Note has been prepared which deals with each of the concerns and indicates how it is proposed that these matters would be addressed. The suggested solutions are, once again, largely matters of detailed design that would need to be considered and approved as part of the reserved matters submission, however, the general approach to each of the matters is outlined in the Technical Note and this illustrates why these concerns should not stand in the way of the grant of outline planning permission subject to conditions.

Trees

Comments have been received from the Woodland Trust and from the Council's own Tree Officer which we comment on as follows.

Whilst we understand the desire of those organisations and individuals involved with the protection of trees to protect trees as far as possible, we consider it is important to place this objective in context – the site is allocated for development and amongst other objectives, there is a requirement to develop the site efficiently. Against this background it would be remarkable if the development of the site did not impact on some trees. LDP Policy NE3 endorses this approach, specifically acknowledging that trees may be impacted by development, but that where this happens then adequate mitigation will be required, neither of the above representations refer to this Policy.

Once again, we have appended a response document that responds in detail to the matters that have been raised, but we summarise our response as follows:

The main point raised by both the Woodland Trust and the Council's Tree Officer relates to the potential impact of the development on the ancient woodland area to the west of Berse Lane. The Masterplan Framework does not, of course propose any development within this woodland area, the

concern appears to relate to the extent of buffer area that is proposed with the Woodland Trust suggesting a 50 metre buffer, albeit without any justification for such an extensive area. The Masterplan Framework proposes an approximate 15 metre buffer, this appears consistent with the area of land retained within the Green Wedge around Bersham and with the approach of Fig 5 in the LDP, the KSS1 Masterplan Framework. We continue to believe that this buffer is appropriate in order to retain the amenity value and health of the woodland.

It has also been suggested that public access to the woodland should be restricted, we do not agree with this approach as managed access would in our view provide a positive recreational opportunity, this, however, is a detailed management issue that does not impact on the principle of the development, we would welcome your views on how you would wish the question of access to the woodland to be addressed.

Concern has also been expressed with regard to the potential loss of five Category 'A' trees as a consequence of implementing the proposed development layout. We have commented on this to some extent above, there is always a balance to be struck between protecting all trees and achieving an efficient and attractive development on the site.

However, notwithstanding the above comment, the potential loss of the five trees is identified in comparison with a literal impact on what is, at this stage, an indicative layout. We note the point made about retaining Category 'A' trees and, following further detailed assessment, we are confident that with some minor amendments at the reserved matters stage it should be possible to retain four of the five trees identified for removal at the present time. We hope that it will be agreed that this is an appropriate way in which to address this matter (please let us know if you require more detail at this stage) and that as a consequence the loss of Category 'A' trees would be significantly less than was initially identified. Consequently, we hope you will conclude that this is acceptable in the context of the development as a whole.

Education

We have attached a Technical Note responding to the comments of your Education colleagues, together with an Issues Paper which, hopefully, crystalises the remaining areas of disagreement for further consideration.

We have identified several issues with the way in which the capacity of schools within the statutory walking distance of the application site has been calculated, this has led to spare capacity being assessed as significantly lower than reality, especially when falling birth rates are taken into account. Notwithstanding the above, we acknowledge the need for a new primary school and identify a site for a new two form entry school within the development site. The Technical Note explains, however, why there is not considered to be a need for the provision of additional secondary school places.

In the above circumstances, the approach to the calculation of spare school capacity becomes particularly important when calculating the education contribution from the development that would be included in the S.106 Agreement. We consider that the Education Departments approach in considering schools to be at capacity when 90% of places are occupied is flawed; the Schools

Organisation Code does not support this approach and it results in an inefficient under-utilisation of education resources.

We accept that there will be a need for a financial contribution from the development towards education provision, but we hope that further progress can be made in resolving the issues currently in dispute that we have sought to highlight in the accompanying Issues Paper.

Conservation

Two concerns have been identified by your Conservation colleagues, both relating to impact on the setting of historic features – Lower Berse Farm and Bersham Village.

Consideration of the setting of Lower Berse Farm was an important aspect of our master planning exercise, informed by the advice of our own heritage advisors. Lower Berse Farmhouse itself is proposed to be retained within an area of open space, setting it apart from proposed residential development, we accept that the development will have an impact on this building, but it would be a minor impact which, taken in the context of the development as a whole and having regard to the potential improvements resulting from the removal of modern farmbuildings should not be viewed as unacceptable (especially as this group of buildings would become the Local Centre for the development and, therefore, be accessible to the public).

The setting of Bersham Village and its relationship to the City edge is maintained in the LDP by the retention of an area of Green Wedge between the two settlements, the approach to the development has followed this boundary, retaining all of the land within the Green Wedge as open space, thereby preserving the setting of Bersham.

To some extent our response to the conservation comments is similar to that in respect of Trees (above), the efficient development of this site on the scale proposed (Policy SP3 - a minimum of 1500 dwellings) will have an impact on local heritage assets, but this is a minor impact, managed sensitively so as to retain heritage value whilst at the same time meeting the requirements for the scale of development required by Policy SP3. We note that at the time when the Conservation comments were made, the LDP had not been adopted, indeed, at that time the Council was not intending to adopt it, however, that situation has now changed, the LDP is adopted and, therefore, the proposals carry greater weight and we hope that in these changed circumstances the heritage impact of the proposals will now be considered acceptable.

CPAT

At this moment we await the further comments of CPAT, they have been provided with the revised geophysical report that they requested (a copy is attached to this letter and we would ask that you add this to the application documents).

In addition, and in response to the geophysical report, CPAT have requested that trenching is undertaken in a number of locations across the site, we have no fundamental objection to this but, in

accordance with PPW and TAN24 guidance, consider that this could be conditioned so that it was undertaken prior to development in the identified locations. Trial trenching on the scale suggested would be significantly disruptive to the ongoing agricultural activity on the site and we seek to avoid this if at all possible, and with the site already allocated for development, it seems to us that any findings of significance from the trial trenching exercise might have an impact on the detailed design, but not on the principle of development. Consequently, we would suggest a condition along the following lines:

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.

Betsi Cadwaladr University Health Board

The Health Board have set out a series of recommendations as to how the development should be progressed, we can confirm that all of these will be incorporated within the details provided at the reserved matters stage. The one exception to the above is the suggestion that we prepare a Health Impact Assessment, we do not see the justification for this in a planning context on a site that is allocated for development.

Furthermore, we note that the scale of development proposed is within the parameters of the Health Board's Local Delivery Plan and that, therefore, they do not object to the proposal and anticipate that new residents should be distributed across existing practices in the locality. We are aware that there have been a number of suggestions from local residents and a local councillor that a site should be set aside for a health facility on the site itself, we have no objection to this in principle as it could readily be accommodated as one of the uses within the Local Centre, however, this does not appear to be the Health Board's requirement, it is, perhaps, a matter to be resolved separately from the application itself.

Finally, we have noted that the Health Board suggest that they may look for a S.106 contribution from the development, but at this stage they have not indicated what specifically it would relate to, why it would be necessary in relation to the development, nor how the scale of any such contribution would be justified by the development in terms of its scale. In the circumstances the case for this contribution has not been made.

Conclusions

We believe that we have commented on all of the consultation issues, apart from highways and flooding which remain outstanding, where points have been made that require our further comment and observations, but if you believe we have missed anything, please let us know.

Highways and flooding aside, we believe that the proposals as originally submitted, and now amended and further commented upon within this letter and supporting documents, should be viewed as acceptable. However, we would welcome a further meeting to go through the various points in order to, hopefully, confirm that you also take this view and that we can then move closer to this application being ready to go in front of the Committee for determination.

Yours sincerely

M GILBERT