
Planning Statement

Land South of Holt Road, Wrexham

**On behalf of Barratt Homes, Bloor Homes North West, John
Raymond Jones and the Trustees of the Wrexham
(Parochial) Education Foundation**

May 2021

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1. INTRODUCTION

- 1.1 This Planning Statement has been prepared by Barton Willmore, on behalf of Barratt Homes, Bloor Homes North West, John Raymond Jones and the Trustees of the Wrexham (Parochial) Education Foundation as joint applicants (the "Applicants"), in support of an outline planning application for the proposed residential development of Land South of Holt Road, Wrexham ("the Site").
- 1.2 This Statement should be read in conjunction with the other technical documentation submitted in support of the planning application (the "Application") as listed in Table 1 of this Statement (below).

Summary of Proposed Development and Context

- 1.3 The Application seeks outline planning permission for up to 600 dwellings, with associated landscaping, public open space, and on-site infrastructure, with all matters reserved except for the northern site access.
- 1.4 The Application represents a resubmission of planning application P/2019/0005, which was submitted to Wrexham County Borough Council ("WCBC") in January 2019 and carried the same description ("previous Application"). The previous Application benefitted from significant local support from people who recognised the need for new homes and investment to come forward in Wrexham, and received comparatively few objections. The previous Application was also supported by the WCBC's planning officers who recommended that, subject to the completion of a Section 106 agreement and referral to Welsh Ministers as a departure from the development plan, planning permission be granted when it was presented to the Council's Planning Committee on 27 July 2020.
- 1.5 Notwithstanding this, Members of the Committee went against the professional advice of their Officers and voted to refuse the previous Application for the following reasons:

- 1. The proposed development lies outside the settlement limit and within a designated green barrier. To allow the development would be contrary to policies PS1, EC1, EC2, H5, MW9, GDP1, GDP2 and CLF5 of the adopted Wrexham Unitary Development Plan.*

- 2. The proposal has failed to apply the sequential test and justify the loss of BMV agricultural land in accordance with the procedure required by PPW 3.54 and 3.55.*
- 3. The proposed development conflicts with PPW10 paragraph 3.21 in failing to consider the impact upon health facilities and the need for further provision to meet increased demand.*

- 1.6 The above reasons for refusal are addressed in detail within this Statement.
- 1.7 The Applicants lodged an appeal against this decision in November 2020 (Appeal Reference APP/H6955/A/20/3263516), which was confirmed as valid on 17 December 2020.

Pre-Application Consultation

- 1.8 Prior to the submission of the previous Application, the Applicants actively engaged in pre-application discussions with WCBC for a number of years, not only as part of the formal pre-application processes, but also in connection with the promotion of the Site through the Local Development Plan ("LDP") process. The Site is proposed by WCBC as a Key Strategic Site within the emerging LDP, which will deliver up to 600 dwellings, providing a significant proportion of Wrexham's market and affordable housing needs over the Plan period.
- 1.9 Prior to the submission of this Application, there have also been a number of discussions with WCBC officers, in particular relating to the scope of updates required.
- 1.10 A formal pre-application consultation exercise was undertaken by the Applicants prior to the submission of the previous Application in accordance with the requirements of Section 61Z of the Town and County Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. Such consultation has not been undertaken again prior to this re-submission Application. The scheme is not materially different to that previously consulted upon and the views of the public, consultees and other stakeholders are well understood. Furthermore, the resubmission of this Application represents a continuation of the planning process in respect of the development of this Site and so further pre-

application consultation was not considered necessary by the Applicants; a position agreed with Officers at the WCBC in advance.

- 1.11 Notwithstanding this, details of the extent of pre-application engagement conducted as part of the original application, in accordance with Welsh Government Guidance is provided in the Pre-Application Consultation Report ("PAC Report") and Addendum which accompanies this Application.

EIA Screening

- 1.12 The Development falls within the category 'Urban Development Projects' (Schedule 2, 10, (b)) of the *Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017*, as amended (the 'EIA Regulations'¹) and exceeds the 150-dwelling/5-hectare threshold. In October 2017 a request for a Screening Opinion was submitted to WCBC, the request was amended in December 2017. In December 2017 WCBC adopted its Screening Opinion which stated that the proposals did not constitute EIA development (Please see **Appendix 1**).
- 1.13 On submission of the appeal (as detailed above) The Planning Inspectorate, authorised by the Welsh Ministers, adopted a Screening Direction which identified the Development as likely to result in significant environmental effects on agricultural land and minerals (see adopted Screening Direction at **Appendix 2**).
- 1.14 Accordingly, an ES has been prepared with regard to the impact of the proposed development on minerals and agricultural land. The ES is submitted in support of this application and concludes that the Development will result in a moderate adverse residual effect as a result of the loss of agricultural land and minor adverse to negligible effects resulting from the loss of or damage of soil resources and the sterilisation of mineral resources.
- 1.15 The findings of the ES are considered in further detail within subsequent sections of this Statement, and are to be considered in the planning balance, in assessing the overall acceptability of the proposed development.

¹ 2017 No. 567 (W. 136).

Planning Application Pack

1.16 Table 1 below lists the technical documents and plans which form part of the Application.

Table 1 – Planning Application Documents

Site Location Plan	Randall Thorp Ref: 661B 03 A
Illustrative Concept Layout	Randall Thorp Ref: 661B 04 E
Parameters Plan	Randall Thorp Ref: 661B 05 D
Access Plan	CBO Ref: CBO-0322-017
Topographical Survey	Greenhatch Group
Planning Statement	Barton Willmore
Environmental Statement	Barton Willmore
Design and Access Statement	Randall Thorp
Design and Access Statement Addendum	Randall Thorp
Landscape and Visual Impact Assessment	Randall Thorp
Transport Statement	CBO
Travel Plan	CBO
Welsh Language Impact Statement	Barton Willmore
Flood Consequence Assessment	Lees Roxburgh
SUDS Strategy Statement	Lees Roxburgh
Air Quality Assessment	Miller Goodall
Noise Assessment	Miller Goodall
Technical Note (Noise) (December 2020)	Miller Goodall
Prior Extraction Assessment	Wardall Armstrong
Addendum to Prior Extraction Assessment (October 2020)	Wardell Armstrong
Sustainability Statement	Briary Energy
Heritage Assessment	RPS CgmS
Archaeological Evaluation Report	L-P Archaeology (for RPS Group)
Geophysical Survey Report	Magnitude Surveys (for RPS CgmS)
Agricultural Land Classification and Soil Resources	Reading Agricultural
Phase 1 Ecological Survey	Tyler Grange

Update Ecological Assessment	Tyler Grange
Tree Report	Tyler Grange
Ground Investigation Report	Betts Geo Consulting
Stage 1 Contamination Assessment	Smith Grant
Economic Benefits Summary (Appended to Planning Statement)	Barton Willmore
Pre-application Consultation Report	Lexington Communications
PAC Note (January 2021)	Barton Willmore

Site Planning History

- 1.17 A search of the WCBC's online planning register revealed the following historic planning applications that are considered relevant in the determination of this Application.

Table 2: Relevant Historic Planning Applications

Reference	Description of Development	Decision	Date
P/2019/0005	Outline application for the construction of up to 600 dwellings, with associated landscaping, public open space and on-site infrastructure, with all matters reserved except from the northern site access.	Refused	27.07.2020

- 1.18 As set out above, the WCBC's decision in respect of Planning Application P/2019/0005 is currently subject to an Appeal which was submitted in November 2020 and the outcome is not expected for a number of months.
- 1.19 Copies of the Officer's Report to the Planning Committee, an Addendum to the Committee Report and the decision Notice for planning application P/2019/0005 are enclosed at **Appendix 3, 4 and 5** respectively. The reasons for the refusal of the previous Application, as are the details surrounding its determination.

2. THE SITE AND SURROUNDING AREA

- 2.1 This Section provides details on the Site's location, surroundings and key physical characteristics.

Site Context

- 2.2 The Site is located north-east of the town of Wrexham, and within the administrative boundary of WCBC and in the ward of Holt. The northern boundary of the Site broadly follows the east-west alignment of the dualled A534 Holt Road, which provides direct access to Wrexham town centre to the west, Wrexham Industrial Estate to the west and the wider strategic road network. Beyond this, lies Wrexham Golf Course, Borrass Quarry and extensive agricultural land.
- 2.3 The eastern boundary of the Site borders arable fields beyond which lies Sandy Lane and Clays Touring and Leisure Park and Clays Golf Course. The northern section of the eastern boundary consists of a ready-mixed concrete plant located in an historic quarry area.
- 2.4 Bryn Estyn Road forms the southern boundary of the Site, along with the residential properties of Bryn Estyn Court. Beyond Bryn Estyn Road is Wrexham Rugby Club, a limited number of residential properties, the Erlas Victorian Garden, the Erlas Centre and agricultural land beyond.
- 2.5 Established residential properties on Turnberry Avenue, Thornhurst Avenue and Abbeydale Close (known as the Fairways estate), and the buildings of Tyn-twill Farm form the western boundary of the Site.

Site Description

- 2.6 The Site extends to 28.52 hectares (ha) and is approximately rectangular in shape. It is currently in agricultural use and consists of seven separate fields. Internal field boundaries are mainly hedgerows or tree-lined. Four separate and interconnecting electricity lines cut across the Site.
- 2.7 A drainage ditch enters the Site from the north-west corner and runs along in an eastern direction across the north-western section of the Site. The drainage ditch ends at a wooded area at a junction of three field boundaries, just south of the A534

roundabout. A further drainage ditch enters the Site from the north-east corner and runs along the northern boundary of the Site for a short distance.

Existing Connectivity of the Site

- 2.8 The A534 Holt Road is located immediately to the north of the Site and provides an important route for vehicles to gain access into the centre of Wrexham and Wrexham Industrial Estate, and the wider strategic road network. Sandy Lane is located to the east of the Site which provides access to Clays Golf course.
- 2.9 Bryn Estyn Road runs immediately south of the Site and provides another access route into the centre of Wrexham; although this road is only suitable for limited use by vehicular traffic.
- 2.10 There is a shared footway/cycleway which runs east to west just north of the northern Site boundary. There is a pedestrian/cycle connection from the existing residential estate to the west of the Site to Bryn Estyn Road. The Site benefits from excellent cycle and pedestrian routes from Bryn Estyn Road in an easterly direction to Wrexham Industrial Estate. The nearest bus stops are located on St Mellion Crescent.
- 2.11 There are a number of local schools and education facilities within close proximity to the Site, and the town centre and Industrial Estate are within easy reach of the Site and within easy reach of public transport provision which serves the surrounding area.

3. THE PROPOSED DEVELOPMENT

- 3.1 This Section provides details of the proposed development.
- 3.2 The Applicants seek outline planning permission for the construction of up to 600 dwellings, with associated landscaping, public open space, and on-site infrastructure, with all matters reserved except for the northern site access.
- 3.3 The Application is accompanied by a number of drawings which include:
 - Location Plan Ref: 661B 03 A
 - Illustrative Concept Layout Ref: 661B 04 E
 - Parameters Plan Ref: 661B 05 D
 - Access Plan Ref: CBO-0322-017
- 3.4 Detailed approval is sought for the main access into the Site from the Holt Road roundabout, with all other indicated access points and roads being indicative at this time.
- 3.5 The proposed housing mix, whilst only indicative at this stage, is expected to comprise of 2, 3 and 4 bedroom properties, with 15% 2-bed, 60% 3-bed and 25% 4-bed. The scheme will provide up to 20% affordable housing comprising an indicative mix of 2 and 3 bedroom properties.
- 3.6 UDP policy H7 and Local Planning Guidance Note 28 apply a uniform housing requirement across the County Borough for 25% of dwellings to be affordable on developments of 25 or more dwellings.
- 3.7 Emerging LDP policy H2 proposes to take a different approach by applying a requirement to different areas of the County Borough reflecting variations in viability. The Application Site lies in an area known as the Rural East for the purposes of viability. The Deposit Plan version of policy H2 was informed by the Wrexham County Borough Council Viability Study, dated January 2018, produced by Andrew Golland Associates (AGA) indicated that the site lay in an area where a 40% affordable housing requirement could be applied.

- 3.8 Notwithstanding this, and following guidance from the Welsh Government, the Council instructed the District Valuer Service (DVS) to complete a further viability study, to inform the LDP examination. The DVS Viability Study recommends that a 30% affordable housing requirement should apply to the Rural East. The DVS recommendations do not, however, apply to the Key Strategic Sites of the LDP, because the infrastructure requirements for such sites are acknowledged to be greater than for non-strategic sites. KSS2 is expected to deliver a new primary school and a new spine road connecting the A5156/A534 Holt Road roundabout with Cefn Road. KSS2 has been subject to a viability study commissioned by the joint site promoters which has in turn been reviewed by the DVS.
- 3.9 The DVS have advised that an affordable housing requirement of 20% for the Site is likely to be viable. This was an agreed position between the Applicants and WCBC at the LDP Examination and at the point of determination of the previous Application. It is presently proposed by WCBC that policy SP5 of the LDP, relating specifically to KSS2, will include a site-specific affordable housing requirement of 20%; although the precise wording is yet to be consulted upon.
- 3.10 On this basis, the development proposed as part of this Application includes 20% affordable housing, in order to comply with the emerging LDP.
- 3.11 The indicative land use areas for the development is broken down as follows:
- Site area: 28.52 ha
 - Residential development: 15.6 ha
 - Visually prominent land: 1.99 ha
 - Undevelopable land (open space): 3.28 ha
 - SUDS attenuation: 0.65 ha
 - Woodland buffers: 1.35 ha
 - Other incidental green space: 5.65 ha
- 3.12 The accompanying Design and Access Statement, and its Addendum (prepared to accompany this resubmission Application), sets out further details relating to the proposed approach to the Site's development in design terms; including the approach to the development pattern and streetscape, landscape and greenspace, topography, connectivity, character, scale, drainage and use materials.

4. PLANNING POLICY CONTEXT

Development Plan

- 4.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004), and Paragraph 1.18 of Planning Policy Wales 11 ("PPW11"), establishes a presumption in favour of sustainable development in accordance with the development plan, unless material considerations indicate otherwise.
- 4.2 The adopted Development Plan relevant to this Application comprises the Wrexham UDP ("UDP") which was adopted in 2005 and covers the Plan period from 1996 – 2011.
- 4.3 According to the UDP, the Site is located within designated Green Barrier (Policy EC1).
- 4.4 The role of the Green Barrier, as defined by Policy EC1 (and Paragraph 5.2) of the UDP, is:
- To prevent the coalescence of urban areas and villages with other settlements;
 - To assist in safeguarding the countryside from encroachment;
 - To protect the setting of an urban area and villages; and
 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 4.5 The UDP is, however, significantly out-of-date, having been adopted some 15 years ago and being time expired by nearly 10 years. Its policies are derived from an evidence base that is out-of-date to such a significant extent that it bears no relation to the current development needs of Wrexham.
- 4.6 Whilst the UDP is time expired, it remains the adopted development plan for decision making purposes unless there are material planning considerations which indicate otherwise. The weight to be placed upon the policies of the UDP in decision making is addressed in Section 7.0.
- 4.7 Relevant UDP Policies include:
- Strategic Policies – Broad location of development²:
 - Policy PS1 – Settlement boundaries
 - Policy PS2 – Development impact

² No named policy title

- Policy PS3 – Land use
- Policy PS4 – Settlement patterns
- Policy PS8 – Transport
- Policy PS9 – Minerals
- Policy PS11 – Biodiversity
- Policy GDP1 – Development Objectives
- Policy EC1 – Green Barriers
- Policy EC2 - Agricultural Land
- Policy EC4 – Hedgerows, trees and woodland
- Policy EC6 – Biodiversity Conservation
- Policy EC12 – Development and Flood Risk
- Policy EC13 – Surface Water Run-off
- Policy EC14 – Protection of controlled waters
- Policy H7 – Affordable Housing
- Policy CLF4 – Playing fields and open space
- Policy CLF5 – Open space requirements from new developments
- Policy EC11 – Archaeology
- Policy MW9 – Protection of Mineral Resources

Emerging Local Development Plan

- 4.8 WCBC is currently preparing its new LDP to replace the now very dated UDP. The document is at an advanced stage. WCBC consulted on the Deposit version of the Plan from April – July 2018 and then submitted it for Examination following approval by Members in November 2018. The Examination Hearing Sessions took place in September and October 2019, and with additional sessions taking place in February and March 2020. There have been delays following the Inspectors request for additional evidence relating to the provision of Gypsy and Traveller sites, and as a consequence of the COVID-19 pandemic. Following the submission of further evidence by the Council, an additional Hearing Session³ and exploratory meeting⁴ have taken place to discuss a way forward and a further update is expected around mid-January 2021. Once adopted the LDP will cover the Plan period up to 2028.

³ 9th November 2020

⁴ 9th December 2020

4.9 Within the emerging LDP, the Site forms part of a proposed Key Strategic Site for residential development, known as KSS2 (Land East of Cefn Road, Wrexham), under Policy SP3 and Policy SP5.

4.10 Policy SP5 is the site-specific policy relating to the allocation of KSS2, and it states:

“Land is allocated east of Cefn Road, Wrexham, as shown on the proposals map to deliver a residential led mixed use scheme with a minimum of 1,680 new homes, 1,580 of which will be delivered within the Plan period. Development will include an element of affordable housing and associated communities uses, along with necessary infrastructure which will be delivered in a phased manner with specific details tied into planning consents:

Necessary Infrastructure:

- **Highways improvements to address known infrastructure capacity constraints at the Greyhound roundabout;**
- **Ensuring connectivity between the land north and south of Bryn Estyn Road;**
- **Education: on-site provision of a 420 place primary school, contributions towards secondary provision in the vicinity of the site and the retention of existing (65,393 sqm) of playing fields for Ysgol Morgan Llwyd;**
- **Public open space;**
- **Community and leisure facilities, including the retention of the Erlas Victorian Walled Garden;**
- **Active Travel; and**
- **Public Transport**

4.11 As stated in the previous section, policy SP5 will be the subject of a ‘Matters Arising Change’, subject to consultation will take place in the coming months, to introduce a site-specific affordable housing requirement for KSS2 of 20%.

4.12 The Site will form the northern part of the KSS2 allocation and will deliver up to 600 dwellings of the overall allocation of 1,680 dwellings. The submission of this Application and a favourable determination by the WCBC will demonstrate the

commitment by both WCBC and the Applicants to deliver much needed new homes in this location and will support the housing delivery strategy of the emerging LDP.

4.13 The following policies within the emerging LDP are of relevance to this Application:

Table 3 – Relevant emerging LDP Policies

Policy	Policy Name
SP1	Housing Provision
SP2	Location of Development
SP3	Key Strategic Housing Sites
SP5	KSS2 – Land east of Cefn Road, Wrexham
SP6	Planning Obligations
SP12	Transport and Accessibility
SP13	Design Principles and Masterplanning Framework
SP14	Health and Wellbeing
SP15	Natural environment
SP16	Historic and Cultural Environment
SP17	Minerals Supply and Safeguarding
SP19	Climate Change
SP20	Green Infrastructure
DM1	Development management considerations
NE1	International and national designated nature conservation sites
NE2	Locally designated sites of nature conservation and geological importance
NE3	Trees and Woodland
NE6	Waste Water Treatment and River Water Quality
H1	Housing Allocations
H2	Affordable Housing
T1	Managing Transport Impacts
T2	Active Travel
T3	Passenger Transport
T6	Strategic Transport Infrastructure Improvements
CF2	Provision of New Open Space
WL1	Welsh Language and the Social and Cultural Fabric of Communities
MW1	Minerals Safeguarding

RE1	Development and Renewable Energy/Low carbon technology
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- 4.14 The emerging LDP is at an advanced stage and it is the Applicants' position that substantial weight can be attributed to its policies and, therefore, KSS2 allocation. Furthermore, during their examination of the emerging Local Plan, the Inspectors have not raised any concerns or doubts over the site selection process or the principle of the allocation of KSS2 for development. The Plan is representative of what WCBC considers to be a sound strategy for the delivery of new homes over the next 8 years. We provide further detailed commentary on the weight to be afforded to the LDP's policies within Section 7 of this Statement.

5. NATIONAL PLANNING POLICY

Planning Policy Wales (11th Edition, February 2021)

- 5.1 The fundamental purpose of the planning system is to contribute to the achievement of sustainable development. The Welsh Government has recently published updated national guidance in the form of the 11th Edition of Planning Policy Wales (PPW).
- 5.2 The following key issues and policies set out within PPW11 are considered relevant to the proposed development.

What is sustainable development (Chapter 1)

- 5.3 PPW is clear that there is a presumption in favour of sustainable development, in accordance with the development plan, unless material considerations indicate otherwise, in order to ensure that social, economic, cultural and environmental issues are balanced and interrogated⁵.
- 5.4 At Paragraph 1.22, PPW confirms that up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making. Again, PPW reiterates the requirement for planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise.

Planning for Sustainability (throughout)

- 5.5 The need to promote sustainable patterns of development is evident throughout the PPW.

Managing Settlement Form – Green Belts and Green Wedges (Chapter 3)

- 5.6 Paragraphs 3.64 to 3.78 of PPW clarifies the role of Green Wedges (also applicable to Green Barrier) and Green Belt. It confirms that proposals for both should be soundly based and should only be applicable where there is a demonstrable need to protect urban form and alternative policy mechanisms are not sufficiently robust. It confirms that green wedge policies should be reviewed as part of the development plan process and that green wedges are local designations which essentially have the same purpose of green belts and may be used to provide a buffer between the settlement edge and statutory designations and safeguard important views.

⁵ PPW, paragraph 1.18

- 5.7 When considering applications for planning permission in green wedges, a presumption against inappropriate development applies, and planning permission should only be granted in very exceptional circumstances and **“where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.” (Paragraph 3.74)**
- 5.8 PPW is clear that the role of the Green Wedge is essentially to have the same purpose as the Green Belt⁶ and to:
- Prevent the coalescence of large towns and cities with other settlements;
 - Manage urban form through controlled expansion of urban areas;
 - Assist in safeguarding the countryside from encroachment;
 - Protect the setting of an urban area; and
 - Assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 5.9 It seeks to limit development within the Green Wedge to:
- Justified rural enterprise needs;
 - Essential facilities for outdoor sport/recreation, cemeteries and other uses of land which maintain the openness of the Green Wedge and do not conflict with the purpose of including land within it;
 - Limited extension, alteration or replacement of existing dwellings; and
 - Small scale diversification (farm).

Design Principles (Chapter 3)

- 5.10 PPW promotes good design and the objectives of good design should be applied in all development proposals – access, character, movement, environmental sustainability and community safety.

⁶ PPW, Paragraphs 3.67 and 3.68

Agricultural Land Quality (Chapter 3)

- 5.11 PPW seeks to protect best and most versatile ("BMV") land and identifies that significant weight should be given to its protection from development⁷. It states that Grade 1, 2 and 3a should only be developed if there is an overriding need for the development. If grade 1, 2 or 3a needs to be developed, development should be directed to the lowest grade.

The Welsh Language and Placemaking (Chapter 3)

- 5.12 PPW encourages and supports the use of the Welsh Language and seeks to strengthen its use in everyday life. Proposals must consider the likely impact on the Welsh Language and is a material consideration in planning decisions.

Transport (Chapters 3 and 4)

- 5.13 A transport hierarchy approach to development is supported by PPW. It states that development should, be accessible by walking and cycling and well served by public transport followed by private car. This aim is to ensure that new development is located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable development to employment, local services and community facilities. It sets out that transport assessments are required for large scale developments.

Housing (Chapter 4)

- 5.14 PPW confirms that LPAs must ensure that the supply of land to meet the housing requirement proposed is deliverable⁸ and that sufficient land is genuinely available for housing. It also confirms that planning applications which comply with up-to-date development plans should be assumed to be viable and it should not be necessary for viability issues to be considered further. It is for the applicant or LPA to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the applications stage and the weight given to this is a matter for the decision maker⁹. It also confirms that affordable housing is a material consideration in determining relevant applications¹⁰

⁷ PPW, Paragraph 3.59

⁸ PPW, Paragraph 4.2.4

⁹ PPW, Paragraph 4.2.21

¹⁰ PPW, Paragraph 4.2.25

- 5.15 Notwithstanding the above, on 26 March 2020 the Welsh Government revoked Technical Advice Note 1, amended PPW and published Development Plans Manual Edition 3 (DPM3) to provide revised guidance on how housing delivery is to be monitored. The delivery of housing in the County Borough is now to be monitored using the Average Annual Requirement (AAR) as set out in a Local Development Plan.
- 5.16 The changes to PPW and revocation of TAN 1 have not reduced the importance of delivering new housing, but have changed the way it is planned, measured and monitored. PPW makes it clear that key a planning principle is the creation and maintenance of sustainable communities, and this means, among other things, delivering the homes and jobs to meet society's needs. PPW, as revised, states that under-delivery against the housing trajectory may require a specific early review of the development plan (paragraph 4.2.11). This is a clear indication that Welsh Government is committed to ensuring that the planning system delivers the housing Wales needs and that under-delivery is a material consideration. It is therefore pertinent to consider the extent of shortfall that exists, the period of time there has been a shortfall and how soon the Council will be able to demonstrate, through an adopted LDP, that the housing needs of the area will be met. This will dictate the weight to be afforded to the lack of housing delivery. This approach is supported by numerous Inspectors' decisions, which are referred to in Section 7 of this Statement.

Minerals (Chapter 5)

- 5.17 The chapter identifies that the role of the planning authority in relation to mineral extraction is to balance the fundamental requirement to ensure an adequate supply of minerals, with the protection of amenity and the environment (paragraph 5.14.1). In relation to sand (non-energy mineral aggregate), it identifies that the importance of minerals should be taken into account when determining planning applications.

Infrastructure and Services (Chapter 5)

- 5.18 PPW identifies the targets set out by the Welsh Government and that it is the role of the planning system to ensure the delivery of these targets. This includes through sustainable development and design and the role of LPAs in helping to move towards a low carbon economy.

Distinctive and Natural Places (Chapter 6)

- 5.19 Proposals must take account of the wildlife or landscape value of an area, and it is important to balance conservation objectives with the wider economic needs of local business and communities and should be taken into account at an early stage of the process. LPAs should consider and avoid any adverse impacts on the environment. Statutory designations do not prohibit development, but their effect must be assessed.

Green Infrastructure (Chapter 6)

- 5.20 The provision of green infrastructure is encouraged, and the quality of the built environment should be enhanced by integrating green infrastructure into development¹¹.

Landscape (Chapter 6)

- 5.21 Landscape value is an intrinsic part of PPW and consideration should be given at the outset to landscape value to ensure that well-being needs and an effective and integrated approach to natural resource management in the long term can be achieved.

The Historic Environment (Chapter 6)

- 5.22 Any decision made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contributions to the character of place¹²

Water and Flood Risk (Chapter 6)

- 5.23 PPW confirms that the climate emergency is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. PPW states that planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals (paragraph 6.6.22).
- 5.24 Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. (Paragraph 6.6.25).

¹¹ PPW, Paragraph 6.2.5

¹² PPW, Paragraph 6.1.9

Contaminated Land (Chapter 6)

- 5.25 Planning decisions should take account of the nature, scale and extent of land contamination and in doing so take account of the potential hazard that contamination presents to the development itself, its occupants and the local environment and the results of a specialist investigation and assessment by the developer to determine the contamination of the ground and identify if any remedial measures required to deal with any contamination are required¹³.

Air Quality (Chapter 6)

- 5.26 PPW is clear that the potential for pollution is a material consideration and developers must ensure that any implication arising from air quality are taken into account. Proposals should not create areas of poor air quality and should seek to incorporate measures which reduce overall exposure to air pollution. It is recognised that in some instances it is necessary for air quality assessments to be undertaken as part of the application¹⁴.

Noise Pollution (Chapter 6)

- 5.27 Noise is identified as a material planning consideration and LPAs should assess likely noise levels prior to determining planning applications.

Future Wales: The National Plan 2040

- 5.28 The Future Wales: National Plan 2040, was published by the Welsh Government in February 2021, alongside PPW11. It serves as a national development framework setting the direction for development in Wales to 2040 and is identified as being a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being Welsh communities.
- 5.29 The Future Wales document is a Spatial Plan, and identifies broad locations for investment across Wales, for the greater good of Wales and its people. The document confirms that, as the national development framework, Future Wales is the highest

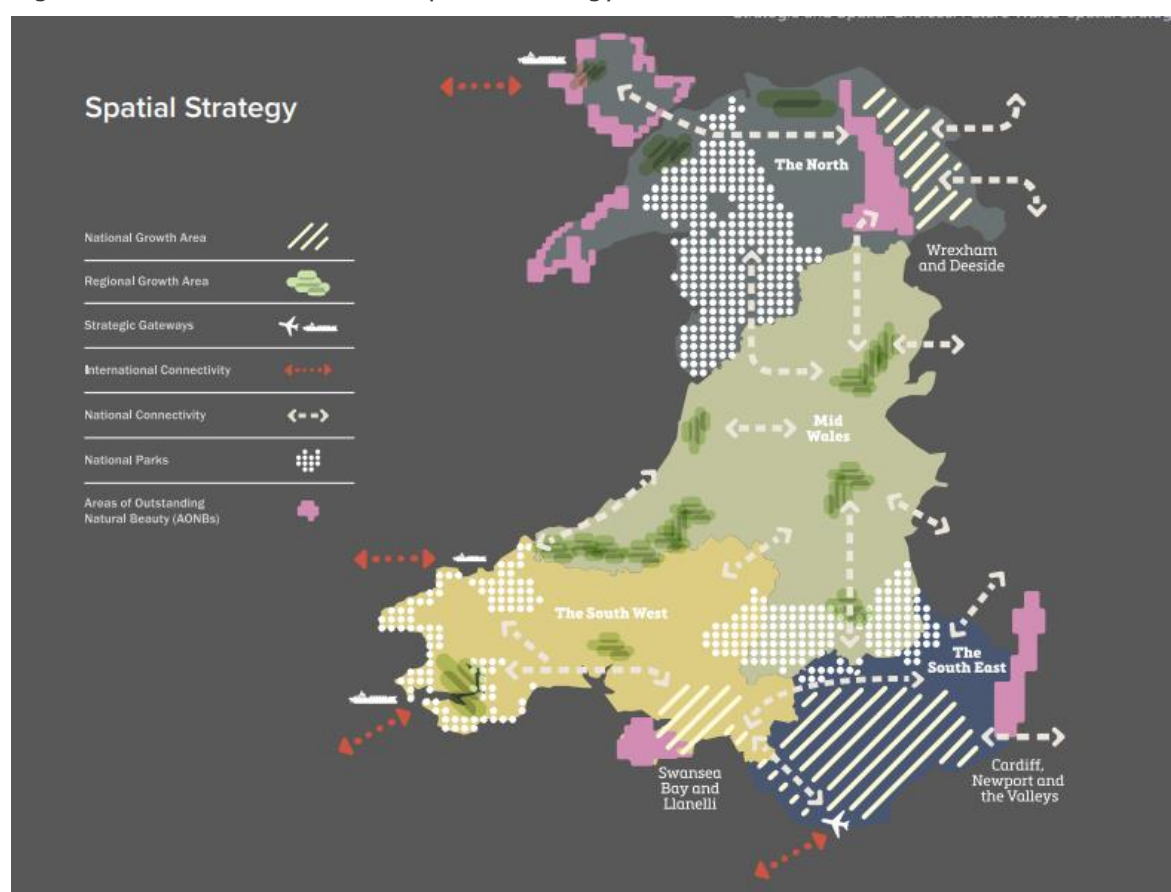
¹³ PPW, Paragraph 6.9.19

¹⁴ PPW, Paragraph 6.77

tier of development plan and is focused on solutions to issues and challenges at a national scale. Its strategic nature means it does not allocate development to all parts of Wales, nor does it include policies on all land uses. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans at local authority level.

- 5.30 As illustrated by Figure 1 below, Wrexham and Deeside are identified as one of three National Growth Areas. Policy 1 of Future Wales (Where Wales Will Grow), sets out that within the National growth Areas, there will be growth in employment and housing opportunities and investment in infrastructure.

Figure 1: future Wales 2040 – Spatial Strategy



- 5.31 Policy 7 (Delivering Affordable Homes) states that the Welsh Government will increase delivery of affordable homes by ensuring that funding for these homes is effectively allocated and utilised. Through their Strategic and Local Development Plans planning authorities should develop strong evidence-based policy frameworks to deliver

affordable housing, including setting development plan targets based on regional estimates of housing need and local assessments. In response to local and regional needs, planning authorities should identify sites for affordable housing led developments and explore all opportunities to increase the supply of affordable housing.

- 5.32 The explanatory text associated with Policy 7 sets out that the provision of housing in Wales to meet the needs of its residents is a key priority for the Welsh Government, and that the planning system must facilitate the provision of both market and affordable housing.
- 5.33 As stated previously, Wrexham and Deeside is identified as a national growth Area. Policy 20 of Future Wales is specific to this area and states the following:

"Wrexham and Deeside will be the main focus for growth and investment in the North region. Strategic and Local Development Plans across the region must recognise the National Growth Area as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing and transport infrastructure. The Welsh Government will work with regional bodies and local authorities in the region and in neighbouring regions of England to promote and enhance Wrexham and Deeside's strategic role and ensure key investment decisions support places in the National Growth Area and the wider region."

6. OTHER MATERIAL CONSIDERATIONS

- 6.1 There are a number of material considerations relevant to the Application as set out below.

Supplementary Planning Documents

- Landscaping and Design
- Public Open Spaces on New Housing Developments
- Parking Standards
- Trees and Development
- Sustainable Development
- Designing out crime
- Developer contributions to schools
- Affordable housing
- A guide for developers and architects when designing residential development
- Welsh language and Welsh communities

LDP Evidence Base Papers

- Housing Supply and Delivery (August 2019)
- SPG Masterplan Framework (2018)
- Minerals (January 2019)
- Infrastructure Plan (March 2018)
- Statement of Common Ground: Key Strategic Site 2 (SoCG002) (September 2019)

Technical Advice Notes

- 6.2 A number of Technical Advice Notes ("TAN") are of relevance to the Application:
- Technical Advice Note (TAN2) – Planning and Affordable Housing
 - Technical Advice Note (TAN5) – Nature Conservation and Planning
 - Technical Advice Note (TAN11) - Noise
 - Technical Advice Note (TAN 12) – Design
 - Technical Advice Note (TAN 15) – Development and Flood Risk
 - Technical Advice Note (TAN 16) – Recreation and Open Space
 - Technical Advice Note (TAN 18) - Transport
 - Technical Advice Note 20 (TAN 20) – Planning and the Welsh Language (October 2013) and (January 2016)

- Technical Advice Note 20 (TAN 23) – Economic Development
- Technical Advice Note 20 (TAN24) – The Historic Environment

Development Plans Manual (3rd Edition)

- 6.3 The Development Plans Manual, Edition 3 (DPM3), was published by Welsh Government in March 2020 and serves as an online reference document for practitioners who are responsible for, or contribute to, the preparation and implementation of development plans. The document contains practical guidance on how to prepare, monitor and revise a development plan, underpinned by robust evidence to ensure that plans are effective and deliverable and contribute to placemaking, as defined in national policy set out in the PPW.
- 6.4 DPM3 incorporates lessons learned to date, best practice in resolving issues and how to 'de-risk' plans through the preparation of a robust and focussed evidence base. DPM3 clarifies the expectations of Welsh Government with regard to the plan making process and the monitoring of housing delivery against local development plan requirements.
- 6.5 Pertinent to this Application is DPM3's advice on the matters of weighting to emerging LDPs and prematurity in relation to decision-making. It states that certainty regarding the content of LDPs will only be achieved when the Inspector(s) delivers their binding report, and, therefore, local planning authorities will need to consider carefully the underlying evidence and background to the policies¹⁵.
- 6.6 With regard to prematurity, DPM3 states that refusing planning permission on grounds of prematurity will not usually be justified except in cases where the development proposal goes to the heart of the plan and is individually or cumulatively so significant, that to grant planning permission would be to predetermine decisions about the scale, location or phasing of new development¹⁶. It goes on to state that whether planning permission should be refused on grounds of prematurity requires careful judgement and the LPA will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process¹⁷.

¹⁵ DPM3, paragraph 7.5

¹⁶ DPM3, paragraph 7.5

¹⁷ DPM3, paragraph 7.7

Development Management Manual

- 6.7 The Development Management Manual, Revision 2, was published by the Welsh Government in May 2017 advocates a positive approach to shaping, considering, determining and delivering development proposals and promotes collaborative working between developers and other stakeholders. The Development Management Manual focusses on the procedural aspects of development management describing the minimum requirements set out in law. It sets out guidance for all participants involved in development management procedures to encourage greater fairness, transparency and consistency across Wales.

Wrexham Joint Housing Land Availability Assessment ("JHLAA") (2017)

- 6.8 The latest JHLAA is from 2017, and it is confirmed within this document that WCBC is unable to demonstrate a 5-year supply of housing, and in the absence of an up to date Local Development Plan, and in accordance with TAN1 guidance (now revoked), WCBC is considered to have a zero land supply. Within this document, WCBC has acknowledged that it will take a pro-active stance to supporting appropriate growth in the County Borough, where it meets policy objectives and local needs.
- 6.9 Whilst TAN1 has now been revoked, as detailed previously. The findings of the Wrexham JHLAA are still of relevance as they highlight the clear and pressing need for new housing across the County Borough. Whilst there is no longer a requirement for the Authority to demonstrate a 5-year supply, the document is clear that WCBC has been failing for many years to meet the development needs of its residents.

Wrexham Local Plan Evidence Paper: Housing Supply and Delivery (August 2019)

- 6.10 The Wrexham Housing Supply and Delivery Evidence Paper¹⁸, as updated in August 2019, provides the latest published position on the WCBC's housing land supply and delivery, although it is acknowledged that this document was written on the basis of a requirement to demonstrate a five years supply of housing land, which has since become redundant owing to the revocation of TAN1.
- 6.11 As an evidence base document to the LDP, the purpose of the Paper is to demonstrate, on WCBC's part, that upon adoption of the LDP there will be a five year supply of

¹⁸ LDP Examination document reference BP08a

housing land. With this requirement now being outdated in policy terms, the Paper still provide a helpful indication of the low levels of delivery against the LDP requirement since the Plan's start date in 2013, and evidences how fundamental the Application Site is to meeting housing needs over the Plan period to 2028.

7. PLANNING ASSESSMENT

7.1 This Section assesses the proposed development against the relevant policy considerations contained within the Development Plan and other material considerations of relevance to the Application. The proposed development gives rise to the following key planning issues.

- Principle of development
- Best and Most Versatile Agricultural Land
- Health and Healthcare considerations
- Urban design considerations
- Landscape and visual impact
- Biodiversity
- Highways
- Welsh Language
- Residential amenity
- Flood Risk
- Drainage
- Air Quality
- Minerals
- Open Space Provision
- Noise
- Ground Conditions
- Energy Efficiency
- Residential Amenity
- Welsh Language
- Achieving sustainable development

Principle of development

7.2 PPW is clear that up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making¹⁹. It also confirms that planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise²⁰. At this time, no national development

¹⁹ PPW, Paragraph 1.22

²⁰ PPW, Paragraph 1.22

framework or strategic development plan covers Wrexham County Borough. The Wrexham UDP Plan period ended in 2011. As such, the UDP is time expired by nearly 10 years. Notwithstanding this, the UDP remains the adopted development plan for decision making purposes unless there are material planning considerations which indicate otherwise.

Adopted UDP Position

- 7.3 According to the UDP Proposals Map, the Site is located within a designated Green Barrier and is outwith the defined settlement boundary of Wrexham Town. Policies PS1, H5 and EC1 are therefore applicable.
- 7.4 Policy PS1 of the UDP directs development for housing to areas within defined settlement limits. Policy H5 expands on Policy PS1 by allowed new housing development outside defined settlement limits subject to compliance with certain listed criteria. None of the exceptions in Policy H5 apply here and the proposed development conflicts the UDP in that regard.
- 7.5 When the original UDP was prepared, it was stated that there were “**significant development pressures to the north of Wrexham and existing green barriers complement the West Cheshire Green Belt in controlling the growth of Chester into the countryside**”²¹.
- 7.6 The UDP identifies that Wrexham’s Green Barriers possess the same characteristics and purposes of formal Green Belts, with the exception of the long-term permanency, and were created to cope with development pressures which subsequently resulted in no identified requirement at that time for any Green Belt designation. The decision to designate Green Barrier as opposed Green Belt is clear acknowledgment that the designation of this land was to be reviewed through the next iteration of the development plan, as stipulated in PPW.
- 7.7 Under Policy EC1, the role of the Green Barrier is to:
- To prevent the coalescence of urban areas and villages with other settlements;
 - To assist in safeguarding the countryside from encroachment;

²¹ UDP Paragraph 2.7

- To protect the setting of an urban area and villages; and
 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 7.8 Subsequently, development within the Green Barrier is restricted under UDP Policy EC1 which only permits new development if it is for **"agriculture, forestry, essential facilities for outdoor sports and recreation, cemeteries and other uses of land which maintain the openness of the green barrier and do not conflict with the purpose of including land within it"**.
- 7.9 Policy EC1 does not provide for a scenario where "very exceptional circumstances" can justify inappropriate development, i.e. development not described above, in the Green Wedge. In this respect Policy EC1 is not consistent with PPW. However, the proposed development does not fall within any of the exceptions listed in EC1 and PPW is clear that very exceptional circumstances must exist in order for inappropriate development to be permitted.
- 7.10 Policy EC2 of the UDP states that development on agricultural land of grades 1, 2 or 3a will only be permitted if it does not lead to the irreversible loss of that land. The submitted Agricultural Land Classification and Soil Resources assessment that accompanies the Application concludes that the majority of the Site (88%) consists of grade 3a (Good quality) agricultural land. The development of the Site for housing will result in the permanent loss of grade 3a agricultural land and, therefore, the development is contrary to Policy EC2 of the UDP.
- 7.11 The proposed development is contrary to Policies PS1, H5, EC1 and EC2 of the UDP and, as a consequence, is unacceptable in principle according to the development plan. It is, therefore, necessary to consider whether there are any material considerations that would justify granting planning permission in this case.

Material Considerations

Emerging LDP

- 7.12 As highlighted previously in this Statement, the emerging LDP has been submitted to Welsh Government, and has completed its scheduled Hearing Sessions. A single issue, that of Gypsy Traveller site allocations, remains to be resolved prior to a consultation

on Matters Arising Changes in the coming months. There is an expectation that the consultation will take place within the first quarter of 2021 and the Inspectors binding report will be received by the Spring of 2021, followed by adoption of the LDP by WCBC soon after. The LDP is therefore at a very advanced stage.

- 7.13 The LDP Manual is clear that the Deposit Plan **"should be considered by the LPA as the version it intends to submit for examination and, later, to adopt"**²² and the emerging Plan and its allocations are sound.
- 7.14 The emerging LDP identifies a requirement for 7,750 new homes to be delivered over the Plan period 2013 - 2028 of which provision is made for 8,525²³ new homes under Policy SP1. It is not possible for this number of new homes to be built on brownfield land or within the existing settlement limits of Wrexham Town, and the other settlements, as evidenced by WCBC's recognition that further land release is required²⁴. It is therefore essential that greenfield land around Wrexham Town, as the most sustainable settlement in the County Borough, is released for development. To help meet this identified need, a number of key strategic sites, and non-strategic sites, are being allocated for residential development under Policy SP3. This includes the Application Site.
- 7.15 The Site itself has been promoted by the Applicants throughout the LDP process since 2014. It was first assessed by WCBC as being suitable and deliverable for development as a Key Strategic Site within the LDP Regulation 15/16 Preferred Strategy Consultation, and within Key Background Paper 3 – Key Strategic Sites²⁵, which took place between February and April 2016.
- 7.16 The Background Paper confirms that the Site has been assessed through WCBC's site assessment methodology where an assessment of the Site's location, constraints, accessibility, implementation, policy position, sustainability appraisal and evidence base has been undertaken, and concludes that the Site is appropriate for residential development and release from the Green Barrier.

²³ To allow for 10% flexibility under emerging Policy SP1 of the LDP Deposit Plan

²⁴ Section 4 (Bullet Point 4) and Policy SP1 of the LDP Deposit Plan

²⁵ Examination document reference: BP03 – Key Strategic Sites (February 2016)

- 7.17 In parallel, the Wrexham Strategic Green Wedge Review²⁶, which forms part of the LDP evidence base, contains an assessment of the Site's contribution to the purposes of Green Wedge (Green Barrier). Identified as "Area 2 – Wrexham East", the review concludes as follows:

"can be developed without resulting in the coalescence of the two areas. Inclusion of the KSS will change the overall character of the area and the built form will be altered. In light of the proposed KSS allocation, it is recommended that the green wedge designation be amended to create a wedge in order to manage the urban form through controlled expansion in the area and avoid any further coalescence between Wrexham town and Wrexham Industrial Estate".²⁷

- 7.18 WCBC has therefore concluded that the Site can be developed without harm to the Green Barrier and is not, therefore, proposed to have its current designated taken forward as Green Wedge in the emerging LDP.
- 7.19 Subsequently to the above, WCBC has consistently approved the Site's inclusion within the LDP as a proposed Key Strategic Site.

KSS2 Allocation

- 7.20 We have already highlighted in Sections 1 and 4 above, that under Policies SP3 and SP5 of the LDP, it is identified that the KSS2 allocation will deliver at least 1,680 new homes, of which 1,580 homes will be delivered within the Plan period. This will include an element of affordable housing and community uses. The Applicants' Site will deliver up to 600 dwellings of the wider KSS2 allocation (it is often referred to as KSS2 North)
- 7.21 A number of policy requirements are identified within Policy SP5, as currently drafted, and an assessment against these policy criteria is provided in Table 4 (below) in relation to the Applicants' Site.

²⁶ Examination document reference: EBNB01 – Wrexham Strategic Green Wedge Review (October 2017)

²⁷ Extract from page 23, Wrexham, Strategic Green Wedge Review (October 2017)

Table 4 – KSS2 – Policy SP5 Assessment

SP5 Policy Requirement	Response
Highways improvements to address known infrastructure capacity constraints at the Greyhound roundabout	A Transport Assessment (TA) has been prepared in support of this Application. The TA confirms the agreed position with WCBC, following jointly commissioned modelling work relating to the impact of the proposed LDP allocations on the local highway network, that specific mitigation will be required to address the identified capacity constraints. The TA explains how and when the mitigation will be delivered and provides the necessary evidence that the impact of the proposed development will be mitigated.
Ensuring connectivity between the land north and south of Bryn Estyn Road	The submitted Parameter Plan shows the illustrative route of a spine road from the northern access into the Site, to the southern boundary with Bryn Estyn Road. As explained in the TA, the Applicants will then jointly make provision for the funding of the road link across Bryn Estyn Road to enable the necessary north/south connectivity of KSS2. This link is a key element of the proposed mitigation of KSS2 on the Greyhound Roundabout. The potential also exists for further pedestrian and cycle links between the northern and southern elements of KSS2, as well as a future bus route.
Education – on site provision of a 420 place primary school, contributions towards secondary provision in the vicinity of the site and the retention of existing playing fields at Ysgol Morgan Llwyd	We are aware that WCBC is currently assessing potential options in relation to the proposed location of a new primary school; but to date a location has not been confirmed. The Applicants are agreeable in principle to developer contributions in relation to education provision providing that it meets the applicable tests. The Applicants continue to engage in dialogue with WCBC in relation to this matter and it is expected that an appropriate financial contribution will be secured via Section 106 agreement.

Public open space	Based on the indicative details provided within the accompanying Illustrative Concept Layout, the scheme will deliver nearly 9 ha of open space provision, including play facilities, in addition to undeveloped woodland buffers and visually sensitive land. Further details of the intended approach to the provision of public open space within development can be found in the accompanying Design and Access Statement and Addendum Design and Access Statement.
Community and leisure facilities, including the retention of the ErLas Victorian Walled Garden	This applies to the wider allocation, with open space provision provided on the Illustrative Concept Layout. This Application does not affect the ErLas Victoria Walled Garden and the indicative route of the spine road link to land to the south avoids any conflict with the Walled Garden. Leisure facilities in the form of playing fields will be provided elsewhere within KSS2, on land to the south of Bryn Estyn Road.
Active Travel	The Applicants are supportive of improving facilities which aid pedestrian and cycling routes and links within the Site. It is identified that the Site is accessible to both retail, commercial, education and employment opportunities, and within walking distance of local shops and education provision. This will be elaborated in a robust Travel Plan for the Site, that will be developed in liaison with WCBC, based on the submitted Framework.
Public Transport	The closest bus stop is located on St Mellion Crescent and is served by Bus No. 35, which operates a circular service between the town centre and residential areas to the east of Wrexham. There is potential for this existing service to be diverted to serve the Site. The Site is also located circa. 3.5km from the train station, which provides connections to Cardiff, Holyhead and Birmingham, and Chester.

- 7.22 As stated in Section 3 of this Statement, it was verbally reported by WCBC at the LDP Examination Hearing Sessions that it intendeds to add to policy SP5 a site-specific affordable housing requirement of 20%. The Applicants, and other promoters of KSS2, have not objected to this proposal and this Application proposes 20% affordable housing provision accordingly.
- 7.23 From the response set out above it is clear that the proposed development is compliant with KSS2 Policy SP5 of the emerging LDP. The Site is available, deliverable and suitable for residential development and both the submission and positive determination of this Application will demonstrate a commitment by both WCBC and the Applicants to bring forward this important component of Wrexham's future housing land supply.
- 7.24 Subject to planning approval, it is anticipated that development could commence in late 2021, with first completions in 2022 and a completions rate of circa 50 dpa per housebuilder, delivering much needed new homes for Wrexham within the Plan period.
- 7.25 The emerging LDP is at an advanced stage and, therefore, carries significant weight in the determination of this Application.

Housing Land Supply

- 7.26 The recent (March 2020 and February 2021) changes to national policy - changes to PPW and revocation of TAN1 – have not reduced the importance of delivering new housing, but affect the way delivery is planned, measured and monitored. When considering the matter in decision-making it is now necessary to consider past housing delivery measures against the planned trajectory in the development plan, rather than future housing supply measures against the five-year housing supply target figure.
- 7.27 In the current position in which WCBC finds itself, with no adopted LDP, Welsh Government advocates the use of the Average Annual Requirement (AAR) methodology for monitoring purposes. As stated above, the emerging LDP identifies a requirement for 7750 homes over the plan period, which would translate into an AAR of 517 dwellings. Only approximately 50% of the AAR has been delivered since 2013, which is a shortfall in excess of 1,500 dwellings. WCBC has failed to meet its housing requirement since the beginning of the LDP period.

- 7.28 In a recent appeal decision in Wrexham, relating to *Land west of Top Road, Summerhill*²⁸, the Inspector was considering the issue of this shortfall in determining whether to allow housing development on a Site that is in the Green Barrier according to the adopted UDP and not currently proposed for release in the emerging LDP – albeit it is on WCBC’s reserve list of sites for allocation should any additional housing land need to be found. The Inspector concludes the following at paragraph 17:

"The extent of the shortfall is therefore significant both in terms of the amount and length of time the Council has suffered from an inadequate housing land supply. Moreover, it will only be when the LDP is adopted that the Council will be able to demonstrate that it can provide a supply to meets its identified housing requirement. Whilst the date of the adoption of the LDP has slipped beyond that set out in the delivery agreement, the Council should have an adopted plan in place within the next 12 months. This is a not long relative to the whole LDP process (sic). I consider that the likelihood of a plan-led solution to the shortfall in housing land supply within a relatively short time-scale means that the weight to be given to under delivery is significant, but does not of itself justify the grant of planning permission in this case." [emphasis added]

- 7.29 The important distinction in the Summerhill site and the Application Site, is that the Application Site is proposed to be allocated as a Key Strategic Site for housing in the emerging LDP. Consequently, it is part of the plan-led solution to the shortfall in housing land supply. This is a significant and fundamental consideration in favour of granting planning permission.
- 7.30 Whilst in the case of Summerhill the appeal was dismissed, a further recent appeal decision, involving the same Inspector, considered the proposed residential development at *Land to rear of Brookfield Close, Ellesmere Lane, Penley*²⁹; also in Wrexham. The Penley site lies outside the settlement limits and within the open countryside according to the adopted UDP. It is also within a designated Special Landscape Area. The Penley site is, however, part of a proposed housing allocation within the emerging LDP. Whilst the development at Penley would provide only 15 new dwellings, the Inspector considered that it still had the potential to make an

²⁸ Appeal Ref: APP/H6955/A/20/3249986, 9th December 2020

²⁹ Appeal Ref: APP/H6955/A/20/3249747, 8th December 2020

important contribution to housing delivery. At paragraph 28 of the decision the Inspector states:

"Although the development would only provide a limited number of dwellings, these would help to address the significant shortfall in the supply of housing land currently being experienced by the Council. This carries significant weight in favour of the appeal." [emphasis added]

- 7.31 On the matter of the proposed allocation of the site in the emerging LDP, the Inspector concludes at paragraph 31 of the decision:

"Although, no certainty exists in respect of the LDP until it has been adopted, I find that the allocation of the appeal site for residential development in the emerging LDP carries weight in favour of the appeal." [emphasis added]

- 7.32 Clearly, in allowing the appeal contrary to adopted UDP policy, the Inspector afforded the shortage in housing delivery in the County Borough significant weight in favour of the appeal, and likewise gave weight in favour of the proposals to the proposed LDP allocation. There are clear parallels with the Application Site and we would go further to suggest that greater weight should be given to the proposed KSS2 allocated given its strategic importance to addressing housing needs in the LDP.

- 7.33 In February 2020 the Minister for Housing and Local Government, Julie James, issued her decision in respect of a recovered appeal at *Land North and South of Lane Farm, Rossett Road, Trealyn, Rossett, Wrexham*³⁰. The Rossett site is located outside of defined settlement limits and within the Green Barrier, according to the adopted UDP. It is also in a designated Special Landscape Area (SLA). The Rossett site is a proposed housing allocation in the emerging LDP to deliver approximately 137 dwellings. In allowing the appeal the Minister provided a number of conclusions that are relevant and important of the consideration of the Application Site.

- 7.34 In setting out her overall conclusions in relation to the relevance of the emerging LDP allocation and need for housing, the Minister provides the following conclusions:

³⁰ Appeal Ref: APP/H6955/A/19/3231048, 14th February 2020

"43. The LDP strategy and evidence base identifies a need for new housing on undeveloped sites and I am satisfied that appeal site is in a sustainable location and the scheme accords with the placemaking principles set out in PPW. The Council has identified the appeal site, in the emerging LDP, as a housing allocation within the settlement limits of Rossett and omitted from any green wedge or landscape designation. I accept the proposed development would make a contribution towards addressing housing land supply in the area and would provide much needed affordable housing."

"44. 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 in their totality, they constitute the very exceptional circumstances necessary to outweigh any harm to the green barrier."

- 7.35 Consequently, the Minister gave sufficient weight to the role of the emerging allocation in meeting housing need through the LDP, to constitute the required very special circumstances necessary to allow development in the green barrier. There are very clear and telling parallels with the Applicant Site.
- 7.36 On the matter of housing land supply, therefore, it is very clear from the appeal precedent highlighted above, that WCBC's failure to deliver anywhere close to the required level of new housing for a number of years, and subsequent shortage, must be afforded significant weight in the determination of this planning application. It is also clear that as part of the solution to remedying this shortfall, the Application Site's proposed allocation as an essential component of the LDP's housing delivery strategy should also carry significant weight.

Affordable Housing

- 7.37 The proposed development will include 20% affordable housing provision, which equates to up to 120 affordable homes for the people of Wrexham.
- 7.38 A consequence of the significant overall shortfall in housing delivery in Wrexham is a parallel shortfall in the number of affordable homes being built. In addition, during the LDP Examination, it became apparent that it is no longer considered viable to deliver the 1,319 affordable dwellings proposed under Policy SP1 of the LDP. From non-strategic sites, for example, of the 601 dwellings expected to be delivered, only

327 are likely to be delivered³¹. Furthermore, the North East sub-area and Wrexham sub-area of the County Borough have a requirement for 368 affordable dwellings over the period 2017-2022³². The Application Site is within the North East sub-area and straddles the boundary of Wrexham and will therefore make a significant contribution to meeting this need, which will clearly not be met by 2022 through other means.

Summary of the Case for Very Exceptional Circumstances

7.39 Whilst the adopted UDP does not provide any policy guidance in relation to very exceptional circumstances, PPW outlines guidance as to when very exceptional circumstances apply i.e. **"where other considerations clearly outweigh the harm which such development would do the Green Belt or Green Wedge"**.

7.40 We set out below is a summary of the factors that we consider contribute towards the case for very exceptional circumstances:

- The adopted UDP is time-expired and significantly out of date. It's policies, settlement boundaries and Green Barrier boundaries, and the evidence base that supported the UDP, bear no relation to Wrexham's current development needs. The UDP must therefore be afforded reduced weight in the determination of this Application.
- PPW advises that Green Wedges should be subject to review through the Local Development Plan process, and that when considering Green Wedges ***"LPAs will need to ensure that a sufficient range of development land is available which is suitability located in relation to the existing urban edge and the proposed green wedge"***. The Green Barrier was never intended to be permanent beyond the UDP period, following which its need was always intended to be reviewed. Clearly, by virtue of the proposed reallocation of Green Barrier for housing land in a number of areas of the County Borough through the emerging LDP, the development needs of Wrexham cannot be met without reviewing Green Barrier boundaries.

³¹ Paragraph 5.3, LDP Examination document reference POS003: Position Statement – Implications of the Viability of Affordable Housing report dated 3 September 2019 in respect of Policy H2.

³² Report of the Chief Officer to the Planning and Regulatory Committee – Application P/2019/0005, 27 July 2020.

- The housing requirement for Wrexham has not been met since the start of the LDP plan period in 2013. The shortfall is in excess of 1,500 dwellings and is, therefore, worrying and significant. It is essential that new housing development comes forward at the earliest opportunity to address this unmet need.
- The Site is required to meet the WCBC's market and affordable housing needs and is a fundamental component of the emerging LDP's housing strategy. Ultimately there are only 8 years remaining of the emerging LDP; therefore, it is imperative that KSS2 starts to deliver housing as soon as practically possible otherwise the aims and objectives of the LDP will not be achieved. WCBC has publicly supported the Site as a sustainable location for new housing since the early stages of the preparation of the LDP, including most recently at the LDP Examination where it entered into a Statement of Common Ground³³ with the Applicants and other Site promoters to confirm the collaborative desire to see the Site yield high-quality development over the Plan period.
- The Site will provide essential upfront infrastructure that will help to mitigate the impact on the highway network of both KSS2 and KSS3.
- The scheme will deliver the following wider economic benefits³⁴:
 - Create 173 direct construction jobs, and up to 154 indirect construction jobs;
 - Construction GVA will be £95.9m;
 - Resident GVA per annum will be £32.2m;
 - £10m residential expenditure per annum; and
 - £0.9m annually in Council Tax.
- The development of the Site will result in net gains in biodiversity, and improvements to the local landscape, including tree and hedgerow planting.
- The Site is in a highly accessible location in terms of access to public transport, the strategic road network and services and job opportunities.

³³ LDP Examination document reference: SoCG002, Statement of Common Ground: Key Strategic Site 2, Land East of Cefn Road, Wrexham; 10 September 2019.

³⁴ Appendix 6 – Economic Benefits Summary

- 7.41 Cumulatively, the above circumstances, material considerations and benefits of the proposed development amount to compelling very exceptional circumstances that outweigh the minimal harm of allowing development in the Green Barrier. These matters therefore represent the necessary material considerations that justify permitting the proposed development contrary to the adopted development plan.

Best and Most Versatile Agricultural Land

- 7.42 The second reason for WCBC's refusal of the previous Application related to the loss of best and most versatile agricultural land (BMV Land). Members of the Planning Committee, in refusing the previous Application concluded that the proposed development did not apply the sequential test and justify the loss of BMV Land in accordance with the requirements of PPW³⁵. As highlighted above, the loss of BMV Land to permanent development is also contrary to policy EC2 of the UDP. Whilst the material considerations for setting aside conflicts with the UDP in relation to the principle of development are set out above, which arguably the loss of BMV Land is applicable to, we specifically address here the relevant PPW tests referred to in the previous reason for refusal.
- 7.43 First and foremost, it should be noted that Policy EC2 is not consistent with PPW. The UDP policy simply does not permit development that would result in the irreversible loss of BMV Land. PPW on the other hand allows for BMV Land to be development, and irreversibly lost, in certain circumstances. Paragraph 3.59 of PPW states the following:

"When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2, or 3a does need to be developed,

³⁵ PPW, paragraphs 3.58 and 3.59

and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

- 7.44 The Site consists of predominantly Grade 3a BMV Land, consequently, the test set out above needs to be applied. This is that, firstly, there must be an overriding need for the development; and, secondly, either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised which outweighs the agricultural considerations.
- 7.45 The clear, overriding need for new residential development in Wrexham is presented previously in this section. The emerging LDP and its evidence base, as promoted and supported by WCBC, must allocate land for housing on greenfield sites in order to meet the market and affordable housing needs of the County Borough. This is because there is insufficient brownfield land and land within existing settlements to meet. In proposing to allocate the Application Site for development WCBC has been through a comprehensive assessment of alternatives and a rigorous site selection process. It is pertinent to note that neither the Inspectors who are examining the LDP, nor Welsh Government, have raised concerns over the process that has resulted in the proposed allocation of the Site for housing, and the fact that large scale development on BMV Land is essential if needs are to be met.
- 7.46 This was all made clear in the Chief Officer's Report to the Planning Committee for the previous Application. Consequently, at the time of the refusal of the previous Application, the "sequential test" set out under paragraph 3.59 of PPW had already been undertaken by WCBC itself. This remains the case now.
- 7.47 Wrexham Town is the principal location for growth in the emerging LDP, on account of it being the most sustainable location in the County Borough. With insufficient land being available within existing settlement boundaries to accommodate the necessary levels of housing growth, greenfield land on the edge of the existing settlement must be developed. Wrexham is almost entirely surrounded by BMV Land at Grade 3a and above with no opportunities to deliver development of the scale of KSS2 without development BMV Land. The suitability of the Site in all other respects, as set out elsewhere in this Statement and the emerging LDP, and, consequently, the applicable policy test under PPW is clearly satisfied.

- 7.48 The matter of agricultural land is dealt with specifically within the Environmental Statement, which accompanies this submission in support of the proposed development. In noting that most of the Site is classified as grade 3a, the effect of the proposed development on agricultural land is assessed as a direct, permanent moderate adverse effect. This is an inevitable conclusion due to the development resulting in the irreversible loss of agricultural land, as a matter of fact, and that mitigation for this is not possible. Such an impact will of course need to be factored into the planning balance, having regard to the material considerations set out above relating to the intention of the LDP to release the land for housing in the absence of any alternative, lower grade agricultural land being available in an equally or more sustainable location.

Health and Healthcare Considerations

- 7.49 The third reason for WCBC's refusal of the previous Application related to the alleged failure of the Applicants to consider the impact of the proposed development upon health facilities in the area, and the need for further provision to meet increased demand. It is important to emphasise that the Applicants were not requested to consider such impacts during the determination of the Application, and b) the WCBC's own officers did not agree that there was a need for the development to mitigate any impacts of the development upon health facilities in the area in the absence of any justification from Betsi Cadwaladr University Health Board.
- 7.50 Regulation 122 of the Community Infrastructure Levy Regulations 2010 provides the criteria against which a request for developer contributions is to be assessed, stating that an obligation should be:
- a) Necessary to make the development acceptable in planning terms;*
 - b) Directly related to the development; and*
 - c) Fairly and reasonably related in scale and kind to the development.*
- 7.51 The starting point on this matter is that healthcare is funded centrally by government through general taxation. Indeed, the taxes of future residents of the Application Site will be used to fund government spending on healthcare. Notwithstanding this, if the Applicants in this case were to be provided with clear evidence that the proposed development would have adverse impacts upon health facilities in the area that is not

intended to be remedied by other funding streams, and that a clear solution was available to justify a specific contribution that met the above tests, then such a contribution may be justified in this case. It is, however, a matter for the Health Board and WCBC to demonstrate that any contribution meets the applicable CIL tests set out above.

- 7.52 The Report of the Chief Officers to the Planning and Regulatory Committee on 27 July 2020 dealt with this point clearly. The Report cited comments from the Health Board that issues of concern in the area related to capacity in the form of workforce availability, rather than the provision of buildings and facilities. The Report then confirms that it is not the role of the planning system to address shortfalls in the provision of staff and that planning obligations can only be used to secure physical infrastructure. This conclusion was reached following receipt of both the written consultation response of the Health Board and a meeting with Health Board representatives in June 2019.
- 7.53 During the course of the previous Application, the Health Board provided no evidence of the likely impact of the proposed development upon health facilities in the area; provided no details of what mitigation may be required as a result of the proposed development; and provided no details of any financial contribution that would be required from the Applicants. Consequently, there was no case to evaluate and respond to.
- 7.54 Based on the circumstances surrounding the previous Application therefore, it is not considered, at this stage, that there is any requirement for developer contributions for the provision of healthcare infrastructure in relation to this development proposal. If, however, the Applicants are presented with evidence of a need, which is sufficient to meet the legislative tests prescribed by Regulation 122 of the CIL Regulations, then the Applicants may agree to such a contribution.

Urban Design Considerations

- 7.55 Detailed consideration has been given to the need for the layout and design of any future reserved matters applications for the Site to achieve high standards to ensure that development is in keeping with the existing character and appearance of Wrexham, whilst making the most efficient use of the Site and establishing its own

identity. This is discussed further in the accompanying Design and Access Statement and Addendum ("DAS").

- 7.56 The Illustrative Concept Layout confirms that the Site is capable of accommodating up to 600 homes, at an average density of circa 35 – 40 dph. The maximum building heights for the purpose of this submission are 2.5 storeys.
- 7.57 On this basis, and noting that detailed matters of design will be assessed at reserved matters stage, it is considered that this outline planning application, supported by the Illustrative Concept Layout, Parameters Plan and DAS provide a strong basis for a high quality development in design terms and achieves WCBC's aspirations for the Site. As part of the Applicants' extensive pre-application engagement, no objection to the proposed density of between 35 – 40 dph was raised by WCBC.
- 7.58 A Masterplanning Framework SPG for the key strategic sites has been prepared by WCBC alongside the emerging LDP. Whilst not currently adopted and having only been the subject of initial consultation, the draft SPG outlines a number of high-level masterplanning principles to ensure that sites are well-planned, connected and sustainable. The accompanying Illustrative Concept Layout and Parameters Plans align with guiding principles of the draft SPG, which is reflective of the fact that the submitted masterplan is the outcome of collaborative working with WCBC.
- 7.59 Consideration has been given to the proposed design and layout of the scheme, to ensure it does not impact negatively on the existing amenity of the locality or surrounding area or impact on the historic, archaeological, ecological, geological or landscape value of the surrounding area. This is demonstrated throughout this Statement and within the accompanying plans and reports, which collectively demonstrate compliance with PPW10 (Chapter 3); TAN12 and TAN16; the draft SPG Masterplanning Framework; adopted Policy CLF5; emerging Policies DM1, SP13, SP14 and CF2; and SPGs Public Open Space and New Housing Development; Landscape and Guide for Developers; Designing out Crime; Parking Standards; Sustainable Development; and a Guide for Developers and architects when designing residential development.

- 7.60 It should also be noted that whilst WCBC refused the previous Application, this was not on grounds of design and, therefore, it is assumed that WCBC had no objections to the design approach set out in this submission.

Landscape and Visual Impact

- 7.61 A Landscape and Visual Impact Assessment ("LVIA") has been prepared as part of the Application submission. It concludes that the effects on landscape features or landscape character will not be significant, with a beneficial effect on landscape features through the introduction of formal open space, trees and mitigation planting along the Site boundaries. Any potential effects would be confined solely to the Site itself and the immediate local area. Upon maturity of the proposed green infrastructure, the magnitude of effect on the landscape character is assessed as negligible, resulting in "negligible, local, long-term permanent effects".
- 7.62 In terms of visual effects these will be limited to the views from the roads directly bordering the Site. There will be transitory views on the Site from short sections of the A534 and A5156 and the roundabout linking these routes. Visual effects for motorists will be moderate to minor adverse upon completion due to the medium-low sensitivity and low magnitude of effect of the Site, and upon maturity, would be minor adverse, long term and permanent. There are no PROW or local footpaths through the Site, and any impact or effects on views from PROW surround the Site would be largely negligible with some minor adverse effects on PROW BIE/2.
- 7.63 Whilst it is accepted that the development of the Site will result in a change to the character, this is largely based on the perception of the settlement at this time, and the proposed development would be perceived as a continuation of the built form.
- 7.64 Overall, the landscape and visual impacts are considered to be predominately localised with no greater than minor adverse impact. As such, the proposed development, would not result in any significant adverse landscape and visual effects. It is worthy of note that the Planning officer did not raise any concerns in this regard as part of their consideration of planning application P/2019/0005.

- 7.65 The proposed development is therefore considered to be compliant with emerging Policies DM1 and SP13 and SPG Landscape and design and WCBC expressed no objections to the previous Application on grounds of landscape and visual impact.

Biodiversity

- 7.66 The Application is accompanied by an updated Ecological Assessment, which concludes that, subject to mitigation measures and a proposed enhancement strategy, the proposed development is acceptable.
- 7.67 The Site is not covered by, or adjacent to any areas which are subject to a statutory designation, however, there are four European designated sites located within 10km of the Site, one of which is a nationally designated site (RAMSAR, SSSI and SAC).
- 7.68 No Great Crested Newts ("GCN") have been found on-site, however, potential terrestrial habitat for GCN is present on site. Six ponds were surveyed in Spring 2018, however, no GCN or eggs were recorded. One off-site pond was found to have six GCN present.
- 7.69 Bats and other protected species have also been found on-site, which has subsequently resulted in the recommendation that a mitigation and enhancement strategy should be secured to any future planning approval. This would involve a suitable design to avoid the impact of any identified ecological resources; an appropriate landscaping design to provide mitigation and compensation for any loss of habitats and enhancement of retained features; a construction ecological management plan; landscape and ecology management plan; additional bat surveys; and a mitigation strategy for GCN.
- 7.70 This would ensure the delivery of net gains which would include the retention and enhancement of existing hedgerows across the Site; retention and enhancement of the existing on-site ponds and provision of new SUDS pond; creation of hibernacula and refuge areas for GCN; and area of public open space in the north eastern corner of the Site.
- 7.71 The scheme has also been assessed under the Habitat Regulations, and it has been concluded that the scheme complies with the "Three Tests" set out within the statutory

regulations. Sufficient information has been provided within the accompanying Ecology Report to demonstrate that the development is acceptable. In addition, in relation to the other two tests, there is no satisfactory alternative location for the development, and this is a position which has been confirmed by WCBC. Additionally, the reasons for allocating the Site, override any significant public interest on the basis that it is essential that the Site is delivered because it will provide much needed market and affordable housing provision on a deliverable key strategic site.

- 7.72 No objection was received from NRW as part of the pre-application consultation, subject to the inclusion of a condition relating to long term mitigation and conservation measures; long term surveillance of bat and GCN populations and the submission and implementation of an approved ECA. Indeed, no objections were raised in their consideration of the development proposals considered under the previous Application. It is noted that the Planning Officer concurred with NRW in this regard.
- 7.73 It is considered that subject to the implementation of this strategy and those requirements identified above, and because the proposed development has been sensitively designed, this will ensure that the scheme does not impact negatively on the biodiversity of the area. It demonstrates compliance with adopted Policies EC4 and EC6 and emerging Policies NE1, NE2, SP15 and DM1; TAN5 and Chapter 6 of PPW11.

Arboriculture

- 7.74 A Tree Survey has been prepared in support of the Application and concludes that the existing tree cover will be retained where possible and accommodated within the proposed areas of public open space. Any long-term tree loss is predicated to be minor due to the establishment of development parameters that have responded to existing Site constraints. Where trees or hedgerows are to be lost, replacement planting is proposed which will be strengthened with new planting to provide suitable and appropriate compensation, subject to condition and is compliant with adopted Policy EC4; emerging Policy NE3 and SPD Trees and Development.
- 7.75 It is important to note that the Planning officer did not raise any concerns in this respect in their Report to the Planning Committee on the 27th July 2020 in relation to the previous Application.

Heritage

- 7.76 The Application is accompanied by a Heritage Statement, which concludes that there are no archaeological or built heritage constraints to development.
- 7.77 The Heritage Statement concludes there are no designated archaeological assets on the Site, however, it identifies that there is a non-designated asset located at the north west boundary – a military aircraft crash site. As part of this Application, a geophysical survey has been prepared to assess whether there is any archaeological interest associated with the crash site. The survey concluded that there are no anomalies of definite archaeological origin and there is no evidence of any remains from the crash site.
- 7.78 In addition to the above, within the surrounding 1km area there are a number of grade II listed buildings, however, these are all screened from the Study Site by intervening topography, vegetation and buildings and there will consequently be no impact on any designated assets or their setting and significance.
- 7.79 These findings are consistent with the response received from CADW as part of the pre-application consultation engagement, which concluded the following:
- No designated heritage assets (other than listed buildings) within a 1km catchment;
 - None of the identified SAM within the buffer zone are likely to be visible due to buildings, vegetation and distance; and
 - Unlikely to have any effect on the setting of the SAM.
- 7.80 Furthermore, during the course of the previous planning application, a geophysical assessment of the Site was undertaken. Following this, it was advised that trenches be dug to ensure that a more detailed investigation of features identified by the aforementioned assessment. This work was carried out with a resultant report concluding that no further work was required on certain areas of the Site but that further studies would be required prior to the commencement of the development. It was agreed that this was a matter that could be dealt with via planning condition.

- 7.81 It is therefore considered that the proposal is compliant with adopted Policies GDP1 and EC11; emerging Policy SP16; TAN24 and Chapter 6 of PPW11 and will not impact negatively on the existing heritage assets and will conserve, protect and enhance the historic environment.

Highways

- 7.82 A Transport Assessment ("TA"), prepared by CBO, accompanies this Planning Application. A new primary access from the A534 roundabout is proposed in detailed form. The proposed access arrangement has been selected to allow for sufficient visibility for cars accessing and egressing the Site and will have the least impact on the existing highway network. The accompanying application drawings identify an access to land to the south (at the southernmost part of the Site) alongside a separate potential secondary link on land to the south, and two additional potential secondary links to Thornhurst Drive and land to the west. All of these elements are illustrative.
- 7.83 As evidenced in Section 2 of this Statement and the accompanying TA, the Site is located in a sustainable and accessible location to both Wrexham Town Centre and employment opportunities.
- 7.84 The TA concludes the following:
- The Site is in a sustainable location;
 - Principal access is proposed from the roundabout at Holt Road, and the design and location of this junction has been agreed within Wrexham Highways Officers;
 - A link road is proposed from the Site to the wider KSS2 allocation to the south;
 - There is identified capacity within the road network, and there are no issues in terms of highway safety on the road network;
 - Highway capacity assessments have been undertaken at key junctions and deemed to be acceptable;
 - TEMPRO growth rates have been used and the methodology agreed with Officers; and
 - There is notable spare capacity to accommodate the wider development to the south.
- 7.85 In addition to the above, and as a result of the consideration of planning application P/2019/0005, it was recognised that as part of a wider allocation, further assessment

work was required including VISSIM microsimulation modelling works to test the cumulative impact of the LDP allocations to the east of Wrexham.

- 7.86 This work has now been completed and included within the TA which accompanies this Planning Application. It has also used as evidence supporting the supporting the allocation of KSS2 at the examination of the Local Plan. It was presented to the Examination as part of a Statement of Common Ground between WCBC and the developers of KSS2 north and south. The SoCG included the modelling report which set out the technical approach and detailed plans showing the proposed mitigation improvement schemes.
- 7.87 The VISSIM modelling considered the traffic implication of employment development on KSS3 as well as the residential development on the north and south parts of KSS2 and provides for a series of mitigation measures, as set out within the SoCG between the developers and the Council.
- 7.88 The TA confirms that the Applicant is committed to providing the funding for their part of the required mitigation which would be secured via S106 Agreement provided that such a request is CIL compliant. This is also on the basis that KSS2 North, KSS2 South and KSS3 proceed at the rate anticipated. If, however, the development on the other sites does not proceed as quickly as anticipated, the Applicants would expect the timing of the works to be reviewed and any change to the timing of the implementation of the mitigation to be reflected in the timing of contributions and completion of the northern section of the link road.
- 7.89 It is therefore considered that whilst the proposed development will result in an increase in vehicle movements, as is expected, it is not considered to be significant and detrimental to the highway network when having regard to the mitigation that the development can provide. The proposed development is therefore compliant with emerging LDP Policies SP5, SP12, SP13, DM1, T1, T2 and T3 regarding accessibility and highway safety. The scheme is also compliant with TAN18 and PPW11 Chapter 4. This is consistent with the Officer's recommendation to Committee in the case of the previous Application and Members duly accepted that the proposed development was acceptable on highways grounds.

Flood Risk

- 7.90 The Site is located in Flood Zone A and is deemed to be located in an area with the lowest risk of flooding. A Justification Test is not required. Notwithstanding this, due to the scale of the Site, a Flood Consequence Report has been submitted as part of the Application. It concludes that the scheme will not result in an increase in flooding from external sources or from within the development and will not increase the flood risk to the surrounding area. The proposal is therefore considered to be compliant with adopted Policies EC12, EC13 and EC14 and emerging Policies SP15 and NE6, TAN15 and Chapter 6 of PPW11.

Drainage

- 7.91 This Planning Application is accompanied by a suite of drainage information, as per the previous Application. Notwithstanding this it is noted that a detailed drainage scheme would generally be provided at the reserved matters stage once the detailed layout for the development has been clarified. A drainage scheme for the Site will be designed and submitted at the reserved matters stage in accordance with the applicable regulations and to the Lead local Flood Authority's satisfaction.
- 7.92 As the Planning Officer confirms within their report to the Planning Committee, the Site has been subject to investigations which have concluded that the ground conditions are favourable for infiltration drainage and so the scheme is considered to be acceptable in this regard.

Air Quality

- 7.93 An Air Quality Assessment ("AQA") (including Addendum) has been undertaken in support of the Application and concludes that the Site is not located within an Air Quality Management Area ("AQMA"). A road traffic emissions assessment was undertaken as part of the assessment to examine the impact of vehicle exhaust emissions associated with the development. It was concluded that this was significantly below the air quality limit and is deemed to be acceptable, with the air quality impact predicated to be negligible and is compliant with Policy DM1 and Chapter 6 of PPW11.

Minerals

- 7.94 A Prior Extraction Assessment, and October 2020 Addendum, has been prepared in support of the Application, in conjunction with site investigation works. It is supported by sand and gravel samples from 7 separate locations throughout the Site which were taken at depths up to 4m. These samples have been subject to particle analysis, and it was concluded that the superficial deposit mapped as sand and gravel is in fact very fine sand, which has no commercial use in its natural stage.
- 7.95 Whilst it is the Mineral Planning Authority's initial view that this material could be blended with coarser materials which could in turn make a fine aggregate component for concrete, the costs associated with this are not expected to be viable and more expensive than operations at a conventional sand and gravel pit.
- 7.96 As such, the analysis supports the report's conclusion that the mineral resource on-site is predominately sand, with very limited gravel and there are no exploitable reserves which exist on site and it is not suitable for commercial use.
- 7.97 It is the Applicants position that if a "mineral resource" was excavated, then it would create an unusable void with no means of infilling, because there is not sufficient site-derived material to fill this to an acceptable level, nor is prior extraction commercially practical. This would need to be done by a third party; is based on a small market (due to the fact that the Site is home to fine sand deposits as opposed to workable sand and gravel); there is a quarry which already serves the local market, there is limited demand; and would result in uncertainty on timescales for starting on-site, because this would be dependent on local demand and delays to a deliverable, viable and much needed Site.
- 7.98 On this basis, whilst consideration has been given to adopted Policy MW9 and emerging Policies SP17 and MW1, and PPW11 Chapter 5, it is considered by the Applicants that prior extraction on the Site is not viable, and a failure to reach any position other than this would potentially have serious implications on the delivery of the entire KSS2 allocation.
- 7.99 Notwithstanding the above, it is also important to note that the previous Application was not refused on the grounds of minerals safeguarding. Indeed, in their report to

the Planning Committee, the Officer concluded that the significant and pressing need for new homes within the Borough far outweighed any perceived harm arising from the loss of mineral resources and that there was not sufficient grounds to withhold planning permission on this basis.

- 7.100 The Applicants' position, as agreed with the Mineral Planning Authority, is that if prior extraction were viable in any part of the Site, this would not be expected below a developable platform. In circumstances where the related cut and fill exercise results in a surplus of site-derived material, which is likely to be minimal, this material will be made available to the aggregates industry. Furthermore, as suggested in the recent Addendum document, consideration could be given to the use of a Mineral Recovery Plan to manage such a situation appropriately.
- 7.101 Whilst it is clear in this case that the need for housing outweighs the safeguarding of a Site that is not known to be underlain by commercial viable mineral deposits, the Applicants would be prepared to consider the imposition of an appropriately worded planning condition relating to the submission, approval and operation of a Mineral Recovery Plan.
- 7.102 The ES prepared and submitted in support of this Application deals specifically with mineral deposits, and the impact that the proposed development will have on these in environmental terms. In this regard, the ES confirms that the proposed development will have a minor adverse impact upon mineral reserves, noting that Wrexham has a landbank of permitted sand and gravel reserves equivalent to a supply of 19.6 years, and that extraction is unlikely to be commercially viable. This is, however, to be considered in the planning balance against the other material considerations pertinent to the proposed development.

Open Space Provision

- 7.103 The Illustrative Masterplan indicates that the proposed development could incorporate approximately 7.7 ha of green infrastructure, including public open space, play area, landscaping verges and planting buffers and is compliant with both adopted Policies CLF5 and CLF7; LPGN10 and emerging Policies CF2 and SP20, TAN16 and PPW11 Chapter 6.

Noise

7.104 A Noise Assessment has been prepared in support of the Application to provide an assessment of the predicted impact of environmental noise sources on the proposed development. This has been supplemented by an addendum which takes account of updated traffic data. It has been assessed and found to be acceptable, with the majority of the Site being located within the TAN11 Noise Exposure Categories limits, with a small proportion located outwith which can be addressed through mitigation. The Site has been assessed in terms of both noise generated from traffic and sports facilities (due to the sports provision to the south i.e. the rugby club), and has been found in all cases to be acceptable. The proposed impact from noise on the development is therefore deemed to be negligible and the scheme is compliant with emerging Policies DM1, SP13 and SP14, TAN11 and PPW11 Chapter 6.

Ground Conditions

7.105 A Phase 2 geo-investigation report has been submitted in support of the Application and confirms that the Site has not been subject to any previous activity which could result in land contamination or constraints for development. The Site is currently assessed as being of low risk and is compliant with Chapter 6 of PPW11.

7.106 It is important to note that the WCBC was satisfied with the development proceeding in the case of the previous application subject to the imposition of already agreed conditions.

Energy Efficiency

7.107 The proposed dwellings will incorporate high quality materials and design specification to reduce energy demand and carbon emissions. Whilst these will be addressed as part of any future reserved matters applications, it is considered that any future application will include the following mitigation measures:

- Energy efficiency;
- Water conservation;
- Sourcing of construction materials;
- Site orientation;

- Promoting sustainable means of transport;
- Sustainable waste management solutions; and
- The feasibility of integrating renewable energy solutions into the development.

7.108 A high-level sustainability assessment has been prepared as part of the application which assesses the viability of the different options available and it is concluded that the scheme is compliant with emerging Policies SP19 Part 4, RE1 and DM1 Part H and Chapter 5 of PPW11.

Residential Amenity

7.109 The proposed development will give rise to a change in the local area and has the potential to impact on the residential amenity of the surrounding area.

7.110 An Air Quality Assessment (AQA) and Noise Assessment have been prepared in support of the Application. The AQA concludes that the Site is not located within an Air Quality Management Area and impact on air quality is predicated to be negligible and compliant with Policy DM1 and emerging Policy SP13.

7.111 The Noise Assessment has assessed the predicted impact on environmental noise, and found to be acceptable, and the proposed impact from noise on the development is therefore deemed to be negligible and the scheme is compliant with Policy DM1 and Chapter 6 of PPW11.

7.112 Due regard will be had to residential amenity as part of the detailed design at reserved matters stage.

Welsh Language

7.113 A Welsh Language Impact Statement has been prepared in support of the Application. The Site is not located within a Welsh Language sensitive location, and whilst a WLS has been submitted, this is not necessary on the basis that TAN20 advises that on positively allocated sites, which have been assessed during the preparation of the LDP, an assessment is not required. Notwithstanding this, there is an opportunity for the development to have an overall positive impact on community characteristics for Welsh speakers due to its sustainable location, range of housing to meet local needs and structure balance and affordable housing provision to ensure compliance with

TAN20 and emerging Policy WL1; SPD Welsh Language and Welsh Communities; and Chapter 3 of PPW11. Mitigation measures also include:

- Bi-lingual street names and signage;
- Local advertisement/marketing of properties;
- Preparation of a Construction Management Plan; and
- Detailed lighting.

Education

7.114 During the course of the previous planning application. The Education Authority confirmed that contributions would be sought towards primary and secondary education provision, albeit no detailed evidence was placed before the Applicants to demonstrate the actual likely level of provision that would need to be provided.

7.115 The Application Site forms part of the emerging KSS2 allocation. Included within which is the policy requirement for the provision of a new primary school, as necessary infrastructure to support the delivery of the Site. Whilst the location of the school is yet to be confirmed, it is understood that a number of potential options are being considered for the southern element of the KSS2 site. Accordingly, the development of the northern part of the allocation would not preclude the delivery of the new school and will make a financial contribution towards its delivery. In relation to secondary education, the Applicants are agreeable to a planning obligation requiring the payment of contributions towards the improvement of education facilities in the area, in the event that evidence demonstrates a lack of surplus spaces at an agreed point in the development programme.

Achieving Sustainable Development

7.116 The fundamental purpose of the planning system is to contribute to the achievement of sustainable development as confirmed throughout PPW11 and within Future Wales 2040.

7.117 The proposed development will deliver the following economic, social and environmental benefits:

Economic

- GVA added by residents of the proposed development of £32.3m;
- Increased commercial expenditure of £10m;
- 173 direct construction jobs;
- 154 indirect jobs through the local supply chain via the purchase of goods and services;
- Annual Council Tax contributions of £0.9m;
- Providing housing to meet the needs of a growing population; and
- Provision of commuted sums were proven necessary to address any infrastructure requirements, including education.

Social

- Market and affordable housing provision;
- Creation of high quality public open space;
- Help to balance housing stock; and
- Provision of commuted sums where proven necessary to address any infrastructure requirements, including education.

Environmental

- Net gains in biodiversity;
- High quality landscape and public open space; and
- Accessibility to public transport and a Travel Plan.

Planning Balance

7.118 The Site is currently designated as Green Barrier within the adopted UDP. The UDP policy does not permit new, large scale residential development in the Green Barrier. The proposed development is therefore contrary to the Development Plan, meaning that planning permission should not be granted unless material considerations indicate otherwise. The conflict with the development plan must carry weight, but this weight is considered to be reduced for a number of reasons, but primarily as a result of the fact that the UDP is out of date and time expired, and that the evidence to support its land use policies has long since lost relevance.

- 7.119 The proposed development will result in the loss of greenfield land outwith the settlement boundary. This will result in the loss of ecological habitat, albeit habitat that is of minor ecological value. Development of this greenfield site will have landscape and visual impact, but the impact is considered to be minor or at worst moderate (with no concerns being identified by WCBC as part of their consideration of the previous Application). The proposed development will help to facilitate an increase in the number of households in Wrexham with the resultant increase in the demand for public services, such as Council services and education; however, contributions will be sought from the development towards education, and there will be a corresponding increase in Council tax receipts for WCBC.
- 7.120 The conflict with the Development Plan and the minor harmful impacts identified above need to be weighed against other material considerations and any benefits of the proposed development, having regard to PPW and the very exceptional circumstances that are required to justify inappropriate development in Green Wedges.
- 7.121 As highlighted above, the weight to be given to the conflict with the Development Plan must diminish on account of the fact the UDP and its evidence base is significantly out of date. Given the rise of new pressures to deliver the homes needed to sustain Wrexham over the next Plan period, the loss of the Site from the Green Barrier is clearly considered to be essential by WCBC to help ensure that both current and future housing needs are met.
- 7.122 Notwithstanding Wrexham's Planning Committee's decision to refuse the previous planning application, WCBC has made the decision to allocate the Site for residential development. Given the advanced stage of progress of the emerging LDP, there is no argument against the development on grounds of prematurity, a position which is confirmed within the LDP Manual.
- 7.123 The proposed development will result in a range of benefits and material considerations, which in addition to the above factors, means that the planning balance falls heavily in favour of granting planning permission and that very exceptional circumstances apply. These include:
- The release of the Site will help to meet WCBC's future housing requirements.
 - The illustrative concept layout confirms the Site can be sensitively designed.

- The Site is capable of accommodating up to 600 dwellings, in accordance with WCBC requirements.
- The development will provide much needed affordable homes.
- The development will not result in a significant harm to the character and appearance of the locality.
- The landscape and visual impacts are predominately localised.
- The proposed development provides the opportunity for net gains in biodiversity.
- The proposed development will seek to retain existing trees and hedgerows where possible.
- The proposed development is acceptable in highways terms and will not result in a severe impact in terms of traffic generation or highway safety and is compliant with the requirements set out in PPW11.
- The Site is accessibility located allowing access to shops and services by non-car modes.
- The proposed development will result in significant economic benefits for Wrexham and the wider Borough and will help achieve the aim of supporting economic growth.
- The scheme will not give rise to harm in relation to matters of air quality or noise.
- The Site is located in Flood Zone A, and therefore does not give rise to concerns over flooding from river or sea, and surface water can be drained from the Site using sustainable methods.

7.124 In weighing the minimal harm from the development, in the context of its conflict with out of date planning policy and the loss of a greenfield Site, against the extensive range of potential benefits that sit alongside the clear intention of WCBC to allocate the Site for housing in the new LDP at the earliest opportunity, it is clear that the significant benefits of the scheme outweigh any adverse impacts, and the scheme demonstrates the necessary very exceptional circumstances to justify a departure from out-dated development plan policy. On this basis, planning permission should be granted.

8. CONCLUSIONS

- 8.1 This Planning Statement is submitted in support of an application for outline planning permission for the construction of up to 600 dwellings, with associated landscaping, public open space, and on-site infrastructure, with all matters reserved except for the northern site access.
- 8.2 The Site is currently designated as Green Barrier within the adopted UDP, however, this Green Barrier boundary is derived from the UDP which was adopted in 2005 and has remained unchanged from previous UDPs. It is the Applicants' position that the UDP is significantly out of date and no longer fit for purpose because it does not address, and has not delivered, development needs from 2013 onwards.
- 8.3 The Site forms part of a strategic allocation (KSS2) within the emerging LDP, which WCBC has supported since early 2016. The wider Site has been identified as capable of delivering 1,580 dwellings within the Plan period (1,680 in total). The Applicants' Site will deliver up to 600 dwellings and is located on the northern parcel of the strategic allocation. It is the Applicants' position that the Site is deliverable, suitable and available for development, and should continue to be included and approved as a viable and deliverable Site for residential development within the emerging LDP. This is demonstrated through this Application.
- 8.4 As part of the process of bringing forward this Site for development, the Applicants have engaged in extensive pre-application engagement within WCBC, in advance of the submission of the application, over a number of years, both through the LDP and development management process. They wish to deliver housing on this Site at the earliest possible opportunity to ensure that the emerging LDP can meet the County Borough's housing needs.
- 8.5 The Application is accompanied by a range of supporting technical documents including an ES, Design and Access Statement, Transport Assessment, Flood Consequence Report, Landscape and Visual Impact Assessment, Agricultural Land Classification Report, Illustrative Concept Layout and Parameters Plan.
- 8.6 These reports and plans demonstrate that the scheme is acceptable when thoroughly assessed and whilst the Site's development for housing represents a departure from

the adopted Development Plan, its proposed allocation for residential development within the emerging LDP, together with the lack of an adequate housing supply, the material considerations identified within the submission, and the benefits of the proposed development demonstrate very exceptional circumstances, and outweigh any conflict with out-of-date planning policy.

- 8.7 Furthermore, to date no compelling evidence has been provided that would justify planning obligations for the provision of healthcare infrastructure. In the event however that the Applicant is presented with evidence of a need for physical infrastructure, which complies with the Community Infrastructure regulations, then they will enter into such a legal agreement.
- 8.8 Overall therefore, in applying the required planning balance, the benefits of the proposal significantly outweigh any conflict with adopted policy and planning permission should be granted.

9. PLANNING OBLIGATIONS

- 9.1 During the course of the determination of the Planning Application. The Applicants intend to agree the content of a Section 106 Agreement with WCBC. The Section 106 Agreement, alongside a suite of planning conditions, also to be agreed during the consideration of the Planning Application, will ensure that the impacts of the proposed development are appropriately mitigated and that the required on-site and off-site infrastructure is delivered where and when it is needed.
- 9.2 Through a combination of the Section 106 Agreement and planning conditions, requiring physical works, management strategies and/or financial contributions, the following infrastructure will be delivered:
- Affordable Housing (20%)
 - Public Open Space
 - Biodiversity mitigation and management
 - Education facilities
 - On-site and off-site highway, pedestrian and cycling infrastructure
 - On-site drainage
- 9.3 In the event that, during the course of the planning application, evidence is presented that pertains to a need for additional physical infrastructure to mitigate the impacts arising from the proposed development, and that complies with Regulation 122 of the Community Infrastructure Regulations 2010, then obligations will also be secured in this respect via a Section 106 Agreement.

APPENDIX 1
WCBC EIA SCREENING RESPONSE

MR VINCENT RYAN
BARTON WILLMORE

By email:
Vincent.Ryan@bartonwillmore.co.uk

Your Ref/Eich Cyf
Our Ref/Ein Cyf
Date/Dyddiad
Ask for/Gofynner am
Direct Dial/Rhif Union
E-mail/E-bost

ENQ/2017 /0231
18/01/2018
Matthew Phillips
01978 298780
matthew.phillips@wrexham.gov.uk

Dear Sir,

Town and Country Planning Act 1990

**SCREENING OPINION REQUEST FOR UP TO 600 DWELLINGS
LAND AT HOLT ROAD LLAN Y PWLL, WREXHAM, .**

**SCREENING OPINION REQUEST FOR UP TO 600 DWELLINGS
LAND AT HOLT ROAD LLAN Y PWLL, WREXHAM**

I refer to your request for a Screening Opinion under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

Having considered the details submitted I can confirm that the development **will not** need to be subject to an Environmental Impact Assessment. A copy of the screening opinion is enclosed with this letter.

Yours faithfully,



Pennaeth yr Amgylchedd a Chynllunio/Head of Environment and Planning

STAGE 1 – INITIAL EIA SCREENING ASSESSMENT

1	Case Details	
A	Appeal case reference	
B	LPA case reference ENQ/2017/0231	
C	LPA Wrexham County Borough Council	
D	Appellant/Applicant Bloor Homes North West and Barratt Home	
E	Site address Land at Holt Road, Llan Y Pwll	
F	Brief description of development Residential development – up to 600 dwellings.	
G	Site area of development/works/new floorspace (as appropriate), i.e. m2 or hectares (Ha) 29ha	
H	Approval of reserved matters or conditions? If yes, state which one	
I	If Yes, enter the description of development subject of the related planning permission	
2	EIA Screening Details	
2A	Schedule 1	
	Is the project Schedule 1 development as described in Schedule 1 of the EIA Regulations?	No
	<i>If Yes, under which description of development i.e. Nos. 1 -21? Go to Section 8 and tick Recommended Action 8A/B 'EIA Required'. If No, consider whether project is 'Schedule 2' development below in part 2(B).</i>	
2B	Schedule 2	
(i)	Is the project listed as a description of development under Column 1 of Schedule 2 of the EIA Regulations?	Yes
	<i>If Yes, note under which description of development in Column 1 of Schedule 2 i.e. paragraphs 1-12. If No, go to Section 8 and tick Recommended Action 8L 'EIA Not Required' as the project does not fall within the EIA Regulations i.e. it is not Schedule 2 development and is not EIA development. Complete sections 3-5.</i>	
	Paragraph 10(b)	

(ii)	Does the project change or extend development described in paragraphs 1 to 12 of Column 1 of schedule 2, where the change or extension may have significant adverse effects on the environment?	No
	<i>If Yes, provide reasons for your answer below. Proceed to point (iii).</i>	
	Choose an item.	
(iii)	Is the project located wholly or partly within a 'Sensitive Area' as defined by Regulation 2 of the EIA Regulations?	No
	<i>If Yes, state which area and proceed to Section 3, no need to consider thresholds/criteria. If No, proceed to point (iv) below.</i>	
(iv)	Are the applicable thresholds/criteria in Column 2 exceeded / met?	Yes
	<i>If Yes, note which applicable threshold/criteria and proceed to Section 3. If No, proceed to Section 8 and tick Recommended Action 8L 'EIA Not Required' as the project does not fall within the EIA Regulations i.e. it is not Schedule 2 development and is not EIA development. Complete sections 3-5.</i>	
	The development is for more than 150 dwellinghouses and the overall area of the development exceeds 5 hectares.	
3	LPA / Welsh Ministers' Screening	
	All applications including reserved matters/conditions	
(i)	Has the LPA issued a Screening Opinion (SO)?	Choose an item.
(ii)	Have the Welsh Ministers issued a Screening Direction (SD)?	Choose an item.
(iii)	If Yes to either, is a copy of the SO/SD on the file? Note which one.	Choose an item.
(iv)	If Yes, is the SO/SD positive i.e. EIA is required?	Choose an item.
4	Reserved Matters/Conditions Applications Only	
(i)	Was the original planning permission subject to EIA screening?	Choose an item.
(ii)	Was a SO/SD issued for the original planning permission?	Choose an item.
(iii)	If Yes, is a copy of the SO/SD for the original planning permission on file?	Choose an item.
5	Environmental Statement (ES)	
	Has the applicant/appellant supplied an ES for the current or previous (if reserved matters or conditions) application?	Choose an item.

Is a detailed screening assessment (Sections 6) required?

If Yes has been answered in response to either 2B(iii) or 2B(iv), send to relevant team to undertake detailed screening assessment.

If No has been answered for both questions, or the questions are not applicable, proceed to Section 7.

7	Options		
Assessment		Recommended Action	✓
Schedule 1 development		Letter 1. Issue direction stating EIA Required	
Schedule 1 development – appeal is at an advanced stage		Letter 2. Issue direction stating EIA Required	
Project does not fall within the EIA Regulations as either: (a) it is listed within the descriptions of development Column 1 of Schedule 2 of the EIA Regulations but does not meet relevant threshold criterion; or (b) it does not fall within the categories of development in Column 1 of Schedule 2 of the EIA Regulations.		Letter 3. EIA Not Required - Issue direction stating either: (A) project listed within descriptions of development in Column 1 of Schedule 2 of the EIA Regs but does not meet relevant threshold/criterion; or (B) project does not fall within the categories of development in Column 1 of Schedule 2 of the EIA Regulations.	✓

Sign-off	
Signature	David Williams – Planning Control Manager
Date	18.1.2018

STAGE 2 – DETAILED EIA SCREENING ASSESSMENT

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely</u> to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
CRITERION 1. CHARACTERISTICS OF DEVELOPMENT		
Question 1(a) Size and design of the Development		
Will construction, operation or decommissioning of the Project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc.)?	Yes. The land will change from agricultural use to residential. Its character will be permanently changed. The change to the site itself would be significant and comprehensive, however in the context of its edge of urban location of the site the urbanising effect on the wider locality is not considered to be significant in EIA terms.	Significant effect unlikely
Question 1(b) Cumulation with Existing and/or Approved Development		
Are there any other factors which should be considered such as: - consequential development which could lead to environmental effects? - the potential for cumulative impacts with other existing or planned activities in the locality? - any plans for future land uses on or around the location which could be affected by the project? - transfrontier impacts?	No. There are no other major developments being carried out in the vicinity of the site and there are none currently benefitting from planning permission or subject to a live planning application.	n/a
Question 1(c) Use of Natural Resources, in particular land, soil, water and biodiversity		
Will construction or operation of the Project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?	Yes, materials will be required/consumed during construction and there will be on-	Significant effect considered to be unlikely

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely</u> to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	going resource use as a result of the occupation of the dwellings. However the scale of the proposal is such that the level of consumption of materials is not considered to be significant in EIA terms.	
Question 1(d) Production of Waste		
Will the Project produce solid wastes during construction or operation or decommissioning?	Yes, solid waste is likely during construction, however it can be assumed that best practices would be employed to minimise such waste. Solid waste will also be produced once the site is occupied, however the development would be subject to WCBC kerbside recycling collection services.	Significant effect unlikely
Question 1(e) Pollution and Nuisances		
Will the Project involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health?	No, given the nature of the development it is not considered likely that potentially harmful substances or materials will be stored on site either during construction or occupation.	n/a
Will the Project cause noise and vibration or release of light, heat energy or electromagnetic radiation?	Yes. There will be noise and vibration during construction. However these effects will be localised and will occur for a limited	Significant effect unlikely The implementation of a Construction Environment Management Plan would

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely</u> to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	period – i.e. during construction. The use of best practice techniques would also assist in minimising noise and vibration impacts caused by construction works.	assist potentially adverse impacts arising from construction. The implementation of such a plan could be secured via a planning condition.
Will the Project release pollutants or any hazardous, toxic or noxious substances to air , or lead to risks of contamination of land or water (including surface waters, groundwater, coastal waters or the sea)?	No. Given the nature of the development it is considered unlikely that there is a risk of significant pollution or the release of hazardous, toxic or noxious substances.	n/a
Question 1(f) Risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge		
Will there be any risk of major accidents and/or disasters during construction or operation of the development?	Yes there is a risk of accidents during construction works, however it can be reasonably expected that construction contractors would employ best practices to minimise the risk. In any event, given the nature of the development the risk is not considered to be significant.	Significant effect unlikely .
Question 1(g) Risks to Human Health (for example due to water contamination or air pollution)		
Will there be any risk to human health during the construction and/or operation of the development	Yes, dust arising from the development could adversely impact upon the health of residential properties in the vicinity of the site. However it can reasonably expected	Significant effect unlikely . The implementation of a Construction Environment Management Plan that includes dust management measures

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely</u> to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	that only part of the site would have bare exposed rather or piles of soil/sand at any one time which would assist in minimising the risk. Furthermore the employment of dust management techniques would also minimise the risk of significant dust escaping from the site.	will assist in minimising the risk of adverse impacts on health as a result of dust. The implementation of such a plan could be secured via a planning condition.
CRITERION 2. LOCATION OF DEVELOPMENT		
Question 2(a) Existing and Approved Land Use		
Will the Project result in social changes, for example, in demography, traditional lifestyles, employment?	No. The development will increase the population of Wrexham, however it is unlikely to change the demographic profile of the town or wider locality to a great extent. Due to the scale of development and its relationship with the existing built up area of Wrexham, the impacts of the development will be localised and are considered unlikely to be significant.	Significant effect unlikely .
Are there any routes or facilities on or around the location, which are used by the public for access to recreation or other facilities, which could be affected by the project?	There are no public rights of way crossing the site. The existing use of the land is agricultural and therefore it is not available for use for formal or informal recreation. There is a golf club on the opposite	Significant effect unlikely .

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For ‘Yes/Unknown’, are effects <u>likely</u> to be <u>significant</u>? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	side of the A534/New Holt Road. The development is unlikely to have any significant effects on that facility. Whilst being a highway used by vehicular traffic, Bryn Estyn Road to the south of the site is also used for recreational purposes – walking, running, cycling. The development would effect views from the road in so far as the built up area of the Wrexham would extend further east than it does at present, however the location of areas of open space/landscaping could assist in mitigating such impacts, which would be in any case localised in nature. The development would not reduce or alter the level of access existing residents have to Bryn Estyn Road. It is however likely that the development will increase the use of the road for recreational purposes. The impact would however be localised in nature and unlikely to be significant in EIA terms.	

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely</u> to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	Access to Bryn Estyn Road for vehicular traffic could be prevented by way of site design and if necessary planning conditions.	
Are there any transport routes which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The development has the potential to increase traffic using the A534/A483 junction (Gresford Roundabout), which does suffer from queuing at peak times. Queuing could increase as a result of additional traffic arising from the development. There is also the potential for additional queuing at some junctions within Wrexham, notably Holt Road/Farndon Street/Powell Road junction in Wrexham. Notwithstanding the above, the highway impacts of the development are considered to be localised and unlikely to be significant in an EIA context.	Significant effect unlikely .
Is the project located in a previously undeveloped area where there will be loss of greenfield land?	Yes. The site is a greenfield site classed as Best and Most Versatile	Significant effect unlikely .

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely</u> to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	(GIS layer suggests the majority of the site is Grade 2, with other parts being Grade 3). This would be irreversibly lost if the development were to go ahead. Whilst the change would be considerable at site level, the effects of the development would be limited to the site and would not be significant in the context of the wider locality.	
Are there any areas on or around the location occupied by land uses which could be affected by the project, particularly sensitive land uses e.g. hospitals, schools, places of worship, community facilities?	Yes. Existing residential development to the west of the site the conversion scheme Bryn Estyn Court would be affected, primarily as a result of change in the appearance of the site as a result of built development. The siting of new residential development adjacent to existing dwellings is not considered as likely to result in effects that would be significant upon the existing built up area.	Significant effect unlikely .
Question 2(b) Relative Abundance, Availability Quality and Regenerative Capacity of Natural Resources in the Area and its Underground		
Are there any areas on or around the location which contain important, high quality or scarce resources e.g. groundwater, surface waters,	Yes.	Significant effect unlikely

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely</u> to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
forestry, agriculture, fisheries, tourism, minerals, which could be affected by the project?	In 2012 a series of aggregate safeguarding maps were published in 2012 by the British Geological Survey (BGS) which identify glaciofluvial sand and gravel deposits under Wrexham Town extending to the east beneath the proposal site. These are categorised as Category 1 aggregates due to their relative importance and limited occurrence across Wales. Category 1 sand and gravels are comparatively extensive in Wrexham but their occurrence elsewhere in Wales is more limited and constrained to some extent by AONB designation in Flintshire and Denbighshire. Land directly to the east, Llan Y Pwll, was operated by J.R.Flood and Sons Ltd with building sand exploited on a small scale for a number of years to serve the local market. Boreholes within this area indicate that overburden is relatively thin and deposits are relatively thick.	

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For ‘Yes/Unknown’, are effects <u>likely</u> to be <u>significant</u>? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	The details submitted conclude that sand and gravel could not be exploited on a commercial basis because it comprises mostly of sand with limited gravel. However this is based on the mineral being used to produce concrete rather than being blended with other material to make concrete or the possibility of sand being extracted for other materials. It also suggests working is not possible due to the proximity of other receptors. However the site is large and 100m buffers could be maintained within the site whilst allowing for mineral extraction on part of it. Whilst Borrás Quarry provides a land bank of up to 7 years the purpose of safeguarding is to ensure access to minerals to meet future needs, rather than current short term demand. The development would not only sterilise minerals under the site itself. A buffer zone of 100m would be required between the development	

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For ‘Yes/Unknown’, are effects <u>likely</u> to be <u>significant</u>? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	site and any sand and gravel workings in line with MTAN1 (paragraph 71) – which would potentially sterilise further resources on adjacent land. Notwithstanding the above, sand and gravel resources are not so scarce that the loss of mineral resources would be significant in a UK context and given the availability of both on-shore and off-shore resources, it is also unlikely to be significant in a Welsh context. Finally the development of the site would result in a comparatively small loss of land with potentially exploitable mineral reserves beneath it in a Wrexham context. Based on the advice received from the North Wales Minerals and Waste Planning Service, whilst the loss of mineral resources is not significant in an EIA context, further work would be needed to demonstrate compliance with planning policy MW9.	

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For ‘Yes/Unknown’, are effects <u>likely</u> to be <u>significant</u>? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
Question 2(c) Absorption Capacity of the Natural Environment		
Are there any other areas on or around the location which are important or sensitive for reasons of their ecology, or are used by protected, important or sensitive species of fauna or flora, which could be affected by the project?	The site is not subject to any statutory wildlife designations, nor are there any in the immediate vicinity. The site is not subject to any statutory wildlife designations, nor are there any in the immediate vicinity. Unknown – in respect of statutory protected species No ecological assessments have been submitted with the Screening Opinion request, however given the existing features of the site – fields, hedgerows, mature trees, as well the wider landscape, which includes ponds, it is reasonable to conclude that there is the potential for there to be badgers, bat species and Great Crested Newts on the site and in the immediate vicinity, as well as nesting birds.	Significant effects unlikely

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely</u> to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	It can reasonably assumed mitigation measures could be incorporated into the development to off-set or avoid potentially adverse impacts upon protected species, such as green infrastructure and the provision of areas specifically set aside for nature which is enhanced and managed for protected species. These could be secured via planning conditions and planning obligations.	
Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?	No	n/a
Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the project?	No.	n/a
Is the project in a location where it is likely to be highly visible to many people?	The site is adjacent to the A534/New Holt Road therefore the northern and eastern boundaries of the development would be visible to anyone using that road. However in a wider landscape context, the development is not highly visible and would be viewed in the context of the existing built up areas of Wrexham,	Significant effect unlikely .
Are there any areas on or around the location which are densely populated or built-up, which could be affected by the project?	Yes. The site adjoins the existing built up area of Wrexham. However	Significant effect unlikely .

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For ‘Yes/Unknown’, are effects <u>likely</u> to be <u>significant</u>? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	whilst the development would extend the built up area of the town eastwards and would also irreversibly change the character of a greenfield site, its scale and the associated urbanising effects are local in nature and are not considered to be significant in an EIA context.	
Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project?	No. There are no listed buildings or scheduled monuments on the site. There are a number of listed buildings within 1km of the site, however given the degree of separation and the intervening landscape or townscape, significant effects on those buildings or their settings is unlikely to be significant. Wats Dyke is the closest Scheduled Ancient Monument, being located approximately 2.5km to the west of the site, with the built up area of Wrexham lying in between. Given the degree of separation as well as the built up character of the land in between, a significant effect on the	Significant effect unlikely

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely</u> to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	monument is unlikely.	
Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	No	Significant effect unlikely .
Is the project location susceptible to subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions, which could cause the project to present environmental problems?	No	Significant effect unlikely .
Has there already been a failure to meet environmental quality standards that is relevant to the project?	No	Significant effect unlikely .

Statement of reasons – insert into Screening Direction

The proposal has the potential to impact on a protected species, will result in the loss of BMVA, will have an urbanising impact upon a currently greenfield site and will increase traffic on local roads. However the impacts in these respects are likely to be localised and not of a scale that would result in significant effects.

The development of the site does have the potential to sterilise Category 1 mineral resources however it is considered that in a UK, Welsh and Wrexham context the extent of mineral resources sterilised is unlikely to be significant.

6	Outcome of assessment	
(ii)	If a SO/SD has been provided do you agree with it?	N/A

(iii)	Is EIA required?	No	
Outcome		Action	✓
Schedule 2 development – threshold exceeded/ criterion met or Sensitive Area but not likely to have significant effects on the environment		Issue direction stating EIA Not Required	✓
Name and Job Title of Assessor	Matthew Phillips, Planning Control Lead Officer		
Date of Assessment	17.1.2019		

APPENDIX 2
PLANNING INSPECTORATE SCREENING DIRECTION

Adeilad y
Goron
Parc Cathays
Caerdydd
CF10 3NQ

Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Ffôn / tel: 0303 444 3893

e-bost /
e-mail: policy.wales@planninginspectorate.gov.uk

Barratt Homes, Bloor Homes North West,
John Raymond Jones and the Trustees of
The Wrexham (Parochial) Education
Foundation

Eich Cyf / Your Ref:

Ein Cyf / Our Ref: 3263516

Dyddiad / Date: 20 January 2021

c/o

Mr Dan Ingram
Barton Willmore

(via e-mail)

Dear Sir / Madam,

Town and Country Planning Act 1990
Town and Country Planning (Environmental Impact Assessment) (Wales)
Regulations 2017

Appeal by: Barratt Homes, Bloor Homes North West, John Raymond Jones and the Trustees of The Wrexham (Parochial) Education Foundation

Site Address: Land South of Holt Road, Wrexham

Proposed Development: Outline application for the construction of up to 600 dwellings, with associated landscaping, public open space and on-site infrastructure, with all matters reserved except from the northern site access.

I refer to the above appeal made to the Welsh Ministers in November 2020.

The Welsh Ministers consider it appropriate for them to come to their own conclusion as to whether the project is EIA development within the meaning of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, ("the Regulations") and provide a screening direction in that respect.

The Planning Inspectorate is authorised by the Welsh Ministers to provide that screening direction.

The project, as described above, falls within the description at paragraph 10(b) in column 1 of the table in Schedule 2 to the Regulations and exceeds the applicable threshold in column 2 of that table.

A screening assessment is attached which identifies the key areas which have been considered. Having taken into account the selection criteria in Schedule 3 to the Regulations and the advice in Welsh Office Circular 11/99: Environmental Impact Assessment on establishing whether EIA is required, the assessment concludes that:

The proposed development of up to 600 dwellings with associated landscaping, public open space and on-site infrastructure would be of a size that would inevitably result in physical effects in a number of areas; these will no doubt be important considerations for the decision maker. Nonetheless, in the majority of instances the scale of effect, the site context and the potential for mitigation or compensation to be secured where required are such that significant environmental effects are unlikely.

However, the site contains some 26.3 ha of the best and most versatile agricultural land (grade 3a), which is a finite resource at the national level. Moreover, the site also contains mineral resources in the form of fine sand that are also considered to be of national significance. Based on the proposals put forward, both of those nationally important resources would be sterilised or lost were development to go ahead. In the case of the mineral resource, the ability to extract on parts of neighbouring land would also be lost due to the need to provide a buffer zone around the proposed dwellings. Given the size of the site, the magnitude and permanence of the losses that would occur and the importance of the resources at the national level, I consider that significant environmental effects in these respects are likely. As such, I conclude that the proposed development must be considered EIA development for the purposes of the EIA regulations.

Therefore, in exercise of the powers conferred by Regulation 4 of the Regulations and the authority referred to above, the Welsh Ministers hereby direct that the development subject of this appeal **is EIA development** within the meaning of the Regulations.

Consequently, this appeal **must** be accompanied by an Environmental Statement.

- Please confirm whether you intend to submit an Environmental Statement, and if you do, how long you anticipate this will take to prepare. Under Regulation 13(8) of the Regulations, if you do not write to us within 21 days of this direction, i.e. **no later than Wednesday 10 February 2021**, to inform the Inspectorate that you propose to provide an Environmental Statement, no further action will be taken on the appeal.

An Environmental Statement must contain, for the purpose of assessing the likely impact on the environment, the information specified in Regulation 17 and Schedule 4 to the Regulations. You should refer to the Regulations and Welsh Office Circular 11/99, before and during the preparation of the Environmental Statement. In the meantime, you may wish to have regard to the particular environmental topics identified in the attached screening assessment.

I am copying this letter to the Local Planning Authority.

In accordance with the Regulations, the Local Planning Authority should ensure that this screening direction is placed on Part 1 of the Planning Register in relation to the application in question.

Yours sincerely,

C Sweet

Mr Christopher Sweet MPlan

Swyddog Cynllunio / Planning Officer

Tîm Cynllunio a'r Amgylchedd / The Planning & Environment Team

Yr Arolygiaeth Gynllunio / The Planning Inspectorate

STAGE 1 – INITIAL EIA SCREENING ASSESSMENT

1 Case Details	
A	Appeal case reference 3263516
B	Brief description of development Outline application for the construction of up to 600 dwellings, with associated landscaping, public open space and on-site infrastructure, with all matters reserved except from the northern site access.
2 EIA Screening Details	
2A Schedule 1	
	Is the project Schedule 1 development as described in Schedule 1 of the EIA Regulations? No
	<i>If Yes, under which description of development? If No, consider whether project is 'Schedule 2' development below in part 2(B).</i>
2B Schedule 2	
(i)	Is the project listed as a description of development under Column 1 of Schedule 2 of the EIA Regulations? Yes
	<i>If Yes, under which description of development? If No, EIA is not required.</i>
	10b – Construction of 600 dwellings
(ii)	Does the project change or extend development described in paragraphs 1 to 12 of Column 1 of schedule 2, where the change or extension may have SIGNIFICANT* adverse effects on the environment? No
	<i>If Yes, provide reasons for your answer below. *If unsure, discuss with PET. Proceed to point (iii).</i>
	Choose an item.
(iii)	Is the project located wholly or partly within a ' Sensitive Area ' as defined by Regulation 2 of the EIA Regulations? No
	<i>If Yes, state which area and more to Question 3. If No, proceed to point (iv) below.</i>
(iv)	Are the applicable thresholds/criteria in Column 2 exceeded / met? Yes
	<i>If Yes, note which applicable threshold/criteria. If No, EIA is not required.</i>
	600 Dwellings & 28.5 hectares of land

3 LPA / Welsh Ministers' Screening		
(i)	Has the LPA issued a Screening Opinion (SO)?	Yes
(ii)	Have the Welsh Ministers issued a Screening Direction (SD)?	No
4 Environmental Statement (ES)		
	Has the applicant/appellant supplied an ES for the current or previous (if reserved matters or conditions) application?	No

Is a detailed screening assessment (Section 5) required?

If Yes has been answered in response to either 2B(iii) or 2B(iv), send to relevant team to undertake detailed screening assessment.

If No has been answered for both questions, or the questions are not applicable, start appeal.

Sign-off	
Signature	M Thomas
Date	16.12.2020

STAGE 2 – DETAILED EIA SCREENING ASSESSMENT

As per Schedule 3, Para 3: When considering the potential impact, take into account; (a) magnitude / spatial extent / population likely to be affected; (b) nature of impact; (c) transboundary nature; (d) intensity & complexity; (e) probability; (f) expected onset / duration / frequency & reversibility; (g) cumulation with existing and / or approved development; (h) the possibility of effectively reducing the impact.

5 Detailed Screening Questions		
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant? <i>Include consideration of features or measures to avoid or prevent what might otherwise be significant effects</i>
CRITERION 1. CHARACTERISTICS OF DEVELOPMENT		
Question 1(a) Size and design of the Development		
Will construction, operation or decommissioning of the Project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc.)?	Yes, the site would be comprehensively altered from agricultural use to residential and that change would be permanent. However, given the site's context and location close to existing built development, those effects would not be significant in EIA terms.	Significant effect unlikely .
Question 1(b) Cumulation with Existing and/or Approved Development		
Are there any other factors which should be considered such as: - consequential development which could lead to environmental effects? - the potential for cumulative impacts with other existing or planned activities in the locality? - any plans for future land uses on or around the location which could be affected by the project? - transfrontier impacts?	Due to the type of development proposed, the size of the site and its location, close to existing built development, there is potential for cumulative effects in a number of areas. However, such effects would be localised and of a scale that would not be likely to be significant in EIA terms.	Significant effect unlikely .
Question 1(c) Use of Natural Resources, in particular land, soil, water and biodiversity		
Will construction or operation of the Project use natural resources such as land, water,	Yes, the proposal would require the use of natural resources during construction and	Significant effects likely .

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely to be significant</u> ?
materials or energy, especially any resources which are non-renewable or in short supply?	ongoing occupation, though the scale of consumption would not be significant. The site contains a significant amount of mineral resource, in the form of fine sand. There is some debate regarding the practicality of prior extraction; the applicant's position is that it would not be viable and so none is proposed. As such, the proposal would prevent future extraction of the resources that are present on site and on neighbouring land due to the requirement for a suitable buffer zone. Given the scale of the site and the national importance of the resource (as noted by the North Wales Minerals and Planning Service), a significant effect in this respect is therefore likely. The proposed development would also involve the loss of some 26.3 ha of grade 3a agricultural land (i.e. BMV). Given the scale of that loss, the national importance of BMV as a limited resource and the fact that it cannot be mitigated or compensated for, I consider that a significant environmental effect in this respect is also likely.	
Question 1(d) Production of Waste		
Will the Project produce solid wastes during construction or operation or decommissioning?	Yes, solid waste likely to be produced during construction and, to a lesser extent, during occupation. However, standard best practice in disposal can reasonably be expected and the scale of waste produced would be of a	Significant effect unlikely.

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely</u> to be <u>significant</u> ?
	localised nature, such that significant effects are unlikely.	
Question 1(e) Pollution and Nuisances		
Will the Project involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health?	No.	N/A
Will the Project cause noise and vibration or release of light, heat energy or electromagnetic radiation?	Yes, some noise and vibration likely during the construction phase. However, those effects would be time limited and of a localised nature. There would also be some noise, heat and light emitted from the dwellings once occupied, but again these would be localised in scale. Controls over the timing of noise etc during construction can be readily secured and as such, significant effects in these respects are unlikely.	Significant effect unlikely .
Will the Project release pollutants or any hazardous, toxic or noxious substances to air , or lead to risks of contamination of land or water (including surface waters, groundwater, coastal waters or the sea)?	Yes. Some issues with contamination identified, but at a scale which would not be significant.	Significant effect unlikely .
Question 1(f) Risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge		
Will there be any risk of accidents during construction or operation of the Project which could affect human health or the environment?	Yes, some risk of accidents during construction, though these would be offset by standard on-site practice, which can reasonably be expected. Significant effects are therefore unlikely.	Significant effect unlikely .
Question 1(g) Risks to Human Health (for example due to water contamination or air pollution)		

5		Detailed Screening Questions	
Questions to be considered		Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?
Will there be any risk to human health during the construction and/or operation of the development		Yes, some risk of accident during construction and a degree of land contamination as set out above. There would also be the potential for effects on nearby receptors arising from dust, etc during construction. However, the scale of the issues and the fact that appropriate controls can readily be achieved are such that significant effects are unlikely.	Significant effect unlikely .
CRITERION 2. LOCATION OF DEVELOPMENT			
Question 2(a) Existing and Approved Land Use			
Will the Project result in social changes, for example, in demography, traditional lifestyles, employment?		The proposed development would add to the local population, but there is nothing to suggest that it would alter the overall demography of the locality. Given the scale of the change and the existing local context, significant effects in this respect are unlikely.	Significant effect unlikely .
Are there any routes or facilities on or around the location, which are used by the public for access to recreation or other facilities, which could be affected by the project?		There are a number of routes around the site that are used for recreation, but none would be directly affected on more than a time limited basis (during construction). Whilst there would be some permanent visual change for users of those routes and a likely increase in the number of users arising from the additional population, any effects would be localised and of a scale that would not be significant.	Significant effect unlikely .
Are there any transport routes which are susceptible to congestion or which cause		The proposed development would result in an increase in traffic that would have the	Significant effect unlikely .

5		Detailed Screening Questions	
Questions to be considered		Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?
environmental problems, which could be affected by the project?		potential to affect the local road network to some degree. However, the nature of any impacts is likely to be localised. Given the scale of the increase and the potential for controls to be readily secured, such effects unlikely to be significant in EIA terms.	
Is the project located in a previously undeveloped area where there will be loss of greenfield land?		Yes, as noted above, the site is in agricultural use and is currently located within a green barrier (subject to review as part of the emerging LDP). Whilst some of the site would be retained as public open space, there would be a sizeable loss of greenfield land and openness. However, given the context of the site, close to existing built development, and the scale of development proposed, I consider that significant effects in this respect are unlikely.	Significant effect unlikely .
Are there any areas on or around the location occupied by land uses which could be affected by the project, particularly sensitive land uses e.g. hospitals, schools, places of worship, community facilities?		Yes. The proposed development would generate additional requirements for education and healthcare provision over and above those that exist currently. However, there are readily available mechanisms for securing additional provision where appropriate. In any event, the scale of any impacts would be localised, such that they would not be significant.	Significant effect unlikely .
Question 2(b) Relative Abundance, Availability Quality and Regenerative Capacity of Natural Resources in the Area and its Underground			
Are there any areas on or around the location which contain important, high quality or		Yes. The site contains a significant amount of mineral resource, in the form of fine sand.	Significant effect likely .

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely to be significant</u> ?
scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, which could be affected by the project?	There is some debate regarding the practicality of prior extraction; the applicant's position is that it would not be viable and so none is proposed. As such, the proposal would prevent future extraction of the resources that are present on site and on neighbouring land due to the requirement for a suitable buffer zone. Given the scale of the site and the national importance of the resource (as noted by the North Wales Minerals and Planning Service), a significant effect in this respect is therefore likely. The proposed development would also involve the loss of some 26.3 ha of grade 3a agricultural land (i.e. BMV). Given the scale of that loss, the national importance of BMV as a limited resource and the fact that it cannot be mitigated or compensated for, I consider a significant environmental effect in this respect is also likely.	
Question 2(c) Absorption Capacity of the Natural Environment		
Are there any other areas on or around the location which are important or sensitive for reasons of their ecology, or are used by protected, important or sensitive species of fauna or flora, which could be affected by the project?	Yes. Based on survey work to date, it is possible that Great Crested Newts use the site for foraging, dispersal or sheltering purposes. However, based on the submitted proposals for mitigation and compensation and subject to a number of conditions that could be readily secured, NRW has expressed the view that the proposal would not be likely to be detrimental to the maintenance of the favourable status of the local population. I see no reason to disagree	Significant effect unlikely.

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely to be significant</u> ?
	with that view. Survey work has also established the presence of bats on site. Again, based on the submitted proposals and subject to appropriate conditions, NRW advises that the development would not be likely to harm or disturb the bats or their breeding sites and resting places. I see no reason to disagree with that view. Based on the foregoing, I am satisfied that significant effects in these respects are unlikely.	
Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?	No.	N/A
Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the project?	No. The site is not in a high value landscape area and does not carry any landscape designations.	Significant effect unlikely .
Is the project in a location where it is likely to be highly visible to many people?	No. The site is adjacent to the A534 and would be visible to users of that road as well as inevitably altering the view from several parts of the surrounding area. However, given the wider landscape context and the proximity to existing built development, such effects are likely to be localised and of a scale that would not be significant.	Significant effect unlikely .
Are there any areas on or around the location which are densely populated or built-up, which could be affected by the project?	Yes, the site would form an extension to the existing edge of Wrexham and would inevitably affect the local area via additional	Significant effect unlikely .

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely to be significant</u> ?
	population, increase in traffic and increased demand for services, among other things. However, the scale of the proposal and its relationship to the existing town would be such that any effects in these respects would be localised and of a magnitude that would not be significant.	
Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project?	Yes. There are a number of listed buildings and scheduled monuments in the wider area, though none would be directly impacted and the degree of separation would be such that significant effects on their settings are also unlikely. Survey work has established the potential for buried archaeology on site. However, following additional investigation at the application stage, CPAT has advised only that some further investigation should be undertaken on parts of the site prior to development commencing and that this can be secured via an appropriate condition. I see no reason to disagree with that view. Taking account of the scale of the potential impacts on archaeology on limited parts of the site, I do not consider that significant effects are likely.	Significant effect unlikely.
Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	No.	N/A

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?
Is the project location susceptible to subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions, which could cause the project to present environmental problems?	No. The site is located within flood zone A. There is some potential for surface water flooding on parts of the site, but the scale is such that significant effects are unlikely.	Significant effect unlikely .
Has there already been a failure to meet environmental quality standards that is relevant to the project?	No.	N/A

Statement of reasons

The proposed development of up to 600 dwellings with associated landscaping, public open space and on-site infrastructure would be of a size that would inevitably result in physical effects in a number of areas; these will no doubt be important considerations for the decision maker. Nonetheless, in the majority of instances the scale of effect, the site context and the potential for mitigation or compensation to be secured where required are such that significant environmental effects are unlikely.

However, the site contains some 26.3 ha of the best and most versatile agricultural land (grade 3a), which is a finite resource at the national level. Moreover, the site also contains mineral resources in the form of fine sand that are also considered to be of national significance. Based on the proposals put forward, both of those nationally important resources would be sterilised or lost were development to go ahead. In the case of the mineral resource, the ability to extract on parts of neighbouring land would also be lost due to the need to provide a buffer zone around the proposed dwellings. Given the size of the site, the magnitude and permanence of the losses that would occur and the importance of the resources at the national level, I consider that significant environmental effects in these respects are likely. As such, I conclude that the proposed development must be considered EIA development for the purposes of the EIA regulations.

6		Outcome of assessment		
(ii)	If a SO/SD has been provided do you agree with it?	No		
(iii)	Is EIA required?	Yes		
Outcome		Action		✓
Schedule 2 development – threshold exceeded/ criterion met or Sensitive Area and likely to have significant effects		Issue direction stating EIA Required (Letter 2)		✓
Name and Job Title of Assessor		C Sweet		
Date of Assessment		19/01/21		

APPENDIX 3

P/2019/0005 – PLANNING COMMITTEE REPORT

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
Dated 27th JULY 2020

APPLICATION NO:

P/2019 /0005

LOCATION:

LAND SOUTH OF HOLT ROAD
WREXHAM
LL13 9SA

DATE RECEIVED:

04/01/2019

COMMUNITY:

Holt

DESCRIPTION:

OUTLINE APPLICATION FOR THE
CONSTRUCTION OF UP TO 600
DWELLINGS, WITH ASSOCIATED
LANDSCAPING, PUBLIC OPEN
SPACE AND ON-SITE
INFRASTRUCTURE, WITH ALL
MATTERS RESERVED EXCEPT
FROM THE NORTHERN SITE
ACCESS

CASE OFFICER:

MP

WARD:

Holt

AGENT NAME:

BARTON WILLMORE
MR VINCENT RYAN

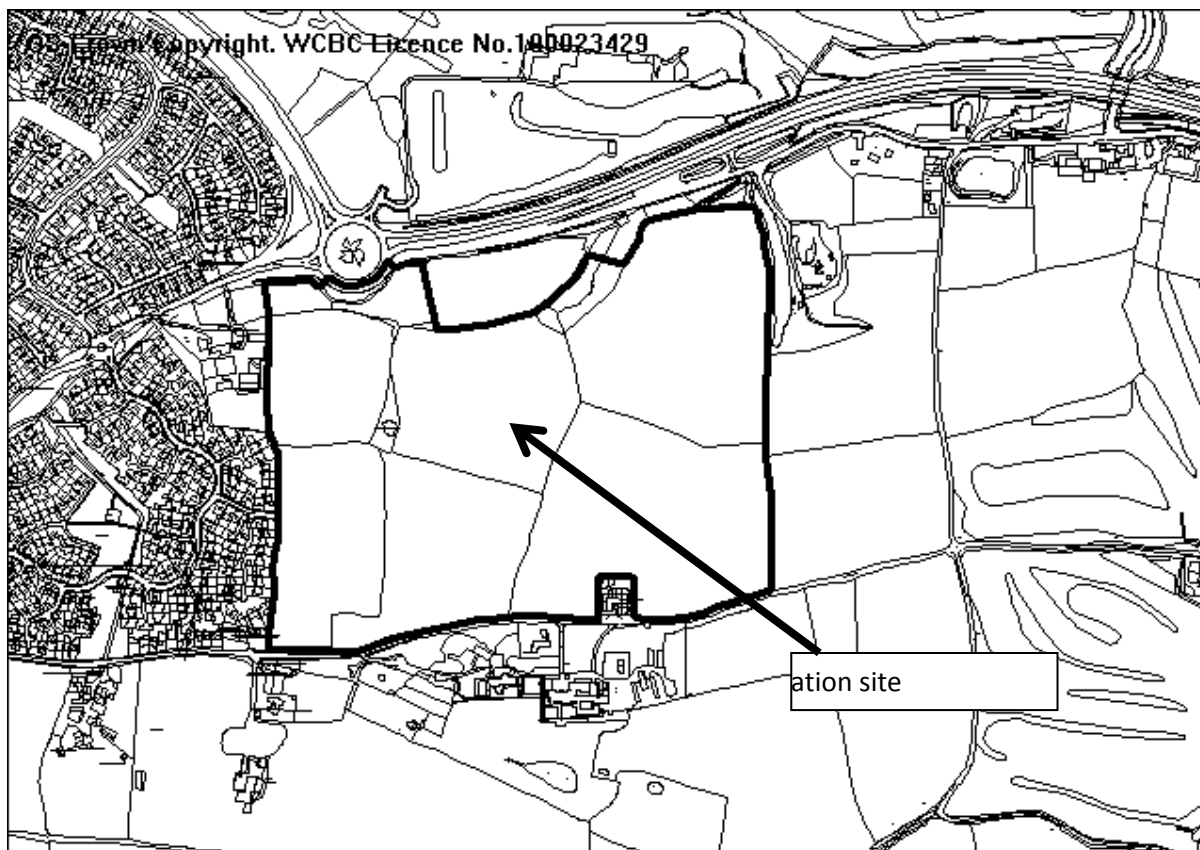
APPLICANT(S) NAME:

BARRATT HOMES AND BLOOR
HOMES NORTH WEST AND JOHN
RAYMOND JONES AND THE
TRUSTEES OF THE WREXHAM
(PAROCHIAL) EDUCATION
FOUNDATION

THE SITE

Land South of Holt Road, Wrexham.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
Dated 27th JULY 2020



PROPOSAL

As above. Approval for the main site access is sought at outline planning permission stage. All other detailed matters, including the location of other means of access, are reserved for subsequent approval.

HISTORY

NATIONAL PLANNING POLICY

Planning Policy Wales Edition 10

Technical Advice Note 2: Planning and Affordable Housing
Technical Advice Note 5: Nature Conservation and Planning
Technical Advice Note 12: Design
Technical Advice Note 18: Transport

DEVELOPMENT PLAN

Unitary Development Plan

The site lies outside of the UDP settlement limits, within a Green Barrier and a mineral resource protection area. It also contains Best and Most Versatile agricultural land. Policies PS1, PS2, GDP1, EC2, EC4, EC6, H5, T8 and MW9 apply.

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Dated 27th JULY 2020

Emerging Local Development Plan

In the LDP the site will form part of Key Strategic Site 2, with policies SP3, SP5 and MW11 are specifically applicable to this site.

CONSULTATIONS

- | | |
|-----------------------------|---|
| Holt Community Council: | Members feel that if this development is allowed it will only form part of the larger picture for the number of properties planned in the LDP and it will mean there will be no infrastructure here and everyone passing on the financial implications of providing this. |
| Abenbury Community Council: | The Council object to the proposal as they feel strongly that this is premature. The LDP has only just been submitted and could be amended in the course of consideration. The Council also believes that this strategic site should be considered and developed coherently to ensure the required community uses can properly be planned and funded. |
| Acton Community Council: | <p>The Community Council objects strongly to this application and wishes to confirm its reasons as set out below. The views below were also submitted as part of the Community Council's response to the Local Development Plan Consultation (which is expected to be adopted shortly) and in particular the proposals for the land this application refers to; and to highlight that there is not the same demand for Housing as originally envisaged when the Local Development Plan was being prepared:-</p> <ul style="list-style-type: none">• The development will result in a loss of high grade agricultural green barrier land;• During the expected build on this land there will be nuisance caused to nearby occupiers by reason of noise, dust, grit and other matter;• Since 2011 the existing Public Transport provision within the Acton Community has contracted and serves less of the area; currently some bus services are being temporarily provided by the local Authority for a two year period on a restricted basis• The Welsh Spatial Plan aim on Health is "to create a strong and well run network of streamlined and integrated care services "The health services within the Acton Community are inadequate to cope with any expansion. There are two GP practices at Borrass Park and |

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Strathmore Surgery on Chester Road. There is a shortage and no other land identified to provide new or additional GP surgeries to meet increased demand and public health needs. This is contrary to the Wales Spatial Plan's Area Framework for North East Wales which seeks to ensure there is good access to services such as health for users and workers across the area.

- The Welsh Spatial Plan on Water Extraction - there will be a big impact due to reliance of water supplied from the River Dee. The Welsh Spatial Plan Area Framework for North East Wales in valuing the Environment recognises the development of more housing may put a strain on the Environment particularly in relation to water resources and by isolating protected wildlife and species. The LDP proposal for KSS2 (of which the application site is part of) provides no compelling evidence that this large scale development will have the resources to expand the existing over stretched local infrastructure to meet all the ancillary needs coming from the large scale development of this large green field site.
- Welsh Spatial Plan requirements to promote a sustainable Economy by ensuring areas have a strong and co-ordinated network of Education and skills providers to match geographical and sectoral needs: The three existing Primary Schools in the Acton Community are oversubscribed and at capacity. The Community Council is of the view that any large scale expansion of housing without matching learning infrastructure will be inadequate and not meet the Welsh Spatial Plan's Area framework for North East Wales to ensure provision of basic education skills for the area's Children and Young People.
- The infrastructure deficit for Transport, Water, sewerage and energy will place additional demands on these services that are already overstretched with the current housing provision.
- The Welsh Spatial Plan aim of valuing the Environment by promoting wildlife and diversity: The Acton Community area has a green open space deficiency and the proposed expansion to green field sites will decrease the quality and quantity of nature sites and the

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
Dated 27th JULY 2020

development will result in a green field site becoming part of the urban area. Paragraph 16.57 of the 2008 Wales Spatial Plan refers to provision of open spaces to improve the infrastructure for activity, recreation and community facilities

Councillor Michael Morris:
Cllr Mike Davies:

Notified 8.1.2019

Strongly object:

- Application concerns land earmarked for inclusion in the LDP. The public will be given an opportunity to examine the LDP when it is presented. The LDP when complete will no doubt have a number of considerations which will guide or even restrict future applications. This application is premature and will pre-empt any such guidelines;
- The LDP proposes in excess of 1600 new homes. This amounts to a virtual new village on the outskirts of the town, with all associated requirements of new residents. Some considerations will no doubt include routes for future highways to access the site, a requirement for a percentage of affordable housing, a suitable infrastructure and improvements to existing highways. There will no doubt be considerations for educational establishments and possibly shops. This application assumes to pre-guess any such requirements and the result of full public consultation;
- The application proposes only one access point which will enter onto an already very busy roundabout. The only other potential access point will be through an already existing housing estate at the Fairways. This will cause congestion as existing roads through the estate are not of the size and dimensions to cater for such an increased traffic flow;
- It is true the application allows for some recreational space but this is far less than provided in neighbouring developments;
- There is already an issue of flooding on Holt Road. There would be a need for a serious rethink of the drainage a 600 houses will lead to a large increase in run-off water;
- The nearest schools and medical facilities are already showing signs of strain;
- The nearest shops are a distance down Holt Road, this will no doubt increase traffic along an already very busy road at certain times of

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
Dated 27th JULY 2020

day. This would require investment and improvements to the existing highway. The applicants will avoid any requirements to contribute to such improvement schemes;

- I believe there is much work to be done in preparation for the proposed LDP development. This application is premature and there is a danger than an early development will hinder correct consideration for the full site as earmarked in the LDP. The application should be put on hold so it can be fully considered within the boundary of the future LDP site.

Highways (external consultants): The TA Addendum for the KSS2 planning application, provides an assessment of the incremental impacts of the wider development proposals and provides a sufficiently sound evidence to allow for the proposed developments with the highway mitigation measures proposed by the developer. However, it is recommended that additional mitigation measures at the Greyhound and A5156/A534/Stryt Holt/Site Access roundabouts are considered for future implementation. The timing of the mitigation measures, particularly the Link Road, will be open to adjustment if the planned build out rates change in the future.

Public Protection: The modelled air quality conclusions of the Air Quality Assessment are accepted. The dust management measures detailed in the Air Quality Assessment are accepted. Conditions recommended in respect of hours of work, noise mitigation as well as advisory notes.

Education: Primary and secondary contributions required.

Contaminated Land: Requests a condition to secure further investigation of specific areas shown on a submitted plan and to require mitigation in the event of any previously unidentified contamination being found.

Senior Flood Officer: Has made the following comments:

- For large phased developments which could have sites with multiple build stages involving multiple developers, the SAB, LPA and developers should establish an agreed overall strategic approach to sustainable drainage design. This should involve agreeing strategic drainage principles for the development and likely build phases, which are consistent with the Statutory SuDS Standards and relevant local policies. This is needed to avoid potential

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problems such as inconsistencies of delivering drainage solutions, which could lead to an increased flood risk or the inability to deliver compliant sustainable drainage systems and cause undue delay in the construction of later build phases.

- Therefore, prior to the determination of the outline application it must be clearly demonstrated that a Sustainable Drainage Scheme, compliant with the Welsh Ministers Statutory Standards for Wales, can be delivered for the site. This needs to consider, and be acceptable too, the SuDS Approving Body who are duty bound adopt any scheme built in accordance with SAB approval.
- Any revised SuDS Strategy document must detail the proposed approach to achieve compliance with the Statutory Standards, whilst demonstrating how the guiding principles of the standards will be achieved. This document will need to consider how the SuDS scheme will be delivered for the site, particularly if phasing of any development is likely. Proposals for how the future management, maintenance and funding of the scheme will be secured to ensure its function over the lifetime of the development will also need to be given consideration. It is essential that due consideration is given to the sustainable drainage of the site at the outline application stage to ensure the maximum benefits of Sustainable Drainage can be achieved and a high quality, compliant scheme can be brought forward that will satisfy SAB and wider planning considerations. This should include consideration of relevant stakeholder concerns for the site. Of particular note are NRW's recent comments with regards to biodiversity and water quality.
- In the absence of this information it has not been demonstrated that a SuDS scheme compliant with the Statutory Standards can be delivered for the site and I would request this information is requested as a matter of urgency.
- This may have significant implications for the deliverability of the site if any future application for SAB approval were not successful.

NRW:

We recommend that you should only grant planning permission if you attach the following

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
Dated 27th JULY 2020

conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

- Condition 1: The submission and implementation of compensatory proposals associated with Great Crested Newts (GCN). This to consider material issues associated with tenure and resource provision (e.g. imposition of index linked ground rent service charges on prospective residents);
- Condition 2: The submission of proposals concerning long term, surveillance and wardening associated with GCN.
- Condition 3: Submission and implementation of an amphibian friendly surface water management system
- Condition 4: EPS: External lighting/internal light spillage assessment compliant with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK
- Condition 5: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.
- Condition 6: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.
- Condition 7: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

WG (Trunk Roads):

Does not issue a direction in respect of this application.

WG (Rural Affairs):

Agricultural Land Classification:

A detailed ALC survey was undertaken on the south western half of the site by the Welsh Government in 2002. This confirmed a presence

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of 13.02ha of BMV land (Subgrade 3a) on the survey area.

A further detailed ALC survey of the un-surveyed area of the site was undertaken by the developers in October 2018 (Ref: RAC 8190) and submitted with the planning application. The results of this survey have been amalgamated with the 2002 survey to confirm ALC grading for the entire site. The results of the survey confirm the presence of 26.3ha of BMV land (Subgrade 3a) on the site.

The department has validated the October 2018 survey (Ref: RAC 8190), and can confirm it has been undertaken in accordance with the Revised Guidelines and Criteria for Grading the Quality of Agricultural Land (MAFF 1988). This survey can be accepted as an accurate reflection of land quality on the site. This confirms that the application, if granted, would involve the loss of 26.3ha of BMV land.

Expression of view

The proposal has failed to apply the sequential test and justify the loss of BMV agricultural land in accordance with the procedure required by PPW 3.54 & 3.55. Consequently, the Department for Environment, Energy and Rural Affairs of Welsh Government wishes to express a **CONDITIONAL OBJECTION** to this planning application. The following agricultural factors should be noted:

1. The loss of 26.3ha of BMV agricultural land is a matter of national significance, with reference to DMP Order 2012, Schedule 4 paragraph (s).

This objection is consistent with our response to the Pre-Application Consultation on this case.

It is considered that the submitted proposal has failed to justify the loss of a nationally significant area of best and most versatile agricultural land, as is required by Planning Policy Wales paragraph 3.54 & 3.55, before such land is developed for non-agricultural purposes. Such land is described in PPW 3.54 & 3.55 as a finite resource for the future

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and in development management decision making process, considerable weight should be given to protecting such land from development because of its special importance.

It is considered that the response in the Planning Statement, to our pre-application response, that ‘ *justification has been provided by the Council in their assessment of the Key Strategic Sites and the Sustainability Appraisal with regard to why the loss of this land is essential to help the Council meet its housing needs*’ is not credible for the following reasons:

- a. The proposed LDP assessment process considers the total loss of BMV Agricultural land for the whole LPA area, over the plan period. The proposed Wrexham LDP has not to date been adopted; therefore, the Department cannot pre-judge the outcome of the LDP and this proposal must be assessed on its merits alone.
 - b. A number of non-BMV sites have been put forward within the un-adopted LDP. Lower grade agricultural land is available and the Planning Statement conflicts with PPW.
2. Under the proposed and unadopted Wrexham LDP (2013-2028), the site is proposed as part of a Key Strategic Site (*Ref: KSS2 – Land East of Cefn Road*) for housing under policy SP5.

The proposed LDP assessment process considers the total loss of BMV Agricultural land for the whole LPA area, over the plan period. If the proposed LDP is proved sound and adopted by the LPA, which includes the site as a development allocation, then the Department would **withdraw the objection**. As noted, the proposed Wrexham LDP has not to date been adopted; therefore, the Department cannot pre-judge the outcome of the LDP.

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Procedural matters

If your Authority includes this **CONDITIONAL OBJECTION** in the grounds for refusal of planning permission, then this Department is prepared on request and in accordance with the Town and Country Planning (Referred Applications and Appeals Procedure) Regulations 2017 to be represented on any appeal inquiry which may result. In addition, this Department is prepared to submit to your Authority a statement of evidence to assist in the preparation of the written statement as required under Regulation 22 of the Regulations.

Should your Authority consider that there is a case for granting planning permission despite the **CONDITIONAL OBJECTION** by the Department for Environment and Rural Affairs, the Department would **EXPECT** the matter to be brought to its attention before a decision is made, and failing a satisfactory resolution of the issues involved, this Department may ask Welsh Government to consider the case further.

North Wales Minerals and
Waste Planning Service:

The concluding comments are set out below:

- It is acknowledged that this application site is important for Wrexham's Housing Strategy and that it forms part of the Key Strategic Site 2 in the emerging Local Development Plan. However, this application site and KSS2 impact on minerals of national importance and that need to provide housing, infrastructure and other community facilities in sustainable locations needs to be balanced with the need to safeguard the nationally important resource.
- It is considered that the submitted Prior Extraction Assessment does not provide sufficient evidence to justify the loss of the resource. It does not include how much resource would be lost and it would be arguable that the data provided is not representative of the resource that may be present. It is considered to be commercially viable to extract fine grained sand resources with a lesser amount of gravel when blended with courser material, to create a saleable aggregate product, which is common place within the industry. Breedon Aggregate may be interested in the prior extraction of this

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resource and the applicant has not entered discussions with them.

- The Prior Extraction Assessment in its current form would not provide the Local Planning Authority with sufficient information to demonstrate that there are no exploitable resources at the site. Furthermore, the conclusion of the report that the mineral does not merit extraction has not been substantiated with sufficient evidence and mineral operators working in North Wales disagree with this conclusion.
- Given that the deposits in this site are some of the best quality aggregate resources in Wales, this is a very important issue that has not been sufficiently addressed within the planning application. The information has not demonstrated that there are no exploitable resources exist within the site. It is considered that, based on the information provided, the mineral does merit extraction. It is considered that, the information provided to date has not demonstrated compliance with Policy MW9 of the Wrexham UDP or the emerging Policies SP3 and MW1 of the Deposit Draft LDP.

HSE:

The site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline.

Welsh Water:

Note it is proposed for foul flows from the proposed development to be disposed of via the public sewerage system and surface water is to be discharge into a sustainable drainage system. We would advise that foul flows from the proposed development should be taken to an existing manhole on the 1150mm foul sewer at or beyond manhole reference SJ35515201. Also, please note that no surface water, highway or land drainage run-off will be permitted to discharge directly or indirectly into the public sewerage system. In light of the above and given the omission of a detailed drainage plan / layout a drainage condition is recommended.

Health Board:

The Health Board's comments made are summarised below:

- The national average GP:patient ratio is 1:1800 patients. In Wrexham the ratio is currently 1:2600
- The additional increase in population would broadly equate to a need for an additional 0.4 full time equivalent GP.

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- Many practices are experiencing considerable sustainability challenges largely due to staffing shortages and difficulties in recruitment.
- In addition to extra staffing the Health Board will need to undertake a full evaluation of the existing estate capacity to accommodate expansion on this scale.
- The Health Board's capacity, infrastructure and financial constraints present considerable challenge in accommodating growth and expansion of health services and to obtaining full alignment of strategic plans.
- Section 4 of the Infrastructure plan (2018) acknowledges that the predicted growth within the deposit plan will present specific challenges for primary care and community as well as hospital services. It describes the measures the health board will take through development of a model of care, in this case for the Central Wrexham locality, to increase capacity within available resource. However a full and viable solution to bridging the gap in required health infrastructure to meet the potential increase in demand fully has not been identified and agreed.
- We understand that this specific development will take place over a 5-6 year period. We can predict that it may potentially grow by about 1400 people depending upon internal / external migration. As a consequence this will have an impact on the Cluster needs assessment that will inform future service development. Specific detail will be required to ensure this is as accurate as possible. We recognise that this is detail that will follow as the proposals progress.
- Whilst the Cluster plans need to develop to take account of the population changes within the key strategic sites, these are still in very early stages of implementation;
- We know from the data that the population profiles of two of the closest GP practices are very different, each bringing specific requirements for health service provision, and we also know from the data that the lifestyle and social factors of each of the practices' current population profiles, influence the health service provision that is required in the area.
- It is hard to provide specific details in response to the outline application when details of the

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housing mix, estate design, the target population mix and also how the infrastructure and access routes/services will be developed are not definitive.

- The health board will seek to work collaboratively with partners, including WCBC and potential developers to discuss further options to accommodate the planned level of growth. We maintain our position that we wish this to include phasing and potential support from CIL / Section 106 agreements. This approach is consistent with the identified source of growth funding for other infrastructure areas to support the development of Key Strategic Sites and described within the infrastructure plan.
- According to the indicative site layout, the proposed residential development is approximately 50% of the available land, which although indicative is encouraging, with regard to the balance of green or recreational space in the proposed development.
- We would encourage that the developer takes note and implements the conditions as described in the LDP Integrated objectives which support the aim of a diverse and mixed community and promote and encourage a healthy, active and safe lifestyle through the design of the development.
- We would welcome further discussion regarding the potential impact on infrastructure in the area and, as the development of the key strategic site proceeds, the scope for any developer contributions

Wales and West Utilities:

Has pipes in the area. These may be affected and at risk during construction works. Should the planning application be approved then we require the promotor of the works to contact us direct to discuss our requirements in detail before any works commence on site.

CPAT:

The development site includes some significant prehistoric archaeology as identified in trenches. None of the prehistoric features were present on the geophysical survey data and this leaves us with a problem in terms of quantifying just how much prehistoric archaeology we have here and how widespread it is over the development site. Require a condition for additional archaeological works to be undertaken.

Site Notices (x6)

Expired 8.2019

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Press Notice:

Expired 16.2.2019

Breedon Quarry Group:

Do not object but have the following comments on the Prior Assessment:

- Disagree that the lack of a significant proportion of sand and gravel in the deposit means it is not a commercially viable mineral resource;
- The and would be of interest to Breedon and there is sufficient storage space at Borrass Quarry to extract the material in a relatively short space of time and stockpile it at Borrass;
- By processing the material, all of the sand has the potential to be made into coarse and fine sands;
- If Breedon were able to extract the sand then materials from difference sources would be used to blend with it to achieve the required gradings;
- With stand becoming a finite source, particularly in North Wales, many companies will now source grfts, recycled glass and other materials to add to the sand in order to create the required specification. It is imperative that the deposit of material is not sterilised before it is extracted;
- Material is blended at concrete plants to produce acceptable concreting sand;
- If washed, the majority of the sands would be suitable for asphalt sand in the use of hot rolled asphalt;
- Breedon are not objecting to the housing development but believes the sand deposit is a commercially extractable mineral and should not be sterilised but should be extracted prior to development taking place.

Neighbours:

The owners/occupiers of 40 nearby properties notified 17.1.2019.

23 representations **objecting** to the application expressing the following concerns:

- Capacity of local facilities – schools, surgeries, hospital;
- Traffic/traffic congestion;
- Highway safety;
- Plans show a secondary access through Thornhurst Drive.
- Thornhurst Drive/the Fairways is not a sustainable/suitable/safe access;
- Has consultation with Highways taken place;

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- Bryn Estyn Lane not appropriate as a secondary access;
- Access to retail – Borrass Park and the car park there is always full of parents dropping off/collecting their children from school;
- What financial contributions have the developers offered?;
- Premature until the LDP examination has taken place/the LDP is adopted;
- No weight should be given to the LDP;
- the application should be refused under the terms of the UDP;
- inappropriate development in a Green Barrier/Wedge;
- loss of BMV land;
- conflict with PPW10;
- national policy no longer advises that the need to increase housing land supply should be afforded significant weight;
- completely change the make up of the area;
- number of houses served by a single access is excessive;
- loss of mineral resources;
- the land is farmed and is of great use;
- impact upon wildlife;
- visibility from the proposed access will be severely impaired;
- hedgerows, boundaries and vent pipes should be retained;
- The land is 3m higher than adjacent properties;
- Granting permission will jeopardise the delivery of the link road through the site;
- Lack of open space proposed;
- Foul and surface water drainage issues;
- SuDs ponds introduce a danger to children;
- The Fairways is served by one sub-station. There is frequent outages;
- Lack of contribution to infrastructure improvements;
- Traffic survey carried out at the wrong time of year;
- 600 dwellings seems excessive;
- Houses will be too expensive for Council tenants;
- Reduce the value and attractiveness of existing properties;
- No evidence of a lack of suitable properties in the housing market locally. Properties on the Fairways are taking months to sell;

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- Undesirable intrusion into the rural landscape and an inappropriate form of development for this area;
- Would question whether there is a more appropriate place for this type of development;
- The landscape may form part of a flood risk area.

57 representations in **support** making the following comments:

- There is a need for/the site will provide affordable homes;
- An opportunity for/ need for homes for first time buyers;
- Will help to improve small businesses in and around the town;
- Want to move back to Wrexham;
- Want to stay in the area;
- Lack of appropriate properties in the area;
- Site well placed for town centre, industrial estate and bypass;
- Will contribute to local community and trades;
- Will create construction jobs;
- New houses will bring extra revenue to the area;
- Good location near to good schools and town centre;
- More homes equals more jobs for the area;
- Need more new houses in Wrexham;
- There are no new builds this side of town.

SPECIAL CONSIDERATIONS

Policy: The site lies outside of the settlement limit of Wrexham and is situated within a Green Barrier as defined in the UDP. It also contains Best and Most Versatile (BMV) agricultural land. Given the site area and number of units proposed the development does not accord with policy H5, which only permits small scale residential development on sites outside of settlement limits by way of subdivision, conversion, infill, affordable housing adjacent to settlement limits and to house rural enterprise workers. The proposals therefore conflicts with that policy as well as PS1, EC1 and EC2.

Notwithstanding the above, section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan in force in the area unless material considerations indicate otherwise. I will discuss these in more detail below.

Green Barrier: The UDP designation of Green Barriers is consistent with the Green Wedges referred to in Planning Policy Wales (PPW). Paragraph 3.71 of PPW

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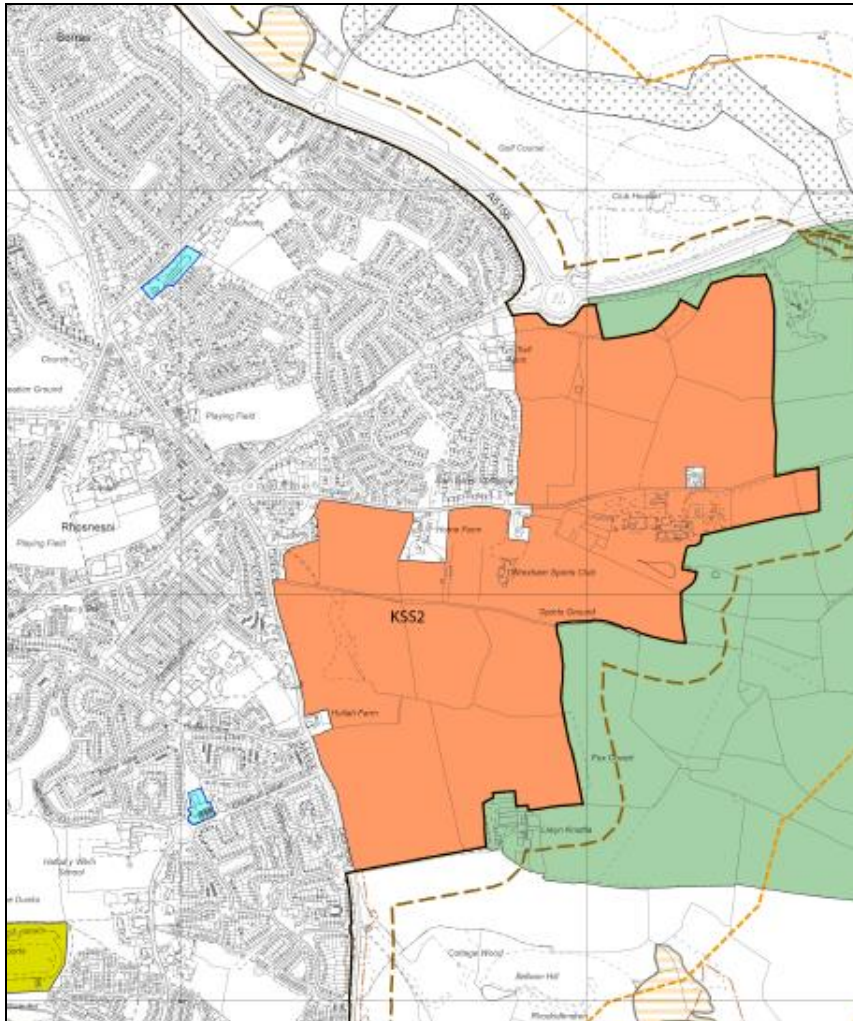
advises that the construction of new buildings is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings; or
- small scale diversification within farm complexes where this is run as part of the farm business.

None of the above applies to this proposal and it is therefore inappropriate development for a site located within Green Barrier/Wedge. The development will inevitably result in a significant loss of openness. PPW paragraph 3.70 advises that inappropriate development should not be permitted within Green Wedges except in very exceptional circumstances where other considerations clearly outweigh the harm it would do to the Green Wedge.

Green Barriers/Wedges do not have the permanence of a Green Belt (there are currently no designated Green Belts in Wrexham) and should be reviewed as part of the development plan process. The existing Green Barrier designations have been reviewed (Strategic Green Wedge Review October 2017) as part of the process of preparing Wrexham's Local Development Plan. The application site is proposed for allocation for residential development in the LDP, forming part of Key Strategic Site 2, and would therefore not sit within the Green Wedge. An extract from the LDP proposals map is included below showing the full extent of KSS2:

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Exceptional Circumstances:

Housing Supply

On 26 March 2020 the Welsh Government revoked Technical Advice Note 1, amended Planning Policy Wales (PPW) and published Development Plans Manual Edition 3 (DPM3) to provide revised guidance on how housing delivery is to be monitored. The delivery of housing in the County Borough now to be monitored using the Average Annual Requirement (AAR) as set out in a Local Development Plan. Despite the changes to national policy, housing delivery remains an important material consideration. This is evidenced by the advice in the amended paragraph 4.2.11 of PPW10 that a review of an LDP may prompted by an under delivery of housing.

It is acknowledged that Wrexham's LDP has yet to be adopted. The Unitary Development Plan therefore remains the operational development plan for the County Borough, however the Plan period expired in 2011 with much of the evidence underpinning it now being at least 20 years old. The UDP strategy, including settlement limits and Green Barriers, are therefore fundamentally out of date and although being a starting point for the consideration of planning applications can no longer be afforded full weight.

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Both the Development Management Manual (DMM) and the DPM advise that certainty regarding the content of an LDP will only be achieved when LDP Inspectors deliver their binding report, which takes place following the completion of an Examination in Public (EiP). Paragraph 9.4.9 of the DMM does however acknowledge that the evidence underpinning an emerging LDP could be used as a material consideration when making planning decisions.

The deposit LDP identifies a requirement for 7,750 homes to be built over the 2013-2028 period. I have not been given any indication that LDP Inspectors consider this to be too high. Indeed on the 13th of December 2019 the Inspectors wrote to me setting out a number of matters that they required further evidence in support of. In respect of the LDP housing requirement, the Inspectors sought further justification for a reduction from the Preferred Strategy requirement of 10,650 in the Preferred Strategy to the one set out in the Deposit Plan. In my opinion it is therefore unlikely that the LDP Inspectors will seek to impose a lower housing requirement than 7,750.

The need to deliver 7750 homes by 2028 equates to an annual average requirement (AAR) for 517 dwellings over the whole Plan period. The actual rate of completions over the 2013-2019 period has been half of this. This amounts to a persistent and **considerable** undersupply of housing in every one of the 6 past years. This can only be addressed by additional land being brought forward for development and it is clear this will require a considerable release of land outside of settlement limits.

As already noted above, the application site forms part of the proposed LDP allocation Key Strategic Site 2 (KSS2). The site lies to the north of Bryn Estyn Lane with the remainder of KSS2 lying to the south. Taking the application site and the remainder of KSS2 separately, 14 of the LDP allocations are situated outside of UDP settlement limits and 10 lie within the UDP Green Barrier. These 14 sites are expected to deliver 40% of the total LDP housing requirement with sites located in the UDP Green Barrier are expected to deliver 36% of the overall housing requirement.

In addition to dwellings delivered by allocations, the LDP housing requirement is expected to be met by a number of other components, including development that has already been completed and from committed supply (i.e. sites that have planning permission but have yet to be built out). Since 2013, greenfield sites that are not proposed for allocation in the LDP (including land in the Green Barrier) have already been developed, are in the process of being developed or have extant planning permissions. When these sites are taken into account then over half of the housing requirement will be met by sites outside of UDP settlement limits.

The LDP identifies KSS2 as having the capacity to deliver 1,680 dwellings of which 1,580 are expected to be delivered over the plan period up to 2028. KSS2 is fundamental to the delivery of the LDP, accounting for 20% of the identified housing requirement and just under half of the houses expected to be delivered from allocated sites. The table below sets out the projected number of annual completions that are expected to be delivered on the application site.

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Year	Completions
2020 - 2021	
2021 - 2022	
2022 - 2023	
2023 - 2024	
2024 - 2025	
2025 - 2026	
2026 - 2027	
2027 - 2028	
Total Within Plan Period	600

Whilst it is noted that no completions are anticipated in 2020-2021, this reflects the fact that following a resolution to grant outline planning permission a Planning Obligation will need to be completed. Once permission has been granted, there will be a requirement to obtain approval of reserved matters, discharge conditions and undertake preliminary site preparation works. Were this application subject to any significant further delay in determination or if it were refused, then it is highly unlikely that the delivery of all 600 dwellings will be achievable by 2028. This would put the delivery of the LDP as a whole at considerable risk.

Taking all of the above into account, the need to increase housing supply in the County Borough and to deliver a strategically significant site weigh heavily in favour of the proposal. In acknowledgement that there is an urgent need to increase the supply of housing in the County Borough it would be appropriate to require reserve matters for a first phase of development to be submitted within 12 months of the date of permission being granted and for development to commence on site within 3 years. Reserved matters for subsequent phases would be required to be submitted within 3 years.

Location of Development

Planning Policy Wales advises that new housing development should be directed to areas which are, or can be, easily reached by walking or cycling, and are well served by public transport.

LDP Background Paper BP02b: Settlement Hierarchy and Development Potential (BP02b) identifies settlements in Wrexham as falling within one of 5 tiers based on an assessment of the availability of employment, local services and accessibility by non-car modes:

- Tier 1: Primary Settlement
- Tier 2: Key Settlement
- Tier 3: Local Service Centres
- Tier 4: Minor Villages
- Tier 5: Hamlets.

The application site is effectively an urban extension to Wrexham. Wrexham is identified as a Tier 1 Primary Settlement, or a settlement which has a critical role to

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play in the success of the region and which acts as an important local service and employment centre for surrounding settlements and rural hinterlands. This reflects the fact that it is a regionally important town with a high level of service provision and connectivity (i.e. good transport links). For this reason, it is the most appropriate location for strategically important housing developments.

Relationship between Wrexham and the Wrexham Industrial Estate

The application site projects into the countryside approximately 600 metres beyond the existing settlement limit. This will inevitably result in a significant loss of openness within the site and will encroach into an area of land that separates Wrexham from the Wrexham Industrial Estate. Despite this, application site is separated from the settlement limit of the Industrial Estate by a gap of 1 kilometre. The gap between the southern part of KSS2 and the settlement limit of the Industrial Estate is nearly 900 metres. The landscape separating KSS2 and the Industrial Estate is dominated by open fields, hedgerows and areas of woodland. Clays Golf Course also occupies a large area of land. The amount of existing built development is comparatively limited, consisting of small groups of buildings typical to a rural landscape.

Regardless of whether the development is considered in isolation or in the context of KSS2 as a whole, it will not result in the coalescence of or the blurring of the distinction between Wrexham or the Wrexham Industrial Estate.

Prematurity

The matter of prematurity is dealt with in DPM3, which advises that:

Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant planning permission would be to predetermine decisions about the scale, location or phasing of new development which ought to be properly to be taken in the LDP context.

Paragraph 7.7 of DPM3 advises:

Whether planning permission should be refused on grounds of prematurity requires careful judgement and the LPA will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.

Whilst I am aware that the LDP has not yet been adopted, it is at a very advanced stage of preparation, with the majority of the EiP having now taken place. Whilst the Inspectors have identified a number of outstanding matters that the Council needs to address these are in respect of Gypsy and Traveller site provision, not housing. A number of hearing sessions have been held covering both the scale of growth proposed in the Plan as well as proposed allocations, including the two Key Strategic Site housing allocations. There has been no indication from the LDP Inspectors that KSS2 should be wholly or even partially removed from the Plan.

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The LDP spatial strategy directs the majority of new development to Wrexham. Given that Wrexham is the only Tier 1 and by far the most significant settlement in the County Borough this is entirely appropriate and in light of the comments above, this is unlikely to be challenged by the LDP Inspectors. It is also clear from the available evidence that delivering the LDP housing requirement is heavily dependant upon the delivery of a number of large housing allocations on the edge of Wrexham of which KSS2 is by far the most important.

The infrastructure requirements for the whole KSS2 site are understood and clearly set out in LDP policy SP5. These can be secured via planning conditions and obligations. The granting of this application therefore does not pre-determine the scale, location or indeed the phasing of new development. Accordingly I do not believe there are valid reasons to refuse the application on the grounds of prematurity.

Affordable Housing: UDP policy H7 and Local Planning Guidance Note 28 apply a uniform housing requirement across the County Borough for 25% of dwellings to be affordable on developments of 25 or more dwellings.

The forthcoming Local Development Plan policy H2 will take a different approach by applying a requirement to different areas of the County Borough reflecting variations in viability. The application site lies in an area know as the Rural East for the purposes of viability. The Deposit Plan version of policy H2 was informed by the WCBC Viability Study, dated January 2018, produced by Andrew Golland Associates (AGA) indicated that the site lay in an area where a 40% affordable housing required could be applied

In response to representations made to the Deposit Plan made by Welsh Government the Council subsequently the District Valuer Services (DVS) to complete a viability study in preparation for the EiP. The key issues identified by WG that made it necessary to commission the DVS assessment were:

- Whether sufficient provision was made for Section 106 contributions, for such things as education, in addition to affordable housing
- Whether the costs of fire sprinklers, which are now a mandatory requirement in houses in Wales, have been taken into account

Further analysis of the AGA assessment suggested that the above matters were not adequately addressed. It had also been carried out on the basis of an affordable housing tenure mix at odds with the requirements identified in the Local Housing Market Update (April 2018).

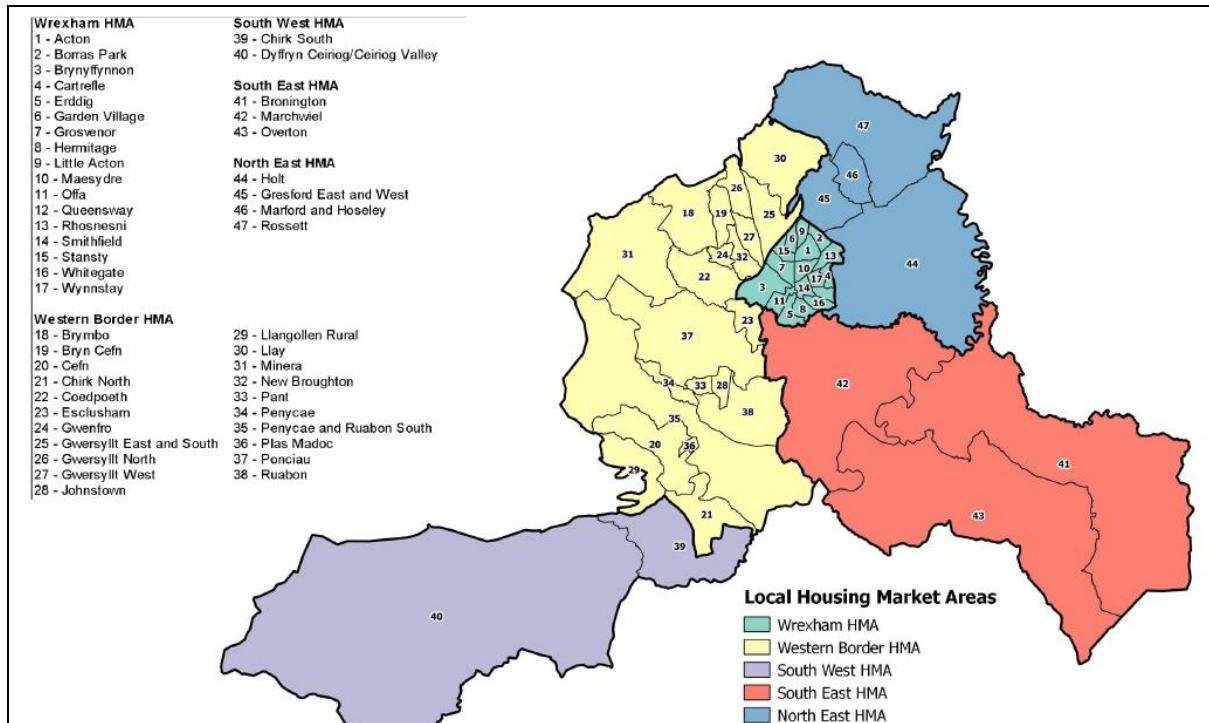
DVS Viability Study recommends that a 30% affordable housing requirement should apply to the Rural East. The DVS recommendations do not however apply to Key Strategic Site 2. The infrastructure requirements for the Key Strategic Sites are greater than for non-strategic sites. KSS2 is expected to deliver a new primary school and a new spine road connecting the A5156/A534 Holt Road roundabout with Cefn Road. KSS2 has been subject to a viability study commissioned by the site promoters which has in turn been reviewed by the DVS. The DVS have advised that an affordable housing requirement of 20% for the site is likely to be viable. This equates to 120 dwellings out of the proposed 600 being affordable. This is 17% of

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all of the affordable housings likely to be delivered from allocated sites over the LDP period.

For the purposes of the Local Housing Market Assessment Update, the site is situated in the North East sub-area. However it also adjoins the Wrexham sub-market area.



The LHMA identifies a requirement for 41 affordable dwellings in the North-East sub area and 327 in Wrexham sub area over the 2017-2022 period. The need in the Wrexham sub-area is the second highest in the County Borough. The need in the North East is likely to be largely, if not entirely, met by LDP allocations in Rossett and Holt. Given the fact that the site physically adjoins the Wrexham sub-area, it will make a significant contribution towards meeting the need in the town. This is a material consideration that weighs heavily in favour of the development.

Agricultural Land: Approximately half of the site was subject to an Agricultural Land Classification (ALC) survey by the Welsh Government in 2002 which confirmed the presence of grade 3a land. The remainder of the site was surveyed on behalf of the developers in 2018. Taking together with the WG ALC survey, this confirms that the entire site contains Grade 3a. The Department of Rural Affairs of Welsh Government have reviewed and validated the developer's ALC survey and confirmed that it can be accepted as an accurate reflection of the land quality within the site. Accordingly, the whole site is classed as BMV land and therefore policy EC2 and Planning Policy Wales paragraph 3.55 are applicable.

Paragraph 3.55 of PPW advises that BMV land should only be developed where there is an overriding need for the development and either previously developed land or land in low is unavailable, or subject to other constraints that outweighs the agricultural considerations. Where BMV land needs to be developed and there is a

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choice of land available, PPW10 advises that development should be directed to land of the lowest grade.

Whilst noting the Department of Rural Affairs objection I do not agree that the release of this site prior to adoption of the LDP is premature. The issue of prematurity has already been covered generally earlier in this report; however I will also deal with this specifically in the context of the loss of BMV land below.

It is clear from the evidence discussed earlier that there is an overriding need for land to come forward for development to deliver the LDP's housing requirements. It is also evident that meeting the housing requirement is heavily reliant upon the release of greenfield sites. The decision to propose the allocation of KSS2 and indeed other LDP housing sites has been undertaken within the context of a substantial evidence base. This indicates that the housing requirements cannot be met without the loss of such BMV land, indeed all of the emerging LDP housing allocations located outside of UDP settlement limits contain at least some BMV land. This is a consideration that has been factored into the relevant Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) processes.

Reference to the Welsh Government's Predictive Agricultural Land Classification Map confirms that Wrexham is almost entirely surrounded by BMV land (Grades 2 and 3a) therefore any urban extension to the town will inevitably result in the loss of BMV land. I have not been given any indication from the Inspectors that they have any fundamental concerns about the spatial distribution of development in the LDP, the proposed release of greenfield sites or the resulting loss of BMV land.

The Department of Rural Affairs did not object to the LDP and commented as follows:

Assessment

The Authority has provided robust evidence to demonstrate that BMV loss has been considered throughout the spatial strategy and site selection. The Department has worked with your Authority to provide detailed ALC survey data and desk assessments. It is extremely encouraging to see that the Predictive ALC Map has been used to update the SA / SEA, taking into account the most recent and best available information.

The loss of BMV land within the Plan is significant; however, the loss and policy requirements have been recognised and factored into the Spatial Strategy, growth options and competing objectives in the Sustainability Appraisal. The choice for the Wrexham Industrial Estate strategic site reflects the need to avoid BMV loss.

In this regard the Department would consider that the Authority has satisfied PPW 4.10.1 in site allocations.

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Conclusion

*In conclusion, it is the Departmental view that the Authority has demonstrated a sensible and pragmatic approach to considering BMV loss in the context of national planning policy and on that basis **no objection** is offered.*

Given that Department of Rural Affairs have found the evidence that underpins the LDP in respect of BMV loss to be robust, it seems entirely reasonable that the same evidence must also be material to the consideration of planning applications for sites that are proposed for allocation in the LDP. In my opinion there is no credible or realistic alternatives to the loss of BMV land that would occur as a result of development of the application site or indeed other LDP allocations. The loss of BMV land is therefore not a valid reason to refuse planning permission in this instance.

Access and Highways: Paragraph 4.1.12 of PPW requires the sustainable transport hierarchy to be applied to reduce the need to travel, prevent car dependant developments in unsustainable locations and to prioritise access and movement by active and sustainable transport. The sustainable transport hierarchy promotes walking and cycling, then public transport ahead of private motor vehicles.

The site adjoins Wrexham, which as discussed above is a Tier 1 settlement, reflecting the fact that the town has good transport links. There are local needs retail, primary and secondary schools all within 2km and therefore walking distance of the site. Holt Road also has an existing signalised crossing which ensures both existing pedestrians as well as future occupiers of the site are able to safely cross the road to the access services in the wider locality. Whilst the location of the primary school to be delivered on the KSS2 site has yet to be finalised, all of KSS2 (south) lies less than 2km from all parts of the application site and therefore walking distance. The site is therefore well located for to encourage future occupiers to make local journeys on foot.

Journeys of up to 5km are generally accepted as being ones where cycling has the potential to replace short car journeys. Wrexham town centre lies within 5km of the site as does much of Wrexham Industrial Estate via Bryn Estyn Road. The site is therefore well located to encourage cycling over the use of private cars for certain trips.

The provision of infrastructure within the site for both pedestrians and cyclists will be a matter for further consideration at reserved matters stage.

Whilst I recognise that Covid-19 has had a significant impact upon public transport use and service provision, this is somewhat exceptional. Under normal circumstances, the site is readily accessible by public transport by way of the no.5 Wrexham-Chester (via Holt and Farndon) service as well as the no.35 Plas Goulbourne – Sunningdale Estate via Acton and Borrass Service.

Taking all of the above into account, the site complies with the sustainable hierarchy and is well placed to promote walking, cycling and public transport use.

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The indicative plans submitted with the application show a number of potential access locations, two of which being identified as primary accesses. The primary accesses consist of:

- an additional arm constructed off the A5156/A534 Holt Road roundabout at the northern end of Holt Road; and
- a road that is intended to cross but not providing vehicular access to Bryn Estyn Road.

Both of the primary accesses will form part of a spine road that will eventually connect the A5156/A534 Holt Road roundabout with Cefn Road when the southern part of KSS2 is developed. The plans also show the position of a number of potential secondary accesses, including one shown onto Bryn Estyn Road and another onto Thornhurst Drive. The application seeks approval for the A5156/A534 Holt Road access only. Whether there are any secondary accesses and whether they are used for vehicular and pedestrian traffic or solely pedestrian traffic will be determined at reserved matters stage. Both Highways and the occupiers of nearby properties will have an opportunity to comment on the reserved matters applications in due course.

The indicative plan shows a spine road crossing the site from north to south. The majority of the route will be delivered as an integral part of the development of the application site and the southern part of KSS2 in due course. The developers of both parts of the site will however need to contribute towards the provision of a link between the two sites where the spine road crosses Bryn Estyn Road. This will be secured by a Planning Obligation. The location of the point where the spine road will cross Bryn Estyn Road has yet to be finalised, although I am satisfied that a number of feasible route options exist.

WG Trunk Roads have not issued a direction in respect of the A483 therefore I am satisfied the proposals are unlikely to have an unacceptable impact upon the strategic highway network .

The development will add traffic to the A5156/A534 Holt Road roundabout as well as to the wider local highway network. Policy SP5 of the LDP recognises that there are capacity constraints at the Greyhound Roundabout and that highway improvements to address them will be required to enable the full KSS2 site to be delivered.

The application is accompanied by a Transport Assessment (TA) produced on behalf of the applicants dating from December 2018 which includes traffic data collected in June 2017 and March 2018. In addition further highways assessments have been carried out and are directly relevant to the consideration of this application:

- Highway modelling work was commissioned in 2019 jointly by the Council and the promoters of the KSS2 site, including the applicants and submitted as evidence to the LDP EiP. The modelling work took account of the potential implications of delivering KSS3 (i.e. the proposed extension to Wrexham Industrial Estate) as well;
- An addendum to the TA dated January 2020 submitted by the applicants, taking account of the modelling work referred to above.

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The modelling work assessed measures that would be required to mitigate for the traffic growth likely to arise from both KSS2 and KSS3. Mitigation is identified as being required in the following cases:

Mitigation	Timing
Installation of the A534/Blackwood Way roundabout as well as an additional 100m long south bound approach lane and an additional additional circulatory lane on the southern quadrant of the A5156/A534/Holt Road roundabout	Required when 710 dwellings are occupied on KSS2, assumed to be 250 dwellings on the northern part of KSS2 (i.e. the application site) and 60 dwellings on the southern part) and approximately half of KSS3 has been developed.
Installation of a roundabout through KSS2 from the A5156/A534 Holt Road to Cefn Road	Required for the number of dwellings occupied on KSS2 to exceed 710, again assumed to be 250 dwellings on the northern part of KSS2 and 60 dwellings on the southern part..
Installation of an additional 100m long south bound approach lane and an additional circulatory lane on the northern quadrant and signalisation of the A5156/A534/Holt Road	Required when the remainder of KSS2 is built and for KSS3 to be fully developed.

The modelling work acknowledges that there will be some additional queuing at the Greyhound Roundabout when the number of dwellings on KSS2 reaches 710, but this does not result in concerns over the performance of the highway network. Average queue lengths are anticipated to increase by an additional 7 vehicles and maximum queue lengths are expected to increase by approximately 24 vehicles, however the modelling work suggests the queues quickly dissipate, this representing the maximum likely queue at a single point within the PM peak.

The mitigation proposals have been independently reviewed on behalf of the Council and I have been advised that the mitigation proposals are acceptable. The Highways consultants have however advised that further mitigation should be considered, namely:

- Installing the additional 100m long south bound approach lane to the A5156/A534 Holt Road roundabout before the number of units on KSS2 exceeds 710; and
- Undertaking improvement works at the Greyhound Roundabout to alter the Cefn Road and Holt Road (north) arms.

Requirements can only be imposed by a Planning Obligation where they meet the following statutory tests. The Planning Obligation requirements must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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Given that the modelling work assessed the impact of various mitigation measures in light on the assumption of traffic being generated by KSS2 and KSS3, imposing all of the requirements upon this development or indeed the wider KSS2 site would not meeting the statutory tests set out above.

I consider all mitigation measures identified in the modelling work as ultimately being necessary to enable both KSS2 and KSS3 to be fully developed out. Whilst it is likely that some occupiers of the KSS2 site will work at and therefore travel to/from the Industrial Estate, it is unlikely that the requirements for mitigation of the A534/Blackwood Way roundabout could be considered as directly related to this development. The modelling work suggests that KSS3 will be by far the biggest generator of additional traffic using that junction. I therefore do not believe that seeking a contribution towards the costs of signalling that junction is necessary to make the residential development current proposed acceptable or is directly related to the development and do not intend to require a Planning Obligation to include a contribution to those works.

Whilst I note the Highways consultant's recommendations for the earlier implementation of the additional 100m long south bound approach lane to the A5156/A534 Holt Road roundabout I am not satisfied that there is sufficient evidence to demonstrate these works are necessary to allow the current development to proceed. Based on the available evidence in the modelling work, this improvement is made necessary when the number of dwellings on the KSS2 site exceeds 710 dwellings, the spine road through the site has been completed and a substantial proportion of KSS3 has also been developed. The majority of the additional traffic that gives rise to this requirement will be generated by the southern part of KSS2 and KSS3. Taken together, KSS2 (south) and KSS3 will generate nearly 80% of the additional AM and PM peak time movements.

There has yet to be a formal planning application submitted for KSS2 (south) or for any part of KSS3. The level of traffic growth using the junction solely as a result of the development proposed by this application will not be sufficient alone to justify these works at the outset. Imposing a requirement to contribute towards the works would therefore not meet the statutory requirements discussed above. It would therefore seem appropriate that the costs of delivering those works is proportionately borne by KSS2 (south) and KSS3 when applications for those sites come forward, and the works be delivered in accordance with a programme aligned to the predicted levels of traffic growth. .

In respect of works to the Greyhound Roundabout, it is tightly constrained by surrounding developments, therefore it is not practical to deliver any significant alterations to it. The delivery of a spine road through the KSS2 site has been demonstrated in the modelling work to be the most effective way form of mitigation for congestion at this roundabout, given that it will help divert traffic away from it, particularly from the south.

The need for the additional 100m long west-bound approach lane and an additional circulatory land on the southern quadrant of the A5156/A534/Holt Road roundabout is required to accommodate the traffic associated with 710 dwellings on KSS2 (as above, assumed to be 250 on the application site and 460 on the southern part) and

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half of KSS3. The works are not required to cater for the application proposals by themselves, given that modelling work identifies that there is capacity at the existing junction to accommodate 710 dwellings, 110 dwellings more than is proposed by this application.

Notwithstanding the above, dwellings are projected to be delivered on this application site in the next 12 months and as a result the site is likely to be the largest net contributor of additional traffic in the foreseeable future. The applicants have submitted a plan that proposes the delivery a 40m long west-bound approach lane and an additional circulatory lane on the southern quadrant of the A5156/A534/Holt Road roundabout, which would be implemented prior to the completion of 250 dwellings on the application site. In my opinion these works appear proportionate to the impact that would arise directly as a result of the development. These works would be required by condition.

It will also be necessary to ensure that the spine road is constructed across the site from the A5156/A534/Holt Road roundabout up to the site boundary with Bryn Estyn Road. This will be dealt with by conditions. In accordance with the modelling work undertaken, there will be a requirement that no more than 250 dwellings be occupied until the spine road has been completed across the site to its southern boundary. Based on the current projected rate of completions set out earlier in the report, the spine road would be completed to the southern boundary of the site during 2023-2024.

In light of the above, I am satisfied that the proposals will be provided with space means of vehicular access and subject to the completion of the junction improvements and the spine road, the development is unlikely to have a harmful impact upon highway capacity in the wider locality.

Ecology: The application is accompanied by an ecology report which includes recommendations in respect of the following:

Bats

Bat species have been recorded within the site, although activity levels were relative low and focussed on trees and hedgerows. Trees with both moderate and low potential to support bats were also identified. The layout and landscaping of the site will need to be designed to minimise the loss of bat habitat and to retain/provide corridors. These are matters that can be considered at in more detail at reserved matters stage. NRW have requested that light spillage assessment be submitted – this will be secured by condition.

Birds

The provision/retention of suitable habitat for birds will be considered in more detail at reserved matters stage, including (wherever possible) the retention of mature trees and hedgerows. Where the clearance of vegetation is required the report recommends that this should be undertaken outside of the bird nesting season.

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Great Crested Newts

The report confirms that potential Great Crested Newt (GCN) habitat is present within the site but no GCN were recorded on site during surveys. GCN are present in the vicinity of the site. The report recommends a number of mitigation measures that will ensure habitat for GCN is retained within the site and maintains habitat corridors in order to retain connectivity between off-site GCN habitats.

NRW have advised that should planning permission be granted, the provision of compensatory habitat and long term maintenance and monitoring of habitat provision for GCN will need to be secured. These can be secured by way of planning conditions and, in respect of long term management, by a Planning Obligation. The layout and landscaping of the development will also need to have regard to habitat provision, however these will be considered in more detail at reserved matters stage.

NRW have advised that they consider the development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts subject to the measures discussed above. I concur with their advice.

Hedgerows and trees: There are a number of hedgerows within the site that coincide with field boundaries. There are also mature trees within the site – most being found within the hedgerows. The indicative plan suggests that there is sufficient scope to incorporate many of the existing hedgerows and trees into the site layout, with the provision of public open space providing an opportunity for compensatory planting where hedgerow and/or trees are lost. This is a matter that will be given further consideration when approval for layout and landscaping is sought at reserved matters stage. It would however be appropriate to impose a condition to secure an arboricultural method statement so that protection measures are put in place during construction works to minimise the risk of damage to hedgerows and trees that are retained.

Drainage: Welsh Water has not identified any concerns about the capacity of the local foul water drainage network nor of the Waste Water Treatment works for to accommodate the development. I have no reason to dispute this advice.

Whilst I note the comments made by the Senior Flood Officer, the surface water drainage arrangements for the site will need approval separately from the Council as Sustainable Drainage Systems Approval Body (SAB) before development commences on site. There is no requirement for SAB approval to be obtained before planning permission is granted. I recognise that full details of the surface water drainage scheme(s) for the site are integral to the layout of the site, however the responsibility lies with the applicants to ensure that they take account of SAB requirements when they seek approval for site layout at reserved matters stage.

The site was subject to investigations prior to the submission of the planning application which indicated that ground conditions are generally favourable for infiltration drainage. I therefore see no reason why it should not be possible for

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surface water run-off from hard surfaces to be managed within the site and without undue risk of off-site surface water flooding.

Education: Education have confirmed that contributions towards primary and secondary provision are required. These will be secured by way of a planning obligation.

As already discussed earlier in this report, the site forms part of the LDP KSS2 allocation. Policy SP5 of the LDP identifies the provision of a new primary school (rather than the extension to existing schools) to be necessary infrastructure for the delivery of the site. The location of the school has yet to be finalised, however a number of potential options for it exist on the southern park of KSS2. Granting permission for development on the application site will therefore not prejudice the delivery of the school.

Healthcare: Whilst noting the response from the Health Board contributions can only be sought via Planning Obligations where they meet the tests discussed earlier in this report.

Officers met with the Health Board to discuss the two Key Strategic Site LDP allocations in June 2019, however I have not been provided with evidence to demonstrate:

- i. specific additional local healthcare infrastructure would be necessary to make the development acceptable in planning terms (i.e. that permission should be refused unless contributions are made); and
- ii. the scope of any such contributions or how they are directly related to the scale of the development and the impact it is likely to have.

In the absence of such evidence the statutory tests for seeking contributions via a Planning Obligation have not been satisfied. In addition, this matter has been considered by the LDP Inspectors through the EiP. In their post-hearing issues note of 13 December 2019 they commented as follows:

We heard during the sessions of shortcomings in the County Borough in the provision of health facilities. The local Health Board, which does not object to the LDP, states in its consultation responses that it is not the provision of buildings for additional services which is the issue but the availability of the required workforce. We have little evidence, therefore, that the availability of health services is a compelling reason to prevent or limit residential development.

It is not the role of the planning system to address shortfalls in the provision of staff in key public services. Planning conditions and obligations can only be used to secure physical infrastructure where there is evidence that this is necessary to adequately accommodate additional demand arising from a particular development.

Taking all of the above into account, concerns regarding local healthcare infrastructure would not be a valid reason to refuse planning permission.

Minerals: The site is subject to UDP policy MW9 which applies to areas where there are potentially exploitable mineral reserves. The policy states that non-mineral

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development will not be permitted unless it has been demonstrated that no exploitable mineral reserves existing within the site. Where a development materially prejudices mineral resources, the policy requires provision to be made for prior removal of the mineral resources.

Whilst the site is proposed for allocation in the LDP, paragraph 5.29 of the Deposit Plan states that for the to KSS allocations '*a Prior Extraction Assessment will be sought in accordance with policy MW1 as it is considered that any opportunities to recover mineral prior to housing development should be sought on both sites*'.

Policy MW1 of the LDP seeks to protect potentially exploitable mineral resources and therefore states that non-mineral development will only be supported where:

- i. The mineral underlying the site does not merit extraction, or
- ii. The need for the non-mineral development outweighs the need to protect the resource, or
- iii. The mineral can be satisfactorily extracted prior to the non-mineral development, or
- iv. The development is of a temporary nature or can be removed within the timescales within which the mineral is likely to be needed, and
- v. Essential infrastructure that supports the supply of minerals would not be compromised or would be provided elsewhere.

The North and Minerals Waste Planning Service have advised that the development impacts upon minerals of national importance and that the Prior Extraction Report does not provide sufficient evidence to justify their loss. Whilst noting this advice, it was provided in February 2019 and a considerable amount of time has elapsed since then.

The considerable and a long term undersupply of housing has been discussed earlier in this report. Although there have been a number of residential developments granted planning permission since February 2019, these alone will not ensure that a sufficient supply of housing is delivered over the remaining plan period.

During the LDP hearing sessions on housing provision held in 2019, the Council was asked to give further consideration to the anticipated contribution that windfall sites are likely to make to the overall delivery of housing provision over the remaining Plan period. Having done so (and as set out in document M3.01R) it has been acknowledged that there will be a shortfall of 94 dwellings. This position was reaffirmed in a further EiP hearing session held on 11th of March 2020. The shortfall of 94 dwellings assumes the delivery of all of the 600 dwellings proposed on the application site by 2028 and would be increased if there is any further significant delay the development coming forward.

Taking account all of the above, not only is it clear that there is a significant need for this development, in my opinion the need outweighs the harm arising from the loss of mineral resources in this instance. Accordingly I do not believe there are grounds to delay or to refuse the application on the grounds of conflict with UDP policy MW1 or indeed looking further ahead, LDP policy MW1.

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Residential amenity: The site is bounded by existing dwellings to the west and to the south. The development will inevitably result in a significant change to the outlook currently enjoyed by the occupiers of those properties, however the loss or alteration of a view over land is not a material planning consideration.

Given that this is an outline planning application with all matters except the main site access reserved, the relationship between existing and proposed dwellings in respect of residential amenity will be considered in more detail at reserved matters stage. I have no reason to doubt at this stage that adequate separation distances can be provided to ensure that the amenity of existing occupiers is not unacceptable compromised by way of loss of light, privacy or as a result of the new dwellings proving overbearing.

Archaeology: In their initial response, CPAT advised that additional site investigations be carried out. Following the completion of a geophysical assessment of the site, CPAT advised that trenches be dug. These were deemed necessary so that a more detailed investigation could be undertaken of certain features identified by the geophysical assessment. The report submitted following the completion of the excavation work has identified areas of the site where no further works are required, but also areas where additional site investigations are needed before development commences. CPAT have agreed that this is a matter than can be dealt with by planning condition.

Well-being and Future Generations (Wales) Act 2015: In reaching this decision I have considered the duty the duty imposed by the Act to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle. I have also had taken account of the current version of Planning Policy Wales, which itself has been revised to ensure it fulfils the requirements of the Act. It should also be noted that the LDP (and therefore the decision to propose the KSS2 allocation) has been prepared with regards to the requirements of the Act. I consider that the granting of planning permission would be in accordance with the sustainable development principle and is therefore in accordance with the requirements of the Act.

CONCLUSION

It is acknowledged that the proposals conflict with UDP policies as a result of being outside of the settlement limit, within a Green Barrier and including BMV land. However this must be balanced against the following:

- that the UDP is time expired;
- that there is a need to deliver 7,750 new homes in the County Borough;
- that there has been a considerable and persistent undersupply of housing between 2013 and 2019;
- that this development will make a very significant contribution to meeting the housing requirement and in turn the delivery of the LDP as a whole.

In my opinion, taken together the consideration set out above constitute very exceptional circumstances that sway the overall planning balance in favour of

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granting permission despite the conflict with UDP policies PS1, EC1, EC2, H5 and MW9.

I am satisfied that subject to the matters addressed by the planning obligation and conditions set out below, the proposals will be acceptable in respect of highway capacity and safety, residential amenity, foul and surface water drainage, hedgerows and trees, ecological considerations and community infrastructure. In that regard the proposals are in accordance with policies GDP1, GDP2, EC4, EC6, CLF5 and T8.

Members are reminded that as the developments proposes more than 150 dwellings and represents a departure from the provisions of the UDP, the requirements of Circular 07/12: The Town and Country Planning (Notification) (Wales) Direction 2012 applies. Should Members resolve to grant planning permission, the Council is required by the Circular to give notice of its intentions to the Welsh Government who then have a statutory period of 21 days to determine whether to call the application in or not.

RECOMMENDATION A

In accordance with the requirements of Circular 07/12: The Town and Country Planning (Notification) (Wales) Direction 2012 in respect of a significant residential development that is not in accordance with one or more provisions of the UDP, that the application be referred to the Welsh Ministers

If the Welsh Ministers issue confirmation that they do not intend to call the application or no response is received from the Welsh Ministers following the expiry of 21 days from the date the application is referred to them, that the Chief Officer Planning and Regulatory be given delegated authority to determine the application in accordance with Recommendations B, C and D below.

RECOMMENDATION B

That the Council enters into an Obligation under Section 106 of the Town and Country Planning Act 1990 to secure:

- a) The provision of affordable houses, with 20% of the total number of dwellings built on site required to be affordable;
- b) The payment of a commuted sum in order to secure the full 20% affordable housing in the event of part of the affordable housing requirement being less than a full dwelling unit.
- c) A financial contribution towards the construction of a spine road connecting the A5156/A534 Holt Road roundabout with Cefn Road
- d) The management and maintenance on-site public open space;
- e) The long term management and maintenance of any on-site habitat mitigation a may be provided;
- f) Financial contributions towards primary and secondary education.

That the Chief Officer Planning and Regulatory be given delegated authority to approve the final form and content of the Obligation.

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RECOMMENDATION C

Upon completion of the Planning Obligation that permission be **GRANTED** subject to the following conditions:

CONDITION(S)

1. Details of the access (other than the northern site access as shown on drawing no. CBO-0322-017), appearance, landscaping of the site, layout and scale, (hereinafter called ""the reserved matters'") for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development on that phase begins. The development shall be carried out in accordance with the details as approved for each phase of the development.
2. The first reserved matters application shall include a plan showing the first phase of development and location of all subsequent phases of development (hereinafter called ""the Phasing Plan"). The Phasing Plan shall include the percentage of affordable housing in each phase and the phasing of a Spine Road to connect the northern site access shown on drawing no. CBO-0322-017 to the site boundary with Bryn Estyn Road. All subsequent reserved matters applications shall be submitted in accordance with the approved Phasing Plan.
3. Plans and particulars of the first reserved matters referred to in conditions 1 and 2 shall be submitted in writing to the Local Planning Authority not later than 1 year from the date of this permission. The reserved matters applications for subsequent phases of the development shall be submitted not later than 3 years from the date of this permission. The development shall only be carried out in strict conformity with such details as are thereby approved.
4. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission or two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.
5. No dwelling shall be occupied until the vehicular access from the site onto the A5156/A534/Holt Road roundabout has been laid out, surfaced and drained in strict accordance with the details shown on drawing no. CBO-0322-017.
6. No more than 250 dwellings shall be occupied on site the following alterations to the A5156/A534/Holt Road roundabout shall be laid out, surface and drainage in strict accordance with the details shown on drawing no. CBO-0322-017:
 - a) The widening of the southern quadrant of the roundabout to 3 lanes;
 - b) The widening of the A534 approach to 3 lanes; and
 - c) Associated road markings.
7. Reserved matters submissions relating to a phase that includes the route of the Spine Road referred to in condition 2 of this planning permission, shall include full details of the Spine Road to be constructed and a timescale for its delivery. No more than 250 dwellings shall be occupied on the site until the full length of the Spine Road has been completed to base coat standard.
8. The submissions made in respect of condition 01 for each phase shall include an ecological method statement and management plan that shall include the following:
 - a) Great Crested Newt mitigation, compensation and Reasonable Avoidance Measures;
 - b) Measures to avoid adverse impacts upon nesting birds;
 - c) A biosecurity risk assessment;

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d) Timescales for the implementation of all mitigation, compensation and avoidance measures.

Development in that phase shall thereafter take place in strict accordance with the details that are approved.

9. No development shall take place within any part of a phase of the development that lies within 250 metres of the eastern boundary of the site or within 25 metres of any part of the site identified on drawing no. R2062-R01-001 until a phased site investigation of the nature and extent of contamination has been carried out on the land in that phase falling within those areas and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, development shall not commence within the area subject to the investigation until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Remediation works thereafter shall be carried out in strict accordance with the approved scheme.

10. If, during the course of development, any contamination is found on a part of the site that has not been identified in the site investigation, no further development shall take place on that part of the site until an scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

11. No dwelling shall be occupied on any part of the site that has been subject to remediation until a Verification Report which demonstrates that the works approved as part of conditions no. 9 and/or 10 above have been carried out, has been submitted to and approved in writing by the Local Planning Authority.

12. Development in each phase shall not commence until archaeological work in that phase has been undertaken. The work shall comprise of the following:

i) A scheme of additional Archaeological Evaluation to be carried out in accordance with a written scheme of investigation which has been first been submitted to and approved in writing by the Local Planning Authority. The scheme must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for archaeological field evaluation.

ii) Upon completion of the scheme Archaeological Investigation, a copy of the Evaluation report shall be submitted to and approved in writing by the Local Planning Authority. A copy of the the approved report shall be submitted to the Development Control Archaeologist and the regional Welsh Archaeological Trust for inclusion in the Historic Environment Record (HER).

iii) Where the evaluation report identifies safeguarding measures required to ensure preservation in situ of important archaeological remains and/or further archaeological investigation, recording and reporting shall be implemented, these works will be undertaken in accordance with a written scheme of investigation that shall first have been submitted to and approved in writing by the Local Planning Authority. A copy of any additional resulting report shall be submitted to and approved in writing by the. Following approval, the report will be submitted to the Development Control Archaeologist and the regional Welsh Archaeological Trust for inclusion in the Historic Environment Record (HER).

13. No part of the development within each phase shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage for that phase has been submitted to and

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
Dated 27th JULY 2020

approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
- ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
- iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

14. . No part of the development shall commence in each phase until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority for that phase. No development or other operations within that phase shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

- 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- 2) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- 3) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
- 4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- 5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- 6) Method for protecting retained trees during demolition works;
- 7) Details of all proposed tree works, including felling and pruning.

15. The landscaping and layout Reserved Matters shall include an area or areas of public open space to be provided within each phase, together with a scheme that includes the following details:

- 1) the siting, size, layout and appearance of any formal equipped play areas;
 - 2) hard and soft landscaping of the open space area(s);
 - 3) the timing of the construction and landscaping of the open space area(s);
- Public open space shall be provided on site within each phase in accordance with the approved scheme and permanently retained thereafter.

16. No street lighting shall be installed on any part of the site until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a light spillage assessment and details that demonstrate how the street lighting has been sited and designed so as to minimise

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
Dated 27th JULY 2020

the potential impact upon bat species. Street lighting shall thereafter only be installed in accordance with the scheme as approved.

17. This development makes provision for a maximum of 600 dwellings

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
2. To ensure that the development of the site takes place in a coordinated manner and to ensure compliance with UDP policy H7 in respect of the delivery of affordable housing.
3. To comply with Section 92 of the Town and Country Planning Act, 1990.
4. To comply with Section 92 of the Town and Country Planning Act, 1990.
5. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. To ensure the delivery of a strategically important piece of highway infrastructure in accordance with policies GDP1 and GDP2 of the Wrexham Unitary Development Plan
8. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
9. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. To ensure that any features within the site that are of archaeological significance are identified, recorded and, where necessary, preserved in accordance with Policy EC11 of the Wrexham Unitary Development Plan.
13. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
14. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
15. In the interests of the appearance of the development and the standard of amenity afforded to future occupiers - UDP Policies GDP1(a) and CLF5
16. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
17. To define the extent of the development.

RECOMMENDATION D

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 is not completed within six months of the date of the Committee resolution the

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
Dated 27th JULY 2020

Chief Officer Planning and Regulatory be given delegated authority to refuse the application for the following reasons:

1. The development will not make any contribution towards the provision affordable housing and therefore conflicts with policy H7 of the Wrexham Unitary Development Plan.
 2. The development makes inadequate provision for the long term maintenance of on-site open space and habitat mitigation and as such does not accord with policies GDP1, EC6 and CLF5 of the Wrexham Unitary Development Plan.
 3. The development does not make adequate provision for securing strategic highway infrastructure and therefore does not comply with policies GDP1 and GDP2 of the Wrexham Unitary Development Plan.
 4. There is inadequate provision for additional school capacity. Without this additional provision, existing schools do not have sufficient capacity to cater for the development. As such the development does not accord with policy GDP2 of the Wrexham Unitary Development Plan.
-

APPENDIX 4

P/2019/0005 – PLANNING COMMITTEE REPORT ADDENDUM

Public Pack

Cyngor Bwrdeistref Sirol Wrecsam/ Wrexham County Borough Council
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www.wrecsam.gov.uk www.wrexham.gov.uk
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Eich Cyf/Your Ref	
Ein Cyf/Our Ref	
Dyddiad/Date	29 July 2020
Gofynner am/Ask for	Annette Sellwood
Rhif Cyswllt/Contact No	01978 292242
E-bost/E-mail	annette.sellwood@wrexham.gov.uk

Dear Councillor

Planning Committee - Monday, 27 July 2020

I refer to the agenda for the above meeting recently circulated and now enclose the following:

1.

Addendum

Yours faithfully

Sioned Wyn Davies
Prif Swyddog Llywodraethu a Chwsmeriaid
Chief Officer Governance & Customer

WREXHAM COUNTY BOROUGH COUNCIL
PLANNING COMMITTEE MEETING OF
27th JULY 2020

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
ADDENDUM REPORT

This report summarises information received since the Agenda was compiled including, as appropriate, suggested amendments to recommendations in the light of that information. It also lists those people wishing to address the Committee.

Where the Council has received a request to address the Committee, the applications concerned will be considered first in the order indicated in the table below. The remaining applications will then be considered in the order shown on the original agenda unless indicated by the Chair.

ITEM 4 – DEVELOPMENT CONTROL APPLICATIONS

Page Nos	Community	Planning Ref	Speaker Against	Speaker For
13 – 26	WRO	P/2018/0915		√
27 – 66	HOL	P/2019/0005	√	√
67 – 72	CEF	P/2019/0122	√	√
89 – 98	BRY	P/2020/0059		√
105 – 115	ESC	P/2020/0072		√
123 – 129	LGC	P/2020/0091		√
141 – 152	RHO	P/2020/0103	√	√
153 – 160	GWE	P/2020/0108	√	
161 – 172	ISY	P/2020/0167		√
173 – 178	OVE	P/2020/0174		√

Pages 13 – 26 WRO P/2018/0915

Central Buildings and Adjoining Land, Brook Street, Wrexham

SPEAKER: **FOR – Ben Thornley (Agent)**

Pages 27 – 66 HOL P/2019/0005

Land South of Holt Road, Wrexham

SPEAKERS: **AGAINST – Trevor Coxon (Neighbouring resident)**
FOR – Vincent Ryan (Agent)

Representations

4 additional representations expressing the following comments:

- *Determination of the application in advance of the LPD Inspectors report is premature;*
- *If the land is to be developed it has to be developed sensitively and holistically in recognition of the wildlife present on the site, the quality of agricultural land*

being lost, impact upon the road an infrastructure network, schools and primary healthcare provision.

- If this allocation remains then it needs to be granted permission whole allocated site, with the infrastructure required secured from the whole development allocation.*
- Fear that if this application is granted in isolation now the rest of the site will fail to deliver the distributor road from the Link Road to Cefn Road. The development will then access the site from Thornhurst Drive on the small adjacent Fairways Estate;*
- Disruption from traffic generated during construction work which can only access the site via Bryn Estyn Road;*
- Request permission is refused. If Committee is inclined to grant permission it should be subject to a condition that no highway access is permitted from the Fairways Estate.*

Applicant's Submission

The applicants' agents have submitted a statement setting out the following points:

Minerals

Whilst our clients are in agreement with the position set out in the Committee Report that addresses the matter of minerals safeguarding, it is important to add our clients' position, which is that any mineral resource of value that needs to be removed from the Site when creating a developable platform will be made available to the aggregates industry. It is an agreed position with the Minerals Planning Service that the developers would not be expected to extract any resource below a developable platform.

Drainage

For good order, our clients wish to confirm the position set out in the Committee Report, namely that the drainage scheme that will be designed for this Site will need to meet the requirements of the SuDs Approval Body (SAB). Our clients will continue to work with the SAB and the Council to design and agree an acceptable drainage scheme that will be presented at reserved matters stage.

Observations

The projected completions for the site were omitted in error from the table on page 47. The table is therefore reproduced in full:

Year	Completions
2020 – 2021	0
2021 – 2022	50
2022 – 2023	100
2023 – 2024	100
2024 – 2025	100
2025 – 2026	100
2026 – 2027	100
2027 – 2028	50
Total Within Plan Period	600

The text in the table on page 54 is partially obscured. The table is therefore reproduced below:

Mitigation	Timing
Signalisation of the A534 / Blackwood Way roundabout as well as an additional 100m long west-bound approach lane and an additional circulatory lane on the southern quadrant of the A5156 / A534 / Holt Road roundabout	Required when 710 dwellings are occupied on KSS2, assumed to be 250 dwellings on the northern part of KSS2 (i.e. the application site) and 460 dwellings on the southern part) and approximately half of KSS3 has been developed
Spine road through KSS2 from the A5156 / A534 Holt Road to Cefn Road	Required for the number of dwellings occupied in KSS2 to exceed 710, again assumed to be 250 dwellings on the northern part of KSS2 and 460 on the southern part
An additional 100m long south bound approach lane, additional circulatory lane on the northern quadrant and signalisation of the A5156 / A534 / Holt Road	Required when the remainder of KSS2 is built out and for KSS3 to be fully developed

With regards to the additional representations, even if this application were deferred until the LDP Inspectors have delivered their binding report or until the LDP is adopted, there is nothing in LDP policy SP5 that requires planning permission to be sought for KSS2 in its entirety. Granting permission for this application now does not make it any more likely that different parts of the site will come forward at different times, indeed given the size of the site I would expect it to be delivered in a phased manner. The infrastructure to required the phased development of the site can and will be secured by way of conditions and/or Planning Obligations in proportion of the impacts each phase will have.

Recommendation

Unchanged

Pages 67 – 72 CEF P/2019/0122

Land to the rear of Hillcrest, Bethania Road, Acrefair, Wrexham

SPEAKER: AGAINST – Isabel Twigg (Neighbouring Resident)

 FOR – Dafydd Edwards (Agent)

Representations

1 additional objection making the following comments:

- The access is substandard
- Very busy road as people park to go to Chinese
- The gate is only for one vehicle, no way to extend it;
- Torphin and Hillcrest will be looking directly at gable end of garage and house
- Could they go down the field another 5m

Observations

The above matters are addressed in my main report

Recommendation

Unchanged

Pages 89 – 98 BRY P/2020/0059

Vacant land opposite Bryn Gwenfro, Tanyfron, Wrexham

SPEAKER: FOR – Thea Osmund-Smith (Representing Applicant)

Pages 105 – 115 ESC P/2020/0072

Scrap Yard, Llwyneinion Road, Legacy, Wrexham

SPEAKER: FOR – Dafydd Edwards (Agent)

Applicant's Submission

A drainage layout plan has been submitted

Observations

The plans submitted do not include sufficient information to demonstrate that the site can be drained in accordance with statutory requirements. The scheme would however need approval from the Sustainable Drainage Systems Approval Body (SAB). Given that the application is in outline with all matters reserved, the drainage layout may well need to change to reflect the layout of the development. A detailed drainage scheme could however be required by condition.

Recommendation

Unchanged

Pages 123 – 129 LGC P/2020/0091

Pistyll y Garth, Glyn Ceiriog, Wrexham

SPEAKER: FOR – Mr C Bexhell (Applicant)

Pages 141 – 152 RHO P/2020/0103

Land off North Road, Ponciau, Wrexham

SPEAKER: AGAINST – Bob Dewey (Representing Neighbouring Residents)

FOR – Nick Stockdale (Representing Clwyd Alyn Housing Association)

Consultations

Housing: This 100% Affordable Housing scheme has been put forward by the RSL within the Welsh Government's Planned Development Programme and has secured a substantial allocation of WG Social Housing Grant Funding to support its delivery. To ensure most effective use of grant funding all allocations are reviewed on a quarterly basis. Should the application not be determined by September 2020, it is possible this funding will have to be de-committed from this project and the County Borough, if the Registered Social Landlord cannot evidence that it is in a position to enter into contract with the developer

Recommendation

Unchanged

Pages 153 – 160 GWE P/2020/0108

Car Park of former Black Horse Inn Top Road, Summerhill, Wrexham

SPEAKER: AGAINST – Mr Mike Ford (Representing Neighbours)

Representations

2 additional objections expressing the following comments:

- Entrance through the car park has been used since the 1960s;
- Access is needed to provide essential medical deliveries to medical equipment at the rear of No.1 Phoenix Cottage. Deliveries would be extremely difficult under the new plans;
- Medical staff visiting No.1 Phoenix Cottage need an area to park safely and also gain access as a matter of urgency to provide care

Observations

Whilst I understand the concerns expressed above, as explained in my main report, whether there are any established rights of access across the site is a private, legal matter rather than a planning consideration.

Recommendation

Unchanged

Pages 161 – 172 ISY P/2020/0167

Land South of Ridleywood Lane and East of Bryn Lane, Wrexham Industrial Estate, Wrexham

SPEAKER: FOR – Robin Jones (Agent)

Representations

2 further representations received expressing the following concerns:

- Planning permission was originally granted because it was claimed there was a need for the development;
- History now shows planning permission was not needed.

Observations

The above matters are addressed in my main report

Recommendation

Unchanged

Pages 173 – 178 OVE P/2020/0174

Badger Bank Barn, Cloy Lane, Overton, Wrexham

SPEAKER: FOR – Dafydd Edwards (Agent)

APPENDIX 5
P/2019/0005 – DECISION NOTICE

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

1
Expiry Date: 11/03/2019
Decision Notice Sent: 29/07/2020
Grid Reference: E 336009.5 N 351603.85

Applicant	BARRATT HOMES AND BLOOR HOMES NORTH WEST AND	Code No	HOL P /2019 /0005
Agent	BARTON WILLMORE MR VINCENT RYAN 18-22 MANCHESTER HOUSE BARTON WILLMORE BRIDGE STREET MANCHESTER M3 3BZ	Date Received	04/01/2019
		Decision Date	27/07/2020

Town and Country Planning Act, 1990

Location of application

LAND SOUTH OF, HOLT ROAD, , WREXHAM,, LL13 9SA

Description of application

OUTLINE APPLICATION FOR THE CONSTRUCTION OF UP TO 600 DWELLINGS, WITH ASSOCIATED LANDSCAPING, PUBLIC OPEN SPACE AND ON-SITE INFRASTRUCTURE, WITH ALL MATTERS RESERVED EXCEPT FROM THE NORTHERN SITE ACCESS

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

EC1	Green Barriers
EC2	Agricultural Land
EC4	Hedgerows, Trees and Woodland
EC6	Biodiversity Conservation
H5	Housing in the countryside
H7	Affordable housing within new developments
MW9	Protection of mineral resources
PS1	Settlement limits
PS2	Development and the environment
T8	Parking

Applicant	BARRATT HOMES AND BLOOR HOMES NORTH WEST AND	Code No	HOL P /2019 /0005
Agent	BARTON WILLMORE MR VINCENT RYAN 18-22 MANCHESTER HOUSE BARTON WILLMORE BRIDGE STREET MANCHESTER M3 3BZ	Date Received	04/01/2019
		Decision Date	27/07/2020

Particulars of decision that Outline Planning Permission be REFUSED

Reason(s)

1. The proposed development lies outside the settlement limit and within a designated green barrier. To allow the development would be contrary to policies PS1, EC1, EC2, H5, MW9, GDP1, GDP2 and CLF5 of the adopted Wrexham Unitary Development Plan.
2. The proposal has failed to apply the sequential test and justify the loss of BMV agricultural land in accordance with the procedure required by PPW 3.54 and 3.55.
3. The proposed development conflicts with PPW10 paragraph 3.21 in failing to consider the impact upon health facilities and the need for further provision to meet increased demand.



**Officer Appointed for this purpose
Chief Officer Planning & Regulatory**

Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

APPENDIX 6
ECONOMIC BENEFITS SUMMARY

FAMILY HOMES

600

OF WHICH
25%
ARE AFFORDABLE

CONSTRUCTION JOBS

DIRECT:
173

INDIRECT:
154

CONSTRUCTION GVA

£95.9M

RESIDENT GVA PER ANNUM

£32.2
MILLION

RESIDENT EXPENDITURE PER ANNUM

£10
MILLION

ANNUAL COUNCIL TAX

£0.9M