

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
Land South of Holt Road Wrexham**

PLANNING OBLIGATION REQUIREMENTS

**PLANNING REF: P/2019/0005
PINS REF: 3263516**

1.0 S106 Agreement

1.1 The Council contends that a Planning Obligation is required to secure the following:

- Financial contributions towards primary education;
- Financial contributions towards secondary education;
- The management of on-site public open space;
- Affordable housing;
- Contributions towards the construction of a spine road;
- Ecological Management Plan.

2.0 Contributions to Education

2.1 The appeal site forms part of the wider Key Strategic Site 2 allocation in the adopted Local Development Plan (LDP). Policy SP4 of the LDP identifies the site as being expected to deliver 1,680 homes. Based on the indicative house type mix in the appellant's Design and Access Statement and formulae in Local Planning Guidance Note (LPGN) 27: Developer Contributions to Schools¹ (which are underpinned by data from the 2011 Census), the number of pupils of primary and secondary age that could be generated by the appeal proposals and the KSS2 allocation as a whole are set out in the table below.

School Type	Appeal Proposals	KSS2 Allocation
Primary	140	395
Secondary	125	350

Financial contributions towards primary education

2.2 Policy SP4 of the LDP requires the provision of a 420 place primary school to be provided on the KSS2 site. The final location of the school has yet to be finalised, although it would be situated on land south of Bryn Estyn Lane.

2.3 As noted above, the KSS2 allocation as a whole is likely to generate a sufficient number of children to justify a new primary school. Moreover, being a strategic allocation, delivering a school on site would achieve place making by ensuring that there are key community facilities on the KSS2 development that are accessible by non-car means from all parts of the site.

2.3 So far, there is only one other planning obligation that secures contributions towards the primary school required by policy SP4.

2.4 On 21 June 2021, outline planning permission was granted for 74 dwellings on land north of Holt Road (appeal reference APP/H6955/A/19/3238470, WCBC reference P/2018/0673), approximately 500m from the appeal site. The planning permission is subject to a Unilateral Undertaking that requires financial contributions to be paid towards primary school provision. It also specifies the contributions are to be spent towards the provision, improvement

¹ <https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-27e.pdf>

or extension of primary education facilities at Borrass Park County School or to contribute towards the cost of the provision of a new primary school on the KSS2 allocation.

2.5 Borrass Park County School is the nearest existing school to land north of Holt Road. However the site also lies within 1km of all parts of the KSS2 allocation. Given that one of the options to for additional primary school capacity to serve that development is the school delivered on the KSS2 site and that this school would be within walking distance of that it, it was considered appropriate to provide a degree of flexibility in how the contributions were spent.

2.6 The proposed Planning Obligation would accord with Regulation 123 of The Community Infrastructure Levy Regulations 2010.

Financial contributions towards secondary education

2.7 There are 4 secondary schools in Wrexham City. Details of these and their existing capacity is show in the table below

School Name (Nearest to Development)	Distance to School (Miles)	Published Capacity of School (Taken from Parents Guide 2023)	Capacity 10% (Recommended Surplus Required)	Capacity of School (Including 10% Surplus Recommended by School Organisation Code)	Number on Roll
Rhosnesni	1.623	1200	120	1080	1094
St Josephs	3.186	685	68.5	616.5	734
Ysgol Morgan Llwyd	1.64	965	96.5	868.5	809
Clywedog	3.462	888	88.8	799.2	846

2.8 Based on the above, the Education Department have advised that there would be insufficient capacity at the secondary schools in Wrexham to accommodate the number of secondary ages pupils likely to be generated by the development.

2.9 The number of existing Planning Obligations that relate to each of the secondary schools listed in the table are as follows:

- Rhosnesni – 0;
- St Josephs – 0;
- Yshol Morgan Llwyd – 1; and
- Clywedog - 2

2.10 The Planning Obligation for the proposed development would accord with Regulation 123 of The Community Infrastructure Levy Regulations 2010.

3.0 Public Open Space

- 3.1 Policy CF2 the Local Development Plan sets out requirements for all developments of 10 or more dwellings to make provision for public open space. Public open space is key to providing opportunities for formal and/or informal recreation for future occupiers of the development. However it is also a key feature to securing good design, as required by policy DM1, can contribute to promoting health and wellbeing, as required by policy SP13 and would provide green Infrastructure as required by SP19.
- 3.2 Where open space is provided on site it is essential that adequate provision is made for its long term ownership and management. This would ensure the open space area(s) remain usable and do not fall into a state of disrepair to the detriment of the amenity of occupiers of the development as well as the appearance of the site. Local Planning Guidance Note (LPGN) 10: Public Open Space in New Housing Development² provides advice regarding the future maintenance of open space, including provision for future maintenance where open space is not intended to be adopted by the Council. LPGN10 was last updated in 2008. Following the option of the LDP in December 2023, LPGN10 will be superseded in due course by a new SPG. Whilst some of the content of LPGN10 is now outdated following the adoption of the LDP, the guidance regarding the future maintenance is considered to still be relevant.
- 3.3 The Council's Environment Department does not routinely adopt public open space and has not done so for some time. When determining planning applications where on-site open space is provided, the Council will normally require a Planning Obligation to set out arrangements for private management of open space. The proposed Planning Obligation satisfies these requirements and in turn would ensure the development accords with policy CF2.

4.0 Affordable Housing

- 4.1 Policy SP4 of the LDP sets a site specific requirement for affordable housing for the KSS2 allocation. The policy states that the starting point is the delivery of 20% affordable housing. This is expected to be delivered on site.
- 4.2 The Planning Obligation would ensure the development complies with the policy, the arrangements for securing a mix of affordable housing tenures and ensuring that the affordable dwellings are made available to local people in need of affordable housing.

5.0 Spine Road

- 5.1. Policy SP4 of the LDP identifies are requirement for:
- Highway improvements to address known infrastructure capacity constraints at the Greyhound Roundabout; and

² <https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-10e.pdf>

- Connectivity between the land to the north and south of Bryn Estyn Road

- 5.2 The provision of a spine road running from the Holt Road access, through the appeal site southwards across Bryn Estyn Lane and then crossing the southern part of the KSS2 site is essential to meeting both of the above requirements.
- 5.3 Highway modelling work has identified that the spine road is required prior to the occupation of 710 dwellings on the whole KSS2 site, which was assumed to be 250 dwellings on the appeal site and 460 on the southern part of KSS2.
- 5.4 The spine road can progressively be constructed across the appeal site, with details submitted via subsequent applications for approval of reserved matters. The provision of a spine road across the southern part of KSS2 can be secured when applications for planning permission are made to the Local Planning Authority in due course.
- 5.5 Contributions are required to fund the delivery of the sections of the spine road that will cross land that lies outside of the control of the appellants or the owners/developers of the southern part of KSS2. Based on the plan submitted with the Planning Obligation, this would be land within the Council's ownership. It is therefore necessary to secure a financial contribution from the appellants towards the cost of the delivery of this section of the spine road. In the longer term this will secure the objectives of Policy SP4 both in respect of connectivity and traffic mitigation.

6.0 Ecological Management Plan

- 6.1 Measures to avoid and mitigate for the impact on Great Crested Newts and to secure a net benefit to biodiversity are necessary to comply with policies SP14 and NE1 of the LDP and Chapter 6 of PPW12.
- 6.2 To ensure ecological and biodiversity benefits required by the scheme required by the condition 6 as set out in Agreed Planning Conditions appended to the Statement of Common Ground are secured in the long term, appropriate management arrangements need to be put in place.

7.0 Conclusion

- 7.1 In light of the above the Council considers the contributions sought by the S106 Agreement to be
 - Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.