



## Land South of Holt Road, Wrexham

### Planning Statement Addendum

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

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## 1.0 Introduction

- 1.1 This Planning Statement Addendum has been prepared by Stantec on behalf of Barratt Homes, Bloor Homes North West, John Raymond Jones and the Trustees of the Wrexham (Parochial) Education Foundation (the 'Applicants'), to supplement the Planning Statement previously submitted in respect of an outline planning application (LPA Reference: P/2021/0436) for the development of the Land South of Holt Road, Wrexham, hereafter referred to as the 'Site'.
- 1.2 This Addendum seeks to provide further justification for the development of the Site, and provide updates in relation to matters that have changed since the previous Planning Statement was prepared (May 2021), noting that the application has been subject to significant delays as a result of matters beyond the control of both the Applicants, or, to an extent, Wrexham County Borough Council ('WCBC' or 'the Council') as the local planning authority. These delays relate primarily to the matter of phosphates and the Council's protracted adoption of the Wrexham Local Development Plan, which have now been resolved. These matters are discussed in further detail within Section 2 of this Addendum.
- 1.3 This Addendum should be read in conjunction with the Planning Statement, Design and Access Statement and other technical reports already submitted in support of the aforementioned planning application, but only updates on matters which have changed since the previous planning statement was prepared. It serves to re-iterate why the development is considered to be appropriate and in accordance with Wrexham's adopted Development Plan and relevant national planning policy and guidance.
- 1.4 In addition to the submission of this Planning Statement Addendum, a series of other documents have been updated and submitted to the council. These include an updated ecology report and accompanying surveys, both to address the updates following the publication of PPW12, as well as the passage of time. A Green Infrastructure Statement has been prepared to address the requirement of Chapter 6 of PPW. Additionally, a Transport Assessment Addendum has been prepared to provide the most update position on highways matters, as well as an updated Energy Statement to address updates to the Building Regulations in recent months. ...
- 1.5 Following this updated assessment of the proposed development against the development plan, and other material considerations, it remains the Applicants' position that the proposed development will deliver clear economic, social and environmental benefits and is fully compliant with the adopted Local Development Plan., and therefore should be approved without delay.

## 2.0 Planning Assessment

- 2.1 This Section of the Addendum focuses on key updates that have taken place since the original Planning Statement was prepared in May 2021. The original Planning Statement does however remain pertinent to the proposed development and as such should be read in conjunction with this Addendum.

### Principle of Development

- 2.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004), and Paragraph 1.18 of Planning Policy Wales 12 (“PPW”), establishes a presumption in favour of sustainable development in accordance with the development plan, unless material considerations indicate otherwise.
- 2.3 A key update pertinent to the consideration of the Site is that, since the planning application was submitted, and the original Planning Statement drafted, WCBC has adopted its Local Development Plan 2013-2028 (LDP). This was formerly adopted by the Council in December 2023 and as such, replaces the old Wrexham Unitary Development Plan (UDP) in its entirety. This is important to the Site and the determination of this application, Whilst the emerging LDP was at an advanced stage when the previous Planning Statement was prepared, and the Site was part of a *draft* strategic housing allocation it could not be afforded full weight at the time; notwithstanding that the UDP was significantly out of date and the draft LDP was more reflective of development needs that existed at the time. The LDP is now afforded full weight.
- 2.4 The adoption of the LDP therefore means that the Site forms part of LDP allocation Key Strategic Site 2 (KSS2), which is detailed within LDP policy SP4. Policy SP4 states the following:

*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 1680 new homes, 1580 of which will be delivered within the plan period. Development will include an element of affordable housing and associated community uses, along with necessary infrastructure which will be delivered in a phased manner with specific details tied into planning consents:*

#### *Necessary Infrastructure:*

- *Highway 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 (65,393m<sup>2</sup>) 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.*

*Affordable Housing:*

- *The starting point for negotiation will be the delivery of 20% affordable housing.*
- *Affordable housing will be expected to be delivered on site in the first instance and only in exceptional circumstances will off site or commuted sum contributions be accepted in lieu of on-site provision.*

2.5 The Site forms part of the KSS2 allocation and, as set out in the previous Planning Statement, as well as this Addendum, complies with the provisions of LDP policy SP4<sup>1</sup> discussed above.

2.6 In wider terms, the LDP policies outlined within Table 3 of the original Planning Statement remain pertinent to the consideration of this application, albeit, having now been formerly adopted, they can be attributed full weight in the determination of the application. It is noted, however, that there has been a degree of change in the policy numbers, as well as some minor wording changes, and so an updated table of the relevant policies is provided at Table 1 below:

Table 1: Relevant LDP Policies (as adopted)

| Policy | Policy Name                                  |
|--------|----------------------------------------------|
| SP1    | Housing Provision                            |
| SP2    | Location of Development                      |
| SP4    | KSS2: Land East of Cefn Road, Wrexham        |
| SP5    | Planning Obligations                         |
| SP11   | Transport and Accessibility                  |
| SP12   | Design Principles & Masterplanning Framework |
| SP13   | Health and Wellbeing                         |
| SP14   | Natural Environment                          |
| SP15   | Historic and Cultural Environment            |

<sup>1</sup> Formerly policy SP5 in the Deposit version of the LDP.

| Policy | Policy Name                                                              |
|--------|--------------------------------------------------------------------------|
| SP16   | Minerals Supply and Safeguarding                                         |
| SP18   | Climate Change                                                           |
| SP19   | Green Infrastructure                                                     |
| H1     | Housing Allocations                                                      |
| H2     | Affordable Housing, Non-Strategic Housing Allocations and Windfall Sites |
| NE1    | International and National Nature Conservation Designations              |
| NE2    | Local Designations for nature Conservation and Geological Importance     |
| NE3    | Trees, Woodland and Hedgerows                                            |
| NE6    | Waste Water Treatment and River Water Quality                            |
| DM1    | Development Management Considerations                                    |
| CF2    | Provision of New Open Space                                              |
| WL1    | Welsh Language and the Social and Cultural Fabric of Communities         |
| T1     | Managing Transport Impacts                                               |
| T2     | Active Travel                                                            |
| T3     | Passenger Transport                                                      |
| MW1    | Mineral Safeguarding                                                     |
| RE1    | Development and Renewable Energy / Low Carbon Technology                 |

- 2.7 Any key changes in relation to specific policies listed above are considered in further detail below, as appropriate. In short however, the principle of the development is acceptable and supported by policy SP4 of the adopted LDP. Furthermore, the policy basis for the previous reasons for refusal no longer stands as the policies cited within said reasons for refusal (i.e. PS1, EC1, EC2, H5, MW9, GDP1, GDP2 and CLF5 of the Wrexham Unitary Development Plan) have now been superseded upon the adoption of the LDP.

### Affordable Housing

- 2.8 At paragraph 7.22 of the Planning Statement, it was reported that, during the course of the examination hearings for the LDP, the Council confirmed that it intended to add a site-specific requirement to the, now renumbered, policy SP4, to require, as a starting point, the Site to deliver 20% affordable housing.
- 2.9 As can be seen from the extract of policy SP4 above, said requirement for 20% has now been included within the policy and is proposed as part of the development, albeit the finer detail on the

provision of the affordable housing within the Site, such as tenure split, dwelling mix and location within the Site, will be dealt with at the Reserved Matters stage.

## Phosphates

- 2.10 As mentioned within the Introduction section of this Addendum, a significant factor for the delays which this application has been subject to, is related to phosphates. This matter first arose during the Examination of the LDP following the publication in January 2021, by Natural Resources Wales (NRW), of new phosphorus standards for riverine Special Areas of Conservation (SACs) that were 50-70% tighter than previous standards, and new advice to local planning authorities, relating to the application of the new standards to developments requiring planning permission, was subsequently issued. A compliance test undertaken by NRW found a failure to meet the new standards in the River Dee and Bala Lake SAC, which covers both Wrexham and Flintshire local authority areas. The proposed development would discharge to the Five Fords waste water treatment works (wwtw) in Wrexham, which treats foul water before discharging to the River Clywedog, which ultimately discharges to the River Dee. Whilst the Five Fords wwtw has a phosphate stripping licence at the time, its age was such that it was not considered to meet updated standards. The impact of the new standards and guidance, was to effectively put a halt to both WCBC and Flintshire County Council granting planning permission for development (including reserved matters approvals and discharge of condition approvals relating to foul and surface water drainage) until it could demonstrate that such development would not increase phosphorus levels in the River Dee and Bala Lake SAC.
- 2.11 As a consequence of this matter arising prior to the conclusion of the LDP Examination, WCBC was required to demonstrate to the Inspectors that the revised phosphate standards and guidance would not prevent the delivery of development proposed in the LDP, and that such development would not increase phosphorus levels in the SAC. In response WCBC prepared (jointly with Flintshire County Council) and submitted a suite of information in November 2021 comprising:
- An additional Matters Arising Change (MAC) revising draft LDP policy NE6
  - The Dee Catchment Phosphorus Reduction Strategy (DCPRS)
  - An Addendum LDP Habitat Regulations Assessment
  - A Statement of Common Ground between WCBC and NRW
- 2.12 Following the submission of this additional information, and further evidence relating to the viability of development and the delivery of phosphate mitigation, the Inspectors were ultimately satisfied that WCBC had addressed the matter and, following conclusion of the MAC consultation, issued their formal report confirming that the LDP was sound.

- 2.13 In parallel to the above process of addressing the phosphates matter through the LDP Examination, in late 2022 NRW commenced a review of existing phosphorus permits for wwtw in Wales to determine a) whether there was any existing “headroom” and b) what further phosphorus stripping measures/improvements were needed at each wwtw. For Five Fords wwtw the permit review was completed in July 2023. On 22 August 2023 Welsh Water wrote to WCBC confirming the outcome of the permit review and implications for planning applications that had been held in abeyance, such as this application, as a result of concerns over the impact of phosphorus on the SAC. The response (see **Appendix 3**) reported that the permit review confirmed that Five Fords has the capacity to treat the foul flows from the developments for which planning applications were being held in abeyance listed in the Council’s correspondence to Welsh Water dated 21 August 2023 (also contained at **Appendix 3**), which includes this planning application for up to 600 homes.
- 2.14 It can therefore be concluded that the proposed development will have no adverse effect on the integrity of the River Dee and Bala Lake SAC through the treatment of waste water, in accordance with the requirements of policy NE6 of the LDP.

### Minerals and Mineral Safeguarding

- 2.15 In the intervening period between the preparation of the original Planning Statement, and this Addendum, the Applicants have engaged with officers at the North Wales Minerals and Waste Planning Service (MWPS) and presented further submissions in the form of two documents.
- 2.16 The first, titled *Implications of Mineral Prior Extraction for the Development of Housing* (May 2022) prepared by Stantec, describes the actual practicalities of undertaking prior extraction of minerals reserves at the Site, in terms of the processes and steps required, and the implications of this for the delivery of housing. In summary, the document demonstrates that the process leading up to extracting any reserves of sand and gravel would be a lengthy one and the outcome of the necessary planning and assessment process is unpredictable. It further demonstrates that the delivery of housing could not take place hand in hand with the prior extraction, meaning that the delivery of housing would be delayed for a number of years, significant beyond the plan period, meaning the LDP will fail in the delivery of this Key Strategic Site. There would be further uncertainty around the finished ground levels post-extraction, and the need or otherwise for the importation of material to site to create a suitable development platform. Finally, notwithstanding the Applicants’ previous submissions surrounding the quality of the resource under the Site, the extent of any sterilisation of that resource is minimal at circa 16 hectares of land, when taking into account the fact that the Safeguarding Map of Wales identifies approximately 1,000ha of land as Category 1 Aggregates Safeguarding Areas for sand and gravel in Wrexham alone.

- 2.17 The Stantec note was prepared in conjunction with a Technical Note prepared by Wardell Armstrong, dated May 2022, titled *Issues Surrounding Mineral Safeguarding*. This document provides further detail around the practicalities and implications of changes to the Site's development platform as a consequence of potential prior extraction, including the importation and exportation of material.
- 2.18 In response to the submitted information, the MWPS, which had previously issued a holding objection to the proposed development on the grounds of a lack of provision for the extraction of the mineral concerned, has since confirmed that it has removed its objection, and in doing so indicating that the proposed development is acceptable in the context of policy MW1 of the now adopted LDP, without the requirement to extract the mineral reserve prior to the commencement of the development of the Site. The position of the MWPS is that the adoption of the LDP signals that the need for the proposed development outweighs the need to protect the mineral resource.
- 2.19 A copy of the MWPS's response (dated July 2023) is provided at **Appendix 1**. An extract of the conclusions is provided below as a synopsis of the current position in relation to mineral extraction, which is now considered to be resolved:

*The need for the mineral underneath KSS2 has already been considered through the development of the LDP and it has been concluded that the need for the non-mineral development is considered to outweigh the need to protect the resource in its entirety. It is considered therefore that the inclusion of KSS2 within the LDP has already accepted that this sand would be sterilised by any development that comes forward to be proposed on KKS2, and that the need for the development would outweigh the permanent sterilisation of the sand resources beneath the site. As such, it is considered that the application complies with Policy MW1 ii) as it cannot be disputed that there is an overriding need for the proposed development.*

- 2.20 It can therefore be concluded that the proposed development is in accordance with policy MW1 of the LDP.

### **Agricultural Land**

- 2.21 The Applicants' position in relation to Best and Most Versatile Agricultural Land as provided between paragraphs 7.42 and 7.48 of the original Planning Statement remain pertinent. The adoption of the LDP, and the subsequent allocation of the Site has of course provided further justification to the Applicants' position and clearly demonstrates the acceptability of the development in respect of the loss of agricultural land.

- 2.22 Indeed, this has more recently been confirmed by the receipt of correspondence from the Welsh Government's Soil Policy and Agricultural Land Use Planning Unit, dated 18 October 2023 (a copy of which is provided at **Appendix 2**), in which it is confirmed that the Department has no objection to the proposed development.
- 2.23 On this basis, the proposed development is now considered to be acceptable from a Best and Most Versatile Land perspective.

### Health and Healthcare Considerations

- 2.24 The Applicants' position as set out between paragraphs 7.49 and 7.54 remains pertinent and largely unchanged since the Planning Statement was originally drafted. In the intervening period, however, it is understood that the Health Board has provided comments on the planning application to confirm that they have no objection to the proposed development, and have not made any evidence based, substantive request for developer contributions towards health-based facilities.
- 2.25 It is noted that this matter formed the basis of one of the reasons for refusal of the previous application. That said, on the basis of their latest position, there is not considered to be any sound basis on which to withhold planning permission, particularly having regard to the updated context derived from the adoption of the LDP.

### Highways

- 2.26 Notwithstanding the above, noting the passage of time between the drafting of the original Planning Statement and this Addendum, the Applicants considered that it would be prudent to update the highways evidence and Transport Assessment that support the planning application, to ensure that they remain robust.
- 2.27 There have been a number of notable events during this time which had the potential to impact on this, including the post-COVID impact, that has resulted in many more people working from home, and therefore commuting less, as well as the decision of the Welsh Government to reduce general speed limits from 30 to 20 mph, which again could have implications on traffic flows.
- 2.28 As a result, updated surveys have been carried out and an Addendum to the Transport Assessment has been prepared, and submitted alongside this Planning Statement Addendum. The findings of these updates can be summarised as follows.

- 2.29 The allocation of the site in the LDP demonstrates its broad compliance with national and local transport planning policy – which has not changed materially since the application was submitted - and the site is fundamental to the delivery of the Council's housing growth strategy. The site is in an accessible location. In this context the situation described in the Transport Assessment is broadly consistent with the current situation albeit the local bus now runs a Sunday service. The highway network in the vicinity of the site is as it was when the application was submitted and when the LDP modelling was developed. Urban roads in the local area now have a 20mph speed limit but this is unlikely to have a significant impact on whole corridor journey times. Traffic surveys undertaken in October 2023 show that traffic flows are now generally lower than they were in 2017 / 18 when the LDP modelling was developed. Trip generation and distribution set out in the Transport Assessment and used in the LDP modelling remain valid. Trip generation and distribution for the other developments included in the LDP modelling (KSS2 south and KSS3) remain valid. Similarly, the traffic growth used in the modelling is suitable to estimate a potential level of growth to 2029 and 2034 had the modelling been developed today. The LPD model remains a valid tool and the with development forecasts of network operation produced by the model are also still valid.

## Ecology

- 2.30 As with the highways matters discussed above, noting the passage of time between the drafting of the original Planning Statement and this Addendum, the Applicants considered that it would be prudent to update the ecology evidence and associated surveys that underpin the proposed development, to ensure that they remain robust.
- 2.31 This has also been undertaken mindful of the updates to PPW (Chapter 6), issued in October 2023 as a standalone update and subsequently forming part of PPW12 when published in February 2024, have had a number of implications on ecological matters, including the need for development proposals to show a net-benefit for biodiversity, as well as outlining the requirement for a Green Infrastructure Statement.
- 2.32 This updated documentation is submitted alongside this Planning Statement Addendum and demonstrates the acceptability of this outline proposal from an ecological perspective (noting that there were no previous objections to the proposal on these grounds).

## Economic Benefits

- 2.33 As above, noting the passage of time between the initial application submission and the drafting of this Planning Statement Addendum, the economic benefits of the proposed development have been recalculated so that they are up-to-date and so that the benefits of the development can be

truly appreciated. As set out within the initial Planning Statement, these benefits are in addition to significant social and environmental benefits, albeit being based on economic factors, the Applicants consider it prudent to re-calibrate the economic benefits so that they are reflective of current market conditions.

2.34 This being the case, the economic benefits of the proposed development can be summarised as follows:

- Estimated resident population = 1,438
  - Of which are assumed to be in employment = 778
- Resident GVA per annum = £38.4m
- Annual Council Tax = £1.1m
- Direct Construction = 133
- Indirect Construction = 173
- Construction GVA generated throughout construction period = £97.1m
- Total household expenditure per annum = £12.3m

2.35 These benefits are considered to weigh very heavily in favour of this Development Plan compliant development, having regard to the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act (2004), and Paragraph 1.18 of Planning Policy Wales 12 ("PPW12") as outlined at the outset of this Section.

## 3.0 Conclusions

- 3.1 This Planning Statement Addendum has been prepared by Stantec on behalf of Barratt Homes, Bloor Homes North West, John Raymond Jones and the Trustees of the Wrexham (Parochial) Education Foundation, to supplement the Planning Statement previously submitted in respect of an outline planning application (LPA Reference: P/2021/0436) for the development of the Land at Holt Road, Wrexham.
- 3.2 It has been demonstrated within this Addendum, the accompanying technical reports submitted with the Application, as well as those which supplement this Addendum that this high-quality proposal represents a suitable form of a development that complies with the adopted Development Plan.
- 3.3 The passage of time has not altered the acceptability of the Site in this respect. Indeed, the adoption of the LDP, and the formal allocation of the Site therein has cemented its acceptability whilst at the same time, the delays that the phosphates matter has caused to the delivery of homes across Wrexham has resulted in a heightened need for the delivery of new family homes. To put this into context, the delivery of housing was already significantly behind in the delivery of homes against the LDP requirement, averaging only 252 new home completions against the LDP requirement of 517. The bottle neck in the determination of planning applications for housing over the last two years is likely to see this average fall significantly further until new housing sites are granted planning permission and begin to come forwards. Such new sites are desperately needed to address the significant unmet need for market and affordable housing in Wrexham. This, combined with the extensive economic, social and environmental benefits detailed above and within the original Planning Statement result in the proposal having benefits far outweigh any perceived harm.
- 3.4 Accordingly, therefore, the proposed development is fully compliant with the development plan and national planning policy, and it is respectfully requested that the Council approves this planning application without further delay.

## **APPENDIX 1**

### **MINERAL PLANNING AUTHORITY RESPONSE, JULY 2023**

**Mineral Safeguarding Comments on the Prior Extraction Assessment and other supporting information in relation to the Proposed Development at Land South of Holt Road, Wrexham**  
**Planning Application P/2021/0436**

*Introduction*

Wardell-Armstrong have prepared the Prior Extraction Assessment (PEA) to support an outline planning application for 600 dwellings at Land South of Holt Road, Wrexham reference P/2021/0436. This PEA was prepared to support application ref P/2019/0005 which has subsequently been refused and an appeal lodged, with a pending public enquiry. One of the reasons for refusal of ref P/2019/0005 was in relation to the impact of the proposal on sterilising the minerals resource and minerals safeguarding.

Application P/2021/0436 is accompanied with an Environmental Statement which includes a chapter on Minerals Safeguarding. It also includes an addendum to the Prior Extraction Assessment which is referenced as 'Technical Note No.6.' The application is also accompanied by a note provided by Dan Ingram of Barton Wilmore, (now Stantec) dated May 2022 and, also Technical Note No. 8 dated 18<sup>th</sup> May 2022 authored by Wardell Armstrong. It is noted however that the original Prior Extraction Assessment has not been provided in the supporting documents with application P/2021/0436, and therefore should be requested to be submitted to ensure that the application is complete.

The site is located to the east of Wrexham Town Centre extending to the east along Bryn Estyn Road, bound by Holt Road to the north of the site. The majority of Wrexham Town is underlain by sand and gravel which has been sterilised by non-mineral development. Borrass Quarry (operated by Breedon Aggregate) is located approximately 1km to the north of the application site.

I am mindful that should the LDP be adopted this may result in the appeal associated with refused ref P/2019/0005 may be withdrawn. Therefore, this response is provided solely in relation to the latest pending application referend P/2021/0436.

I appreciate that Wrexham has yet to formally adopt the Local Development Plan (LDP). However, this response has been drafted on the basis that the Inspectors Report is binding, and that there were no issues raised by the Examination Inspector with regards to the Minerals Safeguarding Policies. Therefore, this response has been provided on the assumption that should the LDP be adopted, Policy MW1 would be the relevant policy with regards to assessing the proposal against mineral safeguarding issues, and therefore Policy MW9 of the UDP will no longer be extant.

This is pertinent point, as some elements of my comments that were previously provided in response to application ref P/2019/0005 (that is subject of the appeal) will no longer be relevant once the LDP is adopted.

Policy MW1 is the relevant Policy to consider in relation to minerals safeguarding. It is assumed that Policy MW1 of the Wrexham LDP would remain unchanged once the Plan is adopted.

Emerging Policy MW1 states that non-mineral development will only be permitted in a Mineral Safeguarding Area where it can be shown that:

- i. the mineral does not merit extraction; **or**
- ii. there is an overriding need for the incompatible development; **or**
- iii. prior extraction can be undertaken satisfactorily; **or**
- iv. the development is temporary; **or**
- v. essential mineral industry infrastructure would not be compromised.

The key significant difference between this emerging Policy, and Policy MW9 of the UDP is that the criteria-based policy of MW1 presents five points of criteria in which only one criterion needs to be demonstrated as outlined above with my emphasis on the word '**or**'. This policy style contrasts with Policy MW9 of the UDP which required the applicant of non-mineral development to demonstrate of no exploitable reserves within the site. As stated in my previous comments, I did not feel that the submitted PEA demonstrated that there were no exploitable reserves within the site.

Policy MW9 goes on to say, "*Where non-mineral development which materially prejudices mineral resources is granted planning permission on land holding mineral*

*deposits, provision should be made for the prior removal of mineral deposits*". UDP Policy MW9 was more of an absolute policy which required the applicant to demonstrate compliance with the entirety, as opposed to an option criteria-based policy provided in Policy MW1 of the LDP which only requires one criteria to be met.

Application P/2019/0003 was supported by a Prior Extraction Assessment where I concluded in my response to you dated 13.02.2019 that: *"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"* I continued to conclude that the application had not demonstrated compliance with Policy MW9.

Should the LDP become adopted, based on the Inspectors report, MW1 will be unchanged and will be the policy in which to consider this application against and MW9 will no longer be relevant therefore, this response is made on consideration of the proposal and its compliance with Policy MW1 of the LDP alone.

The applicant's Prior Extraction Assessment, and subsequent addendum (Technical Note No.6) authored by Wardell Armstrong dated 18<sup>th</sup> October 2020 noted that the need for housing would need to be balanced against the harm arising from the loss of mineral resources in this instance.

The note provided by Dan Ingram of Barton Wilmore, (now Stantec) dated May 2022 outlines the implications of prior extraction should it be required, arguing that prior extraction would threaten delivery of development site and aspirations of the LDP due to the fact that this application site forms part of Key Strategic Site 2 (KSS2) within the LDP. This is noted, as is the point that simultaneous construction of housing and prior extraction would not be appropriate, thus resulting in further delaying the delivery of the construction housing should the application be approved.

The applicant argues that prior extraction, should it be required, would threaten the deliverability of the housing scheme, and therefore, would threaten the delivery of the housing requirements set out in the LDP, and in turn, the deliverability of the Wrexham LDP.

It is noted that Minerals Background Paper 11, which is supporting evidence in the examination of the LDP, states that *“Requiring prior extraction on a site the size of Land East of Cefn Road could have a potentially significant impact in terms of delivery”. It is essential that the non-mineral development itself is acceptable in landscape terms, and that the other problems are not created by any lowering of the land such as drainage and flood risk’.* (Para 3.1.10 of Mineral Background Paper 11).

It is considered therefore that these are all matters for the Local Planning Authority to consider the planning balance with regards to the need for the housing verses the other material planning considerations, taking into account of the delivery of the housing proposed in this application, and the deliverability of the LDPs housing requirement.

The note provided by Dan Ingram of Barton Wilmore, (now Stantec) dated May 2022 argues that separate planning applications would be required for both mineral extraction and subsequent backfilling. Whilst this would be a matter for the local planning authority to take a view on, my view would be that prior extraction can be considered as part of this application so long as the supporting information was provided with the application. My view (which has been consistent throughout my involvement in this scheme) is that backfilling would not be required if the applicant was committed to change the level of the development platform. Therefore, the site would not become a ‘landfill’ as stated by the applicant’s agent. Material would only be required to be imported if the current development platform was to remain as proposed. However, following several discussions with the applicant, it is clear that the applicant is not prepared to lower/change the development platform. If the development platform was changed/lowered, then backfilling would not be necessary. It is agreed that the suggestion of backfilling with sand is not a sustainable option, as the applicant has noted.

One point of clarity should be noted, the final sentence on page 6 of 6 of the note provided by Dan Ingram, refers to the County’s landbank. For the avoidance of doubt, minerals won by prior extraction would not contribute to the landbank, they would be considered to be windfall reserves which is also noted within the supporting text of the emerging LDP at paragraph 6.186.

**Technical Note No. 8 by Wardell Armstrong**

Technical Note No. 8 dated 18<sup>th</sup> May 2022 authored by Wardell Armstrong provided to support the application also places the importance of the proposed development platform. This highlights a point of principle for the planning officers in Wrexham, and for the developers of the importance of early engagement when developers are looking to develop sites in mineral safeguarding areas to ensure prior extraction is properly considered at the outset, and not when the development platform has already been agreed and plans drawn/assessments undertaken according to that development platform.

When considered this point with this project, I acknowledge that considering the timescales set out in the Barton Willmore note, changing the development platform at this stage is not a viable option for this project which is frustrating as this was raised with the developer years ago and clearly ignored. Looking to the future we need to have early engagement with developers so that the prior extraction element of policies SP17 and MW1 is not undermined. For your information, we hope to produce a Supplementary Planning Guidance Note in due course on Prior Extraction Assessments as and when the LDP is adopted.

It is acknowledged that Technical Note No.8 provides more details with regards to the market for fine sands, compared to that of the original Prior Extraction Assessment (PEA) which accompanied application ref P/2019/0005 which disregarded the fine sand present beneath the application site and lessened its commercial and economic value due to the lack of gravel content in the resource. The applicant's view is that the sand is too fine, and therefore it is not suitable for the manufacture of concrete. Technical Note No.8 does however expand on the market for fine sand. The applicant has not however provided any supporting evidence that they have undertaken any consultation with local mineral operators to help determine the commercial interests in undertaking prior extraction. This would provide further evidence to support this assertion.

I would advise you to pass on the attached Minerals Safeguarding Guidance Document which has been written by the Minerals Product Association and the Planning Officers' Society. This may assist the applicant to demonstrate compliance with Policy MW1 Criteria i. to determine if the mineral underlying the site does not merit extraction as this has been an area of disagreement throughout the consideration of this proposal.

[https://mineralproducts.org/MPA/media/root/Publications/2019/MPA\\_POS\\_Minerals\\_Safeguarding\\_Guidance\\_Document.pdf](https://mineralproducts.org/MPA/media/root/Publications/2019/MPA_POS_Minerals_Safeguarding_Guidance_Document.pdf)

### **Technical Note No.6 by Wardell Armstrong dated 18<sup>th</sup> October 2020**

Technical Note No.6 authored by Wardell Armstrong dated 18<sup>th</sup> October 2020 has also been submitted to accompany application P/2021/0436 as way of an addendum to the original Prior Extraction Assessment. However, it is noted that this original Prior Extraction Assessment has not been provided in the supporting documents with application P/2021/0436. This should be sought by the Local Planning Authority to ensure that the application documents are complete.

### ***Conclusion***

If the application is to be assessed against Policy MW1 of the emerging LDP, the developer only needs to demonstrate compliance with one of the criteria of Policy MW1.

The need for the mineral underneath KSS2 has already been considered through the development of the LDP and it has been concluded that the need for the non-mineral development is considered to outweigh the need to protect the resource in its entirety. It is considered therefore that the inclusion of KSS2 within the LDP has already accepted that this sand would be sterilised by any development that comes forward to be proposed on KKS2, and that the need for the development would outweigh the permanent sterilisation of the sand resources beneath the site. As such, it is considered that the application complies with Policy MW1 ii) as it cannot be disputed that there is an overriding need for the proposed development.

Whilst I do not agree with the entire contents and conclusion of the PEA as submitted, and the additional information provided by the applicant, it is considered that the applicant has complied with Policy MW1 as they have provided a Prior Extraction Assessment which is a requirement of Policy MW1. The PEA argues that the site does not contain important sand and gravel resources which contradicts the views of the Welsh Government in their Screening Direction associated with the application that we refused. It is considered that further evidence should be provided to help determine the commercial interests in undertaking prior extraction.

Should planning permission be granted a condition should be imposed for the submission of a Mineral Recovery Plan (MRP) written approval prior to the commencement of development by condition. The MRP should assess and consider the areas of construction where incidental minerals would be recovered as part of construction such as from ground works, sustainable drainage systems, road sub-bases, granular fill, landscaping etc. The developer should recover as much useable mineral and retain on site as possible. The MRP should

- a) an assessment of the potential mineral resource quality throughout the application area;
- b) design, implementation and reporting of further intrusive investigation if required;
- c) An estimate of the total mineral resource volume which may be incidentally extracted during construction ; and,
- d) A methodology for how incidentally extracted mineral resource recovered during construction will be managed, processed (if required) and incorporated into the construction of the proposed development.

*Hannah Parish: July 2023*

## **APPENDIX 2**

# **SOIL POLICY AND AGRICULTURAL LAND USE PLANNING UNIT RESPONSE, OCTOBER 2023**



Matthew Phillips  
Wrexham County Borough Council  
Guildhall,  
Wrexham.  
LL11 1AY

**By Email:** [matthew.phillips@wrexham.gov.uk](mailto:matthew.phillips@wrexham.gov.uk)

18<sup>th</sup> October 2023.

Dear Matthew Phillips,

**Re: Revised Consultation Response - Planning Application P/2019/0005 and P/2021/0436 - Proposed development, Land South of Holt Road, Wrexham.**

I refer to your e-mail on the 12<sup>th</sup> of October 2023 requesting an updated response to the proposed outline planning permission for the above site. This revised response is made in accordance with:

- Schedule 4, paragraph (s) of the Town and Country Planning (Development Management Procedure)(Wales) Order 2012
- Annex B1, B2 and B6 of Technical Advice Note (TAN) 6 – 2010<sup>1</sup>.
- Planning Policy Wales (PPW), Edition 11 – 2021<sup>2</sup>.
- National Development Framework (NDF) Future Wales: The National Plan 2040<sup>3</sup>

This response will first set out our consideration of the agricultural land classification survey undertaken for the site, followed by our revised view on the proposed application.

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<sup>1</sup> <https://www.gov.wales/technical-advice-note-tan-6-planning-sustainable-rural-communities>

<sup>2</sup> [https://www.gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11\\_0.pdf](https://www.gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf)

<sup>3</sup> <https://www.gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>

## **1. Agricultural Land Classification (ALC) surveys - Technical Review and Advice:**

A detailed ALC survey was undertaken on the south western half of the site by the Welsh Government in 2002 (report Ref: Ty'n Twll – ALC- 007-02). This confirmed a presence 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 report 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 previously 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 by your Authority as an accurate reflection of land quality on the site.

## **2. Revised Expression of View:**

Having considered this proposal in light of Welsh Government PPW provision for the protection of BMV agricultural land (paragraphs 3.58 & 3.59); TAN 6 (Annex B1 & B2) and NDF Future Wales (Policy 9), the Department offers no objection to the application for the following reasons:

- A re-appraisal of the status of the emerging LDP where the principle of the BMV loss in this specific case has been agreed by the Inspector, and as accepted for the whole Plan by the Department in representations dated 12 July 2018.
- The status of NDF Future Wales as a material consideration in relation to the elapsed UDP.

The view expressed does not bind any other part of Welsh Government commenting on the proposal.

I trust the above expression of view and associated remarks are clear and unambiguous. Please do not hesitate to contact if necessary.

Yours sincerely



Arwel Williams.  
Agricultural Land Use & Soil Policy Advisor  
Soil Policy & Agricultural Land Use Planning Unit - [LQAS@gov.wales](mailto:LQAS@gov.wales)

## **APPENDIX 3**

### **WELSH WATER RESPONSE, AUGUST 2023**

FAO Matthew Phillips  
Head of Service, Planning Development Management  
(via e-mail)

**Date:** 22<sup>nd</sup> August 2023

Dear Matthew

**Re: Development within the Five Fords & Gresford Wastewater Treatment Works (WwTW) catchments**

We are content this letter be used in the place of re-consultation on the planning application development sites currently being held in abeyance by Wrexham County Borough Council (WCBC), full details of which are set out below:

**Five Fords WwTW**

As you will be aware, Natural Resources Wales (NRW) have completed the permit review for Five Fords WwTW and have issued the new permit, confirming that the existing phosphorus consent limit of 1mg/l requires tightening to 0.7mg/l by 31<sup>st</sup> March 2030.

Accordingly, I can advise that Five Fords WwTW has the capacity to treat the foul flows from the planning application development sites currently being held in abeyance by WCBC, whilst maintaining compliance with both the existing and the proposed phosphorus consent limit. As per Chris Smith's email of 21<sup>st</sup> August 2023, we understand that this amounts to 29 development sites and a total of 2,912 units.

If we have previously responded to a planning application outlining that a hydraulic modelling assessment is required in order to ensure that the proposed development will not hydraulically overload the public sewerage network, this particular matter will still need to be addressed in order to ensure the foul flows from the proposed development site will not cause detrimental impact to existing customers and the environment.

For clarity, we may be able to accommodate further development on top of the planning application development sites currently being held in abeyance and so will respond to any new planning consultations accordingly.

**Gresford WwTW**

As you will be aware, NRW have completed the permit review for Gresford WwTW and have issued the new permit, confirming that the existing phosphorus consent limit of 1mg/l is sufficient.

Accordingly, I can advise that Gresford WwTW has the capacity to treat the foul flows from the planning application development sites currently being held in abeyance by WCBC, whilst maintaining compliance with the phosphorus consent limit. As per Chris Smith's email of 21<sup>st</sup> August 2023, we understand that this amounts to 7 development sites and a total of 171 units.

If we have previously responded to a planning application outlining that a hydraulic modelling assessment is required in order to ensure that the proposed development will not hydraulically overload the public sewerage network, this particular matter will still need to be addressed in order to ensure the foul flows from the proposed development site will not cause detrimental impact to existing customers and the environment.

For clarity, we may be able to accommodate further development on top of the planning application development sites currently being held in abeyance and so will respond to any new planning consultations accordingly.

We reserve the right to review our position on the above, but for completeness any decision to apportion the above capacity any differently to that set out is for WCBC as the competent determining authority.

Yours sincerely,



Ryan Norman  
**Development Growth Manager**  
**Developer Services**

## **APPENDIX 4**

### **CHRIS SMITH EMAIL, AUGUST 2023**

## Matthew Phillips

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**From:** Chris Smith  
**Sent:** 21 August 2023 15:38  
**To:** Ryan Norman; MacMillan Jake (Jake.MacMillan@dwrcymru.com)  
**Cc:** Matthew Phillips  
**Subject:** Permit Reviews and undetermined Planning Apps

Afternoon Ryan

Further to discussions with Matthew, please confirm for the following pending sites;

- there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, or
- the necessary treatment capacity to remain within revised environmental permit limits will be delivered within the agreed Asset Management Plan (AMP) and that when implemented the treatment capacity will ensure that additional wastewater generated in consequence of the proposed development will remain within the revised permit limits and
- that the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

| SAC Catchment | WwTW Name  | Permit Number | Site name                                             | Total number of proposed units | LPA Planning Application references |
|---------------|------------|---------------|-------------------------------------------------------|--------------------------------|-------------------------------------|
| Dee           | FIVE FORDS | CM0077801     | Blast Road, Brymbo                                    | 18                             | P/2019/0354                         |
| Dee           | FIVE FORDS | CM0077801     | Former Brymbo Steelworks                              | 300                            | P/2020/0649                         |
| Dee           | FIVE FORDS | CM0077801     | Land East of Heritage Way, Brymbo                     | 70                             | P/2020/0059                         |
| Dee           | FIVE FORDS | CM0077801     | Land East of Tan y Bont                               | 189                            | P/2016/0189                         |
| Dee           | FIVE FORDS | CM0077801     | Land Opposite St Peter's Close                        | 92                             |                                     |
| Dee           | FIVE FORDS | CM0077801     | Land either side of Stansty Chain                     | 455                            | P/2019/0923                         |
| Dee           | FIVE FORDS | CM0077801     | FORMER EBENESER CHAPEL<br>2 CHESTER STREET<br>WREXHAM | 23                             | P/2021/0313                         |

|     |            |           |                                                                             |     |              |
|-----|------------|-----------|-----------------------------------------------------------------------------|-----|--------------|
| Dee | FIVE FORDS | CM0077801 | Western Gateway, Ruthin Road, Wrexham                                       | 40  | P/2017/0212  |
| Dee | FIVE FORDS | CM0077801 | Land north of Holt Road, Wrexham, LL13 9EH                                  | 74  | P/2018/0673  |
| Dee | FIVE FORDS | CM0077801 | Community Centre, Eaton Drive, LL13 9HG                                     | 19  | P/2019/0792  |
| Dee | FIVE FORDS | CM0077801 | Wynnstay Technology Park, Llangollen Road, Ruabon, LL14 6EN                 | 43  | P/2019/0805  |
| Dee | FIVE FORDS | CM0077801 | Former Hafod Tileries, Hafod Road/Bangor Road, Johnstown, Wrexham, LL14 2SP | 300 | P/2020/0210  |
| Dee | FIVE FORDS | CM0077801 | RUABON BUSINESS PARK SITE ADJACENT TO A483 RUABON WREXHAM                   | 319 | P/2020/0673  |
| Dee | FIVE FORDS | CM0077801 | Land North of Gatewen Road, New Broughton, Wrexham, LL11 6YA                | 112 | P/2021/0955  |
| Dee | FIVE FORDS | CM0077801 | Ty Nos, Holt Road, Wrexham, LL3 8NE                                         | 19  | P/2021/0263  |
| Dee | FIVE FORDS | CM0077801 | Land adjacent to 35 Derwent Crescent                                        | 3   | P/2022/0902  |
| Dee | FIVE FORDS | CM0077801 | Land adjacent to 38-40 Hazel Grove                                          | 1   | P/2022/0903  |
| Dee | FIVE FORDS | CM0077801 | KSS2, Holt Road                                                             | 600 | P/2021/0436  |
| Dee | FIVE FORDS | CM0077801 | Imperial Buildings Wrexham                                                  | 11  | P/2022/0837  |
| Dee | FIVE FORDS | CM0077801 | Ruabon Station House                                                        | 1   | P/20220/0459 |
| Dee | FIVE FORDS | CM0077801 | Various                                                                     | 84  | Various      |
| Dee | FIVE FORDS | CM0077801 | Various                                                                     | 45  | Various      |

|     |            |           |                                   |      |             |
|-----|------------|-----------|-----------------------------------|------|-------------|
| Dee | FIVE FORDS | CM0077801 | Westerdale, Rhos, Wrexham         | 6    | P/2020/0430 |
| Dee | FIVE FORDS | CM0077801 | 27 POYSER STREET WREXHAM LL13 7RT | 2    | P/2021/0928 |
| Dee | FIVE FORDS | CM0077801 | Land off Berse Road, Wrexham      | 43   | PAC         |
| Dee | FIVE FORDS | CM0077801 | Hope St, Wrexham                  | 12   | P/2021/0528 |
| Dee | FIVE FORDS | CM0077801 | 5 Church Street. Wrexham          | 4    | P/2022/0593 |
| Dee | FIVE FORDS | CM0077801 | 9-11 Regent Street                | 24   | P/2022/0597 |
| Dee | FIVE FORDS | CM0077801 | Trem y Capel                      | 3    | P/2022/0407 |
|     |            |           |                                   | 2912 |             |

| SAC Catchment | WwTW Name | Permit Number | Site name                                          | Total number of proposed units | LPA Planning Application references |
|---------------|-----------|---------------|----------------------------------------------------|--------------------------------|-------------------------------------|
| Dee           | GRESFORD  | CM0040601     | Various                                            | 10                             | Various                             |
| Dee           | GRESFORD  | CM0040601     | Various                                            | 5                              | Various                             |
| Dee           | GRESFORD  | CM0040601     | Mold Road, Gwersyllt                               | 90                             | P/2023/0050                         |
| Dee           | GRESFORD  | CM0040601     | BRITISH LEGION SOCIAL CLUB WATTS DYKE LLAY WREXHAM | 51                             | P/2021/0697                         |
| Dee           | GRESFORD  | CM0040601     | Current Caravan site                               | 11                             | P/2018/0166                         |
| Dee           | GRESFORD  | CM0040601     | 4 Sunnycastle Gwersyllt                            | 1                              | P/2021/1103                         |
| Dee           | GRESFORD  | CM0040601     | Woodville Grange, Gresford                         | 3                              | P/2022/0458                         |
|               |           |               |                                                    | 171                            |                                     |

Kind Regards

**Chris Smith**

**Arweinydd Polisi Cynllunio / Planning Policy Lead**  
 Economi a Chynllunio/Economy and Planning



Phone Number 01978 298752



Cyngor Bwrdeistref Sirol Wrecsam, Stryt y Lampint, Wrecsam LL11 1AR



Wrexham County Borough Council, Lambpit Street, Wrexham LL11 1AR



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