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Dyddiad/Date: 30.11.2021

Dear Sir/Madam

Town and Country Planning Act 1990

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, LL13 9SA

Further to the virtual Inquiry fixed to open on 11 January 2022, please find below the matters the Inspector wishes to discuss at the event. You will note that the Inspector has requested some information to be submitted prior to the event itself.

Matters for the Inquiry

The Inspector is satisfied that he can proceed to determine some of the matters in dispute on the written evidence that has already been presented. Accordingly the main matters to be considered at the event will be:

- the appropriateness of new housing outside settlement limits and within a Green Barrier and the associated loss of best and most versatile agricultural land, having regard to local (adopted and emerging) and national planning policies
- the effect of the proposed development on mineral resources, including the extent of any pre-extraction, having regard to local and national policy
- the effect of the proposed development on health care infrastructure having regard to local and national policy
- the significance of the proposed contribution to the supply of housing within the County, including affordable housing.

In addition to the above matters the Inspector will seek clarification on other matters, including the latest position with regard to the Local Development Plan examination. The Inspector will wish to discuss any s106 obligations that may be produced and the planning conditions to be imposed in the event that the appeal is allowed.

Obligations and Conditions

The appellant has referred to proposed s106 planning obligations and the Council has identified certain contributions it seeks. To date no obligations have been submitted. The appellant's Statement of Case refers to the progress it has made in seeking to agree a Statement of Common Ground (SoCG) with the Council. The appellant should submit a SoCG, to include suggested planning conditions, together with a draft s106 agreement/undertaking by **Wednesday 22 December 2021**. Where agreement on a SoCG cannot be reached both main parties should submit a draft version by the deadline. Each suggested condition should be supported by a reason including relevant development plan policy/ies.

In the event that such obligations are presented, the Council is requested to provide a brief paper on such obligations. This should provide an explanation to support the need for each individual obligation with reference to any relevant development plan policies and/or supplementary planning guidance as well as justification for its detailed provisions eg the financial sum provided. This information will assist the Inspector in assessing the obligations against the Community Infrastructure Levy Regulations 2010 tests and relevant guidance. The Council is also requested to clarify the position in relation to any pooled contributions that arise from these obligations in the light of CIL Regulation 123(3) as amended. This additional information should be provided no later than **Thursday 6 January 2021**.

Habitat Regulations Assessment

Following the publication by Natural Resource Wales (NRW) of the results of the compliance assessment of Welsh Riverine SACs against Phosphorus targets (<https://naturalresources.wales/evidence-and-data/research-and-reports/water-reports/compliance-assessment-of-welsh-river-sacs-against-phosphorus-targets/?lang=en>), PEDW has identified the development subject of this appeal as potentially capable of increasing the levels of phosphates discharged into the catchment of a riverine SAC.

Therefore, the appointed Inspector, acting as the advisor to the Competent Authority (the Welsh Ministers) under the terms of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), will require additional information to carry out a Habitats Regulations Assessment (HRA) screening process to determine whether the proposed development is likely to have a significant effect on the site's qualifying features.

In accordance with the latest advice from NRW 'Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation' (<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/advice-to-planning-authorities-for-planning-applications-affecting-phosphorus-sensitive-river-special-areas-of-conservation/?lang=en>), the Local Planning Authority and the appellant are required to provide to PEDW, no later than two weeks from the date of this letter, i.e. by **15 December 2021**, the following information:

1. Information that will allow the development to be screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as there is unlikely to be a source of additional phosphorus or pathway for impacts:
 - a) Evidence that the development would not increase the volume of foul wastewater; or

- b) Evidence that the development would improve existing water quality discharges by reducing the phosphorus load of wastewater, or by decreasing the volume of wastewater produced (e.g. by improvements to existing wastewater treatment infrastructure).

For developments which do not clearly meet the above criteria, they cannot be screened out of HRA, and the Welsh Ministers will be advised that they should undertake an Appropriate Assessment if they were minded to allow the proposal.

2. As the development involves connecting to public wastewater treatment works the following information will be required to inform an Appropriate Assessment:
 - a) confirmation of how foul drainage will be managed; and
 - b) scale plans showing the location of the nearest mains sewer and proposed connection point; and
 - c) where relevant, evidence that an application has been made to the sewerage undertaker for connection to a mains sewer, and a copy of their formal response confirming either:
 - i. there is capacity to treat additional wastewater and phosphorus from the proposed development (in combination with other planned development) within the existing discharge permit limits, or
 - ii. the necessary treatment capacity to remain within existing discharge permit limits will be delivered within the current Asset Management Plan (AMP) period.
3. Where the development proposes measures to avoid or mitigate potential phosphorus impacts, for each measure the appellant is required to provide details on:
 - a) how the measure would avoid or reduce adverse effects on the SAC (considering the predicted duration of the effects); and
 - b) how the measure will be secured and implemented, and by whom; and
 - c) how the measure will be maintained and who will be responsible for maintenance.

In the event that capacity is identified in relation to either 2. i. or ii. as above, the Inspector will require additional information to enable him to advise the Ministers on an Appropriate Assessment. The appellant is advised to undertake investigations, in line with the advice in the aforementioned NRW advice, to ascertain whether the discharge permit has been subject to HRA and if so to provide a copy and an analysis of whether the findings continue to be relevant. If no such assessment has been carried out the appellant should outline the information, if any, which it intends to provide to inform the Inspector's report in this respect together with a timeline for submission. The Council should provide any information which it holds on these matters.

As noted above, please respond no later than **15 December 2021** on this matter. The Inspector may seek clarification on the information provided at the Inquiry.

Please send all correspondence to PEDW.Casework@gov.wales quoting reference number 3263516.

Yours sincerely

Kelly Maskell

Kelly Maskell
Charting Officer