

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

Land South of Holt Road, Wrexham

Update Planning Proof of Evidence of Vincent Ryan

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1.0 INTRODUCTION

Background

- 1.1 This Update Planning Proof of Evidence is presented in support of an appeal by Barratt Homes, Bloor Homes North West, John Raymond Jones and the Trustees of the Wrexham (Parochial) Education Foundation (“the Appellants”) against the decision of Wrexham County Borough Council (“the Council”) to refuse 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 from the northern site access (“the Development”) on Land South of Holt Road, Wrexham (“the Site”).
- 1.2 In November 2021 I prepared and submitted a Planning Proof of Evidence¹ to this Appeal (“First Proof”). An inquiry was scheduled to open on 11 January 2022, but was postponed with the agreement of all parties due to the emergence of the phosphates issue. This issue, which is well documented, created significant challenges to local planning authorities and developers in North East Wales in demonstrating that phosphorus levels in the River Dee and Bala Lake Special Area of Conservation (SAC) would not increase as a result of proposed developments. Since that time the Appellants have been part of a consortium of developers that are members of the Dee Catchment Nutrient Management Board (NMB) and the NMB Technical Advisory Group, working alongside the Council, Welsh Water, Natural Resources Wales (NRW) and others, tasked with resolving the issue, including freeing up capacity within existing and planned phosphorus treatment regimes at wastewater treatment works (wwtw) in the area.
- 1.3 The phosphates issue was resolved for this Site in July 2023, following the publication by Welsh Water of the permit review of the Five Fords wwtw in Wrexham, which concluded that there was sufficient treatment capacity to accommodate all sites proposed for allocation in the then emerging Wrexham County Borough Local Development Plan (LDP). During the period between the postponement of the Inquiry and resolution to the phosphates issue, the Appellants provided regular updates to PEDW on the progress of matters. In December 2023 the Council adopted the LDP and on 8 April 2024 the Council’s Planning Committee resolved to withdraw all previous reasons for refusal relating to this Appeal. The above matters are documented in detail in a Statement of Common Ground² (SoCG) prepared jointly between the Appellants and the Council.

¹ Core Document Ref (CD)14.1

² CD16.1

- 1.4 The change in circumstances results in the need to prepare this Update Planning Proof of Evidence, to ensure that the Inspector and Welsh Ministers are fully informed of the current planning position.

Recap

- 1.5 The outline planning application for the development (Council reference number P/2019/0005) (“the Application”), was the subject of a decision to refuse planning permission, contrary to the Chief Officer’s recommendation, at a meeting of the Council’s Planning Committee on Monday 27 July 2020. The Decision Notice³, of the same date, cited the following reasons for refusal:

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 to meet increased demand.

- 1.6 This Appeal was lodged with The Planning Inspectorate (“PINS”), which has subsequently become Planning & Environment Decisions Wales (“PEDW”), on 19 November 2020 and was confirmed as valid on 17 December 2020 (“Appeal”). The submitted Appeal included the Appellants’ Statement of Case⁴.

- 1.7 By letter dated 20 January 2021⁵ PINS advised that the Welsh Ministers considered it appropriate for them to come to their own conclusion as to whether the development is EIA development within the meaning of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (“the EIA Regulations”) and to provide a screening direction in that respect. This was notwithstanding that the Council had originally adopted its own Screening Opinion on 18 January 2018⁶, which

³ CD8.3

⁴ CD11.1

⁵ CD10.1

⁶ CD14.4

stated that the development would not need to be the subject of an Environmental Impact Assessment.

- 1.8 The 20 January 2021 letter confirmed that in exercise of the powers conferred by Regulation 4 of the EIA Regulations, the Welsh Ministers directed that the development subject of the Appeal *is* EIA development within the meaning of the EIA Regulations. The Appeal was therefore required to be accompanied by an Environmental Statement (“ES”).
- 1.9 Barton Willmore duly prepared the required ES⁷ which was submitted to PINS to support the Appeal on 13 April 2021. The topics scoped into the ES were Minerals and Agricultural Land, as required by PINS. The ES was assessed and found to be complete for the purposes of the EIA Regulations in an ‘Assessment of Environmental Statement’⁸ issued by PINS on 19 May 2021.
- 1.10 Further correspondence from PINS dated 19 May 2021 advised that in exercise of the powers under section 79 and paragraph 3(1) of Schedule 6 of the Town and Country Planning Act 1990, the Welsh Ministers considered that the Appeal should be determined by themselves. The letter constituted a direction under paragraph 3(2) of Schedule 6 of the Town and Country Planning Act 1990. The reason for the direction was cited as being that the development is residential development of more than 150 houses or on more than 6 hectares of land⁹.
- 1.11 The turn of events that followed are summarised in paragraphs 1.2 and 1.3 above, and are set in further detail with the SoCG¹⁰.
- 1.12 The Appellant resubmitted a further planning application for the proposed development on 4 May 2021 (CD17) (“Second Application”). The Second Application was assigned reference P/2021/0436. At the time of writing, this application is yet to be determined by the Council and has been subject to significant delays owing to matters relating primarily to phosphates, as well as the evolution of the now adopted LDP.
- 1.13 This Update Proof of Evidence addresses planning issues pertinent to the matters that remain to be considered by the Inspector and Welsh Ministers following the Council’s

⁷ CD14.5

⁸ CD10.2

⁹ CD10.7

¹⁰ CD16.1, paragraphs 5.56-5.60

withdrawal of the reasons for refusal, including those matters set in PEDW's email of 13 March 2024¹¹.

- 1.14 In addition to my evidence, a separate Update to Highways and Transport Evidence has been submitted on behalf of the Appellants by Mr Paul Corbett of CBO Transport¹². This is an update to Mr Corbett's previous proof of evidence¹³, which is considered necessary to inform the Inspector and Welsh Ministers of the implications of any changes in circumstances since the initial exchange of evidence in November 2021. It is not considered necessary to submit further evidence for the Appellants on the matter of Minerals due to the fact that the Council has withdrawn its reason for refusal in relation to that matter, and the SoCG¹⁴ confirms the agreed position on Minerals, namely that the proposed Development accords with applicable LDP policy.
- 1.15 As highlighted above, the Appellants have agreed a SoCG with the Council¹⁵, describing matters pertinent to the Appeal that are both agreed and disagreed, in order to assist the Inspector and Welsh Ministers.
- 1.16 Contained at Appendix VR1 to my First Proof is an Education Report that has been prepared on behalf of the Appellants by Mr Jan Kinsman of EFM Ltd. The conclusions of the Education Report and associated implications are discussed in further detail in Section 8 of my First Proof. The latest position in relation to education contributions is provided in Section 6 of this Proof, as well as the SoCG.
- 1.17 The Appellants have consulted with the Council throughout this Appeal in order to draft and agree a Section 106 Agreement¹⁶, an executed version of which is submitted to PEDW alongside this Proof and other supporting documents.

¹¹ CD22.2

¹² CD20.2

¹³ CD14.2

¹⁴ CD16.1

¹⁵ CD16.1

¹⁶ CD9.1

2.0 QUALIFICATIONS AND EXPERIENCE

- 2.1 My name is Vincent Ryan and I have been appointed by the Appellants to present evidence on planning matters in support of this Appeal at the Inquiry.
- 2.2 I hold a Bachelor of Arts (with Honours) in Town and Country Planning and a Diploma in Town Planning from the University of Newcastle-upon-Tyne. I am also a Chartered Member of the Royal Town Planning Institute (MRTPI).
- 2.3 I have over twenty two years' experience in the Town Planning profession in both public and private sector positions.
- 2.4 I am a Planning Director within the Manchester office of Stantec UK Ltd. Stantec provides planning, design, engineering, economic and environmental consultancy services to the development industry. I undertake a wide range of professional town planning consultancy work, advising developers, including national and regional housebuilders, landowners, investors, multi-national commercial organisations and public sector bodies. I advise clients on a range of planning issues, and in particular in the residential sector.
- 2.5 I have been advising the Appellants in relation to the Site and the development since January 2014, having promoted the Site on their behalf through the emerging Wrexham LDP, including appearing at the related Examination in Public, and acted as lead consultant in relation to two outline planning applications for the Site's development; these being the Application subject of this Appeal, and the Second Application which awaits determination at the time of writing¹⁷. I am, therefore, very familiar with the Site, the surrounding area and planning policy matters relating to the development, as well as all documentation relating to this Appeal.
- 2.6 The evidence that I have prepared and provide for this Appeal in this Update Planning Proof of Evidence is true and has been prepared and given in accordance with the guidance of the professional institution of which I am a member. I can also confirm that the opinions given are my true professional opinions.

¹⁷ CD17

3.0 SCOPE OF EVIDENCE

3.1 My First Proof focused broadly on the matters set out in the Appellants' Statement of Case¹⁸ and further matters raised within the Council's Original Statement of Case¹⁹. This Proof of Evidence does not seek to repeat, in detail, those matters that are already agreed with the Council in the SoCG; such as the description of the Site and its surroundings, planning history and the updated planning policy context for the Site. My evidence is therefore structured to address the following issues in order:

- Compliance with the adopted development plan
- Information requested by the Inspector
- Planning obligations
- Conclusions and benefits of the development

3.2 I wish to draw the Inspector's and Welsh Minister's attention the range of updated information that the Appellants have provided in support of this appeal and the Second Application, which are relevant to the application of development plan policy and national planning policy. Of particular note are the updated Ecological Impact Assessment²⁰ and Green Infrastructure Statement²¹ prepared by Tyler Grange, and an updated Energy Statement prepared by Briary Energy²².

¹⁸ CD11.1

¹⁹ CD11.2

²⁰ Appendix 6 of CD16.1

²¹ Appendix 7 of CD16.1

²² Appendix 13 of CD16.1

4.0 COMPLIANCE WITH THE DEVELOPMENT PLAN

Development Plan

- 4.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) and Planning Policy Wales, 12th Edition (“PPW”) ²³, establish a presumption in favour of sustainable development and require planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.2 The Development Plan relevant to this Appeal comprises the Wrexham LDP²⁴, which was adopted on 20 December 2023 and covers the Plan period 2013 – 2028, and Future Wales: the national plan 2040 (“Future Wales”), which was adopted in February 2021 by Welsh Government.

Future Wales

- 4.3 Future Wales²⁵ was published by Welsh Government in February 2021. It serves as a national development framework setting the direction for development in Wales to 2040 and has development plan status; 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.
- 4.4 The Future Wales document is a Spatial Plan and identifies broad locations for investment across Wales. The document confirms that, as the national development framework, Future Wales is the highest tier of the 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 by Local Development Plans at local authority level.
- 4.5 Figure 1 below illustrates that Wrexham and Deeside is identified as one of three National Growth Areas according to Future Wales. Policy 1²⁶ of Future Wales (Where Wales Will Grow), states that within the National Growth Areas, there will be growth in employment and housing opportunities and investment in infrastructure. It states that these areas are

²³ CD19.1, PPW paragraph 1.18, PPW

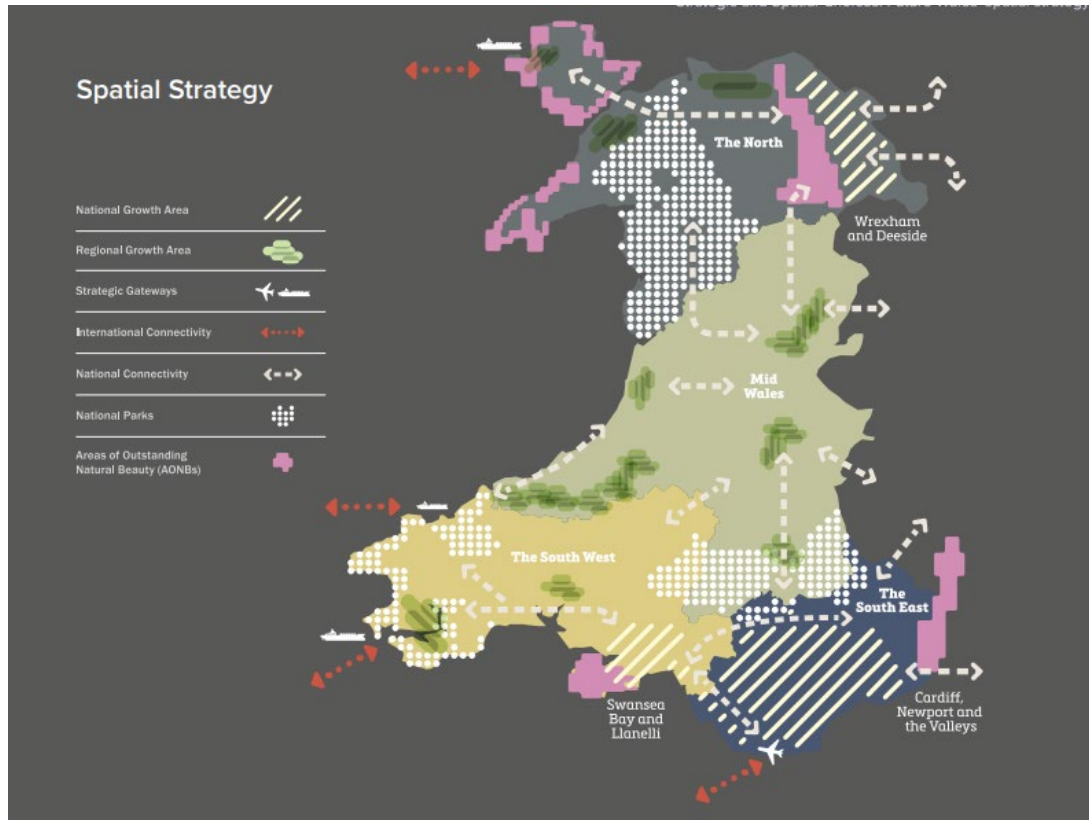
²⁴ CD18.1

²⁵ CD2.5

²⁶ CD2.5, Page 62, Future Wales

internationally and nationally significant places and that this strategy promotes their continued growth and regeneration.

Figure 1: Future Wales 2040 – Spatial Strategy²⁷



4.6 Policy 7 - Delivering Affordable Homes²⁸ of Future Wales states the following:

“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.” [emphasis added]

²⁷ Page 61, Future Wales - CD2.5

²⁸ Page 72, Future Wales - CD2.5

4.7 The explanatory text associated with Policy 7 states 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 housing²⁹.

4.8 As stated above, Wrexham and Deeside is identified as a National Growth Area. Policy 20 of Future Wales is specific to this National Growth 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.” [emphasis added]

4.9 The Site forms part of a Key Strategic Site in Wrexham that is essential to the delivery of the LDP’s strategy and the required market and affordable housing growth needed in the city. Through the Site’s adoption in the LDP and the range of supporting documentation to this Appeal, the proposal has been demonstrated to represent a sustainable means of meeting that growth through the delivery of up to 480 market and 120 affordable homes, and the economic, environmental and social benefits that are achieved in parallel with it.

4.10 The proposed Development is, therefore, clearly in accordance with the policies of Future Wales.

LDP

4.11 The Site forms part of a Key Strategic Site for residential development, known as KSS2: Land East of Cefn Road, Wrexham, allocated under Policy SP4 which is worded as follows:

“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 community uses, along with

²⁹ Page 72, Future Wales – CD2.5

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.

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.”

- 4.12 The final section of the policy, under the heading ‘Affordable Housing’ was added as a Matters Arising Change following the LDP Examination and upon adoption of the LDP.

Principle of Development

- 4.13 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, and 20% of the dwellings to be delivered will be affordable. As confirmed in the SoCG³⁰, the principle of development is fully in accordance with the LDP.

KSS2 Infrastructure Requirements

- 4.14 It is common ground with the Council that the proposed Development is fully in accordance with the requirements of Policy SP5, and will make its proportionate contribution to the ‘Necessary Infrastructure’ listed under the policy SP4. For completeness I set out in Table

³⁰ CD16.1, paragraph 5.3

1 below how the proposed Development will meet the infrastructure requirements identified.

Table 1 – KSS2 – Policy SP4 Assessment

SP4 Policy Requirement	Response
Highways improvements to address known infrastructure capacity constraints at the Greyhound roundabout	A Transport Assessment ³¹ (TA) and Transport Assessment Addendum ³² (TAA) were prepared in support of the Application and the Proof of Evidence (November 2021) ³³ and Update to Highways and Transport Evidence (April 2024) ³⁴ of Mr Corbett supports this Appeal. Mr Corbett's evidence confirms the agreed position with the Council, following jointly commissioned modelling work relating to the impact of the proposed LDP allocations on the local highway network, which has been further validated by undertaking up to date traffic surveys in 2023, that specific mitigation will be required to address the identified capacity constraints. Mr Corbett's evidence explains how and when the mitigation will be delivered and provides the necessary evidence that the impact of the proposed development will be mitigated. With specific regard to the Greyhound roundabout, the construction of the spine road link from the Holt Road roundabout in the north, through the Site to its southern boundary, followed by the construction of the full spine road across Bryn Estyn Road (paid for in part by the Appellants) and onwards to Cefn Road by the development of KSS2 south, will mitigate the impact of development traffic on that roundabout.
Ensuring connectivity between the land north and south of Bryn Estyn Road	The submitted Parameter Plan shows an indicative route of a spine road from the Site's northern access to the southern boundary of the Site with Bryn Estyn Road at a location to be agreed. As explained by Mr Corbett, and as stated above, the Appellants will then contribute towards the funding of a link road across Bryn Estyn Road and Council-owned land, to enable the continuation of the spine road and the necessary north/south connectivity of KSS2. This link is part of the proposed mitigation of KSS2 on the Greyhound roundabout to the west. 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.

³¹ CD5.24 and CD5.25

³² CD6.8

³³ CD14.2

³⁴ CD20.2

SP4 Policy Requirement	Response
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	The Council is currently assessing potential options in relation to the proposed location of a new primary school; but to date a location has not been finalised. The Appellants agree in principle to provide developer contributions towards education provision providing that the requested contribution meets the applicable tests set out in the Community Infrastructure Regulations. It is expected that an appropriate financial contribution will be secured via a Section 106 agreement.
Public open space	Based on the indicative details provided within the submitted Parameters Plan ³⁵ and Illustrative Concept Layout ³⁶ , the scheme has the potential to deliver over 7 ha of green infrastructure, including public open space and play facilities, in addition to undeveloped woodland buffers and visually sensitive land that will be a community resource. Further details of the intended approach to the provision of public open space within the development can be found in the Design and Access Statement ³⁷ that accompanied the Application.
Community and leisure facilities, including the retention of the Erlas Victorian Walled Garden	The development does not directly affect the Erlas Victoria Walled Garden, which is beyond the Site boundary to the south. It should be noted, however, that the development will bring additional residents to the area and therefore custom to the Victorian Walled Garden, which will no doubt be a benefit to its long-term viability. Leisure facilities in the form of playing fields will be provided elsewhere within KSS2, on land to the south of Bryn Estyn Road, in addition to the network of public open spaces across KSS2.
Active Travel	The Appellants are supportive of improving facilities which aid pedestrian and cycling routes and links within the Site. 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 Travel Plan for the Site, that will be developed in liaison with the Council via a suitably worded planning condition, based on the Framework Travel Plan that accompanied the Application, which the Council raises to objection to.

³⁵ CD5.15³⁶ CD5.6³⁷ CD5.5

SP4 Policy Requirement	Response
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 Wrexham train station, which provides connections to Cardiff, Holyhead, Birmingham and Chester.

- 4.15 Having regard to the above, I conclude that the proposed Development is fully in accordance with Policy SP4 of the LDP, in terms of both the provision of housing and delivery of necessary infrastructure.

Minerals

- 4.16 The Site is within a designated Sand and Gravel Safeguarding Area according to the LDP Proposals Map³⁸. Policy MW1 of the LDP applies and is worded as follows:

“Non-mineral development within Mineral Safeguarding Areas as defined on the proposals map will only be permitted where it can be demonstrated that:

- 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 temporary nature or can be removed within the timescales within 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.

All applications for development in these areas will be supported by a Mineral Safeguarding Assessment.

Proposals for non-mineral development on allocations sites of 4ha or more and which are underlain by Category 1 sand and gravel shall be supported by a Prior Extraction Assessment.”

³⁸ CD2.21

- 4.17 Paragraphs 6.12-6.18 of my First Proof summarises why I consider both criteria i. and ii. to apply in this case and that, therefore, the proposed Development is in accordance with Policy MW1. Indeed, it is also the position of the Council that the proposed Development is in accordance with Policy MW1, as set out in the SoCG³⁹. Whilst both parties agree that prior extraction is not required in this instance, the Inspector and Welsh Ministers are directed not only to the same paragraphs of my First Proof, but also to the suite of documents that address this issue, namely the original Prior Extraction Assessment⁴⁰, the Environmental Statement⁴¹ and the Proof of Evidence of Stephen Barry⁴²; as well as the note titled *Implications of Mineral Prior Extraction for the Development of Housing May 2022*⁴³ prepared by Barton Willmore, now Stantec and *Technical Note: Issues Surrounding Mineral Safeguarding*⁴⁴ prepared by Wardell Armstrong, both in support of the Second Application.

Compliance with other LDP Policies

- 4.18 The SoCG lists all relevant LDP policies and concludes that the proposed Development is in accordance with those policies. I do not, therefore, consider it necessary to extend this assessment to discuss those policies given the common ground between the parties.

Conclusion

- 4.19 I conclude that the proposed Development is in complete accordance with the applicable policies of Future Wales and the LDP, for the reasons stated above and expressed within the SoCG. In accordance with S.38(6) of the Planning and Compulsory Purchase Act and PPW, therefore, this appeal should be allowed unless material considerations indicate otherwise.

³⁹ CD16.1 paragraphs 5.48 and 5.49

⁴⁰ CD5.20

⁴¹ CD9.1

⁴² CD14.3

⁴³ CD20.7

⁴⁴ CD20.8

5.0 ADDITIONAL INFORMATION REQUESTED BY THE INSPECTOR

- 5.1 This section of my Proof of Evidence focusses on PPW. Edition 12 of PPW⁴⁵ was adopted by Welsh Government in February 2024. Whilst my First Proof assesses the proposed development against the national policies set out in Edition 11 of PPW, the majority of policy and the assessment I provide remains applicable to the latest Edition.
- 5.2 One area of PPW that has seen notable change, however, is Chapter 6: Distinctive and Natural Places, and the Inspector has invited comments upon it. For this purpose, I draw the Inspector's and Welsh Minister's attention to the Ecological Impact Assessment (17th January 2024)⁴⁶ prepared by Tyler Grange, which was submitted in support of the Second Application and is also submitted in support of this Appeal. Whilst the Assessment was prepared in January 2024, prior to the adoption of Edition 12 of PPW, the changes made to Chapter 6 were adopted in October 2023, in advance of the publication of PPW12. The Assessment, therefore, takes into account the most up-to-date national policy requirements.

Net Benefit for Biodiversity and the Step-wise Approach

- 5.3 The section of PPW titled Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty) states the following at paragraph 6.4.5:

“Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non-native species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve or enable the improvement, of the resilience of eco-systems. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable and demonstrable benefit, primarily on or immediately adjacent to the site. The step-wise approach outlined below is the means of demonstrating the steps which have been taken towards securing a net benefit for biodiversity.”

- 5.4 The Step-Wise Approach is then set out in paragraph 6.4.15 of PPW, which describes the 6 steps that can be summarised as 1. Avoid, 2. Minimise, 3. Mitigate/Restore, 4.

⁴⁵ CD19.1

⁴⁶ Appendix 6 to the SoCG (CD16.1)

Compensate on site, 5. Compensate off-site, and, if this cannot be achieved, 6. Refuse planning permission.

- 5.5 The Ecological Impact Assessment states that the proposed development would mainly affect arable habitat of negligible ecological importance, which requires no specific mitigation and which would have limited impact on fauna which use it. It states further that, in accordance with the step-wise approach and general nature recovery, this habitat is not a strategic target for expansion⁴⁷.
- 5.6 The Assessment lists habitats within the Site which have been identified as being of 'local' ecological importance and/or priorities for conservation under Section 7 of the Environment (Wales) Act 2016, which the step-wise approach seeks to address. These are:
- Areas of woodland
 - Trees
 - Hedgerows
 - Pond
- 5.7 The Illustrative Concept Layout⁴⁸ and Parameter Plan⁴⁹ are considered to accord with the step-wise approach by retaining these habitats, with the ability to enhance them through plug planting of hedgerows and entering into a long-term management and monitoring plan, which is proposed to be secured through a combination of a planning condition⁵⁰ and the Section 106 agreement⁵¹. The plans also show a continued connection of these habitats to the wider landscape, allowing them to retain functionality and resilience as habitats in their own right and to the fauna which uses them⁵².
- 5.8 In addition to the protection and enhancement of existing ecological features within the Site, enhancements in habitat coverage and quality can also be provided within the Development by delivering new areas of woodland and widespread tree planting, along with areas of meadow grassland and SUDS features.
- 5.9 Overall, the Ecological Impact Assessment concludes that with the implementation of the measures illustrated on the submitted plans, the Development has the ability to deliver a net benefit for biodiversity through the retention and enhancement of existing

⁴⁷ Appendix 6 of CD16.1, paragraph 3.3

⁴⁸ CD5.6

⁴⁹ CD6.9

⁵⁰ Appendix 2 of CG16.1, draft condition 6

⁵¹ CD9.1

⁵² CDXXX, paragraph 3.5

green infrastructure and creating new habitat to provide strengthened connections to the wider landscape, thus delivering a more resilient and connected environment⁵³.

- 5.10 The assessment to date needs to be seen in the context of the fact that only outline planning permission is being sought at this stage, and the full extent of net benefits to biodiversity will be understood in more detail at the reserved matters stage and through the submission and implementation of the ecological method statement and management plan to be secured by condition and the Section 106 agreement.

Green Infrastructure Statement

- 5.11 Edition 12 of PPW has introduced the requirement for a green infrastructure statement to be submitted with all planning applications. The statement should be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. The green infrastructure statement is effectively a way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach has been applied⁵⁴.
- 5.12 As with the Ecological Impact Assessment referred to above, a Green Infrastructure Statement⁵⁵, also prepared by Tyler Grange, has been submitted to support both the Second Application and this Appeal, in response to the changes to Chapter 6 of PPW that were first introduced in October 2023. Again, due to the outline nature of the proposals at this stage, the Green Infrastructure Statement demonstrates what the Parameter and Illustrative Concept Layout plans, together with the Design and Access Statement⁵⁶, provide as a suitable basis for delivering green infrastructure at the later design stages of the Development.
- 5.13 The Green Infrastructure Statement concludes that the proposed Development presents a high-quality, well-designed scheme that balances high-quality and sensitive architectural design with green infrastructure that supports improved connection between people and the natural environment, ensuring a positive impact on the community's well-being and providing a sustainable and inspiring environment for future generations. It goes on to conclude that the step-wise approach has been undertaken from the very outset, retaining those ecological landscape features of local value to provide the framework for the design evolution of the scheme. The green infrastructure

⁵³ Appendix 6 CD16.1, paragraph 3.7

⁵⁴ CD19.1, paragraph 6.2.12

⁵⁵ Appendix 7 CD16.1

⁵⁶ CD5.5

proposals demonstrate a clear commitment to positively respond to the climate and ecological emergencies, with integral SuDS features, the accommodation of native and climate resilient planting and biodiversity gains.

- 5.14 On the basis of the conclusions above, I consider that the requirements for green infrastructure statements have been satisfied, and that the Statement submitted in support of this Appeal demonstrates compliance with Chapter 6 of PPW.

Conclusions

- 5.15 As requested by the Inspector, on behalf of the Appellants I have considered the recently published 12th Edition of PPW and noted that the principal areas of change related to Chapter 6, with the previous conclusions on other topic areas set out in my First Proof being unchanged.
- 5.16 Further submissions in the form of the Ecological Impact Assessment and Green Infrastructure Statement both demonstrate compliance with the updated requirements of Chapter 6 of PPW, relating to the need to demonstrate net gains in biodiversity and the step-wise approach, and to deliver green infrastructure that delivers positive multi-functional outcomes that are appropriate to the Site.

6.0 PLANNING OBLIGATIONS

- 6.1 During the course of this Appeal the Appellants have been in active engagement with Council officers in order to agree the content of a Section 106 Agreement⁵⁷; initially in advance of the inquiry and latterly as matters have progressed in order to execute the agreement as requested by the Inspector. The areas covered by the Section 106 Agreement are summarised below.

Education

- 6.2 The Section 106 Agreement (“S106”) provides for the phased contribution towards the provision of education, in order to address need arising from the development. This is subject to the Inspector and Welsh Ministers being satisfied that such a contribution is in accordance with CIL Regulation 122. At the time of writing this Proof, I have had sight of the Council’s evidence to this appeal, received on 22 April 2024, purporting to demonstrate a shortage of primary and secondary school places to accommodate the demand arising from the Development. In the time available between receiving the Council’s evidence and submitting this Proof, the Appellants’ appointed education advisors (EFM) have not been able to their assessment of the evidence. The Appellants’ response to that evidence will therefore be provided in due course and as quickly as possible.
- 6.3 The Education Report enclosed at Appendix VR1 to my First Proof was prepared with the intention of providing the Inspector and Welsh Ministers with the position on the requirement for the Development to contribute towards education provision in the area. The Report concludes that there appears to be sufficient surplus capacity in both primary and secondary schools in Wrexham to accommodate the need arising from the development. On that basis, a financial contribution towards education provision does not appear to be justified, on the basis of that evidence.
- 6.4 There are, however, clear benefits to a new primary school being delivered within KSS2, particularly in relation to accessibility and, therefore, sustainability. It is also a requirement of LDP Policy SP4. On that basis, the Appellants are prepared to make a financial contribution towards the development of a new primary school within KSS2, should the Inspector and Welsh Ministers consider that such a contribution is in accordance with CIL Regulation 122. I draw the Inspector’s and Welsh Minister’s attention to the fact that, for this purpose, the executed S106 includes a “blue pencil” clause.

⁵⁷ CD9.1

Public Open Space

- 6.5 The S106 requires the submission and approval of a Public Open Space Management Plan for each phase of the development, prior to the occupation of any dwelling within that phase. The S106 will prevent the occupation of more than 90 per cent of dwellings within each phase until the POS for that phase has been completed to the satisfaction of the Council.

Affordable Housing

- 6.6 The S106 requires the submission and approval of an affordable housing scheme for each phase of the development and will ensure that 20 per cent of the dwellings delivered on site will be affordable. The phasing of the delivery of affordable homes is also set out in the S106.

Link Road

- 6.7 In accordance with the findings of the transport evidence, the S106 requires the construction of a link road from the northern site access to a point on the southern boundary of the Site prior to the occupation of the 250th dwelling. The link road is to be constructed to an adoptable standard following completion of the completion of a Section 38 Agreement.
- 6.8 The S106 places a covenant on the Council to confirm the required location on the southern boundary of the Site to which the link road should be constructed, within an appropriate period following the grant of planning permission.
- 6.9 The developers will pay to the Council a spine road link contribution, prior to the occupation of the 300th dwelling, which the Council will use towards the cost of delivering the spine road across its land to the southern part of KSS2.

Ecological Management Plan

- 6.10 The S106 requires compliance with the ecological management plan, to be secured by condition, in perpetuity. The management entity details must be submitted to and approved by the Council prior to the occupation of dwellings within the affected phase of development.

9.0 CONCLUSIONS AND BENEFITS OF THE DEVELOPMENT

- 9.1 This Update Planning Proof of Evidence supplements my First Proof in response to changing circumstances surrounding the Appeal, which concerns proposals for outline planning permission for up to 600 homes and associated infrastructure, with all matters reserved except for the northern site access, at Land South of Holt Road, Wrexham.
- 9.2 Following the adoption by the Council of its LDP, in December 2023, the Appeal Site is allocated for residential-led mixed-use development, forming part of key strategic site KSS2 under Policy SP4 of the LDP. The principle of the proposed development is therefore unquestionably acceptable.
- 9.3 I also consider the development proposals to be fully compliant with the infrastructure requirements of Policy SP4, all other applicable policies of the LDP, Future Wales and PPW. The Council is now in full agreement with this conclusion following its withdrawal of all previously stated reasons for refusal, as set out in the agreed SoCG.
- 9.4 The proposed Development will provide a vital boost to housing delivery in Wrexham and provide essential early infrastructure to enable the delivery of the wider KSS2 development. The annual average requirement for housing completions set by the adopted LDP is 517 dwellings between 2013 and 2028. Since 2013, housing delivery has fallen significantly short of this, as demonstrated in Table 2 below.

Table 2: Housing Completions in Wrexham since 2013⁵⁸

Housing Completions in Wrexham 2013-2023		
Year	Requirement	Completions
2013-2014	517	215
2014-2015	517	235
2015-2016	517	199
2016-2017	517	328
2017-2018	517	222
2018-2019	517	362
2019-2020	517	198
2020-2021	517	202
2021-2022	517	205
2022-2023	517	351
Total	5,170	2,517
Average	517	252

⁵⁸ Source: Wrexham County Borough Council, Report to Planning Committee 8 January 2024

- 9.5 The Council has therefore only delivered 48.7% of its housing requirement over the plan period to date. This is by any measure a significant short fall, which must be addressed as quickly as possible.
- 9.6 Whilst housing completions overall have failed to keep up with need, the failure of the Council to deliver sufficient affordable housing has resulted in a growing and very worrying problem. In October 2021 the Council's housing waiting list stood at around 1,800 households. By April 2023, two and a half years later, this figure had grown to 4,473 households⁵⁹.
- 9.7 The proposed Development will deliver up to 480 market homes and up to 120 affordable homes, which are vital to reversing the harmful impacts of Wrexham's housing under-delivery.
- 9.8 The failure to deliver sufficient housing means that there is a parallel failure to realise the significant economic benefits that come with it. The proposed Development has the potential to deliver the following:
- Estimate residential 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 Jobs = 133
 - Indirect Construction Jobs = 173
 - Construction GVA generated throughout construction period = £97.1m
 - Total household expenditure per annum = £12.3m
- 9.9 The Appeal Site has the potential to make a real difference to housing delivery in Wrexham, with two vastly experienced national housebuilders ready to progress detailed proposals and commence development as soon as possible. The Appellants' have not approached this development speculatively, but instead have advanced the proposals through the Plan-led system over a number of years to secure the allocation of the Site through the LDP, and to plan the development comprehensively.
- 9.10 Having regard to the matter set out in this Proof, my First Proof, the evidence of Mr Corbett and Mr Barry on behalf of the Appellants, the planning application submission

⁵⁹ Source: Wrexham County Borough Council, disclosed at Full Council meeting 19 April 2023

and recent updated submissions, and the agreed position set out in the SoCG, I conclude that the proposed development will deliver significant social, economic and environmental benefits and is fully in accordance with the Development Plan and national planning policy. In accordance with the presumption in favour of sustainable development, and S.38(6) of the Planning and Compulsory Purchase Act 2004, it is respectfully requested that Welsh Ministers allow this Appeal.