
**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

Summary Planning Proof of Evidence of Vincent Ryan

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1.0 INTRODUCTION

1.1 This Summary 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 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 and the Decision Notice¹, 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.

1.3 My evidence addresses the Planning matters pertinent to the above reasons for refusal. In addition to my evidence, separate proofs of evidence have been submitted on behalf of the Appellants by Mr Stephen Barry of Wardell Armstrong in relation Minerals², and by Mr Paul Corbett of CBO Transport in relation to Highways³.

¹ Core Document Ref (CD): 8.3

² CD14.3

³ CD14.2

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 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 Barton Willmore LLP, the UK's largest independent planning and design consultancy. 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 Local Development Plan, 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 a resubmission of the Application which awaits determination at the time of writing (LPA Ref: P/2021/0436)⁴. 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 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.

⁴ CD17

3.0 SCOPE OF EVIDENCE

- 3.1 My evidence focuses broadly on the matters set out in the Appellants' Statement of Case⁵ and further matters raised within the Council's Statement of Case⁶.
- 3.2 The Appeal proposal and Site context are not described in detail again within my evidence, unless where necessary, because these matters are adequately covered in the SoCG and Statements of Case.

4.0 DECISION MAKING AND THE PLANNING POLICY CONTEXT

Development Plan

- 4.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) and Planning Policy Wales, 11th Edition ("PPW")⁷, 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 adopted Development Plan relevant to this Application comprises the Wrexham Unitary Development Plan ("UDP"), which was adopted in 2005 and covers the Plan period from 1996 – 2011, and Future Wales: the national plan 2040 ("Future Wales"), which was adopted in February 2021 by Welsh Government.
- 4.3 According to the **UDP** and its Proposals Map (Map 2, Inset 1: Wrexham Town)⁸, the Site is located outside the settlement limit of Wrexham town, within the open countryside and within the designated Green Barrier. The Site is also within a Protection of Minerals Resource designation. The SoCG contains a table⁹ which summarises the UDP policies cited by the Council in its reasons for refusal. Appendix 2 of the SoCG¹⁰ lists other policies of the UDP relevant to the development. It is assumed that the Council considers the development to be in accordance with all policies of the UDP that are not referenced in support of the reasons for refusal.

⁵ CD11.1

⁶ CD11.2

⁷ Paragraph 1.18, PPW – CD2.1

⁸ CD2.18

⁹ Table 1, SoCG – CD16.1

¹⁰ CD16.1

- 4.4 **Future Wales**¹¹ is the national development framework setting the direction for development in Wales to 2040 and has development plan status. The strategic nature of Future Wales 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 Wrexham and Deeside is identified as one of three National Growth Areas. Policy 1¹² 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 internationally and nationally significant places and that this strategy promotes their continued growth and regeneration. Policy 20 states that Wrexham and Deeside will be the main focus for growth and investment in the North region, as the focus for economic and housing growth.
- 4.6 Policy 7: Delivering Affordable Homes¹³ states that planning authorities should develop strong evidence based policy frameworks to deliver affordable housing and explore all opportunities to increase the supply of affordable housing. The explanatory text associated with Policy 7 state 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 housing¹⁴.

Emerging Development Plan

- 4.7 The Council is in the process of bringing forward its new Local Development Plan ("LDP") to replace the now very dated UDP. The LDP is at an advanced stage. The Council consulted on the Deposit version of the LDP from April – July 2018 and then submitted it for Examination following approval by Members in November 2018. The scheduled Examination hearing sessions took place in September and October 2019, with additional sessions taking place in February and March 2020. There have been a number of delays following the requirement for the Council to undertake further work in relation to Gypsy Traveller sites and phosphates. The work in relation to these matters has been completed and confirmation is awaited of when the consultation into the Matters Arising Changes to the LDP will take place¹⁵. Following this final stage of consultation the Inspectors' binding

¹¹ CD2.5

¹² Page 62, Future Wales - CD2.5

¹³ Page 72, Future Wales - CD2.5

¹⁴ Page 72, Future Wales – CD2.5

¹⁵ Letter from the Council to the LDP Inspectors dated 6 October 2021 – CD3.26

report is anticipated to be issued in the first quarter of 2022, with adoption following soon after. The LDP will cover the Plan period from 2013 to 2028.

- 4.8 Within the emerging LDP, the Site forms part of a proposed Key Strategic Site for residential development, known as KSS2: Land East of Cefn Road, Wrexham, allocated under Policy SP3 and Policy SP5. The Site will form the northern part of the KSS2 allocation and will deliver up to 600 dwellings of the overall allocation of 1,680 dwellings. The Site is also within a designated Sand and Gravel Safeguarding Area according to the LDP Proposals Map¹⁶. A full list of applicable LDP policies is set out in Appendix 3 to of the SoCG.

Other Material Planning Considerations

- 4.9 The Council has adopted a range of **local planning guidance notes** ("LPG"), some of which are relevant to the development.
- 4.10 In April – May 2018, in parallel with the Deposit LDP consultation, WCBC consulted on a **SPG01 Masterplanning Framework** (2018)¹⁷. The document is intended to guide the masterplans for the three emerging Key Strategic Sites (including KSS2) proposed through the LDP, as well as providing general principles for the design of non-strategic sites. The SPG is not yet adopted but is a material consideration of weight given its relationship to the Site's allocation in the LDP.
- 4.11 **Planning Policy Wales** (11th Edition, February 2021) ("PPW")¹⁸ states that the primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales¹⁹.
- 4.12 PPW is clear that there is a presumption in favour of sustainable development, in accordance with the development plan, unless material considerations indicate otherwise, in order to ensure that social, economic, cultural and environmental issues are balanced and interrogated²⁰.

¹⁶ CD2.21

¹⁷ CD3.1

¹⁸ CD2.1

¹⁹ Paragraph 1.2, PPW - CD2.1

²⁰ Paragraph 1.18, PPW - CD2.1

- 4.13 PPW confirms that up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making²¹.
- 4.14 According to PPW agricultural land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade²².
- 4.15 PPW describes the role of green wedges (also applicable to green barrier) and Green Belt. It confirms that green wedge policies should be reviewed as part of the development plan process and that green wedges are local designations which essentially have the same purpose of green belts and may be used to provide a buffer between the settlement edge and statutory designations and safeguard important views²³.
- 4.16 The construction of new buildings in a green wedge is inappropriate development unless it is for the following purposes:
- Justified rural enterprise needs;
 - Essential facilities for outdoor sport/recreation, cemeteries and other uses of land which maintain the openness of the Green Wedge and do not conflict with the purpose of including land within it;
 - Limited extension, alteration or replacement of existing dwellings; or
 - Small scale diversification within farm complexes where this is run as part of the farm business²⁴.
- 4.17 When considering applications for planning permission in green wedges, a presumption against inappropriate development applies, and PPW states that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge²⁵.

²¹ Paragraph 1.22, PPW

²² Paragraph 3.59, PPW – CD2.1

²³ Paragraphs 3.64-3.78, PPW – CD2.1

²⁴ Paragraph 3.75, PPW – CD2.1

²⁵ Paragraph 3.74, PPW – CD2.1

- 4.18 In respect of housing, PPW states that the planning system must: identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures; enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and focus on the delivery of the identified housing requirement and the related land supply²⁶.
- 4.19 In relation to affordable housing, PPW states that:
- "A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications."²⁷ [emphasis added]
- 4.20 With regard to the safeguarding of mineral resources, PPW states that access to mineral resources which society may need is safeguarded in order to prevent sterilisation by other forms of permanent development²⁸.
- 4.21 A minimum seven-year land bank for sand and gravel should be maintained during the plan period of each development plan²⁹.
- 4.22 A number of Welsh Government **Technical Advice Notes** ("TAN") are of relevance to the Appeal, including: TAN2, TAN5, TAN12, TAN16, TAN18 and TAN20.
- 4.23 The **Development Plans Manual**, Edition 3 ("DPM")³⁰. DPM advises on matters of weighting to emerging LDPs and prematurity in relation to decision-making. It states that certainty regarding the content of LDPs will only be achieved when the Inspector(s) delivers their binding report, and, therefore, local planning authorities will need to consider carefully the underlying evidence and background to the policies.³¹
- 4.24 With regard to prematurity, DPM states that refusing planning permission on grounds of prematurity will not usually be justified except in cases where the development proposal goes to the heart of the plan and is individually or cumulatively so significant, that to grant planning permission would be to predetermine decisions about the scale, location

²⁶ Paragraph 4.2.2, PPW – CD2.1

²⁷ Paragraph 4.2.25, PPW – CD2.1

²⁸ Paragraph 5.14.7, PPW – CD2.1

²⁹ Paragraph 5.14.15, PPW – CD2.1

³⁰ CD2.3

³¹ Paragraph 7.5, DPM – CD2.3

or phasing of new development.³² It goes on to state that whether planning permission should be refused on grounds of prematurity requires careful judgement and the LPA will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.³³

- 4.25 The **Development Management Manual** (Revision 2) ("DMM")³⁴ advocates a positive approach to shaping, considering, determining and delivering development proposals and promotes collaborative working between developers and other stakeholders³⁵.

5.0 COMPLIANCE WITH THE ADOPTED DEVELOPMENT PLAN AND THE WEIGHT TO BE AFFORDED TO IT

- 5.1 **Policy PS1** of the UDP states that development for housing will be directed to locations within defined settlement limits. **Policy H5** sets out the circumstances in which new housing development will be permitted outside defined settlement limits. There are only three such criteria and none of the exceptions in Policy H5 apply to the development. The development therefore conflicts with Policies PS1 and H5 the UDP on the basis of its location.
- 5.2 **Policy EC1** limits the purpose for which development is permitted in the Green Barrier, but does not provide for a scenario where "very exceptional circumstances" can, if proven, justify development falling outside the permitted forms of development described in the Policy, as is the case with inappropriate development in PPW³⁶. In this respect Policy EC1 is not consistent with PPW. However, the proposed development does not fall within any of the exceptions listed in EC1 and, therefore, it is in conflict with the Policy. The development is inappropriate development according to PPW and in such circumstances very exceptional circumstances must exist in order for inappropriate development to be permitted, which clearly outweigh the harm which such development would do to the Green Barrier.
- 5.3 **Policy EC2** of the UDP does not permit development that will lead to the irreversible loss of agricultural land in grades 1, 2 or 3a. The majority of the Site (88 per cent) consists of grade 3a (good quality) agricultural land, therefore the development is contrary to

³² Paragraph 7.5, DPM – CD2.3

³³ Paragraph 7.7, DPM – CD2.3

³⁴ CD2.2

³⁵ Paragraph 1.1.1, DMM – CD2.2

³⁶ Paragraph 3.74, PPW – CD2.1

Policy EC2. Policy EC2 provides no caveat or other basis upon which development involving the loss of BMV land would be acceptable, which again is inconsistent with PPW³⁷; albeit the Council's second reason for refusal takes the position that the development is also contrary to PPW due to its failure to satisfy the applicable sequential test.

- 5.4 The proposed development is, therefore, in conflict with Policies PS1, H5, EC1 and EC2 of the UDP and, as a consequence, is unacceptable in principle according to the adopted development plan.
- 5.5 **Policy MW9** states that resources of sand and gravel will be safeguarded from non-mineral development in order to prevent the sterilisation of unworked minerals deposits. Within such areas non-mineral development will be strongly resisted unless a resource assessment (or other information) is provided to demonstrate that no exploitable reserves exist within the development site. Where non-mineral development which materially prejudices minerals resources is granted planning permission on land holding minerals deposits, provision should be made for the prior removal of mineral deposits.
- 5.6 Mr Barry's Proof of Evidence concludes that the sand deposit is not an exploitable mineral resource in its own right - because it is in fact 'sand', rather than 'sand and gravel' - and is unlikely to be so in the future; therefore, it does not qualify to be safeguarded and, consequently, there is no conflict with Policy MW9 of the UDP.
- 5.7 Even if it were to be demonstrated that the sand deposit is of commercial value and is worthy of safeguarding, which the evidence does not suggest, there are, in my opinion, compelling other material considerations of significant weight that justify setting aside any protection of the sand deposit afforded by Policy MW9, which I detail in the following section.
- 5.8 With regard to **Policy GDP2**, the Council has confirmed its position on the matter of health services, which is now set out in the SoCG³⁸, namely that the Betsi Cadwaladr University Health Board ("Health Board") makes no objection to the proposed development and that the Council does not intend to pursue reason for refusal 3.

³⁷ Paragraph 3.59, PPW – CD2.1

³⁸ Paragraph 3.18 and 5.28, SoCG – CD16.1

- 5.9 **Policy CLF5** relates to open space requirements for new residential developments. The Application is in outline form and provides no details of proposed public open space. Such detail would be dealt with at the Reserved Matters stage. Consequently, the Council's objection to the development on grounds of provision of open space is not considered to be reasonable, because the Appellants are not providing such details for consideration at this time. The Parameters Plan³⁹ and Illustrative Concept Layout⁴⁰ that accompanied the Application show the potential for the development to incorporate green infrastructure in excess of the UDP's requirement. Notwithstanding that this matter is reserved, the proposed development is not in conflict with Policy CLF5 of the UDP.

UDP Conclusions

- 5.10 There is conflict with Policies PS1, H5, EC1 and EC2 of the UDP. I address below the weight that should be afforded to this conflict. Where the conflict with Policy EC1 is concerned, I consider there to be compelling very exceptional circumstances in this case to justify inappropriate development in the Green Barrier, in accordance with PPW⁴¹. There are set out later in my evidence.
- 5.11 With regard to **Future Wales**, the development presents the opportunity to deliver up to 480 market homes and 120 affordable homes on a Site that the Council already acknowledges as a suitable and sustainable location for growth. Consequently, I consider the development to be fully in accordance with the applicable strategic policies of Future Wales, in particular **Policies 7 and 20**, and therefore consistent with that part of the development plan.

Weight to be afforded to the adopted development plan

- 5.12 Future Wales is an up-to-date strategic plan and carries full weight. The consistency of the development with the strategic policies of Future Wales, which I highlight above, should therefore be given full weight.
- 5.13 Whilst the policies of the UDP must be given weight in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I consider that weight should be reduced. The UDP is significantly out of date. It was adopted in 2005 to cover a Plan period from 1996-2011. It was adopted 15 years ago and has been time-expired for 10

³⁹ Revision C - CD6.9

⁴⁰ CD5.6

⁴¹ Paragraph 3.74, PPW – CD2.1

years – it has been time-expired for more years than it was up to date. Its policies are derived from an evidence base that is out of date to such a significant extent that it bears no relation whatsoever to the current development needs of Wrexham.

- 5.14 PPW is clear that up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making⁴². Wrexham does not have an up-to-date, adopted development plan upon which to base such decisions. The UDP must be afforded reduced weight in decision-making on that basis and regard should be had to other material considerations, such as the emerging LDP and its supporting evidence base, and national planning policy.

6.0 COMPLIANCE WITH THE EMERGING DEVELOPMENT PLAN AND THE WEIGHT TO BE AFFORDED TO IT, AND LOSS OF BMV AGRICULTURAL LAND

- 6.1 **Policy SP1** the LDP makes provision for the delivery of 8,525 new homes, of which 1,319 will be affordable, in order to deliver the Plan's requirement of 7,750 new homes over the Plan period, 2013 - 2028. It is not possible for this number of new homes to be built on brownfield land or within the existing settlement limits of Wrexham town, and the other settlements in the County Borough, as evidenced by the Council's recognition that further land release is required outside of existing development limits⁴³. It is essential that greenfield land around Wrexham town, as the most sustainable settlement in the County Borough⁴⁴, is released for development. To help meet this identified need, two residential-led key strategic sites and a number of non-strategic housing sites, are being allocated for development under Policies SP3 and H1 of the LDP.
- 6.2 The *Wrexham Strategic Green Wedge Review (October 2017)*⁴⁵, which forms part of the LDP's evidence base, contains an assessment of the Site's contribution to the purposes of Green Wedge (Green Barrier). It concludes that the Site can be developed without harm to the function of the Green Barrier in this location.
- 6.3 The Council has consistently approved the Site's inclusion within the LDP as part of a proposed Key Strategic Site throughout the various stages of Committee approval as the

⁴² Paragraph 1.22, PPW – CD2.1

⁴³ Paragraph 5.16, LDP - CD2.19

⁴⁴ Tier 1: Primary Key Settlement, Policy H1, LDP – CD2.19

⁴⁵ CD3.28

LDP has progressed, and as a consequence agrees that its removal from the Green Barrier is necessary and justified, and ultimately will deliver sustainable development.

- 6.4 The Appeal Site will deliver up to 600 dwellings (35 per cent) of the wider KSS2 allocation, which is for 1,680 dwellings, under **Policy SP5**. Policy SP5 identifies a number of site-specific requirements for the development, all of which are satisfied by the proposals, as demonstrated in Table 3 of my main Proof of Evidence.
- 6.5 On the matter of Minerals Safeguarding and compliance with **Policies SP17 and MW1** of the LDP, it is clear that the Council cannot meet its housing needs without developing land that is currently within a minerals safeguarding area. Due to the delays in bringing the LDP forward and a significant shortfall in housing completions against the Council's housing requirement since 2013, the overriding need for new market and affordable homes is significant. Mr Barry's evidence demonstrates that the mineral deposit under the Site is in fact fine sand, and not "sand and gravel"; therefore, it is not the type of mineral reserve that the LDP is seeking to safeguard. Even if some use could be found for the sand deposit, both my evidence and that of Mr Barry demonstrates that prior extraction would cause considerable and unacceptable delays in the delivery of much needed housing. Furthermore, the Site represents a tiny proportion of the area safeguarded for sand and gravel in Wrexham and there is plentiful supply within the County Borough. Finally, the sand deposits on-site help make it possible for the development to adopt an infiltration-based SUDS system, meaning that the removal of such material from Site, and its replacement with similar material, is not a sustainable exercise. On this basis, criteria i) and ii) of policy MW1 clearly apply in this case and no policy conflict exists.
- 6.6 **Appendix VR3** to this Proof of Evidence contains a schedule of other applicable LDP policies and demonstrates compliance with those policies.

Weight to be afforded to the LDP

- 6.7 My **Appendix VR2** contains a table setting out the Council's housing completions since the start of the LDP Plan period. Less than half of the annual average requirement (517 dwellings per annum) has been delivered since 2013, which is a shortfall in excess of 2,400 dwellings in the Plan period to date. The Council has delivered only 51 per cent of the LDP's affordable housing requirement (a shortfall of 387 homes) and 43 per cent of the LDP's requirement for market housing (a shortfall of 2,208 homes). The Council has failed to meet its housing requirement every year since the beginning of the LDP period.

- 6.8 There are very clear parallels between the Appeal proposal and a number of local appeal decisions, relating to emerging LDP housing allocations presently in the Green Barrier, which are covered in detail within my main proof of evidence. This appeal precedent demonstrates the correct approach to the weighting of LDP policy.
- 6.9 On the matter of the weight to be placed upon the LDP, it is clear that the proposed allocation of the Site in the very advanced LDP should be given significant weight in favour of the proposals in the determination of this Appeal. There is a significant housing shortage in Wrexham and the Site will make a very important contribution to addressing that shortage.
- 6.10 Finally, on the matter of prematurity the Appeal proposal represents only a modest proportion of housing identified for deliver in the LDP over the plan period. The scale, location and phasing of the development raises no new issues beyond those taken into account by the Inspectors and Welsh Minister in the appeal cases highlighted above and and in my main evidence. Permitting large-scale residential development on greenfield sites, outside existing settlement limits and in existing Green Barrier, has not been deemed to go to the heart of the Plan prior to the LDP's adoption up until now and I consider this Appeal to be no different. Consequently, there is no justification for resisting the development on grounds of prematurity.

Loss of BMV Agricultural Land

- 6.11 Paragraph 4.27 of my evidence highlights the test set out in PPW in relation to the loss of BMV agricultural land.
- 6.12 There is a clear, overriding need for new residential development in Wrexham. In proposing to allocate the Appeal Site for development the Council has been through a comprehensive assessment of alternative options and a rigorous site selection process. Large scale residential development on BMV agricultural land is essential if development needs are to be met by the LDP. **Appendix VR4** of my evidence is an extract from the *Agricultural Land Classification: Predictive Map* that is published on the Welsh Government's website. The extract shows that the urban area of Wrexham town is almost entirely surrounded by BMV agricultural land in grade 2, with modest area amount of grade 3a and a very small proportion of grade 3b, with no opportunities to deliver development of the scale of KSS2 without developing BMV agricultural land. The allocation of both KSS1 and KSS2 on BMV agricultural land has been deemed to be justified

by the Council following a thorough analysis of alternative options. The Council has therefore demonstrated that there is overriding need for the development on the edge of Wrexham at the scale proposed and has undertaken the sequential assessment itself through the LDP process.

7.0 THE CASE FOR VERY EXCEPTIONAL CIRCUMSTANCES

7.1 I consider there to be a number of factors that combine to amount to the very exceptional circumstances necessary to justify permitting inappropriate development in the Green Barrier in this case. These can be summarised as follows:

- a) The adopted UDP, which designates the Green Barrier, is time-expired and significantly out of date. It's policies, settlement boundaries and Green Barrier boundaries, and the evidence base that supported the UDP, bear no relation to Wrexham's current development needs. The UDP must therefore be afforded reduced weight in the determination of this Appeal.
- b) PPW advises that green wedges (and green barriers) should be subject to review through the Local Development Plan process, and that when considering green wedges LPAs will need to ensure that a sufficient range of development land is available which is suitability located in relation to the existing urban edge and the proposed green wedge⁴⁶. The Green Barrier in which the Site is located was never intended to have the permanence of Green Belt and at the end of the Plan period was to be reviewed, in accordance with PPW. It is clear from the proposed allocation of a number of new housing sites in the LDP that are presently in the UDP's Green Barrier, that the development needs of Wrexham cannot be met without reviewing Green Barrier boundaries.
- c) The housing requirement for Wrexham has not been met since the start of the LDP plan period in 2013. The shortfall is in excess of 2,400 dwellings and is, therefore, worrying and significant. It is essential that new housing development comes forward at the earliest opportunity to address this unmet need.
- d) The Site is required to meet the Council's market and affordable housing needs and is an important component of the emerging LDP's housing strategy.

⁴⁶ Paragraph 3.72, PPW – CD2.1

Ultimately there is just over 6 years remaining of the emerging LDP Plan period; therefore, it is imperative that KSS2 starts to deliver housing as soon as practically possible otherwise the Objectives of the LDP will not be achieved. The Council has publicly supported the Site as a sustainable location for new housing since the early stages of the preparation of the LDP, including most recently at the LDP Examination where it entered into a Statement of Common Ground⁴⁷ with the Appellants and the other KSS2 promoters, to confirm the collaborative desire to see KSS2 yield homes over the Plan period.

- e) The development is, therefore, plan-led and therefore in accordance with the position advocated by PPW that a plan-led approach is the most effective way to secure sustainable development through the planning system⁴⁸. This is also consistent with the appeal cases detailed in Section 6 of my main proof of evidence.
- f) The development will provide up to 120 affordable homes in a situation where those most in need of a home in Wrexham are being failed by slow rates of delivery of affordable housing, at only half the number required since 2013.
- g) The Site will provide essential infrastructure that will help to mitigate the impact on the highway network of both KSS2 and KSS3, in the form of the northern access and roundabout upgrades, a spine road through the Site and contribution to the north/south connectivity south of Bryn Estyn Road.
- h) The development will deliver the following wider economic benefits⁴⁹:
 - Create 173 direct construction jobs, and up to 154 indirect construction jobs;
 - Construction GVA will be £95.9m;
 - Resident GVA per annum will be £32.2m;
 - Residential expenditure will be £10m per annum in the local economy; and
 - £0.9m annual in Council Tax receipts will be generated.

⁴⁷ LDP Examination document reference: SoCG002, Statement of Common Ground: Key Strategic Site 2, Land East of Cefn Road, Wrexham; 10 September 2019 – CD3.22

⁴⁸ Paragraph 1.18, PPW – CD2.1

⁴⁹ Economic Benefits Summary – CD14.7 (originally Appendix 2 to Planning Statement (CD5.17))

- i) The Site is in a sustainable and accessible location in terms of access to public transport, the strategic road network and services and job opportunities, lying as it does approximately halfway between Wrexham town centre and Wrexham Industrial Estate, which is the largest industrial estate in Wales.
- j) The development will ensure that an adequate separation is maintained between the eastern boundary of the Site and Wrexham Industrial Estate to prevent coalescence.

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

8.0 PLANNING OBLIGATIONS

8.1 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 Agreement⁵⁰ in advance of the inquiry. At the time of writing a draft agreement has been prepared that delivers the obligations relating to education, public open space, affordable housing and the KSS2 link road. An agreed draft of the Section 106 Agreement will be finalised before the close of the inquiry.

9.0 CONCLUSIONS AND THE PLANNING BALANCE

9.1 The matters set out in this Summary Proof of Evidence, and elaborated within my Proof of Evidence, are material planning considerations that I consider outweigh the conflict with the out-of-date development plan and the necessary very exceptional circumstances exist to justify allowing development in the Green Barrier in this instance. On behalf of the Appellants, I respectfully invite the Inspector and Welsh Ministers, having regard to my evidence and that of Mr Barry and Mr Corbett, and to allow this appeal.

⁵⁰ CD9.1