

Land South of Holt Road, Wrexham

Implications of Mineral Prior Extraction for the Development of Housing

May 2022

Introduction

This Note has been prepared by Barton Willmore, now Stantec to describe the implications of any requirement for the prior extraction of sand at Land South of Holt Road, Wrexham (the 'Site'), before residential development can take place. These implications are in terms of both the delivery of the development itself, but also the delivery of the wider Local Development Plan (LDP), noting that the Site forms a major component of an emerging Key Strategic Site (KSS2) that is essential to meeting market and affordable housing needs in the County Borough.

The Note is to be read in conjunction with the Technical Note provided by Wardell Armstrong, dated May 2022.

It is our case that the Site's characteristics, the location of neighbouring sensitive uses and the necessary phasing of the development, mean that simultaneous, phased prior extraction of sand alongside residential development could not be achieved and that any requirement to do so would have significant implications both in terms of the delivery of the development, but also the aspirations of the emerging LDP.

Site and Development Practicalities

There are sensitive residential uses to the west and south east of the Site, meaning that any extraction of the sand deposit would need to take place away from these properties in the northern and central areas of the Site, maintaining a circa 60m buffer. The northern part of the Site is where the first residential phases will be delivered, immediately south of the primary access, and the centre of the Site is where the Appellants will need to deliver not only housing, but also a spine road for the full extent of the Site to the southern boundary with Bryn Estyn Road prior to the occupation of the 250th dwelling. Furthermore, as dwellings begin to be occupied, the fact that for at least half of the development period only one principal access will serve the Site, from the Holt Road roundabout to the north, HGV movements associated with the working of the sand deposit would present a major detraction for sales. Consequently, it can only be assumed that any extraction of the sand deposit, if viable and feasible, would need to take place before residential development can commence.

Timescales

Table 1 below provides 'with' and 'without' prior extraction scenarios to illustrate the scale of the problem associated with the process and the implications for housing delivery. It is an illustrative scenario, given uncertainties over the outcome of the current Appeal and the timetable for that decision, as well as parallel uncertainties over the outcome of the pending outline planning application, but the timeline described in each case is considered to be realistic and representative of the stages involved. To further highlight the urgency of the situation, Table 1 also sets out the number of homes that were envisaged to have been delivered on KSS2 North (the Site) as per the LDP Statement of Common Ground for KSS2.

Table 1: Comparison of development progress with and without prior extraction

Without Extraction	Prior	Indicative Timeline	With Prior Extraction	Trajectory Completions (KSS2 North SoCG)*
Outline planning permission granted and LDP adopted.		Q4 2022	Outline permission granted for residential development and LDP adopted.	
Finalise reserved matters proposals and undertake pre-application discussions with officers, consultees and key stakeholders.		Q1 2023	Negotiation of commercial agreement with landowner and agreement with housing developers in relation to technical requirements for development platform in accordance with emerging detailed site design.	
Ongoing pre-application engagement, finalise and submit reserved matters application and submit initial discharge of condition applications.		Q2 2023		150 homes envisaged for completion.
		Q2 2023		
Obtain reserved matters approval and ongoing discharge of conditions.		Q3/4 2023		
Commence works on-site.		Q4 2023	Development of design for excavation scheme,	

Without Prior Extraction	Indicative Timeline	With Prior Extraction	Trajectory Completions (KSS2 North SoCG)*
Completion of first homes.	Q4 2024	undertake initial technical assessments sufficient for pre-application engagement with mineral authority and local planning authority. Undertaken EIA screening. Undertake formal pre-application consultation.	
	Q1 2025	Complete technical assessments and any further pre-application discussions necessary. Prepare detailed planning application and submit to mineral authority.	
	Q2 2025		350 homes envisaged for completion.
	Q3 2025	Planning application process; obtain planning permission. Discharge planning conditions.	
Complete first 100 homes (80 x market / 20 x affordable).	Q4 2025		
	Q1 2026	Commence initial soil strip, if seasonal conditions allow, and commence prior extraction.	
150 homes completed.	Q2 2026	No homes completed.	450 homes envisaged for completion.

**The number of completions is a rolling tally based upon the completion trajectory for KSS2 North as established within the Statement of Common Ground for KSS2 which forms part of the LDP examination. The trajectory follows the financial year, and so calculations made for the purpose of this table are within Q2 of each respective year.*

Whilst only indicative, Table 1 demonstrates that any level of prior extraction of sand at the Appeal Site will result in considerable and unacceptable delays in the delivery of homes on this key strategic site, and it is estimated that a quarter of the homes on Site could be completed in the "without

prior extraction” scenario, by the time prior extraction would commence in the alternative scenario. Without knowing the size of the likely physical area for prior extraction, it is not possible to estimate how long the process would take, nor any associated back-filing or re-grading exercise, but the delays in facilitating development will be considerable. Table 1 also indicates how far behind the LDP is already in terms of delivering against its housing trajectory for the important KSS2 allocation. The implications of yet further delays are clearly very worrying for the LDP and much needed market and affordable housing will not be delivered when they are needed.

Mineral Extraction Processes

Moreover, the prior extraction of sand from this site is not a simple or straightforward process and it is subject to numerous practical and commercial considerations. The first step would be the need for the landowners, the mineral operator and the housing developers to negotiate a commercial agreement for prior extraction which is acceptable to all parties. Typically, it takes circa 12 months for a mineral owner and a mineral operator to negotiate and complete a purchase and lease for conventional mineral extraction which is acceptable to both parties. That timescale is without the added complication of two housing developers and two landowners being involved, which is likely to prolong the timescale due to their technical requirements for an appropriate development platform and landowner's varying priorities.

The mineral operator would then need to undertake a formal pre-application consultation process (which is a statutory requirement in Wales) with the Mineral Planning Service, local community and other stakeholders. This could easily take 6 months to complete from start to finish. Mineral extraction is Schedule 2 development, so EIA screening would be required which could take 3 months to prepare and submit a screening request and receive the Council's opinion, assuming EIA is not required.

The preparation of the supporting application documentation would be a particular challenge because a planning application for mineral extraction can only be in detailed form, whereas the scheme for housing now before the Council is in outline form. This means that the mineral operator would have to design an excavation scheme that is compatible with the development platform that is needed for the houses, but that would probably have to be designed before the details of the development platform are finalised. In addition to that complication, even if no EIA was required, the application would have to include the usual matters such as prediction and mitigation of noise and dust impacts, HGV traffic limits, identification of lorry routes, visual screening, lighting, and working methods with plant specifications. The preparation of a planning application for mineral extraction typically takes about 12 months to complete and determination of the application and discharge of conditions also typically takes a further 12 months.

It can be seen from Table 1 that 3 years or more could lapse before the mineral operator even entered the site to start the prior extraction. The duration of prior extraction operations would

depend on the quantity of mineral to be extracted, which in turn depends on how the prior extraction could be matched with the development platform. At this stage, this duration is unknown, which adds further uncertainty to the concept of prior extraction.

The presence of sensitive existing residential development on the western boundary of the site and in the south east corner of the site means that any prior extraction would need to take place in the northern and central parts of the site. As highlighted above, this would prevent the prospect of the early phases of the housing development (which are in the north of the site) progressing while prior extraction takes place.

Planning Policy Matters

The challenges of prior extraction and its potential to significantly delay the delivery of housing at the site is discussed in the LDP Background Paper 11: Minerals (January 2018) ("BP11"). It acknowledges that requiring prior extraction on a site of the size of Land East of Cefn Road (referring to the entire KSS2 allocation) could have a potentially significant impact in terms of delivery. It then goes on to highlight the problems that could arise out of a resultant change to land levels and a reliance on the importation of inert material; it therefore recommends that prior extraction is considered at an early stage so that it can be incorporated into the overall development. BP11 was prepared before the Wardell Armstrong Prior Extraction Assessment was submitted with the Application setting out the conclusions of the bore hole assessment, which revealed that the site does not support important reserves of sand and gravel. BP11 was prepared over 4 years ago and the LDP is still not adopted. The implications of prior extraction for the ability of the site to deliver the LDP's housing requirement have therefore worsened significantly since then, as illustrated in Table 1, above.

The scale of the site needs to be viewed in the context of the scale of the area that is safeguarded for sand and gravel around Wrexham, and the extent of existing reserves. The site represents a very tiny proportion of the area identified as Category 1 Aggregates Safeguarding Areas for sand and gravel on the Aggregates Safeguarding Map of Wales. The site is 28.52ha in area and the Appellants' submitted ES estimates that approximately 16ha of that area would represent a logical notional excavation area, when having regard to visually sensitive land, land required for access and internal road construction, land close to existing residential property, woodland and hedgerows and their associated buffers. The Safeguarding Map of Wales identifies approximately 1,000ha of land as Category 1 Aggregates Safeguarding Areas for sand and gravel in Wrexham alone, with further such safeguarded land close by in the neighbouring authorities of Flintshire and Denbighshire. The extent of sterilisation of the sand deposit therefore represents a very small proportion of the safeguarded area, which is considered to render its sterilisation insignificant when compared to the importance of the housing that will come forward on this site.

Importation of Materials

A final point to consider in the evaluation of the implications of prior extraction on the development of the site is whether the extraction of minerals from the Site would necessitate the importation of inert materials into the site to create a development platform. Doing so would require planning permission in its own right but would also render the site as a landfill site. Notwithstanding the stigma associated with this and the objection it would be likely to receive locally, the timescales in securing permission and addressing the various EIA considerations, the importation of the material required to create the development platform, and then the allowance for the settling of the imported material, would add further, significant delays and uncertainty to the delivery of much needed new homes on the site. It would also impact upon the delivery of housing from a commercial perspective when having regard its status as a landfill site. The additional relevant factors associated with the use of inert waste as backfill to create a development platform would unquestionably delay any housing development beyond the LDP plan period, meaning that the LDP would fail. Consequently, the importation of sand with similar characteristics to the sand presently at the site is the only reasonable option, which for reasons highlighted in the Wardell Armstrong Technical Note is not practical, is unsustainable and would mean that the contribution of any extracted sand to the local landbank would be negligible.