
**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

Planning Proof of Evidence of Vincent Ryan

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1.0 INTRODUCTION

Background

- 1.1 This 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 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 Case².

¹ Core Document Ref (CD): 8.3

² CD11.1

- 1.4 By letter dated 20 January 2021³ 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 2018⁴, which stated that the development would not need to be the subject of an Environmental Impact Assessment.
- 1.5 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”).
- 1.6 Barton Willmore duly prepared the required ES⁵ which was submitted to PINS to support the Appeal on 13 April 2021. The topics scoped into the ES comprised Minerals and Agricultural Land, based on guidance provided by PINS. The ES was assessed and found to be complete for the purposes of the EIA Regulations in an ‘Assessment of Environmental Statement’⁶ issued by PINS on 19 May 2021.
- 1.7 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 land⁷.
- 1.8 This Proof of Evidence addresses planning issues pertinent to the Council’s reasons for refusal set out above, which are summarised in the statements of case submitted by the Appellants⁸ and the Council⁹.

³ CD10.1

⁴ CD14.4

⁵ CD14.5

⁶ CD10.2

⁷ CD10.7

⁸ CD11.1

⁹ CD11.2

- 1.9 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 Minerals¹⁰, and by Mr Paul Corbett of CBO Transport in relation to Highways¹¹.
- 1.10 The Appellants are agreeing a Statement of Common Ground ("SoCG") with the Council¹², describing matters pertinent to the Appeal that are both agreed and disagreed, in order to assist the Inspector and Welsh Ministers.
- 1.11 Contained at **Appendix VR1** to this Proof of Evidence is an Education Report that has been prepared on behalf of the Appellants by Mr Jan Kinsman of EFM Ltd. The Report is provided to inform the Inspector and Welsh Ministers of the extent of primary and secondary education provision available in the local area to serve the development, and the extent of contribution to additional education provision that will be required via a Section 106 planning obligation. The conclusions of the Education Report and associated implications are discussed in further detail in the Planning Obligations section of this Proof of Evidence (Section 8).
- 1.12 The Appellants have consulted with the Council through this Appeal in order to draft and agree a Section 106 Agreement¹³, with the intention that this will be executable at the Inquiry.

¹⁰ CD14.3

¹¹ CD14.2

¹² CD16.1

¹³ 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 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)¹⁴. 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.

¹⁴ CD17

3.0 SCOPE OF EVIDENCE

3.1 My evidence focuses broadly on the matters set out in the Appellants' Statement of Case¹⁵ and further matters raised within the Council's Statement of Case¹⁶. My evidence is therefore structured to address the following issues in order:

- Decision-making and the planning policy context
- Compliance with the adopted development plan and the weight to be afforded to it
- Compliance with the emerging development plan and the weight to be afforded to it, and addressing loss of BMV agricultural land
- The case for very exceptional circumstances
- Planning obligations
- Conclusions and the planning balance

3.2 The issue of the impact of the development upon the provision of health services - the third reason for refusal - is not covered in detail within my evidence following agreement in the SoCG that the Council does not intend to pursue this reason for refusal¹⁷.

3.3 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.

3.4 Finally, I wish to draw to the Inspector's and Welsh Minister's attention the Updated Ecological Assessment (February 2021)¹⁸, prepared by Tyler Grange, which accompanies the resubmitted outline planning application¹⁹. This document is submitted by the Appellants as an inquiry Core Document in order to present an up-to-date position on the ecological impact of the development.

¹⁵ CD11.1

¹⁶ CD11.2

¹⁷ Paragraph 3.18, CD16.1

¹⁸ CD17.32

¹⁹ CD17

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")²⁰, 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.

UDP

- 4.3 According to the UDP and its Proposals Map (Map 2, Inset 1: Wrexham Town)²¹, 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.
- 4.4 The SoCG contains a table²² which summarises the UDP policies cited by the Council in its reasons for refusal, and relevant to the above policy considerations, and for ease of reference this is repeated below:

Table 1: Summary of UDP Policies from Reasons for Refusal

Policy	Topic and Summary
PS1	Broad location of Development – states that new housing is directed towards defined settlement limits.
EC1	Green Barriers – describes the limited forms of development permitted within Green Barriers
EC2	Agriculture Land – prevents the irreversible loss of grades 1, 2 and 3a agricultural land.
H5	Housing in the Countryside – describes the forms of development permitted outside defined settlement limits.

²⁰ Paragraph 1.18, PPW – CD2.1

²¹ CD2.18

²² Table 1, SoCG – CD16.1

Policy	Topic and Summary
MW9	Protection of Mineral Resources – prevents the sterilisation of unworked minerals deposits, only permitting development where no exploitable reserves exist, or prior extraction takes place.
GDP1	Development Objectives – sets out broad requirements for all new development.
GDP2	Capacity of Infrastructure and Community Facilities – the requirement to address deficiencies as a consequence of new development.
CLF5	Open Space Requirements from new Residential Developments – sets out the requirements for public open space in new residential developments.

- 4.5 Whilst the above UDP policies are the most relevant to the main issues that concern this appeal, a range of other policies are relevant and are listed in Appendix 2 of the SoCG²³. It is assumed that the Council considers the development to be in accordance with all policies of the UDP not referenced above, where relevant.

Future Wales

- 4.6 Future Wales²⁴ was published by Welsh Government in February 2021, alongside version 11 of Planning Policy Wales. 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.
- 4.7 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

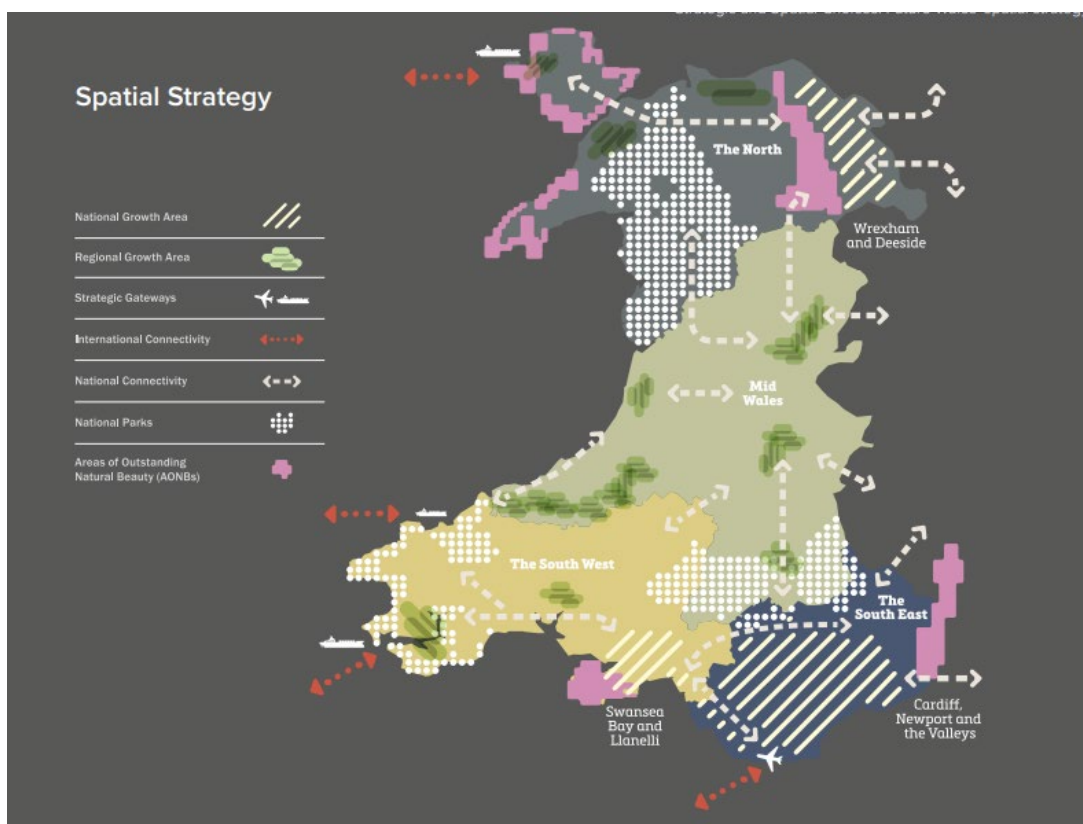
²³ CD16.1

²⁴ CD2.5

framework which will be built on by Strategic Development Plans at a regional level and by Local Development Plans at local authority level.

- 4.8 Figure 1 below illustrates that Wrexham and Deeside is identified as one of three National Growth Areas according to Future Wales. Policy 1²⁵ 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 internationally and nationally significant places and that this strategy promotes their continued growth and regeneration.

Figure 1: Future Wales 2040 – Spatial Strategy²⁶



- 4.9 Policy 7 - Delivering Affordable Homes²⁷ 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

²⁵ Page 62, Future Wales - CD2.5

²⁶ Page 61, Future Wales - CD2.5

²⁷ Page 72, Future Wales - CD2.5

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]

- 4.10 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 housing²⁸.
- 4.11 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]

Emerging Development Plan

- 4.12 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 and following consultation on a number of Focussed and Minor Editing Changes in January and February 2019. 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 delays, firstly, following the Inspectors request for additional evidence relating to the provision of Gypsy and Traveller sites, which saw the Examination suspended from 1 June to 31 August 2020 to allow the Council to undertake further assessment work. Following this the submission of this work to the Inspectors a further period of consultation was undertaken from 7 September to 2 October 2020 in relation to those matters. Following

²⁸ Page 72, Future Wales – CD2.5

the publication of new phosphate standards for riverine Special Areas of Conservation by Natural Resources Wales, additional assessment work was undertaken by the Council to demonstrate that the LDP housing growth allocations could be delivered in accordance with the new standards. The work in relation to the latter is complete and confirmation is awaited of when the consultation into the Matters Arising Changes to the LDP will take place²⁹. Following this final stage of consultation the Inspectors' binding 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.

- 4.13 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.
- 4.14 Policy SP3 states that KSS2 is a key strategic site allocated to help deliver the identified housing requirement over the plan period, alongside KSS1: Land at Lower Berse Farm, Ruthin Road, Wrexham.
- 4.15 Policy SP5 is the site-specific policy relating to the allocation of KSS2, and it states:

"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 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;

²⁹ Letter from the Council to the LDP Inspectors dated 6 October 2021 – CD3.26

- Active Travel; and
- Public Transport.”

- 4.16 Policy SP5 will be the subject of a 'Matters Arising Change', subject to consultation, to introduce a site-specific affordable housing requirement for KSS2 of 20 per cent. This was confirmed by the Council verbally at the LDP Examination in Public and is agreed in the SoCG³⁰.
- 4.17 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.
- 4.18 The Site is also within a designated Sand and Gravel Safeguarding Area according to the LDP Proposals Map³¹.
- 4.19 A full list of applicable LDP policies is set out in Appendix 3 to of the SoCG, however, Table 2 below identifies and summarises what I consider to be the key policies of relevance to the Appeal.

Table 2 – Relevant emerging LDP Policies

Policy	Topic and Summary
SP1	Housing Provision – provision is made for 8,525 homes, of which 1,319 will be affordable, in order to deliver the housing requirement of 7,750 over the plan period. Broad expectations for development are established, in relation to such matters as affordable housing, density, housing mix, and meeting specific housing needs.
SP2	Location of Development – new development is directed to the defined settlement limits and employment areas identified on the Proposals Map.
SP3	Key Strategic Housing Sites – allocates key strategic sites KSS1 and KSS2 to help deliver the identified housing requirement over the plan period.
SP5	KSS2 – Land east of Cefn Road, Wrexham – see detailed policy text set out in paragraph 4.15 above.
SP6	Planning Obligations – obligations will be sought to mitigate any impacts related to a development in line with relevant legislation. Examples cited are: education, active travel and highway improvements, public open space, community facilities, affordable housing, ecological mitigation and preservation and enhancement of heritage assets.
SP17	Minerals Supply and Safeguarding – minerals will be protected from unnecessary sterilisation by directing new development away from areas underlain by minerals

³⁰ Paragraph 4.11, SoCG – CD16.1

³¹ CD2.21

Policy	Topic and Summary
	of importance or requiring prior extraction; conflict between mineral working and sensitive development will be avoided; and support is offered for mineral extraction proposals that contribute towards maintaining an adequate supply.
SP20	Green Infrastructure – development is required to maintain the qualities of multi-functional green infrastructure on or near a site, and where appropriate enhance it through various measures.
DM1	Development management considerations – sets out a broad range of development management considerations for development proposals.
H1	Housing Allocations – identifies the housing allocations of the plan in order of the settlement hierarchy, identifying KSS2 under Tier 1: Primary Key Settlement.
H2	Affordable Housing – affordable housing contributions will be sought on developments of 10 or more units.
CF2	Provision of New Open Space – new open space in development must be accessible and integral to the proposals and useable. A minimum requirement of 0.25ha per 50 dwellings is expected.
MW1	Minerals Safeguarding – within the Mineral Safeguarding areas non-mineral development will only be permitted in circumstances where; i. the mineral does not merit extraction; or ii. the need for the non-mineral development outweighs the need to protect the mineral resource; or iii. the mineral can be prior extracted; or iv. the development is of a temporary nature; and v. essential that supports the supply of minerals would not be compromised.

Other Material Planning Considerations

Local Planning Guidance

4.20 The Council has adopted a range of local planning guidance notes (“LPG”) and the following are of potential relevance to the development, although none relate specifically to the Council’s reasons for refusal:

- LPG7: Landscape and Development³²
- LPG10: Public Open Space in New Housing Development³³
- LPG27: Developer Contributions to Schools³⁴
- LPG28: Affordable Housing³⁵

³² CD4.6

³³ CD4.8

³⁴ CD4.5

³⁵ CD4.1

- LPG31: Welsh Language and Welsh Communities³⁶
- LPG32: Biodiversity and Development³⁷

4.21 In April – May 2018, in parallel with the Deposit LDP consultation, WCBC consulted on a *SPG01 Masterplanning Framework* (2018)³⁸. 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.

Planning Policy Wales

4.22 Planning Policy Wales (11th Edition, February 2021) ("PPW")³⁹ 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 Wales⁴⁰.

4.23 The following key issues and policies set out within PPW are considered relevant to the development.

What is sustainable development (Chapter 1)

4.24 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 interrogated⁴¹.

4.25 PPW confirms that up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making⁴².

³⁶ CD4.9

³⁷ CD4.2

³⁸ CD3.1

³⁹ CD2.1

⁴⁰ Paragraph 1.2, PPW - CD2.1

⁴¹ Paragraph 1.18, PPW – CD2.1

⁴² Paragraph 1.22, PPW

Good Design Making Better Places (Chapter 3)

- 4.26 PPW states that good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area⁴³.

Best and Most Versatile Agricultural Land (Chapter 3)

- 4.27 PPW seeks to conserve the best and most versatile ("BMV"). When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. 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 grade⁴⁴.

Managing Settlement Form – Green Belts and Green Wedges (Chapter 3)

- 4.28 PPW describes the role of green wedges (also applicable to green barrier) and Green Belt. It confirms that proposals for both should be soundly based and should only be applicable where there is a demonstrable need to protect urban form and alternative policy mechanisms are not sufficiently robust. 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 views⁴⁵.

⁴³ Paragraph 3.3, PPW

⁴⁴ Paragraph 3.59, PPW – CD2.1

⁴⁵ Paragraphs 3.64-3.78, PPW – CD2.1

4.29 The role of the green wedge is essentially to have the same purpose as the Green Belt, as stated above, and is to:

- Prevent the coalescence of large towns and cities with other settlements;
- Manage urban form through controlled expansion of urban areas;
- Assist in safeguarding the countryside from encroachment;
- Protect the setting of an urban area; and
- Assist in urban regeneration by encouraging the recycling of derelict and other urban land.

4.30 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 business⁴⁶.

4.31 When considering applications for planning permission in green wedges, a presumption against inappropriate development applies, and PPW states:

"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 wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan."⁴⁷

⁴⁶ Paragraph 3.75, PPW – CD2.1

⁴⁷ Paragraph 3.74, PPW – CD2.1

The Welsh Language and Placemaking (Chapter 3)

- 4.32 PPW encourages and supports the use of the Welsh Language and seeks to strengthen its use in everyday life. Proposals must consider the likely impact on the Welsh Language and is a material consideration in planning decisions⁴⁸.

Transport (Chapters 3 and 4)

- 4.33 A transport hierarchy approach to development is supported by PPW. It states that development should be accessible by walking and cycling and well served by public transport followed by private car. This aim is to ensure that new development is located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable development to employment, local services and community facilities. It sets out that transport assessments are required for large scale developments.

Housing (Chapter 4)

- 4.34 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 supply⁴⁹.

- 4.35 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."⁵⁰ [emphasis added]

⁴⁸ Paragraphs 3.25-3.29, PPW – CD2.1

⁴⁹ Paragraph 4.2.2, PPW – CD2.1

⁵⁰ Paragraph 4.2.25, PPW – CD2.1

Minerals (Chapter 5)

- 4.36 PPW identifies that the role of the planning authority in relation to mineral extraction is to balance the fundamental requirement to ensure an adequate supply of minerals, with the protection of amenity and the environment⁵¹.
- 4.37 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 development⁵².
- 4.38 A minimum seven-year land bank for sand and gravel should be maintained during the plan period of each development plan⁵³.

Green Infrastructure (Chapter 6)

- 4.39 PPW states that the quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes⁵⁴.

Biodiversity and Ecological Networks (Chapter 6)

- 4.40 Proposals must take account of the wildlife or landscape value of an area, and it is important to balance conservation objectives with the wider economic needs of local business and communities and should be taken into account at an early stage of the process. Local planning authorities should consider and avoid any adverse impacts on the environment⁵⁵. Statutory designations do not prohibit development, but their effect must be assessed⁵⁶.

⁵¹ Paragraph 5.14.1, PPW – CD2.1

⁵² Paragraph 5.14.7, PPW – CD2.1

⁵³ Paragraph 5.14.15, PPW – CD2.1

⁵⁴ Paragraph 6.2.5, PPW – CD2.1

⁵⁵ Paragraph 6.4.4, PPW – CD2.1

⁵⁶ Paragraph 6.4.14, PPW – CD2.1

Technical Advice Notes

4.41 A number of Welsh Government Technical Advice Notes (“TAN”) are of relevance to the Appeal, including:

- TAN2: planning and affordable housing⁵⁷
- TAN5: nature conservation and planning⁵⁸
- TAN12: design⁵⁹
- TAN16: recreation and open space⁶⁰
- TAN18: transport⁶¹
- TAN20: planning and the Welsh language⁶²

Development Plans Manual (3rd Edition)

4.42 The Development Plans Manual, Edition 3 (“DPM”)⁶³, was published by Welsh Government in March 2020 and serves as a reference document for practitioners who are responsible for, or contribute to, the preparation and implementation of development plans.

4.43 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.⁶⁴

4.44 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 or phasing of new development.⁶⁵ It goes on to state that whether planning permission should be refused on grounds of prematurity requires careful judgement and the LPA will

⁵⁷ CD2.6

⁵⁸ CD2.7

⁵⁹ CD2.9

⁶⁰ CD2.11

⁶¹ CD2.12

⁶² CD2.13

⁶³ CD2.3

⁶⁴ Paragraph 7.5, DPM – CD2.3

⁶⁵ Paragraph 7.5, DPM – CD2.3

need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.⁶⁶

Development Management Manual

- 4.45 The Development Management Manual (Revision 2) ("DMM")⁶⁷, was published by Welsh Government in May 2017. It advocates a positive approach to shaping, considering, determining and delivering development proposals and promotes collaborative working between developers and other stakeholders⁶⁸. The DMM focusses on the procedural aspects of development management describing the minimum requirements set out in law. It sets out guidance for all participants involved in development management procedures to encourage greater fairness, transparency and consistency across Wales.

⁶⁶ Paragraph 7.7, DPM – CD2.3

⁶⁷ CD2.2

⁶⁸ Paragraph 1.1.1, DMM – CD2.2

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

- 5.1 This section of my Proof of Evidence assesses the proposed development against the policies of the adopted development plan and then considers the weight that it should be given in decision-making. The focus of this section is on those policies of the UDP that are referenced in the Council's reasons for refusal and Statement of Case, as well as on the strategic policies of Future Wales.

UDP

Principle of Development

- 5.2 According to the UDP Proposals Map, the Site is located outwith the defined settlement limit of Wrexham town, within the open countryside and a designated Green Barrier. Policies PS1: The Boad Location of Development, H5: Housing in the Countryside and EC1: Green Barriers are therefore applicable.
- 5.3 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: a) conversion of buildings, sub-division of existing dwellings and affordable housing schemes meeting a proven need; b) proposals comprising infilling; and c) housing for agricultural or forestry workers. 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.
- 5.4 The UDP states that Wrexham's Green Barriers possess the same characteristics and purposes of formal Green Belts, with the exception of the long-term permanency, and were created to cope with a variety of development pressures, which they did successfully; with Green Belt designation not, therefore, considered necessary⁶⁹. The clear difference between Green Belt and Green Barriers is that the latter should be reviewed at the turn of ever Plan period, in accordance with PPW⁷⁰.

⁶⁹ Paragraph 5.2, UDP – CD2.16

⁷⁰ Paragraph 3.64, PPW – CD2.1

5.5 The UDP states that the purposes of Green Barrier include:

- i) to prevent the coalescence of urban areas and villages with other settlements;
- ii) to assist in safeguarding the countryside from encroachment;
- iii) to protect the setting of an urban area and villages; and
- iv) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.⁷¹

5.6 Policy EC1 states:

“Within Green Barriers, development will only be granted for agriculture, forestry, essential facilities for outdoor sports and recreation, cemeteries and other uses of land which maintain the openness of the green barrier and do not conflict with the purpose of including land within it”.

5.7 Policy EC1 does not provide for a scenario where “very exceptional circumstances” can, if proven, justify development falling outside the permitted forms of development described above, as is the case with inappropriate development in PPW⁷². 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 Policy EC1 of the UDP. PPW is clear that 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.

5.8 Policy EC2 of the UDP states:

“Development on agricultural land of grades 1, 2 or 3a will only be permitted if it does not lead to the irreversible loss of that land.”

5.9 The Agricultural Land Classification and Soil Resources assessment⁷³ that accompanied the Application concludes that the majority of the Site (88%) consists of grade 3a (good quality) agricultural land, with a small area (5%) of grade 3b (moderate quality) and land in non-agricultural use (7%). The development of the Site for housing will result in the permanent loss of grade 3a agricultural land and, therefore, the development is contrary to Policy EC2 of the UDP. Policy EC2 provides no caveat or other basis upon

⁷¹ Paragraph 5.2, UDP - CD2.16)

⁷² Paragraph 3.74, PPW – CD2.1

⁷³ CD5.1

which development involving the loss of BMV land would be acceptable, which again is inconsistent with PPW⁷⁴; 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. The sequential test is addressed in Section 6 of my evidence below.

- 5.10 The proposed development is 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.

Minerals

The Council's first reason for refusal refers to a conflict with Policy MW9 of the UDP, but makes no direct reference within the text of that reason for refusal, or any of the other reasons for refusal, to any justification for that conflict or any reference to minerals safeguarding at all. The first reason for refusal clearly relates to the Site's location outside of the UDP settlement limits and Green Barrier, and not its location within a Protection Mineral Resource designation. It therefore came as a surprise to read the indication in the Council's Statement of Case⁷⁵ that it would be resisting the development at this Appeal on the grounds of sterilisation of a Mineral Resource. Whilst the Appellants sought clarification in writing in relation to the Council's position on this matter a number of months ago⁷⁶, no response was forthcoming until a matter of days before the exchange of evidence. As now confirmed in the SoCG on this matter, the Council does not consider that an adequate assessment of the commercial and economic value of the sand and gravel has been undertaken and therefore the importance of the magnitude of the impact of sterilisation of the resources has been underestimated. In the Council's opinion the Appellants have not, therefore, demonstrated that there are no exploitable resources within the site and that the mineral does not warrant extraction. The Council therefore considers the development to be contrary to policy MW9 of the UDP.

- 5.11 As highlighted above in Section 4 of my evidence, according to the UDP Proposals Map the Site is within a Protection of Mineral Resources designation, commonly referred to as areas of mineral safeguarding. The Welsh Government's Aggregates Safeguarding Map of Wales (North East Wales map)⁷⁷ confirms that the Site lies within a Category 1 Aggregates Safeguarding Area of Sand and Gravel.

⁷⁴ Paragraph 3.59, PPW – CD2.1

⁷⁵ Paragraphs 5.11-5.12 - CD11.2

⁷⁶ Letter from Barton Willmore to The Planning Inspectorate, 30 June 2021 – CD14.14

⁷⁷ See Appendix 5 to Proof of Evidence of Mr Stephen Barry - CD14.3

5.12 Policy MW9 of the UDP states:

"Resources of sand and gravel, and clay will be safeguarded from non-mineral development in order to prevent the sterilisation of unworked minerals deposits. The identification of mineral resource areas gives no presumption in favour of the working of any 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."

5.13 Mr Barry's Proof of Evidence deals with the matter of Minerals in detail and concludes that:

"The superficial deposit that is mapped as sand and gravel is actually very fine sand. It is not commercially viable as a mineral resource in its own right and it is not therefore a commercially "exploitable reserve", which the adopted [UDP] seeks to safeguard⁷⁸."

5.14 On this basis, Mr Barry concludes in his evidence that because the sand deposit is not an exploitable mineral resource in its own right, and is unlikely to be so in the future, it does not qualify to be safeguarded and consequently there is no conflict with Policy MW9 of the UDP.

5.15 Even if it were to be demonstrated that the sand deposit is of commercial value and is worthy of safeguarding, which is not a case that the evidence appears to support, 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. I deal with this matter further in Section 6 of my evidence where I assess the proposed development against the policies of the emerging LDP, where I set out the case that, notwithstanding Mr Barry's position that the sand deposit of no commercial value or particular importance in its own right, there is a compelling case of overriding need for the non-mineral development, and, therefore, there are material considerations of sufficient weight to set aside any conflict with Policy MW9 of the UDP.

⁷⁸ Paragraph 2.8, Mr Barry's Proof of Evidence – CD14.3

Health Facilities

- 5.16 Reason for refusal 3, and the Council's Statement of Case, states that the development is in conflict with Policy GDP2 of the UDP, which requires developers to provide additional infrastructure, including community facilities, where existing capacity is deficient to serve the development, due to its impact on health services. In the week prior to the exchange of evidence, the Council confirmed its position on this matter which is now set out in the SoCG⁷⁹, 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. The following commentary is retained in my evidence, however, for the avoidance of doubt and in order to assist the Inspector and Welsh Ministers when considering this matter.
- 5.17 The Health Board provided a consultation response to the Application, dated 13 February 2019⁸⁰. The Health Board's comments draw attention to a higher than national average GP:patient ratio in Wrexham, claimed to be 44 per cent higher. It is stated that the proposed development will give rise to extra staffing and there would be a need to undertake a full evaluation of the existing estate's capacity to accommodate the development.
- 5.18 The Health Board draws attention to the emerging LDP Infrastructure Plan⁸¹, which highlights concerns that have been expressed by the Board previously in relation to the health service's capacity to support development. It is stated, however, that a full and viable solution to bringing the gap in required health infrastructure to meet potential increase in demand fully has not been identified and agreed. The response goes on to highlight the difficulties in determining the likely impact of the development due to the Application being in outline form – notwithstanding that the Appellants did provide an indicative mix for the purpose of assessing the potential impact of the development within the submission⁸².
- 5.19 The Health Board expresses an intention to work with partners, including the Council and developers, to discuss options to accommodate the planned level of growth and maintains that it wishes to seek potential support from CIL/Section 106 agreements.

⁷⁹ Paragraph 3.18 and 5.28, SoCG – CD16.1

⁸⁰ CD7.10

⁸¹ Paragraphs 4.13-4.48, Infrastructure Plan - CD3.2

⁸² Paragraph 3.5, Planning Statement by Barton Willmore – CD5.17

- 5.20 The Health Board's consultation response does not provide any detailed evidence of how the development will impact on healthcare provision in the County Borough, nor does it provide any evidence of how any impact could be mitigated and what a proportionate obligation would be to levy upon the developer in this instance. Whilst reference is made to an apparent higher than average GP:patient ratio in the area, this appears to be an existing problem. Consequently, none of the three tests for planning obligations set out under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) are satisfied by the Health Board's response and request for support.
- 5.21 The Report of the Chief Officer to the Council's Planning Committee addresses the Health Board's response as follows:

"Healthcare: Whilst noting the response from the Health Board contributions can only be sought via Planning Obligations where they meet the tests discussed earlier in this report.

Officers met with the Health Board to discuss the two Key Strategic Site LDP allocations in June 2019, however I have not been provided with evidence to demonstrate:

- i. specific additional local healthcare infrastructure would be necessary to make the development acceptable in planning terms (i.e. that permission should be refused unless contributions are made); and
- ii. the scope of any such contributions or how they are directly related to the scale of the development and the impact it is likely to have.

In the absence of such evidence the statutory tests for seeking contributions via a Planning Obligation have not been satisfied. In addition, this matter has been considered by the LDP Inspectors through the EiP. In their post-hearing issues note of 13 December 2019 they commented as follows:

We heard during the sessions of shortcomings in the County Borough in the provision of health facilities. The local Health Board, which does not object to the LDP, states in its consultation responses that it is not the provision of buildings for additional services which is the issue but the availability of the required workforce. We have little evidence, therefore, that the availability of health services is a compelling reason to prevent or limit residential development.

It is not the role of the planning system to address shortfalls in the provision of staff in key public services. Planning conditions and obligations can only be used to secure physical infrastructure where there is evidence that this is necessary to adequately accommodate additional demand arising from a particular development.

Taking all of the above into account, concerns regarding local healthcare infrastructure would not be a valid reason to refuse planning permission.”⁸³
[emphasis added]

5.22 No further evidence was presented to the Council from the Health Board, or from elsewhere, following the publication of the Chief Officer’s Report, therefore the conclusions of the Report are very relevant and, in my opinion, provide a clear and helpful summary of the case against the Council’s third reason for refusal.

5.23 In addition, and subsequently, the Health Board has provided a consultation response to the Appellants’ resubmitted outline planning application for the development. The response, dated 7 June 2021⁸⁴, concludes as follows:

“In summary, there are existing significant challenges in the future delivery of primary care and other healthcare services to meet the needs of the population. The growth attributable to the proposed developments will add to the pressures and we do have concerns regarding sustainability. We are currently working through plans to address this and would wish to remain in discussion regarding any potential future opportunities, but are not currently in a position to quantify any specific additional requirements arising from the proposed developments.”
[emphasis added]

5.24 The latest and most up-to-date position of the Health Board, therefore, is that it is not seeking obligations from the development to address any evidenced impact upon healthcare services.

5.25 On the basis of a clear lack of evidence of harmful impact or need for developer contributions towards healthcare in this case, and the Council’s late confirmation that it does not intend to pursue a reason for refusal on these grounds, there is no conflict with Policy GDP2 of the UDP.

⁸³ Page 32, Planning Committee Report – CD8.1

⁸⁴ CD14.13

Open Space

- 5.26 Policy CLF5 of the UDP relates to open space requirements for new residential developments. Policy CLF5 of the UDP states:

"New development of ten dwellings or more must provide informal public open space within the site at a minimum level of 0.4 hectare per 50 dwellings, be conveniently located for users, and usable for playing field(s) and/or equipped children's play area(s) and open amenity area(s). In exceptional circumstances, the application of these standards may be varied, in the case of small urban infill housing development, where the developer enters into a legal agreement for financial contributions towards the cost of public open space provision where:-

- a) the site is unsuitable for public open space provision; or
- b) the development would not place significant additional pressure on public open space facilities in the vicinity of the site."

- 5.27 The Council's Statement of Case states that it is concerned that the illustrative masterplan submitted with the Application does not make sufficient provision for greenspace and that future residents would, as a result, potentially be reliant upon open space within the adjoining Fairways housing development to the west.
- 5.28 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, such a conclusion on the part of the Council is not considered to be reasonable where the Appellants are not providing such details for consideration at this time. Notwithstanding this, the Parameters Plan⁸⁵ and Illustrative Concept Layout⁸⁶ that accompanied the Application show the potential for the development to incorporate approximately 7.7 hectares of green infrastructure, including public open space, play areas, landscaping and planting buffers. Policy CLF5 would require the development to provide at least 4.8 hectares of informal public open space. The Appellants' submissions have therefore demonstrated that the requirements of Policy CLF5 can be met and exceeded. Notwithstanding that this matter is reserved, the proposed development is not in conflict with Policy CLF5 of the UDP.

⁸⁵ Revision C - CD6.9

⁸⁶ CD5.6

UDP Conclusions

- 5.29 In all other respects, unconnected to the Council's reasons for refusal, the development complies with applicable UDP policies, which is confirmed in the SoCG.
- 5.30 To conclude in relation to the development's assessment against applicable policies of the UDP, there is conflict with Policies PS1, H5, EC1 and EC2 of the UDP. The UDP, however, is significantly out-of-date, particularly where these policies are concerned, because they govern the spatial strategy of the UDP and location of development. Whilst I accept there is a conflict with these policies, the spatial strategy and the evidence base behind it does not address the present development needs of Wrexham; needs which have been there, but largely unmet, since 2013 at the start of the Plan period of the emerging LDP. The LDP is the Council's new development plan document, supported by up-to-date evidence, that will help to meet the County Borough's development needs to 2028. I elaborate further on the weight to be afforded to the UDP later in this section.
- 5.31 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 PPW⁸⁷.

Future Wales

- 5.32 Future Wales is the highest tier of the development plan and is focused on solutions to issues and challenges at a national and regional scale. It is highly strategic in nature and does not allocate land for development or include detailed land-use policies. It is intended to be a framework that is built on by Strategic Development Plans and Local Development Plans.
- 5.33 As highlighted above in Section 4 of my evidence, Policy 1 of Future Wales designates Wrexham and Deeside as a National Growth Area and Policy 20 emphasises that it will be the main focus of growth in North Wales, including a focus for strategic economic and housing growth. Policy 7 of Future Wales is concerned with the delivery of affordable homes and places emphasis on the need for local planning authorities to explore all opportunities to increase the supply of affordable housing.

⁸⁷ Paragraph 3.74, PPW – CD2.1

- 5.34 I highlight in Section 6 of my evidence, below, the fact that the Council has for some time failed to deliver the housing growth that is required to meet its needs. Since 2013, the start of the emerging LDP period, the Council has only delivered approximately half of its market and affordable housing requirement, meaning that the challenge of meeting the full Plan period requirement by 2028 will be a considerable challenge and will not be met without significantly boosting the supply of housing. That can only be done by releasing land for large scale development as a matter of urgency. The Appeal Site is part of an emerging Key Strategy Site that the Council itself has identified as being sustainable and suitable to contribute significantly towards market and affordable housing growth in this National Growth Area. 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 location for growth. Consequently, I consider the development to be fully in accordance with the applicable strategic policies of Future Wales, and therefore consistent with that part of the development plan.

Weight to be afforded to the adopted development plan

- 5.35 Future Wales is an up-to-date strategic plan and carries full weight. Its policies do not provide a local level of detail on which to base decisions on individual planning applications, but the context described above is a relevant and material consideration. The consistency of the development with the strategic policies of Future Wales, which I highlight above, should therefore be given full weight.
- 5.36 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 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.
- 5.37 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 making⁸⁸. Wrexham does not have an up-to-date 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

⁸⁸ Paragraph 1.22, PPW – CD2.1

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 This section of my evidence considers the extent to which the development is in accordance with the emerging LDP and the extent to which it should be material in the determination of this Appeal.

Compliance with the LDP

- 6.2 Under 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, as evidenced by the Council's recognition that further land release is required outside of existing development limits⁸⁹. Table 1: LDP Housing Components of the LDP shows that housing allocations to deliver 3,376 dwellings need to come forward in the LDP over and above supply in the existing (UDP's) urban area. It is therefore essential that greenfield land around Wrexham town, as the most sustainable settlement in the County Borough⁹⁰, 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. This includes the Appeal Site.
- 6.3 The Site itself has been promoted by the Appellants throughout the LDP process since 2014 and they are committed to securing a plan-led development. It was first assessed by the Council as being suitable and deliverable for development as a Key Strategic Site within the LDP Regulation 15/16 Preferred Strategy Consultation, and within supporting *Background Paper 3 – Key Strategic Sites*⁹¹ ("BP3"), which took place between February and April 2016.
- 6.4 BP3 confirms that the Site has been assessed through the Council's site assessment methodology⁹² where an assessment of the Site's location, constraints, accessibility, implementation, policy position, sustainability appraisal and evidence base has been

⁸⁹ Paragraph 5.16, LDP - CD2.19

⁹⁰ Tier 1: Primary Key Settlement, Policy H1, LDP – CD2.19

⁹¹ CD3.29

⁹² Paragraph 3.1, BP3 – CD3.29

undertaken, and concludes that the Site will play a significant role in delivering the identified vision, objectives and spatial strategy in the Development Plan⁹³.

- 6.5 In parallel, the *Wrexham Strategic Green Wedge Review (October 2017)*⁹⁴, 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). In relation to "Area 2 – Wrexham East", in which the Site is located, the review concludes as follows:

"The area covered by the proposed Key Strategic Site could be developed without resulting in the coalescence of the two areas. Inclusion of the KSS will change the overall character of the area and the built form will be altered. In light of the proposed KSS allocation, it is recommended that the green wedge designation be amended to create a wedge in order to manage the urban form through controlled expansion in the area and avoid any further coalescence between Wrexham town and Wrexham Industrial Estate⁹⁵."

- 6.6 The Council has therefore concluded that the Site can be developed without harm to the function of the Green Barrier in this location and is not, therefore, proposed to have its current designation taken forward as Green Wedge in the emerging LDP.
- 6.7 The Council has gone on to consistently approved the Site's inclusion within the LDP as part of a proposed Key Strategic Site, and as a consequence has agreed to its removal from the Green Barrier, throughout the various stages of Committee approval.
- 6.8 Under Policy SP5 of the LDP, it is identified that the KSS2 allocation will deliver a minimum of 1,680 new homes, of which 1,580 homes will be delivered within the Plan period. The Appeal Site will deliver up to 600 dwellings (35 per cent) of the wider KSS2 allocation.

Key Strategic Site Policy

- 6.9 A number of requirements are identified within Policy SP5, as currently drafted, and an assessment against these policy criteria is provided in Table 4 (below) in relation to the Site.

⁹³ Paragraph 1.3, CD3.29

⁹⁴ CD3.28

⁹⁵ Extract from page 24, CD3.28

Table 3 – KSS2 – Policy SP5 Assessment

SP5 Policy Requirement	Response
Highways improvements to address known infrastructure capacity constraints at the Greyhound roundabout	A Transport Assessment ⁹⁶ (TA) and Transport Assessment Addendum ⁹⁷ (TAA) were prepared in support of the Application and the Proof of Evidence of Mr Corbett ⁹⁸ 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, 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. I note that the Council does not seek to resist the development on highways grounds in its reasons for refusal or Statement of Case to the Appeal.
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, the Appellants will then contribute towards the funding of a link road across Bryn Estyn Road and the Council's 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.
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 confirmed. However, the likely location will be on KSS2 south, close to Cefn Road in the vicinity of the existing Ysgol Morgan Llwyd. The Appellants agree in principle to provide developer contributions towards education provision providing that it meets the applicable tests CIL tests. The Appellants, and EFM on their behalf, have continued to engage in dialogue with the Council's education officers in relation to this

⁹⁶ CD5.24 and CD5.25⁹⁷ CD6.8⁹⁸ CD14.2

SP5 Policy Requirement	Response
	matter and it is expected that an appropriate financial contribution will be secured via a Section 106 agreement. EFM's Education Assessment at Appendix VR1 provides the Appellants' position in relation to the requirement for and extent of education contributions and further commentary is provided in Section 8 of my evidence.
Public open space	Based on the indicative details provided within the submitted Parameters Plan⁹⁹ and Illustrative Concept Layout¹⁰⁰, 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 development can be found in the Design and Access Statement¹⁰¹ 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 robust 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.

⁹⁹ CD5.15

¹⁰⁰ CD5.6

¹⁰¹ CD5.5

SP5 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 and Birmingham, and Chester.

- 6.10 As stated at above paragraph 4.16 of my evidence, it was verbally reported by the Council at the LDP Examination Hearing Sessions that it intend to add to policy SP5 a site-specific affordable housing requirement of 20%. It is the Council's intention to consult on this addition to Policy SP5 through the MAC consultation imminently. The development duly proposes the provision of 20% affordable housing, to be secured via the Section 106 Agreement.
- 6.11 The Council's position in relation to how the development will approach each of the above Policy SP5 requirements is summarised the LDP Examination SoCG02: Statement of Common Ground: Key Strategy Site 2, Land East of Cefn Road, Wrexham (September 2019)¹⁰², which was prepared jointly by the Council and the promoters of KSS2.

Minerals

- 6.12 In Section 5 of my evidence I conclude, based on the technical conclusions of Mr Barry's evidence, that there is no conflict with policy MW9 of the UDP. The LDP Proposals Map also places the Site within a designated Sand and Gravel Safeguarding Area¹⁰³. A similar conclusion should therefore be reached in relation to Policies SP17: Minerals Supply and Safeguarding and MW1: Minerals Safeguarding of the LDP, which apply as a consequence of the Site's designation. However, I shall address the policies in detail for completeness.
- 6.13 Policy SP17 states that minerals will be sustainably managed through, amongst other things, the protection of minerals from unnecessary sterilisation by directing new

¹⁰² CD3.22

¹⁰³ CD2.21

development away from the areas underlain by mineral of importance or where this is not possible, through the requirement to extract mineral prior to the non-mineral development.

6.14 Policy MW1 relates specifically to minerals safeguarding and states that non-mineral development within Mineral Safeguarding Areas 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.

6.15 Policy MW1 also requires that all applications for development in Mineral Safeguarding Areas shall be supported by a Mineral Safeguarding Assessment. The Application was accompanied by a Prior Extraction Assessment¹⁰⁴.

6.16 Mr Barry's evidence concludes that the mineral deposit in this case is sand, rather than sand and gravel and, therefore, the safeguarding afforded to the deposit under Policy MW1 should not apply, in the same way that it should not apply in the case of UDP Policy MW9. It does not appear, therefore, that the sand deposit merits extraction as a commercially viable mineral in its own right, demonstrated by the fact that it would only potentially be used through blending with other materials, as claimed by the North Wales Minerals and Waste Planning Service in response to the Application¹⁰⁵. The first circumstance under Policy MW1 therefore applies and no conflict with the Policy arises.

6.17 In addition, having regard to exception ii. of the Policy I also consider the need for the housing proposed in this case to clearly outweigh the need to protect what is in effect only sand, and therefore a mineral of lesser value than the policy is intended to safeguard. Throughout my evidence, and particularly later in this section, I draw

¹⁰⁴ CD5.20

¹⁰⁵ CD7.13

attention to the fact that the Site is allocated in the LDP to contribute towards meeting the County Borough's housing needs to 2028. I also highlight that the Council has persistently fallen woefully short of its housing requirement since the start of the LDP Plan period in 2013, resulting in less than half of the necessary completions being delivered, which is evidenced in my **Appendix VR2**. The allocations in the LDP must come forward to see a reversal of this persistent trend of under-delivery. To resist the development in possession of these facts, for the sake of safeguarding a sand deposit of no commercial value in its own right, flies in the face of national and local planning policy that requires housing needs to be met.

- 6.18 Taking this point further, even if it were to be demonstrated that the sand deposit has some commercial value and prior extraction was justified, which is not what the evidence suggests, the delays and complications associated with prior extraction would result in even further significant delays in the delivery of much needed housing from this emerging strategic allocation. In a situation where the delays in bringing forward the LDP has already created great challenges in meeting development needs within what remains of the Plan period, the delays involved in accommodating prior extraction would completely rule out any hope of doing so, and the market and affordable housing supply for the County Borough would weaken further.
- 6.19 Mr Barry helpfully provides a breakdown, in section 6 of his evidence, of the tasks required before prior extraction could even commence on the Site; and given the characteristics of the Site, the location of neighbouring sensitive uses and the necessary phasing of the development, it appears that simultaneous prior extraction and residential development would be difficult to achieve. This is because there are sensitive residential uses to the west and south east of the Site, meaning that any workings of the deposit would need to take place in the northern and central areas of the Site. The northern area of the Site would be the first residential phases 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 depth 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 deposit would present a major detraction for sales. Consequently, one must assume that any prior extraction of the sand deposit would need to take place before residential development can commence.

- 6.20 Table 4, 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 this Appeal and the timetable for that decision, as well as parallel uncertainties over the outcome of the resubmitted outline planning application, but the timeline described in each case is considered to be realistic and representative of the stages involved.

Table 4: Comparison of development progress with and without prior extraction

Without Prior Extraction	Timeline	With Prior Extraction
Outline planning permission granted and LDP adopted.	Q2 - 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.	Q3 - 2022	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.	Q4 - 2022	
	Q1 - 2023	
Obtain reserved matters approval and ongoing discharge of conditions.	Q2 - 2023	
Commence works on-site.	Q3 - 2023	Development of design for excavation scheme, undertake initial technical assessments sufficient for pre-application engagement with mineral authority and local planning authority. Undertaken EIA screening. Undertake formal pre-application consultation.
Completion of first homes.	Q4 - 2023	
	Q1 - 2024	Complete technical assessments and any further pre-application discussions necessary. Prepare detailed planning application and submit to mineral authority.
	Q2 - 2024	
	Q3 - 2024	Planning application process; obtain planning permission. Discharge planning conditions.
Complete first 100 homes (80 x market / 20 x affordable).	Q4 - 2024	
	Q1 - 2025	Commence initial soil strip, if seasonal conditions allow, and commence prior extraction.
150 homes completed.	Q2 - 2025	No homes completed.

- 6.21 Whilst only indicative, Table 4 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 I estimate 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.
- 6.22 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)¹⁰⁶ (“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 development¹⁰⁷. BP11 was prepared before the Wardell Armstrong Prior Extraction Assessment¹⁰⁸ 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 nearly 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 4, above.
- 6.23 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, an extract of which is at Appendix 5 of Mr Barry’s proof of evidence¹⁰⁹. 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 area¹¹⁰, 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

¹⁰⁶ CD3.30

¹⁰⁷ Paragraph 3.1.10, BP11 – CD3.30

¹⁰⁸ CD5.2

¹⁰⁹ CD14.3

¹¹⁰ Paragraph 7.39, ES - CD14.5

Wrexham alone¹¹¹, 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 in my opinion renders its sterilisation insignificant when compared to the importance of the housing that will come forward on this Site.

- 6.24 PPW advises that a minimum seven-year land bank for sand and gravel should be maintained during the plan period of each development plan¹¹². The submitted ES refers to a Regional Technical Statement published by the Regional Aggregates Working Party in September 2020 in which it is confirmed that Wrexham has a landbank of permitted sand and gravel reserves sufficient for 19.6 years¹¹³. This reinforces the position that the sterilisation of the sand deposit as a consequence of the development will have little impact on supply in the County Borough.
- 6.25 Finally, the Appellants' submitted SUDS Strategy Statement¹¹⁴ confirms that the ground conditions on-Site are suitable for the adoption of an infiltration based drainage solution for the development and I am advised that this is in part due the extent of sand in the assessed ground conditions. The adoption of an infiltration based SUDS system is of course in accordance with the surface water drainage hierarchy. If the Appellants were therefore required to remove the sand prior to development taking place, a similar material would need to be imported to achieve the same level of infiltration. This renders the removal of the sand from site for other uses, only for a similar material to be then imported, a highly unsustainable exercise.
- 6.26 To conclude 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 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 unacceptable delays in the delivery of much needed housing.

¹¹¹ Paragraph 7.37, ES – CD14.5

¹¹² Paragraph 5.14.15, PPW – CD2.1

¹¹³ Paragraph 7.34, ES – CD14.5

¹¹⁴ CD6.7

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.

- 6.27 **Appendix VR3** to this Proof of Evidence contains a schedule of other applicable LDP policies and demonstrates compliance with those policies.
- 6.28 The Council's reasons for refusal do not highlight any LDP policies that the development is considered to be in conflict with. The Council's Statement of Case also makes no claim to the development being contrary to the policies of the LDP. Consequently, it must be assumed that if the Inspector and Welsh Ministers agree that the Site's allocation in the LDP should be given weight in the determination of this Appeal, the Council raises no concerns in respect of the development's compliance with the LDP.
- 6.29 From the assessment set out above, and appended, it is clear that the proposed development is fully compliant with Policy SP5 and other applicable policies of the LDP. The Site is available, deliverable and suitable for residential development, and the development will play an important role in helping the Council to meet its market and affordable housing needs, which are significant, over what remains of the Plan period.

Weight to be afforded to the LDP

- 6.30 The relatively recent (March 2020 and February 2021) changes to national policy - changes to PPW and revocation of TAN1 – have not reduced the importance of delivering new housing, but affect the way delivery is planned, measured and monitored. When considering the matter in decision-making it is now necessary to consider past housing delivery measures against the planned trajectory in the development plan, rather than future housing supply measures against the five-year housing supply target figure.
- 6.31 In the current position in which the Council finds itself, with no adopted LDP, Welsh Government advocates the use of the Average Annual Requirement (AAR) methodology for monitoring purposes¹¹⁵. As stated above, the emerging, up to date, LDP evidence base identifies a requirement to deliver 7,750 homes over the plan period, which would

¹¹⁵ Paragraph 8.14, DPM – CD2.3

translate into an AAR of 517 dwellings. **Appendix VR2** to this Proof of Evidence contains a table setting out the Council's housing completions since the start of the LDP Plan period. Less than half of the AAR has been delivered since 2013, which is a shortfall in excess of 2,400 dwellings. The market and affordable housing shortfall is proportionately broadly similar, with the Council having delivered only 51% of the LDP's affordable housing requirement (a shortfall of 387 homes) and 43% 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.

6.32 In an appeal decision in relating to *Land west of Top Road, Summerhill in Wrexham*¹¹⁶, the Inspector was considering the issue of this shortfall in determining whether to allow housing development on a Site that is in the Green Barrier according to the adopted UDP and not currently proposed for release in the emerging LDP – albeit it is on WCBC's reserve list of sites for allocation should any additional housing land need to be found during the Examination process.

6.33 The Inspector concludes the following:

"The extent of the shortfall is therefore significant both in terms of the amount and length of time the Council has suffered from an inadequate housing land supply. Moreover, it will only be when the LDP is adopted that the Council will be able to demonstrate that it can provide a supply to meet its identified housing requirement. Whilst the date of the adoption of the LDP has slipped beyond that set out in the delivery agreement, the Council should have an adopted plan in place within the next 12 months. This is a not long relative to the whole LDP process. I consider that the likelihood of a plan-led solution to the shortfall in housing land supply within a relatively short time-scale means that the weight to be given to under delivery is significant, but does not of itself justify the grant of planning permission in this case¹¹⁷." [emphasis added]

6.34 The important distinction in the Summerhill site and the Appeal Site, is that the Appeal Site is proposed to be allocated as a Key Strategic Site for housing in the emerging LDP. Consequently, it is part of the plan-led solution to the shortfall in housing land supply. This is a significant and fundamental consideration in favour of allowing this Appeal.

¹¹⁶ Appeal Ref: APP/H6955/A/20/3249986, 9th December 2020 - CD14.10

¹¹⁷ Paragraph 17 – CD14.10

- 6.35 Whilst in the case of Summerhill the appeal was dismissed, a further recent appeal decision in Wrexham, involving the same Inspector, considered proposed residential development at *Land to the rear of Brookfield Close, Ellesmere Lane, Penley*¹¹⁸. The Penley site lies outside the settlement limits and within the open countryside according to the adopted UDP. It is also within a designated Special Landscape Area. The Penley site is, however, part of a proposed housing allocation within the emerging LDP. Whilst the development at Penley would provide only 15 new dwellings, the Inspector considered that it still had the potential to make an important contribution to housing delivery, stating the following:

“Although the development would only provide a limited number of dwellings, these would help to address the significant shortfall in the supply of housing land currently being experienced by the Council. This carries significant weight in favour of the appeal¹¹⁹.” [emphasis added]

- 6.36 On the matter of the proposed allocation of the site in the emerging LDP, the Inspector concluded:

“Although, no certainty exists in respect of the LDP until it has been adopted, I find that the allocation of the appeal site for residential development in the emerging LDP carries weight in favour of the appeal¹²⁰.” [emphasis added]

- 6.37 Clearly, in allowing the appeal contrary to adopted UDP policy, the Inspector afforded the shortage in housing delivery in the County Borough significant weight in favour of the appeal, and likewise gave weight in favour of the appeal to the proposed LDP allocation. There are clear parallels with the Appeal Site and we would go further to suggest that greater weight should be given to the proposed KSS2 allocated given its strategic importance to addressing housing needs in the LDP.
- 6.38 In February 2020 the Minister for Housing and Local Government, Julie James, issued her decision in respect of a recovered appeal at *Land North and South of Lane Farm, Rossett Road, Trealyn, Rossett, Wrexham*¹²¹. The Rossett site is located outside of defined settlement limits and within the Green Barrier, according to the adopted UDP. It is also in a designated Special Landscape Area in the UDP. The Rossett site is a

¹¹⁸ Appeal Ref: APP/H6955/A/20/3249747, 8th December 2020 - CD14.11

¹¹⁹ Paragraph 28 – CD14.11

¹²⁰ Paragraph 31 – CD14.11

¹²¹ Appeal Ref: APP/H6955/A/19/3231048, 14th February 2020, CD14.8

proposed housing allocation in the emerging LDP to deliver approximately 137 dwellings. In allowing the appeal the Minister provided a number of conclusions that are relevant and important in the consideration of this Appeal.

- 6.39 In setting out her overall conclusions in relation to the relevance of the emerging LDP allocation and need for housing, the Minister provides the following conclusions:

"The LDP strategy and evidence base identifies a need for new housing on undeveloped sites and I am satisfied that the appeal site is in a sustainable location and the scheme accords with the placemaking principles set out in PPW. The Council has identified the appeal site, in the emerging LDP, as a housing allocation within the settlement limits of Rossett and omitted from any green wedge or landscape designation. I accept the proposed development would make a contribution towards addressing housing land supply in the area and would provide much needed affordable housing¹²²." [emphasis added]

"Whilst the development would comprise inappropriate development in a green wedge, I am satisfied, in this case, when all of the above factors are taken in their totality, they constitute the very exceptional circumstances necessary to outweigh any harm to the green barrier¹²³." [emphasis added]

- 6.40 Consequently, the Minister gave sufficient weight to the role of the emerging allocation in meeting housing need through the LDP, to contribute towards the required very exceptional circumstances necessary to allow development in the existing Green Barrier. There are very clear and telling parallels with the Appeal proposal.
- 6.41 Finally, in a more recent appeal relating to *Land North of Gatewen Road, New Broughton, Wrexham*¹²⁴, the Inspector allowed the appeal for up to 112 dwellings on a greenfield site, outside existing settlement limits, and which is within the Green Barrier according to the adopted UDP. Again, like the Appellants' Site, this appeal site is an emerging allocation in the LDP. In considering the case for very exceptional circumstances the Inspector made the following observations:

"12. As the proposal would be contrary to Policies PS1, H5 and EC1, the very exceptional circumstances that have been advanced must be considered. The

¹²² Paragraph 43, CD14.8

¹²³ Paragraph 44, CD14.8

¹²⁴ Appeal Ref: APP/H6955/A/19/3238474, 15th February 2021, CD14.12

evidence from the Council shows that there has been a consistent under-delivery of housing since the UDP end date. The Council proposes to address this considerable shortfall by means of housing allocations in the LDP. The weight to be attributed to an emerging LDP will depend on the stage it has reached, recognising however that it does not simply increase as the plan progresses. Specifically, in considering what weight to give to its policies, it is necessary to examine the underlying evidence and background to the policies, which can be material. Preparatory studies have determined the housing requirement in the light of the evidence of need and past under-delivery. The LDP has identified sufficient land to meet that housing requirement. In so doing the Council recognised that land that is currently outside settlement limits must be identified for development and that the majority of that land is within green barriers. I note that the LDP process included the preparation of a Green Barrier review, resulting in the selection of suitable sites to meet the identified housing need within the Green Barrier. The Council's evidence for this appeal does not resile from that position. The Council merely states that the LDP Inspectors have not issued their binding report and the proposed changes to the Green Barrier should therefore be afforded limited weight in the determination of this appeal."

"15. The proposed development would provide up to 112 dwellings; of which 25% would be affordable in line with the Council's policy and guidance. There is no evidence of any impediment to the deliverability of the development. The proposal would make a significant contribution to meeting the Council's housing requirement and addressing the shortfall in supply that has persisted for some years. This factor should be given substantial weight. The site is allocated for housing in the emerging LDP, after a series of studies considering the options to accommodate the identified housing requirement. It is well-contained by the existing built form and as such would not erode the Green Barrier. I consider that the substantial benefits of the proposal in terms of its contribution to housing supply and affordable housing; its sustainable location with good walking/cycling links and public transport provision; and the fact that it is allocated in the LDP weigh heavily in favour of the proposal. All these factors combined constitute the very exceptional circumstances required to clearly outweigh the harm to the Green Barrier and the conflict with Policies EC1, PS1 and H5."

- 6.42 There are very clear parallels with the Appeal proposal, and it is clear once again that this appeal precedent demonstrates the correct approach to the weighting of LDP policy, in a situation where there has been a persistent under-delivery of housing for many

years in Wrexham, and where the Appeal Site is part of the Council's solution to addressing the housing shortage through the LDP.

6.43 On the matter of the weight to be placed upon the LDP, therefore, it is very clear from the appeal cases highlighted above that the proposed allocation of the Site in the very advanced LDP should be given significant weight in the determination of this Appeal, in the wake of such a significant housing shortage in Wrexham and the very important contribution that the Site will make to addressing that shortage.

6.44 Finally on this issue, I address the Council's position set out in its Statement of Case, following consideration of the guidance in the DPM relating to prematurity¹²⁵. The Council states:

"... it is the Council's position that the delivery of the KSS2 site goes to the heart of the plan and therefore to grant permission for development on all, or indeed, part of the site, predetermines decisions about the scale, location or phasing of new development which ought to be properly to be taken through the conclusion of the EiP and publication of the binding report by the LDP Inspectors."¹²⁶

6.45 The up to 600 homes proposed for delivery on the Site amounts to only 7 per cent of the homes that the LDP makes provision for (8,525), and only 8 per cent of the housing requirement (7,750). It represents just over 1 years' supply of a 15-year Plan period. In terms of scale, therefore, I do not consider that the proposal goes to the heart of the Plan. On the matter of the scale, location and phasing of new development, the Appeal proposal raises no new issues beyond those taken into account by the Inspectors and Welsh Minister in the cases highlighted above. 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

6.46 The Site is an allocation in the emerging LDP, therefore in assessing the development against the LDP's policies, there is no applicable policy relating to the loss of BMV

¹²⁵ Paragraphs 7.5-7.8, DPM – CD2.3

¹²⁶ Paragraph 5.22, LPA Statement of Case – CD11.2

agricultural land. Consequently, I address this matter, and the Council's second reason for refusal, here.

- 6.47 Paragraph 4.27 of my evidence, above, highlights the test set out in PPW in relation to the loss of BMV agricultural land. The Council considers that the development has not met the sequential test required under paragraph 3.59 of PPW, which for ease of reference again is set out in full below:

"When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. 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 grade."¹²⁷

- 6.48 The test, therefore, is that firstly there must be an overriding need for the development; and secondly, that either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has a recognised environmental value that outweighs the agricultural considerations.
- 6.49 There is a clear, overriding need for new residential development in Wrexham, which is demonstrated above where I highlight the significant, persistent shortfall in market and affordable housing delivery. The emerging LDP and its evidence base, as promoted and supported by the Council, must allocate land for housing on greenfield sites outside existing settlement limits in order to meet the market and affordable housing needs of the County Borough. This is because there is insufficient brownfield land and land within existing settlements to meet the requirement. In proposing to allocate the Appeal Site for development the Council has been through a comprehensive assessment of alternatives and a rigorous site selection process. It is pertinent to note that neither the Inspectors who are examining the LDP, nor Welsh Government, have raised concerns over the process that has resulted in the proposed allocation of the Site for housing.

¹²⁷ Paragraph 3.59, PPW – CD2.1

Large scale residential development on BMV agricultural land is essential if development needs are to be met by the LDP.

- 6.50 Wrexham town is the principal location for growth in the emerging LDP, on account of it being the most sustainable location in the County Borough. With insufficient land being available within existing settlement boundaries to accommodate the necessary levels of housing growth, greenfield land on the edge of the existing settlement must be developed. Enclosed at **Appendix VR4** 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 at grade 2, with grade 3a being the next most prevalent, followed by a very small proportion of grade 3b, with no opportunities to deliver development of the scale of KSS2 without development on BMV agricultural land. This is reflected in the fact that the LDP's evidence base shows the loss of BMV agricultural to have been considered throughout the process of determining the spatial strategy and site selection. 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.
- 6.51 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.
- 6.52 The matter of agricultural land is dealt with specifically within the ES, which accompanies this Appeal in support of the development, following the direction from Welsh Ministers. In noting that most of the Site is classified as grade 3a, the effect of the proposed development on agricultural land is assessed as a direct, permanent moderate adverse effect. This is an inevitable conclusion due to the development resulting in the irreversible loss of agricultural land, as a matter of fact, and that mitigation for this is not possible. Such an impact will of course need to be factored into the planning balance, having regard to the material considerations set out above relating to the intention of the LDP to release the land for housing in the absence of any alternative, lower grade agricultural land being available in an equally or more sustainable location.

7.0 THE CASE FOR VERY EXCEPTIONAL CIRCUMSTANCES

7.1 I now return to the principal objection to the development from the Council, which centres around the Site's location outside settlement limits and within the Green Barrier, where development is strictly controlled. According to PPW, the proposed development would constitute inappropriate development in the Green Barrier, which should not be permitted other than in very exceptional circumstances, where other considerations clearly outweigh the harm which such development would do to the Green Barrier¹²⁸.

7.2 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. Its 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 (or 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 wedge¹²⁹. 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.

¹²⁸ Paragraph 3.74, PPW – CD2.1

¹²⁹ Paragraph 3.72, PPW – CD2.1

- 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. 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 Ground¹³⁰ 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 system¹³¹. This is also consistent with the appeal cases presented in Section 6 of my 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 benefits¹³²:
- 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;
 - £10m residential expenditure per annum; and
 - £0.9m annually in Council Tax.

¹³⁰ LDP Examination document reference: SoCG002, Statement of Common Ground: Key Strategic Site 2, Land East of Cefn Road, Wrexham; 10 September 2019 – CD3.22

¹³¹ Paragraph 1.18, PPW – CD2.1

¹³² 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.

7.3 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 Agreement¹³³ in advance of the inquiry. At the time of writing a draft agreement has been prepared that delivers the obligations summarised below.

Education

- 8.2 The draft 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.
- 8.3 The Education Report enclosed at **Appendix VR1** was prepared with the intention of providing the Inspector and Welsh Ministers with an up-to-date position on the requirement for the development to contribute towards education provision in the area. The Report describes how attempts to access certain information held by the Council to assist this process have not been successful, despite repeated requests. Notwithstanding this, on the basis of the information available in the public domain, the Report concludes that there appears to be sufficient surplus capacity in both primary and secondary schools in Wrexham town to accommodate the need arising from the development. On that basis, a financial contribution towards education provision does not appear to be justified. There are, however, clear benefits to a new primary school being delivered within KSS2, particularly in relation to accessibility and, therefore, sustainability. 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.

Public Open Space

- 8.4 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

¹³³ CD9.1

within each phase until the POS for that phase has been completed to the satisfaction of the Council.

Affordable Housing

- 8.5 The S106 will ensure that 20 per cent of the dwellings in each phase of the development will be affordable. No more than 50 per cent of the market housing within any phase will be occupied until the affordable housing units within the phase have been constructed, ready for occupation and have been disposed of.

Link Road

- 8.6 In accordance with the findings of the TA, 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 250 dwellings. The link road is to be constructed to an adoptable standard following completion of the completion of a Section 38 Agreement.
- 8.7 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 12 months of the grant of planning permission. This is agreed with the Council as a reasonable period of time to allow it to determine the most appropriate route for a north/south connection of the link road across its own land, which will then enable the developers to advance the detailed design of the southern phases of the Site.
- 8.8 The developers will then pay to the Council a spine road link contribution, prior to the occupation of 300 dwellings, which the Council will use towards the cost of delivering the spine road across its land to the southern part of KSS2.

9.0 CONCLUSIONS AND THE PLANNING BALANCE

- 9.1 This Proof of Evidence considers planning policy matters and other material considerations pertinent to the Council's reasons for refusing 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 The development will deliver housing to meet the current unmet needs of the County Borough and ensure housing growth in a sustainable location on the edge of the Tier 1 settlement of Wrexham. The development will also deliver up to 120 affordable homes in a situation where the affordable housing needs of Wrexham's residents have not been met since 2013. On this basis I consider the proposed development to be in accordance with the strategic policies of Future Wales, notably Policies 1, 7 and 20 relating to the Wrexham and Deeside national growth area and affordable housing delivery.
- 9.3 The Site is currently designated as Green Barrier within the adopted UDP, outside existing settlement limits and within the open countryside. The development will also result in the permanent loss of grade 3a BMV agricultural land. UDP Policies PS1, H5, EC1 and EC2 do not permit new, large-scale residential development in such a location. The proposed development is therefore contrary to the UDP, meaning that planning permission should not be granted unless material considerations indicate otherwise. The conflict with the development plan must carry weight, but I consider this weight is reduced for a number of reasons, primarily as a result of the fact that the UDP is out of date and time expired, and that the evidence to support its land use policies has long since lost relevance.
- 9.4 I do not consider the development to be contrary to UDP Policies MW9 in relation to minerals, GDP1 which sets broader development management considerations, GDP2 in the context of infrastructure and community facilities, or CLF5 in relation to public open space. Nor do I consider the development to be contrary to any other policies of the UDP.
- 9.5 The proposed development will result in the loss of greenfield land outwith the settlement boundary. This will result in the loss of ecological habitat, albeit habitat that is of limited ecological value and the development provides the opportunity to deliver ecological enhancements. Development of this greenfield site will have landscape and visual impact, but the impact is considered to be minor or at worse moderate (with no concerns being identified by the Council as part of their consideration of the Application).

The proposed development will help to facilitate an increase in the number of households in Wrexham with the resultant increase in the demand for public services, such as Council services and education; however, contributions will be sought from the development towards education, and there will be a corresponding increase in Council Tax receipts for the Council.

- 9.6 The conflict with the Development Plan and the minor harmful impacts identified above need to be weighed against other material considerations and any benefits of the proposed development, having regard to PPW and the very exceptional circumstances that are required to justify inappropriate development in Green Wedges (also applicable to Green Barrier).
- 9.7 As highlighted above, the weight to be given to the conflict with the Development Plan must diminish on account of the fact the UDP and its evidence base is significantly out of date and bears no resemblance to Wrexham's present development needs. Given the rise of new pressures to deliver the homes needed to sustain Wrexham over the emerging Plan period, the loss of the Site from the Green Barrier is clearly considered to be essential by the Council to help ensure that both current and future housing needs are met.
- 9.8 Notwithstanding the Council's decision to refuse the Application, it has made the decision to allocate the Site for residential development. Given the advanced stage of progress of the emerging LDP, which is expected to receive an Inspectors' binding report within the first quarter of 2022, a refusal of planning permission on prematurity grounds is not justified. This stance is supported by a number of Inspector and Welsh Minister appeal decisions, which have given significant and substantial weight to the delivery of homes from emerging LDP allocations, such as the Appeal Site.
- 9.9 The rate of housing completions in Wrexham since 2013 has fallen significantly short of meeting local needs, resulting in a lack of supply in the market and a substantial shortage in affordable housing being built for those who need it most. The rate of completions has been so low that not even half of the housing requirement has been met so far in this Plan period, leading to a considerable undersupply of housing, which can only be addressed by additional land being brought forward for development outside existing settlement boundaries, in accordance with the LDP's spatial strategy.
- 9.10 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 to secure the allocation of the Site through the LDP, and to plan the development comprehensively. For this reason, the development of the Site aligns with the LDPs strategy and the LDP Inspectors have raised no concerns in relation to the impact of the Site's development or the process of its selection.

- 9.11 The Site is within an aggregate safeguarding area for sand and gravel, according to the Aggregates Safeguarding Map of Wales. Mr Barry's evidence on minerals, on behalf of the Appellants, demonstrates that the deposit beneath the Site is in fact predominantly fine sand, and is not sand and gravel. On that basis it is not a commercially viable mineral in its own right that merits safeguarding. The Site is also of a scale, and the current landbank so large, that the sterilisation of the land is of little significance. Even if the sand deposit were considered to be of some value, I consider that there is clearly an overriding need for the housing proposed and any extent of prior extraction would only serve to delay the delivery of that much needed housing, which would in turn harm the ability of the LDP to delivery its Objectives and meet development needs.
- 9.12 The matters summarised above, and elaborated on within my evidence, are material planning considerations that I consider to 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.

APPENDIX VR1

EDUCATION REPORT, EFM



www.efm-ltd.co.uk

Land South of Holt Road, Wrexham
Education Report

Report for Barratt Homes and Bloor Homes

PINS Reference: APP/H6955/A/20/3263516

LPA Reference: P/2019/0005

Jan Kinsman
November 2021

Overview

This report considers the need for financial contributions to mitigate the expected impacts of the proposed development on education infrastructure. The proposed development is brought forward in the context of a strategic site allocation in the emerging local development plan, which envisages a new primary school being needed as part of the allocation and requirements for additional secondary school places. Detailed justification for those policy requirements is not set out in the Evidence Base for the plan. However, it appears that circumstances have changed, in any event and existing schools have capacity to accommodate all of the anticipated primary and secondary education needs arising from the proposed development. Consequently, financial contributions towards education are not justified, and planning obligations to secure such contributions would not be CIL compliant.

1 Introduction

- 1.1 EFM was established in 1990, and is an education consultancy which advises schools, local authorities, central government departments, developers and landowners. It is also responsible for the premises management of schools and other properties. EFM is currently advising clients on education and other population impacts and appropriate mitigation measures for a wide range of housing and mixed use development proposals, from a few dwellings to major new schemes of 5,000 dwellings and more.
- 1.2 My name is Jan Edward Kinsman and I am Associate Director at Educational Facilities Management Partnership Limited (EFM). I am a chartered engineer, and have been employed to deal with school place planning and other planning obligation matters by EFM for over 17 years. During this time I have advised both developers and local authorities on a wide range of projects and prepared and presented evidence at appeal hearings and public inquiries. The majority of my work concerns school place planning and mitigation. I have also advised on other population related planning obligation requirements including sports facilities, libraries and healthcare.
- 1.3 I have 33 years experience in dealing with the implications of development proposals. My previous employment was with Hertfordshire County Council, where I worked from 1975 until I joined EFM in 2004. After many years dealing with highway and transportation aspects of development control, I became Hertfordshire County Council's Planning Obligations Manager in 1997 with responsibility for considering the impact of development on County Council services other than highway and transportation matters. The principal focus of my role was on the impact of residential development on schools, and I was responsible for the completion of about 100 planning obligation agreements.
- 1.4 I have been appointed to review the education impact of the Appeal Proposals including the construction of up to 600 dwellings on Land South of Holt Road, Wrexham. Outline

consent is sought with all matters reserved except for the northern site access, and therefore the exact number and mix of dwellings to be built is unknown at this stage.

- 1.5 I understand that Appellant's representatives have had a number of discussions during the evolution of the development proposals. The discussions on education matters led to a general agreement that contributions would be made towards school places as properly required to meet demand from the Proposed Development that would not be able to be met by existing and previously planned provision. However, a conclusive response on education matters was never received.
- 1.6 The Proposed Development sits within the context of the proposed strategic housing site, KSS2 in the emerging Local Development Plan (LDP), and a new primary school is planned as part of the overall allocation. The Appellants accept the principle of contributing to the cost of this proposed new school and also towards secondary education, subject to there being a need and the statutory tests imposed by CIL Regulation 122 being met. The Planning Committee report of 27 July 2020 (CD8.1) notes that contributions are required, and that granting consent would not prejudice the delivery of the new primary school (page numbered 58). No concerns about education provision were raised in relation to education by the Council, either in that report or in the reasons for refusal.

2 Legal and Policy Background

- 2.1 The need for *"adequate and efficient"* supporting infrastructure, including education, is recognised by Planning Policy Wales 11 (paragraph 3.61). PPW11 refers to the Active Travel Act, which makes walking and cycling the preferred option for everyday journeys such as for education, and the planning system's role in creating the right environment and infrastructure (paragraphs 4.1.27 -4.1.29).
- 2.2 PPW11 also indicates an expectation that new housing development will provide community benefits, through planning obligations where appropriate, *"which are reasonably related in scale and location"* to the development (paragraph 4.2.20). *"Planning authorities should develop a strategic and long-term approach to the provision of community facilities when preparing development plans based on evidence. When considering development proposals planning authorities should consider the needs of the communities and ensure that community facilities continue to address the requirements of residents in the area."* (paragraph 4.4.2).
- 2.3 Circular 13/97 provides advice on planning obligations, including the requirement for planning obligations to meet the five tests set out at paragraph 7. In addition, CIL Regulation 122 imposes statutory tests that decision makers must ensure planning obligations comply with, namely, *"A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—*
"(a) necessary to make the development acceptable in planning terms;

“(b) directly related to the development; and

“(c) fairly and reasonably related in scale and kind to the development.”

- 2.4 Annex 03 to The Planning Inspectorate Procedural Guide – Wales deals with planning obligations, and sets out at paragraph 3.2 the evidence likely to be needed to determine whether planning obligations meet the tests.
- 2.5 The local policy background in this case includes the time-expired Wrexham Unitary Development Plan, covering the period from 1996 to 2011, and the emerging LDP which the Appellant considers should be afforded very significant weight.
- 2.6 As indicated in the Introduction to this report, Policy SP5, which deals site specific policy requirements for KSS2 in the emerging LDP, states as Necessary Infrastructure the on site provision of a 420 place primary school and contributions towards secondary education provision.
- 2.7 The Evidence Base¹ for the emerging LDP includes the Council’s Infrastructure Plan (March 2018) (CD3.2). This document states the need for a new 420 place primary school on KSS2, and also includes information about other education projects being undertaken as part of the 21st Century Schools Programme. The Evidence Base also includes Background Paper No 1 – March 2015 - Population and household projections with dwelling and employment impacts (CD3.12). This document sets out anticipated population, jobs and households changes over the plan period 2013-2023 and was updated in January 2018 (CD3.31).

3 The Council's Position

- 3.1 The Infrastructure Plan (March 2018) (CD3.2) refers to the Council’s School Organisation Framework - Planning Education Provision – 2017-2025 (SOF) (CD 14.14), produced in June 2016, and also to the Council’s Local Planning Guidance No 27 (LPG 27), Developer Contributions to Schools (February 2005). The SOF does not appear to have been updated. However, LPG 27 was updated in December 2018 (CD4.5).
- 3.2 LPG 27 (2018) introduced more detailed calculations of the number of pupils “generated” per dwelling, often called pupil yield factors. Previously the calculation was based on the number of dwellings, without regard to size - although an adjustment was made for flats. LPG 27 (2018) introduced a calculation dependent on the number of bedrooms, as well as the type of dwelling (house or flat/apartment).
- 3.3 The Infrastructure Plan includes at Tables 4 and 5 the capacity of primary and secondary schools, as of September 2018, categorised by type of school. It showed 13,041 primary places and 7,765 secondary were available for the whole of the authority area.

¹ https://wrexham-consult.objective.co.uk/portal/ldp_ebsd

Primary Schools in Wrexham as at September 2018 Entry	School Places available at entry to Reception & Nursery	Overall Whole school Capacity (not including Nursery)
Community Nursery/Infant/Primary Schools	1349	9443
Welsh Community	245	1715
Aided Primary Schools	269	1883
OVERALL TOTAL	1863	13041

Table 1 School Capacity, September 2018. Source: CD3.2 Table 4

Secondary Schools in Wrexham as at September 2018 Entry	School Places available at entry to Secondary	Overall Whole school Capacity
Community Schools	1093	5465
Welsh Community	193	965
Faith Schools	137	685
Foundation Schools	130	650
OVERALL TOTAL	1553	7765

Table 2 School Capacity, September 2018. Source: CD3.2 Table 5

- 3.4 As noted above the Infrastructure Plan identifies the need for KSS2 to provide a new build 420 place primary school. Paragraph 3.15 of the Infrastructure Plan states, *“The Council will seek to acquire contributions sufficient to meet the entire demand from within each of the proposed housing developments in accordance with current local planning note guidance requirements”*. However, detailed justification is not provided in this document or elsewhere in the Evidence Base. The Infrastructure Plan is based on now outdated information, and states at paragraph 3.16 that contribution requests from planned housing developments will be based on *“circumstances known/data available at the time of the developments.”*
- 3.5 It is evident from the WCBC Committee Report (CD8.1) that primary and secondary education contributions are being sought, and I understand this has been the basis of discussions between the Council and the Appellant team. However, the Education Response (CD7.8) dated 21 May 2019 contains no detail, although reference is made to *“calculations”*.

- 3.6 Bearing in mind the stated requirement for contributions and the reference to “*the*” local school in the Education Response, I anticipate that the Council’s assessment may be limited to consideration only of the nearest primary school and the nearest secondary school.
- 3.7 This is an unsatisfactory approach in this case, in view of the location of the proposed development on the edge of a large town that has a number of schools, many of which have surplus capacity. Furthermore, it is likely that there is a considerable amount of pupil movement within the town - and there is certainly scope to make better use of resources by increasing demand for existing places, which would have a positive impact on existing schools.
- 3.8 After unsuccessful attempts to contact Paula Parry (the Council’s Access and School Places Manager whose name appears on the Education Response) by telephone, I emailed her on 22 October seeking additional information about the background to the contributions being sought and Council’s approach to various matters. On 3 November Matthew Phillips, the case officer, confirmed that Paula Parry was off sick and provided me with another email contact. I was able to have a conversation later that day with Dafydd Ifans, Paula Parry’s line manager, which I followed up with an email (Appendix 1).
- 3.9 Whilst my conversation with Dafydd Ifans was helpful, no substantive response has been received to my email and no further detailed information has been provided by the Council. My assessment has therefore had to be based on publicly available information, which does not include the Council’s current pupil forecasts nor any information about pupil movement (including the extent to which pupils live in the effective catchment area of one school but attend another school).
- 3.10 It is very disappointing that no further information has been provided by the Council in time for the exchange of evidence, and that technical discussions on the content of the proposed s106 agreement have not been possible. Should the Council come forward with additional information, it can be considered – and every effort will be made to reach agreement on the provisions that should be included in the s106 agreement.
- 3.11 In the absence of being able to reach agreement on education matters, it is proposed that the s106 includes a ‘blue pencil’ clause that will effectively enable the Inspector to determine whether any provision for education is required and, if so, the amount of the contribution(s). I understand the Council accepts this approach.

4 Demand from the Proposed Development

- 4.1 I consider that the Council’s pupil yield factors are fairly reasonable for primary but overstated for secondary. I understand that the pupil yield factors are based on information from the 2011 Census, but consider the information does not take account of area-wide changes that should be taken into account when considering secondary schools.

- 4.2 It appears that the 2011 Census data has been used to calculate the number of children resident by dwelling type and bedroom count, based on households that moved in the year prior to Census Day. What this does not take into account is that all secondary pupils will have been resident elsewhere (and in the education system already). Nor does it take into account decreasing household size and the consequential reduction in demand from existing housing.
- 4.3 In effect, the Council is assuming secondary school pupils are all new and additional to the authority area, when in fact it is likely that substantial numbers will be moving locally. This is also true for primary, but larger school catchments and the expectation that secondary age pupils will travel further to school means the assumption results in a more significant over-statement of demand.
- 4.4 Another way of looking at this aspect is to consider the Population and Household Projections with Dwellings and Employment Impacts (January 2018) (CD3.31) which forms part of the emerging LDP Evidence Base. Table A1.1 in CD3.31 shows the potential changes in population, households, housing and primary school and secondary school/FE places for the Wrexham CB. Information extracted from Table A1.1 is shown in italics in Table 3 below. The 2028 figures are taken from 2014-based population and household projections.

Impact Indicator	Totals 2013 (mid-year estimate)	Potential change/impact 2013-2028	Potential Totals 2028
<i>Population</i>	<i>136400</i>	<i>12800</i>	149200
<i>Households</i>	<i>58050</i>	<i>7500</i>	65550
<i>Primary School age (5-10)</i>	<i>9750</i>	<i>350</i>	10100
<i>Secondary school/FE (11-17)</i>	<i>10750</i>	<i>1350</i>	12100
Primary School age (5-10) per Household (six year groups)	0.168	0.047	0.154
Secondary school/FE (11-17) per Household (seven year groups)	0.185	0.180	0.185
Primary Child Yield per Household (seven year groups)	0.196	0.054	0.180
Secondary Child Yield per Household (five year groups)	0.132	0.129	0.132

Table 3 Population Change and Child Yield from Emerging LDP Evidence Base (CD3.31)

- 4.5 The text in normal type shows the total figures for 2028 in the final column, and calculations of the existing population yields in the education year groupings stated, including the marginal change in the 'potential change' column. The base information for Primary School age appears to be based on six year groups only. The primary age figures are therefore factored to seven year groups to allow comparison with the Council's primary pupil yield factors – for example $0.168 \times 7/6 = 0.196$. Likewise, the information for Secondary school/FE is for seven year groups, rather than the five year groups for secondary schools. The factored figures are those that appear in bold. These are children,

not pupils in mainstream schools, and based on households rather than dwellings. However, they can be broadly compared to pupil yield factors. 0.132 in Table 3 broadly compares to the factors shown in the third columns of Table 5 and Table 6 overleaf. The predicted increase in number of secondary age children is 964 (1350 x 5/7).

4.6 What these figures demonstrate is the importance of the underlying demographic change in the area. For primary age there is an expectation of falling numbers which is not balanced out by the new housing that is assumed in the projections. For secondary the expectation is that falling numbers are almost balanced out, noting that the marginal increase (0.129) is slightly below the 2013 figure (0.132).

4.7 The 2014-based projections embedded in Table 3 have now been overtaken with more recent projections, that most recent being 2018-based. Table 4 below provides information from the 2018-based projections, and shows the pattern of demographic change from 2018 to 2028.

Age / Year	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
4	1593	1616	1529	1579	1530	1504	1513	1488	1464	1445	1433
5	1705	1593	1615	1531	1579	1530	1503	1513	1489	1464	1446
6	1706	1705	1595	1617	1534	1580	1531	1505	1514	1490	1466
7	1839	1705	1704	1596	1617	1536	1580	1532	1505	1514	1490
8	1800	1833	1703	1701	1595	1615	1537	1579	1531	1503	1512
9	1750	1798	1831	1705	1702	1598	1617	1541	1582	1534	1506
10	1716	1744	1791	1824	1701	1697	1595	1614	1540	1578	1531
Primary totals	12109	11994	11768	11553	11258	11060	10876	10772	10625	10528	10384
Change from 2018		-115	-341	-556	-851	-1049	-1233	-1337	-1484	-1581	-1725
Age / Year	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
11	1687	1700	1727	1774	1806	1687	1683	1582	1600	1528	1565
12	1675	1687	1700	1727	1773	1806	1689	1684	1584	1603	1532
13	1607	1683	1696	1711	1736	1782	1815	1701	1695	1597	1615
14	1505	1610	1686	1699	1714	1739	1785	1818	1707	1700	1603
15	1453	1507	1610	1686	1700	1716	1741	1786	1819	1710	1703
Secondary totals	7927	8187	8419	8597	8729	8730	8713	8571	8405	8138	8018
Change from 2018		260	492	670	802	803	786	644	478	211	91

Table 4 2018-based Population projections by local authority and year (StatsWales)

4.8 Table 4 shows how population by age group is expected to change over time. Higher figures are shown with red shading, and the recent pressure on primary places can be seen progressing through to the secondary age groups with 2022 as the expected peak in the first year of the secondary age group. The figures again demonstrate the significant effects of wider demographic change that are not taken into account in the Council's use of a simple pupil yield factors. They predict an initial rise in the number of secondary age children over the next few years, followed by fall to below current numbers by 2028.

4.9 For the purposes of assessment, the demand from the proposed development has been calculated using an indicative mix comprising two, three and four bedroom houses, with 15% 2-bed, 60% 3-bed and 25% 4-bed and the Council's pupil yield factors set out in LPG 27 (2018). The calculation is shown in Table 5, overleaf.

	Dwellings	Primary pupils per dwelling	Primary pupils	Secondary pupils per dwelling	Secondary Pupils
1 bed apartment	0	0	0	0	0
2+ bed apartment	0	0.07	0	0.04	0
1 bed house	0	0	0	0	0
2 bed house	90	0.12	10.8	0.07	6.3
3 bed house	360	0.23	82.8	0.2	72
4+ bed house	150	0.31	46.5	0.31	46.5
Total	600		140.1		124.8

Table 5 Pupil Yield Calculations for Appeal Site – WCBC pupil yield factors

- 4.10 The demand that would be expected from the whole of KSS2 has also been considered, based on the same dwelling mix and a total of 1680 now houses.

	Dwellings	Primary pupils per dwelling	Primary pupils	Secondary pupils per dwelling	Secondary Pupils
1 bed apartment	0	0	0	0	0
2+ bed apartment	0	0.07	0	0.04	0
1 bed house	0	0	0	0	0
2 bed house	252	0.12	30.24	0.07	17.64
3 bed house	1008	0.23	231.84	0.2	201.6
4+ bed house	420	0.31	130.2	0.31	130.2
Total	1680		392.28		349.44

Table 6 Pupil Yield Calculations for 1680 dwellings – WCBC pupil yield factors

- 4.11 Table 6 shows that a 420 place primary school would be a reasonable match for around 1680 dwellings on the KSS2 allocation, based on the Council's pupil yield figures and assuming no pupils can be accommodated at existing schools.

5 Existing Provision and Available Capacity

- 5.1 The Council's School Organisation Framework 2017-2025 (SOF) was produced in June 2016, and set out the Council's ten year vision for education provision. Actions following review

in the context of the 21st Century Schools Programme were well underway and delivering reorganisation of primary schools in the context of responding to rising demand for primary school places. In the secondary sector, the Council's Secondary School Modernisation Programme was focussed on improving the learning environment at three schools. The presence of surplus capacity in the secondary sector was also noted, allowing the re-purposing of some accommodation as offices for Council staff – although concerns were noted that accommodation might need to be recommissioned as classrooms to meet increases in demand in due course.

- 5.2 Projections of future pupil numbers were that primary pupil numbers would drop and be fairly steady with 11,349 pupils expected for January 2021. Secondary pupil numbers were expected to rise to 6,889 by January 2021. Comparing these forecast figures to the capacities for 13,041 primary and 7,765 secondary pupils as of September 2018, shown in Tables 1 and 2 above, it seems clear that there is - and will continue to be - a substantial amount of surplus capacity to accommodate additional demand.
- 5.3 The Council has not provided any updates to its pupil forecasts or information on school capacities. However, some updated information can be found elsewhere, including the Council's Parent's Guide to Education Services in Wrexham 2022/23. This document assists parents when they are deciding which schools to seek places at, for their children.
- 5.4 A comparison between the authority-wide figures for capacity and pupil forecasts in paragraph 5.2 above and the figures in the Parent's Guide has been undertaken and the results are shown in Table 7 below.

Secondary Schools in Wrexham CB	Capacity September 2018 Infrastructure Plan	Capacity April 2021 Parent's Guide	Change	January 21 NOR Forecast June 2016 SOF	April 21 NOR Actual April 2021 Parent's Guide	Change	Change
Primary Schools	13041	12958	-83	11349	10987	-362	-3.29%
Secondary Schools	7765	7368	-397	6889	6423	-466	-7.26%

Table 7 School Capacity and Pupils on Roll Comparison for Whole Authority

- 5.5 For primary schools the capacity figure has reduced by 83 places, and the actual number of pupils in April 2021 was 362 (3.29%) fewer than forecast for January 2021.
- 5.6 For secondary schools, the capacity figures has reduced by 397 places. The reason for this is unclear, but it may be the result of accommodation being re-purposed for other uses. Should demand for secondary school places grow to the extent that additional places are required, then returning re-purposed accommodation to schools for its originally intended use would probably be the most appropriate approach – and would most likely cost far less than new construction.
- 5.7 The pupil forecast of 6889 secondary pupils in January 2021 was not been realised, as the number of pupils on roll in April 2021 was 6423 – which is 466 (7.26%) fewer pupils than the Council forecast for January 2021.

- 5.8 This information demonstrates that the Council's forecasts for both primary and secondary have overstated the actual number of pupils. For secondary, the margin is considerable and amounts to over three forms of entry across the authority area.
- 5.9 The above figures are at an authority-wide level, and it is appropriate to consider local circumstances. As noted above, at the date of writing this report, no further information has been provided to assist with assessment and the details of the Council's own assessment remain unclear.
- 5.10 The following information is also taken from the Council's Parent's Guide to Education Services in Wrexham 2022/23, and is focussed on the schools in Wrexham Town for this assessment. There are other schools within a reasonable distance of the town, and there is likely to be a degree of pupil movement between the town and surrounding areas. However, for simplicity, only the schools in the town are considered.
- 5.11 The schools in each table below are listed roughly in order of distance from the appeal site. It is apparent that a substantial amount of surplus capacity is available in both primary and secondary schools.

Primary School	Capacity	Pupils on Roll (April 21)	Surplus Places
Hafod Y Wern	315	269	46
St Anne's Catholic	168	157	11
Gwenfro	315	305	10
New Welsh Medium	210		210
Borras Park C	420	407	13
Alexandra	315	349	0
St Giles CIW VC	420	343	77
St Mary's Catholic	287	324	0
Ysgol Bodhyfryd *	313	313	0
Acton Park	420	357	63
Rhosddu	301	240	61
Victoria C	420	413	7
Ysgol Plas Coch CP	315	266	49
Barkers Lane	315	195	120
Wat's DykeC	315	285	30
Total	4849	4223	697

Table 8 Primary School Capacity & Pupils on Roll, April 2021. Source: WCBC Parent's Guide

Secondary School	Capacity	Pupils on Roll (April 21)	Surplus Places
Ysgol Morgan Llwyd	965	744	221
Rhosnesni High School	1200	909	291
St Joseph's Catholic & Anglican High	685	720	-35
Ysgol Clywedog	888	790	98
Total	3738	3163	575

Table 9 Secondary School Capacity & Pupils on Roll, April 2021. Source: WCBC Parent's Guide

- 5.12 The schools in Wrexham town account for around 37% of the primary school capacity in the authority, and roughly half of the secondary school capacity.
- 5.13 Tables 8 and 9 show there are 697 places (over 14%) available in primary schools, and 575 places (over 15%) in secondary schools. Based on the Council's figures, the proposed development is expected to create the need for 140 primary places and 125 secondary places – as set out in Table 5. It is therefore hard to see how a new primary school, or additional secondary school places, can be justified as a requirement of the proposed development on capacity grounds.
- 5.14 It is recognised that there is a wider local plan context, including KSS1 and KSS2 – although there is no emerging policy to support a distribution of requirements between sites and KSS1 is only expected to deliver 200 dwellings in the plan period.
- 5.15 KSS2 in total, including 100 dwellings delivered beyond the plan period, is expected to create the need for 292 primary places and 349 secondary places – as set out in Table 6. Even these figures can be accommodated, with considerable headroom, within the available primary and secondary capacity.
- 5.16 The Council has not provided any pupil forecasts for consideration. However, the Education Response states, *"the local school is now filling on entry to its admission number"*. The reference is understood to refer to Rhosnesni High School, which is the largest secondary school in Wrexham CB.
- 5.17 Information, known as PLASC (Pupil Level Annual School Census), published by Stats Wales is included at Appendix 2. The information is from January 2021. The primary and secondary schools in Wrexham Town are shown in red type face; and bold red typeface are additional rows and columns that I have added to show totals. While this information is not a forecast, it does show the year group sizes in school as of January 2021. In particular it indicates falling demand in primary schools.
- 5.18 At the bottom of the second page is the line showing total pupil numbers in each primary school year group, and the total of 4,220. The last of the Year Group figures (for Year Group 6) is 600 and, as of September 2021, this group will be in their first year of secondary

education. It will be noted that primary numbers are generally lower towards the left hand side of the page, showing a continuing reduction in demand that will flow through to secondary schools in due course.

- 5.19 The third page shows the secondary figures, and it can be seen that there are 240 pupils in Year Group 8 at Rhosnesni High School. The school has a published admission number of 240, and this is *“the local school is now filling on entry to its admission number”*. The total capacity of the four secondary schools in the town is 3,738 (Table 9) or 748 per year group ($3738 / 5$), and it appears that Year Group 8 was a peak year.
- 5.20 The Council may suggest that additional capacity is required more locally to the proposed development than relying on surplus places across the town. However, the travel distances appear reasonable to a number of schools, and it is misleading to think that pupils would be likely to have to travel across the town. In practice, the admissions arrangements would generally act to allocate places to children at their nearest schools.
- 5.21 Wrexham schools do not have defined catchment areas as such. However, the nearest school approach to admissions means that each school has a natural catchment area that can be mapped. In general terms, and subject to the parental preferences expressed, if demand from within a school’s natural catchment cannot be fully accommodated, the Over-Subscription Criteria are applied and will allocate children to the next nearest school for which a preference has been expressed.
- 5.22 Based on the evidence available, the existing provision in Wrexham Town schools will, be able to cater for all of the additional pupils associated with new housing in the plan period. Furthermore, placing additional demand on existing schools will improve the financial viability of those schools and thereby have a positive impact on them – because fuller schools can operate more efficiently.
- 5.23 Having a new primary school on site is generally considered desirable from a housebuilders perspective, and if there is a case for providing a new primary school within KSS2 it might be on the basis of creating a more sustainable community. However, if this is the thinking, it should be appreciated that providing more primary school capacity within KSS2 would mean less demand for existing schools in the town, which would then place additional financial pressure on those schools as their pupil numbers decline.

6 Conclusions

- 6.1 In summary, the infrastructure requirements associated with the emerging LDP were drawn up some years ago when circumstances were different, and indeed the Education Response to the proposed development is two and a half years old. Notably, demand for primary school places has passed through a peak and is declining, and pupil numbers in secondary schools are substantially lower than forecast.

- 6.2 It has not been possible to obtain any detailed supporting information from the Council, and the precise basis on which it was seeking contributions towards additional primary and secondary capacity is not known. It is likely that the Council's Education Response is based on an assessment that considers a very limited number of schools, which is not considered to be an appropriate approach in the circumstances. It is reasonable to assess the proposed development having regard to the considerable amount of surplus capacity in both primary and secondary schools in Wrexham Town.
- 6.3 Based on the Council's pupil yield factors, the proposed development would give rise to demand for approximately 140 primary school places and 125 secondary school places. The whole of the KSS2 emerging allocation would give rise to demand for approximately 392 primary school places and 349 secondary school places.
- 6.4 Currently, within the schools in Wrexham Town, there are 697 surplus primary places and 575 secondary places. Demand is falling in primary schools and this reduction in demand will be felt in secondary schools in the next few years.
- 6.5 Existing schools have capacity to accommodate all of the anticipated primary and secondary education needs arising from the proposed development, and indeed the entire KSS2 allocation. Consequently, financial contributions towards education are not justified, and planning obligations to secure such contributions would not be CIL compliant.
- 6.6 The proposed development will have a positive impact on existing schools, as it will help to fill places that would otherwise be vacant due to falling demand.
- 6.7 If there is a case for contributing to the proposed new primary school within KSS2 it might be on the basis of creating a more sustainable community. However, this would need to be weighed against not addressing the impact of declining pupil numbers in existing schools.

The evidence which I have prepared and provide for appeal reference APP/H6955/A/20/3263516 in this report is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

Jan Kinsman

Subject: Re: Fwd: Appeal Case - Proposed Development on South of Holt Road, Wrexham
From: "jan@efm-ltd.co.uk" <jan@efm-ltd.co.uk>
Date: 22/11/2021, 12:15
To: Dafydd Ifans <Dafydd.Ifans@wrexham.gov.uk>, Paula Parry <Paula.Parry@wrexham.gov.uk>
CC: Vincent Ryan <Vincent.Ryan@bartonwillmore.co.uk>, Matthew Phillips
 <Matthew.Phillips@wrexham.gov.uk>, Nicholas Enright <Nicholas.Enright@wrexham.gov.uk>
BCC: namsnik@yahoo.com

Dear Dafydd

Thank you for your response.

Vincent has already responded with comments the timing.

From what you have said the amount of further information you are likely to be able to provide will be very limited. I trust the information about "current admissions patterns for the last 3 years" will enable us to understand whether pupils are attending the local schools from within the schools' effective catchment areas.

Please could you respond by return on the following points:

a) From my first email to you (03/11/2021 13:31, below):

"If there are any public reports, or other documents such as a "school organisation plan" or "pupil place plan", that would provide useful background then I would be very grateful to see them. It would be particularly helpful to see information about any proposed changes in school capacity in the wider area that have been recently undertaken, are programmed or under consideration."

Are there any such documents, including relevant member reports, please? If so, please let me have links or copies. I do have a copy of the "School Organisation Framework - Planning Education Provision - 2017-2025" but I have not yet found anything more recent.

b) You have said nothing about pupil forecasts, and I have not found anything current on line. Please could you let me have copies of your current pupil forecasts by school (i.e. updates to Appendix 5 and Appendix 6 in the School Organisation Framework - Planning Education Provision - 2017-2025) together with an explanation of what is included in them, in terms of new housing.

c) About pupil movement, I don't know exactly how your admissions system works but it must check whether each application for a particular school is from an address within the school's polygon - i.e. for the nearest school. Is it perhaps possible to confirm, for each school in the town, how many places were allocated to those for whom the school was their nearest school and how many to those for whom it was not the nearest school? If that is not possible, perhaps you might be able to provide the number of children by postcode (anonymised by the removal of the last character, if necessary) for each school in the town, please? I understand the PLASC return includes the postcode for each pupil.

--

Best wishes,

Jan

On 22/11/2021 08:59, Dafydd Ifans wrote:

Dear Jan,

I'm sorry that I have been unable to get back to you. This is being worked, but I now have further staff absence due to Covid.

We will only be able to supply our current calculations based on the nearest school to the development and the current admissions patterns for those schools for the last 3 years. We won't be able to create the maps nor show

where the children come from very easily. Hopefully, someone can get something to you by the middle to end of this week, but I can't promise that at the moment.

Kind regards

Dafydd

From: jan@efm-ltd.co.uk <jan@efm-ltd.co.uk>

Sent: 19 November 2021 15:18

To: Dafydd Ifans <Dafydd.Ifans@wrexham.gov.uk>; Paula Parry <Paula.Parry@wrexham.gov.uk>

Cc: Vincent Ryan <Vincent.Ryan@bartonwillmore.co.uk>; Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>

Subject: Re: Fwd: Appeal Case - Proposed Development on South of Holt Road, Wrexham

Dear Dafydd and Paula (who I understand may be back in the office on a part time basis)

I am now very concerned not to have heard from you with further information, and would be grateful for a response to my emails below as soon as possible.

At the very least please could you respond, by close of play on Monday 22 November at the latest, to let me know what your situation is and the 'what and when' about information you are able to provide (or not able to provide).

--

Best wishes,

Jan

On 12/11/2021 15:08, jan@efm-ltd.co.uk wrote:

Dear Dafydd

I trust you are well and I am sorry to trouble you. However, I am a little concerned that I haven't heard anything further from you as yet, following our conversation and my follow up email below.

I can do my work based on information that I can find published on line, but I am conscious that it may be outdated and so might not provide a completely accurate picture.

I appreciate you are in a difficult position, since Paula is on long term sick leave and the information I am asking for is her domain. However, as you will understand, I do not want to waste time if there is better information available that you are going to be able to provide.

Perhaps you could give me a call or email me, to let me know what your situation is and the 'what and when' about information you are able to provide (or not able to provide).

We spoke on the telephone about school admissions, and the Thiessen polygons that are the effective catchment areas for each school. If plans exists that shows these, it would be helpful to have a copy, as well as information about the extent to which pupils attend their nearest schools (always appreciating the different categories of school, of course). Some authorities are able to provide matrices or tables showing pupil movement - schools attended versus school catchment area lived in.

--

Best wishes,

Jan

On 03/11/2021 17:04, jan@efm-ltd.co.uk wrote:

Dear Dafydd

Thank you for calling me back so promptly and for your time earlier today. I am very sorry to hear that Paula is likely to be off work for a considerable amount of time. Please give her my best wishes, should you speak to her.

As suggested, I attach a copy of Paula's email dated 16 May 2019 which refers to calculations that I do not think appear on the Council's planning portal. As discussed, it would be very helpful to have a copy of the calculations, together with any update. You also said you would also try to provide me with the latest pupil forecasts.

You talked me through a general overview of some of the issues evident in the area, which was very helpful. If there are any public reports, or other documents such as a "school organisation plan" or "pupil place plan", that would provide useful background then I would be very grateful to see them. It would be particularly helpful to see information about any proposed changes in school capacity in the wider area that have been recently undertaken, are programmed or under consideration.

--

Best regards,

Jan

On 03/11/2021 13:31, jan@efm-ltd.co.uk wrote:

Dear Dafydd

Please see my email below.

Matthew Phillips is the case officer for this planning appeal. He has explained that Paula is off sick at the moment, and suggested contacting you.

I am sorry to hear Paula is unwell and trust she will soon be better. In the meantime, I need to make progress with my work. This is a planning appeal case, where the proposed development of up to 600 dwellings and associated development (planning reference P/2019/0005) has been refused consent. That refusal has been appealed.

I have been instructed by Barratt Homes and Bloor Homes (the appellants) to review the education impact and planning obligation requirements, in order that the Appeal Inspector can be satisfied that the planning obligations being imposed are necessary and CIL compliant. From what I have seen so far, the situation is not entirely straightforward and I am thinking of preparing an Education Position Statement, to explain the education position in detail. This could potentially be an agreed document. However, time is very short. As I understand it, evidence is due to be exchanged at the end of the month.

I sorry that don't know what your role is, and I am not sure whether you are aware of the planing application, the appeal and the education circumstances.

In the first instance it would be therefore be very helpful if you could please phone me at your earliest convenience, so we can introduce ourselves and discuss the way forward. Many thanks.

--

Regards,

Jan Kinsman

EFM (Educational Facilities Management Partnership

Limited) Mobile: 07841 583256 Landline: 01920 877188

email: jan@efm-ltd.co.uk

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----- Forwarded Message -----

Subject:Appeal Case - Proposed Development on South of Holt Road,
Wrexham

Date:Fri, 22 Oct 2021 16:51:17 +0100

From:jan@efm-ltd.co.uk <jan@efm-ltd.co.uk>

To:Paula.parry@wrexham.gov.uk

Dear Paula

I have been appointed to advise on the education requirements arising from the above development.

This is the Barratt/Bloor scheme, which I understand you are aware of, and I would be grateful if you would ring me at your earliest convenience for an informal discussion.

I am looking for some additional details to provide the background to the contributions required, and would also like to discuss the s106 (in general terms).

Many thanks.

--

Regards,

Jan Kinsman

EFM (Educational Facilities Management Partnership

Limited) Mobile: 07841 583256 Landline: 01920 877188

email: jan@efm-ltd.co.uk

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Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hy

Ewch i weld - mi fedrwn chi dalu, rhoi gwybod, gwneud cais, dweud eich dweud, a dod o hyd i wybodaet

Mae'r neges e-bost hon ac unrhyw atodiadau wedi eu bwriadu ar gyfer yr unigolyn neu'r sefydliad y'i c

We welcome correspondence in Welsh. We will respond to any correspondence in Welsh and this will not

Take a look - you can pay, report, request, have your say and find information online at www.wrexham.gov.uk

This e-mail message and any attachments are intended solely for the individual or organisation to who

APPENDIX 2

School	Nurser Y 1	Nurser Y 2	Recep- tion	Year Group 1	Year Group 2	Year Group 3	Year Group 4	Year Group 5	Year Group 6	Year Group 7	Year Group 8	Year Group 9	Year Group 10	Year Group 11	Year Group 12	Year Group 13	Year Group 14	Primary/ Secondary Totals
Nursery - 6651007: Ysgol Cae'r Gwenyn	10	20	10	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
Primary - 6652076: The Rofft CP School	.	25	30	30	30	30	35	35	25	.	.	.	.	.	.	.	.	.
Primary - 6652137: Froncysyllte	.	*	*	*	*	5	*	*	5	.	.	.	.	.	.	.	.	.
Primary - 6652138: Garth CP	*	5	10	*	5	*	10	10	5	.	.	.	.	.	.	.	.	.
Primary - 6652139: Ysgol Cynddelw	10	10	10	10	15	15	10	10	15	.	.	.	.	.	.	.	.	.
Primary - 6652140: Llanarmon DC School	*	*	*	*	*	*	*	*	*	.	.	.	.	.	.	.	.	.
Primary - 6652149: Ysgol Acrefair	.	25	25	30	30	25	25	30	30	.	.	.	.	.	.	.	.	.
Primary - 6652151: Cefn Mawr C P School	.	20	15	30	30	25	25	20	20	.	.	.	.	.	.	.	.	.
Primary - 6652160: Ysgol Maes-y-Llan	.	20	20	25	20	25	25	20	25	.	.	.	.	.	.	.	.	.
Primary - 6652162: Ysgol Min y Ddol	.	20	15	15	15	15	15	15	*	.	.	.	.	.	.	.	.	.
Primary - 6652173: Alexandra C P School	*	45	60	45	55	50	45	50	45	.	.	.	.	.	.	.	.	350
Primary - 6652176: Brynteg C P School	10	25	25	20	20	25	25	25	25	.	.	.	.	.	.	.	.	.
Primary - 6652178: BWLCHGWYN SCHOOL	5	10	10	15	10	15	15	15	10	.	.	.	.	.	.	.	.	.
Primary - 6652179: Ysgol Tan-y-Fron	.	20	15	20	15	20	20	20	15	.	.	.	.	.	.	.	.	.
Primary - 6652187: Black Lane C P School	10	20	20	10	20	25	20	15	15	.	.	.	.	.	.	.	.	.
Primary - 6652191: Rhosddu County Primary	.	35	40	30	30	35	40	35	35	.	.	.	.	.	.	.	.	245
Primary - 6652200: Rhostyllen CP School	.	25	25	25	30	30	30	30	30	.	.	.	.	.	.	.	.	.
Primary - 6652204: Ysgol Deiniol C P	.	10	20	25	25	30	25	25	25	.	.	.	.	.	.	.	.	.
Primary - 6652208: Barker's Lane CP	.	40	25	30	30	30	30	30	25	.	.	.	.	.	.	.	.	200
Primary - 6652209: Wat's Dyke County Primary	.	35	45	40	40	40	40	40	35	.	.	.	.	.	.	.	.	280
Primary - 6652224: Ysgol Bryn Tabor	10	25	30	35	25	45	35	35	30	.	.	.	.	.	.	.	.	.
Primary - 6652232: Ysgol Sant Dunawd	.	15	10	10	10	5	20	20	20	.	.	.	.	.	.	.	.	.
Primary - 6652235: Holt C.P. School	.	*	5	10	10	5	10	15	10	.	.	.	.	.	.	.	.	.
Primary - 6652238: Ysgol Bodhyfryd	15	45	40	35	50	50	40	50	45	.	.	.	.	.	.	.	.	310
Primary - 6652259: Ysgol I.D. Hooson	.	20	30	30	40	45	25	35	40	.	.	.	.	.	.	.	.	.
Primary - 6652263: Ysgol Plas Coch	.	40	30	45	40	40	40	40	35	.	.	.	.	.	.	.	.	270
Primary - 6652266: Penygelli C P School	.	30	35	45	35	40	45	35	45	.	.	.	.	.	.	.	.	.
Primary - 6652267: Ysgol Penrhyn New Broughton CP	.	30	25	20	25	30	25	30	25	.	.	.	.	.	.	.	.	.
Primary - 6652268: Ysgol Heulfan	.	40	35	50	45	45	50	45	40	.	.	.	.	.	.	.	*	.
Primary - 6652269: Hafod y Wern Community Primary School	.	30	35	30	40	45	40	45	40	.	.	.	.	.	.	.	.	275

APPENDIX 2 - PLASC Data for January 2021

School	Nurser Y 1	Nurser Y 2	Recep- tion	Year Group 1	Year Group 2	Year Group 3	Year Group 4	Year Group 5	Year Group 6	Year Group 7	Year Group 8	Year Group 9	Year Group 10	Year Group 11	Year Group 12	Year Group 13	Year Group 14	Primary/ Secondary Totals
Primary - 6652270: Gwenvro Community Primary	20	30	40	45	45	45	40	40	45	45	.	.	.	.	.	.	.	300
Primary - 6652271: Park Community Primary School Llay	.	45	40	45	45	40	40	45	45	45	.	.	.	.	.	.	.	.
Primary - 6652272: Rhosymedre Community Primary	.	25	30	25	30	35	35	30	35	35	.	.	.	.	.	.	.	.
Primary - 6652273: Ysgol Maes y Mynydd	10	25	25	30	35	25	55	50	55	55	.	.	.	.	.	.	.	.
Primary - 6652274: Gwersyllt Community Primary School	.	25	30	25	35	30	30	40	40	40	.	.	.	.	.	.	.	.
Primary - 6652275: Penycae Community Primary School	.	20	25	25	30	25	30	35	25	25	.	.	.	.	.	.	.	.
Primary - 6652276: Acton Primary	.	30	40	45	60	45	55	55	55	55	.	.	.	.	.	.	.	355
Primary - 6652277: Victoria Community Primary	.	55	55	60	60	60	60	60	60	60	.	.	.	.	.	.	.	415
Primary - 6652278: Ysgol Y Waun	.	40	30	40	45	45	45	45	45	45	.	.	.	.	.	.	.	.
Primary - 6652279: Ysgol Bro Alun	.	45	35	45	40	30	30	30	30	30	.	.	.	.	.	.	.	.
Primary - 6652280: Ysgol Yr Hafod, Johnstown	20	35	40	45	35	45	45	50	45	45	.	.	.	.	.	.	.	.
Primary - 6652281: Borras Park Community Primary	.	50	55	60	65	60	55	60	50	50	.	.	.	.	.	.	.	405
Primary - 6653028: St Peter's School	.	20	30	25	30	20	40	20	20	20	.	.	.	.	.	.	.	.
Primary - 6653036: Pentre CIW Voluntary Controlled	.	5	10	10	10	5	10	10	*	*	.	.	.	.	.	.	.	.
Primary - 6653042: Eytton Primary School	*	*	5	5	5	*	10	10	10	5	.	.	.	.	.	.	.	.
Primary - 6653054: BORDERBROOK SCHOOL	*	.	*	*	*	*	*	*	*	.	.	.	.	.	.	.	.	.
Primary - 6653055: St Giles Controlled Primary School	.	35	35	40	40	60	50	60	55	55	.	.	.	.	.	.	.	340
Primary - 6653301: BRONINGTON CHURCH IN WALES V.A	.	*	10	10	10	5	*	5	5	5	.	.	.	.	.	.	.	.
Primary - 6653305: Madras VA School	.	15	25	10	15	15	15	20	20	20	.	.	.	.	.	.	.	.
Primary - 6653326: St Chad's Church in Wales Aided School	*	10	15	10	15	15	5	10	5	5	.	.	.	.	.	.	.	.
Primary - 6653334: St Mary's RC Primary	.	35	45	40	40	45	55	50	50	50	.	.	.	.	.	.	.	325
Primary - 6653337: Minera	5	10	15	10	10	10	15	10	15	15	.	.	.	.	.	.	.	.
Primary - 6653338: All Saints Voluntary Aided Sch	.	25	40	35	25	35	50	35	45	45	.	.	.	.	.	.	.	.
Primary - 6653341: St Mary's Church in Wales	.	25	30	30	30	30	30	30	30	30	.	.	.	.	.	.	.	.
Primary - 6653342: Brymbo Aided (St. Mary's)	10	15	10	15	15	25	20	10	10	10	.	.	.	.	.	.	.	.
Primary - 6653343: St Anne's Catholic Primary	5	15	20	20	20	20	20	25	25	25	.	.	.	.	.	.	.	150
Primary - 6653346: St Mary's Overton	.	15	20	20	15	30	15	30	25	25	.	.	.	.	.	.	.	.
Primary - 6653347: St Paul's Voluntary Aided	*	5	5	*	5	10	10	5	10	10	.	.	.	.	.	.	.	.
Primary Schools Totals			1445	1480	1550	1600	1630	1645	1565	1565								10915
Primary Schools Totals for Wrexham Town only			565	565	615	625	610	640	600	600								4220

School	Nurser Y 1	Nurser Y 2	Recep- tion	Year Group 1	Year Group 2	Year Group 3	Year Group 4	Year Group 5	Year Group 6	Year Group 7	Year Group 8	Year Group 9	Year Group 10	Year Group 11	Year Group 12	Year Group 13	Year Group 14	Primary/ Secondary Totals
Secondary - 6654029: Grango	.	.	.	.	.	.	.	.	.	120	105	105	115	115	.	.	.	.
Secondary - 6654032: YSGOL MORGAN LLWYD	.	.	.	.	.	.	.	.	.	165	150	150	150	130	55	35	.	.
Secondary - 6654033: Ysgol Bryn Alyn	.	.	.	.	.	.	.	.	.	150	140	145	145	135	.	.	.	.
Secondary - 6654034: Darland High School	.	.	.	.	.	.	.	.	.	160	155	175	175	155	.	.	.	.
Secondary - 6654044: Ysgol Rhiwabon	.	.	.	.	.	.	.	.	.	105	105	90	90	90	.	.	.	.
Secondary - 6654048: Rhosnesni High School	.	.	.	.	.	.	.	.	.	215	240	150	170	130	.	.	.	.
Secondary - 6654049: Ysgol Clywedog	.	.	.	.	.	.	.	.	.	150	170	155	150	165	.	.	.	.
Secondary - 6654603: St Joseph's Catholic and Anglican High	.	.	.	.	.	.	.	.	.	145	145	150	140	140	.	.	.	.
Secondary - 6655401: THE MAELOR SCHOOL	.	.	.	.	.	.	.	.	.	130	135	140	130	130	90	65	.	.
Secondary Schools Totals										1340	1345	1260	1265	1190				6400
Secondary Schools Totals for Wrexham Town only										675	705	605	610	565				3160
Special - 6657005: St Christophers School	.	.	.	.	*	15	10	10	15	25	30	15	20	25	35	40	30	

Pupil Level Annual School Census (PLASC) data for January 2021

<https://stats.wales.gov.wales/Catalogue/Education-and-Skills/Schools-and-Teachers/Schools-Census/Pupil-Level-Annual-School-Census>

APPENDIX VR2

HOUSING COMPLETIONS IN WREXHAM

Wrexham County Borough Council – Housing Completions 2013-2021

The table below summarises WCBC’s housing completions for the emerging Local Plan period to date. This consists of the total requirement, as well as the requirements for affordable housing and market housing respectively.

Year	Affordable Housing Requirement (DPA) (Emerging LDP)	Affordable Housing Completions	+/-		Market Housing Requirement (DPA) (Emerging LDP)	Market Housing Completions	+/-		Total Housing Requirement (DPA)	Total Completions	+/-
2013	88	11	-77		429	228	-201		517	239	-278
2014	88	64	-24		429	151	-278		517	215	-302
2015	88	30	-58		429	205	-224		517	235	-282
2016	88	42	-46		429	157	-272		517	199	-318
2017	88	50	-38		429	278	-151		517	328	-189
2018	88	17	-71		429	205	-224		517	222	-295
2019	88	119	+31		429	243	-186		517	362	-155
2020	88	14	-74		429	184	-245		517	198	-319
2021	88	58	-30		429	144	-285		517	202	-315
TOTAL	792	405	-387		3,861	1,653	-2,208		4,653	2,200	-2,453

Sources: *Housing Land Monitoring Statement (April 2019)*, LDP Examination evidence base (EiP document ref: MRH06). Supplemented with post 2019 figures provided by the Council in emails from M.Phillips and S.Brett dated 6 October 2021.

APPENDIX VR3

LDP POLICY ASSESSMENT TABLE

Policy	Policy Name	Commentary
SP2	Location of Development	Indicates that new development will be directed to the defined settlement limits as identified on the Proposals Map. The proposed allocation of KSS2 will essentially redefine the settlement boundary of this part of Wrexham, within which the proposed development will be sited. It is therefore consistent with Policy SP2.
SP3	Key Strategic Housing Sites	Identified the Site as being within Key Strategic Housing Site Allocation KSS2, which will help to deliver the housing requirement over the Plan period. The proposed development will deliver up to 600 dwellings within the KSS2 allocation, and will assist in delivering the required housing. The proposal therefore complies with Policy SP3.
SP6	Planning Obligations	States that planning obligations will be sought for development proposals on a case by case basis, in line with relevant planning legislation. The development is supported by a Section 106 Agreement which will be agreed with the Council as being appropriate for this development to support the delivery of necessary infrastructure. The proposal therefore complies with the requirements of Policy SP6.
SP12	Transport and Accessibility	States that Wrexham's transport network will be developed in a safe, efficient and sustainable manner, setting out a number of measures for the achievement of this. The Evidence of Mr. Corbett deals specifically with this matter but concludes that the proposed development is acceptable in highway terms and therefore compliant with the requirements of Policy SP12.
SP13	Design Principles and Masterplanning Framework	States that all development will be required to be of a high quality, sustainable design which makes a positive contribution to the creation of locally distinctive places by ensuring compliance with the masterplanning framework and KSS

Policy	Policy Name	Commentary
		schematics. Proposals must demonstrate how they have taken account of the local characteristics of surrounding areas and how innovative design solutions will enhance the quality of the built and natural environment. Much of this detail would be established at the Reserved Matters stage however the illustrative concept layout (CD5.6), parameter plan (CD6.9) and the Design and Access Statement (CD5.5), serve to demonstrate the high quality design aspirations that underpin the development.
SP14	Health and Wellbeing	All development should seek to reduce health inequalities and provide opportunities for healthy lifestyles and improving health and well-being. This will be achieved by supporting proposals which provide access to services including primary and secondary healthcare, sports facilities and opportunities for recreation, as well as active travel opportunities, high quality sustainable design, open space, green infrastructure, food growing and allotments. The proposed development provides generous open space (albeit the specific design will be evolved at the reserved matters stage). Furthermore, the Health Board has confirmed that it does not object to the development it would not seek financial contributions towards health facilities in the area. The proposed development is considered to be compliant with Policy SP14.
SP15	Natural environment	States that development will only be supported where it protects, conserves and enhances the natural environment. The Application was supported by an ecological assessment which demonstrated the site's acceptability for development, subject to appropriate mitigation. In addition, the illustrative design for the proposed development highlights the opportunities for habitat creation and vegetation planting. An Updated Ecological Assessment (CD17.32) has been prepared to ensure that the conclusions on this matter are based on up-

Policy	Policy Name	Commentary
		to-date site circumstances. Accordingly, the development is considered to be consistent with Policy SP15.
SP16	Historic and Cultural Environment	States that development will only be supported where it conserves, protects and enhances the cultural and heritage assets of the County Borough, along with their settings, as appropriate. There are no such assets within the development site, nor are any heritage assets affected by the development, subject to agreed planning conditions relating to archaeological considerations. Accordingly, therefore, the proposed development complies with the requirements of Policy SP16.
SP19	Climate Change	Establishes a series of criteria for ensuring that development proposals can mitigate against the effects of climate change and adapt to its impacts. Amongst these are avoiding areas at risk from flooding and preventing development that increases flood risk. The development is considered to comply with the requirements of this Policy. It is not located in an area at risk and will include an appropriate drainage strategy in accordance with the hierarchy, so as to not increase the risk of flooding elsewhere. Other criteria relating to sustainable, and energy efficient design would be considered at the reserved matters stage, but it is considered that the proposed development is capable of meeting these requirements.
SP20	Green Infrastructure	Development will be required to maintain or enhance the extent, quality and connectivity of the County Borough's multi-functional green infrastructure network, and, where appropriate create new green infrastructure, protect valued features and provide mitigation for any loss of Green infrastructure. The aforementioned illustrative concept layout identifies extensive areas for delivering green infrastructure across the site to the necessary quantum that will meet or exceed the LDP

Policy	Policy Name	Commentary
		requirements; albeit this would be crystalised at the reserved matters stage. The development is therefore in accordance with the requirements of policy SP20.
DM1	Development management considerations	Provides a series of development management criteria for the assessment of development proposals, including considerations of design and local character, amenity and sustainability. Much of this detail would be for consideration at the reserved matters stage; however, in so far as the criteria relate to the principle of the development, it is considered that the proposed development is compliant with these requirements and capable of providing an appropriately designed development, respectful to local character and residential amenity within a highly sustainable and accessible location. It is therefore considered to be consistent with the requirements of Policy DM1.
NE3	Trees, Woodland and Hedgerows	Development will only be permitted where it does not cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value or those that provide important ecosystem services including mitigating the effects of climate change. The Site is currently an agricultural field with the only features of potential value being around its periphery and field boundaries, much of which would be retained as part of the proposed development as part of a landscape led masterplan. Furthermore, the development will include extensive tree and vegetation planting, providing an enhancement to the offer of the site from an ecological perspective. As a result, the proposal is considered to be compliant with the requirements of Policy NE3.
NE6	Waste Water Treatment and River Water Quality	Development will only be supported where there is no adverse impact on the integrity of the River Dee and Bala Lake SAC and its conservation objectives, in particular through the treatment of wastewater. Developments should in the first instance seek to connect to the existing mains wastewater infrastructure network. Where this would result in nutrient levels exceeding

Policy	Policy Name	Commentary
		conservation objectives targets within the SAC, then proposals will need to fully mitigate the adverse effects caused by the proposed development. The proposed development will be served by extensive drainage infrastructure, connecting to the existing network. This would be refined at the reserved matters stage but there is no planning impediment to this arrangement. Accordingly, the proposed development is considered to align with the requirements of Policy NE6.
H2	Affordable Housing	Sets out that affordable housing will be required to be provided on-site (unless in exceptional circumstances) on developments of 10 units or more. A site specific affordable housing requirement for KSS2 has been agreed with the Council through the LDP Examination and a Matters Arising Change to Policy SP5 will confirm that this is 20 per cent, as per the SoCG. The Section 106 Agreement will provide a mechanism to ensure that 20 per cent of all dwellings in each phase of the development are affordable.
T1	Managing Transport Impacts	Provides a series of criteria for major development proposals to address in order to gain support from the Council. The Policy also indicates that developments that would generate significant amounts of movement should be accompanied by a Transport Assessment and Travel Plan. This matter is addressed within the Evidence of Mr. Corbett.
T2	Active Travel	Provides a series of criteria to ensure that new development provides suitable access to employment, education, healthcare and other essential services. This matter is addressed within the Evidence of Mr. Corbett.
T3	Passenger Transport	Provides a series of criteria to provide for and promote the use of passenger transport services, and reduce the dependency on the private car.

Policy	Policy Name	Commentary
		This matter is addressed within the Evidence of Mr. Corbett.
T6	Strategic Transport Infrastructure Improvements	Details, at point ix, that improvements to the strategic transport will be supported through works to the Cefn Road and Greyhound Roundabout (amongst others). This matter is addressed within the Evidence of Mr. Corbett.
CF2	Provision of New Open Space	Developments of 10 or more dwellings must include provision for public open space. The open space must be accessible and integral to the proposed development and useable for both formal and /or informal play and recreation. Where on-site provision is not possible or appropriate, the provision and/or improvement of existing local provision off site will be sought through a commuted sum. The quantity, quality and location of the open space contribution required will be determined in accordance with standards set out in the most up to date open space study. A minimum requirement of 0.25ha per 50 dwellings (50sqm per dwelling) is expected. The Planning Statement which accompanied the application submission (CD5.17) confirms that circa 5.7ha of public open space (7.7Ha including wider green infrastructure) can be provided within the development, against an emerging LDP requirement of 3ha. The development can therefore deliver public space in accordance with Policy CF2.
WL1	Welsh Language and the Social and Cultural Fabric of Communities	Requires all development proposals of 15 units or more within the Welsh language Sensitive Areas to be accompanied by a Welsh Language Action Plan setting out the measures to be taken to protect, promote and enhance the Welsh language. Said Action Plan was submitted in support of the application (CD5.27), to the satisfaction of the Local planning Authority. It is therefore compliant with the requirements of policy WL1.
RE1	Development and Renewable	Development proposals are required to maximise the potential for renewable energy.

Policy	Policy Name	Commentary
	Energy/Low carbon technology	The Council will encourage developers of the Key Strategic Sites and major sites (100 dwellings or more or development exceeding 1000m²) to incorporate schemes which generate energy from renewable and low carbon technologies. This includes opportunities to minimise carbon emissions associated with the heating, cooling and power systems for new development. An independent energy assessment investigating the financial viability and technical feasibility of incorporating such schemes will be required to support applications. This level of detail would be provided at the reserved matters stage but is not considered to preclude the development of the Appeal Site, and so the proposed development is considered to be capable of meeting the requirements of Policy RE1, as deemed appropriate with the Council during the evolution of the detailed design proposals.

APPENDIX VR4

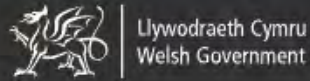
EXTRACT FROM AGRICULTURAL LAND CLASSIFICATION: PREDICTIVE MAP
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