
Statement of Case

Land South of Holt Road, Wrexham

Outline application 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.

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

November 2020

LPA Ref: P/2019/0005

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Authorised by:		VR

Barton Willmore LLP
Tower 12
18/22 Bridge Street
Spinningfields
Manchester
M3 3BZ

Tel: 0161 817 4900
Email: vincent.ryan@bartonwillmore.co.uk

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1.0 INTRODUCTION

1.1 This Statement of Case has been prepared by Barton Willmore, who are acting on behalf of Barratt Homes, Bloor Homes North West, John Raymond Jones and the trustees of the Wrexham (Parochial) Education Foundation (the "Appellants"), in respect of an appeal made against Wrexham County Borough Council's ("WCBC") recent refusal of an application for planning permission pertaining to land south of Holt Road, Wrexham (the "Site").

1.2 The outline planning application (LPA ref. P/2019/0005) was submitted by the Appellants and sought outline planning permission for a residential development of up to 600 dwellings with all matters reserved save from the northern site access (the "Application"). The description of development is as follows:

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.

1.3 The planning application was submitted to WCBC on 4 January 2019 and was registered as valid on 14 January 2019. The documents that comprised the Application are submitted with this Appeal and are listed in the Core Documents List.

1.4 The development falls within Category 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as an urban development project where the area of development exceeds 5 hectares and includes more than 150 dwellings.

1.5 An Environmental Impact Assessment (EIA) Screening request was submitted to WCBC on 10 November 2017 in accordance with the aforementioned regulations. Additional information was submitted to WCBC on 22 December 2017. Subsequently, WCBC issued a Screening Opinion on 18 January 2018, which confirmed that the proposed development would not need to be subject of an EIA.

1.6 Following the necessary advertisement of the Application, and consultation with the relevant statutory and non-statutory consultees, the Application was the subject of a detailed Officers' report to WCBC's Planning Committee which recommended planning permission be granted for the proposed development, subject to referral to Welsh Ministers, and to completion of a Section 106 Agreement. Despite the Officer's advice

and clear positive recommendation, Members of WCBC's Planning Committee resolved to refuse the Application on 27 July 2020 (17 votes against and 1 abstention), and for the following three reasons:

- 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 provision to meet increased demand.*

- 1.7 A Decision Notice containing the aforementioned reasons for refusal was issued dated 27 July 2020.
- 1.8 This Statement of Case outlines the Appellants' case as to why the Application should have been approved by WCBC in accordance with the professional advice of WCBC Officers, and consequently why this Appeal should be allowed in order to allow this much needed development to proceed. Where relevant, reference is made to the responses to the Application made by Officers at WCBC, statutory consultees and interested parties. The Statement details the areas where the Appellants intend to provide detailed evidence for consideration by the appeal Inspector. The Appellants are of the opinion that this Appeal should proceed by way of an inquiry.
- 1.9 A draft Statement of Common Ground ("SoCG") has also been prepared by Barton Willmore, on behalf of the Appellants, and accompanies this Appeal. The Appellants have shared this document with WCBC and will continue efforts to agree and finalise the content of the SoCG in advance of the inquiry. T

2.0 THE APPEAL SITE AND CONTEXT

- 2.1 The Site is located to the north east of the town of Wrexham, and within the administrative boundary of WCBC and the ward of Holt. The Site extends to 28.52 hectares (ha) and is broadly rectangular in shape. It is wholly in agricultural use and consist of seven separate field parcels. Internal field boundaries are mainly hedgerows, with intermittent trees. Small areas of denser tree cover are found in a central copse in the western half of the Site, to the north east boundary of the Site and along the southern boundary of the Site. The Site undulates to varying degrees with a general fall in ground levels from the south to the north but with a higher plateau in the north eastern corner of the Site. The lower parts of the Site are within the north western corner.
- 2.2 The northern boundary of the Site broadly follows the east-west alignment of the dualled A534 Holt Road, which has been realigned in recent years, and includes the roundabout which forms the junction of the A534 and A5156. Beyond this lies Wrexham Golf Course, Borrás Quarry and extensive agricultural land. The eastern boundary of the Site borders arable fields beyond which lies Sandy Lane, Clays Golf Course and Clays Touring and Leisure Park. The northern section of the eastern boundary lies adjacent a ready-mixed concrete plant located in an area of an historic quarry. Bryn Estyn Road forms the southern boundary of the Site, along with the residential properties at Bryn Estyn Court. Beyond Bryn Estyn Road is Wrexham Rugby Club, a limited number of residential properties, the WCBC owned Erlas Victorian Walled Garden and Erlas Centre and agricultural land beyond. Established residential properties on Turnberry Avenue, Thornhurst Avenue and Abbeydale Close (known as the Fairways estate), and the buildings of Tyn-twill Farm form the western boundary of the Site.
- 2.3 The town of Wrexham is the principal settlement and main service centre in WCBC; it is also the largest settlement in North Wales and is a key settlement of national importance. Wrexham Industrial Estate, which is just over 1km to the south east of the Site, is the largest industrial estate in Wales, the second largest in the UK and among the largest in Europe.
- 2.4 An appropriate description of the Site and its surroundings will be included in the SoCG and supplemented as necessary in evidence.

- 2.5 As part of that Site description, the Appellants will also describe the Appeal Site's relationship with the surrounding environment, with consideration of the wider Site context.
- 2.6 The Appellants will demonstrate the physical and functional relationship of the Appeal Site with the adjoining settlement of Wrexham and the surrounding area that makes the Appeal Site ideal for the development proposed. The Appellants will describe the proximity of facilities such as shops, services and schools, and the existing and proposed means of accessing the Appeal Site by non-car modes which make it a sustainably located development site.
- 2.7 The Appellants will make reference to a number of the documents that were submitted as part of and in support of the Application, and to the Wrexham Local Development Plan Examination.

3.0 THE SCHEME

- 3.1 As set out within the Introduction section of this Statement, the Appeal relates to an outline planning application for up to 600 new dwellings, with all matters reserved save from the northern access into the Site.
- 3.2 The proposed northern access into the Site represents the only detailed element of the proposals, and the submitted Parameter Plan sets out a number of fixed and indicative design parameters to aid an assessment of the proposals and an understanding of how the Site would be developed.
- 3.3 By reference to the application documents and supplementary information submitted to WCBC during the determination of the Application, it will be demonstrated that the following features are proposed for incorporation into the developed scheme for which outline planning permission is sought:
- Up to 600 residential dwellings, of a high quality design that will be regulated by detailed approval through reserved matters in due course.
 - Provision of 20% affordable housing, of appropriate mix and tenure to meet the needs of the residents of Wrexham now and into the future. Again, this would be regulated by a Section 106 Agreement or conditions and detailed approval through reserved matters in due course. At this juncture the Appellants wish to emphasise the significant work that has gone into establishing an appropriate level of affordable housing for the Site, during the LDP and application process, working with officers and the WCBC's consultants. The Appellants have sought to maximise affordable housing delivery from the Site despite being faced with significant infrastructure and abnormal costs. The Site-specific percentage for affordable housing on the Site has been proposed by WCBC through the Local Development Plan Examination process.
 - Principal vehicular access from the A534 Holt Road roundabout to the north of the Site, as well as various vehicular, pedestrian and cycle links around the Site's perimeter and through the Site.
 - Provision of a spine road through the Site, providing access to the land south of Bryn Estyn Road that forms part of the wider Key Strategic Site.

- High quality on-site open space, of more than sufficient quantum and composition to satisfy local planning policy expectations and appropriate for the scale of the development proposed.
- Retention of important landscape and biodiversity features on the site, along with the delivery of landscape and biodiversity enhancement features as part of the landscape scheme.
- The provision of an appropriate and varied mix of residential properties, with the mix of house types being the subject of control at the reserved matters stage.
- Other various measures to be secured under the provisions of Section 106 of the Town and Country Planning Act and planning conditions which will ensure the satisfactory implementation of the development and its associated infrastructure in order to comply with planning policy, guidance and advice.

3.4 The Appellants will explain how the development proposals have evolved through the pre-application and application process, including through comprehensive engagement with WCBC, consultees and stakeholders over a number of years. Furthermore, the Appellants will also detail how the proposal has evolved in conjunction with the emerging Wrexham Local Development Plan (detailed further within later sections of this Statement). This engagement has ensured that the proposals represent a truly plan-led development, with the Appellants working alongside WCBC officers to fully understand the infrastructure required to support this and other developments in the area, as well as a mechanism for their delivery.

3.5 The Appellant will refer to the range of social, economic, environmental and cultural benefits that would flow from the proposed development including (but not limited to) the following:

- The provision of up to 600 critically needed new dwellings, including up to 120 (20%) affordable dwellings in order to meet the needs of the existing and future residents of Wrexham and assist in balancing the housing stock of the County Borough;
- Development of housing within a sustainable location;
- The creation of high quality public open space;
- The provision of commuted sums where proven necessary to address any infrastructure requirements in relation to education;

- A sustainable increase in the population of Wrexham to help improve the vitality and viability of facilities in the local area;
- GVA added by the residents of the proposed development to the tune of £32.3 million;
- Increased commercial expenditure of £10 million;
- 173 direct construction jobs;
- 154 indirect jobs through the local supply chain via the purchase of goods and services;
- Annual council tax contributions of £0.9 million;
- The provision of housing in order to meet the needs of a growing population;
- The provision of commuted sums where proven necessary to address any infrastructure requirements, including education;
- The delivery of a development on a sustainable site which is well connected to existing services and facilities, and thus reducing the need to travel by car;
- Enhanced connections across the Appeal Site for the wider community;
- Retention and enhancement of significant proportions of existing field boundary hedgerows and trees
- biodiversity enhancement measures;
- The creation of a high quality landscape and public open space, with new areas of landscaping and tree planting;
- Accessibility to public transport and a Travel Plan; and
- The delivery of new development on land which is not at risk of flooding, utilising sustainable urban drainage systems and not increasing the risk of flooding elsewhere.

4.0 PLANNING POLICY CONTEXT

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraph 1.2.1 of Planning Policy Wales 10 ("PPW"), requires that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.2 A summary of the relevant development plan policies and material planning considerations relevant to the Appeal is set out at Section 4 of the draft SoCG. It is expected that the planning policy documents and policies that are relevant to the Appeal will be agreed with WCBC prior to the exchange of evidence.

Adopted Development Plan

- 4.3 The Development Plan for WCBC comprises the Wrexham Unitary Development Plan ("UDP"), which was adopted in 2005 and covers the Plan period from 1996 – 2011.
- 4.4 The Appellants' evidence will contain a full summary of the relevant development plan policies (as set out at Section 4 of the SoCG). The Appellants' evidence will assess the weight that should be attached to the UDP's policies in determining this appeal, having regard to the guidance set out in PPW.
- 4.5 Specifically, evidence will be presented by the Appellants to demonstrate that:
- As a whole, the UDP is significantly out-of-date, having been adopted some 15 years ago and being time expired by nearly 10 years. It will also demonstrate that the UDP is underpinned by evidence which is out-of-date to such an extent that it should be afforded very little, if any, weight in the determination of this Appeal.
 - The UDP identifies the Appeal Site as being within a designated Green Barrier, on land categorised as best and most versatile ("BMV") agricultural land, and outside the Settlement Limited of Wrexham. As consequence the Appellant will accept that the proposed development is contrary to UDP policies that control development in such locations; however, evidence will be presented to demonstrate that these designations should be afforded little or no weight in the determination of this Appeal and that other material considerations dictate that planning permission should be granted.

- WCBC has failed to deliver the required level of market and affordable housing within the County Borough for many years and as a result is failing to meet the needs of its residents. This is a symptom of the failure of WCBC to have an up-to-date, deliverable Local Development Plan in place. The Appellants' evidence will demonstrate that the delivery of new housing within the County Borough, in lieu of the consistent and significant under delivery over previous years, should be afforded very significant weight in the determination of this Appeal.

Planning Policy Wales 10

4.6 The 10th edition of PPW was published by the Welsh Government in December 2018 and is a material consideration in the determination of planning applications.

4.7 In the evidence that will support the Appeal, the Appellants will rely on the following sections (amongst others) of PPW10.

- What is Sustainable Development (Chapter 1);
- Managing Urban Form by means of Green Belts and Green Wedges (Chapter 3);
- Design Principles (Chapter 3);
- Agricultural Land Quality (Chapter 3);
- Welsh language (Chapter 3);
- Transport (Chapters 3 and 4);
- Housing (Chapter 4);
- Minerals (Chapter 5);
- Infrastructure and Services (Chapter 5);
- Distinctive and Natural Places (Chapter 6);
- Green Infrastructure (Chapter 6);
- Landscape (Chapter 6);
- The Historic Environment (Chapter 6);
- Flood Risk and Drainage (Chapter 6);
- Contaminated Land (Chapter 6);
- Air Quality (Chapter 6); and
- Noise Pollution (Chapter 6).

4.8 The Appellants will also refer to the following Technical Advice Notes (TANs) as appropriate:

- TAN2 – Planning and Affordable Housing;
- TAN5 – Nature Conservation and Planning;
- TAN11 – Noise;
- TAN12 – Design;
- TAN15 – Development and Flood Risk;
- TAN16 – Recreation and Open Space;
- TAN18 – Transport;
- TAN20 – Planning and the Welsh Language;
- TAN23 – Economic Development; and
- TAN24 – The Historic Environment.

- 4.9 Furthermore, the Appellants will also refer to the Development Management Manual and the Development Plans Manual (Edition 3). The Appellants' evidence will demonstrate that the Appeal proposals are consistent with the key objectives of Government policy for housing delivery and investment in new transport infrastructure as key contributors to sustainable economic growth.

Emerging Development Plan

- 4.10 WCBC is currently preparing a new Local Development Plan (the "emerging LDP") to replace the current, time expired and significantly out-of-date UDP. The document is now at an advanced stage, with much of the Examination in Public ("EIP") having now taken place between September 2019 and March 2020. Once adopted, the LDP will cover the plan period 2013-2028.
- 4.11 Reference will be made to the status of the emerging LDP and the Appellants will demonstrate that the document should be afforded very significant weight in the determination of the Appeal, by virtue of it being at an advanced stage, having been agreed for submission to the Inspectorate by WCBC's elected Members, with the EIP nearing completion, and by virtue that the evidence which underpins the emerging LDP being up-to-date and of the upmost importance and relevance.
- 4.12 The Appellants' evidence will demonstrate that if WCBC had had regard to all material planning considerations and had applied the correct weight to the emerging LDP, which identifies the Appeal Site as part of a Key Strategic Site (KSS2) within the emerging LDP, and applied the planning balance correctly, the only reasonable outcome would have seen the Application approved. The Appellants will also demonstrate that the delivery of

the Appeal Site is critical for the success of the emerging LDP and that WCBC's failure to deliver KSS2 will result in a failure to deliver the emerging LDP's housing requirement.

- 4.13 During the EiP to date, the Inspectors have raised no objections to the allocation of the Site as part of KSS2, nor have they raised any concerns with, or objections to, the process that WCBC has been through in selecting and assessing the Site's allocation for housing.

Emerging National Development Framework 'Future Wales'

- 4.14 The Welsh Government is currently preparing a National Development Framework ("NDF") which, once adopted, will carry development plan status and is intended to set the direction for development in Wales from 2020 to 2040. The 'Future Wales' development framework sets a strategy for addressing key national priorities through the planning system.
- 4.15 The NDF will be the highest tier of the development plan once adopted and is strategic in nature, focussing on issues at a national scale. It is intended to be read in conjunction with local level adopted planning policy documents.
- 4.16 At the time of writing, the NDF is an emerging policy document, having only been subject to one period of public consultation (7 August to 1 November 2019) and having been laid before the Senedd for review on the 21st September 2020 (for a 60 day period), and so carries little weight in the determination of this Appeal. Notwithstanding this however, the Appellants will refer to it in evidence where appropriate.

Other Policy Documents and Guidance

- 4.17 The Appellants will refer to other relevant non-statutory planning policy and guidance. The weight to be attached to these documents will be assessed having regard to the guidance set out within PPW and other changes in circumstance since these documents were published. This will include, but is not limited to, the following documents:
- Local Planning Guidance Note 7: Landscape and Development;
 - Local Planning Guidance Note 10: Public Open Space in New Housing Development;
 - Local Planning Guidance Note 27: Developer Contributions to Schools;

- Local Planning Guidance Note 28: Affordable Housing;
- Local Planning Guidance Note 31: The Welsh Language and Welsh Communities;
and
- Local Planning Guidance Note 32: Biodiversity and Development.

4.18 The Appellants will also refer to WCBC's emerging Masterplanning Framework (SPG01) which was consulted upon alongside the Deposit version of LDP.

5.0 THE APPELLANTS' CASE

5.1 The Appeal is made against the decision of WCBC to refuse the Application pertaining to the Land South of Holt Road, Wrexham on three grounds as set out within 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 provision to meet increased demand.*

5.2 The case below summarises the relevant issues. In evidence, the Appellants will specifically address these reasons for refusal in more detail as necessary, including the policy references contained therein.

Reason for Refusal One

5.3 Reason for refusal one ("RfR1") relates to the principle of the development as a result of the Site's location beyond the defined settlement boundary and within an area defined as Green Barrier, where applicable policies do not permit major residential development.

5.4 Through evidence, the Appellants will demonstrate that the UDP policies referred to within RfR1, and indeed the UDP as a whole, should have carried very little, if any weight in the determination of the Application, by virtue of the fact that the UDP is time expired and significantly out-of-date, and is based upon evidence which is some 20 years old and has no relation to the present development needs of the County Borough.

5.5 By the time the UDP was adopted in 2005, it only had 6 years to run before it reached the end of the Plan period in 2011, and was subsequently time expired. At the time of writing, it has been some 9 years since the UDP became time expired. Whilst remaining

an adopted development plan document, it has clearly been expired for longer than it was adopted and within its prescribed Plan period. The UDP is therefore clearly out-of-date and should, as a whole, be afforded significantly reduced weight in the determination of this Appeal.

- 5.6 The Appellants will also demonstrate, through evidence, that the emerging LDP, which is at a very advanced stage and seeks to allocate the Appeal Site for housing development, should have been afforded significant weight in the determination of the Application, by virtue of being at such an advanced stage and by being underpinned by up-to-date and robust evidence.
- 5.7 The version of the LDP that was submitted to Welsh Government for Examination, and which WCBC's Members considered to be sound, proposes to allocate the Site for housing development, a principle that has been approved by the same Members throughout the Plan-making process. From the Key Stakeholder Consultation in early 2015 to the submitted version in November 2018, the Site has consistently been promoted for housing by WCBC as part of KSS2. Following submission and during the Examination process to date, the Inspectors have raised no objections to the principle of allocating the Site for housing, nor have they questioned that it is required to deliver Wrexham's housing needs.
- 5.8 Evidence will be presented to demonstrate that allowing this Appeal in advance of the adoption of the emerging LDP will in no way prejudice the Plan or compromise the delivery of the remainder of KSS2. Such a decision cannot therefore be considered premature.
- 5.9 In parallel to the above, the Appellants will present evidence of WCBC's failure to meet its market and affordable housing needs by a significant margin over a period of over 10 years, and that the Appeal Site is desperately needed to help reverse the dire shortage of new homes in Wrexham against those unmet needs.
- 5.10 When weighed in the planning balance, and the presumption in favour of sustainable development is applied in accordance with PPW (paragraph 1.17), the Appellants will demonstrate that the Appeal Scheme would represent appropriately located, sustainable development which would make a crucial contribution to meeting the housing needs of the County Borough that have been subject to significant under delivery for over a decade. The overwhelming support given to the Site's development by the emerging

LDP and its evidence base, alongside the significant need for new housing in Wrexham generally, clearly constitute the necessary material considerations for departing from adopted UDP policy, as well as the very exceptional circumstances necessary to permit development in the Green Barrier.

Reason for Refusal Two

- 5.11 WCBC's second reason for refusal ("RfR2") states that the development has failed to apply the sequential test with regards to the best and most versatile agricultural land, in conflict with paragraphs 3.54 and 3.55 of PPW. Paragraph 3.55 of PPW states that:

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 lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

- 5.12 Through evidence, and as per the considerations for RfR1 detailed above, the Appellants will demonstrate that the emerging LDP carries very significant weight in the determination of the Appeal and is highly relevant in addressing RfR2. The Appeal Site benefits from an emerging allocation for housing, which has involved a process whereby WCBC has selected the Site as being appropriate to deliver large scale housing development between now and 2028. The Appellant's evidence will demonstrate that in doing so WCBC has applied the sequential test under paragraph 3.55 of PPW.

Reason for Refusal Three

- 5.13 The Council's third reason for refusal ("RfR3") states that the proposed development has failed to consider its impact upon health facilities and the need for further health provision in order to meet an increase in demand, in conflict with paragraph 3.21 of PPW10. Paragraph 3.21 states that:

Planning authorities have a role to play in the prevention of physical and mental illness caused, or exacerbated, by pollution, disconnection of people from social activities (which contributes to loneliness) as well as the promotion of travel patterns which facilitate active lifestyles. The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity. This will include considering the

provision of, and access to, community and health assets, such as community halls, libraries, doctors surgeries and hospitals. Health impacts should be minimised in all instances, and particularly where new development could have an adverse impact on health, amenity and well-being. In such circumstances, where health or amenity impacts cannot be overcome satisfactorily, development should be refused.

- 5.14 The Appellants will submit evidence to show that during the determination of the Application no request was made directly to the Appellants for contributions, monetary or otherwise, to address any predicted impact upon health facilities in the area arising from the proposed development. The Appellants were similarly not requested to undertake such an assessment themselves. It will be made clear that the Appellants have not rejected any requests for planning obligations or contributions that accord with the tests under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL).
- 5.15 WCBC's planning officers assessed a request by Betsi Cadwaladr University Health Board ("the Health Board") for developer contributions or support through a Section 106 agreement, initiated from the Health Board's consultation response. Officers also met with the Health Board to discuss the implications of development at KSS2 and on reflection of those discussions the officer's Committee Report concluded:

"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."*

- 5.16 Through evidence, the Appellants will demonstrate that the Health Board's request for contributions failed to meet the required legislative and planning policy tests and therefore was unjustified, in line with the Officer's conclusions. The Appellants will also demonstrate that there was no further evidence available, at the time of the determination of the Application, which would demonstrate a justifiable need for a planning contribution and therefore validate the Health Board's request. Consequently, the Council acted unreasonably in refusing the Application on this basis.

- 5.17 Through the course of the Appeal the Appellants will respond in evidence, if necessary, to any further evidence presented by either WCBC or a third party in order to assess whether or not a CIL compliant justification exists for contributions to be made to health facilities.

Other Considerations and Further Evidence

- 5.18 Beyond comprehensively addressing WCBC's reasons or refusal as set out above, the Appellants intend to submit evidence in relation to the impact of the proposed development upon the highway network and the associated delivery of mitigation and infrastructure, and evidence relating to the viability of the affordable housing offer, if this proves to be necessary. The Appellants will also demonstrate, through a combination of reference to the Application documents, further evidence where necessary and through the SoCG, that the proposed development is acceptable in all other respects; with reference to place making, residential amenity, foul and surface water drainage, hedgerows and trees, ecological considerations, ground conditions, landscape and visual impact, minerals safeguarding, archaeology and heritage, community infrastructure and the Welsh Language.

Overall Planning Balance

- 5.19 In summary, the Appellants will demonstrate that:
- The UDP, and the evidence base which underpins it, upon which WCBC is reliant in resisting the proposed development, is significantly out-of-date, and as a result should be afforded very limited weight in the determination of this Appeal.
 - Very significant weight should be given to the emerging Local Development Plan and its associated evidence base, which WCBC considers to be sound and is at an advanced stage of preparation following its to independent examination by the Planning Inspectorate.
 - The delivery of housing allocation KSS2, of which the Appeal Site forms part, is key to the success of the emerging LDP and goes to the heart of the development strategy of the County Borough. The importance of the Appeal Site is such that a failure to deliver KSS2 could result in the failure of the LDP itself, and consequently the development needs of the area would not be met.

- The necessary sequential exercise necessary to satisfy PPW and justify the loss of best and most versatile agricultural land has been adequately undertaken, and there is no evidence to demonstrate that the proposed development will have a harmful impact upon local healthcare facilities.
- Any conflict with UDP policies is clearly outweighed by other material considerations, in particular the emerging LDP and PPW;
- The benefits of the proposed development are significant, through the delivery of much needed market and affordable housing where these needs are currently not being met, a high quality development in a sustainable location delivering significant areas of public open space and ecological benefits, economic benefits in the form of GVA, local retail and leisure expenditure, direct and indirect job creation and increased Council Tax receipts.
- The proposal represents sustainable development.

5.20 On the basis of the above, the Appellants will respectfully request that the Appeal be allowed and outline planning permission be granted for this important residential development.

5.21 The Appellants reserve the right to add to or to amend this Statement of Case in response to the stance of, or any documentation received from, WCBC or any other parties to the Appeal in due course.

6.0 PLANNING OBLIGATION AND CONDITIONS

- 6.1 The Appellant intends to agree the content of a Section 106 Agreement with WCBC through the appeal process. The Section 106 Agreement, alongside a suite of planning conditions to be agreed through the SoCG, will ensure that the impacts of the proposed development are appropriately mitigated and that the required on-site and off-site infrastructure is delivered where and when it is needed.
- 6.2 Through a combination of the Section 106 Agreement and planning conditions, requiring physical works, management strategies or financial contributions, the following infrastructure will be delivered:
- Affordable housing
 - Public open space
 - Biodiversity mitigation and management
 - Education facilities
 - On-site and off-site highway, pedestrian and cycling infrastructure
 - On-site drainage
- 6.3 This list is not necessarily exhaustive and further details of how the above infrastructure will be delivered will be set out in evidence, SoCG and Section 106 Agreement.

7.0 SCHEDULE OF DOCUMENTS

7.1 The following technical reports and plans, submitted as part of the Application are relevant to this Appeal:

Planning Application Documents as Submitted

Document	Reference	Prepared By	Date
Agricultural Land Classification and Soil Resources	8190	Reading Agricultural Consultants	October 2018
Air Quality Assessment	101827V2	Miller Goodall Ltd	17 December 2018
Covering Letter	23774/A5/LR/VR	Barton Willmore	4 January 2019
Design and Access Statement	661B DAS v4	Randall Thorp	December 2018
Draft Illustrative Concept Layout	661B-04 C	Randall Thorp	30 January 2018
Ecological Assessment report	10581_R02c_GP_HB	Tyler Grange	19 December 2018
Flood Consequences Assessment	6152/R1	Lees Roxburgh Consulting Engineers	14 December 2018
Ground Investigation Report	18BLH002/GI	Betts Geo Consulting Engineers	November 2018
Heritage Assessment	PO/23755/01	CgMs	December 2018
Landscape and Visual Impact Assessment	-	Randall Thorp	December 2018
Noise Assessment	101826	Miller Goodall	11 December 2018
Parameter Plan	661B 05 B	Randall Thorp	2 August 2018

Document	Reference	Prepared By	Date
Planning Application Forms	-	Barton Willmore	4 January 2019
Planning Statement	23774/A5/LR/VR	Barton Willmore	4 January 2019
Pre-application Consultation Report	-	Barratt Homes and Bloor Homes North West	December 2018
Preliminary Arboricultural Impact Assessment	10581_R03b_JJ_JW	Tyler Grange	19 December 2018
Prior Extraction Assessment	ST16134 002	Wardell Armstrong	December 2018
Revised Alignment Plan	CBO-0322-011	CBO Transport	7 August 2018
Site Location Plan	661B 03A	Randall Thorp	9 November 2017
Sustainability Assessment	Version 3	Briary Energy	December 2018
Topographical Survey	24040_T A	Greenhatch Group	20 July 2016
Transport Assessment	CBO-0322-012 2	CBO Transport	20 December 2018
Travel Plan Framework	CBO-0322-013 1	CBO Transport	20 December 2018
Welsh Language and Welsh Communities Impact Statement and Action Plan	23774/A3/JA	Barton Willmore	19 December 2018

Additional Documents Submitted During the Determination Period

Document	Reference	Prepared By	Date
Archaeological Evaluation Report	LP3525C-AER.v.1.2	L-P Archaeology	April 2020

Document	Reference	Prepared By	Date
Geophysical Survey Report	MSSJ464	Magnitude Surveys	May 2019
Post Submission Letter	23774/A3/VR	Barton Willmore	23 July 2020
Roundabout Interim Improvement Scheme Plan	CBO-0322-017	CBO Transport	22 August 2019
SUDS Strategy Statement	6152	Lees Roxburgh Consulting Engineers	14 May 2019
Stage 1 Land Contamination Report	R2062-R01-v1 Final	Smith Grant Environmental Consultancy	November 2014
Transport Assessment Addendum	CBO-0322-015 2	CBO Transport	10 January 2020
Parameter Plan	661B 05 C	Randall Thorp	July 2020
Briefing for Members of the Planning Committee	-	Lexington Communications	July 2020

7.2 In addition to the documentation listed above, the Appellant will also refer to or use the following documents in evidence:

- The relevant Planning Acts and Regulations;
- Relevant Circulars, including those relating to Conditions and Planning Obligations;
- Planning policy Wales 10th Edition (2018);
- Technical Advice Notes (TANs);
- Development Management Manual;
- Development Plans Manual (Edition 3)
- The application and supporting documents;
- Relevant appeal / call-in decisions, addressing matters of interpretation and application of policy in Wrexham and elsewhere;
- Relevant Committee reports / planning decisions on applications elsewhere within Wrexham;
- Supplementary information provided to the LPA and correspondence with the LPA before, during and after the determination of the Application;
- Planning Officer's report to the Planning Committee, Addendum and associated Minutes from the July 2020 meeting;

- The Wrexham Unitary Development Plan (UDP) (2005) and supporting evidence base;
- The Wrexham Unitary Development Plan (UDP) (2005) Adopted Proposals Map; and
- The emerging Wrexham Local Development Plan, its supporting evidence base and Examination documents.

7.3 The Appellants reserve the right to draw on additional material (i.e. emerging policy and its evidence base, appeal decisions and committee reports) as part of their evidence. A full compendium of Core Documents will be prepared in liaison with WCBC and issued to the Planning Inspectorate in due course.