

Planning Statement

FOR OUTLINE RESIDENTIAL DEVELOPMENT

LAND AT PEN-Y-BONT RESTORED LANDFILL, PENTRE, CHIRK

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On behalf of

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1. INTRODUCTION

This statement has been prepared on behalf of FCC Environment who have instructed us to submit an outline application for residential development (upto 60no. dwellings) on land at the former Pen y Bont Landfill Site, Pentre, Chirk.

This report should be read in conjunction with the plans which have been submitted with this application. Please note that the proposed site layout plan is indicative and the specific details of the design of the dwellings will be discussed during any subsequent reserved matters applications.

Vision and Objectives

The application is supported by a comprehensive suite of technical reports which address all of the relevant planning issues which are fundamental to the development, including amongst others design and layout, traffic and highway safety, site drainage, ecology and landscape impact. Appropriate s106 contributions will be made in line with the Council's policies and where necessary to mitigate any identified impacts from the proposed development.

Pre-application consultation meetings with the Local Planning Authority have taken place to ensure the proposals address all relevant planning requirements. Public and stakeholder consultation has been undertaken to inform and refine the proposals for the site and the feedback from these events have shaped the final scheme as now submitted.

This Planning Statement provides an overview of the site and the application proposals and explains the development in the context of local and national planning policy and guidance. It explains that:

- **The proposed development will deliver high quality sustainable housing development for the Wrexham County Borough.**
- **The proposed development will deliver housing important to meet the identified needs in the Local Plan, forthcoming Local Plan and government housing targets.**
- **The proposal will deliver up to 60 new homes including a proportion of the development to be specifically available as affordable homes.**
- **The development has been carefully designed and planned to address site constraints and opportunities. This has included surveying local ecology interests, trees and hedgerows and designing the development to ensure it protects and has regard to its physical relationship to nearby neighbours. The proposed development is both high quality and sustainable.**
- **The site is located in a highly sustainable location with local services and facilities nearby including schools, employment opportunities and local shops. The settlements of Pentre and Newbridge are both not far from the site, with convenient public transport available.**
- **Appropriate consideration has been given to traffic and transport matters to an agreed scope of assessment with the Council's Highways Officers. The site can be safely accessed with an existing long-established point of access which is capable of serving higher levels of traffic.**
- **Pedestrian and cycle routes are included throughout the site, enabling permeable access through the site and into the areas of new public open space.**
- **A major new area of public open space is proposed which will be a significant local benefit and provide a new recreation resource for existing and new residents alike.**

- **The development will make necessary financial contributions towards local infrastructure and services including towards local school space expansion and open space improvements to ensure that the development can be suitably accommodated in the area.**
- **The development will also make a significant contribution to the County Borough which will help provide additional infrastructure improvements and enhancements in the local area.**

Site Introduction

Pen-y-bont Landfill Site is located approximately 500m. North of the village of Pentre, and 500m. East of the village of Newbridge, and lies less than 9km south of Wrexham. The landfill area is located in a former mineral (clay) extraction quarry associated with the former Ruabon brickworks. The landholdings associated with the landfill site extend to approximately 18ha situated within a meander of the west to easterly flowing River Dee.

Planning permission was granted by Wrexham County Borough Council for the landfilling of Controlled Wastes at Pen-y-bont Landfill in 1993. A Waste Management License (WML) was subsequently granted to Shanks & McEwan (Northern) Limited on 4th December 1994 and transferred to Shanks & McEwan (Midlands) Limited on 8th September 1997. An application for Pollution Prevention Control (PPC) Permit was granted and issued in 2005, and the WML was transferred to the Waste Recycling Group (now FCC Environment) who have managed the site since 2004. Subsequently landfill operations commenced, which ran until 2016. Since the closure of the landfill the site has been managed by FCC Environment including emissions monitoring, for both leachate and landfill gas.

The landfill is located within a relatively rural setting, interspersed with small villages situated in all directions. It is bounded to the east and south by agricultural land, while to the west is a narrow band of woodland area which lies adjacent to the B5605 road. A number of residential dwellings (situated near the landfill entrance), as well as woodland, a field and Pen-y-bont Farm are also located along this boundary and to the North/North West. A meander of the River Dee encompasses the site to the North, East and West.

As highlighted previously a number of residential cottages (including Pen-y-bont cottage) are situated adjacent to the sites entrance, along with the Grade II Listed former Pen-y-bont Brick and Tile Company office building. To the North West lies Pen-y-bont Farm, Waterside Barn and Hayside and to the south lies Ty Maen Farm.

In terms of statutory designations, the River Dee and Bala Lakes Special Area of Conservation (SAC) and the River Dee Site of Special Scientific Interest (SSSI) is situated to the north of the site, at its closest point. The River Dee is noted for its nationally important transition through a range of river types from mesotrophic to eutrophic. It is also notified for Atlantic salmon, otter, club-tailed dragonfly and fluvial geomorphology.

The River Dee is the main surface water feature present in the vicinity of the site which passes within a minimum distance of 40m of the Northern permit boundary as well as within close proximity of the Western and Southern site boundary. There are also a number of small tributaries of the River Dee situated within the large woodland area beyond the northern banks of the river to both the north and east of the site. A larger tributary, the Afon Eitha, is situated approximately 700m to the east of the site.

There are no Public Rights of Way (PRoW) within the immediate vicinity of the site.

The site itself is not located within a Flood Zone where the risk of flooding is less than 0.1%. notwithstanding this, the banks of the River Dee are attributed with a high risk of flooding, with an area of "low risk" of flooding situated to the North East of the site, beyond the site boundary.

The boundary of the landfill site is securely fenced with a 2.0m and 1.2m wire and barbed wire stock-proof fence around the whole perimeter of the landfill (including non-landfill areas). There are also 2.0m high steel gates at the entrance to the site.

The superficial geology at Pen-y-bont landfill comprises deposits of alluvium (with sands and gravels) or made ground due to the various historical industrial activities which have taken place in the area. The made ground varies in thickness between.

There is an existing approved restoration scheme for the landfill site, with an application currently pending with Natural Resources Wales for the site to move into definitive closure. The Closure Plan seeks definitive closure for the landfill facility as a whole, as identified by the Environmental Permit Boundary. The restoration scheme proposes that the site will be restored to a mixture of woodland, hedges, pasture areas and grassland. Please note, the restoration details for the site have recently been amended slightly in order to allow for the 3 surface water ponds to the north of the subject site to be retained, as opposed to a reduction to one pond, as well as to lower the final contours of the site. The restoration plans are currently pending approval with the Local Planning Authority.

Application proposals

The applicant, FCC Environment, is committed to ensuring this site of local importance is fully restored and leaves a legacy befitting the local area with further benefits for the local community.

The application is made for Outline Planning Permission. The description of the development is as follows:

"Demolition of existing warehouse buildings and outline residential development (for upto 60no. dwellings) with all matters reserved, but indicative provision made for pedestrian linkages, public open space, landscaping and affordable housing"

This application is for the demolition of the existing warehouse buildings and the redevelopment of the existing area of hardstanding and made ground to the south of the area of landfill. The proposals for this area comprise the development of upto 60no. residential dwellings with associated infrastructure and landscaping. This application is submitted in outline only and the details of scale, appearance, access and landscaping will be decided and provided through subsequent reserved matters applications.

The application site is generally level. Access to the proposed residential development will be taken from the existing site access from the B5605.

Areas of Public Open Space (POS) adjacent to the subject site and within the applicant's ownership are also proposed to be delivered and secured through appropriate Section 106 (S106) Agreements.

As part of the redevelopment proposals it is the intention to open up the greenfield areas of the site to provide Public Open Space for the benefit of both new and existing residents within the local community. The design proposals for the applicant's wider landholdings also include the provision

of a viewpoint on the summit of the former landfill to take advantage of the views across the surrounding valleys. There is also the creation of footpaths and walkways connecting the areas of open space with the restored landfill areas and development proposals, including a circular walkway providing access alongside the riverside within land that is owned by the applicant. Existing areas of woodland and hedgerows will be protected and maintained along with new tree planting and landscaping proposals.

Subject to viability the delivery of upto 25% affordable homes can be delivered by this scheme; the benefits here being that because the scheme is focused towards a relatively low density scheme the resultant dwellings will be of a family size and nature rather than flats; exactly the sort of units that are required to address the latent need and demand in this locality.

We can confirm that no trees need to be removed but rather significant landscaping enhancements will be provided by the development through the delivery of incidental areas of open space, street tree planting and buffer landscaping. The scheme has been designed to ensure it softens the site and provides a betterment to its current areas of hardstanding, and that the rural edge is maintained and enhanced, and the style and character befits the location and its surroundings.

The site is located in a most accessible position between Newbridge and Pentre with all associated amenities and facilities. The site is well served by public transport service routes that run along the B5605, with a bus stop opposite the entrance to the site. The site is considered to therefore be located in a highly sustainable and accessible position to take advantage of this infrastructure and it benefits from very good sustainability credentials.

The proposals have been developed around a design solution that has embraced and been influenced by all the various technical and professional disciplines employed by the applicant and the guidance conferred by the Council during pre-application discussions in arriving at an acceptable design solution.

This application submission includes an illustrative masterplan, development parameters plan, and indicative street scenes supported by a Design and Access Statement to highlight how the residential development of this site could be delivered.

The applicant has listened to and been guided by the aspirations, concerns, feedback and guidance from Council officials and the local community and is confident that the proposals now represent a scheme of the highest quality and sustainability credentials.

Access to the development proposals will be taken from the existing entrance to the site from the B5605 which historically catered for significant volumes of traffic associated with the former landfill operations. The residential element of the site is a level plateau within the central portion of the site which slopes down to the River Dee to the east and the adjacent fields proposed for leisure development. The former landfill area to the north of the residential area rises up and levels out before sloping back down again towards the river in a northerly direction. To the north of the residential area is an existing power station which will be retained as part of the redevelopment. Beyond this are three settlement ponds which again are to be improved as part of the reclamation of the site.

The following technical studies have been carried out in support of the development proposals, to ensure there are no adverse impacts from development and to mitigate any impacts arising:

- Ecological surveys
- Transport Assessment
- Landscape Visual Appraisal
- Landscape Masterplan
- Noise Assessment
- Ground Conditions Assessment
- Landfill Gas Migration Assessment
- Flood Risk Assessment
- Drainage Strategy
- Heritage Statement

It can therefore be demonstrated that the development proposals for the site are sustainable and would have no negative impacts but would rather provide opportunities to improve and enhance the wider area, whilst providing high quality residential development and high-quality visitor accommodation.

Whilst this application should be considered and determined on its own merits, it is important to note that the Client team have drawn up plans for the wider landholdings of the Landfill site to ensure the redevelopment of the site has been considered holistically. In this regard, a separate application is also intended to be submitted for the erection of visitor accommodation in the form of holiday lodges in the valley areas surrounding the subject site. It is important to note all technical reports and background evidence have been undertaken assessing and considering the cumulative impact of both application proposals. Consequently, the refusal or approval of either application should not preclude the other, and both development proposals are capable of being delivered on their own.

The opportunity now exists to secure the delivery of new housing (open market and affordable) along with other community benefits.

2. PLANNING POLICY CONTEXT

The purpose of this section of the statement is to set out the sequence of planning policy that is considered relevant to the consideration of this application; these are separately examined in detail by assessing and interpreting the merits of the proposals against them, with a view to demonstrating the case in support of the development proposals. The legal test for all planning decisions is to determine the application in accordance with the statutory development plan unless material considerations indicate otherwise.

A material consideration will be whether the plans are up to date. We have adduced that, in this instance, the development plan (for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004) comprises the Wrexham Unitary Development Plan which was adopted in February 2005.

S38(6) confirms that in determining planning applications “any determination must be made in accordance with the development plan unless material considerations indicate otherwise”. Case law (such as R.Cummins v Camden LBC 2001) has established that for a proposal to be in accordance with the Development Plan it is not necessary for it to accord with each and every policy, rather it should conform with the plan as a whole.

The next step is to consider whether any “other material considerations” indicate otherwise. This will include assessing whether the proposals are in conformity and accordance with national policy, namely the Welsh Spatial Plan, Planning Policy Wales, TAN’S, Interim Ministerial Planning Statements, and any non-statutory guidance (e.g. best practice).

Local Development Plan

The starting point of any local planning policy assessment must be the Development Plan.

The principle Development Plan for the site comprises the “Wrexham Unitary Development Plan”, which was adopted in February 2005 and whose plan policies are currently used for Development Control purposes. The plan period runs from 1996 to 2011.

Given its primacy, adopted status and the fact (most of) its policies are considered to be (generally) up to date, a degree of weight can be attached to the relevant policies therein; however, this must be tempered by the fact that the plan has technically expired and in light of the TAN1 guidance the Authority can no longer demonstrate a 5 year housing land supply and moreover, there are National policies that have come on-stream since that must be afforded significant weight.

The unitary authority is now embarking on a replacement for the UDP in the shape of a Local Development Plan (LDP) which will cover the period 2013 to 2028, but the Council is still at the early stages of plan development and there are (at the time of writing) no emerging policies that can be afforded significant weight.

Indeed, the latest available programme published on the Council website and informed from discussions we have had with officers is as follows:

STAGE		DATE	STATUS
Delivery Agreement	Approved by Welsh Government	Dec 2014 Dec 2017	Completed
Call for Candidate Sites	Consultation	Nov 2012 to Feb 2013	Completed
Publication of Issues & Options	Consultation	Jan to April 2015	Completed
Preferred Strategy	Consultation	Feb to April 2016	Completed
Deposit Local Development Plan	Consultation	April to July 2018	Recently Completed
Submission of LDP to National Assembly	Procedural	November 2018	Awaited
Independent Examination in Public	Procedural Public Examination	TBD - Dependent on PINS	Awaited
Inspector's Report	Procedural Publication	TBD - Dependent on PINS	Awaited
LDP Adoption		Scheduled for Spring 2019 – but realistically this will have slipped and we expect this to	Awaited

		be closer to Autumn 2019 at the earliest	
Monitoring of Plan Delivery		Annually	Awaited

The Council have only very recently consulted on the Deposit Local Development Plan, with the consultation originally intended to end on the **31st May**. However, the Council extended the deadline for responses to the Deposit Plan consultation until **Monday 16th July, 2018**. This is because additional information had been placed on the Council's consultation portal since the start of the process on 9th April 2018. The extension was intended to allow as many people as possible to make their views known and avoid any additional challenges to the process taken in the Council's preparation of the new plan.

As the table above shows, and due to yet again further slippage in the consultation process, the timeline for an adopted plan to be in place is unlikely to be before the end of 2019 leaving under 10 years of the plan to run.

Application conformity with Policy

The Council's Deposit Plan highlights a need to deliver 8,525 dwellings over the plan period. This is a significant number of dwellings to find.

The trouble affecting many of the towns and villages identified in the preferred settlement hierarchy is that there are very few opportunities for anything other than minor infill as very few meaningful brownfield sites exist, and the settlements are tightly bound and constrained by environmental designations. Therefore, any new development will involve a release of greenfield land and we consider that rather than allowing unwanted release of greenfield land the more logical and sustainable approach is to support the allocation and delivery of housing on the application site, a site which has been previously developed.

We consider that the application site outperforms all other alternative sites that have been promoted or identified in the Local Plan. The site will be able to deliver a host of community benefits and meaningful levels of affordable housing that will serve to meet the needs of the community over the current plan period. It offers an entirely logical and sustainable development with access to local services, facilities and infrastructure, free of constraint.

We would urge the Authority to extend its review and also allocate this site in the emerging Deposit LDP.

In the meantime, the approach should be to identify the provisions of the development plan and determine if the application is in accordance or in conflict. If in compliance (as is the case here) the starting point will be to approve proposals by granting planning permission as the decision is in accordance with the plan.

We have also assessed and tested the proposals against all relevant policies from the Adopted UDP and consider the principal policies listed in the table below to be the most relevant and appropriate in this instance. We emphasize and provide reasons why the proposal and the principle of the proposed development meets and conforms with these policies as set out as follows.

POLICY	APPLICATION CONFORMITY
PS1 Broad Location of Development	Development ought to be directed to within defined settlement boundaries. However, the plan has expired and sufficient land exists to provide for new development and in the absence of a 5 year housing land supply the next best sustainable locations must be positively considered and these are likely to be previously developed sites.
PS2 Broad Location of Development	Development ought not to materially or detrimentally affect countryside, landscape/townscape character, open space or the quality of the natural environment. Our evidence (design, landscape, tree, ecology) demonstrates that the proposal will not harm such interests by virtue of the sites enclosed and contacted character and the retention of tree/hedgerow and ecological habitats.
PS3 Broad Location of Development	Development should preferably use previously developed brownfield land wherever possible.
PS4 Broad Location of Development	Development should maintain the existing settlement pattern and character and be integrated with the existing transport network to reduce the need to travel by private car and offer alternatives. The proposal demonstrates that the integrity of the existing settlement will remain and that this site is located in a highly accessible and sustainable location to take advantage of public transport modes.
PS8 Transport	We have shown that the site is located in a position that enables maximum use of travel options in a highly sustainable manner and will encourage walking, cycling and public transport connections.
GDP1 Development Objectives	This policy seeks to ensure that all new development meet the following criteria; a) Character, appearance, design and layout b) Personal and community safety c) Design techniques to conserve energy and water resources d) Ensure safe/convenient pedestrian and vehicular access and making connections/links e) Convenient access to public transport f) Ensure amenity of environment are safeguarded from odour and noise affects g) Secure public services h) Safeguard nature conservation habitats i) Ensure that development is not subject to flooding, contamination, etc on or off site j) Have regard to any Welsh linguistic identity k) Secure the development of sustainable communities through economic, social and environmental wellbeing

	The technical reports submitted with this application demonstrate that the development of this site will have no detrimental effects on the issues listed above, and the preparation of the application proposals has had full regard to all of the respective issues. Additionally, the Council must accept that because the proposals are outline at this stage it is too early to specifically judge the merits of detail, but this statement (and others) illustrate that the applicant is acutely aware of the need to address each of these issues at Reserved Matters stage in more specific detail where it is necessary and applicable. Moreover, the applicant considers that the Policy is met by the proposal and the submission demonstrates this.
GDP2 Capacity of Infrastructure & Community Facilities	There is no evidence that the proposal would result in any local infrastructure (highway, drainage, etc) or community facilities (education, health, open space) becoming deficient as a result of this development being implemented. Officers were asked during the pre-application process and they did not identify any deficiencies. Any need to provide for additional capacity must therefore be demonstrated by the Authority and if any gaps in provision can be proven to exist then the applicant will consider whether any such requirement can be provided. All such requirements must be fairly and reasonably related in scale and kind and not be disproportionate to the development proposed.
EC4 Hedgerows, Trees & Woodland	This policy seeks to protect and conserve such features in order to enhance the character of the local landscape. The scheme submitted has been very careful to ensure that any loss is absolutely minimal; in particular those already providing a landscape buffer to adjacent uses and contribute to its inherent rural / urban fringe character. These features shall be maintained and managed and the illustrative layout proposes both retention of existing and new tree planting and landscaping with appropriate mitigation to ensure the development blends into its surroundings.
EC5 Special Landscape Area	This is a blanket policy which seeks to conserve and enhance the landscape. The LVA has addressed this policy in more detail, especially setting out that the visual impact of the development will not harm any nearby or distant viewpoints. The policy does not prevent development but seeks to ensure it conforms to a high standard of design and landscaping which we consider the application has done successfully; particularly given the enclosed and well screened nature of the site

EC6 Biodiversity Conservation	Our extensive suite of ecological surveys and reports demonstrate that there are no special biodiversity habitats of special importance in existence across the site but despite this the retained boundary landscaping features will serve to enhance the opportunities for existing habitats.
EC12 Development & Flood Risk	The Drainage Strategy report submitted demonstrates that there will be no unacceptable risk of flooding on or off site.
EC13 Surface Water Run-off	The Drainage Strategy report submitted demonstrates that there will be no unacceptable adverse impact as a result of surface water run-off.
H1 Housing Allocations	This policy states that sufficient land will be allocated for housing between 1996 and 2011. This term has now expired and the policy is silent on providing beyond this date. As it is, the Council are unable to demonstrate a 5 year housing land supply (less than the previously published 3.1 years in 2014 – which was down to 1.14 years in 2016) and moreover in the light of TAN1 this has now been effectively “zeroed” because the Authority has an expired plan. The lack of a sufficient supply is a material consideration that must be afforded the maximum weight in favour of supporting this development.
H7 Affordable Housing	This policy seeks an affordable housing contribution on sites over 25 dwellings. SPG28 recommends a provision of 25% and the illustrative layout identifies how this may be delivered subject to viability and additional planning obligations to be secured through a section 106 agreement.
CLF5 Open Space requirements from new Residential Developments	This policy seeks 0.4ha per 50 dwellings; thus reflecting SPG10 (equates to 1,619 sq.m in total or 32.4 sq.m per dwelling). The application is for upto 60 dwellings which would require 0.48ha of open space. The illustrative layout provides approximately 0.22ha of incidental open space within the area of residential development. A further 0.26ha of open space is identified to the south of the residential development, thus totaling 0.48ha of open space to be delivered on site. Additional swathes of open space within the applicant’s ownership are planned to be delivered and secured, through either a section 106 or unilateral undertaking legal agreement, in the fields to the south of the residential development. In the longer term additional open space is to be delivered through the provision of the restored landfill area. This is well in excess of the required amount of open space to support the residential development and is intended to be offered as part of the applicant’s wider

	redevelopment proposals for their extensive landholdings. This is to be managed and maintained as formal public open space provision. It is the applicant's intention to secure the delivery of this open space through the provision of a unilateral undertaking or section 106 agreement as appropriate. Discussions with both Officers and extensive discussions with the local community has expressed a preference for good quality design and high quality open space. The precise delivery and amount of open space can be further discussed and agreed with the Council through the determination of the application.
T8 Parking	In conformity with SPG16 adequate parking provision can be made to satisfy standards as illustrated in the illustrative layout submitted.
T9 Walking, Cycling and horse riding routes	The proposals are intending to provide improved opportunities for pedestrian and cycling routes throughout the proposed residential development and across the wider area of land intended to be offered as formal public open space. A circular riverside walkway is intended to be delivered, along with pedestrian linkages across the area of restored landfill to greatly improve the walking and cycling routes in the local area.

Supplementary Planning Policy

There are some relevant approved/adopted non-statutory supplementary planning guidance documents that exist which have been considered by the applicant team in preparing this proposal; these comprise the following:

- SPG6 – Access to and use of Buildings
- SPG7 – Landscape and Development
- SPG10 – Public Open Space on New Housing Development
- SPG15 – Cycling
- SPG16 – Parking Standards
- SPG17 – Trees & Development
- SPG21 – Space Around Dwellings
- SPG24 – Designing Out Crime
- SPG27 – Developer Contributions to Schools
- SPG28 – Affordable Housing
- SPG30 – Design Guide for Developers & Architects when Designing Residential Development
- SPG31 – The Welsh Language & Welsh Communities
- SPG32 – Biodiversity & Development

It is our submission that the proposal complies with each and every one of these documents. However, notwithstanding this, we question the weight that can realistically be afforded them, not least because the relevant Acts (2004 and 2012) are clear as to the Regulations under which such guidance is published and the fact is that unless a document has been through “examination” its weight is tempered and diluted. In view of this, very limited weight can be given to such documents.

National Planning Policy

The overarching policy framework in Wales comprises the Wales Spatial Plan (WSP) which provides the operational strategic framework for planning policy. WSP was adopted in July 2008. Its 5 core aims and objectives are to:

- Build sustainable communities;
- Promote a sustainable economy;
- Value the environment;
- Achieve sustainable accessibility and;
- Respect distinctiveness

Planning Policy Wales (PPW) (Edition 9 November 2016) provides more detailed strategic guidance on planning policy and sets out land use policy, which is supplemented by the Technical Advice Notes (TAN's) and by draft Ministerial Interim Planning Policy Statements (MIPPS).

Chapter 7 to PPW is of particular importance as it deals with Economic Development; this is a rehearsal of what TAN 23 explores in more detail. Indeed, Para 7.2.2 states that: *“Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations”*.

PPW Para 7.6.1 goes further by stating: *“Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence.”*

PPW cannot therefore be any clearer in its **support** for a proposal such as this.

The Welsh Government published “Planning for Sustainability” in March 2012 as a Consultation Document. It sets out the “direction of travel” for emerging planning policy in Wales and effectively indicates that the WG may consider introducing a “presumption in favour of sustainable development” or at least greater emphasis upon sustainable development, where developments enhance the economic, social and environmental well-being of people and communities now and over the long term and that weight is given to national policy in determining individual applications where policy in adopted or approved development plans is outdated or superseded.

More recently the Planning (Wales) Act was published and granted royal assent in July 2015. It covered the following areas and makes statutory provision for (amongst others including a need to place greater emphasis on the Welsh Language):

- Sustainable development to be at the core of all planning decisions and development planning policy
- The provision for a National Development Framework for Wales; the designation of strategic planning areas, the establishment of strategic planning panels and preparation of strategic development plans; on the status of development plans; with joint planning boards and their functions;
- Standards of pre-application consultation by both applicants and the services to be provided by LPA's to facilitate engagement

- Development management matters relating to application requirements, decision notices, duration of permissions
- Revised appeal and enforcement procedures and costs and awards

The general direction of travel appears that the emphasis will be to reflect the English system more closely with a view to supporting the delivery of new homes, jobs and infrastructure.

Procedural advice is then set out in Circulars and Ministerial clarification letters. As such, these documents may be used as **material planning considerations** to the determination of individual planning applications.

The most relevant TAN's (and MTAN's) that are considered to be material in this instance comprise the following:

- TAN1: Joint Housing Land Availability Studies (2015)
- TAN2: Planning & Affordable Housing (2006)
- TAN5: Nature Conservation & Planning (2009)
- TAN6: Planning for Sustainable Rural Communities (2010)
- TAN12: Design (2016)
- TAN15: Development & Floodrisk (2004)
- TAN18: Transport (2007)
- TAN22: Sustainable Buildings (2010)
- TAN23: Economic Development (2014)

It is our submission that the application proposals comply with the above listed policies and we provide further commentary in respect of each policy directive in the table below for ease of reference:

POLICY	APPLICATION COMMENTARY
TAN1	This presented a marked “step change” in policy direction. This must also be read in the context of the Council's current development plan status. The Council released its last Joint Housing Land Availability Study (JHLAS 2014) in March 2015; this is a document that every Authority must publish on an annual basis and it identifies what housing land supply they consider is present. PPW (Para 9.2.3) states that it is a requirement of all Authorities to provide a 5 year housing land supply. However, the last published figures (JHLAS 2014) show that Wrexham had just 3.1 years supply (down from 3.4 years in 2013, 3.5 years in 2012, 3.9 years in 2011, 5.35 years in 2010); thus the trajectory is that it is decreasing every year and with no adopted LDP to identify future sources of supply the situation is forecast to only get worse. We are aware that more recent figures from 2016 suggest the supply has plummeted to just 1.14 years supply. TAN1 however provides even greater guidance and clarity and Paras 6.2. 8.1 and 8.2 are of particular pertinence; for they state that where a current study shows less than 5 years the need to increase supply (by approving more development) should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the

	development plan and national policy. However, where there is an expired UDP and/or no adopted LDP in place the Authority will effectively be considered not to have any supply (a zeroed position). This places Wrexham in a very difficult position, particularly since they have at least another 2 years before they expect their LDP to become adopted. This is set against a backdrop of their first LDP1 attempt failing and having to be withdrawn and already a two year slippage in their LDP2 programme from the original Delivery Agreement date. This is rather a woeful position to be in and a step change is needed if the position of being able to provide “deliverable” (i.e. available, free of constraints and viably developable) sites that might positively contribute to housing land supply can be arrested.
TAN2	This scheme is for an open market development and does offer a significant level of new affordable housing (upto 15no. based on a 60 dwelling development) and the proposed type and mix of units illustrated reflect the known local affordable housing need as directed by Officers. The local target is 25% provision and we consider that it is achievable subject to viability (all other factors considered). Para 10.12 recognises that it is important that there is adequate housing provision in rural areas to meet the needs of local people and to contribute to the delivery of sustainable communities. Indeed, TAN2 states that Development Plans must support rural exception housing policies and it recognises that alone such sites cannot deliver affordable housing and as such Authorities are advised to allocated sufficient land on sustainable sites outside of existing settlements. We have worked collaboratively with the Authority in understanding the need and this scheme seeks to deliver that heed which would otherwise not be met. Affordable Housing can be provided through the application and secured through Condition and/or S106 legal agreement.
TAN5	Protected species and habitats have been assessed and examined; with an extended Phase 1 Ecological Assessment undertaken and an extensive suite of ecological surveys and protected species surveys undertaken over the past 2 years.
TAN6	Although mainly dealing with agricultural related development this TAN does seek to support development that will serve to enhance the future sustainability of rural communities through new residential opportunities. Para 3.1.2 states that: Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment.
TAN12	As Para 2.5 states: Good design is not inevitable. It requires a collaborative, creative, inclusive, process of problem solving and innovation – embracing

	sustainability, architecture, place making, public realm, landscape, and infrastructure. The design solution arrived at (as expressed in the DAS) and the Landscape Design statement demonstrates that TAN12 has been followed and has taken a sensitive and sympathetic approach and response to the local natural and built environment assets.
TAN15	The site does not lie within a Flood Zone. Nonetheless the Drainage Strategy has been undertaken to prove that a sustainable method of surface water drainage can be achieved. Connections to the mains drainage facility is possible there are further opportunities to explore as part of the wider drainage system for the surrounding areas of land.
TAN18	A full Transport Report is submitted. The existing highway access has been proven sufficient and agreed with the Highway Authority. The illustrative layout has been designed to accommodate service vehicles and the quantum of trips rates generated by the scheme. The site is located in a highly sustainable location and accessible. The package of pedestrian enhancements (linkages, connections and proposed riverside walkway) are all significant benefits and improvements to the local area that this scheme can deliver.
TAN22	The Standard Code can be met and Building Regulations will serve to ensure buildings meet current standards of sustainability.
TAN23	This is of significant material weight given that PPW defines economic development broadly so that it can include any form of development that generates wealth, jobs and income (including residential). It follows therefore, that the economic impact of these proposals must be given serious weight. Para 1.15 recognises that economic land uses include construction and include house building. And the PPW references on a number of occasions the need to align housing and jobs and the delivery of meeting affordable housing need in a sustainable travel to work area. The most relevant and pertinent Paragraphs in TAN23 comprise the following: Para 1.2.1 As a consequence it is essential that the planning system recognises, and gives due weight to, the economic benefits associated with new development. Para 1.2.2 PPW advises that planning for economic land uses should aim to provide the land that the market requires, unless there are good reasons to the contrary Para 1.2.5 Local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development.

	Key factors in determining the weight and benefits of supporting schemes will be to ask the questions (posed under Section 2) of what are the alternatives, how many jobs will be directly provided and what other special merit might exist. This proposal will deliver and generate many construction and supply chain jobs and the new housing will serve to support enhanced local services and facilities once occupied.
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In conclusion, having assessed the relevant national planning policy guidance, it is our contention that the proposed development is supported, fully compliant and is endorsed by local and national planning policy.

3. CONCLUSION

This statement has assessed the suitability of the application site for the proposed development and concluded that the proposal is inherently compliant with Local and National policy and it is our submission that this proposal must be approved.

The supporting technical studies and pre-application consultation demonstrates that this proposal should be supported and encouraged to come forward.

The principle of developing outside of an identified settlement for residential use is not something that is generally supported unless special circumstances can be demonstrated, however, in this instance we consider that we have presented a strong justification for this site to be developed. Our case, in demonstrating that this application meets the exceptional circumstances test as set out in Planning Policy Wales, is grounded in the following:

- **The Authority cannot present any case for a 5 year housing land supply;**
- **That TAN1 is of significant material weight**
- **That our case is supported through all technical, landscape and design evidence presented in support of this application**
- **There are a range of significant benefits (as set out below)**

The previous sections of this statement have set out the background to the application and the relevant policies that are pertinent to its determination. The principal matters to be considered in this application are as follows:

Benefits

It is our submission that a range of considerable community and public benefits are provided, which cumulatively present a compelling case as to why this scheme should be supported and granted planning permission. They are summarized as follows:

ECONOMIC DELIVERABLES

- The development will generate and directly support jobs within the construction of the development.
- the total project contract value for this project is in the region of £10m and this will help secure existing construction jobs based locally and create new ones. The provision of

skilled jobs in the locality that will help maintain employment and provide and contribute towards the ongoing economic investment in the locality is a significant bonus.

- Significant local spend during the construction period of the development will represent a big boost to existing businesses. Indeed, construction industry bodies have found that for every £1 spent in the construction industry this generates £3 in the local economy, therefore this development will generate a significant spend locally.
- Post-completion, the spending power of upto another 60 households into the local economy can also be expected to be significant; thus sustaining local services and facilities beyond just the construction cycle.
- The completed development will also generate Council Tax revenue for the Authority and with an average £1,500 bill per household 60 dwellings will generate £90,000 per annum in supporting and enhancing existing public services.
- This proposal seeks to deliver jobs, economic growth and prosperity into the local economy.

SOCIAL DELIVERABLES

- This scheme will deliver a positive number and meaningful contribution of upto 15no. affordable housing units that are specifically targeted at “families” and meeting the known latent demand in this locality through the delivery of upto 25% affordable housing.
- Provision of Public Open Space (POS) on site and delivered through appropriate S106 agreements.
- Where there is a proven need to make a contribution towards Education through a commuted sum this will be agreed.
- Providing a variety of new linkages and connections into and around the development; with safe and connected access for all public transport, cycle and pedestrian users.
- The new housing will help support the future of local Primary and Secondary schools; housing brings families thus providing future community sustainability.
- Accessible by foot/cycling to local amenities and facilities, and taking advantage of public transport interfaces (bus routes); thus promoting sustainable travel choices and reducing the need to travel using private modes of transport.
- The development of the site for a use that meets Highway safety needs and will provide for sufficient off-street parking spaces, turning and access for all refuse, emergency and delivery vehicles.

ENVIRONMENTAL DELIVERABLES

- The proposal will result in the comprehensive redevelopment of an unsightly previously developed site with a sympathetic and sensitive design taking account of the neighbouring rural and urban grain and its landscape setting and character.
- Delivering a mix and range of housing types and sizes in a way that reflects the existing urban grain of the settlement.
- The design has taken account and respect of its landscape setting, ecological habitat and surrounding green infrastructure to integrate these features and ensure maximum retention, mitigation and enhancement is enabled through new reinforced planting and buffer planting opportunities. The site is enclosed by natural features and the design layout and landscape treatment proposed will safeguard the surrounding areas of open countryside.

- Providing connective, permeable and safe pedestrian links/routes into and adjacent to the development site; thus creating public access throughout the site and the wider areas of Public Open Space.
- The proposed layout and detail of the scheme in design terms offers the highest quality design solution for this site and the applicant has invested heavily in this to get it right and it will serve to significantly enhance the design quality of the area; thus benefiting the special character and appearance of the site in its rural / urban fringe setting.

The development proposals therefore generate significant and mutually supportive economic, social and environmental benefits and gains which collectively constitute sustainable development in line with PPW and must not be underestimated.

We consider these scheme deliverables should be afforded full weight as material planning considerations. They are significant enough to justify and demonstrate that the proposals are acceptable and would serve to outweigh any perceived or apparent concerns (or harms) that this proposal could be considered to have upon the locality, its open countryside and semi-rural location.

Deliverability

We understand the importance of deliverability and are keen to demonstrate that the site would come forward and is not just promoted on a speculative basis.

The applicant is committed to bringing forward the site for development. A signal of this intent is the time and effort spent promoting the site through the emerging LDP and also investing significant resources in producing an Outline application that has involved commissioning detailed assessments, surveys and design work.

The preparation and submission of a planning application is an exhaustive process, and one that requires commitments and funds. Rather than collaborating with a developer to fund the application process, the applicants have maintained control over the planning process to provide certainty and maximise value.

Notwithstanding this, the applicant has, having reached a formative stage in the project, sought developer interest to ensure the proposal is both “fit for purpose” and commercially attractive to the market as a location and product.

The intention of the applicant is that following grant of planning permission this will enable them to revert to the developers, who have expressed an interest (and any others) and invite more formal offers for the site. The applicant is keen to ensure they partner with a suitable developer or contractor to ensure the successful delivery of the vision and objectives set out in this application.

Housing Supply

The planning system seeks to significantly boost the supply of housing in a sustainable manner and support economic growth.

National Policy makes clear that the size of sites will be an important factor in identifying whether a site is deliverable within the first 5 years. Plan makers need to consider the time it will take to commence development on site and build out rates to ensure a robust five-year housing supply. Local Planning Authorities should consider both the delivery of sites against the forecast trajectory and also the deliverability of all sites in the five-year supply.

The application site offers an opportunity to provide a significant quantum of housing which is immediately developable and deliverable and will be capable of immediately contributing towards the Council's Housing Land Supply.

Planning Conditions and S106 Planning Obligation

Relevant Government advice concerning Planning Conditions is contained within the relevant government guidance set out in Welsh Government Planning Circular 16/2014 whereby any planning conditions must meet the following six tests. It provides important context to the imposition of conditions in respect of the proposed development.

Conditions should only be imposed where they are;

- i. Necessary;
- ii. Relevant to planning;
- iii. Relevant to the development to be permitted;
- iv. Enforceable;
- v. Precise; and
- vi. Reasonable in all other aspects

The relevant tests for any planning obligation include that it must be:

- (i) Necessary to make the proposed development acceptable in planning terms;
- (ii) Directly related to the development;
- (iii) Fairly and reasonably related in scale and kind to the proposed development;

Further discussions are expected with the Council in respect of conditions and the list will evolve during the determination of the planning application. However, some of the principally relevant conditions and the basic structure of the planning permission is expected to include the following, amongst others;

- Approval of the detailed layout including site layout, access, scale, appearance and landscaping of the development
- Development to proceed only in accordance with the approved plans and those plans to be listed for precision
- Time limit for the submission of future reserved matters applications and implementation for the outline following approval of reserved matters
- A maximum of up to 60 dwellings in the outline consent
- Compliance generally with the Design and Access Statement development principles for subsequent reserved matters applications
- Materials to be used in the external treatment of each dwelling
- A Landscape and Ecology Management Plan for the site's open spaces
- Tree Protection Measures during construction
- Detailed plan for the management and maintenance of the proposed public open space, and its delivery relative to the implementation of the residential element of the proposed development

Summary

In making the planning application, it is our submission that there are significant and compelling grounds to grant planning permission in this instance on the basis that:

- **The proposed development accords with National Policy and general approach to development directed within the Development Plan. In that the proposed housing is important to meet the identified needs for housing in Wrexham as set out in the Council's adopted UDP and forthcoming LDP. Planning statute requires that applications are determined in accordance with national policy which we believe is a material consideration in the determination of this application.**
- **The proposal will deliver up to 60 new homes including a proportion of the development to be specifically available as affordable homes.**
- **The development has been carefully designed and planned to address site constraints and opportunities. This has included surveying local ecology interests, trees and hedgerows and designing the development to ensure it protects and has regard to its physical relationship to nearby neighbours. The proposed development is both high quality and sustainable.**
- **The site is located in a highly accessible location with local services and facilities nearby including schools, employment opportunities and local shops. The settlements of Newbridge and Pentre not far from the site within walking distance with accessibility to wider areas possible by adjacent public transport connections.**
- **Appropriate consideration has been given to traffic and transport matters to an agreed scope and assessment with the Council's Highways Officer. This has ensured that the site can be safely accessed and that traffic impacts can be mitigated.**
- **Pedestrian and cycle routes are proposed throughout the site, enabling permeable access through the site and into the areas of new public open space.**
- **A major new area of public open space is proposed which will be a significant local benefit and provide a new recreation resource for existing and new residents alike.**
- **The development will make necessary financial contributions towards local infrastructure and services including towards local school expansion and highway improvements to ensure that the development can be suitably accommodated in the area.**
- **The development will also make a significant contribution to Council Tax revenue which will go towards additional infrastructure improvements and enhancements in the Town.**

The proposals are in line with national and local planning policy and should be supported.

The proposals have undergone extensive stakeholder consultation over a number of years, the results of which are provided within the Statement of Community Involvement submitted with this application.

All technical requirements for the planning application are comprehensively covered in supporting documents.

Whilst the site is currently outside the identified settlement boundary, the Council has recognised that in order to meet the housing needs of the Borough it will be necessary to allow development on such sites.

The site lies in a sustainable location and its development in the manner proposed would accord with the requirements of national policy. It would help meet both the market and affordable needs of the Borough at a time when it is accepted the Council require sites which are deliverable to meet immediate needs.

The site is contained by existing strong physical features, and its development would represent a logical location to deliver housing. The proposal is designed to take advantage of its location and will be in keeping with the character of the area.

In summary, the residential development and public open space will be of real benefit to housing needs in the local area and Wrexham Borough as a whole and provide a high quality sustainable development. As a result, it is our belief there are significant and compelling grounds to grant planning permission in this instance, subject to the conditions and S106 obligation as suggested.

On this basis, and from the assessment of the relevant material planning considerations, we consider that the proposed development should be **granted Outline Planning Permission**.