

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
LAND SOUTH OF FRANCIS LANE HOLT, WREXHAM AND LAND NORTH
OF BRYN LANE, HOLT WREXHAM**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2015/0396 & P/2015/0397

PINS REF: 3147767 & 3147773

1.0 THE SITES

- 1.1 The appeals relate to two parcels of land that lie to the north of the Wrexham Industrial Estate between Bryn Lane and Francis Lane.

2.0 PROPOSALS

- 2.1 Both appeals relate to the installation of solar farms, including associated development.

3.0 PLANNING POLICY

- 3.1 The relevant planning policies are referred to in the reports of the Head Of Community Wellbeing and Development dated 7 December 2015 (see appendix 1 and appendix 2).

4.0 THE COUNCIL'S CASE

Reasons for refusal

- 4.1 The Council's reasons for refusal are set out in the reports of the Head of Community Wellbeing and Development dated 7 December 2015 (see appendix 1 and appendix 2)

Ecology

- 4.2 The Council is aware that following the refusal of planning permission, the appellant has submitted the Great Crested Newt Method Statement (Revision 1) dated March 2016 to NRW. NRW has confirmed that (see appendix 3) that the details demonstrate the developments will not detrimentally affect the favourable conservation status of local populations of great crested newts.
- 4.3 The method statement has not, at the time of writing, been submitted to the Council (formally or informally). If the appellant were to formally submit it as part of their statement of case, in light of the comments made by NRW, the Council would not wish to pursue the first reason given for the refusal the applications, subject to the implementation and long term management of the mitigation area being secured. Because the mitigation area lies outside of either appeal site, an Obligation under Section 106 of the Town and Country Planning Act 1990 will therefore be required.

Emerging Wrexham Local Development Plan 2013-2028

- 4.4 Since the refusal of planning permission, the Council has published its Local Development Plan Preferred Strategy (February 2016) and public consultation took place on this document between 12 February 2016 and 1 April 2016.

- 4.5 Chapter 6 of the Preferred Strategy (February 2016) (see appendix 4) sets out a number of key strategic policies. Policy SP1 identifies a Key Strategic Site, based on the preferred Area of Search for a 20-30 hectare extension to the Wrexham Industrial Estate and policy SP9 (Key Strategic Sites and Area of Search) identifies land to the north of Bryn Lane as an Area of Search for that purpose.
- 4.6 The following background papers were prepared to support the Preferred Strategy stage of the LDP:
- i) Employment Land Review – Wrexham County Borough Council and Flintshire County Council (October 2015). (see appendix 5 for Executive Summary).
 - ii) Wrexham Local Development Plan Background Paper 3: Key Strategic Sites (February 2016) (see appendix 6)
 - iii) Wrexham Local Development Plan Background Paper 5: Wrexham Industrial Estate Expansion Selection (February 2016) (see appendix 7)
- 4.7 The Employment Land Review (ELR) recommends identifying additional land on the Wrexham Industrial Estate to meet future demand for employment development. Background Paper 3 includes an appraisal of land to the north of Bryn Lane - the preferred site for the key strategic employment site allocation referred to in policy SP9 of the Preferred Strategy. Background Paper 4 considers merits of two potential sites for the expansion of the Industrial Estate – Area A, which is the site referred to in Background Paper 3 and Area B, which lies to the south-west of the existing industrial estate settlement boundary. Both of the appeal sites lie within Area A.
- 4.8 Area A comprises predominately of Grade 3b agricultural land, whereas Area B comprises predominantly of Grades 2 and 3a land. Allowing the appeal would therefore leave the Council with little option but to allocate Area B, thus resulting in the loss of high quality agricultural land. Area A is also more advantageously located in respect of access to the North West of England and the rest of North East Wales via the trunk and motorway network and the recently constructed Wrexham Industrial Estate link road. It is for these reasons that Area A is currently favoured for allocation as the strategic employment site in the LDP.
- 4.9 The Council accepts that the Preferred Strategy can be afforded little weight in decision making at this time. However the key strategic employment site allocation is fundamental to the delivery of the LDP and therefore goes to the heart of the plan. This is accepted by Welsh Government in the annexe to their response to the Preferred Strategy Consultation (see appendix 8).

- 4.10 PPW (paragraph 2.8.2) advises that the question of prematurity will only arise where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Allowing the appeals would severely prejudice the preparation of the LDP and would pre-determine decisions regarding the location of a strategic employment allocation that will enable the Wrexham Industrial Estate to be extended, in line with the recommendations of the ELR. Indeed, allowing the appeals would prevent the most suitable site from being allocated for that purpose and in turn may significantly prejudice another key strategic objective of the LDP Preferred Strategy as set out in policy SP1 – the delivery of approximately 7,500 new jobs. As such the question of prematurity does arise in the case of these two appeals and therefore permission should not be granted for the proposed solar farms until the location of the future extension to the Wrexham Industrial Estate is finalised via the Local Development Plan.

5.0 CONCLUSION

- 5.1 If the Inspector is minded to allow the appeal, the Council respectfully requests that permission should not be granted unless an Obligation under Section 106 of the Town and Country Planning Act 1990 has first been completed to secure the provision and long term management and maintenance of the habitat mitigation area.
- 5.2 If a planning obligation is not forthcoming, the Council respectfully requests the appeals be dismissed on the grounds that the developments will not be able to take place without adverse impact upon great created newts and are therefore contrary to policy EC6 of the Wrexham Unitary Development Plan.
- 5.3 The Council also respectfully requests the appeals be dismissed on the grounds that the proposed developments will prejudice the emerging Local Development Plan by preventing the most appropriate site from being allocated for employment use.

LIST OF APPENDICIES

- Appendix 1: Report of the Head Of Community Wellbeing and Development dated 7 December 2015 in respect of application P/2015/0396
- Appendix 2: Report of the Head Of Community Wellbeing and Development dated 7 December 2015 in respect of application P/2015/0397
- Appendix 3: Letter from NRW to WCBC dated 23 June 2016.
- Appendix 4: Wrexham Local Development Plan Preferred Strategy Chapter 6 (February 2016)

- Appendix 5: Executive Summary of the Employment Land Review – Wrexham County Borough Council and Flintshire County Council (October 2015).
- Appendix 6: Wrexham LDP Background Paper 3: Key Strategic Sites (February 2016)
- Appendix 7: Wrexham LDP Background Paper 5: Wrexham Industrial Estate Expansion Selection. (February 2016)
- Appendix 8: Annex to Welsh Government Letter of 1st April 2016 in response to Wrexham County Borough Council Preferred Strategy Consultation
- Appendix 9: Schedule of Suggested Conditions in the event that the Planning Inspector is minded to grant planning permission