

APPEAL BY GLADMAN DEVELOPMENTS LIMITED

**LAND AT FORMER SITE OF HAFOD TILERIES, HAFOD ROAD/BANGOR
ROAD, JOHNSTOWN, WREXHAM, LL14 6ET**

**STATEMENT OF COMMON GROUND
BETWEEN THE APPELLANT & WREXHAM COUNTY BOROUGH COUNCIL**

**SUBMITTED IN ACCORDANCE WITH THE
TOWN & COUNTRY PLANNING
(INQUIRIES PROCEDURE) (WALES) RULES 2003**

PINS REFERENCE: H6955/A/15/3135730

MARCH 2016

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APPENDICES

Appendix 1 Suggested Conditions

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1. INTRODUCTION

BACKGROUND

- 1.1 This Statement of Common Ground (SoCG) relates to an appeal by Gladman Development Limited (hereafter referred to as the Appellant) against the refusal of planning permission for redevelopment of land at the former site of Hafod Tileries, Hafod Road/Bangor Road, Johnstown, Wrexham, LL14 6ET (hereafter referred to as the appeal site) by Wrexham County Borough Council (WCBC). The proposed development is described in the appeal as:

“Redevelopment of land at Hafod Tileries for proposed mixed use development of up to 300 (use Class C3) residential dwellings, 465sqm (use class B1, B2 and B8) business, industrial & distribution units, 235sqm (use class A1) retail, ecological enhancement, landscape, open space, highway improvements and associated works.” (hereafter referred to as ‘the proposals’).

- 1.2 The planning application was submitted in outline with all matters reserved for future approval with the exception of means of access. The planning application now subject of this appeal was given the reference P/2013/0545 by WCBC.
- 1.3 This Statement of Common Ground (SoCG) has been prepared on behalf of the Appellants and in conjunction with the Local Planning Authority (LPA) Wrexham County Borough Council (WCBC). The Appellants and WCBC are collectively referred to as the parties in this SoCG.
- 1.4 This SoCG sets out:
- Agreed matters of fact between the parties.
 - Agreed positions in respect of the appeal proposals.
 - Areas of dispute between the parties.

FORMAT

- 1.5 This SoCG is structured on a topic basis as follows:
- Chapter 2 – The Proposed Development.
 - Chapter 3 – Environmental Impact Assessment.
 - Chapter 4 – Application Documentation and Determination.
 - Chapter 5 - The Appeal Site & Surrounding Area.

- Chapter 6 – Planning History.
- Chapter 7 – Statutory Designations.
- Chapter 8 – Main Issues.
- Chapter 9 – The Development Plan.
- Chapter 10 – Other Material Policy Related Considerations.
- Chapter 11 – Technical Matters Agreed
- Chapter 11 – Landscape and Visual Impact.
- Chapter 12 – Highways and Transportation.
- Chapter 13 – Johnstown Settlement Limit.
- Chapter 14 – Sustainability.
- Chapter 15 – Deliverability.
- Chapter 16 – Alternative Sites.
- Chapter 17 – Conditions.
- Chapter 18 – Planning Obligation.
- Chapter 19 – Declaration.

2. THE PROPOSED DEVELOPMENT

DESCRIPTION

- 2.1 The outline planning application (with all matters reserved except for means of access) which is now the subject of the appeal is described as follows:

“Redevelopment of land at Hafod Tileries for proposed mixed use development of up to 300 (use Class C3) residential dwellings, 465sqm (use class B1, B2 and B8) business, industrial & distribution units, 235sqm (use class A1) retail, ecological enhancement, landscape, open space, highway improvements and associated works.”

- 2.2 The parties agree that the above description accurately summarises the appeal proposals.

- 2.3 The details of the development include for:

- Up to 300 dwellings of which 20% will be for the provision of affordable housing (up to 60 dwellings).
- 465sqm of employment uses (Classes B1, B2 and B8).
- 235sqm of retail (Class A1).
- Improved access to open space and recreational areas.
- Ecological enhancements/Bio-diversity enhancements.
- Highway improvements.
- Provision of £200,000 for off-site public transport improvements through the extension of an existing bus service (through a Section 106 Agreement).
- Provision of £588,000 towards local education provision (through a Section 106 Agreement).
- Improved access to public rights of way.

- 2.4 The parties agree that the above accurately summarises the details of the appeal proposals.

3. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 3.1 A request for a Screening Opinion for the appeal proposals was deposited with WCBC on 10 April 2013. By letter dated 23 July 2013 WCBC determined that the appeal proposals fell within Schedule 2 of the Town and Country Planning (Environmental impact Assessment) (England and Wales) Regulations 1999. Notwithstanding this, WCBC gave careful consideration to the possible environmental impacts of the development and concluded that there will be no significant environmental impacts that would justify a decision to require an EIA.
- 3.2 On 30 November 2015 the Planning Inspectorate confirmed in writing that the above position is correct and that Welsh Ministers direct that the appeal *"is not 'EIA development'"*.
- 3.3 The parties accept the position of the WCBC and the Welsh Ministers that the proposals do not require an EIA.

4. APPLICATION DOCUMENTATION & DETERMINATION

APPLICATION DOCUMENTS

4.1 It is agreed between the parties that the following documents were before WCBC when it determined the application:

- Covering letter to the application dated 30 July 2013.
- Application Form dated 30 July 2013.
- Planning Statement dated 23 June 2013.
- Design & Access statement dated June 2013.
- Design & Access Statement addendum dated June 2014.
- Transport Statement dated June 2013.
- Travel Plan dated May 2013.
- Road Safety Audit dated 26 June 2014.
- Phase 1 Desk Study dated 26 June 2012.
- Flood Risk Assessment 10 June 2013.
- Aberderfyn Modelling Study (Flood Risk) dated June 2014.
- Landscape & visual Impact Assessment dated June 2013.
- Ecological Appraisal dated July 2013.
- Arboricultural Assessment dated July 2013.
- Air Quality Assessment dated May 2013.
- Noise Assessment dated May 2013.
- Odour Assessment Update dated 12 June 2014.
- Letter from G.H.A Coaches dated 7 May 2014.
- Archaeological Desk-Based Assessment dated May 2012 (Revised May 2013).
- Utilities & Infrastructure report dated 18 July 2013.

- Renewable Energy Statement dated 18 July 2013.
- Statement of Community Involvement dated July 2013.
- Affordable Housing Appraisal dated 25 July 2013.
- Welsh Language and Community Impact Assessment.
- Building Condition Survey dated 11 August 2009.
- Site Location Plan (Application Boundary) – drawing No. 100 (Scale 1:1250).
- Indicative Sketch: Aerial Perspective – Drawing no. 4355-L-501.
- Indicative Sketch: Main Street – Drawing No. 4355-L-502.
- Indicative Sketch: Secondary Street – Drawing No. 4355-L-503.
- Indicative Sketch: Lanes – Drawing No. 4355-L-504.
- Indicative Sketch: Parkland – Drawing No. 4355-L-505.
- Indicative Sketch: Employment Area – Drawing No. 4355-L-506.
- Indicative Sketch: View Along Hafod Road – Drawing No. 4355-L-507.
- Topographical Survey Sheet 1 of 3 – Drawing No. S12-136 Rev C (1:500).
- Topographical Survey Sheet 2 of 3 – Drawing No. S12-136 Rev C (1:500).
- Topographical Survey Sheet 3 of 3 – Drawing No. S12-136 Rev C (1:100).
- Development Framework Plan – Drawing No. 4355-P-04 Rev J (1:2500).
- Illustrative Masterplan – Drawing No. 4355-P-05 Rev H (1:2500).
- Illustrative Section – Drawing No. 4355-L-003.
- Swept Path Analysis – Drawing No. 1232/SP/01 (1:500).
- Proposed Access Arrangements – Drawing No. 1232/13 Rev B (1:1000).
- Proposed Pedestrian and Traffic Management Scheme – Drawing No. 1232/17 Rev A (1:2500).
- Proposed footway Improvement Scheme - Drawing No. 1232/18 Rev B (1:1000).
- Proposed Footway/Cycleway – Drawing No. 1232/20 (1:1250).

- Distance from Existing Primary Schools – Drawing No. 2010-002-DP01.
- Distance from Existing Secondary Schools – Drawing No. 2010-002-DP02.
- Automatic Traffic Counts by Streetwise.
- Existing Cycle Routes – Figure 8.

APPLICATION DETERMINATION

- 4.2 The parties agree that application now the subject of this appeal was received by WCBC on 1 August 2013. The application was validated on 1 August 2013.
- 4.3 The Appellant considers that the Council issued a draft Decision Notice to the Appellant with draft conditions on 14 May 2015.
- 4.4 The Council consider that the draft conditions were issued for discussion purposes only.
- 4.5 The application was determined (refused) under delegated authority by WCBC Officers on 16 June 2015.

5. THE APPEAL SITE & SURROUNDING AREA

5.1 The following matters are agreed between the parties.

LOCATION

5.2 The appeal site is located at the former Hafod Tileries, Hafod Road/Bangor Road, Johnstown, Wrexham, LL14 6ET. The site is bounded by Bangor Road along the southern site curtilage and Hafod Road running along the eastern curtilage.

THE SITE

5.3 The appeal site extends to 17.34 hectares (42.84 acres).

5.4 The parties do not agree that the whole of the application site is classed as previously developed (brownfield) land.

5.5 The site is traversed by two high voltage power lines carried by pylons. This runs from the southeast to the northwest.

THE SURROUNDING AREA

5.6 A Special Area of Conservation (SAC) is located directly to the north, northwest and west of the appeal site.

5.7 An employment use in the form of the EcoReadyMix site is located immediately to the north of the site.

5.8 Hafod House Farm is located to the east of the site adjacent to Hafod Road.

5.9 The land to the east of the site is made up of open countryside.

5.10 Beyond the SAC to the west of the site is the railway line which runs north to south along the Johnstown settlement limit. Beyond the railway line is the settlement limit of Johnstown which ranges between 150m to 370m from the western edge of the appeal site curtilage

5.11 The southern curtilage of the site is bound by Bangor Road (B5426).

5.12 Beyond Bangor Road to the south is the Hafod Quarry Landfill Site.

6. PLANNING HISTORY

- 6.1 It is agreed between the parties that the appeal site has specific planning history (save for the application the subject of the appeal) which are relevant to the appeal proceedings. These are summarised below:

PLANNING REFERENCE: ESC 00015

- 6.2 By Notice dated 8 May 1996 planning permission (ESC 00015) was granted for clay stock piling on land within the North West corner of the site and that now occupied by the concrete batching plant.

PLANNING REFERENCE: ESC 22453

- 6.3 By Notice dated 11 July 1994 outline planning permission was granted for industrial development and the construction of a new vehicular and pedestrian access on land extending to circa 17.6 hectares.

APPEAL REFERENCE: APP/H6955/A/11/2150207

- 6.4 This appeal related to a site to the north of the current appeal site for a concrete batching plant.

7. STATUTORY DESIGNATIONS

7.1 It is agreed that a Special Area of Conservation (SAC) is located to the north, northwest and west of the appeal site.

7.2 It is agreed that four recorded public rights of way cross the site as follows and as shown in Figure 7.1 below:

- Right of Way Ref: ESC/29.
- Right of Way Ref: RUA/117.
- Right of Way Ref: ESC/28.
- Right of Way Ref: ESC/24.

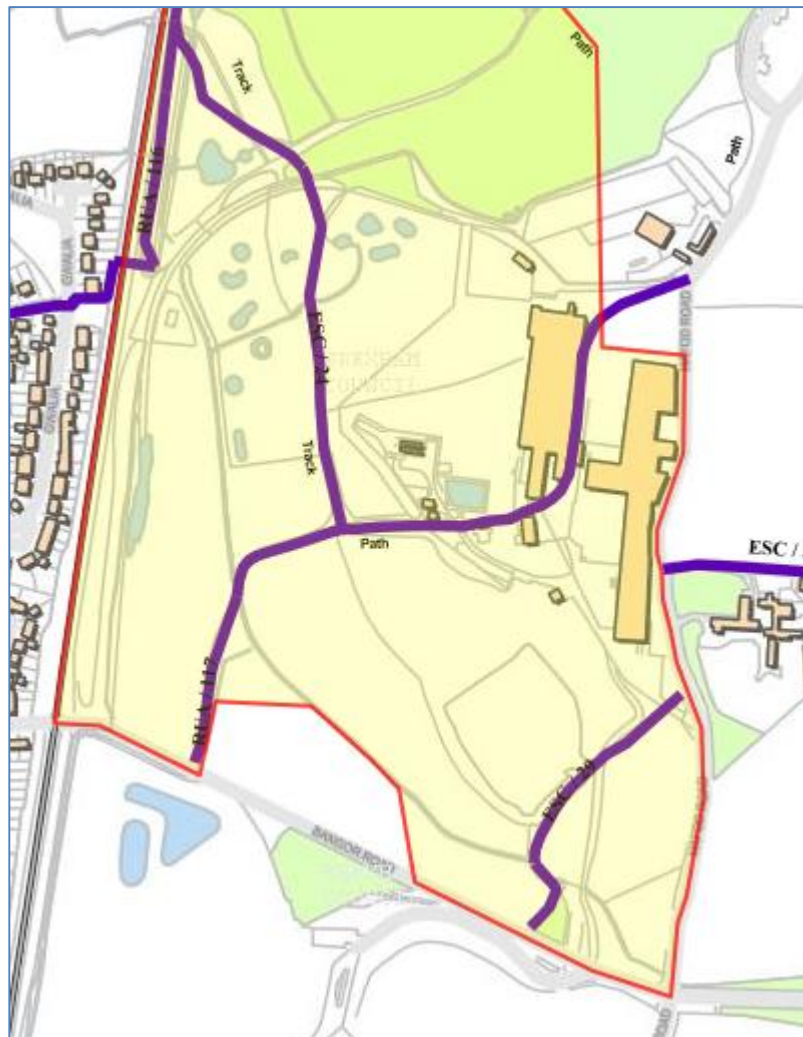


Figure 7.1 – Rights of Ways Crossing the Appeal Site.

- 7.3 It is agreed in principle that the development of the site can take place without closing the Definitive Rights of Way routes that cross the site.
- 7.4 It is agreed that the site falls within Flood Zone A and is not at risk of flooding subject to appropriate mitigation measures. Matters relating to mitigation can be delivered through appropriate planning conditions (please refer to **Appendix 1**).

8. MAIN ISSUES

8.1 The parties agree that having regard to the Council's reasons for refusing planning permission that the following matters comprise the main issues in this case:

- The location of the site outside of the settlement limit of Johnstown and whether any material considerations exist to justify the redevelopment of the site.
- Whether the proposed development constitutes a logical extension to the settlement limit of Johnstown.
- Whether the development maintains the existing settlement pattern.
- Whether the proposed development would appear isolated in a rural landscape.
- Whether the proposed development would encourage alternative modes of travel to the private car.
- The sustainability credentials of the appeal site and appeal proposals.
- Whether the development would accord with the character and appearance of the locality.

9. THE DEVELOPMENT PLAN

MATTERS AGREED

THE DEVELOPMENT PLAN

- 9.1 The parties agree that the Development Plan comprises:
- The Wrexham Unitary Development Plan (2005).
- 9.2 The parties do not agree to the level of weight that should be attributed to the UDP.
- 9.3 The Council considers that the UDP should be afforded significant weight in the determination of the planning appeal.
- 9.4 The Appellant considers that the UDP is time expired and does not accurately reflect the current development needs of the administrative area. The Appellant considers that whilst some weight should be afforded to certain policies contained within the UDP this should be balanced with other material considerations which more accurately reflect the requirements of the administrative area.

PROPOSALS MAP CONSIDERATIONS

- 9.5 The parties agree that the appeal site is shown on the UDP Proposals Map as being outside of the settlement limit of Johnstown and the site is over washed with open countryside.
- 9.6 It is agreed that the site is covered in part by a Minerals Buffer Zone.
- 9.7 A Bio-Diversity Conservation area is also shown on the Proposals Map to the southwest and northwest of the site.
- 9.8 The parties agree that the site is not within the Green Barrier.

OTHER DEVELOPMENT PLAN CONSIDERATIONS RELATING TO THE REASONS FOR REFUSING PLANNING PERMISSION

POLICY H5

- 9.9 The parties agree that the proposed development is in conflict with Policy H5 which relates to housing development in the countryside because they do not comprise of essential housing for agriculture or forestry key workers.

MATTERS NOT AGREED

9.10 The following matters are not agreed and will be the subject of evidence to the Inquiry:

- The weight afforded to Policy PS1.
- Whether the proposed development has a materially detrimental impact on the countryside, landscape/townscape character, open space, or the quality of the natural environment having regard to Policy PS2.
- Whether the proposed development would maintain the existing settlement pattern and character and be integrated with the existing transport network to help reduce the overall need to travel and encourage the use of alternatives to the private car having regard to Policy PS4.
- Whether the proposed development is in conflict with the UDP Objectives as set out in Policy GDP1.

10. OTHER MATERIAL POLICY RELATED CONSIDERATIONS

10.1 The parties agree that the following documents are relevant to the appeal:

PLANNING POLICY WALES (PPW) EDITION 8 (JANUARY 2016)

10.2 At the national level PPW is relevant in respect of the overall merits of the appeal proposals.

TECHNICAL ADVICE NOTES & RELATED DOCUMENTS

10.3 The following TANs are relevant to the appeal proceedings:

- Planning Policy Wales (January 2016).
- Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015).
- Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006).
- Technical Advice Note (TAN) 4: Retailing and Town Centres (1996).
- Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009).
- Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010).
- Technical Advice Note (TAN) 8: Renewable Energy (2005).
- Technical Advice Note (TAN) 12: Design (2014).
- Technical Advice Note (TAN) 15: Development and Flood Risk (2004).
- Technical Advice Note (TAN) 16: Sport, Recreation and Open Space.
- Technical Advice Note (TAN) 18: Transport (2007).
- Technical Advice Note (TAN) 23: Economic Development (2014).
- Practice Guidance: Planning for Sustainable Buildings (2014).
- Policy Clarification Letters.
- Relevant Ministerial Speeches and Announcements.
- Delivering affordable housing using section 106 agreements: Practice Guidance (July 2008).

- Delivering affordable housing using Section 106 agreements: A Guidance Update (October 2009).

CIRCULARS

10.4 The following Circulars are relevant to the appeal proceedings:

- Circular 16/2014: The Use of Conditions in Planning Permissions.
- Circular 13/97: Planning Obligations.

RELEVANT CASE LAW & APPEAL DECISIONS

10.5 The parties agree that the following High Court Judgement and Planning Appeal are relevant to the appeal proceedings:

- High Court Order CO/12114/2011.
- Appeal Reference: APP/H6955/A/11/2150207.

TRANSPORT DOCUMENTS

10.6 The parties agree that the following Transport documents are relevant to the appeal proceedings:

- Welsh Assembly 'The Wales Transport strategy' (2008).
- Welsh Assembly 'National Transport Plan' (2010).
- DfT DMRB TA 79/99 Traffic Capacity of Urban Roads.
- DfT DMRB TA 22/81 Vehicle Speed Measurement on All Purpose Roads.
- DfT DMRB TA 16/07 Geometric Design of Roundabouts.
- DfE&T Circular (24/2009) Setting Local Speed Limits in Wales.
- DfT Manual for Streets.
- CIHT Manual for Streets 2.
- CIHT Guidance 'Cycle Friendly Infrastructure' (1996).
- North Wales Joint Local Transport Plan (2015).

LOCAL CONSIDERATIONS

10.7 The parties agree that the following documents are relevant to the appeal proceedings:

- Wrexham Housing Land Monitoring Statement (2015).
- Wrexham Joint Housing Land Availability Study (2014).
- Wrexham Joint Housing Land Availability Study (2013).
- Wrexham Joint Housing Land Availability Study (2012).
- Wrexham Local Development Plan Part 2:
 - Preferred Strategy Consultation Paper (February 2016).
 - Vision, Objectives and Strategic Growth & Spatial Options Summary (March 2015).
 - Settlement Hierarchy and Development Potential background paper (March 2015).
- Wrexham adopted Supplementary Planning Guidance Notes:
 - Note 6: Access to and use of buildings.
 - Note 7: Landscaping and Development.
 - Note 10: Public Open Spaces on New Housing Developments.
 - Note 13: Housing in the Countryside.
 - Note 15: Cycling.
 - Note 16: Parking Standards.
 - Note 17: Trees and Development.
 - Note 21: Space around Dwellings.
 - Note 23: Development of Sites with Land Contamination.
 - Note 24: Designing Out Crime.
 - Note 26: Landscape and Industrial Developments.
 - Note 27: Developer Contributions to Schools.
 - Note 28: Affordable Housing.
 - Note 29: Employment Development and Nature Conservation.
 - Note 30: Design A Guide for Developers and Architects when Designing Residential Developments.
 - Note 31: The Welsh Language and Welsh Communities.
 - Note 32: Biodiversity & Development.

- The emerging Wrexham Local Development Plan (2) (2013-2028) and associated Evidence Base including Background and Consultation Papers.
- Local Housing Market Assessment (March 2015).
- Wrexham & Flintshire Affordable Housing and Community Infrastructure Levy and Development Viability Assessment (2014).
- Emerging '*Wrexham County Borough Open Space Audit & Assessment*'.
- Wrexham Biodiversity Action Plan.
- Wrexham LANDMAP Supplementary Planning Guidance (SPG) adopted March 2007 (Landscape Character Assessment).
- TAITH Regional Transport Plan and related studies.
- Local demographic and property data.
- Committee reports relating to other planning applications.

11. TECHNICAL MATTERS AGREED

- 11.1 This section sets out the technical matters that are agreed between the Appellant and the Council.

HOUSING LAND SUPPLY

- 11.2 The parties agree that there is not a 5 year supply of housing land in the County Borough of Wrexham.
- 11.3 The parties agree that the most up-to-date position on housing land supply is set out in the Housing Land Monitoring Report 2015 which identifies that there is no requirement for the Council to produce a JHLAS until such a time the new plan is adopted as the UDP is time expired and there is currently no adopted up-to-date Development Plan. This is in accordance with TAN1, Paragraph 8.2
- 11.4 The parties agree (in accordance with TAN1) that this is a factor to which significant weight should be attached in the current appeal. Paragraph 6.2 of TAN 1 sets out that the housing land supply figure should also be treated as a material consideration in determining planning applications for housing.
- 11.5 The parties agree that TAN 1 sets out that where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.
- 11.6 It is agreed that the housing requirement will only be identified in an up-to-date Development Plan once the Local Development Plan 2 is adopted (expected 2018). On this basis the administrative area is currently deemed to have a “zero” housing land supply.

AFFORDABLE HOUSING PROVISION

- 11.7 The proposals provide for 20% (60 dwellings) affordable housing. The parties agree that this is an acceptable level of provision and was agreed at the planning application stage.
- 11.8 It is agreed that Johnstown has a high demand on the Council's social housing waiting list for 1, 2 and 3 bed accommodation.
- 11.9 The parties agree that the proposals would make a significant contribution towards meeting affordable housing needs in the locality.

HIGHWAYS & TRANSPORTATION (AGREED MATTERS)

- 11.10 Please refer to Chapter 13 for matters not agreed relating to highways and transportation.
- 11.11 It is agreed that the site specific arrangements for highway access from Bangor Road and Hafod Road are suitable to serve the proposed development site. The appeal plans demonstrate proposals to construct a new roundabout to provide access to the whole site off the B5426 Bangor Road.
- 11.12 It is agreed that the submitted Transport Statement concludes that there is adequate capacity at the A483 Bangor Road interchange to cater for the proposed development.
- 11.13 The principles behind the layout of the residential development are generally acceptable. It is agreed that the specific internal access arrangements will be determined at the reserved matters stage.
- 11.14 It is agreed that the proposed footway along the B5426 will be increased to 2m in width between the proposed roundabout up to and beyond the railway bridge, which will be for the benefit of all road users.
- 11.15 It is not agreed that the development would encourage alternative means of travel to the car.

ECOLOGY

- 11.16 The appeal proposals are accompanied by an ecological assessment which contains an appropriate assessment fit for purpose.
- 11.17 It is agreed that Great Crested Newts may be present on the adjacent site within the SAC.
- 11.18 It is agreed that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of the great crested newt population, nor will the scheme affect the character and integrity of the SSSI/SAC.
- 11.19 Subject to planning conditions the appeal proposals are considered acceptable in relation to ecological and biodiversity matters.

GROUND CONDITIONS

- 11.20 The parties agree that a Phase 1 Desk Study Report – dated 26 June 2012 was submitted in support of the planning application. The parties also agree that this report was fit for purpose and that there are no reasons why planning permission should be refused in relation to ground conditions subject to the imposition of planning conditions.

ARCHAEOLOGY

- 11.21 The parties agree that an Archaeological Desk Based Assessment dated May 2012 (and revised May 2013) was submitted in support of the planning application. The parties agree that this was sufficient to consider the application at the outline stage and that a detailed scheme of archaeological investigation should be completed in accordance with a planning condition as recommended by the Council Development Control Archaeologist.

ARBORICULTURE

- 11.22 It is agreed that an Arboricultural Assessment dated July 2013 was submitted as part of the planning application. The parties agree that this was sufficient to consider the impacts on trees through consideration of the outline application.

OPEN SPACE PROVISION

- 11.23 The parties agree that the proposed development provides a substantial amount of publicly accessible open space. It is agreed that the specific design, layout and delivery of open space provision can be controlled by way of a planning condition.
- 11.24 The parties agree that the proposed open space is more than double that required by Policy CLF5 of the UDP.
- 11.25 It is agreed that as the appeal proposals are presented in outline (with all matters reserved save for means of access) the detailed design of open space is an issue to be resolved at the reserved matters stage.

EDUCATION

- 11.26 Both parties agree that local education facilities will require some improvements and increased capacity to support the proposed development.
- 11.27 Therefore, both parties agree that a Section 106 Agreement will be required to make a contribution of £588,000 towards local Primary School Provision.

DRAINAGE

SURFACE WATER DRAINAGE

- 11.28 The parties agree that surface water drainage can be adequately dealt with subject to the imposition of a planning condition.

FOUL DRAINAGE

- 11.29 Foul drainage is not a matter of dispute between the parties.
- 11.30 Having regard to the case of *Barratt Homes Limited v Welsh Water [2009] UKSC 13* the parties agree that the utility provider (in this case Welsh Water) is required to provide a connection to the foul drainage system at a point chosen by the Appellant or any developer they subsequently dispose of the land to if planning permission is granted.

NOISE & AIR QUALITY

- 11.31 It is agreed between the parties that a Noise Assessment and Air Quality Assessment were submitted in support of the planning application now the subject of this appeal. The parties agree that the assessments were fit for purpose.

ODOUR

- 11.32 The parties agree that odour is not a contested matter and that any initial observations raised by the Council in respect of odour were addressed in the Wardell Armstrong's Updated Odour Assessment issued to the Council on 13 June 2014.

NOISE

- 11.33 It is agreed between the parties that there are no objections to the appeal proposals on noise grounds subject to the imposition of conditions to protect amenity.
- 11.34 It is agreed that the appeal proposals may require noise mitigation (once the detailed design has been settled at the reserved matters stage) and that this mitigation can be secured by way of condition in any outline planning permission.
- 11.35 With regard to noise impacts during construction it is agreed between the parties that hours of construction activity should be limited and that any pile driving activities are agreed in advance with the LPA. Again these matters can be dealt with adequately by condition.

AIR QUALITY

- 11.36 It is agreed between the parties that there are no objections to the appeal proposals on air quality grounds subject to the imposition of a condition to protect amenity.
- 11.37 It is agreed that a dust mitigation plan for the site should be produced and that this matter can be controlled by condition.

12. LANDSCAPE AND VISUAL IMPACT

- 12.1 Landscape and visual impact is an area of dispute between the parties.
- 12.2 The Council considers that the development would appear isolated in a rural landscape. The development of this land would be materially detrimental to the landscape and would fail to accord with the character of the site or make a positive contribution to the appearance of the nearby locality.
- 12.3 The Appellant considers that the development is suitably located on previously developed (brownfield) land and would not be isolated from the existing settlement of Johnstown. The proposed development would significantly improve the landscape character of the site and make a positive contribution to the appearance of the nearby locality.

13. HIGHWAYS & TRANSPORTATION

- 13.1 A number of highways and transportation matters are agreed between the parties and details are enclosed within the Highways Statement of Common Ground (**Appendix 1**).
- 13.2 The parties do not agree that the site is suitably located to promote alternative forms of travel other than by car.
- 13.3 The Council considers that as the proposed development site is not within a defined settlement limit and is within the countryside that this would not help reduce the need to travel or encourage the use of alternatives to the car.
- 13.4 The Appellant considers that the site is suitably located to offer alternative forms of transport including foot, cycling and public transport.
- 13.5 Please refer to Chapter 16 for matters disagreed in respect of sustainability.

14. BIODIVERSITY AND ECOLOGY

- 14.1 Matters relating to biodiversity and ecology are agreed between the parties and details are set out within the accompanying Ecology Statement of Common Ground (**Appendix 2**).

15. JOHNSTOWN SETTLEMENT LIMIT

LOCATION OF THE SITE OUTSIDE OF THE SETTLEMENT LIMIT OF JOHNSTOWN

- 15.1 As identified in Chapter 9 of this SoCG the parties agree that the appeal site is shown on the Proposals Map as being outside of the settlement limit of Johnstown and the site is over washed with open countryside.
- 15.2 The parties do not agree on the weight that this matter offers in the determination of this appeal for reasons set out in the respective evidence submitted by both parties.

EXTENSION TO THE SETTLEMENT LIMIT AND MAINTAINING EXISTING SETTLEMENT PATTERNS

- 15.3 The Council considers that development would not represent a logical extension to the settlement limit.
- 15.4 The Appellant considers that the planning unit is classed as previously developed (brownfield) land and is a logical extension to the settlement limit.

16. SUSTAINABILITY

- 16.1 The sustainability credentials of the proposed development are not agreed between the parties.
- 16.2 The Council consider that the site is not sustainably located and would not comply with the objectives for sustainable development set out in paragraph 4.4.3 of PPW. The Council considers that there are no shops, churches, public houses, medical facilities etc. within a reasonable walking distance of the site nor are there regular bus services to access these facilities. Occupiers of the development would need to access basic services inevitably by private cars.
- 16.3 The Appellant considers that the site is sustainably located and that a number of local services are accessible by foot, cycling and by public transport. The Appellant considers that the provision of retail and employment uses within the development site will reduce the need to travel by car and that the addition of an extended bus service to and from the site will provide further opportunities to travel to areas outside of Johnstown.

17. DELIVERABILITY

- 17.1 It is agreed that the appeal proposals are deliverable should planning permission be granted.

18. CONDITIONS

- 18.1 The parties agree that various planning conditions would need to be imposed on any grant of planning permission. A list of conditions agreed between the parties appears at **Appendix 3**.

19. PLANNING OBLIGATION

- 19.1 The parties are working to complete a bi-lateral planning obligation. The intention is to lodge this with the Planning Inspectorate at least 10 days before the opening of the Inquiry.
- 19.2 The planning obligation will deal with affordable housing, education and public transport.
- 19.3 The Council acknowledge that at the time of settling this SoCG that the Appellant has drafted a Planning Obligation.

20. DECLARATION

- 20.1 This SoCG has been prepared by the Appellants in conjunction with Wrexham County Borough Council. Those signing on behalf of the parties do so with the authority of Appellants and Wrexham County Borough Council.



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Signed

THOMAS JEREMIAH

.....

Print Name

29th March 2016

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Dated

For and on Behalf of Gladman Development Limited

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Signed



.....

Print Name

DAVID WILLIAMS

.....

Dated 29TH March 2016

For and on Behalf of Wrexham County Borough Council

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