Annex II: Policy and Legislative Framework

Policy/Statutory Instrument	Relevance	Compliance measures
National and Regional Policy		
Agriculture (Wales) Act 2023[1]	Supports sustainable farming practices and ecologically-sound land stewardship. "In this Act, "agriculture" means – (a) horticulture; (b) farming arable crops; (c) dairy farming; (d) keeping and breeding livestock; (e) using land as grazing land; (f) using land as farm woodland or for agroforestry; (g) controlled environmental agriculture; (h) otherwise growing plants for sale, or for the sale of part of a plant; (i) maintaining land in a state that makes it suitable for an activity listed in paragraphs (a) to (h)." (s.51, (1).)	• Fully off-grid operation, using renewable energy; • Rainwater harvesting; • Grey-water recycling for irrigation; • Humanure sanitation with zero foul waste; • Sustainable farming practices including no-dig horticulture, rotational grazing, etc.; • Wildlife habitat restoration/conservation; • Wildlife habitat extension/connectivity; • Welsh cultural heritage promotion and preservation, including Welsh language.
Well-Being of Future Generations (Wales) Act 2015[2]	Supports improvements to our environment, economy, society and culture. For people, for our planet, for now, and for our future.	• Promotion of/planned transition to active travel for most journeys; • Environmental improvements to the site; • Bilingual education board provision planned.

[1] https://www.legislation.gov.uk/asc/2023/4/contents
[2] https://www.legislation.gov.uk/anaw/2015/2/contents

Town and Country Planning Act 1990[3]	'"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly'.	Diversified agricultural activities.
Wildlife and Countryside Act 1981[4]	Lists the Marsh Fritillary (*Euphydryas aurinia)* as a protected species.	Planned liaison/collaboration with NRW and other experts to improve habitat potential for particular species of interest.
Coal Mining Subsidence Act 1991[5]	Provides property owners with the benefit of statutory protection in the event of damage caused by disused coal mine workings	Responsible enquiries made and reassurances received before completing the purchase of the land.
Flood and Water Management Act 2010		Detailed understanding of the importance of controlled waters and their feeder rivers/streams.
Future Wales: The National Plan 2040[6]	Supports rural enterprise and sustainable development	Oak Court Enterprises Ltd has sought to 'future-proof' itself by ensuring a wide range of diverse activities and products. Off-grid operations significantly reduce carbon emissions which would otherwise have occurred.
Planning Policy Wales (PPW), Edition 12[7]	Promotes the sustainable use of land, biodiversity enhancement, and rural economic growth	Regenerative agricultural practices to improve the land over time and for the future. Detailed plans for biodiversity enhancement.

[3] https://www.legislation.gov.uk/ukpga/1990/8/section/336
[4] https://www.legislation.gov.uk/ukpga/1981/69#commentary-c4955061
[5] https://www.legislation.gov.uk/ukpga/1991/45/contents
[6] https://www.gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf
[7] https://www.gov.wales/sites/default/files/publications/2024-07/planning-policy-wales-edition-12.pdf

		Anticipated need for further rural workers to be recruited from the local area, contributing to local rural economic growth. Reliance on local suppliers wherever possible further supports local rural economic growth.
Technical Advice Note (TAN) 5 – Nature Conservation and Planning	"The town and country planning system in Wales should: • work to achieve nature conservation objectives through a partnership between local planning authorities, CCW, the Environment Agency Wales, voluntary organisations, developers, landowners and other key stakeholders (PPW 5.1.5 and 5.2.5); • […] • plan to accommodate and reduce the effects of climate change by encouraging development that will reduce damaging emissions and energy consumption and that help habitats and species to respond to climate change (PPW 2.2.1 and 2.3.2)[8]" "Sensitive landscaping and planting, the creation, maintenance and management of landscape features important to wildlife, and the skilled adaption of derelict areas can provide extended habitats."[9]	The applicants' proposed residence on site, together with their commitment to sustainable land stewardship, combine to offer the prospect of considerable improvements to the quality of the agricultural land on the site, as well as the natural habitats which already exist and which will be created/improved. The site has been sorely neglected in recent years. The applicants look forward to improving, maintaining and managing the land better, in line with national and local policy.
TAN 6[10] – Planning for Sustainable Rural Communities	"Many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses." (s3.7, p.13)	TAN 6 specifically describes many of the operations planned for Oak Court Enterprises Ltd, all of which will be in full compliance with all relevant national and local policy.

[8] Guidance on planning and climate change is available in The Planning Response to Climate Change - Advice on Better Practice, ODPM, Welsh Assembly Government, Scottish Executive, 2004.
[9] https://www.gov.wales/sites/default/files/publications/2018-09/tan5-nature-conservation.pdf p.7
[10] https://www.gov.wales/sites/default/files/publications/2018-09/tan6-sustainable-rural-communities.pdf

	"One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work." (s4.3.1, p. 17) "Rural enterprise dwellings include: […] • A new dwelling on a new rural enterprise where there is a functional need for a full time worker and the criteria in paragraphs 4.5.3 a-e are fully evidenced." (s.4.3.1, p.17) *Please note: It would appear that the reference quoted above should read "paragraphs 4.6.1 a-e*) "If it is considered that a new dwelling will be essential to support a new rural enterprise, it should satisfy the following criteria: a. clear evidence of a firm intention and ability to develop the rural enterprise concerned (significant investment in new buildings and equipment is often a good indication of intentions); b. clear evidence that the new enterprise needs to be established at the proposed location and that it cannot be accommodated at another suitable site where a dwelling is likely to be available; c. clear evidence that the proposed enterprise has been planned on a sound financial basis; d. there is a clearly established functional need and need relates to a *full-time* worker, and does not relate to a part-time requirement; e. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building on the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the workers concerned; and f. other normal planning requirements, for example siting and access, are satisfied." (s4.6.1, p. 19) "For the purpose of this technical advice note qualifying rural enterprises comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral	The rural worker dwelling applied for is demonstrated to be a functional need for the business, and as such, aligns with TAN 6 policy. The applicants believe that in the documentation submitted, they have provided robust and sufficient evidence of compliance with all the requirements of TAN 6 as well as all other national and local legislative and policy requirements.

	products together with land management activities and support services (including agricultural contracting), tourism and leisure enterprises." (s4.3.2, p.18) "The Assembly Government wishes to encourage younger people to manage farm businesses and promote the diversification of established farms." (s4.5.1, p. 18) "Planning applications for new permanent and temporary rural enterprise dwellings in the open countryside need to be supported by robust evidence. A **Rural enterprise dwelling** *appraisal* must accompany planning applications for this type of development and include information sufficient to enable the planning authority to make a full and effective assessment. The appraisal should address the following tests: • The *functional test* to provide evidence of whether there is a need for a resident worker for the proper functioning of the enterprise. (See paragraph 4.8.1). • The *time test* to provide evidence of the labour requirement for the worker who is working on the justifying enterprise. (See paragraphs 4.9.1). • The *financial test* to provide evidence of the economic sustainability of the justifying enterprise and identify the size of dwelling that the enterprise can sustain, ensuring that the size of the dwelling is commensurate with its functional need and financial justification. (See paragraphs 4.10.1 – 4.10.3). • The *other dwellings test* to identify whether there is an existing dwelling or building suitable for conversion on the enterprise or dwelling in the locality that could meet the identified functional need. (See paragraphs 4.12.1 – 4.12.2)." (s4.7.1, p. 20.) "A *functional test* is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise, for example, if workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention." (s4.8, p. 21.)	It is hoped that the two younger applicants will be able to take on the management of the farm enterprise after a suitable period of training and experience. A rural enterprise dwelling appraisal is included at section 2.8 of the accompanying Planning Support Statement, with supporting evidence.

	"If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant. Where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a full-time worker." (s4.9, p.21.) "The rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years." (s4.10.1, p. 21.) "Evidence of actual or potential economic performance will be required. To assess economic sustainability it will be necessary to show the business has a reasonable prospect of providing a market return for all operators for the amount of management and manual labour inputs, including the job for which the rural enterprise dwelling is being sought, for at least five years from the anticipated completion of the proposed development. This should be assessed on the basis of what is a realistic income for the skills of the operator. A financial test is also necessary to assess the size of dwelling which the enterprise can afford to build and maintain. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate." (s4.10.2, p. 21.) "Evidence must be provided to demonstrate that there is no other dwelling(s) or buildings suitable for conversion, which are available to meet the need." (s4.11.1, p. 22.) "Rural enterprise dwellings should satisfy the usual planning requirements in terms of design, sustainability and access. The siting of the proposed dwelling should relate closely to the activities for which there is a need. In most cases this will mean that the new dwelling should be sited in close proximity to existing buildings and in the case of dwellings for agricultural enterprises, should not be isolated from the farmstead or in locations that could encourage farm fragmentation. Local planning authorities should resist planning applications for rural enterprise dwellings that are prominent in the	

	landscape." (s4.12.1, p. 22.) "Careful consideration needs to be given to minimising the environmental effects of new rural enterprise dwellings. Opportunities to generate on site power and heat should be explored. Particular attention needs to be given to the avoidance of impacts on ground and surface water, as in most cases, it will not be possible to connect to mains drainage." (s4.12.2, p. 22.)	Full detail has been provided as to the applicants' careful management of water resources, and mitigations for the lack of mains drainage.
TAN 15[11] – Development, flooding and coastal erosion (updated 31st March 2025) and Flood Risk	Considered, but not applicable.	The proposed development is outside high-risk flood areas (see Section 6 in the accompanying Planning Support Statement).
TAN 18[12] – Transport	Promotes eco-friendly transport measures "Local authorities should adopt a positive approach to development associated with farm diversification in rural areas, irrespective of whether farms are served by public transport (PPW paragraph 7.3.3). This type of small-scale economic development is attached to existing farm businesses that are often situated in relative rural isolation. It is important that a realistic assessment of the transport impacts is made, with a view to reconciling traffic issues with the benefits of encouraging diversification. " (s3.14, p. 13.)	Addressed through: • low-impact access track off private driveway; • transition to horse-drawn transport over time; • proposed designated cycle park

[11] https://www.gov.wales/technical-advice-note-tan-15-development-flooding-and-coastal-erosion
[12] https://www.gov.wales/sites/default/files/publications/2018-09/tan18-transport.pdf

Local Policy (Statutory and Emerging)		
Adopted UDP Policies:		
Policy PS8[13] – Transport	"The transport network will be developed by providing an integrated range of travel options to and from principal residential, commercial, employment and education centres by making the best use of the existing road and rail network, including, where necessary, the provision of facilities for both passenger and freight interchange and by the encouragement of public transport, cycling and walking."	*Please see Compliance measures listed for TAN 18 above.*
T8[14] – Parking	Considered, but not relevant.	See Section 5 in the accompanying Planning Support Statement.
EC1[15] – Green Barriers	"Within Green Barriers, development will only be granted planning permission if it is for agriculture, forestry, […] and other uses of land which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it."	The applicants have demonstrated the agricultural nature of the enterprise, and their commitment to appropriate maintenance of the Green Barrier.
EC2[16] – Agricultural Land	"Development on agricultural land of grades 1, 2 or 3a will only be permitted if it does not lead to the irreversible loss of that land."	As indicated throughout the accompanying documentation, the land at Oak Court Farm is currently of very poor quality. The applicants' land stewardship will provide considerable improvements.
EC6[17] **-** Biodiversity Conservation	"Development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Where such development is permitted, damage should be kept to a minimum, and compensatory measures should be provided. Measures to improve the biodiversity value of sites and enhance their natural conservation interest and landscape quality including the establishment of local nature reserves, will be supported."	The applicants submit that the "intrinsic nature conservation value of the site" will be measurably improved by their residence on site, where they can take the required actions to properly restore, maintain and protect it.
EC11[18] **-** Archaeology	"Development which would adversely affect the site or setting of a Scheduled Ancient Monument or archeological site of national significance will not be permitted."	The proposal will not have a material effect on the Scheduled Ancient Monument. SMC is being sought

[13] https://www.wrexham.gov.uk/sites/default/files/2023-04/udp-statement.pdf p.11.
[14] https://www.wrexham.gov.uk/sites/default/files/2023-04/udp-statement.pdf p.68.
[15] https://www.wrexham.gov.uk/sites/default/files/2023-04/udp-statement.pdf p.17
[16] https://www.wrexham.gov.uk/sites/default/files/2023-04/udp-statement.pdf p.18
[17] https://www.wrexham.gov.uk/sites/default/files/2023-04/udp-statement.pdf p 22.
[18] https://www.wrexham.gov.uk/sites/default/files/2023-04/udp-statement.pdf p.25

		concurrently to ensure its protection.
EC12[19] - Development and Flood Risk	"Development (including the raising of land) within defined flood plains will only be permitted if it:- a) would not be subject to an unacceptable risk of flooding on-site; and/or b) does not result in an unacceptable risk of flooding on or off-site; and/or c) does not adversely affect flood management or maintenance schemes."	*Please see Compliance measures at TAN 15 above.*
EC14[20] – Protection of controlled waters	"Development which would have an unacceptable adverse impact upon the capacity, flow, quality or availability of controlled waters and associated land will not be permitted."	The proposal clearly demonstrates the careful thought and planning which has gone into ensuring the controlled waters of the River Dee and Bala Lake SAC will not be adversely affected by any of the operations at Oak Court Farm.
H5[21] – Housing in the Countryside	"Outside defined settlement limits new dwellings will only be permitted where:- […] c. an essential need to house a full time agricultural or forestry key worker can be established and i) the long term financial viability and functional management of the enterprise is proven; and ii) the person, due to the nature of the work, has to live on the site rather than in a nearby settlement; and iii) there are no suitable buildings nearby which could be converted into a dwelling; and iv) the new dwelling is sited adjacent to an existing building, can be landscaped, and is a form, bulk, design and materials which reflect the locality's rural character. Any permission will be conditioned to limit residential occupancy to essential workers."	*Please see Compliance measures at TAN 6 above.*
GDP1[22] – Development Objectives	Promoting eco-friendly, appropriate development; active travel; and protecting conservation and wildlife habitats.	The applicants respectfully submit that this proposal aligns perfectly with the GDP1 Development Objectives.

[19] https://www.wrexham.gov.uk/sites/default/files/2023-04/udp-statement.pdf p.26
[20] https://www.wrexham.gov.uk/sites/default/files/2023-04/udp-statement.pdf p.25

[21] https://www.wrexham.gov.uk/sites/default/files/2023-04/udp-statement.pdf p 34
[22] https://www.wrexham.gov.uk/sites/default/files/2023-04/udp-statement.pdf p.14.

Emerging LDP (Material Consideration) Policies (Unadopted Local Development Plan):		*Owing to the lack of publicly-available sources for these policies, the applicants do not make any comment here. Where possible/appropriate, these policies are cited within the Planning Support Statement.*
SP6 – Green Wedge	*No information available.*	
SP15 - Historic and Cultural Environment	*No information available.*	
SP18 – Climate Change	*No information available.*	
NE2 – Natural Environment	Outlines the council's approach to protecting and enhancing biodiversity, natural habitats, and landscapes, while also addressing issues of air quality, water resources and flood risk. In particular, Policy NE2 emphasises the protection and enhancement of biodiversity, natural habitats, and wild fauna and flora. It also focuses on maintaining and improving connections between habitats. It also seeks to conserve and enhance the countryside and its resources, including agricultural land.	
NE6 – Waste Water Treatment and River Water Quality	Designed to mitigate potential adverse effects on the River Dee and Bala Lake SAC, ensuring that any development creating wastewater discharges does not increase phosphorus levels in the SAC. The policy requires developers to implement measure to prevent or reduce phosphorus levels.	
DM1 – Development Management Considerations	*No information available.*	
H7 – Housing in the Countryside	*No information available.*	

Local Planning Guidance Notes (LPGNs):		
LPGN 7[23] – Landscape and Development	"The Council welcomes landscape design which incorporates principles of sustainability such as an ecological concept of landscape, use of local materials, low energy consumption for construction and maintenance, composting, local recycling of water through surfaces which increase the permeability of the ground, and good pedestrian links/cycle facilities to reduce car use."	The attached Planning Support Statement demonstrates full alignment with this guidance.
LPGN 13[24] –Housing in the Countryside	"Dwellings required to accommodate staff employed by rural enterprises may be granted planning permission where it can be demonstrated that there is an essential requirement for someone to be present on site at most times. Policy H5 of the Wrexham UDP allows for the erection of dwellings outside defined settlement limits where an essential need to house a full time agricultural or forestry worker can be established."	*Please see Compliance measures listed for TAN 6.*
LPGN 16[25] **–** Parking Standards	"The way in which people are likely to choose to travel to and from developments is key to determining how many parking spaces will be required to service it. This can be influenced by a number of facts including: […] • How easy it is to access a site by safe walking and cycling routes."	*Please see Compliance measures listed for TAN 18 above.*
LPGN 32[26] – Biodiversity and Development	"…it is also vital that more common species and habitats are maintained and that the contribution of farmland and urban spaces to support biodiversity are not overlooked. Wildlife corridors situated in built up areas or in areas used intensively for agriculture provide important continuous areas for the movement of plants and animals." "Development should be designed to conserve as much of the original habitat as possible and retain and protect wildlife corridors. It should seek to avoid damage to, or adverse effects upon, existing biodiversity (species and habitats) through appropriate site design and working methods."	*Please see Compliance measures listed for PPW12, (et al) above.*

[23] https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-7e.pdf p.4
[24] https://www.wrexham.gov.uk/sites/default/files/2024-11/lpg-13e.pdf p. 2
[25] https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-16e.pdf p. 1
[26] https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-32e.pdf p.1, 4