



PLANNING STATEMENT

Prepared on behalf of Cefn Park Developments Ltd

in support of an

Outline Planning Application

for the

Proposed development of land for B1 (light) industrial and B8 (storage and distribution) industrial units including means of access, scale and layout; illustrative strategic landscaping; with ecological, heritage and amenity (mitigation) zones : resubmission of P/2019/0877

to Wrexham County Borough Council

The Oaks, Oak Road, Wrexham Industrial Estate, Wrexham, LL13 9RG

April 2021

Ref. J10-CPDL/PS/RevB

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1.0 INTRODUCTION & BACKGROUND

Summary of the Application

- 1.1 This Planning Statement (PS) has been prepared and undertaken by J10 Planning Ltd (the Agent) acting on behalf of Cefn Park Development Ltd (CPDL) (the Applicants) who are the freehold owners of the application site and are the lead developers for the scheme.
- 1.2 The land associated with this proposal comprises a brownfield site (previously developed land) located upon the Wrexham Industrial Estate (WIE) known as The Oaks, Oak Road, Wrexham, LL13 9RG and forms part of the former Royal Ordnance Factory site (Wrexham ROF).
- 1.3 The application site extends to an area of land and property that comprises 5.49 ha (13.56 acres).
- 1.4 It accompanies and supports the submission of an Outline planning application to Wrexham County Borough Council (WCBC) for the proposed development of the site for industrial use.
- 1.5 Accordingly, the purpose of this supporting statement is to:
- ***Provide some introductory background to the application; a descriptive appraisal of the site, its location, setting and surroundings; to present a detailed description of the proposal; a summary of the planning history process and identifying any key issues that will assist the reader;***
 - ***Identify the key local and national planning policy framework applicable to the proposed development and interpreting these in order to present the detailed case in support of the proposals;***
 - ***Summarise the reasons why permission should be granted, referring to the scheme deliverables, benefits and net gains this development proposal will offer.***
- 1.6 We consider that this approach will serve to provide the Council with a clear basis for interpretation and decision making. In summary, this statement, along with all the other supporting documentation and plans, demonstrate that the proposed development, subject of this application, is fully compliant with national policy guidance and with the adopted development plan framework, so as to be acceptable.

The Application Pack

1.7 This Planning Statement (**J10 Planning**) should be read in conjunction with the following plans and documents, which are enclosed as separate items in the associated submission packages:

- Pre-Application Consultation Report (PAC) : **J10 Planning**
- Design & Access Statement : **Land Studio**
- Parameters masterplan and associated drawings : **Land Studio**
- Employment Market Report : **Savills**
- Heritage Reports : **Wessex Archaeology, Gifford, Townscape**
- FCA and Drainage Strategy : **Terraconsult**
- Minerals Assessment : **Terraconsult**
- Geotechnical Phase 1 : **Opus**
- Geotechnical Phase 2 : **Terraconsult**
- Transport Assessment, Travel Plan and highway technical notes : **Prime TP**
- Utility Services report : **TMC**
- Tree Report : **PMA**
- Ecological Assessment and Addendum GCN Dispersal report : **Kingdom Ecology**
- Ecological Outline Management Plan : **Kingdom Ecology**
- S106 UU draft Heads of Terms : **J10 Planning /Kingdom Ecology**
- Topographical Survey : **PMS**
- EIA Screening opinion : **J10 Planning**

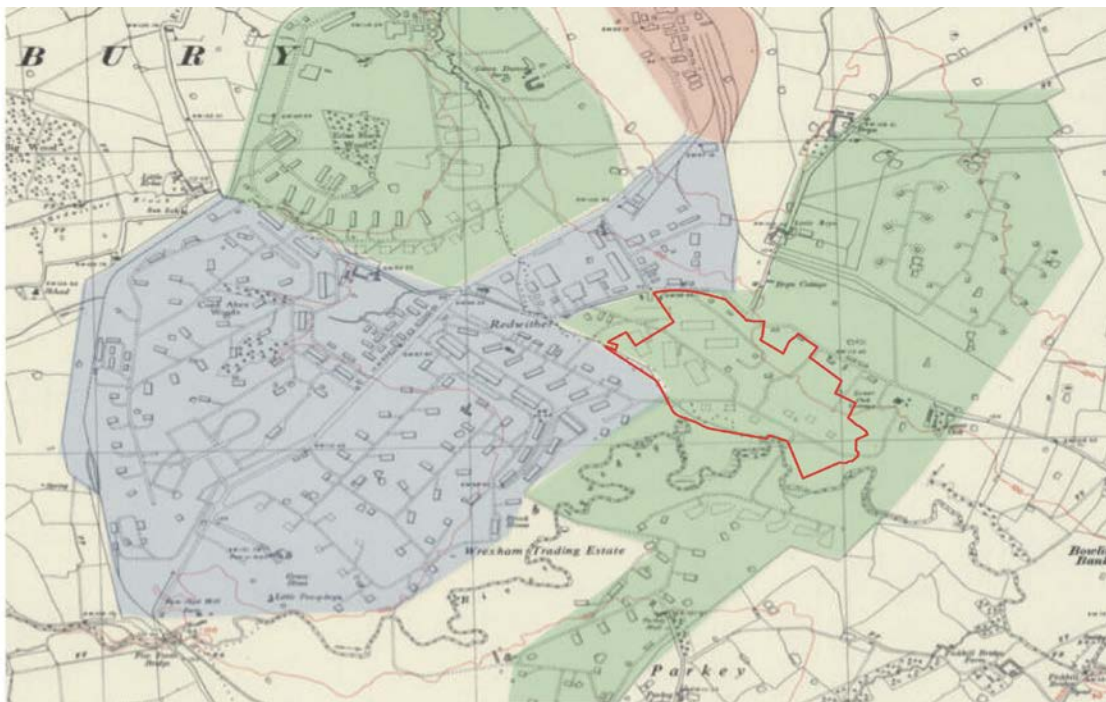
1.8 This list is important as it comprises all the items identified by and reflected by the pre-application guidance provided by Matthew Phillips and Mared Rees-Jones at WCBC; no other items were and have been requested. These documents and drawings are all provided with the enclosed application and itemised in greater detail on a separate Planning Application submission schedule spreadsheet.

Site Description

- 1.9 The application site is well documented in other statements and from previous reports associated with the planning history; which together provide enough adequate descriptions of the site with regards its specific locational, physical appearance, and general characteristics to avoid warranting any significant repetition here.
- 1.10 The Wrexham Industrial Estate is situated on the eastern edge of Wrexham, approximately 2.5 miles from the Town Centre. It is the second largest industrial estate in the UK after Trafford Park, Manchester and comprises an area of some 550 hectares; providing accommodation for some 340 companies and supporting over 11,000 employees.
- 1.11 The application site is located to the southern core of the Wrexham Industrial Estate with access available to the south of Oak Road.
- 1.12 It comprises previously developed land that extends to 5.49 ha (13.56 acres) that is generally level in and includes former ROF infrastructure and buildings. Overgrowth of vegetation has taken place and this combination of former ROF buildings extends beyond the application site boundary to the south and east towards the River Clywedog into the area comprising an area of 16.72 ha (41.31 acres) that is proposed to facilitate ecology, heritage and amenity mitigation.
- 1.13 The site is not (formally) publicly accessible and no PROW's run through the site.
- 1.14 Direct vehicular access is available off Oak Road.
- 1.15 The site has been used for a variety of unauthorised uses by 3rd parties and this includes regular fly-tipping, burning the plastic off copper wires, motorcycle riding and other anti-social behaviour. The site cannot be securely closed off to prevent unauthorised access due to utility wayleaves needing access to maintain services (electricity and water). However, over the years the site owners have allowed the site to be used for film-shoots and wargames.
- 1.16 Redevelopment will introduce natural surveillance, security and management; thus, removing such uses, eyesores and anti-social problems.
- 1.17 The site is located in a highly sustainable and accessible position on the WIE to take advantage of strategic transportation related infrastructure and we believe it benefits from very excellent sustainability credentials. The opportunity now exists to secure the delivery of new employment development. The opportunity now exists to secure the delivery of new employment development along with other ecology, heritage and amenity benefits.

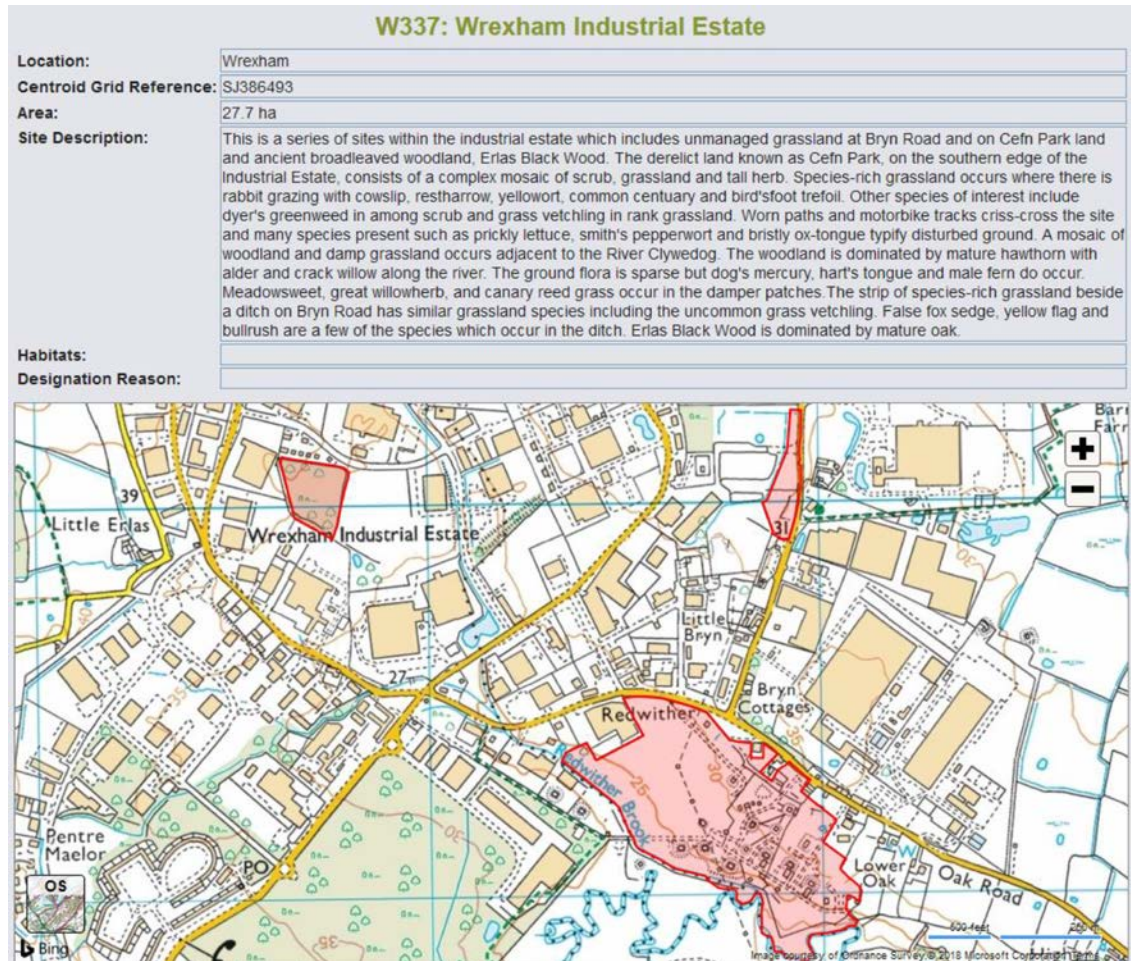
Planning History Chronology

- 1.18 Other supporting reports (DAS, Archaeology and Heritage Impact Assessment) all provide historical narrative and whilst we do not wish to repeat large tracts of this here it is important that this statement provides a summary overview of the sites' chronology in planning terms.
- 1.19 The site, as we know was, like the rest of the WIE former farmland until WW2 came around and the Ministry of War commissioned McAlpine to construct a Royal Ordnance Factory (Wrexham ROF). The application site was part of this, yet despite the installation of infrastructure (rail tracks, roads, buildings and utility services) there is no evidence (having undertaken a detailed contamination SI across the site) that the site ever became fully operational for the manufacture of munitions; indeed many of the intended buildings were never completed.



- 1.20 The plan above shows that the land owned by CPDL was located to the east of the “core” operational manufacturing area of the ROF site (coloured blue). The green coloured areas do not appear to have become entirely active; the red area was the main transport/railway connection into the site. The research undertaken now suggests that a “dummy / decoy” site was located near Worthenbury in order to attract and divert attention away from this site should enemy bombing raids venture over.
- 1.21 There is no record of any enemy attacks during the war on the Wrexham ROF and moreover this site was only commissioned towards the back end of the campaign and so this may explain why parts of the site never became operational.
- 1.22 Following the war, the entire ROF site was slowly decommissioned and became home to the Wrexham Industrial Estate as we know it today.

- 1.23 In February 1996 an application was submitted (ref. ISY CB00031) by a Mr Price to develop the site as an off-road motorcycle practice track. Permission was refused in May 1996 on the grounds of amenity noise nuisance to neighbouring industrial and residential occupiers. No mention was made of nature conservation concerns.
- 1.24 Then in March 1998 the site was identified as a County Wildlife Site (ref. W337); an extract of this local non-statutory designation is shown below.



- 1.25 This appears to have coincided with pre-application discussions held between WCBC and the owners (CPDL), because in October 1998 an application for industrial development for the entire site was submitted (ref. ISY CB02691). This application was refused in April 1999 on the grounds of its impact upon flora and fauna.
- 1.26 The decision notices from 1996 and 1999 are provided (see **APPENDIX A**).

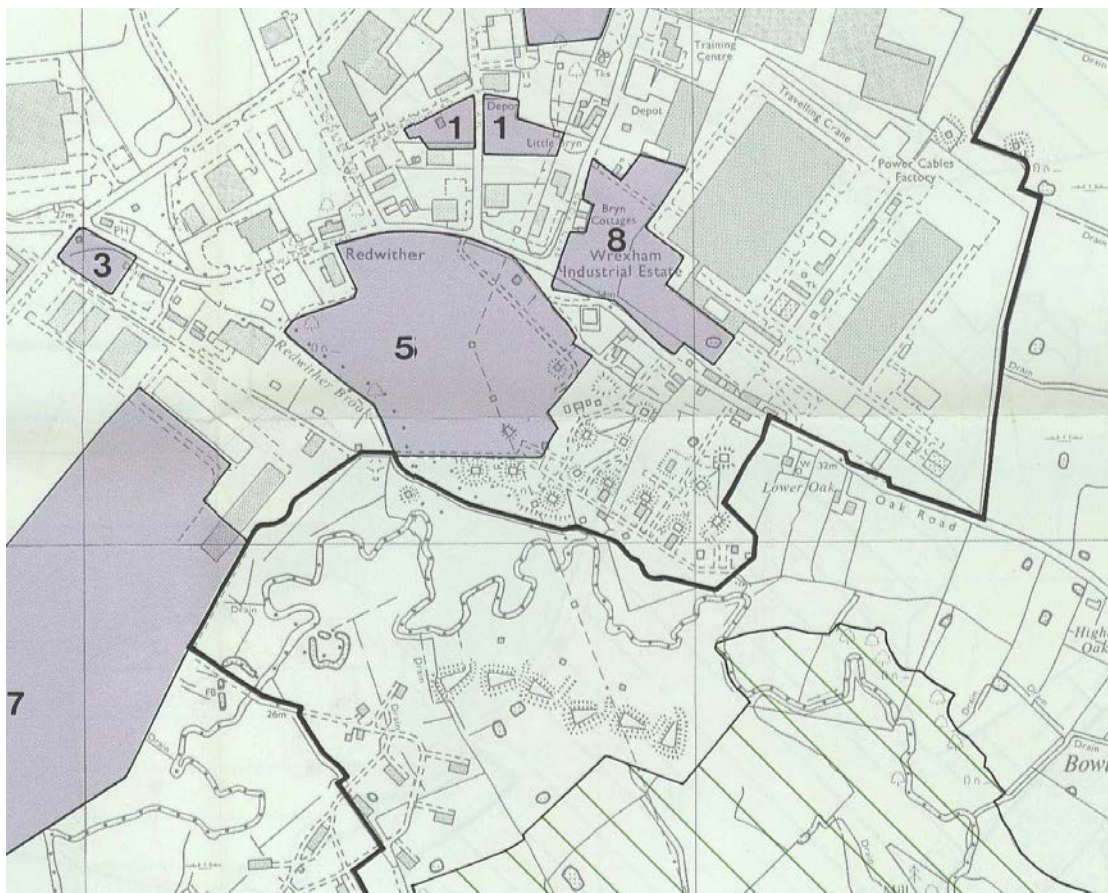
- 1.27 The previous development plan, the Maelor Local Plan covered the plan period 1992 to 2001 and was adopted in February 1996; the plan extract shows that not only did almost the entire land ownership (22.20 ha) lie within the adopted settlement boundary of the WIE but that the western half was identified as an allocated employment site for 11.5 ha and identified as **Site Ref. 5** under employment Policy J1.

Policies

J1. Sufficient land will be allocated for employment purposes between 1992 and 2001 at:

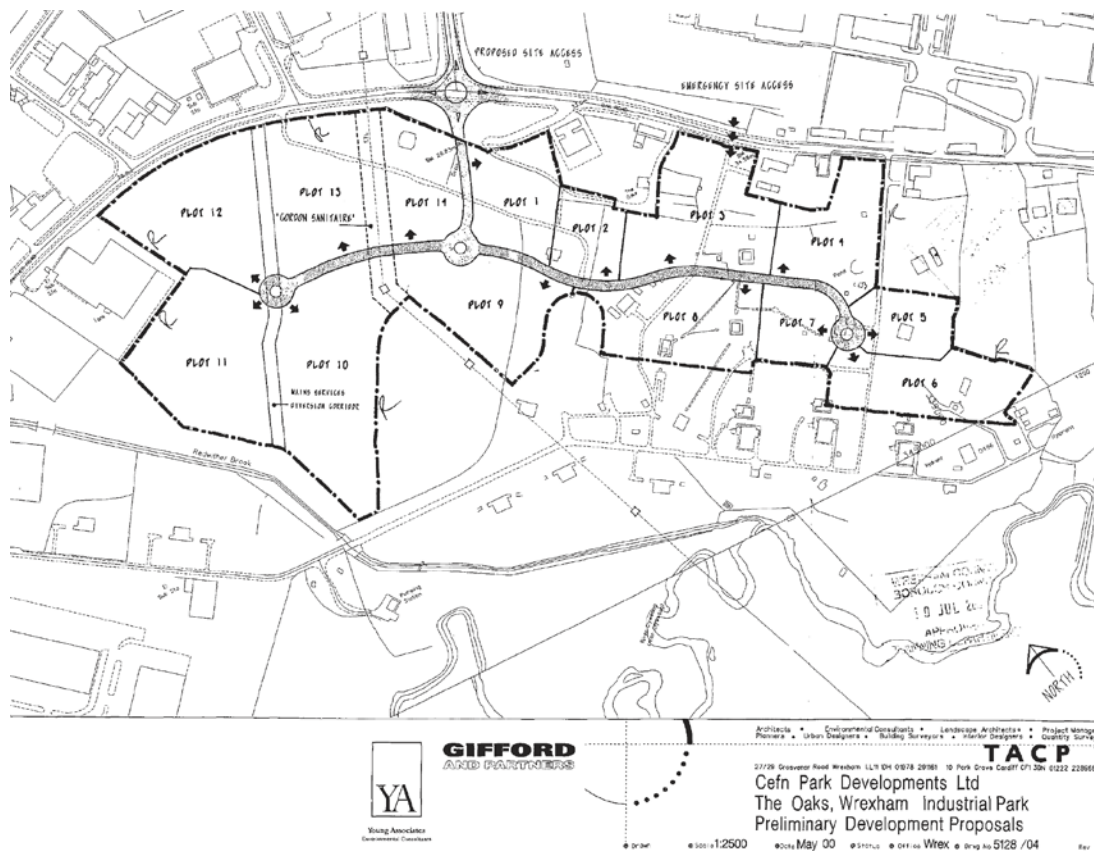
Allocated Sites for Employment

Ref	Location	Area (ha)	Ref	Location	Area (ha)
1.	Abbey Road, Wrexham Industrial Estate.	1.5	10.	Wrexham Technology Park (Extension).	28.0
2.	Abenbury Way, Wrexham Industrial Estate.	1.7	11.	Five Crosses Industrial Estate, Coedpoeth.	0.8
3.	Redwither Road, Wrexham Industrial Estate.	0.8	12.	Gwersyllt.	0.4
4.	Bryn Road, Wrexham Industrial Estate.	9.9	13.	Hafod, Johnstown.	15.4
5.	Cefn Park, Wrexham Industrial Estate.	11.5	14.	Llay Industrial Estate.	9.6
6.	Fibreglas, Wrexham Industrial Estate.	32.2	15.	Metal Box, Gwersyllt.	2.8
7.	Firestone, Wrexham Industrial Estate.	34.2	16.	Queensway, Wrexham.	1.0
8.	Bryn Cottages, Wrexham Industrial Estate.	4.1	17.	Rhostyllen.	1.8
9.	Cefn Gasworks, Cefn Mawr.	0.7	18.	Adjacent to A483(T), Ruabon.	24.0
Total					180.4



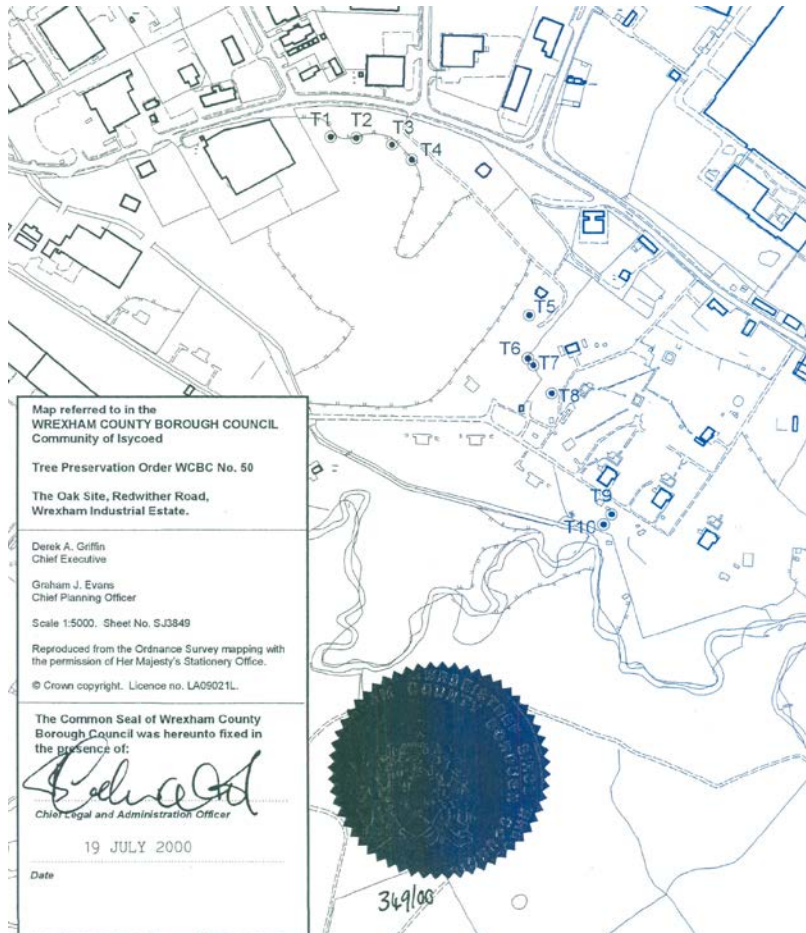
1.28 Consistent with the Local Plan employment allocation, but moreover consistent with the vast amount of new ecology assessment information collected over the course of 1999 by the applicants' professional team, an Outline planning application for industrial development on 6 January 2000 (ref. ISY P/2000/0019) was submitted by CPDL. A plan illustrating the proposal is shown below and shows an approved permission for some **12.1 ha** of land.

1.29 The scheme followed the ecology and heritage evidence that had emerged at the time and looked to avoid these more sensitive areas by directing development across the northern sector of the site as opposed the more sensitive areas to the south. This actually included what we now know is the most sensitive heritage areas of the site.



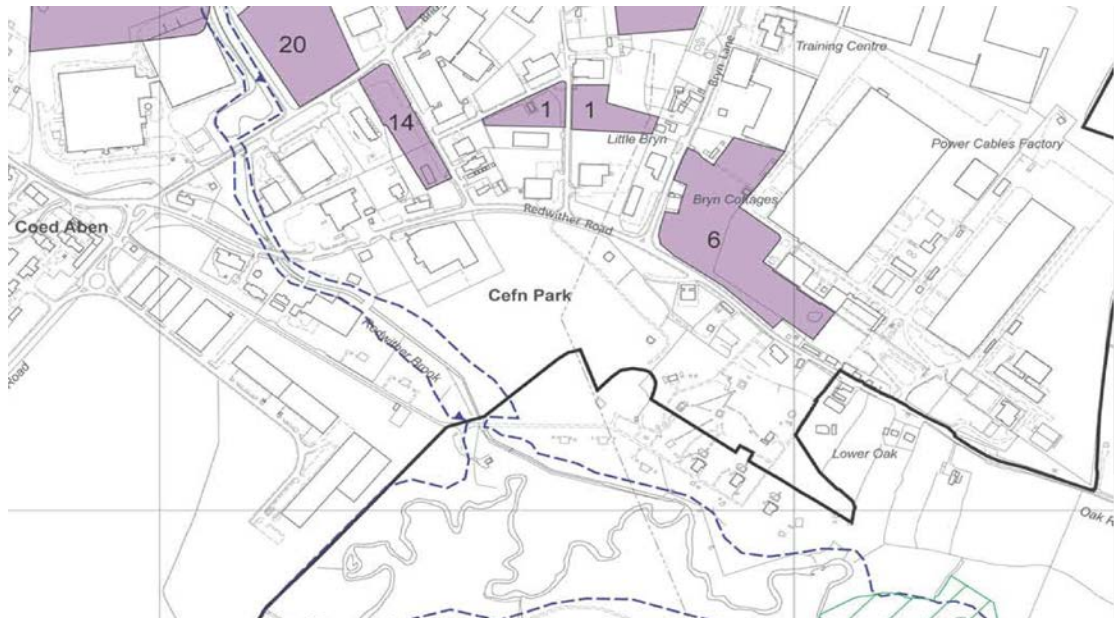
1.30 The scheme was reported to Wrexham's Planning Committee on 10 July 2000 and permission was duly granted and a decision notice issued on the same day. Copy paperwork associated with the application, consultation responses, its committee report, the decision notice and approved plans are all provided (see **APPENDIX B**).

- 1.31 Oddly, just a week later, on the 19 July 2000, the Council confirmed a TPO in seeking to protect 10 no. oak trees that were on the site (ref. WCBC 50), which would have affected a handful of the approved plots (numbers 12, 13, 14 and 1). Much as the earlier nature site designation had been applied there is no Council evidence behind the reasoning for the TPO, the plan extract is shown below.



- 1.32 Advanced development partnership discussions subsequently took place with a set of highly reputable developers (St Modwen) to bring the site forward in partnership with CPDL, but then the recession introduced economic challenges which put pay to the site coming forward.

- 1.33 The subsequent plan was the Wrexham UDP, whose plan period was 1996 to 2011. It was adopted in February 2005 and the Proposals Map extract below clearly shows the site of the Outline planning approval (of 12.1 ha) as lying within the settlement boundary of the WIE, and that 13.75 ha of the land owned by CPDL lay within this boundary. Although it was no longer identified as an allocation it would naturally be available for redevelopment.



- 1.34 In July 2010 a representation to LDP1 was submitted (see **APPENDIX C**) but this never progressed as LDP1 was withdrawn in February 2012. In his report, the Inspector, drew notable and specific attention to “significant concerns” about both nature conservation and employment.
- 1.35 The whole development plan process had to be re-started and when it did the site was submitted by an agent acting on behalf of CPDL as a residential opportunity and it was therefore no surprise that it was immediately discounted by the Wrexham Policy Planners given its industrial context.
- 1.36 It wasn’t until 2016 when CPDL appointed J10 Planning whereupon an enquiry as to why the site had been discounted from consideration was made. Officers responded in an email dated 11 March 2016 (see **APPENDIX D**), stating that they anticipated that drainage, suspected contamination and ecology issues were issues.
- 1.37 Representations to the Preferred Strategy publication of the LDP2 were submitted in April 2016 and made it clear that the proposed ambition was employment not residential and we set out how we would be looking to make progress in addressing the technical constraints Officers had identified in their email of March 2016. A host of studies and assessments were duly commissioned.

- 1.38 The applicant has been keen to engage with Officers in seeking their advice and guidance pertaining to this proposal and embarked upon a formal pre-application engagement process that commenced in October 2017 when we requested a pre-application meeting with Officers and presented to them in November 2017 with a Prospectus landscape design-based vision document and a host of evidence base documents (utility, highways, drainage, ecology, trees, heritage, geo-technical and archaeological) that demonstrated the site was now clearly deliverable.
- 1.39 A meeting was held using the Council's development team approach service and encouraging feedback was provided in November 2017. This led to further dialogue with the NRW and the Council's ecology officer and a meeting was held in March 2018 to discuss how we were looking to approach ecological mitigation and a suggested plan was presented to reflect the Ecology officer ambition of a green network being delivered on the WIE. The correspondence material associated with this stage is provided (see **APPENDIX E**)
- 1.40 Having reached, what we thought was, a position of agreement with the Ecology Officer and NRW over the level of mitigation that could be achieved and delivered through the redevelopment of the site a further LDP2 representation was submitted in May 2018 to the Deposit Plan and an amended Prospectus document was provided, setting out why this brownfield site ought to be allocated as an employment site, whilst also questioning the rationale of the Council in allocating a greenfield site (i.e. the draft KSS3 site at Bryn Lane) over extant and available brownfield opportunities.
- 1.41 The applicant's professional team has undertaken detailed Phase 2 site investigations, along with completing all other technical material requested by the pre-application guidance provided by Officers. Discussions with CADW have also taken place and, along with other findings, shaped the Parameters plan submitted as part of the 2019 planning application. A site meeting with CADW was held and as a result a new Archaeological Assessment was commissioned which sought to ensure the features of heritage interest (for scheduling) located to the east of the land ownership were excluded from the development site. CADW have confirmed that they are comfortable with the proposals.
- 1.42 An outline application was submitted in November 2019 (ref/ P/2019/0877) and despite every effort to engage fully with NRW/ WCBC Ecology the Covid pandemic prevented any meetings from taking place. Highways, Contamination, Drainage, CADW consultees were all satisfied with the proposal but the Tree and Ecology team were unable to provide support.
- 1.43 Despite the submission of a final version of s106 UU HOTs which addressed outstanding ecology mitigation concerns these were not taken into account by the determination report and permission was refused and issued in October 2020. This application is a re-submission that seeks to address the reasons for refusal.

The Proposed Development

- 1.44 The application now submitted is made for Outline planning permission; the description of the development is as follows:

Proposed development of land for B1 (light) industrial and B8 (storage and distribution) industrial units including means of access, scale and layout; illustrative strategic landscaping; with ecological, heritage and amenity (mitigation) zones : resubmission of P/2019/0877

- 1.45 The site accommodation schedule comprises the following:

	2019 application (P/2019/0877)	2021 Re-submission
Total Area Owned	22.20 ha (100%)	22.20 ha (100%)
Total area of site lying outside of UDP settlement boundary	1.56 ha	0.0 ha
Red line application site	7.96 ha (36%)	5.89 ha (25%)
Ecology, Heritage and amenity mitigation zone	14.24 ha (64%)	16.72 ha (75%)
Floorspace Capacity	26,600 sqm	17,100 sqm
Parking spaces	600	387
Potential construction jobs created	115	81 (of which 57 for Wrexham residents)
Potential operational jobs created	481	287 (of which 201 for Wrexham residents)
TPO trees lost	7 no.	2 no.
Proposed Uses	B1 light B2 general industrial B8 storage and distribution	B1 light B8 storage and distribution

- 1.46 The P/2019/0877 application was refused under delegated powers by the planning case officer for the following four reasons:

- **REASON 1** : Part of the site lies outside the Wrexham Industrial Estate Settlement Limit and comprises construction of new buildings for employment development. The proposal conflicts with UDP Policy E5. Insufficient information has been submitted with the application to justify the principle of this part of the development outside the settlement limit.
- **REASON 2** : The proposal would result in the loss of 7 no. TPO trees and result in harm to 2 no. further trees, conflicting with UDP Policies GDP1, EC4, LPG 17, WCBC Tree and Woodland Strategy, as well as the provisions set out in PPW. The justification put forward for the loss of and harm to these trees is not considered to be sufficient and there are no material considerations associated with the proposal to warrant departing from local plan policy in allowing approval of the proposal on this basis.

- **REASON 3 :** *The application fails to demonstrate that the proposed development would not be detrimental to Great Crested Newts. Insufficient information is contained within the Management Plan to demonstrate that the mitigation area can be created, maintained and managed in perpetuity. The future management of the mitigation area is fundamental to whether the proposed development would be acceptable. To allow this development without this information would have a detrimental impact, contrary to Policies EC6 and GDP1 of the adopted Wrexham Unitary Development Plan, Local Planning Guidance Note 29 and Welsh Government TAN 5 Nature Conservation and Planning.*
- **REASON 4 :** *The application site is a designated Local Wildlife Site. Insufficient information has been submitted to demonstrate that the habitats and species at risk within the site, would be improved, enhanced and managed as part of the development proposal. In the absence of this information, it has not been demonstrated that the proposal complies with UDP Policies EC6 and GDP1, Local Planning Guidance Note 29 or TAN 5.*

1.47 The applicant considers that these have all been positively addressed in the following manner:

- o **REASON 1 :** the site is now 100% located within the UDP settlement boundary.
- o **REASON 2 :** the proposal now involves the loss of just 2 trees and all others can be retained.
- o **REASON 3 :** a revised GCN dispersal corridor is now proposed and the Ecological Management Plan provides the surety and clarity sought by NRW with respect future maintenance and management in perpetuity.
- o **REASON 4 :** the LWS will, through the Ecological Management Plan, be managed in perpetuity and is the only way the LWS will be enhanced and the only way biodiversity net gain will be achieved.

1.48 The applicant believes that the development of the site for employment generating uses will provide significant employment and economic development benefits and it is only through this that the net gains for ecology and heritage will be delivered and provide future management and enhancement betterment.

1.49 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 (in particular ecology, heritage, drainage, highways, trees and contamination) who is confident that the proposals now represent a scheme of the highest quality and sustainability credentials.

Market Demand

- 1.50 This statement should be read in association with the Savills Employment Market Report (April 2021).
- 1.51 There is an acknowledgment amongst all those with interests or involvement in the Wrexham Industrial Estate (WIE) that it is a highly successful employment location and there is high latent demand for further growth that is currently not being met. This is especially relevant for freehold opportunities and whilst there are a handful of known leasehold opportunities (through FI-REM) these are not able to satisfy all occupiers/operators.
- 1.52 WIE is first and foremost a B1 (light), B2 and B8 industrial location, however, it has since made a home for HMP Berwyn and is also home to a small residential community at Pentre Maelor. The estate is starting to diversify but to remain competitive and attractive to investors and new companies it must adopt new ways of working and making itself attractive so as to remain a destination of choice. It must make room to accommodate new businesses and recent studies have shown that to remain viable it must diversify and modernise.
- 1.53 CPDL and, as far as we are aware, Wrexham's Economic Development team are regularly being contacted by new enquiries for land and premises; yet are unable to adequately satisfy them all. The only available land resource left are those undeveloped assets owned by CPDL and FI-REM.
- 1.54 FI-REM offer solely leasehold opportunities whilst CPDL have an asset at the Oaks that will provide opportunities for freehold purchasers.
- 1.55 For instance, there is a known demand for small 1,000 to 5,000 sqft B1 light industrial units not being met and there are several single-site warehousing and manufacturing occupiers looking for their own sites to occupy, along with a host of operators seeking medium-sized parcels of land for storage and depot distribution businesses.
- 1.56 The food manufacturing sector (through a range of companies) have located onto the WIE and to harness this sector there is a good argument to develop a Food Research Development Centre upon the estate to capitalise upon this interest and create a hub to attract more companies.
- 1.57 CPDL have marketed this site for some considerable time now and large marketing boards were erected in January 2018 in order to test the market and understand the level and type of demand. It also generated interest from developers seeking to partner with CPDL in bringing forward the site.



1.58 A website was developed (www.theoaksdevelopment.uk) and launched simultaneously and since January 2018 some 19 no. expressions of interest have been received. These are shown in the table below. It should be noted that detailed information on each company has been redacted to protect the identity of the companies for the reason of commercial confidentiality.

Type of Company	Requirement	Use Class	Type of enquiry being sought	Freehold or Leasehold
Engineering steel fabricators	2.5 to 5 acres	B2	Relocation from within WIE	Freehold
Labels	1 acre	B1 light	Relocation and expansion from within WIE	Freehold
Developer	Small starter units over 3 to 5 acres	B1 light	New	Freehold
Gas engineers	2 acres 5,000sqft	B1 light B2	Relocation from outside of Wrexham Borough	Freehold
Contractor's yard	0.5 to 1 acre	Sui generis	Relocation from within Wrexham Borough	Either
Haulage and warehousing	5+ acres	B8	Relocation and expansion from within WIE	Freehold
Haulage and warehousing	6 to 8 acres	B8	Relocation and expansion from within WIE	Freehold
Tyre suppliers / fitters	1 acre 3 to 6,000 sqft	Sui generis	Relocation and expansion from within Wrexham Borough	Freehold
Truck dealers	4 to 5 acres	Sui generis	Relocation from outside of Wrexham Borough	Freehold
Document storage / handling	TBD	B8	Relocation from outside of Wrexham Borough	Either

Furniture manufacturer, storage and distribution	5 acres 30,000 sqft	B2 B8	Relocation from outside of Wrexham Borough	Freehold
Abattoir	1 acre 5,000 sqft	Sui generis	Relocation from within Wrexham Borough	Either
UNDISCLOSED manufacturer and storage	100,000 sqft	B2 B8	Relocation from outside of Wrexham Borough	Leasehold
Cable systems	1 acre	B8	Relocation from within Wrexham Borough	Freehold
Commercial vehicle repair & MOT centre	1 acre	Sui generis	Relocation from within Wrexham Borough	Freehold
Waste depot and tanker storage	1 to 2 acres	Sui generis	Relocation and expansion from within WIE	Freehold
Auger engineering firm	10,000sqft 3 to 5 acres	B2 / B8	Relocation from outside of Wrexham Borough	Freehold
Training / Gym facility	5,000 sqft	B1 / D2	New venture	Freehold
Textile engineering and warehousing	5,000 sqft	B2/ B8	Relocation from leasehold premises in Wrexham	Freehold

- 1.59 This clearly demonstrates that there is significant demand in the market that would not only allow existing Wrexham businesses the opportunity to relocate and expand but for these to be retained within the Borough. Moreover, it also shows that the opportunity also exists to capture and attract new investment from outside of the Borough – companies attracted to locating on the WIE and in Wales.
- 1.60 By the time planning has been obtained some of these opportunities will have lapsed and been satisfied by relocating elsewhere, but new enquiries are regularly being received and clearly once a site has permission a full-blooded marketing campaign will be launched to attract occupiers.
- 1.61 The way the market operates is that no-one will sign up a pre-let without certainty on planning and by achieving an Outline consent this will allow CPDL to provide flexible and bespoke development parcels to occupiers.
- 1.62 The plan is that once permission is achieved this will allow CPDL to generate pre-lets, with a view to being able to produce more detailed plans for the site and submitting Reserved Matters and Discharge of Condition applications for either the whole site or in phases to suit occupiers and completed within 3 years.

2.0 PLANNING POLICY CONTEXT

Planning Legislation

- 2.1 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. The legal test for all planning decisions is to determine the application in accordance with the statutory legislative duties; the key ones are set out below.
- 2.2 **Section 70(2)** of the Town and Country Planning Act 1990 states that:
“In dealing with an application for planning permission or permission in principle the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,
(c) any other material considerations”
- 2.3 **Section 38(5)** of the Planning and Compulsory Purchase Act 2004 states that:
“If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan”
- 2.4 **Section 38(6)** of the Planning and Compulsory Purchase Act 2004 states that:
“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 2.5 The approach should therefore be to identify the provisions of the development plan and determine if the application proposals are in general accordance or in conflict. If in compliance (as we believe 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 and that those policies in the latest plan will be considered the most up-to-date.
- 2.6 A material consideration is a matter that should be taken into account in deciding a planning application or planning application and will not simply involve government policy, development plan policy or issues of highway safety, design or effects upon a heritage asset; they can involve positive benefits and deliverables associated with a scheme, such as employment, economic development investment, public access, biodiversity net gain and amenity betterment.

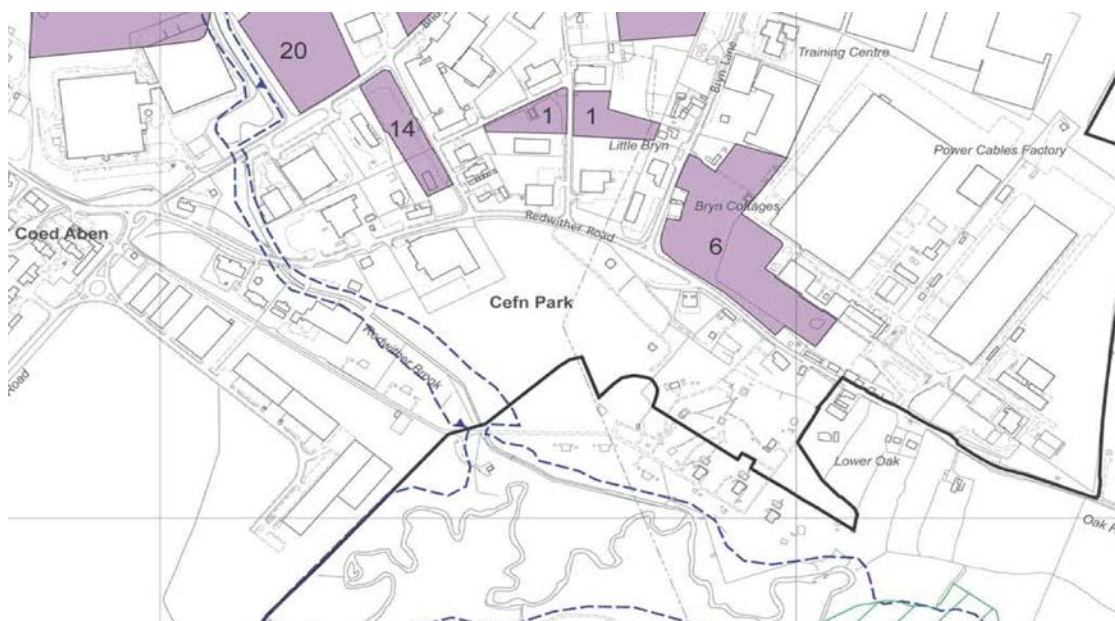
- 2.7 Furthermore, when applying development plan policies precedent case law (such as *R. Cummins v Camden LBC* 2001) has established that for a proposal to be in accordance with the Development Plan it is not necessary for it to accord with each and every policy, rather it should conform with the plan as a whole. So, whilst there may be key important policies there may also be other relevant ones too.
- 2.8 Additionally, another judgement (*BDW Trading Ltd. (T/A David Wilson Homes (Central, Mercia and West Midlands)* 27 May 2016)) involved Lord Justice Lindblom offering clarification on how the approach to planning decisions is not and should not be rigid and the person making the decision has some discretionary scope and autonomy in how they approach the policy position.

The Local Development Plan Framework

- 2.9 In accordance with **S38(6)** the starting point of any planning policy assessment is the Development Plan. The key material consideration will be whether the development plan is up to date. We have adduced that, in this instance, the development plan (for the purposes of **Sections 38(5)** and **38(6)** of the Planning and Compulsory Purchase Act 2004) comprises the policies of the:

“Wrexham Unitary Development Plan” (WUDP) that was adopted in February 2005 and whose plan policies are used for Development Control purposes and covers a plan period of 1996 to 2011.

- 2.10 Evidently, the WUDP is a document that pre-dates NDP and PPW11. Clearly, any presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, because where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 2.11 However, local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations indicate that the plan should not be followed.
- 2.12 The Case Officers delegated report for P/2019/0877 (see **APPENDIX F**) provided a policy assessment and identified the key UDP policies and National policy guidance associated with the proposal. The re-submission proposal has carefully considered this report and the applicant has reviewed it in the context of the local and national planning policy framework and sought to ensure the changes made address the concerns set out in that report and the pursuant decision notice.
- 2.13 The site is contained entirely within the settlement boundary. An extract of the UDP Proposals Map is provided below.



- 2.14 Additionally, the Comparison Plan provided (reproduced below) illustrates the red line application site in relation to the UDP boundary. It is clear that land associated with the planning application (shaded grey below) is located entirely within the UDP settlement boundary and no land outside of the UDP boundary is being proposed for development purposes but will provide environmental mitigation zone purposes (ecology and heritage). Indeed, whilst the red line of the site extends to 5.89 ha the land also within the boundary but proposed for mitigation extends to 6.50 ha and a further 10.2 ha joins this in mitigation.



- 2.15 I have assessed the proposed development against the relevant UDP policies and provide a detailed appraisal in the table below.

UDP POLICY	APPLICATION CONFORMITY
PS1 Broad Location of Development	Development ought to be directed to within defined settlement boundaries. The site is located entirely within the settlement boundary of the WIE, so is compliant.
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, tree, ecology) demonstrates that the proposal will not harm such interests by virtue of the sites enclosed and contained character and the retention of almost all but two trees, with significant enhanced and

	managed ecological habitats being promoted and secured through a net gain management plan.
PS3 Broad Location of Development	This policy seeks to ensure that development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land, wherever possible. This proposal complies with this.
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 any available public transport modes.
PS6 Employment	There is a need to deliver employment land and this site will serve to meet this need. The Savills Employment Market Study provides greater detail on this.
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 effects 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 Council must accept that being an Outline application there will be items that need to be conditioned and the applicant would welcome a discussion on potential conditions. The applicant considers that the Policy is met by the proposal and the submission demonstrates this.
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 those that contribute to its inherent urban (fringe_ character. These features shall be maintained and managed and the illustrative layout has

	integrated them, with opportunities available through condition to ensure new and extensive planting mitigation/compensation. Moreover, the root protection zones of all trees have been shown to be protected.
EC6 Biodiversity Conservation	The proposals have clearly demonstrated that the need for the development outweighs any (perceived) harm,, but actually the applicant is of the view that the environmental net gains are so significant that these outweigh any (perceived) harm too. The ambitions of a 50-50 split are exceeded by the 75-25 split and the biodiversity enhancements are substantial and will serve to secure the (managed) future of the LWS and the ambitions for a Green Network at the WIE.
EC9 Listed Buildings of Special Architectural or Historic Interest	The proposal does not involve any such asset but is proposing to secure the future enhancement and protection of the former ROF buildings that have been identified by CADW as a SAM. CADW have confirmed that the proposals protect their setting and character and are comfortable with the proposals.
EC12 Development & Flood Risk	The Drainage Strategy / FCA report provided does not suggest that there will be any unacceptable risk of site flooding on or off site and that measures to prevent pollution of habitats are avoided.
EC13 Surface Water Run-off	The Drainage Strategy / FCA report provided does not suggest that there will be any unacceptable adverse impact as a result of surface water run-off and that sustainable drainage solutions do exist, which avoid any impacts upon the environmental resource of the LWS.
E4 Employment development (of unannotated land) within Settlements	This policy supports development within settlement limits subject to it meeting Policy GDP1. The proposal does not prejudice existing amenities through noise, vibration, smell, safety, health or excessive traffic generation and we consider that the proposal demonstrates that these can all be satisfactorily addressed through appropriate conditions. This proposal is seeking to confirm the principle of developing a brownfield site on an existing industrial estate and the scale of the scheme has been indicated, but can be controlled and addressed at the Reserved Matters stage, because until the potential occupiers/operators are actually known it is difficult to fix on a final layout.
T8 Parking	In conformity with SPG16 adequate parking provision can be made to satisfy standards based upon the illustrative layout submitted.

2.16 In my view, the proposed development does, on the whole, accord and comply with the policies in the WUDP and is entirely consistent with its policies.

2.17 The UDP is scheduled to be replaced by the Wrexham Local Development Plan. However, in accordance with DPM3 Para 7.5 the weight attached to an emerging LDP does not simply increased as the plan progresses to adoption and only full weight can be afforded so, for this reason, it has not been assessed.

- 2.18 SPG29 “Wrexham Industrial Estate” (adopted by the Council in August 2009) has been reviewed. It has not been through any formal examination. The applicant must question what weight can realistically be afforded SPD, not least because the relevant Planning Acts (2004 and 2012) and DPM3 (Para 9.1) 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, the applicant considers that only limited weight can be given to SPD.
- 2.19 Nonetheless, it considers “Employment Development & Nature Conservation”. It is this SPG where an aspirational 50% site compensation request was first raised (which sought to allow 50% development and 50% ecology). The SPG was based upon 2008 surveys and assessments, yet no background evidence is available. Moreover, it has not been updated and no recent survey evidence has been commissioned. Notwithstanding this, the proposal involves 75% ecology and 25% development so far exceeds the ambition.
- 2.20 Moreover, the business (employment and regeneration) case put forward by the applicant for developing the site is a material consideration and needs to be taken into account in the determination of the application. The fact is, that the whole of the application site is located within the settlement boundary, is brownfield land and the environmental and economic benefits are considered substantial enough to be afforded significant weight.
- 2.21 In the light of this, the only natural measure to be taken by the decision maker in this instance is to grant permission. The applicants view is that, looked at in totality, the proposed development accords with the development plan.

3.0 OTHER MATERIAL PLANNING CONSIDERATIONS

3.1 I now turn to address other material planning considerations, which the applicant considers must be given significant weight. These can be identified as follows:

- NDP Future Wales
- Welsh Government Ministerial publications
- PPW11
- TAN25
- The Benefits of the Proposed Development

The National Planning Policy Framework

- 3.2 The overarching policy framework in Wales comprises the **National Development Plan (NDP) Future Wales 2040** which was first published in February 2021; it replaces the Wales Spatial Strategy.
- 3.3 **Planning Policy Wales (PPW11)** was also published in February 2021 and provides more detailed planning policy direction.
- 3.4 Ministerial Papers **“Building Better Places”** was published in July 2020 in response to the Covid-19 pandemic and follows on from the earlier **“Prosperity for Wales”** published in September 2017; both are considered material to the proposal and their messages support the economic development and employment proposals.
- 3.5 Finally, **TAN25** is a key document that has been followed in demonstrating the credentials for this site and the supporting Employment Market Study (Savills, April 2021) provides a finer assessment of how this proposal meets the requirements of para 2.1.5 of the guidance.
- 3.6 The table below provides an assessment and appraisal of these national policy tools and how the proposal reflects and responds to these messages.

PLANNING POLICY FRAMEWORK : Conformity and Consistency Checklist		
NDP : FUTURE WALES 2040 (Feb 2021)	What the policy document says	J10 Comment
Outcome 1	<i>Emphasis placed upon development being well located in relation to jobs, services and accessible green and open spaces</i>	This proposal will provide new jobs in an established location with Wrexham WIE being the 2 nd largest IE in the UK.
Policy 1 : where Wales will grow	Wrexham is designated as a National Growth Area	This proposal promotes the continued growth and regeneration of Wrexham and the WIE – the site will be re-purposed and enable PDL to be regenerated for economic use. The designation of Wrexham as a National Growth Area cannot be underestimated and the WIE is pivotal to prosperity and economic development.
Policy 2 : strategic placemaking	<i>The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure.</i>	This proposal provides significant levels of quality public access into adjacent greenspace that will be managed for biodiversity and heritage assets.
Policy 9 : resilient ecological networks and green infrastructure	<i>action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.</i>	This proposal offers an integrated and managed plan approach to deliver significant levels of greenspace and biodiversity net gain.
Policy 20 : national growth area	<i>Wrexham and Deeside will be the main focus for growth and investment in the North region.</i>	Wrexham is a National Growth Area, a location for key strategic economic growth and the WIE is specifically mentioned as a place to play a strategic national role; this site will assist in delivering this ambition.
BUILDING BETTER PLACES (July 2020)	What the policy document says	J10 Comment
On Changing working practices – our future need for employment land	<i>On strategic employment sites, local planning authorities should continue to assess if these are still needed or how needs may change, and work collaboratively across a region to designate land if there is a realistic prospect of it being developed in the medium-term.</i>	Wrexham's reliance upon WIE has never been greater with the focus on industrial land demand is soaring for industrial (light and heavy) and storage and distribution sectors – this proposal is needed to fulfil this demand
PROSPERITY FOR ALL (Sept 2017)	What the policy document says	J10 Comment
On skills and employability – identifies 4 core well-being objectives	<i>Prosperous & Secure : in supporting people and businesses to drive prosperity and tackling regional inequality and promote fair work; and drive sustainable growth</i> <i>Health & Active : building healthier communities and better environments</i> <i>Ambition & Learning : equip everyone with the right skills for a changing world</i> <i>United & Connected : build resilient communities and deliver modern and connected infrastructure</i>	This proposal will serve to meet these objectives and through new employment provide significant prosperity and well-being

PPW11 (Feb 2021)	What the policy document says	J10 Comment
Para 1.18 Sustainable development	<i>Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise</i>	Key aim is to achieve sustainable development using a plan-led approach which this proposal represents
Para 3.44 Spatial strategy and search sequence (see also Para 4.2.16)	<i>Where there is a need for sites, but it has been clearly demonstrated that there is no previously developed land or underutilised sites (within the authority or neighbouring authorities), consideration should then be given to suitable and sustainable greenfield sites within or on the edge of settlements. The identification of sites in the open countryside, including new settlements, must only be considered in exceptional circumstances and subject to the considerations above and paragraph 3.50 below. The search process and identification of development land must be undertaken in a manner that fully complies with the requirements of all relevant national planning policy.</i>	This site is PDL so comes at the top of the 'search tree'
Para 3.55 Previously developed land	<i>Previously developed (also referred to as brownfield) land (see definition overleaf) should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development. This may be, for example, because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health. There may be instances where it may not be possible to develop sensitive uses on previously developed land without placing unnecessary constraints on adjacent existing businesses and activities which require that particular location. In such circumstances the agent of change principle will be a relevant consideration.</i>	PDL (which this site is) should be brought forward for development and where any constraints can be overcome (which they have been here), supported. The site (being located on the WIE) is considered highly sustainable for the proposed use. Valued ecology and heritage assets are to be protected and enhanced through a managed programme to ensure change is positively and sustainably implemented
Para 3.56 PDL	<i>Planning authorities should work with landowners to ensure that suitably located previously developed sites are brought forward for development and to secure a coherent approach to their development. To incentivise the appropriate re-use of previously developed land, planning authorities should take a lead by considering and</i>	LPA's are guided to support PDL coming forward. The applicant has taken a lead in developing a strategy and is keen that stakeholder partners play their role.

	<i>identifying the specific interventions from the public and/or private sector necessary to assist in its delivery. This will normally support regeneration initiatives and land allocations in development plans and will include the need to raise awareness of risks as part of an effective de-risking strategy. This approach will inform the development of appropriate risk assessments and remediation strategies at the application level intended to safeguard new developments from the health and environmental risks arising from past land uses, such as contamination, old mine workings or former landfill sites.</i>	
Para 5.4.1	<i>For planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses.</i>	This proposal is all about delivering economic growth, prosperity and investment
Para 5.4.3 Para 5.4.4 Providing sufficient economic development land needed by the market	<i>Planning authorities should support the provision of sufficient land to meet the needs of the employment market at both a strategic and local level. Development plans should identify employment land requirements, allocate an appropriate mix of sites to meet need and provide a framework for the protection of existing employment sites of strategic and local importance.</i> <i>Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration.</i>	It is clear from the Employment Market Study (Savills – April 2021) that insufficient supply is available and that this site is needed to support and meet market demands.
Para 5.4.9 Para 5.4.13 Steering economic development to the most appropriate locations	<i>Strategic employment sites should be identified at a regional scale by agreement amongst local authorities on which sites best serve the area as a whole. Careful consideration should be given to the attributes of strategic employment sites to ensure that they have unique selling points and provide a differentiated offer across the region. Not every local authority should designate strategic employment sites and by virtue of their nature these sites should be protected from alternative non employment uses.</i> <i>Planning authorities should aim to:</i> <i>• co-ordinate development with all forms of infrastructure provision such as transport and utilities;</i> <i>• support national, regional, and local economic policies and strategies;</i>	The proposal lies within the WIE – the 2nd largest IE in the UK after Trafford Park, England – it is critically strategic for Wrexham, North Wales and the UK. The site involves PDL and the proposal is proposing it is re-purposed whilst ensuring amenity interests and valued assets are enhanced, protected and mitigated for

	• align jobs and services with housing and sustainable transport infrastructure, to reduce the need for travel, and dependency on travel by car; • promote the re-use of previously developed, vacant and underused land; • deliver physical regeneration and employment opportunities to disadvantaged communities; • control and manage the release of unwanted employment sites to other uses; • propose specific locations for locally and strategically important industries which are detrimental to amenity and may be a source of pollution; and • identify protection zones around land and premises that hold hazardous substances and protect the ability of existing businesses to operate or expand by preventing the incremental development of vulnerable uses in the locality.	
Para 5.4.17 Business Clusters	<i>Economic clustering typically occurs when businesses from the same or similar industry, or with a common interest, choose to locate in close proximity for mutual benefit. Often, clustering concerns high technology, innovative or research and development based companies, but may also include finance, food and media businesses, or supply industries serving larger manufacturers. Businesses can benefit from shared facilities, infrastructure, local pools of skilled and qualified labour, common supply chains and links to higher education.</i>	WIE comprises a collection of several business clusters and this site will strengthen the attractiveness and competitiveness of WIE and Wrexham as place supporting inward and new investment.
Para 6.1.23 Para 6.1.24 Remains	<i>The planning system recognises the need to conserve archaeological remains. The conservation of archaeological remains and their settings is a material consideration in determining planning applications, whether those remains are a scheduled monument or not.</i> <i>Where nationally important archaeological remains and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a demonstrably and unacceptably damaging effect upon its setting.</i>	CADW are content with the approach to securing the future of the industrial heritage (SAM) assets and this proposal goes further by looking to manage the assets in tandem with biodiversity and amenity management.

Para 6.2.4 Para 6.2.5 Integrating green infrastructure and development	<i>The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.</i> <i>With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes.</i>	The proposal integrates green infrastructure into the scheme and ensures that the balance between economic development needs and biodiversity are proportionate.
Para 6.2.11 Green infrastructure	<i>Planning authorities must encourage the appropriate management of features of the landscape which are of major importance for wild flora and fauna in order to complement and improve the ecological coherence of the Natura 2000 network. The features concerned are those which, because of their linear and continuous structure or their function as 'stepping stones' or 'wildlife corridors', are essential for migration, dispersal or genetic exchange. The development of networks of statutory and non-statutory sites and of the landscape features which provide links from one habitat to another can make an important contribution to ecosystem resilience and the maintenance and enhancement of biodiversity and the quality of the local environment, including enabling adaptation to climate change.</i>	The value of the sites' ecological habitats have been recognised by the applicant and the proposal involves the promotion for restoration, management and maintenance of key habitats.
Para 6.4.3 Biodiversity and ecological networks	<i>The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement.</i>	The applicant is aware of the Council's ambition to secure a green network across the WIE and that land in this location is regarded as an important resource and tool. The proposals propose to deliver a 75% betterment biodiversity benefit to 25% economic development benefit with a view that these can be managed in perpetuity. This significant enhancement is considered to be a key delivery vehicle for the Council – clearly without any development and a partnership approach this ambition would not be achieved.

Para 6.4.4	<i>It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.</i>	A collaborative approach has been taken by the applicant and it is considered that an acceptable and positive balance has been struck/achieved by the proposals, which offer a significant net gain.
Para 6.4.7	<i>Planning Authorities should also refer to up to date ecological survey information (where appropriate).</i>	The applicants evidence base represents the most up-to-date survey information available.
Para 6.4.11 Para 6.4.13 Para 6.4.14 Hierarchy	<i>Planning authorities must have regard to the relative significance of international, national and local designations in considering the weight to be attached to nature conservation interests.</i> <i>Differentiation should be given to the relative significance of the designation within the hierarchy, when considering the weight to be attached to nature conservation interests.</i> <i>Statutory designation of a site does not necessarily prohibit development, but proposals must be carefully assessed to ensure that effect on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated.</i>	The site is a Local Wildlife Site (LWS) which is a non-statutory designation and was brought about not in any collaboration with the owners but; it was designated by being based upon historic survey information which is out-of-date and LWS's are at the lowest-end of the hierarchy - as such a proportionate approach must be taken and the weight attached to it accordingly. Thus, development is not prohibited and a balance must be struck.
Para 6.4.21 Step-wise approach to maintaining and enhancing biodiversity	<i>Planning authorities must follow a stepwise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.</i>	The applicant considers that the proposals have followed the "step-wise" approach by avoiding damage, that no reasonable alternatives exist, that the scheme has been shaped and modified to secure betterment and that the draft HOTS (for a s106 UU) clearly demonstrate the commitment of the applicant in delivering enhanced and managed biodiversity net gain. There is, as a result, no adverse effect on the environment – only beneficial betterment.

Para 6.4.24 Par 6.4.25 Trees	<i>Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation.</i> <i>Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.</i>	The Tree report argues that the protected trees provide no visual amenity value; nonetheless just 2 no. protected trees are to be removed and the proposal involves significant compensatory planting. The applicant suggests that the economic and public (access, amenity, heritage and biodiversity net gain) benefits far outweigh any loss.
TAN 23 ECONOMIC DEVELOPMENT (Feb 2014)	What the policy document says	J10 Comment
Para 1.2.1 Economic benefits and weight	<i>The economic benefits associated with development may be geographically spread out far beyond the area where the development is located. As a consequence it is essential that the planning system recognises, and gives due weight to, the economic benefits associated with new development.</i>	Significant weight must be afforded the economic benefits
Para 1.2.5 Planning Considerations	<i>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</i>	The applicant has demonstrated the need and demand for this site coming forward.
Para 1.2.26 Planning Considerations	<i>In line with these principles, there will be instances where the planning system may not provide the land the market demands, and in the places where the market demands it. Some proposed developments or sites may be resisted by planning authorities – for example because they would have unacceptable environmental impacts, divert demand from town centres or would go against agreed spatial strategies. In these circumstances, so far as possible planning authorities (and planning applicants) are encouraged to look for alternative sites which offer the same, or very similar, advantages.</i>	The applicant has demonstrated that environmental benefits can be delivered, but also that the Oaks site is clearly the most appropriate site based upon an assessment of all reasonable alternatives

Para 2.1.1 Weighing Economic Benefit	<i>It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability.</i>	The Oaks proposal offers a "win-win" outcome for both the environment and economy.
Para 2.1.2	<i>Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority's priorities.</i>	Any harm is considered to be largely perceived and nonetheless the applicant considers that any such harm is mitigated against through the significant net gains proposed.
Para 2.1.5	<i>Where a planning authority is considering a site allocation or planning application that could cause harm to the environment or social cohesion, it should ask three questions in order to help clarify and balance the economic, social and environmental issues. These questions should be used to assist the normal planning decision making processes. In all cases robust evidence should be provided to support these tests:</i> Alternatives: <i>if the land is not made available (the site is not allocated, or the application is refused), is it likely that the demand could be met on a site where development would cause less harm, and if so where?</i> Jobs accommodated: <i>how many direct jobs will be based at the site?</i> Special merit: <i>would the development make any special contribution to policy objectives?</i>	The Oaks site is considered to offer the best sustainable location possible and the Savills assessment provides the basis for this assertion. The Oaks site will deliver significant levels of jobs as set out in this statement and the Savills study. The Oaks site also delivers significant levels of "special merit" in particular the level of biodiversity net gain and future protection and enhancement of environmental habitat and heritage asset resource. Moreover, it will serve to address under-delivery of employment land and serve to meet the objectives of the NDP and Wrexham's designation as a National Growth Area – all through the regeneration and re-purposing of PDL.

- 3.7 The applicant has followed and embraced this guidance and we are of the opinion the development proposals are supported and adhere to this guidance and should be afforded full weight and offer significant material weight in favour of supporting the positive determination of the proposal.

The Benefits of the Proposed Development

- 3.8 In the applicants view the proposed development will together deliver very substantial and significant public interest and community benefits that should be given considerable weight in favour of the grant of planning permission when it comes to judging planning balance. These can be summarised as scheme deliverables providing a series of **economic, social environmental net gains** which serve to secure the mutually supportive sustainability and placemaking objectives in the following manner:

ECONOMIC DELIVERABLES	
New sustained operational employment opportunities	287 new jobs (of which 201 are estimated to be fulfilled by Wrexham residents)
Construction jobs	81 direct construction jobs for 3 years Additional supply chain jobs would also be created and sustained
Contract value	£17.0 M Based upon £1000/sqm of new space
Construction spend locally	£51.0 M N.B. based upon construction industry body research that has found for every £1 spent £3 is generated in the local economy
Business Rates revenue	£644,241 per annum into supporting existing and new Wrexham Council services N.B. based upon £3.50/sqft
General	This proposal seeks to deliver jobs, economic growth and prosperity into the local economy.
SOCIAL DELIVERABLES	
New jobs	Jobs will deliver social and economic wellbeing to residents of Wrexham Borough by creating wealth and underpinning investment in the local economy and supporting new infrastructure.
Locational sustainability	The site is located on an established industrial location, supported by its existing framework of services; it is logical to co-locate employment here and achieve the National Growth Area ambitions.
Public Access and Cultural Wellbeing	Significant opportunities to realise the cultural heritage and environmental resources of the site and enabling controlled public access into the mitigation zones which will be managed and maintained – the split between development and enhanced resource is 25% to 75% - well in excess of anything achieved anywhere else in the Borough and this will provide surety and security for the future protection and enhancement of environmental assets.
ENVIRONMENTAL DELIVERABLES	
Environmental Dividend – Biodiversity net gain	The betterment cannot be under-estimated – it is significant and comprehensive with 75% of the owned site being brought under the management regime of protection and enhancement which comprises 16.72 ha of land.
Cultural Heritage	The development will secure the future of the industrial heritage (ROF features) and the management plan that secures the biodiversity net gain will also ensure these assets are preserved and enhanced – with the opportunity for controlled public access and interpretation of the past history and legacy of the Wrexham ROF
Landscape enhancement (trees)	New and enhanced landscape planting, feature trees – the proposal involves the loss of just 2 no. trees but a “boulevard” opportunity is proposed and can be conditioned.

Regeneration of Brownfield Land	The regeneration of the site will allow for a major brownfield site to be re-purposed and the significant environmental, economic and social benefits of the development provide a “win-win” set of outcomes.
Residential amenity	Ensuring the residential amenity of local residents is protected and no harmful B2 industrial uses are located within proximity of dwellings – thus avoiding noise / air pollution issues.
Public Access and accessibility	The proposal will offer new public access opportunities where they are compatible with the environmental management regime.
Highway safety	Local off-site highway improvements.
SUDS	A SAB’s compliant scheme has been developed and is ready to be progressed at Reserved Matters stage.

3.9 The reality here is that this proposal will deliver jobs, economic growth, prosperity and investment. It shall also secure the environmental (built and natural) betterment benefits and associated public / community benefits, which in the view of the applicant must be given considerable weight.

3.10 The development proposals therefore generate significant and mutually supportive economic, social and environmental benefits and net gains which collectively constitute sustainable development and as such these are material planning considerations that must carry substantial weight and cannot be underestimated.

4.0 DECISION MAKING : PLANNING BALANCE

Planning Conditions

4.1 Any conditions that are to be attached should follow the guidance set out in Welsh Government Planning Circular 16/2014 and meet the following 6 tests in being:

- *Necessary;*
- *Relevant to planning;*
- *Relevant to the development to be permitted;*
- *Enforceable;*
- *Precise and;*
- *Reasonable in all other respects.*

4.2 We would request that in the event a draft decision notice and conditions are prepared, that we are fully involved in the process in order to ensure that the wording of such conditions meet the above tests and enable the swift commencement of development.

Planning Obligation

4.3 A set of Heads of Terms has been drafted (see **APPENDIX G**) which is intended to provide the narrative and basis for a s106 legal agreement (Unilateral Undertaking) to provide surety with respect the biodiversity net gain and future management and maintenance of the ecological and heritage mitigation zone land located beyond the red line of the application site.

4.4 The HOT's may need some fine-tuning but they represents a clear sign of intent and the applicant is keen that in partnership with NRW and WCBC that they are agreed in a form that the applicants lawyer can proceed to formal drafting of a UU. A supporting letter of intent from the applicant's heritage advisors (see **APPENDIX H**) is intended to provide additional comfort to CADW/CPAT given the SAM designation located within the mitigation zone.

4.5 The applicant is committed to a positive partnership between all stakeholders. Ultimately, any obligation needs to meet the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development*

4.6 The tests have statutory weight and in executing the need for a legal agreement pursuant to s106 of the Planning Acts.

Conclusions : Section 38(6) of the 2004 Act

- 4.7 The Planning & Compulsory Purchase Act 2004 requires an appraisal of whether, overall, the proposed development accords with the development plan, unless material considerations indicate otherwise as set out in S38(6).
- 4.8 I have shown that this proposal is fully compliant with and in accordance with all the most relevant and important development plan policies identified along with a host of other relevant (yet less important) policies and that appropriate weight must be afforded those policies.
- 4.9 I have also shown that this proposal is compliant and consistent with the NDP, PPW11, TANs and SPD. My view is that the proposed development does accord with the development plan and as such the proposal must be approved.
- 4.10 Furthermore, in my view there are also a host of material planning considerations (including a range of benefits and the lack of any reasonable alternatives) that all point in favour of the development being approved and which must be given significant weight. Indeed, any material considerations that might be considered (by the decision maker) to weigh against the grant of planning permission are not, in my opinion, sufficient to outweigh the strong support of the considerations in favour of granting permission.
- 4.11 This is a scheme of high-quality and advanced sustainability; which strategically fits with the statutory planning legislative framework.
- 4.12 This application is technically robust, and it has been demonstrated that there are few, if any, negative impacts that would result. The overall planning balance is, in my opinion, weighted strongly in favour of granting permission as per Section 38(6) of the Planning & Compulsory Purchase Act 2004.
- 4.13 The proposals must be supported, and permission approved without any delay in accordance with the Framework, because we have demonstrated that no adverse impacts are evident in impeding a positive determination being reached. The approval of this proposal would make a valuable and significant contribution towards securing the sustainable future of nationally important heritage assets, delivering employment, economic investment, meeting local affordable, delivering local educational and special educational needs and rural estate regeneration and renewal.
- 4.14 In my view, the only reasonable conclusion is that the Officers of Wrexham County Borough Council must now recommend and/or approve this scheme.
- 4.15 **Accordingly, I commend these proposals to the decision maker and respectfully request that permission is granted for Outline planning permission.**