

Matthew Phillips

From: Arwel.Williams@gov.wales on behalf of LQAS@gov.wales
Sent: 28 May 2021 10:06
To: Matthew Phillips
Subject: RE: P/2021/0436 - Land South of Holt Road

Dear Matthew Phillips,

(Helen – for info)

Re: Consultation Response - Planning Application P/2021/0436 – Land South of Holt Road, Wrexham.

Thank you for your e-mail regarding the above planning application.

Consultation remit

The Department for Climate Change of Welsh Government has the responsibility to respond to statutory consultations made on the basis of Table to Schedule 4 paragraph (s) of the Town and Country Planning (Development Management Procedure)(Wales) Order 2012 (DMP Order 2012). Technical Advice Note 6; Annex B2 further describes this consultation arrangement.

Policy

The Department has regard to Welsh Government planning policy towards the conservation of best and most versatile (BMV) agricultural land, as described at paragraph 3.58 and 3.59 of Planning Policy Wales (PPW).

3.58 Agricultural land of grades 1, 2 & 3a of the ALC system is the best and most versatile (BMV), and should be conserved as a finite resource for the future.

3.59 When considering the search sequence and in development management decisions considerable weight should be given to protecting such land from development because of its special importance. Land in grades 1, 2 or 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

Agricultural Land Classification (ALC)

A detailed ALC survey was undertaken on the south western half of the site by the Welsh Government in 2002 (Ref: Ty'n Twll – 007-02). This confirmed a presence of 13.02ha of BMV land (Subgrade 3a) on the survey area.

A further detailed ALC survey of the un-surveyed area of the site was undertaken by the developers in October 2018 (Ref: RAC 8190) and submitted with the planning application. The results of this survey have been amalgamated with the 2002 survey to confirm ALC grading for the entire site. The results of the survey confirm the presence of 26.3ha of BMV land (Subgrade 3a) on the site.

The department has previously validated the October 2018 survey (Ref: RAC 8190), and can confirm it has been undertaken in accordance with the Revised Guidelines and Criteria for Grading the Quality of Agricultural Land (MAFF 1988). This survey can be accepted as an accurate reflection of land quality on the site.

This confirms that the application, if granted, would **involve the loss of 26.3ha of BMV land**.

Expression of view

The proposal has failed to apply the sequential test and justify the loss of BMV agricultural land in accordance with the procedure required by PPW 3.58 & 3.59. Consequently, the Department Climate Change of Welsh Government wishes to express a **CONDITIONAL OBJECTION** to this planning application. The following agricultural factors should be noted: –

1. The loss of 26.3ha of BMV agricultural land is a matter of national significance, with reference to DMP Order 2012, Schedule 4 paragraph (s).

It is considered that the submitted proposal has failed to justify the loss of a nationally significant area of best and most versatile agricultural land, as is required by Planning Policy Wales paragraph 3.58 & 3.59, before such land is developed for non-agricultural purposes. Such land is described in PPW 3.58 & 3.59 as a finite resource for the future and in development management decision making process, considerable weight should be given to protecting such land from development because of its special importance.

It is considered that the statements in section 7.46, 7.47 and 7.48 in the Planning Statement, are not justified for the following reasons:

- a. The proposed LDP assessment process considers the total loss of BMV Agricultural land for the whole LPA area, over the plan period. The proposed Wrexham LDP has not to date been adopted; therefore, the Department cannot pre-judge the outcome of the LDP and this proposal must be assessed on its merits alone.
 - b. A number of non-BMV sites have been put forward within the un-adopted LDP. Lower grade agricultural land is available and the Planning Statement conflicts with PPW.
2. Under the proposed and unadopted Wrexham LDP (2013-2028), the site is proposed as part of a Key Strategic Site (*Ref: KSS2 – Land East of Cefn Road*) for housing under policy SP5.

The proposed LDP assessment process considers the total loss of BMV Agricultural land for the whole LPA area, over the plan period. If the proposed LDP is proved sound and adopted by the LPA, which includes the site as a development allocation, then the Department would

withdraw the objection. As noted, the proposed Wrexham LDP has not to date been adopted; therefore, the Department cannot pre-judge the outcome of the LDP.

Administrative matters

This **CONDITINAL OBJECTION** response is made solely on the basis of impact upon the national agricultural interest, and is made independently of other parts of Welsh Government that may wish to exercise a remit to comment upon this planning application.

Any view expressed by the Department for Climate Change in the exercise of its consultation responsibility under the DMP Order 2012 does not bind the consideration of Welsh Government should the matter come before it in a formal context.

Procedural matters

If your Authority includes this **CONDITIONAL OBJECTION** in the grounds for refusal of planning permission, then this Department is prepared on request and in accordance with the Town and Country Planning (Referred Applications and Appeals Procedure) Regulations 2017 to be represented on any appeal inquiry which may result. In addition, this Department is prepared to submit to your Authority a statement of evidence to assist in the preparation of the written statement as required under Regulation 22 of the Regulations.

Should your Authority consider that there is a case for granting planning permission despite the **CONDITIONAL OBJECTION** by the Department for Climate Change, the Department would **EXPECT** the matter to be brought to its attention before a decision is made, and failing a satisfactory resolution of the issues involved, this Department may ask Welsh Government to consider the case further.

I trust the above expression of view and associated remarks are clear and unambiguous. Please do not hesitate to contact if necessary.

Arwel Williams

Arwel Wyn Williams

Cynghorydd Polisi Pridd a Defnydd Tir Amaethyddol / Agricultural Land Use & Soil Policy Advisor

Is-adran Tir, Natur a Choedwigaeth / Land, Nature and Forestry Division

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From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>

Sent: 17 May 2021 10:04

To: Williams, Arwel (ESNR - ERA - Land, Nature & Forestry) <Arwel.Williams@gov.wales>

Cc: Cooke, James (ESNR - ERA - Land, Nature & Forestry) <James.Cooke@gov.wales>

Subject: P/2021/0436 - Land South of Holt Road

Arwel,

Hope you are well.

I have received the above planning application. This is essentially a re-submission of the application that you previously commented on, reference P/2019/0005. A copy of the location plan is attached.

I would be grateful for comments on this application. Should you need any further information before responding please do not hesitate to contact me.

Regards

Matthew Phillips

Arweinydd Rheoli Cynllunio/Planning Control Lead

Cynllunio a Rheoleiddio/Planning and Regulatory



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