

Adeilad y
Goron
Parc Cathays
Caerdydd
CF10 3NQ

Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Ffôn / tel: 0303 444 3893

e-bost /
e-mail: policy.wales@planninginspectorate.gov.uk

Barratt Homes, Bloor Homes North West,
John Raymond Jones and the Trustees of
The Wrexham (Parochial) Education
Foundation

Eich Cyf / Your Ref:

Ein Cyf / Our Ref: 3263516

Dyddiad / Date: 20 January 2021

c/o

Mr Dan Ingram
Barton Willmore

(via e-mail)

Dear Sir / Madam,

Town and Country Planning Act 1990
Town and Country Planning (Environmental Impact Assessment) (Wales)
Regulations 2017

Appeal by: Barratt Homes, Bloor Homes North West, John Raymond Jones and the Trustees of The Wrexham (Parochial) Education Foundation

Site Address: Land South of Holt Road, Wrexham

Proposed Development: Outline application for the construction of up to 600 dwellings, with associated landscaping, public open space and on-site infrastructure, with all matters reserved except from the northern site access.

I refer to the above appeal made to the Welsh Ministers in November 2020.

The Welsh Ministers consider it appropriate for them to come to their own conclusion as to whether the project is EIA development within the meaning of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, ("the Regulations") and provide a screening direction in that respect.

The Planning Inspectorate is authorised by the Welsh Ministers to provide that screening direction.

The project, as described above, falls within the description at paragraph 10(b) in column 1 of the table in Schedule 2 to the Regulations and exceeds the applicable threshold in column 2 of that table.

A screening assessment is attached which identifies the key areas which have been considered. Having taken into account the selection criteria in Schedule 3 to the Regulations and the advice in Welsh Office Circular 11/99: Environmental Impact Assessment on establishing whether EIA is required, the assessment concludes that:

The proposed development of up to 600 dwellings with associated landscaping, public open space and on-site infrastructure would be of a size that would inevitably result in physical effects in a number of areas; these will no doubt be important considerations for the decision maker. Nonetheless, in the majority of instances the scale of effect, the site context and the potential for mitigation or compensation to be secured where required are such that significant environmental effects are unlikely.

However, the site contains some 26.3 ha of the best and most versatile agricultural land (grade 3a), which is a finite resource at the national level. Moreover, the site also contains mineral resources in the form of fine sand that are also considered to be of national significance. Based on the proposals put forward, both of those nationally important resources would be sterilised or lost were development to go ahead. In the case of the mineral resource, the ability to extract on parts of neighbouring land would also be lost due to the need to provide a buffer zone around the proposed dwellings. Given the size of the site, the magnitude and permanence of the losses that would occur and the importance of the resources at the national level, I consider that significant environmental effects in these respects are likely. As such, I conclude that the proposed development must be considered EIA development for the purposes of the EIA regulations.

Therefore, in exercise of the powers conferred by Regulation 4 of the Regulations and the authority referred to above, the Welsh Ministers hereby direct that the development subject of this appeal **is EIA development** within the meaning of the Regulations.

Consequently, this appeal **must** be accompanied by an Environmental Statement.

- Please confirm whether you intend to submit an Environmental Statement, and if you do, how long you anticipate this will take to prepare. Under Regulation 13(8) of the Regulations, if you do not write to us within 21 days of this direction, i.e. **no later than Wednesday 10 February 2021**, to inform the Inspectorate that you propose to provide an Environmental Statement, no further action will be taken on the appeal.

An Environmental Statement must contain, for the purpose of assessing the likely impact on the environment, the information specified in Regulation 17 and Schedule 4 to the Regulations. You should refer to the Regulations and Welsh Office Circular 11/99, before and during the preparation of the Environmental Statement. In the meantime, you may wish to have regard to the particular environmental topics identified in the attached screening assessment.

I am copying this letter to the Local Planning Authority.

In accordance with the Regulations, the Local Planning Authority should ensure that this screening direction is placed on Part 1 of the Planning Register in relation to the application in question.

Yours sincerely,

C Sweet

Mr Christopher Sweet MPlan

Swyddog Cynllunio / Planning Officer

Tîm Cynllunio a'r Amgylchedd / The Planning & Environment Team

Yr Arolygiaeth Gynllunio / The Planning Inspectorate

STAGE 1 – INITIAL EIA SCREENING ASSESSMENT

1 Case Details	
A	Appeal case reference 3263516
B	Brief description of development Outline application for the construction of up to 600 dwellings, with associated landscaping, public open space and on-site infrastructure, with all matters reserved except from the northern site access.
2 EIA Screening Details	
2A Schedule 1	
	Is the project Schedule 1 development as described in Schedule 1 of the EIA Regulations? No
	<i>If Yes, under which description of development? If No, consider whether project is 'Schedule 2' development below in part 2(B).</i>
2B Schedule 2	
(i)	Is the project listed as a description of development under Column 1 of Schedule 2 of the EIA Regulations? Yes
	<i>If Yes, under which description of development? If No, EIA is not required.</i>
	10b – Construction of 600 dwellings
(ii)	Does the project change or extend development described in paragraphs 1 to 12 of Column 1 of schedule 2, where the change or extension may have SIGNIFICANT* adverse effects on the environment? No
	<i>If Yes, provide reasons for your answer below. *If unsure, discuss with PET. Proceed to point (iii).</i>
	Choose an item.
(iii)	Is the project located wholly or partly within a ' Sensitive Area ' as defined by Regulation 2 of the EIA Regulations? No
	<i>If Yes, state which area and move to Question 3. If No, proceed to point (iv) below.</i>
(iv)	Are the applicable thresholds/criteria in Column 2 exceeded / met? Yes
	<i>If Yes, note which applicable threshold/criteria. If No, EIA is not required.</i>
	600 Dwellings & 28.5 hectares of land

3 LPA / Welsh Ministers' Screening		
(i)	Has the LPA issued a Screening Opinion (SO)?	Yes
(ii)	Have the Welsh Ministers issued a Screening Direction (SD)?	No
4 Environmental Statement (ES)		
	Has the applicant/appellant supplied an ES for the current or previous (if reserved matters or conditions) application?	No

Is a detailed screening assessment (Section 5) required?

If Yes has been answered in response to either 2B(iii) or 2B(iv), send to relevant team to undertake detailed screening assessment.

If No has been answered for both questions, or the questions are not applicable, start appeal.

Sign-off	
Signature	M Thomas
Date	16.12.2020

STAGE 2 – DETAILED EIA SCREENING ASSESSMENT

As per Schedule 3, Para 3: When considering the potential impact, take into account; (a) magnitude / spatial extent / population likely to be affected; (b) nature of impact; (c) transboundary nature; (d) intensity & complexity; (e) probability; (f) expected onset / duration / frequency & reversibility; (g) cumulation with existing and / or approved development; (h) the possibility of effectively reducing the impact.

5 Detailed Screening Questions		
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant? <i>Include consideration of features or measures to avoid or prevent what might otherwise be significant effects</i>
CRITERION 1. CHARACTERISTICS OF DEVELOPMENT		
Question 1(a) Size and design of the Development		
Will construction, operation or decommissioning of the Project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc.)?	Yes, the site would be comprehensively altered from agricultural use to residential and that change would be permanent. However, given the site's context and location close to existing built development, those effects would not be significant in EIA terms.	Significant effect unlikely .
Question 1(b) Cumulation with Existing and/or Approved Development		
Are there any other factors which should be considered such as: - consequential development which could lead to environmental effects? - the potential for cumulative impacts with other existing or planned activities in the locality? - any plans for future land uses on or around the location which could be affected by the project? - transfrontier impacts?	Due to the type of development proposed, the size of the site and its location, close to existing built development, there is potential for cumulative effects in a number of areas. However, such effects would be localised and of a scale that would not be likely to be significant in EIA terms.	Significant effect unlikely .
Question 1(c) Use of Natural Resources, in particular land, soil, water and biodiversity		
Will construction or operation of the Project use natural resources such as land, water,	Yes, the proposal would require the use of natural resources during construction and	Significant effects likely .

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely to be significant</u> ?
materials or energy, especially any resources which are non-renewable or in short supply?	ongoing occupation, though the scale of consumption would not be significant. The site contains a significant amount of mineral resource, in the form of fine sand. There is some debate regarding the practicality of prior extraction; the applicant's position is that it would not be viable and so none is proposed. As such, the proposal would prevent future extraction of the resources that are present on site and on neighbouring land due to the requirement for a suitable buffer zone. Given the scale of the site and the national importance of the resource (as noted by the North Wales Minerals and Planning Service), a significant effect in this respect is therefore likely. The proposed development would also involve the loss of some 26.3 ha of grade 3a agricultural land (i.e. BMV). Given the scale of that loss, the national importance of BMV as a limited resource and the fact that it cannot be mitigated or compensated for, I consider that a significant environmental effect in this respect is also likely.	
Question 1(d) Production of Waste		
Will the Project produce solid wastes during construction or operation or decommissioning?	Yes, solid waste likely to be produced during construction and, to a lesser extent, during occupation. However, standard best practice in disposal can reasonably be expected and the scale of waste produced would be of a	Significant effect unlikely.

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?
	localised nature, such that significant effects are unlikely.	
Question 1(e) Pollution and Nuisances		
Will the Project involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health?	No.	N/A
Will the Project cause noise and vibration or release of light, heat energy or electromagnetic radiation?	Yes, some noise and vibration likely during the construction phase. However, those effects would be time limited and of a localised nature. There would also be some noise, heat and light emitted from the dwellings once occupied, but again these would be localised in scale. Controls over the timing of noise etc during construction can be readily secured and as such, significant effects in these respects are unlikely.	Significant effect unlikely.
Will the Project release pollutants or any hazardous, toxic or noxious substances to air , or lead to risks of contamination of land or water (including surface waters, groundwater, coastal waters or the sea)?	Yes. Some issues with contamination identified, but at a scale which would not be significant.	Significant effect unlikely.
Question 1(f) Risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge		
Will there be any risk of accidents during construction or operation of the Project which could affect human health or the environment?	Yes, some risk of accidents during construction, though these would be offset by standard on-site practice, which can reasonably be expected. Significant effects are therefore unlikely.	Significant effect unlikely.
Question 1(g) Risks to Human Health (for example due to water contamination or air pollution)		

5		Detailed Screening Questions	
Questions to be considered		Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?
Will there be any risk to human health during the construction and/or operation of the development		Yes, some risk of accident during construction and a degree of land contamination as set out above. There would also be the potential for effects on nearby receptors arising from dust, etc during construction. However, the scale of the issues and the fact that appropriate controls can readily be achieved are such that significant effects are unlikely.	Significant effect unlikely .
CRITERION 2. LOCATION OF DEVELOPMENT			
Question 2(a) Existing and Approved Land Use			
Will the Project result in social changes, for example, in demography, traditional lifestyles, employment?		The proposed development would add to the local population, but there is nothing to suggest that it would alter the overall demography of the locality. Given the scale of the change and the existing local context, significant effects in this respect are unlikely.	Significant effect unlikely .
Are there any routes or facilities on or around the location, which are used by the public for access to recreation or other facilities, which could be affected by the project?		There are a number of routes around the site that are used for recreation, but none would be directly affected on more than a time limited basis (during construction). Whilst there would be some permanent visual change for users of those routes and a likely increase in the number of users arising from the additional population, any effects would be localised and of a scale that would not be significant.	Significant effect unlikely .
Are there any transport routes which are susceptible to congestion or which cause		The proposed development would result in an increase in traffic that would have the	Significant effect unlikely .

5		Detailed Screening Questions	
Questions to be considered		Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?
environmental problems, which could be affected by the project?		potential to affect the local road network to some degree. However, the nature of any impacts is likely to be localised. Given the scale of the increase and the potential for controls to be readily secured, such effects unlikely to be significant in EIA terms.	
Is the project located in a previously undeveloped area where there will be loss of greenfield land?		Yes, as noted above, the site is in agricultural use and is currently located within a green barrier (subject to review as part of the emerging LDP). Whilst some of the site would be retained as public open space, there would be a sizeable loss of greenfield land and openness. However, given the context of the site, close to existing built development, and the scale of development proposed, I consider that significant effects in this respect are unlikely.	Significant effect unlikely .
Are there any areas on or around the location occupied by land uses which could be affected by the project, particularly sensitive land uses e.g. hospitals, schools, places of worship, community facilities?		Yes. The proposed development would generate additional requirements for education and healthcare provision over and above those that exist currently. However, there are readily available mechanisms for securing additional provision where appropriate. In any event, the scale of any impacts would be localised, such that they would not be significant.	Significant effect unlikely .
Question 2(b) Relative Abundance, Availability Quality and Regenerative Capacity of Natural Resources in the Area and its Underground			
Are there any areas on or around the location which contain important, high quality or		Yes. The site contains a significant amount of mineral resource, in the form of fine sand.	Significant effect likely .

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely to be significant</u> ?
scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, which could be affected by the project?	There is some debate regarding the practicality of prior extraction; the applicant's position is that it would not be viable and so none is proposed. As such, the proposal would prevent future extraction of the resources that are present on site and on neighbouring land due to the requirement for a suitable buffer zone. Given the scale of the site and the national importance of the resource (as noted by the North Wales Minerals and Planning Service), a significant effect in this respect is therefore likely. The proposed development would also involve the loss of some 26.3 ha of grade 3a agricultural land (i.e. BMV). Given the scale of that loss, the national importance of BMV as a limited resource and the fact that it cannot be mitigated or compensated for, I consider a significant environmental effect in this respect is also likely.	
Question 2(c) Absorption Capacity of the Natural Environment		
Are there any other areas on or around the location which are important or sensitive for reasons of their ecology, or are used by protected, important or sensitive species of fauna or flora, which could be affected by the project?	Yes. Based on survey work to date, it is possible that Great Crested Newts use the site for foraging, dispersal or sheltering purposes. However, based on the submitted proposals for mitigation and compensation and subject to a number of conditions that could be readily secured, NRW has expressed the view that the proposal would not be likely to be detrimental to the maintenance of the favourable status of the local population. I see no reason to disagree	Significant effect unlikely.

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely to be significant</u> ?
	with that view. Survey work has also established the presence of bats on site. Again, based on the submitted proposals and subject to appropriate conditions, NRW advises that the development would not be likely to harm or disturb the bats or their breeding sites and resting places. I see no reason to disagree with that view. Based on the foregoing, I am satisfied that significant effects in these respects are unlikely.	
Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?	No.	N/A
Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the project?	No. The site is not in a high value landscape area and does not carry any landscape designations.	Significant effect unlikely .
Is the project in a location where it is likely to be highly visible to many people?	No. The site is adjacent to the A534 and would be visible to users of that road as well as inevitably altering the view from several parts of the surrounding area. However, given the wider landscape context and the proximity to existing built development, such effects are likely to be localised and of a scale that would not be significant.	Significant effect unlikely .
Are there any areas on or around the location which are densely populated or built-up, which could be affected by the project?	Yes, the site would form an extension to the existing edge of Wrexham and would inevitably affect the local area via additional	Significant effect unlikely .

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely to be significant</u> ?
	population, increase in traffic and increased demand for services, among other things. However, the scale of the proposal and its relationship to the existing town would be such that any effects in these respects would be localised and of a magnitude that would not be significant.	
Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project?	Yes. There are a number of listed buildings and scheduled monuments in the wider area, though none would be directly impacted and the degree of separation would be such that significant effects on their settings are also unlikely. Survey work has established the potential for buried archaeology on site. However, following additional investigation at the application stage, CPAT has advised only that some further investigation should be undertaken on parts of the site prior to development commencing and that this can be secured via an appropriate condition. I see no reason to disagree with that view. Taking account of the scale of the potential impacts on archaeology on limited parts of the site, I do not consider that significant effects are likely.	Significant effect unlikely .
Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	No.	N/A

5	Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be significant?
Is the project location susceptible to subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions, which could cause the project to present environmental problems?	No. The site is located within flood zone A. There is some potential for surface water flooding on parts of the site, but the scale is such that significant effects are unlikely.	Significant effect unlikely .
Has there already been a failure to meet environmental quality standards that is relevant to the project?	No.	N/A

Statement of reasons

The proposed development of up to 600 dwellings with associated landscaping, public open space and on-site infrastructure would be of a size that would inevitably result in physical effects in a number of areas; these will no doubt be important considerations for the decision maker. Nonetheless, in the majority of instances the scale of effect, the site context and the potential for mitigation or compensation to be secured where required are such that significant environmental effects are unlikely.

However, the site contains some 26.3 ha of the best and most versatile agricultural land (grade 3a), which is a finite resource at the national level. Moreover, the site also contains mineral resources in the form of fine sand that are also considered to be of national significance. Based on the proposals put forward, both of those nationally important resources would be sterilised or lost were development to go ahead. In the case of the mineral resource, the ability to extract on parts of neighbouring land would also be lost due to the need to provide a buffer zone around the proposed dwellings. Given the size of the site, the magnitude and permanence of the losses that would occur and the importance of the resources at the national level, I consider that significant environmental effects in these respects are likely. As such, I conclude that the proposed development must be considered EIA development for the purposes of the EIA regulations.

6		Outcome of assessment		
(ii)	If a SO/SD has been provided do you agree with it?	No		
(iii)	Is EIA required?	Yes		
Outcome		Action		✓
Schedule 2 development – threshold exceeded/ criterion met or Sensitive Area and likely to have significant effects		Issue direction stating EIA Required (Letter 2)		✓
Name and Job Title of Assessor		C Sweet		
Date of Assessment		19/01/21		