



Llywodraeth Cymru
Welsh Government

..

Mr Lawrence Isted
Chief Officer – Planning & Regulatory
Wrexham County Borough Council
Lambpit Street
Wrexham
LL11 1AR

E-mail: lawrence.isted@wrexham.gov.uk

Ein Cyf/Our ref: qA1437978
Eich Cyf/Your ref: P/2020/0072
Dyddiad/Date: 30 October 2020

Dear Mr Isted,

**TOWN AND COUNTRY PLANNING ACT 1990.
TOWN AND COUNTRY PLANNING (MAJOR RESIDENTIAL DEVELOPMENT)
(NOTIFICATION) (WALES) DIRECTION 2020.
RESIDENTIAL DEVELOPMENT FOR UP TO 15 UNITS INCLUDING SEGREGATED
ECOLOGICAL AREA FOR GREAT CRESTED NEWTS AT THE FORMER SCRAP YARD,
LLWYNEINION ROAD, LEGACY, RHOSLLANERCHRUGOG, WREXHAM, LL14 4ET.
APPLICATION NUMBER P/2020/0072.**

Issue

I refer to the above planning application which you forwarded to the Welsh Ministers under the Town and Country Planning (Major Residential Development) (Notification) (Wales) Direction 2012 on 29 July 2020. The application was notified as “major residential development” that did not accord with the provisions of the Wrexham Unitary Development Plan (WUDP), which proposed residential development outside of a settlement limit and in the open countryside, conflicting with policies PS1 and HF of the adopted WUDP”.

Section 77 of the Town and Country Planning Act 1990 enables the Welsh Ministers to direct an application to be referred to them instead of being dealt with by the Local Planning Authority (LPA). This power falls within the portfolio of Julie James MS, Minister for Housing and Local Government. As part of the exercise of this function regard will be had to the provisions of the Well-being of Future Generations Act 2015 (WFG Act).

Policy

The Welsh Government’s policy on calling in planning applications is set out in Planning Policy Wales (PPW), Edition 10 December 2018. The Welsh Government considers Local Planning Authorities (LPAs), as elected bodies, should be left to make decisions about development proposals wherever possible. The Welsh Ministers do not, in practice, call in

many planning applications and will only do so where the proposal raises issues of more than local importance. The consideration of a request to call in an application is not about the acceptability of the development and whether planning permission should be granted; it is concerned with who should make the decision.

Application

The application the subject of the Notification Direction is an outline application for residential development for up to 15 dwellings, including a segregated ecological area for great crested newts, at the Former Scrap Yard, Llwyneinion Road, Legacy, Wrexham.

The main issues raised in relation to the call-in request are summarised as follows:

- **Site not located within a Defined Settlement Boundary** - the application proposes residential development on land located outside of a defined settlement boundary;
- **Development in the Open Countryside** - the site does not accord with any of the provisions of policy H5 in respect of housing development in the open countryside and is contrary to Planning Policy Wales (PPW);
- **Former Coal Workings** - Coal mining legacy potentially poses a risk to the proposed development;
- **Effects on Protected Species** - the development is likely to impact upon both bats and Great Crested Newts (GCN);
- **Minerals Safeguarding** - The site lies within the mineral buffer zone surrounding Llwyneinion Quarry;
- **Contaminated Land** - The application site was last used as a scrapyard and is sited on an area of land that was historically two landfill sites; and
- **Site Access and Parking Provision** - The site is not accessible by public transport and there are no local needs retail facilities or other essential services close to the site. Future occupiers would therefore be entirely dependent upon private car journeys to travel to/from the site.

Consideration

As part of the determination of this Notification Direction the Welsh Ministers consider whether the LPA has identified the national planning policies, legislation and directives relevant to the planning issues arising from the application. Welsh Ministers also consider whether the LPA has assessed those issues in a reasonably robust way, using up-to-date methodology and knowledge.

The proposed site is located outside of settlement limits and is not in a location allocated for development in the adopted Wrexham UDP, which remains the extant development plan for the area. PPW10 states that “New building in the countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled.” The Wrexham UDP sets out an exception criteria for affordable

dwelling, including for those outside of settlement boundaries. This policy reflects the strict controls required by PPW.

The Officer's Report correctly identifies the relevant national and local policies on residential development outside a settlement boundary and located in the open countryside, and applies them to the proposal. The report concludes, "*The site lies in open countryside and in an unsustainable location. Residential development represents a conflict with UDP policies PS1 and H5 and Planning Policy Wales, specifically paragraphs 3.35, 3.56 and 4.1.12. The proposals will also result in development that is at odds with the rural character of the locality thus also being in conflict with policy GDP1*" and recommends refusing the application. This advice has been set aside by the Committee in reaching its decision, which it is entitled to do. However, no relevant planning reasons have been provided for setting aside the Council's own planning policies, and national planning policy, in coming to this conclusion.

It is accepted the application does not raise any major controversy outside the local area and has no wide effects beyond the immediate locality. However, it is considered the development of dwellings, outside a defined settlement, in the open countryside, which is a departure from the adopted development plan and is contrary to national policy in respect of development in the countryside raises issues of more than local importance and is sufficient justification for call-in in this particular case.

Decision

For the reasons set out above the Minister for Housing and Local Government hereby directs the planning application referred to in the heading to this letter, ref no. P/2020/0072 shall be determined by the Welsh Ministers. The original planning application, together with any plans, sections and maps, and any other documents accompanying it, including related certificates and other correspondence, which have not already been supplied, should be sent to the Planning Inspectorate, 1st Floor, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.

Section 2 of the Planning (Wales) Act 2015 ("the 2015 Act") requires the Welsh Ministers, in exercise of their functions under Part 3 of the Town and Country Planning Act 1990 ("the 1990 Act"), to ensure the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales. This Sustainable Development principle is pursued in accordance with the Well-being of Future Generations Act (2015) (WFG Act). As part of this the Welsh Ministers have taken into account the ways of working set out at section 5(2) of the WFG Act, which is supported by Part 4 of 'Shared Purpose Shared Future : Core Guidance 1: Statutory Guidance on the WFG Act'.

In reaching this recommendation I have considered the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015. I have taken into account the ways of working set out in Section 5 of the WFG Act and Part 4 of 'SPSF1:Core Guidance : Shared Future – Statutory Guidance on the WFG Act'.

Calling in the application will ensure the long term impacts of the proposal are considered through examination of the application by an independent and impartial professional Inspector by way of written representations and/or oral procedure in accordance with relevant statutory procedural regulations. It will also contribute to the objectives of "Build healthier communities and better environments" and "Drive sustainable growth and combat climate change". You will be notified of the process to be adopted for the consideration of the application as soon as possible.

Your attention is drawn to the provisions of Article 13 of the 2012 Order which requires your Council to serve notice of the terms of and the reasons for the Section 77 direction on the applicants and to inform them of their rights to be heard by a person appointed by the Welsh Ministers.

The Direction issued by the Welsh Ministers under Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 on 10 August 2020, remains in force.

Progress of our consideration of this and all other called-in cases and call-in requests can be found at <https://gov.wales/planning-decisions-being-considered-welsh-ministers-called>. The progress chart is updated weekly.

The Minister's decision to call in the application for planning permission P/2020/0072 does not imply or infer any view from the Welsh Ministers about the merits of the application.

A copy of this letter has been sent to Mr Dafydd Edwards, Blueprint, agent for the applicant.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T Davies'.

T Davies
Head of Planning Decisions
Planning Directorate

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.