
**Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004**

Section 78 Appeal by Brymbo Developments Ltd

Former site of Brymbo Steelworks, Brymbo

Statement of Case

Appeal Reference: APP/H6955/A/20/3259057

LPA Reference: P/2019/0546

September 2020

Town and Country Planning Act 1990 – Section 78

Planning and Compulsory Purchase Act 2004

**Town and Country Planning
(Inquiries Procedure) (Wales) Rules 2003 (As Amended)**

Former site of Brymbo Steelworks, Brymbo

Statement of Case

Appeal against non-determination of an outline planning application by Wrexham County Borough Council for up to 450 dwellings (Class C3 use), provision of a primary school (2-form entry), small district centre comprising up to 1,395sqm of Class A1 Retail, up to 372sqm of Class A3 Restaurant/Public House, up to 465sqm of Class D1 use, multi-functional green infrastructure, including children's play areas and informal open space, surface water attenuation, vehicle accesses, car parking, engineering works, public footpaths and hard and soft landscaping, underground services, and all ancillary and enabling works, with all matters reserved except for vehicular access from Brymbo Road.

LPA Ref: P/2019/0546

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1.0 INTRODUCTION

1.1 This Statement is submitted on behalf of Brymbo Developments Ltd (the 'Appellants') in support of an appeal against the non-determination of an outline planning application by Wrexham County Borough Council ('WCBC'), for a residential led mixed-use development of land at the site of the Former Brymbo Steelworks, Brymbo (the 'Appeal Site'). A Site Boundary Plan is included at **Appendix 1**.

1.2 The description of development for the Appeal Scheme is as follows:

"Outline planning permission for up to 450 dwellings (Class C3 use), provision of a primary school (2-form entry), small district centre comprising up to 1,395sqm of Class A1 Retail, up to 372sqm of Class A3 Restaurant/Public House, up to 465sqm of Class D1 use, multi-functional green infrastructure, including children's play areas and informal open space, surface water attenuation, vehicle accesses, car parking, engineering works, public footpaths and hard and soft landscaping, underground services, and all ancillary and enabling works, with all matters reserved except for vehicular access from Brymbo Road".

1.3 The Appeal Scheme was submitted to the Council on 4th July 2019 and validated on 24th July 2019.

1.4 The Appeal Scheme is accompanied by a comprehensive suite of technical reports in accordance with the WCBC's planning application validation requirements. The Bat, Badger and Breeding Bird surveys were subsequently submitted on 21st November 2019.

1.5 A full set of the original and amended Appeal Scheme documents are provided within **Sections A and B** of the Core Documents.

1.6 The outline planning application followed the formal 28 day pre-application consultation process that began on 1st May 2019. This consultation process was as per the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The Appellant has actively engaged in pre-application discussions with WCBC in advance of the submission of the application. The proposals were also presented at a public consultation exhibition where discussions with local members and the community have helped inform evolution of the proposed development.

- 1.7 An Environmental Impact Assessment ("EIA") Screening Request was submitted to WCBC on 4th February 2019 and reflected the requirements of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. WCBC issued a Screening Opinion on 26th March 2019, which confirmed that the proposed development would not need to be the subject of an EIA (see **Appendix 2** for a copy of the Screening Opinion).
- 1.8 Since submission of the planning application in July 2019 the Appellant has sought to meet with the planning officer, however, multiple requests were refused. Two meetings were held with David Williams, Planning Control Manager, in December 2019 and January 2020, however, no agreement was reached regarding the principle of development (especially in regard to the area known as Ty Cerrig, which is located outside of, but adjacent to, the settlement boundary). As shown on the plan appended at **Appendix 3**.
- 1.9 Additionally, the Appeal Site is being promoted through the plan making process for Wrexham's Local Development Plan. This included the Appellant being represented by Barton Willmore and No5 Chambers at the Examination in Public ('EiP') hearing sessions. Further detail on the EiP process will be provided at Section 4.0.
- 1.10 Discussions were held with several technical consultees during the planning application process to overcome concerns outlined in their specific consultation responses. A copy of the consultation responses are provided within **Section C** of the Core Documents.
- 1.11 On 19th March 2020, revised Land Use Plan (Core Documents **B6**, **B7** and **B8**); an Access Drawing (Core Documents **B9**) and a Great Crested Newt Framework Strategy (Core Documents **B10**), were submitted. These amended plans were submitted in response to consultation comments received from Natural Resource Wales (Core Document **C3**) and WCBC's Highways (Core Document **C5**). Unfortunately, due to Covid 19, WCBC were unable to upload all documents to the website and to issue all re-consultations to the relevant parties.
- 1.12 There is an outstanding holding objection from Welsh Government Highways (Core Document **C6**). A meeting was held with the Welsh Government Highways team in November 2019 and a subsequent letter was sent in December 2019 requesting further evidence to support their assumptions. This evidence is yet to be provided and is also awaited by the Inspectors overseeing the Examination in Public process.
- 1.13 The latest extension of time was agreed as 4th November 2019 and Officers have not requested a further extension of time to agree outstanding matters or to provide a decision.

- 1.14 This Statement sets out how our case for why this full planning application should be approved.
- 1.15 The Appellant intends to agree a Statement of Common Ground with the Council. The Appellant also intends to agree a set of draft planning conditions and Section 106 Agreement with the Council to be submitted to the Inspector prior to the beginning of the Inquiry.
- 1.16 As set out in the enclosed Appeal Form, we consider an Inquiry is the most appropriate procedure given the importance of this key regeneration scheme; the need to call expert evidence and to cross examine the Council's witness/es. Moreover, the Appeal is likely to generate public interest and therefore an Inquiry can best allow for these third parties to be heard.

Brymbo Lite

- 1.17 Unfortunately, the examination process and consideration of this planning application (for the wider area) have been delayed and therefore Brymbo Development's Ltd have taken the decision to submit a further outline planning application for a reduced site area (excluding Ty Cerrig). This is referred to as "Brymbo Lite".
- 1.18 This planning application is required without further delay to ensure the short-term delivery of the key community benefits including the primary school; the Heritage Centre (with £9m of secured Lottery funding); and the local centre. The pre-application consultation began for Brymbo Lite began on 20th August 2020 and the outline planning application will be submitted to the Council in September 2020.
- 1.19 The promotion of the wider site area will continue when the examination of the Local Development Plan reopens (currently suspended until 31st August 2020).

2.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 2.1 This section provides details on the site's location, surroundings and key physical characteristics. A Site Boundary Plan is provided at **Appendix 1**.

Site Description

- 2.2 The Appeal Site occupies an area of former industrial land, which itself, is part of the wider land holding associated with the Brymbo Steelworks, some of which has already been redeveloped. The Appeal Site has been remediated and regraded, formed of two distinct areas separated by a steeply sloping bank.
- 2.3 The uppermost area is known as Ty Cerrig, forming the western part of the Site. Ty Cerrig previously operated as an open coal mine and has been returned to open fields separated by hedgerows with a topography more characteristic of the local area. The bank which separates the areas has been planted with woodland and has an extensive network of footpaths running across it.
- 2.4 The eastern part of the Appeal Site has been regraded into a plateau separated from the west by a steeply sloping bank. This lower plateau has significantly less vegetative cover with a newly created road, Phoenix Drive, running through it north to south.

Site Context

- 2.5 A site context plan is included at **Appendix 3** and shows the wider setting of the Appeal Site. There are existing residential properties to the north, east and south, with the Site sitting centrally in the settlement of Brymbo. To the north is the Brymbo Enterprise Centre which is adjacent to the Heritage Centre. To the east are existing footpaths running adjacent to the site and Kent Road (B5101), and to the west, there is agricultural land as well as a substantial substation and a number of farmsteads.
- 2.6 Phoenix Drive splits the site north to south and forms the main route into Brymbo as well as to Wrexham to the south east. Brymbo Developments Limited ('BDL') financed the spine road between Brymbo and the Taylor Wimpey development themselves at a cost of at least £2.5m. Brymbo Road is located on the southern boundary of Ty Cerrig and links Brymbo with Bwlchgwyn to the west.



Figure 1: Image of the existing site – looking south

Site Background

- 2.7 The Appeal Site comprises the former Brymbo Steelworks, which was operational between 1796 and 1991. After which the works closed and the site, comprising circa 95 hectares of despoiled and contaminated land, was purchased in 1992, with BDL assuming full ownership in 2003.
- 2.8 There is one statutory designated site and 14 non-statutory designated sites within 2km of the Site, the closest being Coedwig Fossil Brymbo Fossil Forest SSSI, designated for geological value rather than nature conservation. Development proposals are located entirely outside of the SSSI, however, there is positive intent to provide for their long-term stewardship, which is being taken forward through working with the Community Trust. The Site has attracted £9m of National Lottery Funding to date.
- 2.9 The project, now circa 21 years in development, has seen BDL provide significant investment in realising large scale remediation (part with WDA Grant Aid, which is circa £7m) and implementation of infrastructure. Residential and commercial planning permissions have been established during this time, however, only a proportion of these developments have been implemented.
- 2.10 The Appeal Site is listed under Policy EC16 of the Wrexham UDP as derelict land that will be reclaimed and restored for beneficial use including housing, employment and amenity. Although housing has come forward employment and amenity are yet to materialise.

- 2.11 Figure 1 is a view of the site circa 2017, with the residential development and spine road constructed. The undeveloped remediated areas where the commercial, employment and school uses have previously been approved have yet to be progressed due to a combination of the economic downturns of 2007/8 and 2012, and the lack of commercial interest.
- 2.12 The east section of the Appeal Site is located within the settlement boundary as identified in map 3 of the emerging Local Development Plan as an employment site. Additionally, there was a planning permission for phase 1 of employment (P/2005/1484) approved on 6th March 2006. However, the site went to market and no demand was identified for this type of development in this location and the consent was not implemented. This evidence has been presented to WCBC through the plan making process.



Figure 2: Image showing the extent of the Steelworks operations in 1983 – looking north

- 2.13 Brymbo Developments Ltd subsequently focused on proposals to bring forward the remainder of the remediated land for development and a number of masterplans have been produced during this time. The commitment to bring forward a small district centre, school and ensuring development is focused on the needs of the community of Brymbo has been at the heart of the scheme from the outset. The current masterplan has been fully informed by understanding the needs of the community combined with the commercial market.

Planning History

2.14 The Appeal Site has had the following planning permissions previously established, although not all permissions have been implemented.

- P/2004/1153: Amendment to Condition no.3 of Planning Permission P/2002/1171 relating to 1.2 hectares to be provided for a new school within the new housing area – Approved 8th November 2004
- P/2005/1484: Light industrial units (Phase 1) – Approved 6th March 2006
- P/2005/1485: Outline application for residential development (northern development area) – Approved 6th March 2006
- P/2005/1486: Outline application for residential development – Refused 6th December 2010
- P/2005/1488: Outline for petrol filling station and retail facility, northern area – Approved 6th March 2006
- P/2005/1489: Commercial development phase 1 northern module – Approved 6th March 2006
- P/2009/0939: Outline application for erection of supermarket and small retail units and associated car parking – Refused 6th December 2010. Appeal dismissed 29th November 2011
- P/2010/0516: Reserved matters for north spine road – Approved 3rd August 2010
- P/2012/0816: Outline application for erection of supermarket and small retail units and associated car parking – Approved 11th July 2014
- P/2017/0105: Outline application for the erection of new primary school – Approved 21st March 2017

3.0 THE APPEAL PROPOSALS

3.1 The Appeal Scheme was submitted to the Council on 4th July 2019 and validated on 24th July 2019.

3.2 The description of development for the Appeal Scheme is as follows:

“Outline planning permission for up to 450 dwellings (Class C3 use), provision of a primary school (2-form entry), small district centre comprising up to 1,395sqm of Class A1 Retail, up to 372sqm of Class A3 Restaurant/Public House, up to 465sqm of Class D1 use, multi-functional green infrastructure, including children’s play areas and informal open space, surface water attenuation, vehicle accesses, car parking, engineering works, public footpaths and hard and soft landscaping, underground services, and all ancillary and enabling works, with all matters reserved except for vehicular access from Brymbo Road”.

3.3 The Appeal Scheme is in outline form and therefore seeks planning permission for the principle of the proposed development, with all matters reserved except access. Matters reserved for future approval are Landscaping, Layout, Scale and Appearance.

Pre-Application Advice

3.4 The Appellant has actively engaged in pre-application discussions with WCBC in advance of the submission of the planning application. Pre-application advice was provided by WCBC on 1st February 2018 (See **Appendix 4**).

3.5 An Environmental Impact Assessment (“EIA”) Screening Request was submitted to WCBC on 4th February 2019 and reflected the requirements of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. WCBC issued a Screening Opinion on 26th March 2019, which confirmed that the proposed development would not need to be the subject of an EIA (see **Appendix 2** for a copy of the Screening Opinion).

3.6 The Appellants then undertook the formal pre-application consultation process on 1st May 2019. This process was as per the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. During the Appellants

process we held another meeting with the Planning Officer on 10th May 2019 to discuss the proposals prior to formal submission.

Public Consultation

- 3.7 The proposals were presented at a public consultation exhibition on 25th September 2018, where local members and the community were invited to discuss the scheme with the technical project team and to provide views that have helped inform evolution of the proposed development. Subsequent to the public consultation exhibition the public were also invited to make further comments through the formal pre-application consultation process.
- 3.8 BDL have also held regular meetings with the local councillors and the Brymbo Community Council and have actively sought feedback and made amendments where appropriate. This is documented in the Pre-Application Consultation Report but has also continued post-submission.

Appeal Scheme

- 3.9 The Appeal Scheme is supported by a masterplan (Core Document **A18**) and land use plans (Core Documents **B6**, **B7** and **B8**) that demonstrate the maximum parameters of the development. The Indicative Masterplan has been fully informed by establishing the needs of the community as well as the commercial market and developing a 'placemaking' led approach that meets those needs.
- 3.10 The Design and Access Statement ('DAS') (Core Document **A4**) provides greater detail and an explanation of the design process and development parameters based on the opportunities and constraints presented by the site and its surroundings. The Design and Access Statement illustrates how the proposal is likely to develop at the detailed stage whilst meeting the parameters set by the Land Use Plan.
- 3.11 The following provides a summary of the proposed development:
- 3.12 The Land Use Plan (drawing number: RG-M-05M) (Core Documents **B6**, **B7** and **B8**) proposes areas for a school, health centre, pub/restaurant, retail and residential. The maximum parameters applied are broken down as follows:
- Residential dwellings (up to 450);
 - A food store (up to 930sqm);

- Retail (up to 465sqm);
- Public House/Restaurant (up to 372sqm);
- Healthcare or other non-residential D1 use (up to 465sqm); and
- 2FE Primary School.

3.13 An illustrative masterplan (drawing number: RG-M-14A) (Core Document **A18**) is provided in support of the Appeal Scheme which demonstrates how the development might be eventually developed out within the maximum parameters.

3.14 Following receipt of consultation responses from the statutory consultees, a Great Crested Newt Framework Strategy, amended land use plans and revised Access Drawing were submitted on 19th March 2020. These amended plans were submitted in response to consultation comments received from Natural Resource Wales (Core Document **C3**) and WCBC's Highways (Core Document **C5**).

Means of Access

3.15 The Transport Assessment by Phil Jones Associates (Core Document **A8**) outlines the strategy for accessing development and includes detail on pedestrian and cycle access, public transport access, vehicular access, parking and access around and through the local centre.

3.16 Sustainable methods of access to and from the site have been at the forefront of the design process. The development infrastructure will accommodate pedestrians and cyclists. The design will ensure good connectivity between and permeability through the various development parcels and minimise conflicts with vehicular traffic. It will be ensured that the infrastructure for non-motorised users links well to the existing network.

3.17 Footway provision, with street lighting, is already in place along Phoenix Drive which links to the existing wider pedestrian network. The existing public rights of way passing adjacent to the Application Site will be maintained and enhanced, where appropriate.

3.18 Due to the local topography, there are level differences between the Ty Cerrig area of the Application Site and the rest of the development. A design/place led stepped access, as well as a ramped access, will provide the most direct access between the two.

3.19 Secure and convenient to use cycle parking will be provided in line with minimum standards contained in Local Planning Policy Guidance Note 16 (WCBC).

- 3.20 Vehicular access to the proposed development will be facilitated by multiple access junctions:
- A new priority-controlled junction formed with Brymbo Road providing access to the Ty Cerrig area of the Site; and
 - Various junctions formed with Phoenix Drive (stubs are already constructed).
- 3.21 The internal road layout and car parking areas are reserved for future approval.
- 3.22 The Appeal Scheme is also accompanied by an Outline Travel Plan (Core Document **A9**) which provides detail on how the proposed development will assist with reducing reliance on the car, promoting the use of alternative means of more sustainable and environmentally friendly travel and reducing emissions.

Open Space

- 3.23 The proposed development includes 14.45 hectares of open space (which is 44.3% of the total site area).
- 3.24 As well as green infrastructure and walking/cycling links providing key routes for sustainable travel, they also provide routes and spaces to encourage active and healthy lifestyles and choices within the community.
- 3.25 There is also opportunity for the open space to be used for social activities.

4.0 PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraph 1.2.1 of Planning Policy Wales 10 ("PPW10"), requires that the determination of the Application must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Local Policy

- 4.2 The Development Plan comprises the Wrexham Unitary Development Plan ('UDP') which was adopted in 2005 and covers the Plan period from 1996 – 2011.
- 4.3 The UDP is, however, largely out-of-date on the basis that it was only ever intended to guide development over a period up to 2011.
- 4.4 Paragraph 1.21 of PPW10 states that "up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making". As the UDP is time expired, reduced weight that can be given to the adopted UDP in decision making.
- 4.5 The following policies within the adopted UDP are considered to be relevant:
- Policy PS1 – Settlement boundaries;
 - Policy PS2 – Development impact;
 - Policy PS3 – Land use;
 - Policy PS4 – Settlement patterns;
 - Policy PS8 – Transport;
 - Policy PS11 – Biodiversity;
 - Policy GDP1 – Development Objectives;
 - Policy EC2 – Agricultural Land;
 - Policy EC4 – Hedgerows, trees and woodland;
 - Policy EC6 – Biodiversity Conservation;
 - Policy EC12 – Development and Flood Risk;
 - Policy EC13 – Surface Water Run-off;
 - Policy EC16 – Derelict Land;
 - Policy H1 – Housing Allocations;
 - Policy H7 – Affordable Housing; and
 - Policy CLF5 – Open space requirements from new developments.

Other Material Considerations

- 4.6 There are a number of material considerations relevant to the Application as set out below.

Emerging Local Development Plan

- 4.7 WCBC is currently preparing a new Local Development Plan ("emerging LDP") to replace the time expired UDP. The document is at a relatively advanced stage and has been submitted for Examination following approval by Members in November 2018. Hearings took place in September and October 2019, with further hearings in February and March 2020.
- 4.8 The further hearing regarding Matter 3 Housing Provision took place in March 2020 and the Appellants hearing statement is at **Appendix 5**. This session covered outstanding concerns including housing requirement, housing supply and delivery, the housing site selection process and specifically the Former Brymbo Steelworks site (the Appeal Site). The Inspectors have concerns regarding the Appeal Site's lack of identification as a candidate site, the lack of assessment of the wider area, the potential for strategic, site-specific policy for the wider site and consistency of the current approach with the strategic objectives. The agenda for the further hearing regarding Matter 3 is at **Appendix 6**. Following the session, there are a number of outstanding actions for WCBC following the hearing including an update to the housing requirement, providing a statement on Welsh Government's position on Junction 4 and to agreeing wording for a regeneration policy for the Former Brymbo Steelworks. The Inspectors have confirmed they do not intend to provide any interim conclusions for Matter 3, for at least for the time being.
- 4.9 As well as outstanding concerns regarding Housing Provision, the Inspectors remain concerned in respect of the Gypsy and Traveller site selection process. As per the Inspectors most recent letter dated 7th May 2020 (see **Appendix 7**), the Inspectors have paused the examination until 31st August 2020 and anticipate that the Inspectors' Report will be submitted to WCBC for Fact Check no later than 31st December 2020.
- 4.10 Subsequently, it is the Appellant's position that the emerging LDP will not be adopted this year and only limited weight can be attributed to the emerging LDP at this time.

Local Planning Guidance

- 4.11 Local Planning Guidance considered to be relevant to the Appeal Scheme includes:

- Landscaping and Development;
- Public Open Spaces on New Housing Developments;
- Parking Standards;
- Trees and Development;
- Designing out crime;
- Developer contributions to schools;
- Affordable housing;
- Design. A guide for developers and architects when designing residential development; and
- The Welsh language and Welsh communities.

Planning Policy Wales 10 ('PPW 10') (2018)

4.12 We will set out the Appeal Scheme's compliance with PPW 10, including the following chapters:

- Chapter 1;
- Chapter 3;
- Chapter 4; and
- Chapter 6.

Technical Advice Notes ('TAN's')

4.13 A number of Technical Advice Notes ("TAN") are of relevance to the Appeal Scheme.

- Technical Advice Note (TAN 2) – planning and Affordable Housing;
- Technical Advice Note (TAN 4) – Retail and Commercial Development;
- Technical Advice Note (TAN 12) – Design;
- Technical Advice Note (TAN 15) – Development and Flood Risk;
- Technical Advice Note (TAN 16) – Sport, Recreation and Open Space;
- Technical Advice Note (TAN 18) – Transport;
- Technical Advice Note 20 (TAN 20) – Planning and the Welsh Language (October 2013) and (January 2016); and
- Technical Advice Note 24 (TAN 24) – The Historic Environment.

Well-being of Future Generations (Wales) Act 2015

4.14 The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies to carry out sustainable development. This is not a new concept however the concept of sustainable development is expanded under the Well-being Act and requires any

improvement in all four aspects of well-being: social, economic, environmental and cultural.

- 4.15 This Act was a catalyst for the latest update to PPW and has heavily informed the principles of PPW10.

5.0 APPELLANTS CASE

- 5.1 Evidence will be provided regarding the principle of development of the Appeal Scheme and in respect of alleged impacts referred to through discussions with Officers and in the relevant consultation responses.

The Principle of Development

- 5.2 PPW10 has been imperative to the evolution of the proposed development. The proposed scheme is based on the concept of placemaking and incorporates key benefits that are considered to improve the economic, social, environmental and cultural well-being of Wales.

Economic

- 5.3 The Appellant will provide evidence in regard to the economic benefits of the Appeal Scheme.
- 5.4 The Appeal Scheme would provide up to 450 new homes, construction jobs and a number of permanent full-time and part-time jobs within the District Centre, which would contribute to long term expenditure in the economy.
- 5.5 The Retail Need and Impact Assessment, produced by Savills (Core Document **A15**), concludes that the Appeal Site would be a suitable location for a small district centre.
- 5.6 It is also clear from discussions at the public consultation event that the community of Brymbo support the provision of a school, a medical centre or other D1 non-residential use, a restaurant/pub and various retail units that are incorporated within the masterplan. The residential development within the small district centre also supports natural surveillance and provides the opportunity of additional footfall activity and movement.
- 5.7 This residential element of the proposal provides up to 450 dwellings, which is a critical mass to support a viable and sustainable small district centre. The Appeal Scheme will also provide a number of economic benefits including job creation both in the construction phase and long term within the small district centre. As well as increased expenditure from the new population and an increase of the number of homes and businesses paying council tax.
- 5.8 The economic benefits of the Appeal Scheme should be given significant weight within the planning balance.

Social

- 5.9 The Appellant will provide evidence regarding the social benefits of the Appeal Scheme.
- 5.10 The Appeal Scheme includes provision of a small district centre and up to 450 dwellings that will provide a new centre and the required connectivity to bring together the existing upper and lower parts of Brymbo. This will provide a range of services and facilities on the doorstep, as well as employment opportunities, that can be accessed through sustainable travel such as cycling and walking.
- 5.11 450 dwellings will be provided as part of the proposals. As outlined above, WCBC are unable to meet their housing requirement, therefore, 450 market and affordable homes will provide necessary housing to local people in both regards at a location that does not require green wedge designated land.
- 5.12 The Appeal Scheme includes 14.45 hectares of open space, which is 44.3% of the site area. This is well above the threshold of 0.4 hectares per 50 dwelling, which would equate to a minimum level of 3.6 hectares. This open space also provides key infrastructure links and there were many suggestions made by the community on how this space could be best utilised. The proposed development is considered to be in complete accordance with CLF5 of the UDP.
- 5.13 As well as green infrastructure and walking/cycling links providing key routes for sustainable travel, they also provide routes and spaces to encourage active and healthy lifestyles and choices within the community. There is also opportunity for the open space to be used for social activities.
- 5.14 The Appeal Scheme completes the existing gap between 'upper and lower' Brymbo which is only currently linked by Phoenix Drive. It is visually apparent that this is not only a gap but is an oven ready regraded and remediated site with existing infrastructure that is ready to accommodate development. This will improve the cohesivity of the settlement and provide a main point of interest and sense of place that will encourage the community to come together.
- 5.15 The social benefits of the Appeal Scheme should be given significant weight within the planning balance.

Environmental

- 5.16 The Appellant will provide evidence regarding the environmental benefits of the Appeal Scheme.

Heritage

- 5.17 There are a number of designated and non-designated including the scheduled Offa's Dyke, the Fossil Forest SSSI, Brymbo Ironworks and listed Agent's House. The Heritage Statement (Core Document **A13**) demonstrates that any harm would be of a low level and that the statutory tests set out in the 1990 Act have been met.
- 5.18 The assessment concludes that the proposals are considered to result in a low level of harm to the significance of the scheduled Offa's Dyke, Brymbo Ironworks and listed Agent's House, by impacting on their respective settings. The potential scale of impact has been significantly mitigated through design features that can be secured by condition and at the reserved matters stage. This report has demonstrated that any harm would be of a low level and that the statutory tests set out in the 1990 Act have been met. The proposals are therefore considered to be in accordance with TAN 24 and PPW10.
- 5.19 The Applicant also has an ongoing relationship with the local councillors and Brymbo Community Council and are fully supportive of their work and ambitions regarding funding and future projects.

Landscape

- 5.20 A Landscape and Visual Impact Assessment ("LVIA") (Core Document **A12**), concludes that the proposed development would introduce a new, residential led, mixed-use neighbourhood on an area of post-industrial land, part restored and part derelict. It would tie together existing detached communities and provide positive enhancements to adjacent cultural heritage features, creating a strong sense of place for a landscape scarred by the closure of industrial activities, and it would reinforce local character through sensitive design based on a thorough understanding of context.
- 5.21 At Ty Cerrig, the Appeal Scheme has potential to lead to the loss of some characteristic landscape features including open fields and limited existing vegetation, however these impacts would be perceived in the context of a landscape strongly influenced by built form including electricity transmission infrastructure and housing on adjacent elevated landform in Mount Zion. Furthermore, the adverse impact on receptors is reduced by the extensive

and considered use of strategic open space and structural planting, the distribution and height of proposed built form, the extensive planting of new canopy trees, including native species, and the enhanced management of existing and proposed landscape features as set out in the Landscape and Biodiversity Management Strategy.

- 5.22 It is therefore concluded that the proposed development can be accommodated within the Application Site without undue adverse effects on landscape character and visual amenity as per the requirements of Policy PS2 of the UDP.

Flood Risk

- 5.23 A Flood Consequences Assessment (Core Document **A10**) states that the majority of the Application Site is located within Zone A, with a small section of the eastern area is shown to be located within Zone B.
- 5.24 In Figure 2 of TAN15, residential developments and public buildings are categorised as 'Highly vulnerable' developments. Commercial and retail developments are categorised as 'Less vulnerable' developments. As the proposed development will be located within Zone A and Zone B, the Justification Test, which aims to direct new developments away from land within Zone C, is considered to be passed.
- 5.25 Surface water flood risk mapping shows that the majority of the site is at a Very Low risk of surface water flooding. The mapping shows, based on topography, that there is a potential pathway in the northern part of the site for surface water flows crossing the site in an eastwards direction from higher ground to the west of the site. If flows entering the site via this pathway are not impeded or diverted, the risk of flooding is considered to be Low. Overall, it is considered that the site is suitable for the type of development proposed.
- 5.26 The proposed development is therefore considered to be in accordance with Policies EC12 and EC13 of the UDP.

Green Wedge

- 5.27 Ty Cerrig is located outside of the settlement boundary. Brymbo is well detached from other settlements to the west. However, there is a green wedge allocation to the east to prevent coalescence between Brymbo and Broughton. As the plan making process is ongoing and green wedge allocations have been recently reviewed it is considered a purposeful decision by WCBC, to have not allocated the land to the western boundary of Brymbo as green wedge. This is likely to be due to the existing gap between Brymbo and

settlements to the west (Coedpoeth and Bwlchgwyn) and that growth in this direction would not cause coalescence. In addition, the development of Ty Cerrig is a further reclaim of previous industrial land which otherwise would be unnecessarily displaced in the green wedge or sites with no basic infrastructure.

Trees

- 5.28 There are no veteran trees on and immediately adjacent to the Site. Trees to be removed include one individual tree (T17) and one partial group (G19) which are graded as 'B' class trees, with all other trees to be removed graded as 'C' quality. The retained trees and hedgerows on and immediately adjacent to the Site will be protected with tree protection fencing. The proposed development is therefore considered to accord with Policy EC4 of the UDP.

Agricultural Land Classification

- 5.29 The lower area of the site is previously developed land which has been remediated to a level suitable for residential use. Ty-Cerrig consists of predominantly grade 3a classified land as well as some smaller areas of grade 4 classified land.
- 5.30 PPW10 defines agricultural land of grades 1, 2 and 3a as the best and most versatile land and states that this should be conserved as a finite resource for the future. Paragraph 3.55 goes on to say that "if land in grades 1, 2 and 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". This land is grade 3a classified land and therefore the loss is less harmful than grades 1 and 2. It should be noted that although Policy EC2 of the UDP limits development on agricultural land of grades 1, 2 and 3a, the UDP also refers to the Appeal Site as 'Derelict Land' within Policy EC16 of the UDP which is to be remediated and restored for amenity, employment and housing. As discussed in paragraph 2.5, Ty Cerrig was previously used as an open cast mine and therefore has an industrial past, and the development of this Site should therefore be prioritised over those that have not been previously worked.

Ecology

- 5.31 The Preliminary Ecological Appraisal ("PEA") (Core Document **A14**) outlines that there is one statutory designated site and 14 non-statutory designated sites within 2km of the Site, the closest being Coedwig Fossil Brymbo Fossil Forest SSSI, designated for geological value rather than nature conservation. Development proposals are located entirely outside of

the SSSI and will not impact upon the geological features for which the SSSI is designated. The other non-statutory designated sites are considered too distant and/or lacking ecological connectivity for proposals on the Site to impact upon them.

- 5.32 A comprehensive badger survey was undertaken by Wardell Armstrong in March 2019 and is submitted as part of the outline planning application. This survey concluded that there was no badger activity within the Application Site. However, it is recommended that a pre-construction check for badgers is carried out prior to commencement of the development. Additionally, in order to ensure that transient badgers utilising the Site for commuting are not impacted by Site works precautionary measures will be undertaken.
- 5.33 A Breeding Bird Survey was submitted in November 2019 and recorded the presence of 47 species within the survey area, of which there were 17 species of conservation concern. In accordance with the criteria provided by Fuller (1980); the Site is considered to support a breeding bird assemblage important at a Local scale, based upon the total number (i.e. 47) of species recorded. Therefore, the Site is considered of Local value for breeding birds, and breeding birds should be accounted for accordingly within the masterplan and development scheme for the Site, particularly those associated with the arable ley fields, bare ground with short ephemeral/perennial vegetation, woodland and hedgerows. Mitigation and enhancement measures for breeding birds are recommended in the Breeding Bird Survey. These mitigation measures would provide and retain breeding opportunities for species specified in Section 7 of the Breeding Bird Survey and Birds of Conservation Concern post development and maintain the local value of the area for breeding birds.
- 5.34 A Bat Survey was submitted in November 2019 and concluded that "with the retention of the majority of linear habitat features currently present on the Site, and the provision of mitigation measures in the form of native planting, sensitive lighting and new areas of public open space, it is considered that the development will not deleteriously affect the conservation status of local bat populations. Indeed, with the replacement of intensively managed grassland with residential development incorporating gardens, large areas of semi-natural open space and landscaping, it is considered that the proposed development would provide enhanced habitat for local bat populations.
- 5.35 A Great Crested Newt ("GCN") Framework Strategy was submitted in March 2020 and provides the basis going forward to allow more detailed decisions and plans to be made and agreed to ensure GCN remain at a favourable conservation status, alongside current and future development proposals for the Former Brymbo Steelworks area.
- 5.36 The environmental benefits of the Appeal Scheme should be given significant weight within the planning balance.

Cultural

Welsh Language

- 5.37 The Appeal Site is not located within a Welsh Language sensitive ward, as defined in the Council's Guidance Note or within the emerging LDP Policy WL1. Nevertheless, the principles of Welsh Language have been used in terms of informed 'best practice'. This has demonstrated that there is an opportunity for the development to have an overall positive impact on the community characteristics of existing Welsh speakers overall. The proposals are sustainably located, provide a small district centre as well as a range and choice of housing to meet a diversity of local needs and achieve age structure balance, and incorporate a proportion of affordable housing.
- 5.38 There are a number of mitigation measures to be incorporated including bi-lingual street names and signage, local advertisement/marketing of the properties, preparation and submission of a Construction Method Statement and detailed lighting design to be provided at appropriate point to contribute towards community safety. The Welsh Language and Impact Statement (Core Document **A16**) provides further detail in this regard.
- 5.39 The acceptable and appropriate use of the Appeal Site should be given significant weight within the planning balance.

Contribution to Housing Supply

- 5.40 The Appellant will provide evidence regarding WCBC's current housing supply position as well as the future supply required to meet the housing requirement outlined in the emerging LDF.
- 5.41 The development of the Appeal Site will not only strengthen the role of Brymbo as a sustainable settlement but also contribute to the housing requirement in Wrexham county Borough Council ("WCBC"). WCBC also have a time expired plan that is not up-to-date as per the requirement of PPW10 (it was only ever intended to guide development over a period up to 2011).
- 5.42 Going forward, the emerging Wrexham Development Plan outlines that 2,145 of the 8,525 new homes to be provided within the period 2013-2028 will be achieved through small and large windfall sites. We will provide evidence on the appropriateness of the level of windfall relied on to meet the housing requirement. We will also provide evidence on the significance of up to 450 homes being secured as part of the supply.

- 5.43 The proposals would provide a maximum of an additional 450 homes to the housing supply, on a part brownfield site, and this should be given significant weight within the planning balance.

Affordable Housing

- 5.44 The Appeal Scheme will provide a policy compliant level of affordable housing and will help to increase the range, type and tenure of dwellings available within the locality and to contribute to the creation of a mixed and balanced community.
- 5.45 The policy compliant provision of affordable housing should be given significant weight in the planning balance.

Highways

- 5.46 Welsh Government provided their response on 21st October 2019 (Core Document **C6**). The response states that the additional traffic flow from the proposed development would adversely affect the safe operation of the A483 Junction 4 and that no proposals have been submitted to address this issue. It goes on to outline that there are Welsh Government proposals actively being developed in co-operation with WCBC to improve the capacity of the A483 junctions 3 to 6 and that it will be necessary for BDL to enter into preliminary discussion with both Welsh Government and WCBC in determining the impact of the proposed development. It should be noted that BDL had been attempting to contact and meet with Welsh Government since January 2019.
- 5.47 Following receipt of the Welsh Government response a meeting was held on 20th November 2019. This meeting was attended by James Cannon (BDL), Chris Stack (PBA), Jodi Stokes (Barton Willmore), Matthew Phillips (WCBC Policy Officer), Jason Ingram (Welsh Government) and David Robinson (Welsh Government). During the meeting, Welsh Government and WCBC outlined they were expecting to be able to share the ongoing modelling work by December 2019. This modelling work is not yet publicly available and has not yet been provided to the EiP Inspectors.
- 5.48 We will provide evidence that will set out that the Appeal Scheme would not adversely affect the safe operation of the junction. The Appeal Scheme also incorporates a mix of uses and is therefore able to self-contain trips. Analysis of predicted queues demonstrates that queues on the slip roads are not anticipated to extend back to the mainline and can be contained wholly within the extent of the existing slip roads, in fact additional queues on the slip roads are minimal with most traffic routing into and out of Wrexham on the

A525. Whilst queues are predicted to extend on the A525 approaches, this will not impact on the safe operation of Junction 4 or impede the flow of traffic on the A483.

- 5.49 It is important to note that during the March hearing sessions for the LDP examination, both BDL and Redrow Homes made representations and provided evidence to support their conclusions regarding the safe operation of junction 4 of the A483. To date, no evidence has been provided by Welsh Government to support their representations and BDL have made representations to the Inspectors on the impact this evidence might have on the soundness of the LDP.

Drainage

- 5.50 We received a response from Wrexham's Flood Management Officer on 15th August 2019 (Core Document **C7**). This requires that prior to determination it must be clearly demonstrated that a SuDs scheme (compliant with Welsh standard) can be delivered. The Officer is of the view that the submitted Flood Consequences Assessment and Drainage Strategy does not fully consider the now Statutory SUDs Standards and underpinning design principles and is unlikely to achieve support or approval by the SuDs approval body.
- 5.51 Since this comment has been received there have been discussions between John Thompson (BDL), John Gibson (Wardell Armstrong) and Neil Taunt (Wrexham Flood Management Officer). A site visit and meeting took place on 24th October 2019. Following the site visit a more detailed topography survey was instructed to demonstrate the actual flood route. A topography survey was submitted to Neil Taunt on 24th February 2020, however agreement on the matter is yet to be agreed.
- 5.52 We will provide evidence to demonstrate that a SuDs scheme (compliant with the Welsh standard) can be delivered.
- 5.53 In conclusion, we will set out that the sustainability credentials and benefits of the Appeal Scheme, and that the Appeal Scheme should be allowed.

6.0 THIRD PARTY COMMENTS

- 6.1 WCBC unfortunately do not provide electronic copies of comments made by residents. We reviewed the hard copies of neighbour comments in October 2019. There is a single objection to the proposed development which relates to the provision on any further housing in advance of the local centre proposals. This is therefore not an objection to the principle of the scheme.
- 6.2 Where third party comments are provided in relation to the Appeal, we will provide responses to these comments as part of our Proof of Evidence.

7.0 SECTION 106 AGREEMENT AND PLANNING CONDITIONS

- 7.1 It is the Appellants intention to agree a draft Section 106 Agreement and draft list of planning conditions in advance of the Inquiry.

8.0 CONCLUSION

- 8.1 The Appeal Site comprises circa 95 hectares of brownfield land and land that has previously been worked as part of the Former Brymbo Steelworks. Whilst the plateau area of the site is clearly brownfield, Ty Cerrig was previously used as an open cast mine and therefore has an industrial past. The development of this Site should therefore be prioritised over those that have not been previously worked, especially when the emerging LDP is seeking allocations in previous green wedge locations.
- 8.2 The Appeal Site is clearly a logical location for development with existing development to the north and the south, and the existing Phoenix Drive. BDL have engaged with local community groups and members who want to see the future regeneration of the Former Steelworks Site as long as it delivers much-needed amenities and infrastructure for the local community. The Appeal Scheme does exactly that with the provision of the small district centre, a 2FE primary school, affordable housing and 14.45 hectares of public open space as well as market housing.
- 8.3 The Appeal Site simply must be developed in order to meet the needs and aspirations of the local people. If the fallback position is to not grant permission for the Appeal Site, and do nothing, this will be harmful to the local community who may then be left with an unsightly scarred landscape and without the amenities and facilities they have long awaited.

Appendix 1
Site Boundary Plan

bartonwillmore.co.uk



Appendix 2

Screening Option

STAGE 2 – DETAILED EIA SCREENING ASSESSMENT

5		Detailed Screening Questions	
Questions to be considered		Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects <u>likely</u> to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
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 eastern part of the site is vacant and the western part of the site comprises an agricultural field. The development would change the use of the overall site to urban development. However the proposed use is located within Settlement Limit and considered would be commensurate to the existing and surrounding uses and resultant effects are unlikely to 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?		Although major development approved elsewhere, these are not considered to be in such close proximity to the site to result in cumulative impacts on the environment, sufficient to warrant EIA. A proposal for up to 70 no. residential units granted under P/2012/0817 south of the site, is still extant. However this application was granted in the context of 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 <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	proposed spine road which has also been subsequently granted as well as other development either side of the spine road. The application for 70 no. units is considered to be limited in the context of the proposal and would not result in such cumulative impacts with the proposed development to warrant EIA. In any event, submission of a CEMP would outline mitigation measures during the construction phase of development, helping to minimise any adverse environmental impacts which may arise, if both development proposals were carried out at the same time.	
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, materials or energy, especially any resources which are non-renewable or in short supply?	Materials used in the construction phase of development – metal, wood, water, energy. Water used during operational phase of development. Change of use of some agricultural land to mixed urban uses as well as re-development of brownfield land.	Significant effect unlikely.
Question 1(d) Production of Waste		
Will the Project produce solid wastes during construction or operation or	Yes. Some solid waste may arise as	Significant effect unlikely.

5	Detailed Screening Questions		
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.	
decommissioning?	a result of construction phase of development. Best practice in minimisation, disposal and recycling would be expected.		
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?		Yes. Air Quality Assessment and Noise Assessment reports would both be required to be submitted to accompany any formal application. No significant environmental impacts in terms of ecology. Ecology Officer has been consulted and does not consider that the proposal would require EIA.	Significant effects unlikely.
Will the Project cause noise and vibration or release of light, heat energy or electromagnetic radiation?		Yes. Some noise impacts likely, however conditions could be secured on any grant of planning permission to mitigate against any noise impacts. Some noise and vibration may arise during construction phase of development/erection of proposal however these are considered would be localised and time limited. The resultant nature of the proposal would be commensurate to the existing, surrounding uses.	Significant effects unlikely.

5		Detailed Screening Questions	
Questions to be considered	Yes/No/Unknown – provide description	For ‘Yes/Unknown’, are effects likely to be significant?	State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
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. Air Quality Assessment should be submitted to accompany any formal planning application. Public Protection would be consulted as part of any application. Contaminated Land Team do not consider that the proposal warrants EIA. Ground conditions reports already undertaken states no significant off-site pollution risks associated with residual matters and replacement engineered fill. Minor levels of ground gas found in some locations, however suitable gas protection measures to be provided in the design of the development. Updated contaminated land reports should also be submitted to accompany any planning application. Submission of CEMP would outline mitigation measures for dust.	Significant effects 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 major accidents and/or disasters during construction or operation of the development?	No	N/A	
Question 1(g) Risks to Human Health (for example due to water contamination or air pollution)			
Will there be any risk to human health during the construction and/or operation of the development	Yes. Risk of accident associated with construction works, but best	Significant effect unlikely.	

5	Detailed Screening Questions		
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be <u>significant</u> ?	State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
		practice on site can reasonably be expected and construction of development should be carried out in accordance with relevant health and safety legislation. Level of risk is not considered to be significant.	
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?		Yes. The proposal would increase the local population in the area however the residential development is not aimed towards a specific demograph therefore not resulting in a substantial overall change to the demography. Employment opportunities would arise during construction phase of development. Increase in provision of services and facilities within walking distance for existing properties in the locality, as a result of proposed retail, commercial and new school uses.	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?		Yes. Offa's Dyke runs to the west and south of the site, however it already runs in close proximity to the existing Brymbo Sub-Station. The development would not affect this part of the path. The Council's	Significant effect unlikely.

5	Detailed Screening Questions		
Questions to be considered		Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
		Conservation Officer has been consulted and does not consider that EIA is required based on any impacts to Offa's Dyke. PROW 38 is located adjacent to the site's northern boundary. The PROW would continue to be operational during the construction phase of development. The developer is expected would have dialogue with the Council's PROW team should any unexpected disruption or closure occur during the construction phase of development.	
Are there any transport routes which are susceptible to congestion or which cause environmental problems, which could be affected by the project?		Yes. Increased traffic generation may have an impact in Brymbo village and more particularly at the Heritage Way junction with A525 Ruthin Road and at Junction 4 of the A483. Although the LDP has not yet been adopted, the designated Key Strategic Site 1 would be reliant on improvements made to these junctions. A Transport Assessment would be required as part of any formal planning application. 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 <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	Highway Authority have been consulted and advise that whilst the proposal would be of huge local significance, an EIA would not be required given the proposal would not likely be of national significance. Any increase in HGV movements and associated construction traffic during the construction phase of development could be managed as part of a Construction Traffic Management Plan.	
Is the project located in a previously undeveloped area where there will be loss of greenfield land?	The eastern part of the site comprises brownfield land where major earthworks have already been undertaken and completed. The western part of the site is currently in agricultural use, following site restoration. Materials were returned to the western part of the site. The western part of the site, given its current agricultural use class and restoration to a field would therefore result in a loss of greenfield land. Consultation responses from consultees indicate that the loss of this greenfield parcel of land would	Significant effects unlikely.

5	Questions to be considered	Detailed Screening Questions		For 'Yes/Unknown', are effects likely to be significant?
		Yes/No/Unknown – provide description		State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
		not give rise to any issues of national significance requiring EIA.		
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. Local schools in the locality as well as facilities and services in Brymbo itself. The submission of a Construction Environmental Management Plan and Construction Traffic Management Plan would help to limit any nuisance and disturbance to facilities within the immediate locality during the construction phase of development. Any disturbance to neighbouring land uses would be of a localised and temporary nature only.	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 scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, which could be affected by the project?	Yes. Eastern part of site in agricultural use. However the size of the site is considered to be generally limited overall and would not result in a significant loss of agricultural land.	Significant effect unlikely.		
		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?	No. The Council's Ecologist has been consulted and does not consider that the proposal would result in such effects to be of national significance sufficient to	Significant effect unlikely.		

5	Detailed Screening Questions		
Questions to be considered		Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
		warrant EIA.	
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?		Yes. Special Landscape Area and Dee Valley AONB within approximately 2.5km of the site. A Landscape Visual Impact Assessment would be required as part of any formal planning application. Major earthworks have already been undertaken on the eastern part of the site and the western part, whilst laid to grass and in agricultural use, is directly adjacent to the Brymbo Steelworks site. The site is not isolated insofar as development lies either side of the site and when viewed from vantage points, would be viewed in the context of existing built development. Mitigation can be provided as set out in the preliminary LVIA to screen views from the west and retain any visually sensitive areas as POS. Heights of buildings at highest land levels can also be controlled.	Significant effect unlikely.

5	Detailed Screening Questions		
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be <u>significant</u> ? State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.	
Is the project in a location where it is likely to be highly visible to many people?		Yes but the site would be read in context with the existing built development surrounding the site. Any visual impacts would be localised only and not of a significant national scale.	Significant effects 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 is surrounded by built development where there is residential development as well as other various uses, services and facilities in close proximity to the site. However these are commensurate to the proposed use and the proposal is not considered would alter the character of the existing site and Brymbo Settlement Limit as a whole. Any effects would be localised.	Significant effects unlikely.
Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project?		Yes – Offa's Dyke which is a Scheduled Ancient Monument runs along the western and southern boundaries of the site. The Council's Conservation Officer does not consider that the proposal would impact on this monument so significantly as to be of national significance warranting EIA. A Heritage Statement should be submitted to accompany any full	Significant effects unlikely.

5	Detailed Screening Questions		
Questions to be considered	Yes/No/Unknown – provide description	For 'Yes/Unknown', are effects likely to be <u>significant</u> ?	State any features of the development or measures to be used to avoid or prevent what might otherwise have been significant adverse effects.
	planning application. A LVIA should also be submitted to demonstrate impacts of the proposal on the AONB. However as previously stated, the proposal would be read in context with the existing built development and form and would not be seen as an isolated development in this respect.		
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?	Yes. Engineering of the eastern part of the site has already been undertaken and development platforms created. Materials returned to western part of the site. Ground Conditions Reports completed to date identify low level of residual contamination on eastern part of site. Contaminated land reports would be required as part of any formal planning application. Contaminated Land Team do not consider that EIA is required.	No	Significant effects unlikely.
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	N/A
Has there already been a failure to meet environmental quality standards that is relevant to the project?		No	N/A

Statement of reasons – insert into Screening Direction

6		Outcome of assessment	
(ii)	If a SO/SD has been provided do you agree with it?		Yes
(iii)	Is EIA required?		No
Outcome		Action	
Schedule 2 development – threshold exceeded/ criterion met or Sensitive Area but not likely to have significant effects on the environment		Issue direction stating EIA Not Required (Letter 1)	✓
Schedule 2 development – threshold exceeded/ criterion met or Sensitive Area and likely to have significant effects		Issue direction stating EIA Required (Letter 2)	
Project does not fall within the EIA Regulations as either: (a) it is listed within the descriptions of development Column 1 of Schedule 2 of the EIA Regulations but does not meet relevant threshold/criterion; or (b) it does not fall within the categories of development in Column 1 of Schedule 2 of the EIA Regulations.		EIA Not Required - Issue direction stating either: (A) project listed within descriptions of development in Column 1 of Schedule 2 of the EIA Regs but does not meet relevant threshold/criterion; or (B) project does not fall within the categories of development in Column 1 of Schedule 2 of the EIA Regs (Letter 3)	
Schedule 2 development but effects not clear at this stage – file to be reviewed at a later stage		No action – review when appropriate i.e. on receipt of new information/case progress	
Schedule 2 development – appeal is at an advanced stage – referred for Direction; likely to have significant effects		Issue direction stating EIA Required (Letter 4)	
Development relates to a called in application.		Regardless of conclusions reached, forward completed screening checklist with recommended action identified above to the Welsh Government for consideration	
Name and Job Title of Assessor		Mared Rees-Jones – Area Planning Officer	
Date of Assessment		12/03/2019	

Appendix 3
Site Context Plan

Appendix 4
Pre-application Advice

MR ANTONY HARDING
BARTON WILMORE

By Email:
Antony.Harding@bartonwillmore.co.uk

Your Ref/Eich Cyf
Our Ref/Ein Cyf
Date/Dyddiad
Ask for/Gofynner am
Direct Dial/Rhif Union
E-mail/E-bost

ENQ/2018 /0002
01/02/2018
Matthew Phillips
01978 298780
matthew.phillips@wrexham.gov.uk

Dear Sir,

Town and Country Planning Act 1990

RESIDENTIAL - LED, MIXED DEVELOPMENT
LAND OFF BLAST ROAD, BRYMBO, WREXHAM.

I refer to your enquiry in respect of the above.

National Policy:

Planning Policy Wales

Technical Advice Note 1: Joint Housing Land Availability Studies

Technical Advice Note 2: Planning and Affordable Housing

Technical Advice Note 4: Retail and Commercial Development

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

Development Plan policies:

Wrexham Unitary Development Plan policies:

Strategic policies

PS1

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.*

*We welcome correspondence in Welsh.
We will respond to any correspondence in Welsh and this will not lead to any delay.*

PS2

PS3

PS4

Specific Policies

GDP1: Development Objectives

GDP2: Capacity of Infrastructure and Community Facilities

EC4: Hedgerows, Trees and Woodland

EC6: Biodiversity Conservation

EC11: Archaeology

EC16: Derelict Land

H2: Residential Development (of Unannocated Land) within settlements

H5: Housing in the Countryside

H7: Affordable Housing

CLF5: Open Space Requirements form new Residential Developments

S4: Large-Scale Retail Development

S6: Local Need Shopping

S7: Retail Sales in the Countryside

Local Planning Guidance Notes:

LPGN10 Public Open Space on New Housing Developments

LPGN16 Parking

LPGN17 Trees and Development

LPGN21 Space around Dwellings

LPGN27 Developer Contribution to Schools

LPGN28 Affordable Housing

LPG30 Design

Relevant Planning History

Rydym yn croesawu gohebiaeth yn Gymraeg.

Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.

We welcome correspondence in Welsh.

We will respond to any correspondence in Welsh and this will not lead to any delay.

I understand that you already possess a detailed schedule of relevant site history and as such I do not consider it necessary to repeat it as part of this response.

Validation information (outline applications assumed):

Application form

Site location plan

Block plan

Development parameters details:

- Where layout is a reserved matter, the approximate location of buildings, routes and open spaces should be provided;
- Where scale is a reserved matter, the upper and lower limit for the height, width and length of each building must be specified;
- Where access is a reserved matter, the access points to the development should be identified

Ecology Assessments and mitigation details

Coal Mining Risk Assessment

Arboricultural Impact Assessment

Pre-application consultation report.

Developer Contribution Requirements:

- Contribution to schools
- Affordable Housing
- Public Open Space.

Other Relevant Considerations:

Supporting Documents

Whilst a not validation requirements the following should also be submitted:

- Transport Assessment.
- A Landscape and Visual Impact Assessment in respect of the land at Ty Cerrig
- Retail need and impact assessment
- Drainage strategy for the site

Environmental Impact Assessment

The development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 as being a development that exceeds one or more of the following thresholds set out in Column 1 paragraph 10 of Schedule 2:

- (i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
- (ii) the development includes more than 150 dwellinghouses; or

Rydym yn croesawu gohebiaeth yn Gymraeg.

Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.

We welcome correspondence in Welsh.

We will respond to any correspondence in Welsh and this will not lead to any delay.

- (iii) the overall area of the development exceeds 5 hectares.

It will therefore be necessary for the proposals to be screened to determine if Environmental Impact Assessment is required.

The following information must accompany a request for a Screening Opinion:

- (a) a plan sufficient to identify the land;
- (b) a description of the development, including in particular—
 - i. a description of the physical characteristics of the development and, where relevant, of demolition works;
 - ii. a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
- (c) a description of the aspects of the environment likely to be significantly affected by the development;
- (d) a description of any likely significant effects, to the extent of the information available on those effects, of the proposed development on the environment resulting from—
 - i. the expected residues and emissions and the production of waste, where relevant; and
 - ii. the use of natural resources, in particular soil, land, water and biodiversity; and
- (e) such other information or representations as the person making the request may wish to provide or make including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

If a formal planning application is submitted without a Screening Opinion having previously been adopted by the Council, the above information would need to be submitted to allow a Screening Opinion to be adopted at that stage.

Pre-application consultation and Publicity

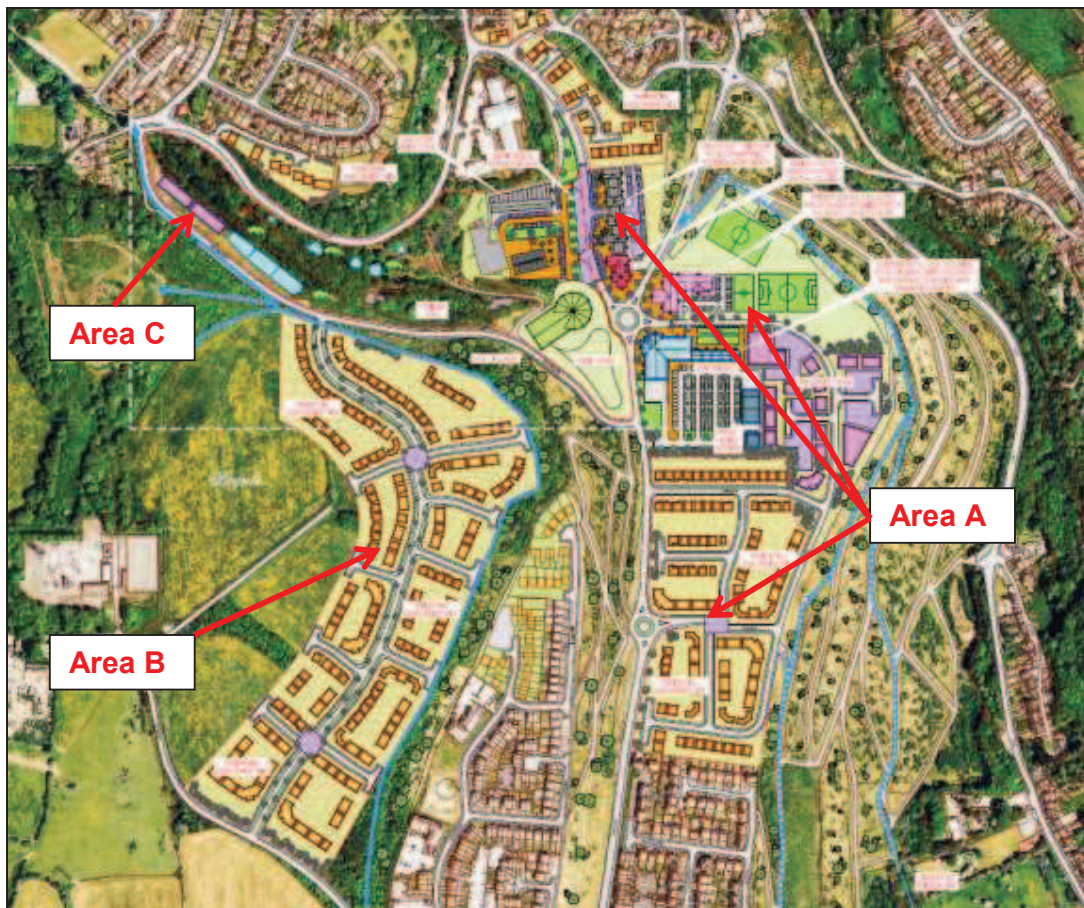
The proposals constitute major development, therefore the applicant will need to carry out statutory pre-application publicity and consultation in accordance with Part 1A of the Town and Country Planning (Development Management Procedure) (Wales) Order (as amended in 2016).

Views of officer:

This response deals with the following sites, as identified on the plan below. I have not commented on other sites as these already benefit from planning permission and the land north of Blast Road is subject to a current planning application, reference: P/2016/0871.

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.*

*We welcome correspondence in Welsh.
We will respond to any correspondence in Welsh and this will not lead to any delay.*



Area A

This land lies within the settlement limit of Brymbo and is previously development therefore developing it is acceptable in principle. The submitted masterplan identifies a mix of residential, retail and employment. It also includes provision for a primary school and medical centre. This is considered to be broadly in accordance with policy EC16 of the UDP.

The principle of a retail unit, albeit on a different part of the site, has previously been established via planning permission P/2012/0816, granted on 11 July 2014. Nevertheless a planning application would need to be accompanied by a retail need and impact assessment for retail units exceeding 300 sq.m in floor area. Compliance with the sequential test for site selection set out in Technical Advice Note 4 would also need to be demonstrated.

Areas of residential development will need to comply with policies H7 in respect of affordable housing provision and CLF5 in respect of public open space provision. I would also want to ensure that a high standard of layout and design is achieved.

Area B

This lies outside of the settlement limit from Brymbo and therefore residential development would conflict with policies PS1 and H5 of the Wrexham Unitary Development Plan, however for the reasons set out below the weight that can now be afforded to PS1 is limited.

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.*

*We welcome correspondence in Welsh.
We will respond to any correspondence in Welsh and this will not lead to any delay.*

Because the UDP plan period has now expired Wrexham is unable to demonstrate whether it has a 5 year housing land supply or not, therefore in accordance with Technical Advice Note 1 the need to increase supply is afforded given considerable weight in this instance.

The emerging LDP will make provision for approximately 8525 homes (which includes a 10% contingency allowance) for the 2013-2028 period. Taking into account existing supply of homes (around 2,027), an allowance for windfall developments (approximately 2,145) and completions between 2013-2017 (980) this equates to a requirement for additional land to be brought forward for approximately 3,373 new houses. The acknowledged housing requirements of the County Borough is therefore also relevant and important material consideration.

Notwithstanding the above, there are extensive areas of previously developed land located within the settlement limit in Brymbo, including Area B referred to above as well as other land owned by your clients that benefit from planning permission for residential development – all identified on the plans submitted. Furthermore the development of Area B would represent a significant and unnecessary incursion of urban development into the countryside surrounding Brymbo. On the basis of the information currently before me, it is therefore unlikely that a formal planning application to develop this part of the site could be supported.

Area C

This land lies outside of the settlement limit and therefore employment development would not accord with policy E4. I would not be prepared to support the development of additional land for employment uses whilst there is land within the settlement at Brymbo potentially available for those purposes.

Ecology

The development of Areas B and C has the potential to adversely impact upon Great Crested Newt (GCN) populations in the area, particularly as both are close to an existing GCN mitigation area. Area B is particularly important in respect of connectivity between Great Crested Newt populations in the area as well as bat populations.

Survey work would be needed to determine whether there would be a significant impact upon protected species and I would strongly suggest that a comprehensive mitigating plan for the all of the areas subject to this enquiry is prepared, rather than a piecemeal approach being taken via individual planning applications.

Highways

There would be significant concerns about the potential impact of additional traffic generated by the development upon the A483/A525 junction and the A525/Brymbo Link Road junctions. These would need to be assessed via a Transport Assessment. The assessment should also take account of the possibility of traffic diverting through New Broughton and Caego when problems occur at the A525 junctions. Highways have advised that the traffic impact of tourism development arising from the Heritage Area would need to be factored into the TA.

The new link north-westerly link road from the existing spine road to Blast Road could potentially be quite steep. Highways have advised that the gradient should not exceed 1 in 15. It should also be designed to discourage high traffic speeds. The comments made above in respect of ecology are also applicable to the proposed road.

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.*

*We welcome correspondence in Welsh.
We will respond to any correspondence in Welsh and this will not lead to any delay.*

Conclusion

On the basis of the information submitted, the development of Area A would be broadly acceptable in principle, however further work is required prior to the submission of any formal application(s) to assess the impacts of the development particularly in terms of traffic generation and from a retail perspective.

I have significant concerns about the development of Areas B and C and based on the information currently before, would not be prepared to support formal planning for the proposals presented.

I trust the above is of assistance, however my comments are made without prejudice to any formal decision of the Council.

Yours faithfully,



Pennaeth yr Amgylchedd a Chynllunio/Head of Environment and Planning

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Byddwn yn ymateb i unrhyw ohebiaeth yn Gymraeg ac ni fydd hyn yn arwain at unrhyw oedi.*

*We welcome correspondence in Welsh.
We will respond to any correspondence in Welsh and this will not lead to any delay.*

Appendix 5
Matter 3 Appellant's Hearing Statement

WREXHAM COUNTY BOROUGH COUNCIL

WREXHAM LOCAL DEVELOPMENT PLAN 2013 – 2028 EXAMINATION

RESPONSE ON BEHALF OF BRYMBO DEVELOPMENTS LTD

CONSULTEE ID: 1170198

MATTER 3 – HOUSING PROVISION

1. This submission should be read alongside our previous submissions to Matter 3 dated 20th August 2019 and 26th September 2019.

Housing Requirement

2. The Inspectors have raised concerns with WCBC's reasoning for reducing the house requirement between the Preferred Strategy and Deposit Plan stages. WCBC outlined that, inter alia, reducing the housing requirement was that the level of growth identified was considered to place too much strain on infrastructure such as highways, education, schools, council services and health providers. This is not relevant to the assessment of need. BDL recognise the requirement and social obligation for developers to make provision for infrastructure and this is seen as through the services and facilities offered as part of the current planning application (WCBC reference: P/2019/0546) at the Former Brymbo Steelworks, as well as BDL's historic investment in Brymbo and the delivery of the spine road.
3. Other reasoning raised by WCBC including responses to the public consultation and historic delivery rates of developers. Through the examination hearings there have been many representations made that confirm the commitment of developers to deliver their allocations or alternative sites put forward.
4. It is our view, that even with the reduced and less ambitious housing requirement of 8,525 homes throughout the plan period, there remain concerns as to how this will be met through the implementation of allocations, reserve sites and windfall sites to at least meet this requirement and more certainty (through additional allocations) is required.

CONSULTEE ID: 1170198

Housing Supply and Delivery

5. The Inspectors outline that 39% of proposed new development in the Deposit Plan will be on windfall sites. WCBC's representations that this level of windfall is achievable based on past delivery is flawed as it is based on a period without an up-to-date plan and a period of planning by appeal. In order to plan positively and to implement plan-led growth in Wrexham, there should be additional allocations rather than reliance on windfall development to come forward. WCBC calculate 284 dwellings from known windfall sites, however, there is a windfall requirement of 2,145 homes over the plan period and we have concerns over WCBC's ability to meet this high windfall requirement given the tight settlement boundaries and potential lack of capacity.
6. WCBC have agreed at paragraph 2.8 of INSP017R that "the settlement limit has been drawn too tightly", however, reference the settlement boundary review published in 2019 (prior to the submission of the LDP for examination). It is therefore unclear if/what amendments have been made to the settlement boundary to address these concerns. We assume these are amendments that were made prior to the submission of the plan for examination and no further amendments have been made.
7. The Inspectors have asked WCBC whether the flexibility allowance should be increased by 10%. We agree that there are benefits to increasing the flexibility allowance in order to plan for future changes in circumstance and to provide a buffer if sites do not come forward or delivery slows. This should not be at the expense of allocating sites. Notwithstanding, it is key to provide as much certainty as possible through the plan making progress, that deliverable and appropriate sites are allocated for development.

Site Selection Process

8. We discuss in our site-specific section (below) the steps that were taken by BDL to promote their various sites through the plan making process. We remain concerned that, even though representations were made at the Deposit Plan stage, and that WCBC have been aware of the various parcels for a number of years, the Former Brymbo Steelworks sites (NSP30 and NSP056) were not considered or assessed prior to the submission of the Deposit Plan for examination and the Sustainability Appraisal was not updated accordingly. We consider the assessment of the sites to be wholly inadequate.

CONSULTEE ID: 1170198

Former Brymbo Steelworks, Brymbo (the 'site')

9. For clarity, we have included the red line plan of the site at **Appendix 1**. This is inclusive of NSP30 and NSP056.
10. WCBC set out that the site was not identified as a Candidate Site as it was not submitted during the call for sites (November 2012 – February 2013) or as an Alternative Site during the Preferred Strategy consultation (February – April 2016). However, the site (including an up-to-date vision document) was submitted as part of representations made to the Deposit Plan consultation (submitted in July 2018). The site has been the subject of previous planning applications, it is allocated as a regeneration site in the adopted plan and is primarily a brownfield site located within the urban area. The site was not unknown to WCBC. WCBC were also aware of the change in circumstances and BDL's revised masterplan prior to the submission of the plan for examination in November 2018. WCBC were aware that a mixed-use development was being promoted by BDL and that BDL is committed to the delivery of the site.
11. WCBC had historically been aware of several parcels of land within the site.
 - a. BRY10CS and BRY15CS were promoted by BDL through the call for sites.
 - b. BRY10CS also benefitted from planning permissions (WCBC references: P/2005/1484 and P/2005/1488) that have since expired as well as planning permission for the erection of a primary school (WCBC reference: P/2017/0105) which was secured in March 2017. Our representations to the Deposit Plan consultation outlined that there was no viable employment interest in BRY10CS due to several more attractive locations coming forward. WCBC were therefore aware in July 2018 that the employment use was not deliverable.
 - c. With regard to BRY15CS, planning permission was granted for the erection of a supermarket and small retail units and associated car parking in July 2014 (WCBC reference: P/2012/0816) and has also since expired.
12. WCBC outline on page 27 of WCED015A that "Policy EM3 provides sufficient flexibility for alternative uses if evidence is submitted with an application to demonstrate that there is no realistic prospect if the employment land coming forward for business, industry or warehousing". However, it is not pragmatic for WCBC to proceed to with an employment allocation that is not deliverable based on

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the lapsed permissions and representations from BDL to date, and for which there is no evidence whatsoever to support its deliverability.

13. NSP030 was submitted as part of BDL's representations to the Deposit Plan Consultation. NSP030 sits outside of the current settlement boundary and has been remediated and restored to agricultural land. However, it has historically been extensively worked as part of the historic steelworks. WCBC outline that "development of the land would represent a significant and harmful encroachment of development of urban form into the countryside and landscape surrounding Brymbo". A Landscape and Visual Impact Assessment ('LVIA') was submitted as part of the current planning application (WCBC reference: P/2019/0546) and concluded that the proposed development can be accommodated without undue adverse effects on landscape character and visual amenity. No comments have been received from WCBC to articulate any disagreement with the findings of the LVIA. Furthermore, no evidence to substantiate their conclusions on alleged landscape harm has been put forward by WCBC or to counter BDL's professional assessment. A copy of the LVIA is provided at **Appendix 2**.
14. WCBC is aware of BRYM024NUCS as there has been a series of planning applications for residential development that have now lapsed in respect of that parcel. Additionally, there is an area of brownfield land within the site (sitting south of the eastern parcel of BRYM024NUCS and north of the roundabout) with a lapsed planning permission for the erection of a petrol filling station and retail facility (WCBC reference: P/2014/0165). WCBC would have therefore been aware that this was a brownfield site capable of being brought forward for development.
15. BDL has promoted the whole site through the LDP examination, which supports its commitment to bring the site forward. WCBC refer to their positive policy approach, as Policy EM3 (Alternative Use of Employment Land and Premises) which allows employment land to be released for other purposes, and Policy SP2 (Location of Development) and establishes the principle in favour of development (on the land within the settlement boundary), where any constraints can be addressed. It is our view that it is not a positive planning approach and that it is not appropriate to allocate a site for a use in the LDP when there are no prospects of this use coming forward. This is contrary to the strategic objectives within the LDP as it is not positively planning for a development that would provide long awaited services and facilities including a school, potential medical centre, retails units, small

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supermarket, a pub/restaurant and green infrastructure to ensure connectivity within the scheme and the wider Brymbo area.

16. In terms of positive planning WCBC should allocate the site for a mixed-use development. WCBC has confirmed on the bottom paragraph of page 28 of WCED015A that "Policy SP2 (Location of Development) directs new development within defined settlement boundaries and employment areas and therefore establishes that, subject to complying with other relevant Plan policies, residential, community, employment and retail development would be acceptable in principle".
17. Planning Policy Wales 10 ('PPW10') states at paragraph 3.52 that "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". WCBC have not engaged with BDL through the plan making progress to ensure a coherent approach to its planning or the best outcome for the community. WCBC have been aware of the potential for this brownfield site to come forward for a number of years but have not worked proactively with BDL to ensure its delivery through the plan making process. The benefits to the community of developing the site are overwhelming and should be brought forward with local plan support. These benefits include:
 - A new heart for Brymbo and sense of place through the wider development and specifically the small district centre;
 - A 2FE primary school;
 - Up to 450 homes;
 - Green infrastructure and public open space that provides links within the development as well as to and from Upper and Lower Brymbo;
 - A food store;
 - Retail units;
 - Public House/Restaurant; and
 - Healthcare or other non-residential D1 use.
18. Even now, WCBC have only indicated support for the land within the settlement boundary. NSP056 is now included as a reserve site and we support WCBC's assumption that it has the potential to deliver up to 350 dwellings. WCBC have no

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evidence to substantiate their view that extending the settlement boundary to include NSP030 is inappropriate in landscape terms. A masterplan and LVIA have been submitted as part of the planning application to support a sympathetic solution to this landscape. Whilst we agree the site is greenfield, other greenfield sites have been allocated elsewhere in the plan, and NSP030 is not located within a green wedge (previously referred to as green barrier). The position of the site outside of the development boundary cannot in and of itself be reason for refusing to allocate it.

19. WCBC also raise in WCED015A that the current planning application (WCBC reference: P/2019/0546) for the site does not, and would not, address the capacity constraints at Junction 4 of the A483 and that Welsh Government have directed that permission should not be granted. We are in discussions with Welsh Government (supported by WCBC) and have requested further information as to how they consider the proposed development could adversely affect the safe operation of the junction. Analysis of predicted queues demonstrates that queues on the slip roads are not anticipated to extend back to the mainline and can be contained wholly within the extent of the existing slip roads, in fact additional queues on the slip roads are minimal with most traffic routing into and out of Wrexham on the A525. Whilst queues are predicted to extend on the A525 approaches, this will not impact on the safe operation of Junction 4 or impede the flow of traffic on the A483.
20. In terms of placemaking, bringing forward NSP030 and NSP056 together provides a comprehensive approach with NSP030 providing additional green infrastructure and extensive public open space to the benefit of the whole community. With regard to traffic generation, there are already consented trips through previous planning applications that provide a 'trips envelope' and must have already been built into the modelling assumptions. It can't be the case that the site can generate additional traffic as it is already built in. The emphasis on placemaking, green infrastructure and pedestrian accessibility means that significant supporting social infrastructure will be provided on site and consequently meaning fewer trips will actually be generated.
21. We are awaiting an update from the Welsh Government regarding the modelling and what capacity (from previous unimplemented consents) already forms part of their modelling work.

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Former Brymbo Steelworks, Brymbo (the other sites)

22. BRYMO25NUCS has a resolution to grant (WCBC reference: P/2019/0354) for residential development of 18 social housing dwellings, which is subject to a Section 106 Agreement.
23. BRY13CS has outline planning permission (WCBC reference: P/2016/0626) for residential development. A Section 73 Application has been submitted (WCBC reference: P/2020/0059) to extend the timeframe for the submission of a reserved matters application however there is significant developer interest in the site. We would propose that this site be included as an allocated site rather than a committed site given that the S73 application remains undetermined at this time.
24. WCBC refer to BRY11CS, which received planning permission for residential development under WCBC references P/2013/0427 and P/2016/0628. The ability to submit Reserved Matters under P/2016/0628 expired in August 2019.

Appendix 6
Matter 3 Hearing Advice

Wrexham Local Development Plan Examination

**Wednesday 11 March 2020 at 9.30
Wrexham Memorial Hall**

Hearing Agenda

NB This agenda should be read in conjunction with the inspectors' note on post hearings issues¹

Matter 3 Housing Provision

Key Issues:

Is the amount of housing provision set out in the LDP realistic and appropriate and is it founded on a robust and credible evidence base? Will it achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy?

Have relevant alternatives been considered; is the identification of the housing sites based on a robust and rational site selection process? Are the sites deliverable within the plan period and will they make an appropriate contribution towards the housing requirement? Are the policies for the housing sites clear and reasonable?

1. Housing requirement

- i. Latest projections v key evidence
- ii. Reliance on latest projections
- iii. Consistency with LDP's strategic objectives
- iv. Consistency with the draft National Development Framework

2. Housing supply/delivery

- i. Additional evidence on committed sites and delivery
- ii. Flexibility allowance
- iii. Evidence of delivery by development industry

3. Housing site selection process

- i. Implementation of site selection methodology
- ii. Evidence of consistency in decision making
- iii. Weight given to spatial strategy and settlement hierarchy
- iv. Consideration of alternatives in SA
- v. Use of SA in selecting sites
- vi. Sites on Council's reserve list – status, consultation, SA
- vii. Identification of reserve sites; other potential sites

¹ [INSP019A](#)

- viii. Sites submitted at Deposit stage
- ix. Other potentially significant sites

4. Former steelworks, Brymbo

- i. Lack of identification as candidate sites
- ii. Lack of assessment of whole area
- iii. Potential for strategic, site-specific policy for wider site
- iv. Consistency of current approach with strategic objectives.

5. Action points and matters arising

SEW/MH Jan 2020

Appendix 7
Inspector Letter dated 7th May 2020

**Archwiliad Cynllun Datblygu Lleol Wrecsam 2013-2028 (CDLI)
Wrexham Local Development Plan 2013-2028 (LDP) Examination**

**Arolygydd/Inspector: Siân Worden: BA DipLH MCD MRTPI
Arolygydd/ Inspector: Melissa Hall: BA(Hons) BTP MSc MRTPI
Swyddog Rhaglen/Programme Officer: Kerry Trueman**

Mr Lawrence Isted
Chief Officer Planning and Regulatory Services
Wrexham County Borough Council
Guildhall
Wrexham
LL11 1AY

7th May 2020

Dear Mr Isted

Thank you for your response of 27 April 2020, we are pleased to see that progress is being made to hopefully resolve our concerns.

It is not our intention to respond to every matter you address in your letter, but simply to query that with which we have ongoing concerns in relation to the approach outlined for the revised site selection process.

We consider that it would be premature at this juncture, i.e. before the revised assessment has been carried out, to make assumptions about the size of site that is likely to be available following site selection and whether that would result in the allocation of 1 or more sites. Any decision as to how many sites to take forward to allocation should be made on the basis of the sites that progress beyond Stage 4. Only at this point should a well-considered and logical case be made for allocating 1 or more sites, taking into account the identified need and how supply can be best managed, the preferences of the Gypsy and Traveller community as identified in the GTAA and national guidance in respect of this matter. In any event, such a decision should be fully justified in your submissions.

In your sequential approach, you have outlined a 'site details' section followed by 4 key stages. You have stated that, in that former section, details of the proximity to settlements would be shown i.e. whether the site lies within, partially within, adjacent to or outside settlement boundaries. We understood from our previous correspondence that you were intending to consider the sequential approach (recognising that Paragraph 38 of the Circular gives priority to sites within or adjacent to settlements – the sequential approach – rather than on the basis of proximity to services alone) as well as proximity to services. We are thus of the view that the information in respect of the proximity to settlements must be used in a meaningful way if it is to inform the outcome as to which sites are sequentially preferable. Whilst we do not take issue with the inclusion of this information in the site details section, it is not yet clear from your correspondence how, where and when this would be measured or quantified so that it contributes to the assessment of site suitability.

You should therefore ensure that the means by which this factor would be assessed is clearly outlined, understood and consistently applied.

You have indicated that the additional work would take approximately 3 months to complete, circumstances permitting due to Covid-19. With this in mind, we have decided that the most appropriate course of action would be to suspend the Examination for the period from Monday 1 June 2020 to Monday 31 August 2020 accordingly. If it becomes clear to you that, due to the current restrictions or other matters, you will need more than 3 months to complete this work please inform us immediately and we can consider whether to extend the suspension.

Once we are in receipt of the additional work, it would be our intention to decide on the next course of action as appropriate including the nature and extent of any consultation with interested parties.

We hope that the matters set out above are clear. However, should you require clarification of any the issues identified or have other queries please do not hesitate to contact us through the programme officer.

Yours sincerely

Sian Worden

Inspector

Melissa Hall

Inspector