



Matthew Phillips
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13 August 2020

Dear Mr Phillips,

RE: Planning Application – Land off Hillock Lane, Gresford, Wrexham (Ref: P/2020/0354).

I refer to your email of 04 August consulting the Department for Environment, Energy & Rural Affairs on the above planning application. This response is made in accordance with:

Schedule 4 (s) of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Annex B of Technical Advice Note 6 2010

Planning Policy Wales - Edition 10 - 2018

Proposal Extent:

Your Authority is required by Schedule 4 (s) of the 2012 Order to consult Welsh Ministers in cases where:

Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves—

- (i) *the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or*
- (ii) *the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more*

The BWB Consulting (June 2020) report notes (Section 1.3) that “...the site forms part of a wider proposed development area of 68.5 acres that may come forward in the future, depending on the progress of this initial application and has been promoted as part of the Wrexham Local Plan review process.”

It is clear from both the pre-application and application documentation that the proposal area of 6.7ha is part of a larger potential development area amounting to 27.7ha. The Department considers this proposal to fall within Schedule 4 (s) (ii).

Agricultural Land Classification (ALC):

The agricultural land within the proposal area has not been subject of a detailed ALC survey. A report by BWB Consulting (June 2020) has been submitted; however,

- i) it has not been carried out in accordance with the *Agricultural Land Classification of England and Wales: Revised criteria for grading the quality of agricultural land (ALC011)*;
- ii) it covers 3.6ha of the 6.7ha proposal area; and,
- iii) given the development is likely to lead to a further loss of agricultural land, an ALC survey should have been complete over the full 27.7ha.

The Department **will not** accept this report and as such the Planning Authority and Applicant should **reject** it. Annex A to this letter sets out the technical validation.

The Predictive Agricultural Land Classification (ALC) Map (2019), gives the entire site as predicted ALC Grade 2. Under Planning Policy Wales this is defined as Best and Most Versatile (BMV) agricultural land. In the absence of a detailed ALC survey, the Predictive ALC Map is taken as best available information as per Departmental [guidance](#).

ALC Grade 2 is land with minor limitations which affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown but on some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than Grade 1.

Expression of View:

Having considered this proposal in light of the Welsh Government's Planning Policy Wales provision for the protection of BMV agricultural land (paragraphs 3.54 & 3.55); Schedule 4 of the 2012 Order; and, TAN 6 (Chapter 6 & Annex B), the Department for Environment, Energy & Rural Affairs **objects to the proposal** in the long term national agricultural interest for the following reasons:

1. The proposal represents the permanent loss and likely cumulative loss of predicted BMV agricultural land. The sequential test as set out under PPW paragraphs 3.54 & 3.55 has not been applied by the applicant. The view is expressed in accordance with TAN6 Annex B2 (a loss which is less than 20 hectares but is likely to lead to further losses amounting cumulatively to 20 hectares or more) and B5 (other planning applications with significant agricultural implications which come to the attention of the Department).
2. The proposal is contrary to policy EC2 of the UDP in that it will lead to the irreversible loss of BMV land.
3. The 6.7ha proposed development, and the potential wider 27.7ha area, are not allocated for development under the UDP or the proposed LDP (or as a reserve site). The development, if granted, would raise significant questions regarding the soundness of the proposed Wrexham LDP in terms of BMV agricultural land policy application (PPW 3.54 and 3.55).

4. The proposed LDP has considered the losses of BMV agricultural land in allocations for the whole plan, over the plan period. This site is not allocated and therefore has not been considered as part of that process – the planning statement (section 5.21 to 5.27) is not considered credible. A number of non-BMV sites have been put forward within the emerging LDP. Lower grade agricultural land is available and the planning statement conflicts with PPW.
5. In addition to reason 4, the Department notes the planning statement's record of conversation between the LPA and Applicant in section 5.25, "During pre-application discussions with the Council, Planning Officers reiterated that PPW sets out that BMV land should only be developed if there is an overriding need for the development, but advised that *"given the significant need to increase the supply of housing land in Wrexham, in my opinion the conflict with policy EC2 would not provide a valid reason for refusal in this instance"*. The Department does not accept the argument that housing supply is an overriding need. PPW states that the *best and most versatile agricultural land (Grades 1, 2 and 3a) should be conserved as a finite resource for the future. It goes on to say that such land should only be developed if there is an overriding need and either previously developed land or land in lower agricultural grades is unavailable or constrained by environmental, wildlife or other designations*. The Department has seen no evidence to support the case that meeting the area's housing needs will inevitably result in the loss of best and most versatile agricultural land. Furthermore, *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 requirement has not been evidenced.
6. The statement in the LDP Deposit Plan at paragraph 4.4 is made in the context of the LDP preparation through the accompanying spatial strategy, growth plan and sustainability appraisal. The merits or otherwise of this argument are made in the context of the preparing the LDP and do not relate to those applications that are not in accordance with the local development plan. The Department expects BMV planning policy to be applied in full.

To assist your authority, the Department is willing to survey the full 27.7ha site at no cost to the LPA or applicant. The Authority would need to confirm access permission and arrangements.

Should your Authority consider that there is a case for granting planning permission despite this **objection**, the Department for Environment, Energy and Rural Affairs would **expect** the matter to be brought to its attention before a decision is made, and failing a satisfactory resolution of the issues involved, this Department may ask Welsh Government to consider the case further.

The view expressed does not bind any other part of Welsh Government commenting on the proposal.

Yours sincerely



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Soil Policy & Agricultural Land Use Planning Unit

Annex A: Validation of the Land Quality Survey (BWB Consulting, June 2020)

The survey report has been assessed by the Department and found not to be in accordance with the *Guidelines and Criteria for Assessing the Quality of Agricultural Land in England & Wales*.

The main deficiencies with the report are as follows: -

- 1 The survey covers an area of 3.6ha and is not a full survey of the 6.7ha application site.
- 2 The survey report notes (Section 1.3) that '*...the site forms part of a wider proposed development area of 68.5 acres...*' – this wider 68.5 acre (27.72ha) area also has not been surveyed.
- 3 The comment noted in Para 4.3 of the report '*Whilst an additional two hand augers would have been beneficial in the eastern area, based on the ground conditions being from the same geological unit (Glaciofluvial Sheet Deposits), for the purposes of this assessment, the logs from the western area have been extrapolated to cover this area*' is not accepted.
- 4 The drought calculations undertaken have not been included in the report, despite this being raised by the Department as an issue in pre-application advice.
- 5 As part of the drought assessment, it has not been evidenced if the loamy sands have been split into coarse, medium or fine subclasses, if reference to soil structural condition has been considered nor if stone percentages noted are >2mm (i.e. total stone for ALC drought) or >2cm (for ALC wetness and workability).
- 6 All auger borings and pits have stopped at depths of 60-75cm due to noted gravel deposits. It is not clear in the report (Para 4.22) if the gravel deposits have been considered (to full 120cm depth) as part of the ALC droughtiness assessment.
- 7 Para 1.4 is incorrect. The purpose of an ALC survey is to identify the extent and distribution of ALC Grades, not just describe the soils and recommend mitigation.
- 8 There is inconsistency between Paras 4.19 (the soils are Grade 1) and 5.1 (the soils are Grade 2).
- 9 The PSD sample noted in Appendix 3 only measures particle sizes above 0.063mm - silt and clay are not included in the assessment. As such, a direct comparison to ALC texture classes cannot be made. It is also unclear if this PSD sample has been taken from the top 25cm to confirm topsoil textures.

In conclusion:

The Department **will not** accept this report and as such the Planning Authority and Applicant should **reject** it.

