

Matthew Phillips

From: Arwel.Williams@gov.wales
Sent: 12 June 2020 10:31
To: Matthew Phillips
Cc: James.Cooke@gov.wales
Subject: RE: Planning application - Revised Response P/2019/0005 - Land South of Holt Road, Wrexham.
Attachments: WGALC.pdf

Security Notice: The attachments in this email were secured by a Wrexham Council Security Gateway.
The original attachments were not modified.

Dear Matthew Phillips,

(James – for information as discussed)

Re: Revised Response - Planning Application P/2019/0005 – Land South of Holt Road, Wrexham.

Thank you for your e-mail, regarding our response (*dated 01-02-2019, copy attached for reference*) in respect of the above planning application. The Department has considered the original response and would offer a revised response to this application as detailed below. To answer your question regarding notification, should your Authority consider that there is a case for granting planning permission, the Department would expect the matter to be brought to its attention directly (*and separately from Decisions Branch of Planning Division*) before a decision is made.

Consultation remit

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

Policy

The Department has regard to Welsh Government planning policy towards the conservation of best and most versatile (BMV) agricultural land, as described at paragraph 3.54 and 3.55 of Planning Policy Wales (PPW).

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

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

Agricultural Land Classification (ALC)

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

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

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

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

Expression of view

The proposal has failed to apply the sequential test and justify the loss of BMV agricultural land in accordance with the procedure required by PPW 3.54 & 3.55. Consequently, the Department for Environment, Energy and Rural Affairs of Welsh Government wishes to express a **CONDITIONAL OBJECTION** to this planning application. The following agricultural factors should be noted –

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

This objection is consistent with our response to the Pre-Application Consultation on this case.

It is considered that the submitted proposal has failed to justify the loss of a nationally significant area of best and most versatile agricultural land, as is required by Planning Policy Wales paragraph 3.54 & 3.55, before such land is developed for non-agricultural purposes. Such land is described in PPW 3.54 & 3.55 as a finite resource for the future and in development management decision making process, considerable weight should be given to protecting such land from development because of its special importance.

It is considered that the response in the Planning Statement, to our pre-application response, that '*justification has been provided by the Council in their assessment of the Key Strategic Sites and the Sustainability Appraisal with regard to why the loss of this land is essential to help the Council meet its housing needs*' is not credible for the following reasons:

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

The proposed LDP assessment process considers the total loss of BMV Agricultural land for the whole LPA area, over the plan period. If the proposed LDP is proved sound and adopted by the LPA, which includes the site as a development allocation, then the Department would **withdraw the objection**. As noted, the proposed Wrexham LDP has not to date been adopted; therefore, the Department cannot pre-judge the outcome of the LDP.

Administrative matters

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

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

Procedural matters

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

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

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

Arwel Williams

Arwel Wyn Williams
Cynghorydd Polisi Pridd a Defnydd Tir Amaethyddol / Agricultural Land Use & Soil Policy Advisor
Is-adran Tir, Natur a Choedwigaeth / Land, Nature and Forestry Division
Llywodraeth Cymru / Welsh Government
Doc Victoria / Victoria Dock, Caernarfon, Gwynedd. LL55 1TH
Ffôn / Tel: 0300 025 2052
Symudol / Mobile: 07791 269 594
E-bost: arwel.williams@llyw.cymru / E-mail: arwel.williams@gov.wales
Ar y We / Internet: www.llyw.cymru / www.gov.wales



From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Sent: 10 June 2020 09:53
To: Williams, Arwel (ESNR - ERA - Land, Nature & Forestry) <Arwel.Williams@gov.wales>
Subject: Planning application

Arwel,

Hope you are well.

Your response to a planning application I consulted you on early in 2019 is attached.

The determination of this application has been delayed for a number of reasons, workload, LDP examination and more recently Covid-19. I am however under some pressure to get the application to committee sometime in July.

Can you confirm that your comments still apply?

The other matter I could do with some clarification on is your request that you be notified again if we were minded to support the application. Is this something you would expect to happen in advance of an application going to planning committee or if Members resolved to grant?

Because this application is a departure from the UDP, it falls within the remit of the Town and Country Planning (Notification (Wales) Direction 2012, we would be obliged to notify WG anyway in the event of a committee resolution to grant and given WG an opportunity to consider whether the application should be called in. Would you be expecting to be notified by us separately to that process, or would the Decisions Branch of the Planning Division contact you as part of their deliberations?

Regards

Matthew Phillips



01978 298780
Cyngor Bwrdeistref Sirol Wrecsam, Neuadd y Dref, Wrecsam, LL11 1AY
Wrexham County Borough Council, Guildhall, Wrexham, LL11 1AY
wrexham.gov.uk | wrecsam.gov.uk
twitter.com/wrexhamcbc | twitter.com/cbswrecsam
facebook.com/wrexhamcouncil | facebook.com/cyngorwrecsam

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

Ewch i weld - mi fedrwch chi dalu, rhoi gwybod, gwneud cais, dweud eich dweud, a dod o hyd i wybodaeth ar-lein yn www.wrecsam.gov.uk. Arbedwch bapur - meddyliwch cyn argraffu!

Mae'r neges e-bost hon ac unrhyw atodiadau wedi eu bwriadu ar gyfer yr unigolyn neu'r sefydliad y'i cyfeirir atynt yn unig. Am yr amodau llawn ynglŷn ? chynnwys a defnyddio'r neges e-bost hon, ac unrhyw atodiadau, cyfeiriwch at www.wrecsam.gov.uk/top_navigation/disclaimersw.htm

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

Take a look - you can pay, report, request, have your say and find information online at www.wrexham.gov.uk. Save paper - think before you print!

This e-mail message and any attachments are intended solely for the individual or organisation to whom it is addressed. For full conditions in relation to content and use of this e-mail message and any attachments, please refer to www.wrexham.gov.uk/top_navigation/disclaimers.htm

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein [hysbysiad preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our [Privacy Notice](#) explains how we use your information and the ways in which we protect your privacy. We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.