

Cerys Jones

From: Matthew Phillips
Sent: 04 February 2020 13:36
To: planning_admin
Subject: FW: Planning application P/2019/0923 Land either side of Chain Road Stansty

[Please Welsh Government response to the above](#)

From: Arwel.Williams@gov.wales [mailto:Arwel.Williams@gov.wales]
Sent: 04 February 2020 13:29
To: Matthew Phillips
Cc: James.Cooke@gov.wales
Subject: RE: Planning application P/2019/0923 Land either side of Chain Road Stansty

Dear Matthew Phillips,

(James – for information as discussed)

Re: Planning Application P/2019/0923. Land either side of Chain Road. Stansty.

Thank you for consulting the Department in respect of the above planning application.

Consultation remit

The Department for Environment, Energy 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).

Agricultural Land Classification (ALC)

A detailed ALC survey was undertaken on part of the site by the Welsh Government in 1993 (Ref: *Lower Stansty/Stansty Lodge, Wrexham – 021-93*). This confirmed a presence of 15.39ha of BMV agricultural land (10.52ha Grade 2, 4.87ha Subgrade 3a and 0.74ha Non-agricultural land) on the survey area related to this application.

A further ALC survey of the whole application area (including the previously surveyed area) was undertaken by Soil Environment Services (SES) Ltd. on behalf of the developers on 11th July 2019

(Ref: SES/RH/MRSCR/#1) and report (Revision 10/12/2019) submitted with this planning application.

The Department raised a number of concerns with version 1 of the SES report at pre application stage, November 2019. Additional information was requested and several concerns identified for further clarification; none of which have been addressed in the latest version (dated 10/12/2019) of the ALC survey report.

The Department's Senior ALC Surveyor has conducted a detailed review of the SES reports and, based on the information provided to date, is unable to validate their survey reliability. As such, the Department **rejects** the SES survey and its findings.

The main reasons for rejecting the survey are:

- SES did not assess the soil profile to the required depth of 120cm to estimate droughtiness.
- SES has not made clear their reasoning and what new soil data has been used to assess the grade changes between the different versions of the report. The SES auger boring schedule is unchanged between version 1 and 3.
- It is therefore not clear whether the full soil profile has been re-assessed or assumptions made.
- SES appear to have transferred the 1993 Welsh Government ALC map into the SES survey report (version 3). This is not acknowledged by SES nor sufficiently explained and referenced.

Therefore, the entire site should be treated as BMV Agricultural Land; ALC Grades 1, 2 and subgrade 3a based on best available information from the Welsh Government survey (Ref: ALC 021-93) and the Predictive Agricultural Land Classification Map for Wales (2017) information for the un-surveyed area on site.

This confirms that the application, if granted, would involve the loss of **21.53ha** of BMV agricultural land.

Planning Statement

The Planning Statement supporting this application notes under Section 2.39 (p.48) relating to BMV policy (3.55) that, "*The site is largely Grade 3a, but notwithstanding the smaller proportion of Grade 1 the fact is that no PDL is available and the alternative sites around Wrexham all involve higher BMV land grades.*" This statement is incorrect, misleading and should be disregarded as it refers to the original ALC survey by SES Ltd in November, which was not accepted by the Department. Based on best available information, from the 1993 Welsh Government Survey and the Predictive ALC map for Wales, the site is mainly ALC Grade 2 (5.4ha Grade 1 [Predictive Map], 10.52ha Grade 2 and 4.87ha Subgrade 3a [1993 survey]).

Expression of view

The Department for Environment, Energy and Rural Affairs wishes to express a **CONDITIONAL OBJECTION** to this planning application. The following agricultural factors should be noted –

1. Under the current adopted Wrexham UDP, the site is **not** allocated for development and is located within a Green Wedge. Therefore, this application is considered a Departure case.

The loss of 21.53ha of BMV agricultural land is a matter of national significance, with reference to DMP Order 2012, Schedule 4 paragraph (s).

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 PPW paragraph 3.54 & 3.55. 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 Planning Statement is not credible as 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 for housing allocation under Policy H1 (*Site Ref: WR03AS*) and removed from the Green Wedge.

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**. The proposed Wrexham LDP has not to date been adopted; therefore, the Department cannot pre-judge the outcome of the LDP.

Administrative matters

This **CONDITIONAL 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, Energy 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, Energy 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

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From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>

Sent: 08 January 2020 09:34

To: Cooke, James (ESNR - ERA - Land, Nature & Forestry) <James.Cooke@gov.wales>; Williams, Arwel (ESNR - ERA - Land, Nature & Forestry) <Arwel.Williams@gov.wales>

Subject: Planning application P/2019/0923 Land either side of Chain Road Stansty

James/Arwel,

I have received the above planning application for residential development (up to 455 dwellings). The application site is a greenfield site 21.53 ha in area and contains BMV land. The location plan is attached.

Part of the has been subject to a Welsh Office survey in 1993 which found a mix of Grade 2 and Grade 3a agricultural land to the west of Chain Road, The land to the east does not appear to have been surveyed by the Welsh Office or Welsh Government but the predictive ALC map suggests Grade 2 for that part of the site.

The applicants have commissioned their own ALC report – copy attached.

I would be grateful for your comments on the application as well as the applicant's ALC report.

Regards

Matthew Phillips

Arweinydd Rheoli Cynllunio/Planning Control Lead

Cynllunio a Rheoleiddio/Planning and Regulatory



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