



PLANNING STATEMENT

Prepared on behalf of Russell Homes

in support of an

Outline Planning Application

for the

***Outline planning application for residential development and detailed means of access with
all other matters reserved.***

to Wrexham County Borough Council

land off Mold Road (A541) and Stansty Chain Road, Stansty, Wrexham, LL11 4YF

December 2019

Ref. J10-RH-PS-RevB

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1.0 INTRODUCTION & BACKGROUND

- 1.1 This Planning Statement (PS) has been prepared and undertaken by J10 Planning Ltd (the Agent) acting on behalf of Russell Homes (the Applicants).
- 1.2 The land associated with this proposal comprises an area of previously undeveloped agricultural land located on land adjacent to Mold Road (A541) and Stansty Chain Road, Wrexham, LL11 4YF. The site comprises two field parcels on the northern boundary of Wrexham Town that extend to 21.53 ha (53.2 acres) in area.
- 1.3 This Planning Statement accompanies and supports the submission of an Outline Planning application to Wrexham County Borough Council (WCBC) for the proposed development of this emerging LDP housing allocation site for residential development.
- 1.4 The land is presently under contract to Russell Homes under an option agreement with the landowners, with the express intention that once Outline planning permission is granted the site will be developed for the proposed use by way of Reserved Matters.
- 1.5 Accordingly, the purpose of this supporting statement is to:
- **Provide some introductory background to the application; a descriptive appraisal of the site, its location, setting and surroundings; to present a detailed description of the proposal; a summary of the pre-application process and identifying any key issues that will assist the reader;**
 - **Identify the key local and national planning policy framework applicable to the proposed development and interpreting these in order to present the detailed case in support of the proposals;**
 - **Summarise the reasons why outline planning permission should be granted, referring to the scheme deliverables, benefits and net gains this development proposal will offer.**
- 1.6 We consider that this approach will serve to provide the Council with a clear basis for interpretation and decision making. In summary, this statement, along with all the other supporting documentation and plans, demonstrate that the proposed development, subject of this application, is fully compliant with national policy guidance and with the adopted and emerging development plan so as to be acceptable.

The Application Pack

1.7 This Planning Statement (**J10 Planning**) should be read in conjunction with the following plans and documents, which are enclosed as separate items in the associated submission package:

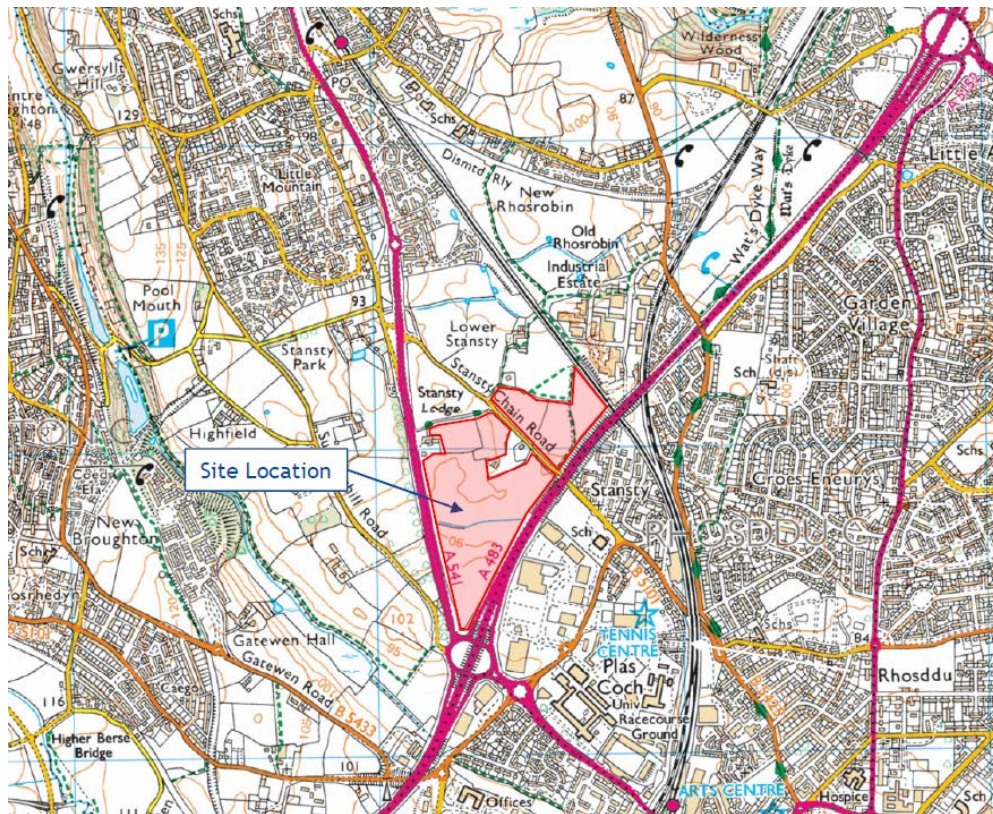
- *Draft Heads of Terms (pursuant to S106 of the Act) : **Russell Homes***
- *EIA Screening : **White Peak Planning***
- *Pre-Application Consultation Report (PAC) : **J10 Planning***
- *Architectural Masterplan drawings : **White Young Green***
- *Design & Access Statement : **White Young Green***
- *Landscape & Visual Impact Assessment : **Randall Thorp***
- *Archaeological Assessment : **LP Archaeology***
- *Topographical Survey : **Geomatic Surveys***
- *Flood Consequences Assessment & Drainage Strategy : **RSK***
- *Geo-Environmental Site Assessment : **E3P***
- *Transport Assessment & Travel Plan : **Focus Transport Planning***
- *Agricultural Land Quality & Soil Resources Report : **Soil Environment Services***
- *Ecological Assessment : **TEP***
- *Arboricultural Impact & Method Assessment : **Mulberry***
- *Minerals Assessment : **Wardell Armstrong***
- *Heritage Report : **Turley***
- *Sustainability Assessment : **Briary Energy***
- *Acoustics Report : **E3P***
- *Air Quality Assessment : **REC***

1.8 This list is important as it comprises all the items requested by the Council during pre-application discussions and reflects the guidance provided by Officers; no other items were and have been requested. Indeed, a list was issued and confirmed during pre-application discussions and, of note, the Council confirmed that no Linguistic Impact Assessment was required because the site was not located within a defined ward where one would be required.

1.9 These documents and drawings are all provided with the enclosed application and itemised in greater detail on a separate Planning Application submission schedule spreadsheet.

Site Description

- 1.10 The application site is located upon the northern built up edge of Wrexham Town and its established residential, retail and industrial estates.
- 1.11 It comprises two unimproved parcels of previously undeveloped agricultural fields that extend to a total area of 21.53 ha (53.2 acres). The easterly parcel extends to 5.55 ha and the westerly parcel is 15.98 ha.
- 1.12 The sites are generally level in nature with the westerly parcel more undulating in nature. Perimeter hedgerows and trees run along the site perimeters and a small collection of mature trees are dispersed throughout the site. The proposal seeks to retain the majority of key trees and hedgerows and to introduce new feature planting.
- 1.13 The site is located in a most accessible position on the fringe of Wrexham Town and within walkable range of all its amenities and facilities. The site is well served by public transport service routes that run along the A541 Mold Road and bus stops servicing a number of routes exist within close and immediate walking distance of the site. Pedestrian access into the town centre and a host of local services and facilities is available using Stansty Chain Road
- 1.14 Direct vehicular access is available to both parcels off the main Mold Road (A541) and also off Stansty Chain Road; more detail about the proposed access arrangements are found in the Transport Assessment and are illustrated on the draft Masterplan.
- 1.15 A series of plan, aerial and streetview extracts are provided below that highlight the site to show its location, context and position.





3-D Aerial view of application site



View of Westerly Parcel (taken from Mold Road)

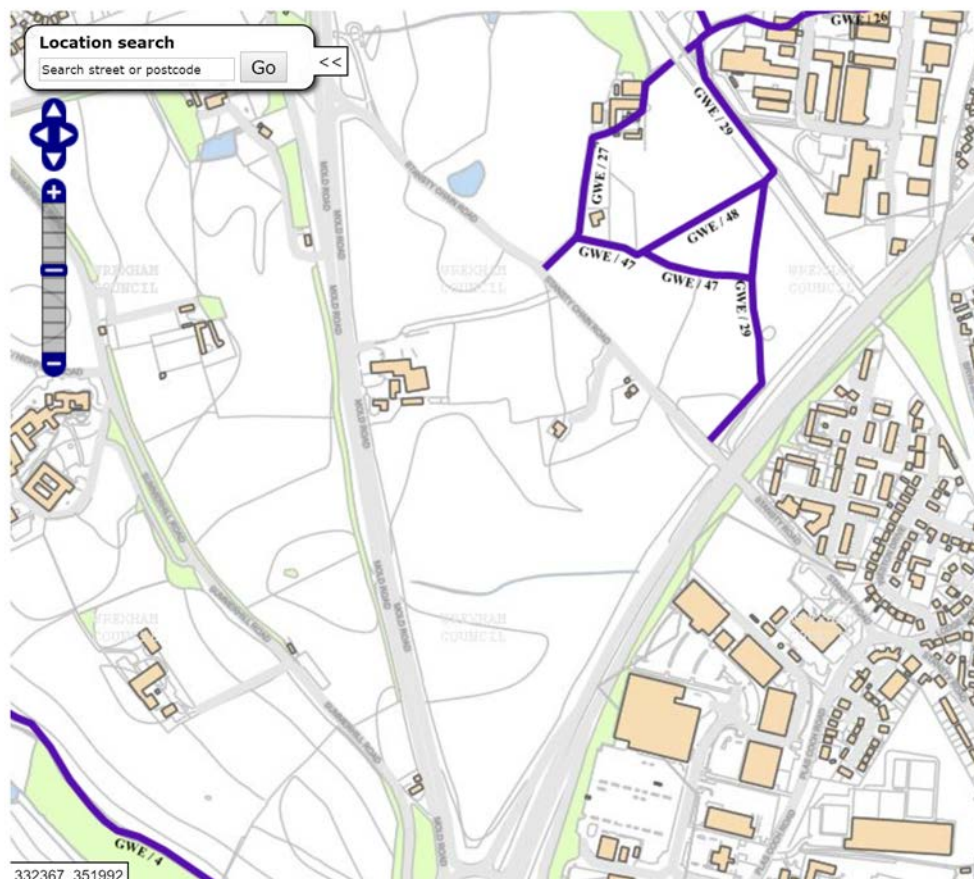


View of Westerly Parcel (taken from A483)



View of Easterly Parcel (taken from Stansty Chain Road)

- 1.16 The easterly parcel benefits from a small linked network of Public Rights of Way, with Footpath No 29 cutting through the site and Footpath No 47 running along its northern perimeter. None of these routes will be harmed by the illustrative masterplan proposals; there will, however, be opportunities to enhance connectivity and provide new linkages through the entire development site and beyond to the west and south. The definitive PROW map is shown below.



1.17 The site is considered to be located in a highly sustainable and accessible position to take advantage of existing community facility and transportation related infrastructure and it benefits from very good sustainability credentials and is well served by facilities available in Wrexham including, inter alia:

- Primary schools : *Ysgol Plas Coch, Rhosddu Primary School, Gwersyllt Community Primary*
- Secondary (and specialist) schools : *Ysgol Bryn Alyn, Ysgol Heulfan*
- Higher Education : *Glyndwr University*
- Community Centres : *Gwersyllt Resource Centre / Rhosddu Community Centre*
- Leisure : *The Racecourse (Wrexham FC), DW Fitness, Wrexham Tennis Centre*
- Retail : *Plas Coch Retail Park, Wrexham Town Centre*
- Medical : *Canolfan Iechyd Health Centre, Wrexham Maelor, Yale Hospital, Boots Pharmacy*
- Post Offices : *Gwersyllt and Rhosddu*
- Public Houses : *Wheatsheaf Inn, Railway Inn, Plas Coch, Maesgwyn Hall*
- Various places of worship across religious denominations including : *Holy Trinity Church, Gwersyllt Congregational, Gateway Church, St James*

- 1.18 The opportunity now exists to secure the delivery of new housing (open market and affordable) along with other community benefits in a location close to Wrexham Town centre and all its other amenities and employment opportunities.

The Proposed Development

- 1.19 The application is made for Outline Planning Permission. The description of the development is as follows:

Outline planning application for residential development and detailed means of access with all other matters reserved.

- 1.20 Please note that in the light of the recent Court of Appeal Judgement on Section 73's, the applicant is looking to avoid including the quantum of development within the description of development thus, maintaining the maximum flexibility for future section 73 applications. The maximum 455 no. dwellings could then be secured through condition and/or on the listed plans; thus, allowing future scope to make a minor amendment to this level through a Section 73 application.
- 1.21 The proposal involves the development of two parcels of land upon sites that extend to a total of 21.53 ha (53.2 acres).
- 1.22 The accommodation schedule comprises the following, albeit the masterplan and following division of land uses is indicative only at this outline stage.

	Totals
Site Area	21.53 ha
Net developable area	13.65 ha
Undeveloped area	7.88 ha
POS	5.39 ha
Green space bund	1.64 ha
SUDS	0.85 ha
Gross to Net Ratio	36% to 64%
Total dwelling capacity	455 units
Affordable quota @ 25%	114 units
Open Market quota @ 75%	341 units
Density per hectare	33.3 dph

- 1.23 Whilst housing mix is a matter for determination at Reserved Matters stage, the proposals (draft illustrative masterplan) have assumed an indicative and illustrative housing quantum of up to 455 new dwellings and a mix of 20% 1 and 2 bedroom, 40% 3 bedroom and 40% 4 and 5 bedroom.

- 1.24 The principal vehicular access to the site is proposed off Mold Road, with an unrestricted crossroads link over Stansty Chain Road providing access from the western parcel to the eastern one.
- 1.25 A series of pedestrian linkages are proposed, which will integrate and connect with existing PROW's and footways; also enabling dual use for cycle users within the site. A new bus stop is proposed on the south-bound site side of Mold Road to further enhance the accessibility of the site.
- 1.26 Areas of Public Open Space (POS) are proposed that far exceed both existing and emerging policy standards; which reflects the development's "green infrastructure" characterisation and vision.
- 1.27 The delivery of 25% affordable homes (up to 114 no.) can be delivered by this scheme; the benefit here being that because the scheme is focused towards a density scheme the resultant dwellings will be of a starter and family style size and nature; which are exactly the sort of units that the Registered Providers are seeking to deliver and that are required to address the known latent need and demand in the locality.
- 1.28 Additionally, an education contribution will be settled upon subject to the requirement at the point of delivery; as this is determined by bed numbers we can only make an assumption based upon the draft indicative accommodation schedule at this Outline stage.
- 1.29 The applicant has drawn up some Heads of Terms that can be used pursuant to a S106 legal agreement that addresses POS, Affordable Housing and Education contribution (see **APPENDIX C**). A S278 will cover off-site highway improvements.
- 1.30 We can confirm that only a very limited number of trees will be lost and these are largely only those where their condition necessitates and where access is required. There will be some very minor loss, but the compensation for any loss of trees/ hedgerow will be replanting and replacement with the provision of "feature" trees and a detailed landscaping scheme that will be worked up for Reserved matters stage. Root protection areas and shading have all been addressed in the development of the masterplan.

1.31 Russell Homes' vision is that the development will be guided by a simple and robust set of parameters and comprise:

- Creating a high quality, attractive, new residential neighbourhood; sensitive to adjacent uses and complementary to the existing residential neighbourhoods; offering a mix of housing types and tenures
- Respecting the landscape setting of the locality and retaining key assets (e.g. hedgerows, trees and valued habitats) to be integrated into the layout having adopted a "greenspace vision"
- Managed and enhanced public access providing permeable links and connections through the site for the benefit of existing and future residents, with more than adequate levels of amenity provision on site
- Providing a strategic direct link between the sites and the A541 Mold Road to ensure that traffic impacts are minimised upon the neighbouring residential and commercial areas to the south
- A "community dividend" that will provide existing residents with access to affordable housing and contributions towards educational services and greenspace amenity opportunities with connective access; thus, making the community more sustainable and resilient
- A development that will respect the identity of Wrexham Town and Gwersyllt and responds positively to local landscape features

1.32 The proposals have been developed around a design solution that has embraced and been influenced by all the various technical and professional disciplines employed by the applicant (in particular highways, drainage, trees and ecology). The guidance conferred by the Council during the informal pre-application discussions and from the more formal WG DMO consultation stage has allowed us to arrive at an acceptable design solution.

1.33 The applicant has listened to and been guided by the aspirations, concerns, feedback and guidance from Council officials, statutory consultees and members of the public and is confident that the proposals now represent a scheme of the highest quality and sustainability credentials.

Pre-Application Discussions

- 1.34 The applicant been keen to engage with Officers in seeking their advice and guidance pertaining to this proposal and embarked upon an engagement process that commenced 6 years ago in December 2013.
- 1.35 The context for this has involved the site being promoted through the emerging Local Development Plan from a very early stage and duly made representations; in tandem Russell Homes have actively sought to demonstrate site “deliverability” and overcome any potential technical constraints along the way. It was decided at a very early stage not to submit an application but promote the site through the LDP and once a stage had been reached where it was clear an application was ready this would be assembled.
- 1.36 The recently assented Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 means that from 1 August 2016 a far greater emphasis upon pre-application consultation with key stakeholders was introduced and a formal DMO process was activated.
- 1.37 This now places a responsibility upon applicants to undertake and follow a pre-application procedure of formal consultation and engagement with key statutory consultees (e.g. NRW, DCWW, CADW, Traffic Wales, etc), the Local Authority, Town/Community Councils, local Ward Councillors and local residents and neighbouring businesses.
- 1.38 It applies to all Major applications (outline or detailed) where the project involves over 1,000 sqm of non-residential space and/or the site exceeds 1.0 ha or where the site involves 10+ residential dwellings and/or a site over 0.5 ha.
- 1.39 This process requires applicants to produce a Pre-Application Consultation Report (**PAC**) and it is this document that serves to address the policy requirement as set out in the legislation.
- 1.40 We consider that the applicant has duly taken account of the guidance.

- 1.41 Out-with of and in advance of the formal DMO process commencing we undertook detailed pre-application discussions with Officers at Wrexham, liaised with Welsh Water and Traffic Wales (NWRTA). Additionally, we have, through the DMO process, gone an extra step by arranging a local Drop-In Exhibition where members of Russell Homes and their professional advisory team have been on hand to meet community representatives and residents / business owners. Additionally, we have extended invitations to meet and present to the local Community Council and Ward Councillors and the DMO process has also extended the publicity to adjacent wards and members.
- 1.42 The path to planning has involved a series of detailed pre-application meetings taking place and exchanges of emails and letters with the Local Authority over the past 6 years.
- 1.43 The course and intensity of this process is self-evident. The key message was that Officers would essentially be comfortable in supporting the design and technical case were we to follow their guidance. This, we have done. However, for ease of understanding a chronological timeline is provided in the table below:

DATE	ITEM / TASK
5 December 2013	Preliminary meeting request lodged with WCBC
19 December 2013	1 st Pre-app meeting held with WCBC
9 June 2104	Highway meeting held with WCBC
31 October 2014	Meeting request issued following agreement having been reached with landowners
13 January 2015	2 nd pre-app meeting held with WCBC
5 October 2016	3 rd pre-app meeting held with WCBC
15 February 2017	4 th pre-app meeting held with WCBC
7 February 2019	Formal Development Team Service (DTS) meeting request instigated
29 March 2019	DTS meeting held with WCBC
16 July 2019	DTS meeting held with WCBC
19 July 2019	Highway specific meeting held with WCBC

- 1.44 Detailed Officer feedback on a variety of issues (trees, housing strategy, education, etc) was fed back to the team following the request for the DTS meeting and this communication channel has been open ever since.

- 1.45 Officers clearly recognise the impact of not having an adopted LDP and that without either a 5-year housing land supply or an adopted housing trajectory this has meant that the Authority is open to challenge. Indeed, sites that, unlike this site, have never had support through the recent emerging LDP process have come along and successfully been granted permission (mainly on appeal) because of this vulnerable position.
- 1.46 With the benefit of an adopted plan that threat ought to be avoided but Russell Homes believes that working with the Authority in delivering “planned” development and infrastructure is the best way to achieve the best for all parties.
- 1.47 However, delivering housing cannot wait forever and the backlog will simply grow ever larger without permissions being brought forward; particularly those such as the application site, where there has been latent support for it coming forward as an allocation for some time.
- 1.48 As part of the emerging LDP, Officers have recognised that sustainable Green Barrier sites on the edge of key settlements (including Wrexham) must be released as part of emerging plan process and have had to adopt a more flexible policy towards those sites that they know would win support at appeal.
- 1.49 As a result, and in reality, the pressure to release some Green Barrier sites in advance of the plan having reached adoption and the pressure applied by TAN 1 (and the need for a 5-year housing land supply) will only become more pressing and be a significant material consideration. The onus is therefore upon the applicant to demonstrate that the Green Barrier in question no longer meets the purposes of its original designation and as such this is what this submission will seek to argue and demonstrate.
- 1.50 In essence, Officer advice was that in considering the site the applicant must address whether or not the site has significant impact upon the purposes of the Green Barrier and that each site will be assessed on individual merits with land supply being a key material consideration. Additionally, landscape assessment and an appraisal of the sites’ sustainability credentials will also be taken into account.
- 1.51 We have followed this advice and that is why significant effort has been made in addressing all the technical issues highlighted by Officers. We therefore consider we have satisfactorily tackled and positively addressed and solved the questions posed early on in pre-application meetings.

- 1.52 In summary, Officers have been positive and helpful in the guidance and advice conferred; they have welcomed the proposal, offered clear instructions as to what they considered necessary for the applicant to submit in support of the application and have helpfully advised the applicant's team as to what they would be comfortable in supporting and recommending, notwithstanding the fact that the opinions offered were those of Officers and not necessarily of elected Members.
- 1.53 Additionally, Officers confirmed that the proposed design solution (its highway and pedestrian accessibility, design vision, scale, layout, location, general setting and greenspace landscape impact/mitigation strategy) were all acceptable and would form a constructive basis moving forward.

Some Key Issues

Education, Healthcare and Affordable Housing

- 1.54 It is a widely accepted principle that housing developers should contribute to the additional costs brought about by their development. We will liaise with the local authority and, if necessary, the local education authority and health providers, to ascertain how demand for school places or medical services, for example, will grow and what capacity there will be in the area to cope. If there is a need to expand local services as a result of the new development, we will agree a payment for any expanded facilities needed. Should the development create more demand for schools or medical services, the reasonable costs of the extra capacity will be met by us through a Section 106 legal agreement.
- 1.55 According to the WCBC Education team the development will generate a requirement for education contributions so that any capacity issues can be addressed (e.g. new classrooms). The sums will be calculated using a formula based upon the number of unit numbers and types (beds) and applied at the point of any Reserved Matters determination. The applicant is anticipating further discussions on this matter.
- 1.56 The issue of local healthcare provision is a community infrastructure issue that commonly generates lots of passionate debate about how the impact of new homes might have on service provision and access to doctors. This site is no exception to this debate and concern over impacts upon community infrastructure.
- 1.57 In Wrexham County Borough (and neighbouring North Wales Boroughs) the resourcing and responsibility of local healthcare provision is something that is administered and controlled by the Betsi Cadwaladr University Health Board Trust and their capital investment programme. Like most primary care providers, they acknowledge that their services are under pressures in terms of both staffing and premises, but at this stage we are unable to anticipate their position until further discussions are held and evidence is provided. Whilst we don't have any evidence regarding pressures on the health service, we are aware of the media reports on some of the difficulties faced in Wrexham and North Wales as a whole.

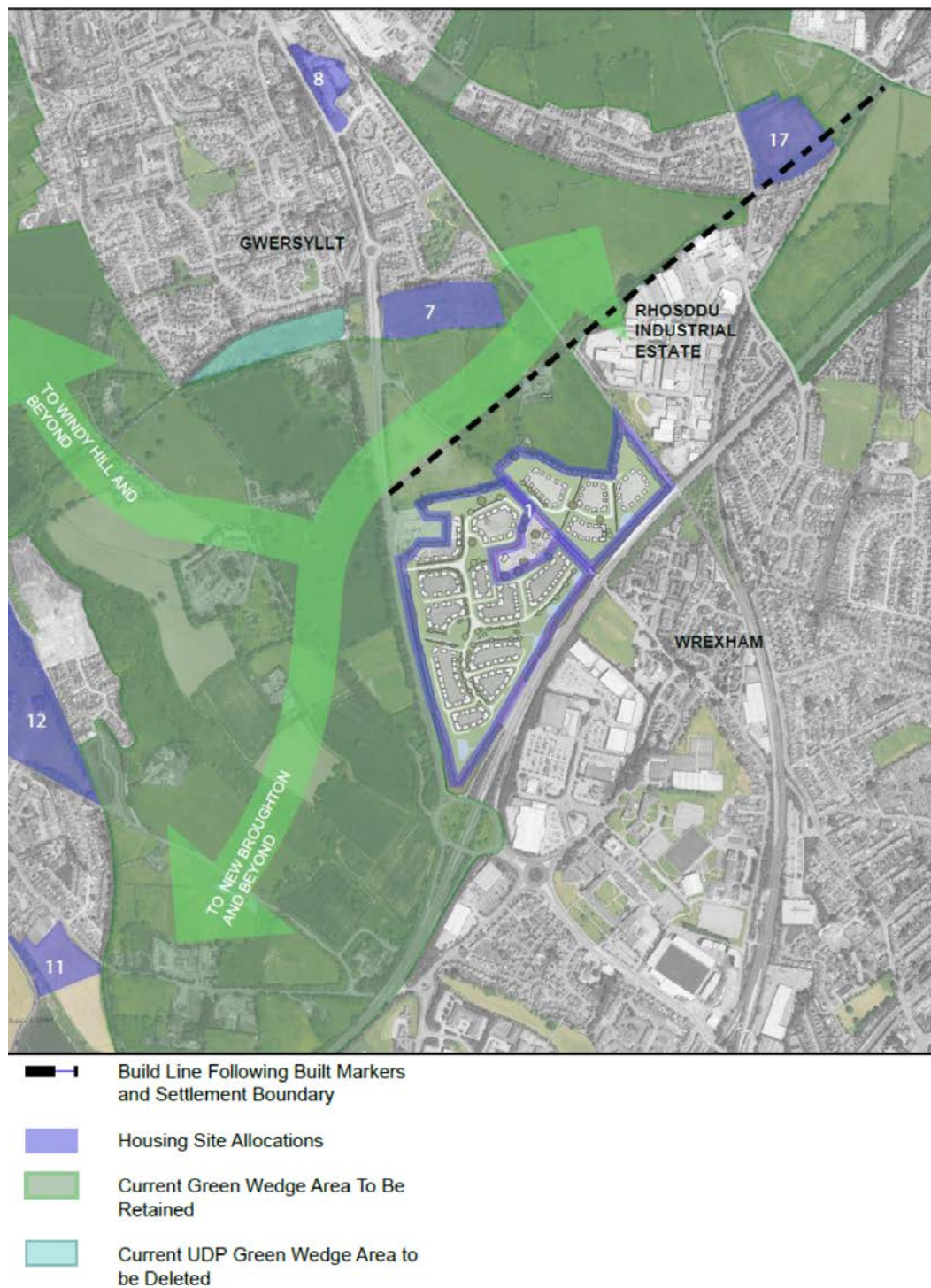
- 1.58 The Health Board has recently launched a strategy for improvement and better management of their investment programme. This includes investment in new doctors and improvement of facilities. Given the very complex and strategic nature of health provision and infrastructure, developers cannot determine local health needs and therefore are not in a position to promote new health provision.
- 1.59 The Wrexham Council have been working with the Health Board during the preparation of the LDP to ensure the Health Board are aware of the planned growth and can ensure it is accommodated in their improvement strategy and funding mechanisms going forward. This includes provision for GP practices, dentists and hospitals etc.
- 1.60 The application will therefore be considered by the Council and the Health Board in this context and consider any contributions they required from the provision of new homes. We await their feedback on the proposals.
- 1.61 The applicant is proposing the scheme deliver 25% affordable housing which complies with the existing UDP policy and also complies with the emerging LDP policy that was presented before the LDP Inspectors at Examination in October 2019.
- 1.62 We have reviewed the November 2018 Executive Board Report on the LDP and note from Table 2 that out of the 33 responses just 23 were objections to the emerging LDP Policy SP1 (overall Housing Provision). We have established that no elected Members objected to this key policy and nor did any Member object to Policy H2 (Affordable Housing).

Green Barrier Assessment

- 1.62 The pre-application advice provided by Officers back as far as 2014 was that we would need to consider the merit of the site in the context of its (UDP) Green Barrier designation. Officers were keen to maintain a strategic gap between Wrexham Town and Gwersyllt.
- 1.64 Our early proposals sought to give comfort that a distinct break would indeed be maintained and this has resulted in the emerging LDP showing this gap between the two settlements.
- 1.65 The Authority published (in May 2018) its Green Barrier Review document (dated October 2017), in support of the Deposit LDP. We have provided an extract of this document (see **APPENDIX A**) which shows how the site has been referenced in Areas 4 and (mainly) Area 5; resulting in it being proposed for release and for a strategic gap to be maintained.
- 1.66 For completeness we have followed Officer advice and completed not only an LVIA (please refer to Randall Thorp statement) of the site, but we have also undertaken our own Green Barrier assessment.
- 1.67 We consider that the LVIA undertaken underpins the view that the development of this site for residential development forms a logical sustainable extension to the settlement of Wrexham and the landscape assessment concludes that the proposed development would not result in any significant adverse landscape and visual effects. Provided that future reserved matters applications and the final detailed scheme meets similar standards there would be no landscape reason why the site would not be suitable for housing development.
- 1.68 We have reached the conclusion that this submission has satisfactorily addressed all the technical, design and landscape impact concerns that were first identified / raised by Officers in the early pre-application meetings and we consider that by the time detailed illustrative design layouts were presented to Officers during 2019 we had reached a consensus position where Officers were entirely comfortable with the scheme's direction and it was now down to the narrative in this statement and other supporting statements to provide the convincing case as to why this (UDP) Green Barrier site should be developed, notwithstanding the weight that might be attributed to the emerging LDP evidence base (sic. Green Barrier Review).

- 1.69 We have, as we have already explained, in tandem with this application process, been involved in making submissions to the emerging Local Development Plan and will continue to do so through to the plan being adopted. Our position is that we support the Council's proposed Green Barrier Review and moreover, we support the proposed allocation of the site for 375 dwellings.
- 1.70 Members of the Council approved the Deposit version of the emerging LDP and all of its supporting evidence base for examination and they have therefore conferred with their Officers' recommendations with respect Green Barrier release and draft housing allocations being acceptable. These matters have now been examined by independently appointed Inspectors and we attended all relevant sessions on housing and green barrier and the Inspectors have, despite issuing an interim findings letter on housing numbers and windfalls, have not raised any queries on the overall housing provision target, green barrier or draft allocations. We must therefore conclude that these issues are of a "sound" nature.
- 1.71 The direction of travel has been established through the LDP process in that it has been accepted that Green Barrier needs to be released in order for Wrexham to deliver its project growth requirements. Since practically the whole of Wrexham and its satellite settlements are surrounded by Green Barrier in the UDP this has means that release of land from this designation has been necessary.
- 1.72 The priority has therefore been given to releasing the most logical and sustainable locations for new development and there are few options which are capable of delivering growth of any scale and substance as only a few infill sites now remain and Wrexham benefits from limited reserves of brownfield land.
- 1.73 This location is considered to be a logical, unconstrained and sustainable location that is available, achievable, viable and deliverable.
- 1.74 Turning to Green Barrier policy this is enshrined in **PPW10 (Edition 10 – December 2018) Para 3.64** states: *"Green wedges are local designations which essentially have the same purpose as Green Belts. They may be used to provide a buffer between the settlement edge and statutory designations and safeguard important views into and out of the area. Green wedges should be proposed and be subject to review as part of the LDP process."*

- 1.75 Essentially in Wrexham, the Green Barrier designation was introduced not like its equivalent Green Belt cousin that was designed to have more permanence but as a lesser local designation with similar features which in PPW10 are known as Green Wedges.
- 1.76 It is recognised (PPW10 and UDP Policy) that there are essentially 5 purposes for including land in the Green Barrier and these are :
- *To prevent the coalescence of large towns and cities with other settlements;*
 - *To manage urban form through controlled expansion of urban areas;*
 - *To assist in safeguarding the countryside from encroachment;*
 - *To protect the setting of an urban area; and*
 - *To assist in urban regeneration by encouraging the recycling of derelict and other urban land.*
- 1.77 We will now deal with each purpose in turn and demonstrate that this site no longer functions or meets its definition and its loss would not have a significant impact upon any of its purposes.
- 1.78 **To prevent the coalescence of large towns and cities with other settlements :** the development of this site will contain development within a tightly defined and defensible boundary. The site is (visually) contained and enclosed by defined physical boundaries. It will not therefore result in any coalescence with neighbouring settlements and a strategic gap will be maintained between the site and Gwersyllt. The plan below illustrates how a strategic gap will be maintained.



- 1.79 **To manage urban form through controlled expansion of urban areas** : the above plan typifies the way in which the urban form of Wrexham can be controlled through the retention of a well- thought out design within the context of maintaining a strategic gap. Thus, the expansion of Wrexham is controlled through this and the retained Green Barrier designation between the site and Gwersyllt to the north.

- 1.80 **To assist in safeguarding the countryside from encroachment** : the sensitive and sympathetic design solution proposed has been endorsed and welcomed by Officers during pre-application discussions and its character and style is influenced by a “greenspace” vision and theme with large areas of the site devoted to open space (e.g. pocket parks and green routes) with the retention of existing landscaping (trees, hedgerows and stone walling) and new planting and biodiversity areas to reinforce a sense of place. Thus, the countryside will be protected; the LVIA has demonstrated that the site is not “open” but visually enclosed and its development will not harm or impact upon the wider “openness” of the countryside landscape.
- 1.81 **To protect the setting of an urban area** : the setting of Gwersyllt is not defined by this site. This site does not contribute to the setting and character of Gwersyllt or Wrexham and the development would also not undermine the setting or character of either settlement area, as has been demonstrated by the LVIA, but instead enhance and redefine the urban edge to Wrexham; the benefit of it being contained by a strong landscape enclosure and that development within it will be discreet and have a soft rural edge to it.
- 1.82 **To assist in urban regeneration by encouraging the recycling of derelict and other urban land** : the development of brownfield land in Wrexham has peaked and the availability of suitable, viable and developable brownfield sites is negligible; hence the LDP strategy to seek release of edge of settlement sites. There is a recognition that Green Barrier and open countryside must be identified to serve the future needs of delivering jobs, homes and other infrastructure. The Green Barrier is no longer serving this purpose and is undermining regeneration and economic growth. The LDP1 strategy of trying to force all new development into unviable areas and not release any land on the edge of settlements failed and does not work. A new strategy was therefore required and, as LDP2 emerged, Officers recognised that a Green Barrier Review was needed as part of this.
- 1.83 Interestingly, local precedent does exist in respect of the Authority agreeing to releasing Green Barrier sites for housing (with housing land supply cited as a principal reason) and some examples of these include the following recent cases in Wrexham:

Case Reference	Commentary
P/2014/0021 Ruabon Business Park site	Release of green barrier strip to facilitate this proposal was considered to be acceptable in the light of the pressing need for additional housing land. Permission granted to Wynnstay Framing Co. Ltd for a mixed-use scheme of 319 houses, care use, foodstore, pub, light industrial and hotel.
P/2015/0178 APP/H6955/A/14/2229577 Pont Adam, Ruabon	On appeal the case brought by Castlemead was dismissed solely on highway grounds, but the Inspector recognised that housing land supply took precedence and that all other technical matters had been satisfied. Permission has now been subsequently granted for 19 residential dwellings with the highway issue having been resolved.
P/2013/0545 APP/H6955/A/15/3135730 Hafod Tileries, Ruabon	Gladman were refused permission for this open countryside site that lies outside of the closest settlement (Johnstown) but won on appeal for 300 new dwellings. The Inspector noted that the settlement policy (PS1) which seeks to focus growth within defined settlements is effectively out of date and carries limited weight given the lack of housing supply and this outweighs countryside protection policies.
P/2014/0262 Chestnut Court, Summerhill	It was recognised that housing land supply outweighed the loss of this green barrier site and permission was granted to Castlemead (SG Estates) for 20 residential dwellings
P/2014/0480 P/2014/0870 APP/H6955/A/214/229480) Llay New Road, Rhosrobin	Where permission was originally refused for this Green Barrier site despite recommendation of approvals by Officers. Appeals were duly lodged by Castlemead. The Inspector found against the release of the site because in his view the lack of a housing land supply whilst accepted did not outweigh other factors, including the very nature of this site in that it would lead to coalescence, reduction in openness and encroachment.
P/2015/0790 Boozey Fields, Gwersyllt	Permission was approved by Members for 56 homes in the Green Barrier : it was recognised that housing land supply trumped the Green Barrier and that this site has met all technical and design and landscape objectives
P/2014/0905 APP/H6955/A/16/3147116 Home Farm, Llay	Permission was granted on appeal for up to 365 dwellings on an edge of settlement site in the open countryside. Now being promoted by Anwyl and

	Bellway – although not Green Barrier it was open countryside
Tan y Bont, Liberty, Wrexham APP/H6955/A/17/3182282	Permission was originally recommended for refusal by Officers and Members refused permission; the Appeal was subsequently allowed by Welsh Ministers (after its referral); dismissing TAN1 Para 6.2 as an issue and also overruling Green Barrier designation in favour of delivering housing land supply

1.84 In summary, our case, in demonstrating that this development proposal meets the exceptional circumstances test as set out in PPW, is grounded in the following:

- *the Authority cannot present any case for a 5-year housing land supply;*
- *that TAN1 is of significant material weight;*
- *that the Green Barrier (having been reviewed here and now) would (as it has done) find that this site, in our opinion, ought to be released for development;*
- *that our case is supported through all technical, landscape and design evidence presented in support of this application;*
- *there are a range of significant benefits (as presented in our summary conclusions section at the end of this statement : these offering a range of economic, social and environmental deliverables and roles) and;*
- *the site does not meet any of the 5 purposes of including and retaining the land within the Green Barrier*

1.85 These cumulatively present a compelling case as to why this scheme should be supported and granted planning permission.

Deliverability

- 1.86 The advice provided by Officers during pre-application meetings was that it would be helpful for the applicant to demonstrate that the site would come forward and was not just being promoted on a speculative basis.
- 1.87 The Authority, as part of its emerging LDP process, wrote to all site promoters on 20 February 2019 requesting they provide a “deliverability statement” and housing trajectory details with a view that they could update their background Paper on Housing for the LDP Examination.
- 1.88 This response was enhanced for the purposes of the recent LDP Examination and a copy of this is provided (see **APPENDIX D**).
- 1.89 The applicant is serious about bringing forward the site for development. A signal of their intent is the time and effort spent in promoting the site through the emerging LDP but also investing significant resources in producing an Outline application that has involved commissioning detailed assessments, surveys and design work.
- 1.90 No longer is submitting a planning application a quick and cheap exercise, but one that requires commitment and funds.
- 1.91 Perhaps most importantly though is the fact that Russell Homes are builders and whilst they may team up with another housebuilder in delivering this site they are contractually obliged to seek planning and their vested interest is that if they fail they cannot extract any return from their investment; they are therefore motivated to succeed and are committed to achieving planning permission.
- 1.92 The applicant has, having reached a formative stage in the project ensured all technical and design issues have been resolved prior to submitting for planning. The recently introduced DMO requirements place even greater emphasis on applicants being serious and getting things right.
- 1.93 The intention of the applicant is that following any grant of planning permission this will enable Russell Homes to start preparing a phased release and development of the site through subsequent Reserved Matters that will see units being delivered during 2021 onwards and full site delivery by 2028.

- 1.94 Details confirming the approach to delivery and a draft housing trajectory are provided (see **APPENDIX D**) and we trust that this narrative and the material provided demonstrates that the applicant is serious and deliverability of the site is proven.

2.0 PLANNING POLICY CONTEXT

- 2.1 The purpose of this section of the statement is to set out the sequence of planning policy that is considered relevant to the consideration of this application; these are separately examined in detail by assessing and interpreting the merits of the proposals against them, with a view to demonstrating the case in support of the development proposals. The legal test for all planning decisions is to determine the application in accordance with the statutory development plan unless material considerations indicate otherwise.
- 2.2 A material consideration will be whether the plans are up to date. We have adduced that, in this instance, the development plan (for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004) comprises the Development Plan (the **Wrexham Unitary Development Plan**) which was adopted in February 2005.
- 2.3 S38(6) confirms that in determining planning applications “any determination must be made in accordance with the development plan unless material considerations indicated otherwise”. Case law (such as *R. Cummins v Camden LBC* 2001) has established that for a proposal to be in accordance with the Development Plan it is not necessary for it to accord with each and every policy, rather it should conform with the plan as a whole.
- 2.4 Moreover, a more recent judgement (*BDW Trading Ltd. (T/A David Wilson Homes (Central, Mercia and West Midlands)* 27 May 2016)) involved the judgment of Lord Justice Lindblom which offers yet another example of Section 38(6) duty being examined and scrutinised in the Court of Appeal. The appeal was brought about when questions were raised as to whether or not an Inspector, deciding an appeal against a refusal of planning permission on a residential scheme of 114 dwellings, failed to discharge the duty, under Section 38(6) of the Planning and Compulsory Purchase Act 2004, to make the decision in accordance with the development plan unless material considerations indicated otherwise. Lord Justice Lindblom offers some much-needed clarification on the law and the judgment clearly reiterates that the approach to planning decisions is not and should not be rigid and the person making the decision has some scope and autonomy in how they approach the policy position.

- 2.5 The next step is to consider whether any “other material considerations” indicate otherwise. This will include assessing whether the proposals are in conformity and accordance with national policy (the Welsh Spatial Plan, Planning Policy Wales, TAN’s, Interim Ministerial Planning Statements) and any non-statutory guidance (e.g. best practice). We have done this exercise and adduced that national and non-statutory considerations also support the proposals.

Local Development Plan

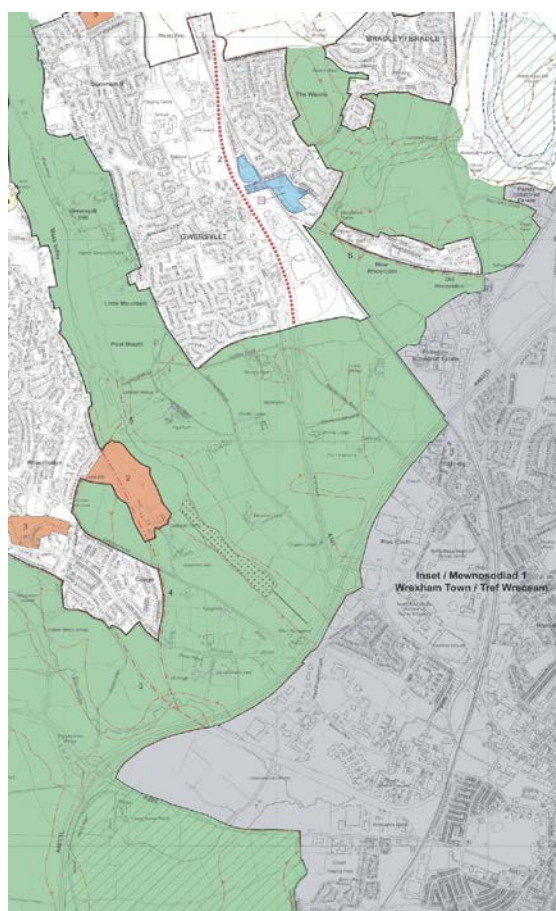
- 2.6 The starting point of any local planning policy assessment must be the Development Plan.
- 2.7 The principle Development Plan for the site comprises the “**Wrexham Unitary Development Plan**”, which was adopted in February 2005 and whose plan policies are currently being used for Development Control purposes. The plan period runs from 1996 to 2011.
- 2.8 Given its primacy, adopted status and the fact (most of) its policies are considered to be (generally) up to date, a degree of weight can still be attached to the relevant policies therein. However, this must be tempered by the fact that the plan has technically expired and in the light of TAN1 guidance (January 2015) the Authority can no longer demonstrate a 5-year housing land supply and moreover, there are National policies that have come on-stream since that must be afforded significant weight.
- 2.9 The Authority is now embarking upon a replacement for the UDP in the shape of a Local Development Plan (LDP) which will cover the plan period 2013 to 2028.
- 2.10 At the time of writing the LDP Deposit Plan has been through its Examination, although there may be an extra session on alternative reserve sites yet to be arranged, which could add to some additional delay. However, the plan has “broken the back” of the examination stage and benefits from a full suite of evidence base, draft policies and allocations; the bulk of which relating to housing, green barrier and this site in particular has not been challenging.
- 2.11 Indeed, the Inspector’s interim findings letter of 18 September 2019 (ref. INSP017) raised no concerns with respect these matters so we can, with some degree of confidence and optimism suggest that these elements of the plan will be found “sound” and in the light of this we consider that some weight must now apply despite it not having been subject of a binding Inspectors Report.

- 2.12 At the time of this application submission we were awaiting a second Interim Findings letter that is due for release (following the general election to avoid purdah) on 18 December 2019. It is widely assumed that the Inspectors may wish to re-open the Examination and have some hearing sessions on additional housing sites due to what we feel might be their unease with an over reliance upon windfalls and existing commitments being delivered.
- 2.13 Prior to the Deposit stage an amended Delivery Agreement was approved by Welsh Government (WG) on 11 October 2017, which set out a timetable that suggests the plan will be adopted during Spring 2019. This date has evidently slipped and the current (anticipated) programme is shown in the table below.

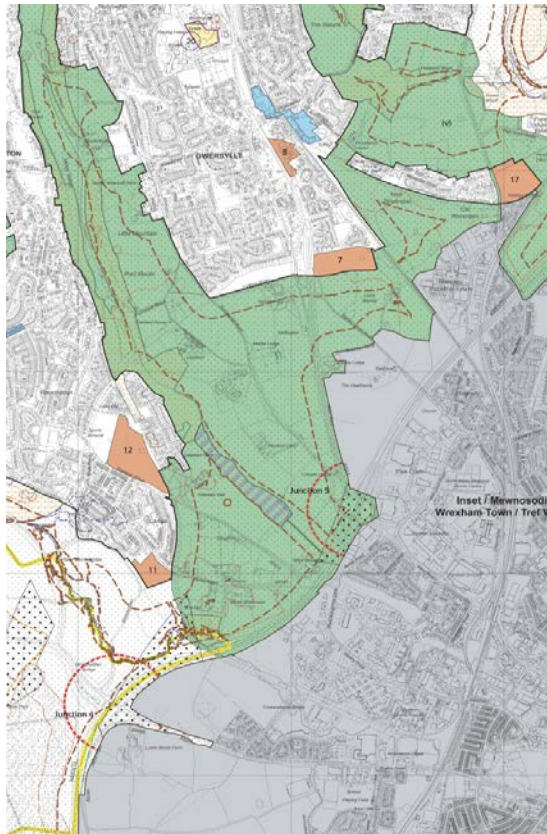
STAGE	NOTES	DATE	STATUS
Approval of a refreshed delivery agreement	Publication and approval	11 October 2017	Approved
Publication of Deposit Plan for consultation	Consultation	April to May 2018	Completed
Review of responses, reporting to Planning Policy Panel, Executive Board and Full Council for approval to submit to WG		December 2018	Completed
Production of Focused Changes and inviting alternative sites		December 2018	Completed
Submission of plan to WG for Examination		April 2019	Completed
Independent Examination to test soundness of plan		September to October 2019	Substantially complete – awaiting a further interim Inspector letter (due 18 Dec 2019) about any additional hearing sessions
Inspectors Report	Publication	Maybe Q2 2020	Awaited
LDP Adoption	Must be within 8 weeks of receipt of a binding Inspectors Report	Maybe Q3 2020	Awaited

- 2.14 Assuming the plan is adopted by Spring/Summer 2020; this will leave just 8 years of the plan to run until it expires in Spring 2028 and an early Review will be almost certainly be required in line with WG guidance; which stages that reviews must take place following the 4th anniversary of a plan (therefore as soon as Summer 2024).

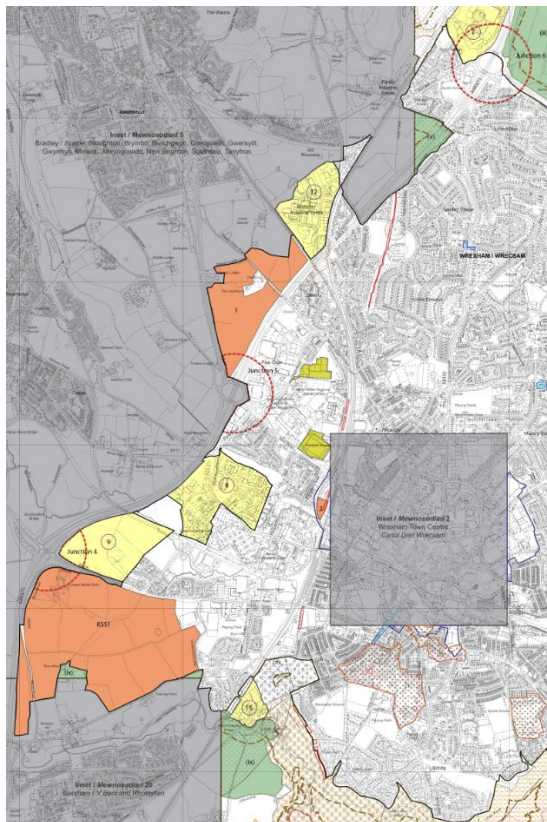
- 2.12 The Authority produced a “Strategic Green Wedge Review : Stage 1” report in February 2016 as part of their Preferred Strategy consultation exercise. The stage 1 review was limited to just Wrexham town and the Western villages. It was enhanced by the Stage 2 report dated October 2017 that sought to address the fuller Green Barrier context of Wrexham to include the areas of Green Barrier (see extracts in **APPENDIX A**); the findings for the application site remained the same in both stages.
- 2.13 The Strategic Green Wedge Review and emerging LDP propose to retain strategic Green Barrier between Gwersyllt and Wrexham but allow for release of the site.
- 2.14 Extracts of the existing UDP and the emerging LDP Proposals Maps are provided below. The UDP shows the site lying within the Green Barrier; The comparative map for the area shows that the site has now been included into the Wrexham Town Map, which shows the site as having had its Green Barrier designation removed and its housing allocation confirmed.



Existing UDP Proposals Map



Comparative Emerging LDP Proposals Map



Emerging LDP Proposals Map

- 2.15 The Council's published LDP2 Deposit Plan seeks to deliver 8,525 dwellings over the plan period. The site is identified as a Housing Allocation site under Policy H1 of the plan as a non-strategic Tier 1 allocation for 375 dwellings.
- 2.16 Neither the over-arching Housing Provision Policy SP1 or H1 states that these figures should be fixed and at the Examination it was accepted that they would be seen and expressed as a minimum subject to the capacity of the individual sites being proven and justified through subsequent evidence at an application stage.
- 2.17 In the light of the design and technical exercise undertaken Russell Homes believes that the site has a capacity of greater than 375 dwellings this includes highway and drainage evidence. Physically, the site is spatially large enough to deliver up to 455 units as can be demonstrated by the significant amount of POS being delivered by the proposal.
- 2.18 The site will, importantly, deliver new affordable housing to address the acute needs facing the community that simply cannot be resolved and addressed by many other alternative sites. The option of relying upon infill will not deliver any social and community benefits and only something of a scale akin to the application site will do this.
- 2.19 This application site will be able to deliver a host of community benefits and meaningful levels of affordable housing that will serve to meet the needs of the community over the plan period. It offers an entirely logical and sustainable extension to Wrexham Town with access to local services, facilities and infrastructure, free of constraint.
- 2.20 The Authority has logically and rationally found, through its own LDP evidence base, that the application site performs on all levels, is free from constraint, is deliverable and ought to be allocated.
- 2.21 In the meantime, the approach should be to identify the provisions of the (existing and emerging) development plan and determine if the application is in accordance or in conflict. If in compliance (as is the case here) the starting point will be to approve proposals by granting planning permission as the decision is in accordance with the plan.
- 2.22 We have assessed and tested the proposals against all relevant policies from the Adopted UDP and consider the principal policies listed in the table below to be the most relevant and appropriate in this instance.

- 2.23 Rather than simply reiterating what each policy seeks to achieve in great detail, since the Council will be entirely familiar with this, we will spend time emphasising and providing reasons why the proposal and the principle of the proposed development meets and conforms with these policies as set out in the table the follows below.

POLICY	COMMENTARY : APPLICATION CONFORMITY
PS1 Broad Location of Development	Development ought to be directed to within defined settlement boundaries. However, the plan has expired and insufficient land exists to provide for new development and in the absence of a 5-year housing land supply the next best sustainable locations must be positively considered and these are likely to be on the edge of settlements.
PS2 Broad Location of Development	Development ought not to materially or detrimentally affect countryside, landscape/townscape character, open space or the quality of the natural environment. Our evidence (design, landscape, tree, ecology) demonstrates that the proposal will not harm such interests by virtue of the sites enclosed and visually contained character and the retention of tree/hedgerow and ecological habitats.
PS3 Broad Location of Development	Development should preferably use previously developed brownfield land wherever possible and where greenfield land is used that it should avoid Grade 1, 2, 3a quality and land of ecological, landscape or amenity value. We have demonstrated that whilst the site is greenfield it does accord with the site selection hierarchy in that as a last resort some higher grade BMV is involved.
PS4 Broad Location of Development	Development should maintain the existing settlement pattern and character and be integrated with the existing transport network to reduce the need to travel by private car and offer alternatives. The proposal demonstrates that the integrity of the existing settlement will remain and that this site is located in a highly accessible and sustainable location to take advantage of public transport modes.
PS8 Transport	We have shown that the site is located in a position that enables maximum use of travel options in a highly sustainable manner and will encourage walking, cycling and public transport connections.
GDP1 Development Objectives	This policy seeks to ensure that all new development appropriately meet the following criteria: a) Character, appearance, design and layout

	b) Personal and community safety c) Design techniques to conserve energy and water resources d) Ensure safe/convenient pedestrian and vehicular access and making connections/links e) Convenient access to public transport f) Ensure amenity of environment are safeguarded from odour and noise effects g) Secure public services. h) Safeguard nature conservation habitats. i) Ensure that development is not subject to flooding, contamination, etc on or off site. j) Have regard to any Welsh linguistic identity. k) Secure the development of sustainable communities through economic, social and environmental wellbeing. The Council must accept that because the proposals are outline at this stage it is too early to specifically judge the merits of detail, but this statement (and others) illustrate that the applicant is acutely aware of the need to address each of these at the Reserved Matters stage in more specific detail where it is necessary and applicable. Moreover, the applicant considers that the Policy is met by the proposal and the submission demonstrates this.
GDP2 Capacity of Infrastructure & Community Facilities	There is no evidence that the proposal would result in any local infrastructure (highway, drainage, etc) or community facilities (education, health, open space) becoming deficient as a result of this development being implemented. Officers were asked during the pre-application process and they did not identify any deficiencies. Any need to provide for additional capacity must therefore be demonstrated by the Authority and if any gaps in provision can be proven to exist then the applicant will consider whether any such requirement can be provided; such requirements must be fairly and reasonably related in scale and kind and not be disproportionate to the development proposed.
EC1 Green Barriers	PLEASE REFER TO OUR COMMENTARY UNDER PREVIOUS SECTION Paras 1.62 to 1.77 : Green Barrier Assessment and also 2.12 to 2.14. NOTE : the emerging LDP Deposit Draft and its associated evidence base has reviewed the extent of the Green Barrier and found it should be amended to accommodate the

	required level of housing growth and this designation will no longer apply to the application site under the adopted LDP.
EC2 Agricultural Land	This policy seeks to protect the loss of grade 1, 2 or 3a agricultural land. Whilst the 1970's classification mapping (used by the WG predictive mapping service) showed the application site as largely Grade 2 good to moderate with excellent quality Grade 1 land our site specific survey has found the majority of the site to be the lower Grade of 3a, with an area of Grade 1 in the northern part of the site. The majority of the site therefore comprises Grade 3 'good to moderate quality' with moderate limitations on the quality for agricultural use. Given the small area of the site identified as Grade 1 agricultural land (only approximately 5.9 ha) and the proximity of existing residential uses and restricted access to heavy machinery, meaningful cultivation of this part of the site is unlikely to be economically feasible. Accordingly, the loss of agricultural land as a result of the development cannot be considered to be anything but justified. Furthermore, the emerging LDP has demonstrated that the release of some 'Best and Most Versatile' agricultural land to meet housing requirements going forward has been justified by WCBC's sequential site selection methodology and sustainability assessment, which has been endorsed by WG as part of the emerging LDP.
EC4 Hedgerows, Trees & Woodland	This policy seeks to protect and conserve such features in order to enhance the character of the local landscape. The scheme submitted has been very careful to ensure that any loss is absolutely minimal; in particular those already providing a landscape buffer to adjacent uses and those that contribute to its inherent rural / urban fringe character. These features shall be maintained and managed and the illustrative layout has integrated them, with only minimal setting back to enable plenty of mitigation through new planting. Moreover, the root protection zones of all trees have been shown to be protected and no overshadowing will impinge upon new residents.
EC6 Biodiversity Conservation	Our ecological investigations have demonstrated that there are no special biodiversity habitats of special importance in existence across the site but despite this the retained boundary landscaping features will serve to enhance the opportunities for existing habitats.

EC12 Development & Flood Risk	The Drainage Strategy report provided does not suggest that there will be any unacceptable risk of site flooding on or off site.
EC13 Surface Water Run-off	The Drainage Strategy report provided does not suggest that there will be any unacceptable adverse impact as a result of surface water run-off and a SUD's compliant (SABS) scheme is achievable.
H1 Housing Allocations	This policy states that sufficient land will be allocated for housing between 1996 and 2011. This term has now expired and the policy is silent on providing beyond this date. As it is, the Council are unable to demonstrate a 5-year housing land supply (less than the previously published 3.1 years in 2014 – which apparently is now down to 1.14 years in 2016) and moreover in the light of TAN1 (Jan 2015) this has been effectively “zeroed” because the Authority has an expired plan. Thus, the lack of a sufficient supply is a significant material consideration that must be afforded the maximum weight in favour of supporting this development.
H7 Affordable Housing	This policy seeks a contribution on sites over 25 dwellings. SPG28 recommends a provision of 25% and the applicant accepts this.
CLF5 Open Space Requirements from new Residential Developments	This policy seeks 0.4 ha per 50 dwellings; thus, reflecting SPG10 and this equates to 80 sqm per dwelling. For a 455-unit scheme this equates to 3.64 ha. The applicant has presented a scheme with an illustrative layout which indicates a quantum of 6.24 hectares of POS (excluding 1.64 ha of green space comprising the acoustic bunds). Thus, the illustrative layout is actually over-providing at 137 sqm per dwelling and delivering over double what the policy expects. The proposed route of maintenance and managing POS will be through a resident's management agreement (annual service charge), which will remove the need and responsibility from the public purse. Officers have expressed a preference for good quality design and are comfortable with the levels of POS indicated; this can however be better addressed at any Reserved Matters stage.
T8 Parking	In conformity with SPG16 adequate parking provision can be made to satisfy standards based upon the illustrative layout submitted.

T9 Walking, Cycling and horse-riding Routes	The proposals are looking to ensure opportunities for pedestrian and cycling access routes are integrated, with linkages and connectivity through, into and out of the site.
MW9 Protection of Mineral Resources	The site lies partly within an area designated under the existing UDP as a Mineral Resource Protection Area. However, as an identified housing allocation, the site is not within a Mineral Safeguarding Area in the emerging LDP. A Minerals report has found that it would not be possible to extract at this site due to the buffers required to protect adjacent residential dwellings. Prior extraction would also raise significant highway and landscape issues over a long period of time which would essentially mean the site would not come forward for housing until well into a subsequent plan period.

2.24 Moving onto the emerging LDP, the published Deposit Draft comprises a series of policies that the Authority are seeking to apply once the plan has been adopted. Some degree of weight can be afforded these (and their associated evidence base). Evidently, the Authority has proposed, in its Deposit Plan, to allocate the application site for housing which is welcomed by the applicant.

2.25 In reaching this decision the Authority have produced a Site Register of comments and Officer Responses (doc. Ref. KPD14a dated January 2018); in which it provided a summary of comments made at the Preferred Strategy stage in relation to each and every candidate site; this is reproduced in the table below, where one can see that only one objection was raised against the sites being brought forward.

Land off Mold Road and East of Stansty Chain Road, Wrexham WR25CS and WR25CS	
Concern Raised at Preferred Strategy LDP Stage	Officer Response
Not within Rhosddu but abuts the boundary. Forms part of the Green Belt / Buffer between the Town of Wrexham and the village of Rhosrobin. Without this, Rhosrobin would become part of Wrexham Town, and Gwersyllt would soon follow, resulting in urban sprawl. Such a large site would exceed service capacity.	Comments noted. Site has been replaced by WR03AS, which is proposed to be allocated in the LDP under policy H1. The need to provide housing combined with the lack of viable and deliverable brownfield sites inevitably leads to the loss of greenfield sites. The concerns about infrastructure are noted and the Deposit Plan will set out the approach to infrastructure needs and

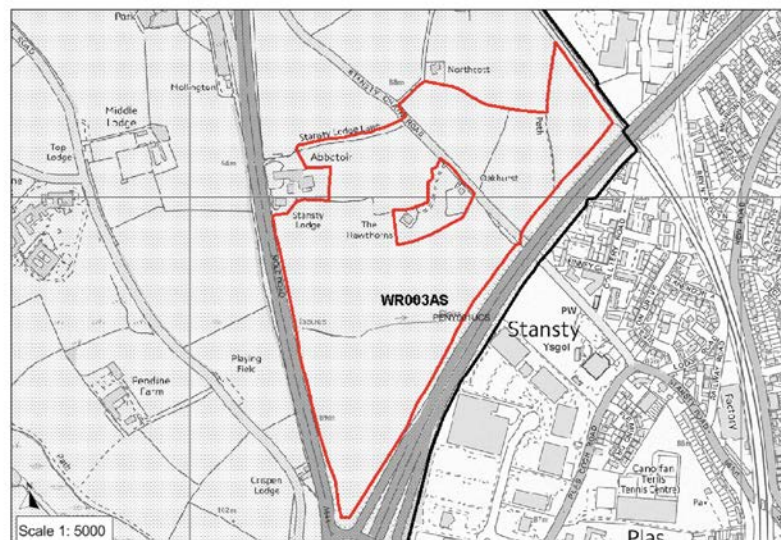
	provision. Wrexham has a range of services to help meet housing needs. The LDP proposes the retention of a Green wedge between the northern boundary of this site and the southern boundary of the site allocated under policy H1 (7).
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- 2.26 The citations in the tables refer to the plans provided in the associated KPD07a Site Register document (May 2018); a copy extract of which is provided below; noting that both sites were assembled under one reference.

WREXHAM LOCAL DEVELOPMENT PLAN 2013 – 2028

SITE REGISTER

Site Ref: WR003AS	Settlement Hierarchy Tier: 1
Site Address: Land adjoining Mold Road/A483 Wrexham	Current Use: Grazing field
Settlement: Wrexham	Proposed Use: Residential
Community: Gwersyllt	Small Sites: No
Ward: Gwersyllt East & South	Large Sites: Yes
Size ha: 21.97	Comment: Passes all stages of the Candidate Site Assessment process and is proposed to be allocated for housing in the LDP under policy H1 (1).
Greenfield: Yes	
Brownfield: No	



- 2.27 From this exercise and the “deliverability” representations that were submitted by Russell Homes, the Council concluded that they ought to allocate the site for 375 dwellings.

2.28 As set out above, given its advanced stage of preparation, the emerging LDP must now be afforded some weight. We have assessed the proposal against some of the key relevant policies from the emerging LDP Deposit Plan and consider the principal policies listed in the table below to be the most relevant and appropriate in this instance.

POLICY	COMMENTARY : APPLICATION CONFORMITY
SP1 Housing Provision	Policy also seeks to “maximise” the delivery of affordable housing where a need is identified, recognising the varying levels of development viability across the County Borough and also seeks to achieve a minimum density of 30 dph, whilst having regard to the context of the site. The Illustrative Masterplan achieves a net density of 33.3 dph thereby demonstrating that any future Reserved Matters application will be able to comply with this policy.
SP2 Location of Development	Wrexham Town is rightly identified as a Tier 1 location and this site is included in this hierarchy given its location, function, high level of sustainability and available services/facilities.
SP6 Planning Obligations	This policy sets out a shopping list of items that could be sought from developments; our caution and concern is that it needs to recognise and include a viability mechanism to ensure that schemes are not “over-loaded” with challenging obligations and moreover that some prioritisation is given so developers can be clear on what items are most important. A host of deliverables are already being presented and these are considered appropriate and reasonable; to “load” more obligations on a scheme (beyond these and the standard affordable, POS and education contributions) would harm viability and deliverability.
SP7 Green Wedge	Although not designated as Green Wedge the applicant supports the need to maintain a strategic gap between Gwersyllt and Wrexham Town.
SP8 Wrexham Town	It is agreed that Wrexham Town should be focus for growth and this proposal / site fits with this ambition.
SP13 Design Principles and Masterplanning Framework	The DAS has demonstrated that best practice that goes beyond and fits with this policy is achieved.
SP14 Health and Wellbeing	Presently there is access to healthcare facilities.
SP15 Natural Environment	The proposal and its supporting statements demonstrates that it will protect, conserve and enhance the natural environment; in safeguarding assets and delivering betterment/compensation for any loss.
SP20 Green Infrastructure	Significant levels of green infrastructure are being provided.
NE3	The submitted Tree Survey and Arboricultural Implications Assessment demonstrates that the development can be delivered without

Trees, Woodland and Trees	unacceptable harm to trees, woodlands or hedgerows and that adequate mitigation for any minor necessary losses will be provided.
NE6 Waste Water Treatment and River Water Quality	The RSK report confirms that satisfactory foul and surface water drainage solutions exist.
H1 Housing Allocations	Notably, we support the Mold Road allocation for 375 dwellings it can be delivered early in the plan period to meet initial housing demand.
H2 Affordable Housing	This policy seeks contributions on all sites above 10+ units in line with area-based target quotas. The DVS evidence base released during September 2019 recommended a different approach to target levels of affordable and the Authority have amended their draft policy and reduced the target percentage from 40% to 25% in the area in which the application site sits. Russell Homes welcomes this and confirms that it will seek to comply with this target.
DM1 Development Management Considerations	Like its UDP predecessor (GDP1) this is an over-arching general development management policy and we can confirm full compliance with it through the material submitted on all the various technical aspects of the submission.
T1 Managing Transport Impacts	The TA sets out how the site will be accessed, serviced and shows how sustainable it is whilst not serving to harm the existing network by providing there is capacity and off-site improvements that can be introduced.
T1 Active Travel	The location of the application site serves to maximise active travel options.
CF2 Provision of New Open Space	This policy seeks to have new public open space provided on all residential schemes over 10+ units at a rate of 0.25 ha per 50 dwellings (or 50 sqm per dwelling). For a site of 455 dwellings this would equate to 50 sqm per dwelling and a total of 2.275 ha. The proposal is delivering far in excess of this.

2.29 We can conclude that the application proposals clearly comply with the existing UDP and the spirit of the emerging LDP that is heading towards an adoption stage, subject to the Inspector's finding the plan to be "sound".

Supplementary Planning Policy

2.30 There are some relevant approved/adopted non-statutory supplementary planning guidance documents that exist which have been considered by the applicant team in preparing this proposal; these comprise the following:

- SPG6 : Access to and use of Buildings
- SPG7 : Landscape and Development
- SPG10 : Public Open Space on New Housing Development
- SPG15 : Cycling
- SPG16 : Parking Standards
- SPG17 : Trees & Development
- SPG21 : Space Around Dwellings
- SPG24 : Designing Out Crime
- SPG27 : Developer Contributions to Schools
- SPG28 : Affordable Housing
- SPG30 : Design Guide for Developers & Architects when Designing Residential Development
- SPG31 : The Welsh Language & Welsh Communities
- SPG32 : Biodiversity & Development

2.31 Notwithstanding the fact that the applicant considers the proposal complies with each and every one of these documents the applicant must question what weight that can realistically be afforded them, not least because the relevant Planning Acts (2004 and 2012) are clear as to the Regulations under which such guidance is published and the fact is that unless a document has been through “examination” its weight is tempered and diluted. In view of this, very limited weight can be given to such documents.

National Planning Policy

2.32 The overarching policy framework in Wales comprises the **Wales Spatial Plan (WSP)** which provides the operational strategic framework for planning policy in the Principality but is not spatially specific. WSP was updated in **July 2008**. Its 5 core aims and objectives are to:

- o Build sustainable communities;
- o Promote a sustainable economy;
- o Value the environment;
- o Achieve sustainable accessibility and;
- o Respect distinctiveness.

2.33 **WSP** is to be replaced by the emerging **National Development Plan (NDP)** and a draft of this was published on 7 August 2019. This document is a lot more spatially specific than WSP and of particular note are the following policies :

NDP Policy 1 – Sustainable Urban Growth

Urban growth should support towns and cities that are compact and orientated around urban centres and integrated public transport and active travel networks. Higher density and mixed-use development on sites with good access to urban centres and public transport hubs, including new and improved Metro stations, will be promoted and supported.

This policy directs growth to be connected to existing infrastructure and maximising sustainable access.

NDP Policy 2 – Supporting Urban Centres

Proposals for new public service facilities of a significant scale should be located in town and city centres. A sequential approach must be used to assess development plan allocations and to determine planning applications for developments. Only in exceptional circumstances should public service facilities of a significant scale be approved outside of town and city centres.

This policy serves to ensure development is concentrated in the most accessible locations.

NDP Policy 5 – Delivering Affordable Homes

The Welsh Government will increase delivery of affordable homes by ensuring that funding for affordable homes is effectively allocated and utilised. Strategic and Local Development Plans should develop strong evidence-based policy frameworks to deliver affordable housing, including setting development plan targets based on regional estimates of housing need and local assessments. In response to local and regional needs, they should identify sites for affordable housing led developments and explore all opportunities to increase the supply of affordable housing.

This places the delivery of affordable housing at the heart of housing policy.

NDP Policy 17 – Wrexham and Deeside

The Welsh Government supports Wrexham and Deeside as the primary focus for regional growth and investment. Wrexham and Deeside's role within the North region and the wider cross-border areas of Cheshire West and Chester and Liverpool City Region should be maintained and enhanced.

Strategic and Local Development Plans across the region should recognise Wrexham and Deeside as the focus for strategic housing and economic growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure; and consider how they can support and benefit from Wrexham and Deeside's regional role.

The Welsh Government will work with cross border authorities to promote Wrexham and Deeside's strategic role and ensure key investment decisions support Wrexham and Deeside and the wider region.

Wrexham and Deeside is one of only 3 National Growth Areas being designated nationally and as such Wrexham is an area where growth will be encouraged

- 2.34 Whilst little weight can be attached to the draft NDP it does provide a “direction of travel” and places a significant emphasis on key issues such as sustainable growth and the delivery of affordable housing. It also serves to reflect the **policy guidance letter from WG dated 8 July 2019** which seeks to encourage the delivery of affordable housing.
- 2.35 **Planning Policy Wales (PPW) (Edition 10 December 2018)** provides more detailed strategic over-arching guidance on planning policy direction and is now less of a policy and land use specific document compared to its forebears; it instead focuses in on 4 central themes:
1. Placemaking in action
 2. Active and social spaces
 3. Productive and enterprising places
 4. Distinctive and natural places
- 2.36 PPW10 has “placemaking” at its core and running through as a thread is the fundamental purpose of the planning system being able to contribute to and promote the achievement of “sustainable patterns of development”.
- 2.37 The “placemaking” theme introduces 5 key planning principles :
1. Growing our economy in a sustainable manner
 2. Making best use of resources
 3. Facilitating accessible and healthy environments
 4. Creating and sustaining communities
 5. Maximising environmental protection and limiting environmental impact

2.38 PPW10 comprises six chapters. We have considered the proposal in the light of each chapter and paragraph and set out our observations in the table below.

2.39 Specifically, **Chapter 4** it confirms that LPAs must ensure that the supply of land to meet the housing requirement proposed is deliverable and that sufficient land is genuinely available or will become available to provide a five-year supply of land for housing. It also confirms that planning applications which comply with up-to-date development plans should be assumed to be viable and it should not be necessary for viability issues to be considered further.

Para	Detail	Observation
Chapter 1 : Introduction		
1.17	A plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted and kept under review. Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.	The importance of having an up to date local plan is key as is the presumption in favour of sustainable development
1.21	Up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making. Plans at all levels of the development plan hierarchy must be prepared in accordance with national planning policies. Planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise. ⁶ Development plans must show how places are expected to change to accommodate development needs over the plan period. They provide certainty for developers and the public about the type of development that will be permitted at a particular location.	Footnote 6 refers to Section 36(6) of the Planning & Compulsory Purchase Act 2004
1.30	Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications. It is led by the planning authority, working collaboratively with those proposing developments and other stakeholders including the local community. It must be undertaken in the spirit of partnership and inclusiveness (using the five ways of working) and supports the delivery of key priorities and outcomes (contributing to improving the social, economic, environmental and cultural well-being).	A collaborative approach has been taken
1.34	LPA's must refer to the Welsh Ministers, in accordance with the provisions of relevant Notification Directions, applications which they do not propose to refuse for the following categories of development:	Referral to WG Ministers will be required as the quantum site area

	(i) Flood Risk Area Development – incorporating emergency services or highly vulnerable development (10 or more dwellings for residential schemes), where the entire site is within flood zone C2; (ii) Significant Residential Development – residential development of more than 150 units or residential development on more than 6 hectares of land, not in accordance with the provisions of the development plan in force in the area;	and proposed dwellings threshold is triggered
Chapter 2 : People & Places : achieving well-being through placemaking		
2.21	Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle. There may be occasions when one benefit of a development proposal or site allocation outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.	This proposal serves to deliver a range of economic, social and environmental objectives
Chapter 3 : Strategic & Spatial Choices		
3.3	Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.	The proposed design demonstrates that the applicant has sought to achieve a high-quality design solution that will deliver on the objective of “placemaking”
3.4	Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales. These objectives can be categorised into five key aspects of good design	The layout, form and arrangement has been developed in close consultation with Officers
3.22	The way a development is laid out and arranged can influence people's behaviours and decisions and can provide effective mitigation against air and noise pollution. Effective planning can provide calming, tranquil surroundings as well as stimulating and sensory environments, both of these make an important contribution to successful places.	The illustrative layout shows that pedestrian movement is maximised

3.39	In developing their spatial strategy planning authorities must prioritise the use of suitable and sustainable previously developed land and/or underutilised sites for all types of development. When identifying sites in their development plans planning authorities should consider previously developed land and/or underutilised sites located within existing settlements in the first instance with sites on the edge of settlements considered at the next stage. It is recognised, however, that not all sites of this nature are suitable for all types of development.	The search sequence for new housing sites must follow this order and as there are no PDL sites edge of settlement sites in the most sustainable locations should be considered a priority
3.40	Where there is a need for sites, but it has been clearly demonstrated that there is no previously developed land or underutilised sites (within the authority or neighbouring authorities), consideration should then be given to suitable and sustainable greenfield sites within or on the edge of settlements. The identification of sites in the open countryside, including new settlements, must only be considered in exceptional circumstances and subject to the considerations above and paragraph 3.46 below. The search process and identification of development land must be undertaken in a manner that fully complies with the requirements of all relevant national planning policy.	Again, the search sequence is clearly defined
3.46	A broad balance between housing, community facilities, services and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Planning authorities should adopt policies to locate major generators of travel demand, such as housing, employment, retailing, leisure and recreation, and community facilities (including libraries, schools, doctor's surgeries and hospitals), within existing urban areas or areas which are, or can be, easily reached by walking or cycling, and are well served by public transport.	This highlights the need to ensure new housing is accessible and well related to existing sustainable infrastructure, facilities and services
3.55	When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 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.	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

3.56	Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation.	This site is directly adjacent the existing built up area
3.57	Adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working.	Adequate infrastructure exists to support and be supported by this development
3.64	Green wedges should be proposed and be subject to review as part of the LDP process.	The Green Barrier policy has been reviewed and this site has now been proposed to be excluded in the emerging LDP
Chapter 4 : Active & Spatial Options		
4.1.10	Development proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.	The proposal delivers pedestrian connectivity, active travel choice and off-site improvements
4.1.33	In determining planning applications, planning authorities must ensure development proposals, through their design and supporting infrastructure, prioritise provision for access and movement by walking and cycling and, in doing so, maximise their contribution to the objectives of the Active Travel Act.	The proposal meets this requirement
4.1.36	Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services, reallocating their use if necessary. In rural areas, planning authorities should designate local service centres, or clusters of settlements where a sustainable functional linkage can be demonstrated, as the preferred locations for new development.	The site is located to take advantage of such connections with public transport
4.1.56	Transport Assessments are an important mechanism for setting out the scale of anticipated impacts, a proposed development, or redevelopment, is likely to have. They assist in helping to anticipate the impacts of development so that they can be understood and catered for appropriately.	A TA has been provided

4.2.2	The planning system must: • identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures; • enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and focus on the delivery of the identified housing requirement and the related land supply.	This proposal offers a multi-tenure, housing mix that will contribute to ensuring community sustainability and is proven to be deliverable
4.2.10	The supply of land to meet the housing requirement proposed in a development plan must be deliverable. To achieve this, development plans must include a supply of land which delivers the identified housing requirement figure and makes a locally appropriate additional flexibility allowance for sites not coming forward during the plan period. The ability to deliver requirements must be demonstrated through a housing trajectory. The trajectory should be prepared as part of the development plan process and will illustrate the expected rate of housing delivery for both market and affordable housing for the plan period.	This site is deliverable – others are not yet proven to be so
4.2.15	Planning authorities must ensure that sufficient land is genuinely available or will become available to provide a five-year supply of land for housing judged against the general objectives, scale and location of development required in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints and be economically viable, in order to support the creation of sustainable communities. For land to be regarded as genuinely available it must be a site included in either a Joint Housing Land Availability Study (JHLAS) or, until a JHLAS is required to inform the first Annual Monitoring Report (AMR), in the housing trajectory agreed as part of an adopted development plan. The housing trajectory demonstrates how the planning authority will maintain a five-year supply of housing land over the plan period.	A 5-year supply is required and sites must be proven as being available and free of constraint such as this site
4.2.16	Planning authorities, landowners and house builders must work together constructively to identify deliverable housing land in sustainable locations for development. When identifying sites to be allocated for housing in development plans, planning authorities must follow the search sequence set out in paragraphs 3.37-3.38, starting with the re-use of previously developed and/or underutilised land within settlements, then land on the edge of settlements and then greenfield land within or on the edge of settlements. This process should be undertaken for housing market areas and will require collaboration between planning authorities where these areas cover more than one authority. The aim should be to make the	Once again the search sequence in selecting locations for new housing is made very clear

	best possible use of previously developed land in preference to greenfield sites across the market area as a whole.	
4.2.19	As part of demonstrating the deliverability of housing sites, financial viability must be assessed prior to their inclusion as allocations in a development plan. At the 'Candidate Site' stage of development plan preparation landowners/developers must carry out an initial site viability assessment and provide evidence to demonstrate the financial deliverability of their sites. At the 'Deposit' stage, there must be a high-level plan-wide viability appraisal undertaken to give certainty that the development plan and its policies can be delivered in principle, taking into account affordable housing targets, infrastructure and other policy requirements. In addition, for sites which are key to the delivery of the plan's strategy a site-specific viability appraisal must be undertaken through the consideration of more detailed costs, constraints and specific requirements. Planning authorities must consider how they will define a 'key site' at an early stage in the plan-making process. Planning authorities must also consider whether specific interventions from the public and/or private sector, such as regeneration strategies or funding, will be required to help deliver the housing supply.	The Authority have undertaken this exercise and the site is deemed to be viable; something that the applicant can confirm
4.2.20	Where new housing is to be proposed, development plans must include policies to make clear that developers will be expected to provide community benefits which are reasonably related in scale and location to the development. In doing so, such policies should also take account of the economic viability of sites and ensure that the provision of community benefits would not be unrealistic or unreasonably impact on a site's delivery.	The emerging policy has yet to be adopted
4.2.21	Where up-to-date development plan policies have set out the community benefits expected from development, planning applications which comply with them should be assumed to be viable and it should not be necessary for viability issues to be considered further. It is for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning it are up-to-date, and any change in circumstances since the plan was adopted. Such circumstances could include, for example, where further information on infrastructure or site costs is required or where a recession or similar significant economic changes have occurred since the plan was adopted. Where negotiation is necessary, the planning authority and developer should operate in an open and transparent manner with all information provided on an 'open book' basis.	The current UDP sets affordable housing at 25% and this level is proposed to be met and also maintained in the emerging LDP

4.2.33	Planning applications for residential sites that comply with up-to-date development plan policies for the inclusion of an element of affordable housing should be assumed to be viable.	The Councils emerging affordable housing policy and associated evidence is yet to be passed through to being adopted but it proposes a target of 25% which will be met by the application proposals
Chapter 5 : Productive & Enterprising Places		
5.8.6	Developers should take into account future requirements for carbon reduction in new buildings, as a result of changes to Building Regulations in Wales, when designing their schemes. Being mindful of any future changes will ensure design aspects of requirements are considered as early as possible.	Through sustainable development and design and the role of Building Regulations LPAs will help move towards a low carbon economy
Chapter 6 : Distinctive & Natural Places		
6.1.23	The planning system recognises the need to conserve archaeological remains. The conservation of archaeological remains and their settings is a material consideration in determining planning applications, whether those remains are a scheduled monument or not.	The proposal will protect and remains as agreed with CPAT
6.2.4	Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.	The quality of the built environment is enhanced by integrating green infrastructure into the development
6.2.5	The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential	The proposal integrates green infrastructure into the scheme

	for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.	
6.4.25	Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.	Significant compensation for any loss is proposed
6.6.17	New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.	Noted for Reserved matters stage
6.6.18	The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development. In guiding new development, the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area.	This has been achieved
6.6.19	Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or	This has been achieved

	archaeological considerations but taking into account the role of water services in contributing to the quality of place, nature-based solutions should be the preference.	
6.6.20	Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to planning authorities that their proposal site can connect to the nearest main sewer	This has been achieved

- 2.40 PPW10 is supplemented by the **Technical Advice Notes (TAN's)** and by draft Ministerial Interim Planning Policy Statements (MIPPS).
- 2.41 The **Development Management Manual** (May 2017) and **Development Plans Manual** (August 2015) guide practitioners on the day to day implementation guidance. The DPM is being updated and due for re-issue soon.
- 2.42 Procedural advice is then set out in Circulars and Ministerial clarification letters.
- 2.43 As such, these documents may be used as material planning considerations to the determination of individual planning applications.
- 2.44 The Welsh Government publication “**Prosperity for All : the national strategy**” was issued in September 2017 and remains very relevant. It states that one of its key priorities is Housing and says that “*the bedrock of living well is a good quality, affordable home which brings a wide range of benefits to health, learning and prosperity*”.
- 2.45 It proceeds to set out 4 core well-being objectives of which we consider this proposal meets all four:
- 1. Prosperous & Secure : in supporting people and businesses to drive prosperity and tackling regional inequality and promote fair work; and drive sustainable growth*
 - 2. Healthy & Active : promote good health and well-being for everyone; and building healthier communities and better environments*
 - 3. Ambition & Learning : build ambition*
 - 4. United & Connected : build resilient communities and deliver modern and connected infrastructure*

- 2.46 It identifies 5 cross-cutting themes of which “Housing” is one and that housing development brings a wide range of benefits to health, learning and prosperity and that affordable housing provision is a key challenge. The planning measure intended to achieve these outcomes are reflected in PPW10 and TAN1.
- 2.47 We are aware of a recent consultation to abandon the need for Local Planning Authorities to have a 5-year housing land supply (this consultation paper was published on 9 October and the date for responses was 20 November 2019) and to replace them with the requirement of having to base housing delivery upon an adopted LDP housing trajectory and monitor “deliverable” sites in association with an Annual Monitoring Report; therefore if the Authority can prove that it can deliver “XXX” units per annum and that its target requirement is “YYY” and that “XXX” to greater than “YYY” then windfall sites coming forward may struggle to obtain support and be refused.
- 2.48 This policy change would not be welcomed by the development industry in Wales as it introduces yet another (opaque) impediment in attempting to deliver growth and attract investment nationally. The General Election on 12 December 2019 may have an impact upon the programme for introducing such measures. In its current format it is almost certain to be challengeable in the High Court, but beside all these points it is a distraction and would change little but simply elongate and frustrate the whole planning process in Wales further.
- 2.49 The fact is that Wrexham do not have an adopted LDP and therefore do not yet have an adopted housing trajectory.
- 2.50 Whilst it is recognised that few local planning authorities (who adopted their LDPs early) will have housing trajectories until they have completed their plan reviews the consultation suggests that Authorities in this position would need to use a simple calculation based on their housing requirement to derive an average annual figure against which to assess delivery. The consultation is silent on how Authorities without an adopted LDP (i.e. still relying upon an extant UDP) will need to operate; but if the suggestion is that they will need to adopt a similar approach then evidently this is an “unsound” way of calculating delivery since publishing a “draft” trajectory based upon a “draft” “housing requirement” is not fit for purpose and unsound.

2.51 Essentially, even if this were the case then Wrexham would again struggle to demonstrate delivery so would continue to be vulnerable. The emerging LDP is not likely to be adopted until Spring 2020 so this guidance is not applicable at this stage.

2.46 The most relevant TAN's (and MTAN's) that are considered to be material in this instance comprise the following:

- TAN1 : Joint Housing Land Availability Studies (2015)
- TAN2 : Planning & Affordable Housing (2006)
- TAN5 : Nature Conservation & Planning (2009)
- TAN6 : Planning for Sustainable Rural Communities (2010)
- TAN12 : Design (2016)
- TAN15 : Development & Floodrisk (2004)
- TAN18 : Transport (2007)
- TAN22 : Sustainable Buildings (2010)
- TAN23 : Economic Development (2014)
- TAN24 : The Historic Environment (2017)

2.47 We do not consider it appropriate to slavishly cover each of them in exacting detail but instead we will summarise the key and salient and pertinent points from each of them. As a general comment we consider that the proposals comply with them all.

	COMMENTARY
TAN1	This presented a marked "step change" in policy direction. This must also be read in the context of the Council's current development plan status. The Council released its last Joint Housing Land Availability Study (JHLAS 2014) in March 2015; this is a document that every Authority must publish on an annual basis and it identifies what housing land supply they consider is present. PPW (Para 9.2.3) states that it is a requirement of all Authorities to provide a 5-year housing land supply. However, the last published figures (JHLAS 2014) show that Wrexham had just 3.1 years supply (down from 3.4 years in 2013, 3.5 years in 2012, 3.9 years in 2011, 5.35 years in 2010); thus the trajectory is that it is decreasing every year and with no adopted LDP to identify future sources of supply the situation is forecast to only get worse. We are aware that more recent figures from 2016 suggest the supply has plummeted to just 1.14 years supply. TAN1 however provides even greater guidance and clarity and Paras 6.2. 8.1 and 8.2 are of particular pertinence; it states that where a current study shows less than 5 years the need to increase supply (by approving more development) should be

	given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national policy. However, where there is an expired UDP and/or no adopted LDP in place the Authority will effectively be considered not to have any supply (a zeroed position) This places Wrexham in a tricky position, in the absence of an adopted development plan. This is set against a backdrop of their first LDP1 attempt failing and having to be withdrawn and already a two-year slippage in their LDP2 programme from the original Delivery Agreement date. In this context it is clear that a step change in provision is needed if the position of being able to provide “deliverable” (i.e. available, free of constraints and viably developable) sites that might positively contribute to housing land supply can be arrested. PLEASE REFER to the following section for a more detailed assessment on the implications of the WG dis-application of Para 6.2.
TAN2	This scheme is for an open market development but it does offer a significant level of new affordable housing (up to 114 no. units) and the proposed type and mix of units illustrated reflect the known local affordable housing need as directed by Officers. The local target is 25% provision and we consider that it is achievable subject to viability (all other factors considered). Para 10.12 recognises that it is important that there is adequate housing provision in rural areas to meet the needs of local people and to contribute to the delivery of sustainable communities. Indeed, TAN2 states that Development Plans must support rural exception housing policies and it recognises that alone such sites cannot deliver affordable housing and as such Authorities are advised to allocate sufficient land either within or adjoining settlements. We have worked collaboratively with the Authority in understanding the need and this scheme seeks to deliver that need which would otherwise not be met. Affordable Housing can be secured through Condition and/or S106 legal agreement and the applicant is happy to consider either.
TAN5	Protected species and habitats have been assessed and examined; with an extended Phase 1 Ecological Assessment undertaken.
TAN6	Although mainly dealing with agricultural related development this TAN does seek to support development that will serve to enhance the future sustainability of rural communities through new residential opportunities. Section 6.2 discusses agricultural land quality; as discussed previously, the loss of some agricultural land as a result of the development is considered to be justified

	given the accepted need to release agricultural land to meet the acute housing need.
TAN12	As Para 2.5 states : Good design is not inevitable. It requires a collaborative, creative, inclusive, process of problem solving and innovation – embracing sustainability, architecture, place making, public realm, landscape, and infrastructure. The design solution arrived at (as expressed in the DAS) demonstrates that TAN12 has been followed and has taken a sensitive and sympathetic approach and response to the local natural and built environment assets. The applicant considers that this guidance has been met and the application documents establish parameters to ensure a positive design solution at Reserved Matters stage.
TAN15	The site does lies entirely within Flood Zone A (low risk category). Nonetheless an FCA has been undertaken along with Infiltration testing to prove that a sustainable method of surface water drainage can be achieved. A feasible and suitable connection to the public sewer has been identified for foul water, and discussions are on-going with Dwr Cymru (Welsh Water) to confirm connection requirements.
TAN18	A full Transport Assessment has been submitted. This demonstrates that safe and appropriate access to the site can be achieved.
TAN22	The standard Code will be meet and building Regulations will serve to ensure buildings meet current standards of sustainability.
TAN23	This is of significant material weight given that PPW defines economic development broadly so that it can include any form of development that generates wealth, jobs and income (including residential). It follows therefore, that the economic impact of these proposals must be given serious weight; the nature and extent of the benefits are provided in the summary section to this statement. Para 1.15 recognises that economic land uses include construction and include house building. And the PPW references on a number of occasions the need to align housing and jobs and the delivery of meeting affordable housing need in a sustainable travel to work area. The most relevant and pertinent Paragraphs in TAN23 comprise the following: Para 1.2.1 <i>As a consequence it is essential that the planning system recognises, and gives due weight to, the economic benefits associated with new development.</i> Para 1.2.2 <i>PPW advises that planning for economic land uses should aim to provide the land that the market requires, unless there are good reasons to the contrary</i>

	Para 1.2.5 <i>Local planning authorities should recognise market signals and have regard to the need to guide economic development to the most appropriate locations, rather than prevent or discourage such development</i> Key factors in determining the weight and benefits of supporting schemes will be to ask the questions (posed under Section 2) of what the alternatives are, how many jobs will be directly provided and what other special merit might exist. This scheme will deliver and generate many construction and supply chain jobs and the new housing will serve to support enhanced local services and facilities once occupied.
TAN24	Section 1 discusses the importance of heritage impact assessment and the need to assess and understand sites and their significance. It also recognises the links between nature conservation and habitats and historic environment assets and the duty to ensure any works on one do not detrimentally impact upon the other. Section 4 discusses the importance of not just assessing the presence but also the value of any archaeological remains; with a view that those significant enough for retention are providing surety over being protected in situ. An HIA and an Archaeology report have been completed.

2.48 In conclusion, having assessed the relevant national planning policy guidance, it is our contention that the proposed development is supported, fully compliant and is endorsed by local and national planning policy.

TAN 1 Para 6.2 assessment

- 2.49 In the light of the Welsh Government Ministerial letter of 18 July 2018, pertaining to the dis-application of Para 6.2 of TAN1 we felt that it would be helpful and necessary for us to consider its implications for a site like this.
- 2.50 Having reviewed this, we consider it makes very little difference to our position on the principle of the development and our position is set out below; particularly in the light of recent planning appeal decisions.
- 2.51 The WG issued a Consultation Paper on this topic on 10 May 2018, requesting feedback by 21 June 2018. A Ministerial letter date 18 July 2018 then confirmed that having reviewed the consultation feedback it would proceed in dis-applying Para 6.2 of TAN 1. We have duly considered its impact upon the proposal site and set out our response to this below.

National Policy

- 2.52 TAN1 is mainly about how Authorities must show they have a rolling 5-year housing land supply and provides guidance on the methodology in calculating this. Para 2.2 states that:

“The Welsh Government considers that having complete coverage of adopted LDPs across Wales is critical in ensuring that the homes which are needed are delivered. Consequently, housing land availability needs to be soundly based on meeting the housing requirements identified by local planning authorities, which requires an adopted LDP to be in place”.

- 2.53 Removing Para 6.2 does not mean that Authorities can take their foot off the gas and slow-down their plan process; it means that the emphasis is still on having an adopted LDP; the critical need to deliver housing has not suddenly disappeared; the need to have an adopted plan remains an urgent action.

2.54 Para 6.2 states that:

“The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the Technical Advice Note 1: Joint Housing Land Availability Studies current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.”

2.55 So, if an Authority cannot demonstrate a 5-year supply Para 6.2 places a degree of pressure upon them to approve applications for residential development. However, such applications must still comply with the development plan and National policies in all other respects; it simply means that not having a 5-year supply adds another element of weight in favour of such proposals.

2.56 Para 6.2 of TAN1 is just one paragraph and must not be read in isolation and taken out of context from a whole swathe of arguably more important policy guidance such as TAN 2 (delivering affordable housing) and TAN 23 (in delivering economic development) and, in particular, PPW10 states that there is a presumption in favour of sustainable development in accordance with the development plan (Para 1.17), which should be up-to-date (Para 1.21).

2.57 This is incredibly important, and we believe in this instance the Authority must be careful not to deviate from this key guidance; whereby significant material weight must be attributed to such policy.

WG direction of travel

- 2.58 The Consultation Paper of 10 May 2018 suggested that the removal of Para 6.2 could alleviate some of the pressures upon LPA's when dealing with "speculative development" and give them greater capacity to focus on LDP preparation and review.
- 2.59 It also clearly stated that the determination of applications should continue to be made in accordance with the development plan and national policies and that the principle of sustainable development and creation of cohesive communities will continue to be applicable.
- 2.60 Indeed, the 18 July 2018 letter reinforces the need to increase the delivery of new homes in sustainable locations and invites evidence to explore ways in which the planning system can do this.
- 2.61 We consider that the (temporary) dis-application of Para 6.2 is therefore unsound, challengeable and counter-intuitive and will actually serve to reduce house building in sustainable locations and harm the economy of Wales by deterring investment in what is still a very fragile and increasingly challenging marketplace.
- 2.62 Moreover, this proposal is not "speculative" in any way, since it relates to a site that has long been identified for allocation in the emerging Local Plan. This application is therefore in line with the plan-led system.

Local Development Plan Policy Position

- 2.63 The Authority have an approved LDP Delivery Agreement and we do not believe that there is any evidence that proves the Authority is spending so much time on such applications that it is removing their ability to deliver their LDP.
- 2.64 We have every confidence in the Authority delivering their LDP whether Para 6.2 exists or not.
- 2.65 The fact that the Authority is unable to demonstrate a 5-year housing supply will not go away because Para 6.2 has been removed.

- 2.66 The suggestion made by WG is that no longer can “considerable weight” be applied to not having a 5-year housing land supply; however, the Ministerial letter clearly confirms that it is up to decision makers (be these Officers, Members or the Planning Inspectorate) what amount of weight is afforded and in our opinion, we would suggest that “substantial weight” can and should be still be applied.
- 2.67 However, as we have suggested above the temporary dis-application of Para 6.2 is not, in any event, the sole determining factor in the consideration of this application.

Response pertaining to Para 6.2 and the Proposal site

- 2.68 **Firstly**, this proposal is not speculative. It is a site that has been identified by Officers following a careful consideration by the Authority of its own future Local Development Plan settlement strategy and growth ambitions. Indeed, Officers (both Development Management and Planning Policy) have been positive in their encouragement to see this site come forward to help the Council with its 5-year housing land supply. The site has been submitted in the knowledge that the housebuilding market is keen to develop here and the applicant has provided robust evidence demonstrating such interest.
- 2.69 **Secondly**, the site is located within a highly sustainable location and meets all the criteria for placemaking, accessibility and sustainability tests; indeed, it is located as being within the defined settlement boundary for Wrexham in the emerging LDP and the plan has identified it as a draft allocation.
- 2.70 **Thirdly**, it has been demonstrated that all technical aspects of the site present no conflicts or constraint to this site being brought forward for development and that it is technically deliverable in all respects.
- 2.71 **Fourthly**, we have proven that the site complies with the existing UDP, the emerging LDP and all other material aspects of National guidance (PPW and TAN's) as set out above.

- 2.72 **Fifthly**, this site, if assessed as part of a formal JHLAS (as determined by Para 4.4.3 of TAN 1) is able to make a significant contribution towards the 5-year housing requirement in that:
- The necessary infrastructure is available; consultation with the appropriate public and private statutory undertakers and infrastructure providers confirms this;
 - There are no legal or ownership problems needing to be resolved; the landowners are willing; the land is free from any possible encumbrances; and no easements or covenants exist and there are no tenancies needing to be extinguished; it is free of any such constraint;
 - The owners have entered into a relationship with the applicant so as to deliver the site, the deliverability evidence presented (see **APPENDIX D**) demonstrates the appetite to bring this site forward for development.
- 2.73 **Sixthly**, the applicant is fully aware of the recent decision to dis-apply Para 6.2 of TAN1 and wishes to confirm that they are simply looking to demonstrate that the site is deliverable. They believe that this sites' sustainability credentials, the potential community benefits package and the fact it offers a natural and logical infill to the settlement and that substantial weight must be attributed to this regardless of any Para 6,2 dis-application.
- 2.74 **Seventhly**, we would like to add that the fact remains that notwithstanding any dis-application the need to deliver new homes will not diminish or disappear. The dis-application will simply make the delivery of new homes increasingly more challenging and sustainable sites such as this will come under increasing pressure to deliver, which may result in Local Planning Authorities having to release even more sites to fulfil their housing need supply within an even more compressed plan period timeframe.
- 2.75 In all other respects, the site has been proven to be deliverable, suitable, available and viable.

Summary

2.76 In the opinion of the applicant:

- Dis-applying Para 6.2 will be counter-intuitive and harm the delivery of affordable housing, undermine economic growth and development and ultimately not do anything to speed up the delivery of sustainable development and new housing.
- There is no evidence that Para 6.2 has weakened the ability of Authorities to deliver an adopted LDP and no evidence that its dis-application will lead to them resourcing and accelerating their LDP programme.
- Reducing and/or removing and/or placing additional obstacles in the path of developers will not incentivise investment but deter it and it will weaken the longer term needs of Authorities who are reliant upon income from non-allocated windfall sites (be this through application fee income, council tax, infrastructure investment, jobs, etc) as it will place key projects on hold and many cannot afford to play catch up and try to deliver all their housing needs within what might remain of an LDP plan period ... such compression will have a negative effect.
- The pent-up demand and accumulated backlog will simply increase and this will have a devastating impact upon not just the delivery of open market housing, but simply increase the pressure upon Authorities' obligation to deliver affordable tenures.
- The lack of a 5-year housing land supply will remain a material consideration as this is a point of law and a temporary suspension of Para 6.2 does not dilute the fact the nation is in a housing crisis.
- The dis-application will not do anything to support "sustainable" objectives and will not address the root cause of any issues relating to the inability of many Authorities to have an adopted and up-to-date LDP and thus a rolling 5-year housing land supply because that problem is down to under-resourcing and under-funding of Planning Departments.

2.77 Notwithstanding, the removal of Para 6.2 the proposal site meets all the tests of National Policy and the principles of sustainable development and creation of cohesive communities.

Recent Caselaw

2.78 The applicant is of the opinion that the dis-application holds no weight and furthermore in the light of recent planning appeal decisions the dis-application of Para 6.2 (and arguably TAN1 itself) is brought into sharp focus by the following cases:

- Marl Lane, Conwy (Beech Developments) : APP/T6905/A/17/3188913 : 5 February 2019
- Tan y Bont, Rhosrobin, Wrexham (Liberty) : APP/H6955/A/17/3182282 : 10 June 2019
- Woodlands Farm, Gwersyllt, (Wales & West HA) : APP/H6955/A/19/3233167 : 18 November 2019

2.79 Copies of these decisions are provided (see **APPENDIX B**). The weight which the decision maker can realistically give to this issue has been clearly diminished and notwithstanding, the removal of Para 6.2 the proposal meets all the tests of National Policy and the principles of sustainable development and creation of cohesive communities through place-making.

3.0 SUMMARY BENEFITS IN SUPPORT

- 3.1 This statement has assessed the suitability of the application site for the proposed development and having concluded that the proposal is inherently compliant with Local and National policy it is submitted that the proposal should be approved.
- 3.2 This statement has sought to consider whether there are any other material considerations that might balance out any reason for approval and outweigh its compliance with policy; to such an extent so as to make the proposal unacceptable.
- 3.3 This statement demonstrates that there is nothing to prejudice a positive determination and indeed it is the applicants' opinion that suggests the exact opposite. What has been revealed by the site planning history, technical studies and pre-application consultation demonstrates that this proposal should be supported and encouraged to come forward.
- 3.4 The principle of developing Green Barrier (open countryside) land for residential use is not something that is generally supported unless very special circumstances can be demonstrated, however, in this instance we consider that we have presented a strong justification for these parcels to be developed for the purposes proposed by this application, which is supported by the national planning policy guidance. The fact that the Authorities own LDP evidence base (Green Wedge Review) has determined that the site be released from this designation adds even greater compelling weight to the fact this proposal should be approved.
- 3.5 Furthermore, the pre-application discussions held with the Council since December 2013 have confirmed our belief that the proposal would be welcomed at this stage, subject to meeting planning policy requirements. Such discussions have proven most useful in establishing the framework and direction of the proposals. The fact that Officers have also recommended that the site be allocated in the emerging LDP consolidates this position.

- 3.6 The application is submitted in order to facilitate the implementation of the proposals and, subject to an approval during Q1 2020, this will pave the way for commencement of development and delivery of units during 2021 with completion by 2028. Indeed, a housing trajectory has been provided to the Authority which sets this out in more detail (see **APPENDIX D**).
- 3.7 We therefore feel that the proposals suitably reflect the intent inferred and the advice and guidance provided.
- 3.8 We believe this statement, together with the accompanying and supporting documentation and associated plans demonstrate this and satisfactorily illustrate all the points that need to be considered. Our case, in demonstrating that this development proposal meets the exceptional circumstances test as set out in PPW, is grounded in the following:
- *the Authority cannot present any case for a 5-year housing land supply;*
 - *that TAN1 is of significant material weight regardless of Para 6.2 having been dis-applied;*
 - *that the Green Barrier is no longer applicable (in the light of the Council's own Green Wedge Review) yet, even if it did still apply the site does not meet any of the four purposes of including and retaining the land within the Green Barrier;*
 - *that the Council have themselves have agreed to identify the site as a draft allocation in their Deposit Plan and the recent LDP Examination has not raised any concerns with this as a housing site, the green barrier review or the overall housing provision target figure;*
 - *that our case is supported through all technical, landscape and design evidence presented in support of this application; and*
 - *there are a range of significant benefits (as set out below).*
- 3.9 These cumulative benefits (as set out below) present a compelling case as to why this scheme should be supported and granted planning permission.
- 3.10 The development will achieve sustainable development in accordance with the emerging policy emphasis upon providing a series of **economic, social and environmental net gains**.

- 3.11 We believe the development will achieve sustainable development in accordance with an emphasis on generating significant and mutually supportive economic, social and environmental benefits which collectively constitute sustainable development; this being a key concept and ambition being driven by the placemaking agenda promoted by Planning Policy Wales.
- 3.12 A range of **considerable community and public benefits** are provided, which cumulatively present a compelling case as to why this scheme should be supported and granted planning permission. These benefits will go beyond simply delivering new housing and can be summarised as **scheme deliverables** with **roles** in the following manner:

ECONOMIC DELIVERABLES & ROLE

- The total project contract value for this project is in the region of **£75 M** and this will help to secure existing construction jobs based locally and create new ones.
- In what are still tough economic times; skilled jobs in the locality that will help maintain employment and provide and contribute towards the ongoing economic investment in the locality is a significant bonus.
- It is estimated that the development would need a constant **90 direct operative jobs** a day to sustain a 6 to 7-year construction programme with another **105 supply chain jobs** indirectly supported.
- Significant **local spend and economic output** during the construction period of the development will represent a big boost to existing businesses. Indeed, construction industry bodies have found that for every £1 spent in the construction industry this generates £3 in the local economy so with a £75M project this is an investment worth up to **£225 M** over a 6 to 7-year build period; spend that will lead to new services being offered locally.
- Post-completion, the **spending power of another 455 households** into the local economy can also be expected to be significant; not only in first occupation expenditure (to make a house “feel like a home”) of around **£3,549,000** (based upon £7,800/home) but ongoing local expenditure in sustaining local services and facilities beyond just the construction cycle to the tune of **£12.5 M** per annum (based upon the average annual household expenditure of £27,502 per annum); this will serve to sustain around another **100 local jobs**.

- The completed development will also generate **Council Tax revenue** for the Authority and with an average £1,815 bill per Band E household this will generate up to **£825,825 per annum** in supporting and enhancing existing public services.
- With a local **Community Council precept** seeing new income being devoted to local initiatives to address any local expenditure needs at grass roots.
- This proposal seeks to deliver jobs, economic growth and prosperity into the local economy.

SOCIAL DELIVERABLES & ROLE

- Far from being an “exclusive executive” housing estate the proposal involves a mixed range of new housing including a range of units from **1 to 4-bedroom units**.
- This scheme will deliver a positive number and meaningful contribution of up to **114 no. affordable housing** units that are specifically targeted at meeting the known latent need and demand in this locality through the delivery of **25% affordable housing**.
- Provision of new **Public Open Space (POS)** on site that **significantly exceeds standards**.
- Where there is a proven and justified need to make a **commuted sum payment towards any Educational Supplement** this will be made. The new housing will offer the opportunity to secure the future of the Primary and Secondary schools; housing brings families, retains families; thus, providing future community sustainability.
- Providing safe **pedestrian connections and routes** with a **variety of new linkages and connections** into and around the development; with safe and connective access for all public transport, cycle and pedestrian users and enhanced footways back into the Wrexham centre and beyond ensuring that car borne traffic is disaggregated from those more vulnerable users.
- Accessible by foot/cycling to local amenities and facilities and taking advantage of public transport interfaces (bus routes); thus, promoting sustainable travel choices and **reducing the need to travel** using private modes of transport.
- The development of the site for a use that meets Highway safety needs and will provide for sufficient off-street parking spaces, turning and access for all refuse, emergency and delivery vehicles; along with a package of **off-site highway improvement works** including a **new bus stop on Mold Road**.

ENVIRONMENTAL DELIVERABLES & ROLE

- Resulting in the **comprehensive development** of the site with a sympathetic and sensitive design taking account of the neighbouring rural and urban grain and its landscape setting and character; set within a “**Greenspace**” led design context.
- Delivering a mix and range of housing types and sizes in a way that reflects the existing urban grain of the settlement and at density that is appropriate and delivers “**place-making**”.
- The opportunity to respect the sites’ landscape setting, ecological habitat and tree / hedgerow infrastructure and integrating these features to ensure maximum retention, mitigation and enhancement is enabled through new reinforced planting, buffer zones and managed biodiversity opportunities; thereby “**Placemaking**” new housing and community provision for Wrexham shaped by its landscape character and greenspace biodiversity enhancement.
- Introducing **connective, permeable and safe pedestrian** links/routes into and adjacent to the development site; thus, maintaining **public access** throughout the site and delivering new pedestrian footways back into the Wrexham centre including a safe pedestrian crossing off Mold Road.
- The proposed layout and detail of the scheme in design terms offers the highest **quality design solution** for this site and the applicant has invested heavily in this to get it right and it will serve to significantly enhance the design quality of the area; thus benefiting the special character and appearance of the site in its rural / urban fringe setting.

3.13 The development proposals therefore generate significant and mutually supportive economic, social and environmental benefits and gains which collectively constitute sustainable development in line with PPW and must not be underestimated.

3.14 We consider these scheme deliverables should be afforded **full weight as material planning considerations**. They are significant enough to justify and demonstrate that the proposals are acceptable and would serve to outweigh any perceived or apparent concerns (or harms) that this proposal could be considered to have upon the locality, its open countryside and current Green Barrier designation.

- 3.15 This proposal has also demonstrated that it is in full accordance and wholly compliant with all national and local planning policy and associated best practice guidance governing development proposals.
- 3.16 We submit that considerable and significant weight should be afforded to the Policy documents referred to as material considerations in support of the proposals.
- 3.17 This is a scheme of high quality and advanced sustainability; which strategically fits with planning policy and other material planning considerations.
- 3.18 On this basis, and from the assessment of the relevant material planning considerations, we genuinely consider that the proposed development should be granted **Outline Planning Permission**.
- 3.19 It should be noted that the applicant has identified draft Heads of Terms (see **APPENDIX C**) pursuant to S106 of the Act with respect POS, Affordable Housing and Educational contribution elements.
- 3.20 Any planning conditions that are to be attached should follow the guidance set out in Welsh Government Planning Circular 16/2014 whereby any planning conditions must meet the following six tests:
- *Necessary;*
 - *Relevant to planning;*
 - *Relevant to the development to be permitted;*
 - *Enforceable;*
 - *Precise; and*
 - *Reasonable in all other respects.*
- 3.21 We would request that in the event a draft decision notice and conditions are prepared, that we are fully involved in the process in order to ensure that the wording of such conditions meet the above tests and enable the swift commencement of development.
- 3.22 **This application is technically robust and it has been demonstrated that there are few, if any, negative impacts that would result. The overall planning balance is weighted strongly in favour of granting permission as per Section 38(6) of the Planning & Compulsory Purchase Act 2004.**

3.23 The proposals must be supported and permission approved without any delay in accordance with planning policy because we have demonstrated that no adverse impacts are evident in impeding such a positive determination being reached. The minimal harm from the development as a result of the loss of a greenfield and current Green Barrier site designation is entirely outweighed by the substantial benefits set out in this Statement. The approval of this application would make a valuable and significant contribution towards meeting the housing need on a site identified as suitable for new housing in the emerging Local Development Plan.

3.24 Accordingly, we commend these proposals to the Council.

APPENDIX A

Green Barrier Review

extract



Wrexham Local Development Plan 2013 - 2028

EBNB01

housing

open space

employment

community

transport

education



Wrexham Strategic Green Wedge Review (October 2017)

Wrexham Strategic Green Wedge Review – (October 2017)

1. Introduction

- 1.1 The Council is in the process of preparing a new Local Development Plan (LDP, 2013 - 2028). As part of the evidence base to support preparation of the Deposit Plan it has been necessary to undertake a green wedge review.
- 1.2 The current adopted Unitary Development Plan (UDP) (1996 – 2011) uses the term Green Barrier to define areas of land between settlements where it is desirable to maintain the openness of the area, and to ensure that settlements do not coalesce, amongst other things as defined in national Planning Policy Wales (see section 3 below). Indeed the function of the Green Barrier is essentially the same as the Green Wedge as defined in National Planning Policy Wales (Edition 9, January 2016, para 4.8.3), it is only the terminology which differs. In order to maintain consistency with National Planning Policy and for the avoidance of doubt, the term Green Wedge shall be used for the remainder of this paper, and in the deposit LDP.
- 1.3 This review was undertaken in 2 stages, stage 1 to assess the requirement for Green Wedge designation directly surrounding the settlement limit of Wrexham Town in the context of the iterative process of selecting Key Strategic Sites (KSS) for development, and the western villages (area to the west of Wrexham town, which comprises a number of villages in close proximity); and stage 2 to review the remainder of the Green Wedge (GW) designation in the County Borough in preparation for the deposit LDP, and make recommendation regarding the need for any new designations. This document combines both stages and forms part of the evidence supporting the Deposit LDP.
- 1.4 The rest of this paper goes on to explain why a GW review is necessary, the key aims and objectives of the study; the function of the GW in the context of National Planning Policy, the methodology employed to undertake the review and the findings and conclusions of the review.

2. Why is a Green Wedge Review necessary?

- 2.1 The Preferred Strategy is proposing to make provision for 8525 new homes in order to deliver a requirement of 7750 homes over the plan period 2013-2028 together with a maximum of 45 hectares of employment land.
- 2.2 In relation to the existing UDP green wedge designation (or green barrier as it is referred to in the UDP), it has been rolled forward from past development plans without any formal review. As per national policy, and unlike Green Belt

designations which are considered to have an element of permanence, green wedge require review, and the most appropriate time to review the designations are during the development plan preparation process.

2.3 During the initial hearing session into LDP1 the Planning Inspector¹ questioned whether the proposed green wedge designation were based on a formal assessment in line with national policy, which further highlights the need to undertake this review. It is conceded that the green wedges proposed in LDP1 was carried forward from the UDP, without any formal review. In light of these comments it is apparent that any green wedge designation in deposit LDP2 will require full justification in line with national policy, irrespective of other development pressure, and the carrying forward of the UDP designations without a formal assessment is not an option.

Key Aims and Objectives

2.4 In light of the context referred to in the introduction, a review of the existing Green Wedge designations is necessary. The aims and the objectives of the overall review will be to:

- Review the green wedge designations in the UDP using a standard methodology;
- Make recommendations regarding the designation of green wedge to be fed into the deposit LDP, and justify where changes are deemed necessary including, if appropriate, the removal of the green wedge designation; and
- Make recommendations to fill the policy vacuum if it is deemed appropriate to remove green wedge designations in certain locations
- Understand if it necessary to designate any Green Belts or new green wedge in the County Borough?

¹ Wrexham County Borough Council Local Development Plan, Examination, Inspector's Preliminary Findings Paragraph 7.1.

3. National/ Local Policy Context

- 3.1 The following section outlines the policy context which guides development plans in relation to the designation of green wedges. Planning Policy Wales (PPW) (Edition 9, November 2016 – Chapter 4) sets out guidance on the designation of green wedge in development plans.
- 3.2 It states that both Green Belts and green wedges must be soundly based on a formal assessment of their contribution to urban form and the location of new development and can take on a variety of spatial forms. The essential difference between them is the issue of permanence. Land within a Green Belt should be protected for a longer period than the current development plan period, whereas green wedge policies should be reviewed as part of the development plan review process (PPW 4.8.1).
- 3.3 Green wedges can perform certain roles such as providing access to the countryside, including opportunities for outdoor sport and recreation, maintain landscape and wildlife interests, retain land for agriculture and forestry, improve derelict land, and provide carbon sinks. However the extent to which the use of land fulfils these objectives is not a material factor in determining whether land should be included in green wedge designations (PPW 4.8.3). The objectives set out above are still worthy of consideration, and whilst it will not be appropriate to use green wedge designations to achieve them, it will be important to consider what policy approaches (either through local or national policy) could serve to protect those objectives.
- 3.4 The actual **purpose of Green Wedge** as set out in PPW (para 4.8.3) is to:
- prevent the coalescence of large towns and cities with other settlements;
 - manage urban form through controlled expansion of urban areas;
 - assist in safeguarding the countryside from encroachment;
 - protect the setting of an urban area; and
 - assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 3.5 The most important attributes of green wedge is their openness (PPW 4.8.5). To maintain openness, development within a green wedge must be strictly controlled. The general policies controlling development in the countryside apply in a green wedge but there is, in addition, a general presumption against development which is inappropriate in relation to the purposes of the designation (see bullet points above). When including Green Belt and green wedge policies in their plans, authorities must demonstrate why normal planning and development management policies would not provide the necessary protection (PPW 4.8.6). Therefore part of the conclusion for each

area will include reference to alternative policy approach which may render a green wedge designation unnecessary.

- 3.6 Green wedges should only be maintained where normal planning and development management policies cannot provide the necessary protection. This assessment, and subsequently the LDP, will need to state where the areas are that require extra protection and why. In defining green wedges it is important to include only land that is strictly necessary to fulfil the purposes of the policy. Factors such as openness, topography and the nature of urban edges should be taken into account. Clearly identifiable physical features should be used to establish defensible boundaries. When considering green wedges there is a **need to ensure that a sufficient range of development land is available which is suitably located in relation to the existing urban edge and the proposed Green Wedge** (PPW 4.8.13). Therefore the need for green wedge designations will need to be balanced against the need to provide land allocations for development in the LDP.
- 3.7 The purpose of green wedge as set out in Planning Policy Wales is the same as the purpose set out in the Wrexham UDP. However a formal assessment of the green wedge designation is still necessary in order to understand whether the existing designation actually perform the purpose as set out in both local and national policy.

4. Methodology for the Green Wedge assessment

In relation to the assessment of existing areas of green wedge there is no nationally prescribed methodology, it was therefore necessary to devise one for the study. The approach taken was to use the purpose of green wedge as set out in national policy as the basis for the assessment (see section 3.4 above). The Home Builders Federation (HBF) and Natural Resources Wales (NRW) were consulted on the methodology in order to gain any initial comments on the approach taken. HBF suggested minor amendments which have been incorporated into the study, and NRW had no objection to the methodology.

Further comments were received following consultation on the Preferred Strategy. The following issues were identified:

- 1 comment was received questioning the boundaries used to define the green wedge adjacent the Key Strategic Site 2 (promoters of the site).
Response: The boundary of the green wedge on the eastern boundary of KSS2 was set along the edge of the original candidate site submitted. An amended alternative site was submitted by the site agents².
- Comments in general objecting to the development of some areas of green wedge.
Response: Comments regarding the development of green field sites are noted. The green wedge designation required review as part of the LDP process irrespective of the need to release some green field sites for development as part of the housing allocations in the deposit LDP. The strategic green wedge review has sought to retain green wedge designations where appropriate, whilst recognising the need to provide a sufficient range of development land suitably located in relation to existing urban edges.
- Comments were received questioning why not all of the green barriers had been reviewed prior to the consultation on the Preferred Strategy.
Response: Justification for the two stage approach was outlined in paragraph 4.1 of the Stage 1 Green Wedge Review. Ultimately all interested parties will have an opportunity to comment on the overall assessment of the green wedge, and proposed designation as part of the deposit LDP consultation.
- 1 comment was received questioning the assessment of candidate sites grouped together.
Response: In certain areas it was considered appropriate to group candidate sites together. In this example there are a number of

² Alternative Sites Register (Nov 2016) <http://wrexhamldp.wrexham.gov.uk>

candidate sites in the area between Mold Road and the train line in the area between Wrexham and Gwersyllt. The area has common characteristics and can be read as a whole, and therefore its overall function as an area of green wedge was assessed on that basis.

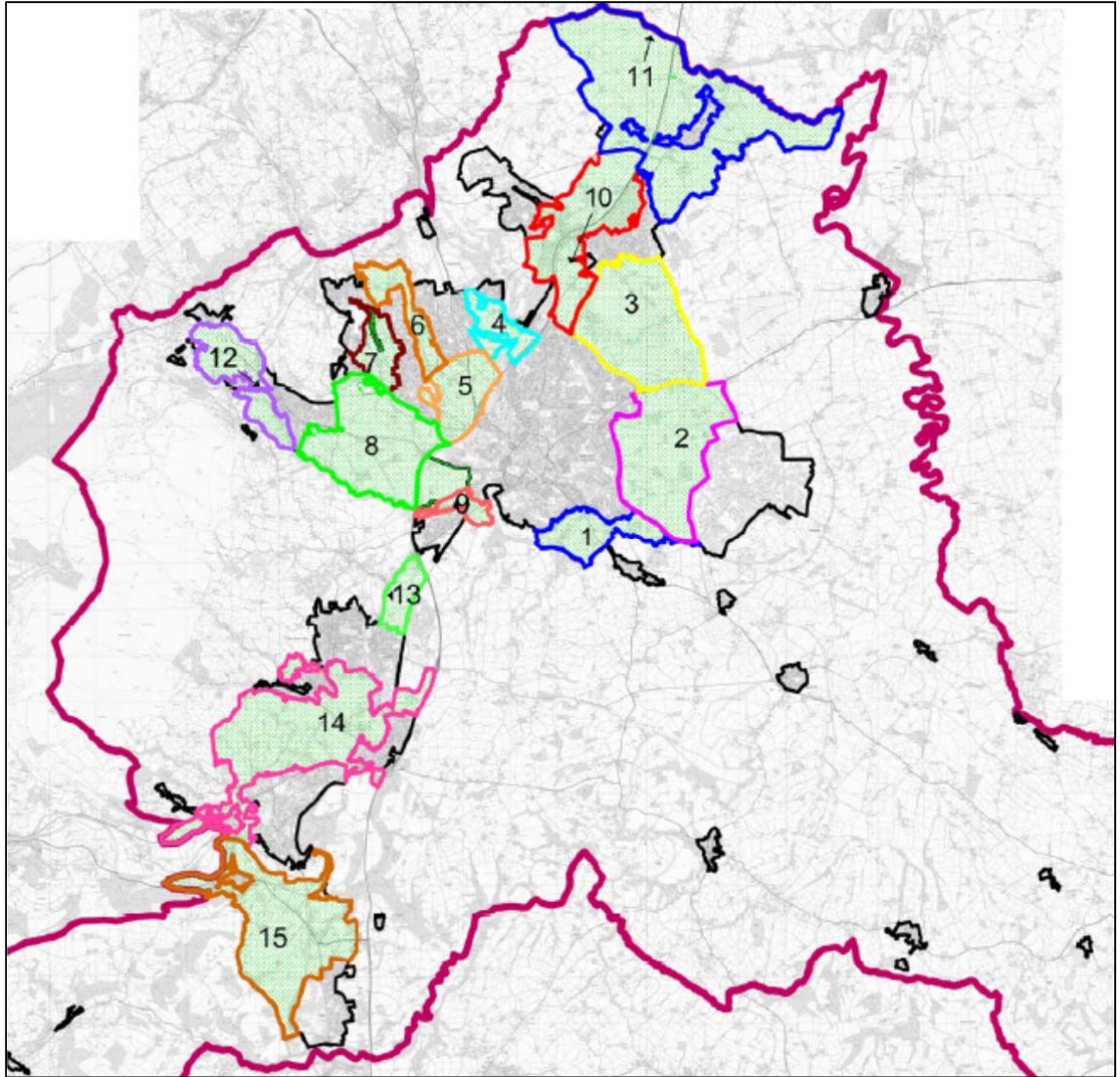
- Importantly, no fundamental objections to the overall methodology used to assess the UDP green wedge were received.

4.1 As stated in the introduction, the study was split into two stages. Stage 1 considered the areas surrounding Wrexham Town and the western villages (area to the west of Wrexham town, which comprises a number of villages in close proximity), and the second stage reviewed the remaining areas.

- this is the area where there is the most development pressure (as demonstrated by the number of candidate sites in the area);
- this area is most densely populated with settlements in close proximity to one another, which are at greater risk of coalescence should development occur;
- the presence of a number of potential Key Strategic and large sites in the area which are currently allocated as green wedge required review to assess their contribution towards the purpose of the green wedge designation;
- to allow consultation on the methodology undertaken for stage 1 to form part of the Preferred Strategy consultation, allowing officers to assess the robustness of the approach prior to rolling out the methodology for the rest of the County Borough and amending stage 1 if necessary; and;
- due to the timescales associated with the delivery agreement it was considered appropriate to concentrate on the stage 1 area initially.

4.2 To make the assessment process manageable, land in the green wedge was split into logical parcels of land, where possible, run along clear boundaries such as roads. The work is predominantly desk based, utilising secondary source material and information gathered on site visits.

Map 1: Review Area (Existing UDP Green Barrier)



The assessment is split into the following sub areas:

- Area1: Wrexham south
- Area 2: Wrexham east
- Area 3: Wrexham north east
- Area 4: Land between Bradley, Rhosrobin and east of Gwersyllt
- Area 5: Land South of Gwersyllt
- Area 6: Moss Valley
- Area 7: Land between Broughton, Brymbo and Southsea
- Area 8: Land east of Coedpoeth and south of Broughton and Southsea
- Area 9: Land South of Ruthin Road
- Area 10: Land between Gresford, Llay and Wrexham

- Area 11: Land between Gresford, Rossett, and Pulford
- Area 12: Land between Coedpoeth, Minera and Bwlchgwyn
- Area 13: Land between Rhostyllen and Johnstown
- Area 14: Land Between Penycae, Ruabon, Rhos and Cefnmawr
- Area 15: Land between Chirk, Pentre, and Froncysyllte

4.3 The intention of the site visits was to allow collection of more detailed information based on identified indicators which link to the purpose of green wedge as set out above (para 3.4). The indicators, and justification for using them, are outlined in the matrix in table 1 below.

4.4 Each sub-area is assessed against the extent to which the different purposes of green wedge designations are fulfilled (using the indicators outlined). A conclusion for each area make recommendations as to whether the designation should be retained, amended or deleted. Where candidate sites are present in an area these have been assessed for their contribution to the functioning of the green wedge. Only those candidate sites, which were considered to have potential merit for inclusion in the deposit LDP, were assessed (see candidate site register for additional information on the approach taken to the assessment of candidate sites).

Table 1: Green Wedge Indicators		
Planning Policy Wales Purpose	Characteristics of the area that contribute to the purpose of the Green Wedge	Purpose of the information
Prevent the coalescence of large towns and cities with other settlements	Barriers What are the current barriers that make up the edges of the green wedge? Barriers can be man-made or natural and include rivers, roads, trees, hedgerows. Topography can also act as a barrier.	Development Barriers – Roads, rivers and railway lines of a certain size can represent physical barriers between settlements reducing, or sometime precluding, the possibility of development and/or coalescence.
	Physical Connection of Settlements Would development of the area / site lead to the physical connection of 2 or more settlements? Most relevant to areas that contain candidate sites (individually or cumulatively). However even in areas which do not contain candidate sites, this still gives an indication regarding the role of the area in the avoidance of coalescence between settlements.	If development would lead to the merging of 2 settlements then the purpose of preventing coalescence would not be met and the green wedge serves a purpose which remains relevant for inclusion in the LDP.
	Existing Development What development currently exists in the area of green wedge, including road linkages and other urban elements? Does the area have certain urban characteristics? What is the nature of the urban edge?	Road linkages – Roadsides are potentially suitable locations for development and, where there are direct road linkages between the closest edges of the settlements, development along them would make the boundaries more vulnerable. Direct road linkages also reduce the travelling distance between settlements which psychologically reduces the distance between them. The presence of road linkages in existing green wedges increases the effect outlined above.
		Urban elements within the area - Existing development of an urban nature (i.e. residential) between settlements automatically reduces the distance between them and places more pressure on the boundaries.

	Topography Does the topography of the area serve a purpose in the avoidance of coalescence between settlements?	Topography can impact the openness of an area, and can also act as a defensible barrier.
	Openness How open is the area? This may be influenced by topography, built development, trees and hedgerows.	If the area of green wedge has a sense of openness it serves an important role in maintaining a gap between settlements, and avoiding the coalescence of settlements.
	Candidate Sites Are there candidate sites present in the area of green wedge?	Candidate site submissions reflect an aspiration to develop. Where these are located between settlements they increase the vulnerability of the boundaries. Consideration should be given to the contribution the area covered by the candidate sites submission makes to the green wedge both alone and in combination (cumulative impact) with other sites.
Manage urban form through controlled expansion of urban areas	Ribbon development Ribbon development is building along the routes of communications radiating from a settlement, primarily along roads. Does the area of green wedge contain ribbon development?	If ribbon development is present there is potential for unrestricted sprawl.
	Isolated development (Candidate Site Specific) This is development specific and relates to the assessment of candidate sites in the green wedge.	If yes, result would be isolated development, with a high potential for urban sprawl.
	Well connected Two or more boundaries with the built up area.	If a site/area is well connected i.e. has several boundaries with the adjacent urban area, lower potential for urban sprawl. If only one boundary with existing urban area, development would 'jut out' or not be as well related and has more potential to result in urban sprawl
	Round off the settlement pattern (Candidate Site specific)	If development would 'round off' the settlement pattern there is low potential for unrestricted sprawl.

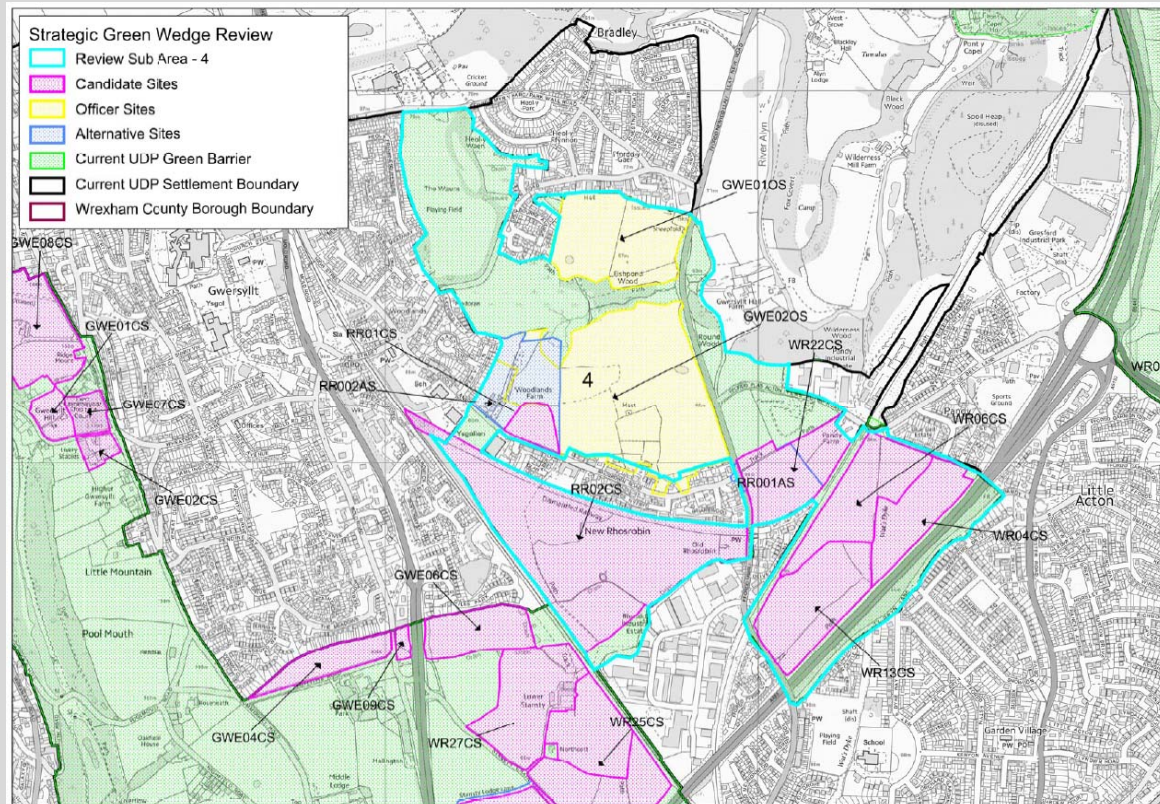
	Provide a good existing barrier Which if lost would result in urban sprawl.	If yes, higher potential for urban sprawl.
Assist in safeguarding the countryside from encroachment.	Defensible Boundary Is there a strong, defensible boundary between the existing urban area and the site – wall, river, main road etc (as opposed to garden boundaries)?	If there is an existing defensible boundary between the existing urban area and the green wedge/ candidate site, it performs a role in safeguarding the countryside from encroachment
	Other countryside characteristics This relates to the character of the area covered by the green wedge, including nature conservation areas, public rights of way, woodland, and the grade of agricultural land.	If the area includes these characteristics then the Green wedge assists in safeguarding the countryside from encroachment. .
	Existing Buildings (Candidate Site Specific) Does the site contain buildings?	If the site/area contains buildings that are not in agricultural / forestry use, development (on that part of the site) would be classed as brownfield rather than Greenfield development, so the site would not perform a role in safeguarding the countryside from encroachment. Notwithstanding this, development could still impact the openness of the area.
Protect the setting of an urban area.	Proximity to Area of Built Heritage/ Perform a specific role in the setting of an urban area Adjacent to a conservation area, listed building, historic park or garden or other features of historic significance. Does the area provide a landscape setting for an adjacent urban area?	Where a site is adjacent to such a feature, development may still be able to preserve the setting and special character if done sensitively through appropriate design. It may also play a role in relation to the overall setting of an urban area.
Assist in urban regeneration by encouraging the recycling of derelict and other urban	Settlement Limits This is controlled by settlement limits and the principles of Planning Policy Wales in relation to the preference for the reuse of land. It is recognised that there is not enough previously developed land in the County Borough to accommodate the development required for the	N/A

land.	LDP period. The other considerations in the assessment will help inform which areas of green wedge should be retained.	
N/A	Other Designations Other Designations in the area e.g. AONB, WHS, etc.	In cases where other planning and development management policies provide the necessary protection, it may be unnecessary to also allocate the area as green wedge.

- 4.5 Each area will be assessed against the extent to which the different purposes of green wedge designations are fulfilled (using the indicators outlined). The conclusion for each area makes a recommendation whether the designation should be retained, amended or deleted.
- 4.6 The matrix above includes candidate site specific questions. As candidate sites generally make up smaller parts of a larger area of green wedge, they will be assessed separately; however they will form part of the overall conclusion for each sub-area. The assessment will need to consider the role that the area being promoted as a candidate site plays in the overall function of the green wedge. Candidate sites can be assessed individually or in combination where there is a concentration of sites in an area.
- 4.7 The review does not make a judgement about the relative importance of the various purposes of green wedge, and aims to consider them all in the round.
- 4.8 The conclusion outlines which of the functions, based on the purposes set out in national policy, the area as a whole performs, and if the overall principle of the designation in the area is necessary.

Area 4: Land between Bradley, Rhosrobin and east of Gwersyllt

Area 4 – Land between Bradley, Rhosrobin and east of Gwersyllt



Description	The area can be split into three separate areas, the area between the eastern boundary of Rhosrobin and the edge of Wrexham Town, the area to the north of Rhosrobin separating Rhosrobin, Gwersyllt and Bradley, and the area to the south west of Rhosrobin and the eastern edge of Gwersyllt.
Planning	Green Wedge characteristics of the area

Policy Wales Purpose	
Prevent the coalescence of large towns and cities with other settlements	Barriers The area uses a number of roads and the edge of settlement limits as barriers. There is an area on the eastern boundary that uses a field boundary.
	Physical Connection of Settlements The designation sits between the settlements of Gwersyllt, Bradley, Rhosrobin and Wrexham town. Dependant on scale, development in the area could result in the physical connection of settlements.
	Existing Development Road linkages – Gwersyllt, Bradley and Rhosrobin are all linked by roads which run through the areas of green wedge. Urban elements – The area of green wedge is largely free of development, with sporadic farm development, and a cemetery. However the areas are in such close proximity to numerous settlements limits they have the character of urban edges, with less evidence of agriculture. This is particularly the case in the area to the east and south of Rhosrobin. The urban edge of settlements has an overall effect on the character of the area.
	Topography The area to the east of Rhosrobin is flat, the areas to the south and north of Rhosrobin are undulating. There is a small valley running east west in the area to the south of Bradley rising up towards Gwersyllt.
	Openness The three sub areas are not viewed together, but form three distinct areas. There is a general sense of openness when viewed from certain locations within the areas. However the presence of development results in breaks in views, and a restriction on the overall sense of openness across a wide area.
	Candidate Sites There are numerous candidate sites in the area, highlighting the high level of development pressure in the area. <u>WR04CS, WR06CS, WR13CS</u> Development of the sites would result in the coalescence of Wrexham town and the southern edge of Rhosrobin undermining the existing purpose of preventing coalescence. With regards to the management of urban form, it is noted that should development occur on the site the existing railway line would act as a defensible boundary, and that there is logic with regards to potential development rounding off the settlement pattern. The existing designation does serve to act to protect the setting of the Wats Dyke SAM, and protects the countryside from encroachment.

	<u>GWE01OS, GWE02OS, WR22CS, RR01CS, RR02CS, WR22CS</u> The majority of the remaining area within the green wedge designation is covered by a number of candidate sites. Due to the fact that these sites cover the majority of the remainder of the green wedge designation it is considered that the overall assessment of the area constitutes an assessment of the contribution of these sites to the function of the designation.
Conclusion Whilst not currently connected, the settlements in the area are in close proximity to each other, and as a result of this proximity the urban areas do influence the character of the designation (nowhere is there a gap of more than approximately 0.3 km (0.18miles) between the settlements in closest proximity to each other). There is a mixture of topography in the area. The area to the south and west of Rhosrobin is flat, however the area to the north and south west of Rhosrobin is undulating. The topography combined with development in proximity to the designations results in breaks in views and a sense of openness and wide views are therefore restricted to certain locations within the designation. The number of candidate sites demonstrates existing development pressure. Overall it is considered that the designation does serve the purpose of avoiding coalescence in this area.	
Manage urban form through controlled expansion of urban areas	Ribbon development Yes – The area between Gwersyllt and Rhosrobin is characterised by ribbon development, with only the playing field of Gwersyllt Primary School dividing the two settlements.
	Well connected Yes – The area of green wedge has numerous boundaries with settlements due to the pattern of development in the area.
	Provide a good existing barrier The area is set along defensible boundaries including roads and settlement limits.
Conclusion The area is set along defensible boundaries including roads and settlement limits. The large area of settlement boundary bordering the area of green wedge can result in the erosion of these boundaries as is often the case in urban-rural fringe areas. The boundaries do play an important role in the management of urban form in a densely populated area whose character is heavily influenced by settlements in close proximity.	
Assist in safeguarding	Defensible Boundary See above.

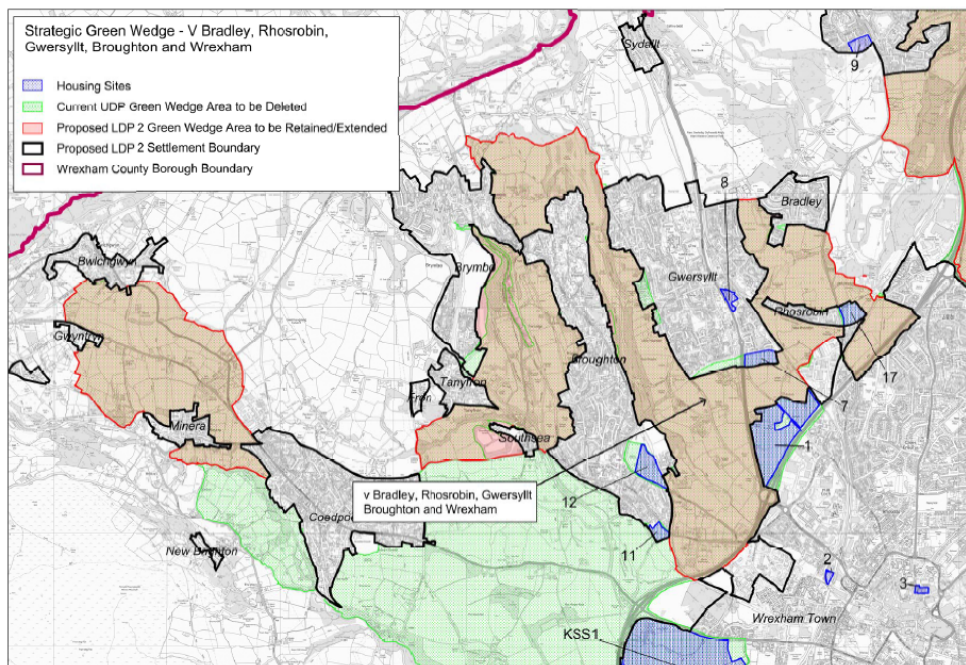
the countryside from encroachment.	Other Countryside Characteristics The area includes Local Wildlife Sites and TPOs.
Conclusion The designation does assist in the safeguarding the countryside from encroachment. The key characteristic that achieves this purpose is the defensible boundary along which the designation is set. The open character of the area being of particular relevance in this area.	
Protect the setting of an urban area.	Proximity to Area of Built Heritage No
Conclusion The designation does not serve a purpose in relation to this specific function.	
Assist in urban regeneration by encouraging the recycling of derelict and other urban land. Settlement Limits - This is controlled by settlement limits and the principles of PPW in relation to the preference for the reuse of land.	
N/A	Other Designations SLA designation around Fishpond Wood. This is a small area of designation which does not have a significant bearing on the character of the area.

Overall Conclusion: Area 4 – Land between Bradley, Rhosrobin and east of Gwersyllt The gaps between the various settlements (Wrexham town, Rhosrobin, Gwersyllt, and Bradley) are narrow; with all settlements in close proximity to each other (nowhere is there a gap of more than approximately 0.3 km (0.18miles) between the settlements in closest proximity to each other). The close proximity of settlements means that the relative openness of the green wedge is important, and the openness would not be maintained to the same extent should it be covered by a general open countryside policy. The number of candidate sites in the area also demonstrates development pressure in the area. The designation therefore serves the function of preventing coalescence in an area of development pressure. The designation is set along defensible boundaries, serving to manage the urban form in this location and separating settlements in close proximity to each other. It also	
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serves to safeguard the countryside from encroachment. Overall it is considered that there is justification for the retention of the green wedge designation in this location.

Notwithstanding this, wider consideration must be given to the need to ensure that a sufficient range of development land is available which is suitably located in relation to the existing urban edge and any proposed green wedge designations in the deposit LDP. Gwersyllt is identified as a tier 2 settlement in the settlement hierarchy (See Background Paper 2: Settlement Hierarchy and Development Potential <http://wrexhamldp.wrexham.gov.uk>), and is an appropriate location for development. Rhosrobin is a tier 4 settlement, which is also identified as potentially appropriate settlement for development. In order to take these factors into account, it is recommended that the overall principle of retaining the green wedge in the area is appropriate; however an amendment to the designation will be necessary to accommodate the proposed allocation at Land at Llay New Road, Rhosrobin.

Map 3: Proposed Green Wedge: Bradley, Rhosrobin and east of Gwersyllt





View looking west towards Fish Pond Wood



View from PROW looking south towards Churchlea



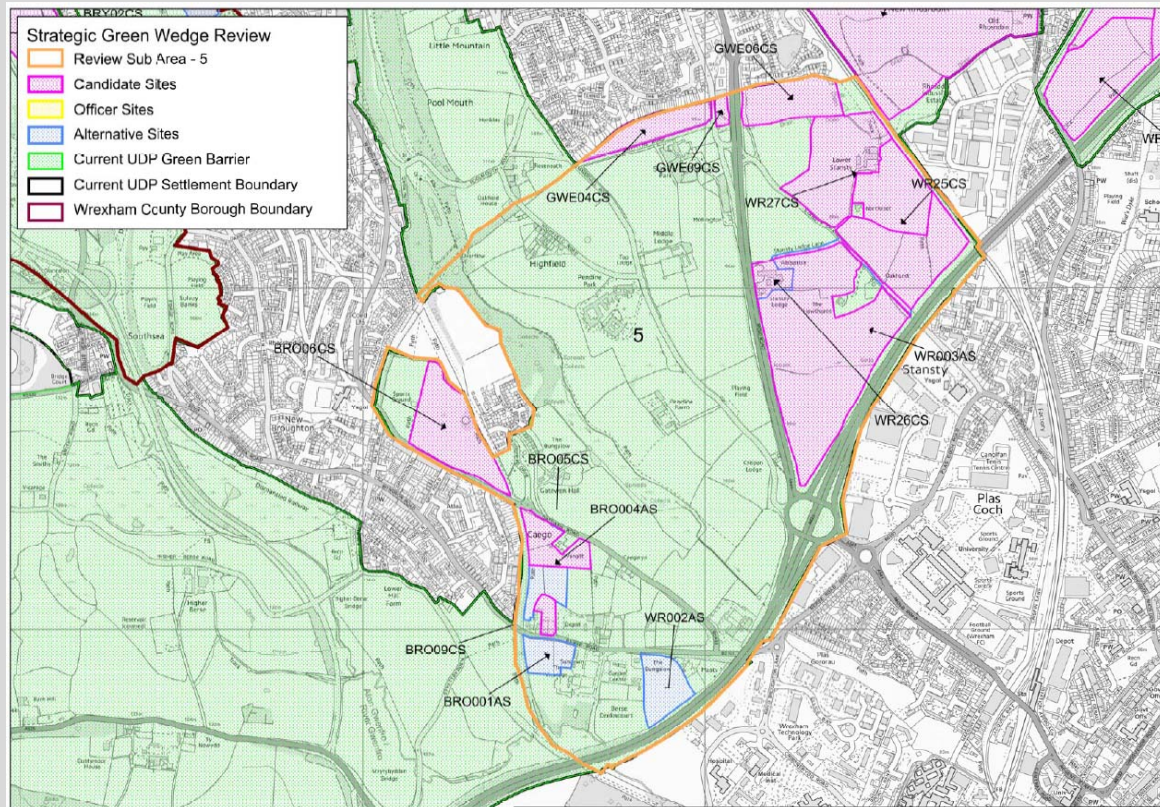
The Waens Playing Field



View west towards edge of Gwersyllt from Llay New Road

Area 5: Land between Bradley, Rhosrobin and east of Gwersyllt

Area 5: Land between Bradley, Rhosrobin and east of Gwersyllt



Description	The area is bounded by the A483 to the south, the B5433 to the west, the Wrexham Bidston line to the east, and the settlement edge of Gwersyllt to the north (and partly along a field boundary in the gap between Gwersyllt and Broughton).
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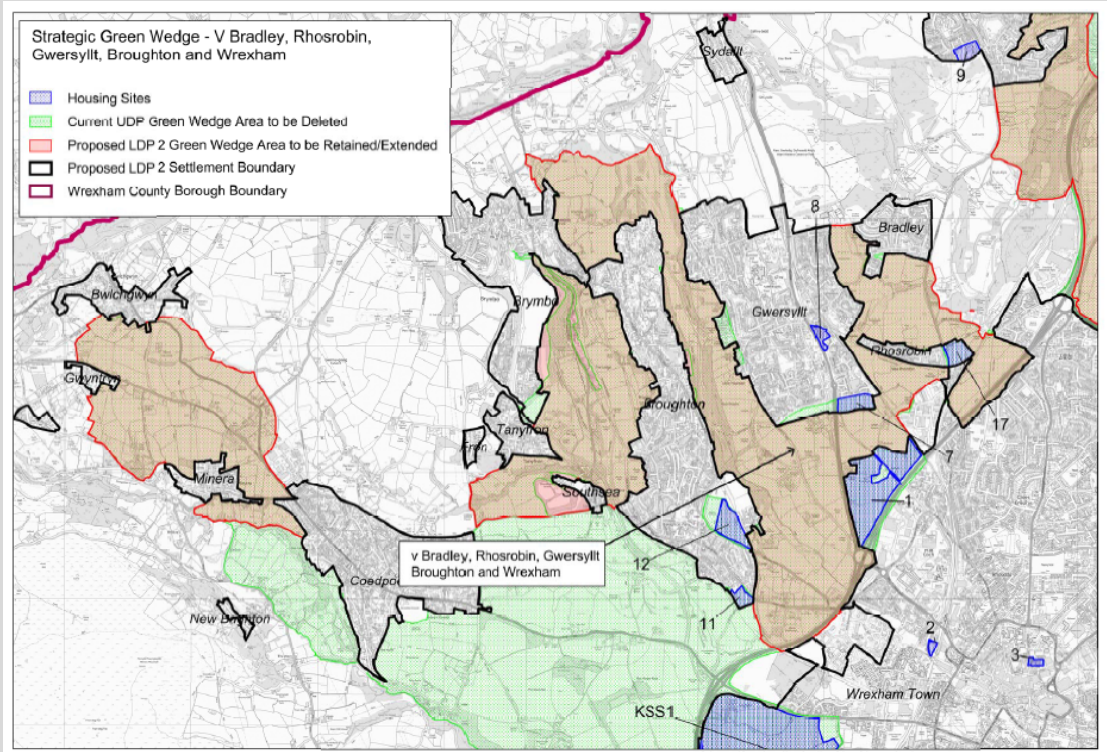
Planning Policy Wales Purpose	Green Wedge characteristics of the area
Prevent the coalescence of large towns and cities with other settlements	Barriers The current green wedge designation is bounded by roads and a railway to the south east and west. The northern boundary comprises settlement edge of Gwersyllt to the north, and partly along a field boundary in the gap between Gwersyllt and Broughton.
	Physical Connection of Settlements The designation sits between Gwersyllt, Wrexham town and New Broughton. Development could result in a reduction or closing of the gap between the settlements.
	Existing Development Road linkages – The area is crossed by a number of roads. Urban elements – the area contains sporadic development including farm complexes and residential dwellings.
	Topography The topography is undulating, consisting mainly of open farmland.
	Openness The area is characterised by open farm land, affording open views.
	Candidate Sites <u>GWE06CS, WR27CS, WR25CS, WR26CS, GWE04CS</u> The five sites are all in close proximity to each other. Four of the sites are located in the area between the Wrexham Bidston line and A541. The combined area of the candidate sites covers a significant part of the Green Wedge designation, and the function of this area is similar to the overall sub-area. Development of the combined sites would result in the coalescence of Wrexham town and Gwersyllt, and undermine the role of the designation in the management of the urban form, and maintaining a gap between Wrexham town and Gwersyllt. Notwithstanding this. GWE06CS could potentially be developed without significantly undermining the function of the green wedge. GWE04CS has planning permission for residential development.
Conclusion	The area sits between three settlements which are in close proximity to each other (the gap between Wrexham town and Gwersyllt

is approximately 0.2km (0.12 miles) at its narrowest, the gap between Gwersyllt and Broughton is 0.5 km (0.31 miles) at its narrowest, and the gap between New Broughton and Wrexham town is approximately 0.6km (0.37 miles) at its narrowest. The area sits either side of the A541, a main road into Wrexham. The flat topography and large agricultural fields creates a sense of openness, and creates a very definite break in the built up areas of Gwersyllt and Wrexham town. There are a number of candidate sites in the area which highlights existing development pressure. Overall it is considered that the designation performs the function of preventing coalescence between the neighbouring settlements.	
Manage urban form through controlled expansion of urban areas	Ribbon development No
	Provide a good existing barrier Yes
Conclusion The designation is set along defensible boundaries, which if lost could lead to urban sprawl. The designation does, therefore, perform a role in managing the urban form in this location. Furthermore it creates a definite break in the built form between Gwersyllt and Wrexham town along a main route.	
Assist in safeguarding the countryside from encroachment.	Defensible Boundary Yes - The current designation is set out along strong defensible boundaries.
	Other Countryside Characteristics The area is characterised by large open agricultural fields, and mature trees forming part of hedgerows. The area includes Local Wildlife Sites, Individual and group TPOs, and the Gatewen Marsh SSSI.
Conclusion The defensible boundaries are the key characteristic which assists in the safeguarding of the countryside from encroachment.	
Protect the setting of an urban area.	Proximity to Area of Built Heritage There are a number of listed buildings in the area.
Conclusion There are a number of listed buildings, and the settings of those buildings will be afforded protection by the designation. This is, however, a localised function and separate legislation makes provision for the protection of the setting of listed buildings.	

Assist in urban regeneration by encouraging the recycling of derelict and other urban land.	
Settlement Limits - This is controlled by settlement limits and the principles of PPW in relation to the preference for the reuse of land.	
N/A	Other Designations / Relevant Planning History The area includes Local Wildlife Sites, Individual and group TPOs, and the Gatewen Marsh SSSI. Outline application for residential development (up to 57 no dwellings) with associated works (P/2015/0790 granted) Boozey Field.

Overall Conclusion: Area 5 – Land south of Gwersyllt The area of green wedge sits between a number of built up areas (Wrexham town, Gwersyllt, and Broughton). Whilst gaps between the various settlements are not as narrow as in other areas of green wedge, the designation does serve to maintain a sense of openness and separation. The number of candidate sites in the area demonstrates development pressure present in the area. The designation therefore serves the function of preventing coalescence in an area of development pressure. The designation has a particular role in maintaining the openness of the area alongside Mold Road, between Gwersyllt and Wrexham. This area has an important role in managing the urban form in the area, providing a definite break in the built form between Gwersyllt and Wrexham town, along a main route. It also serves to safeguard the countryside from encroachment. Overall it is considered that there is justification for the retention of the green wedge designation in this location. Notwithstanding this, wider consideration must be given to the need to ensure that a sufficient range of development land is available which is suitably located in relation to the existing urban edge and any proposed green wedge designations in the deposit LDP. Gwersyllt is identified as a tier 2 settlement in the settlement hierarchy (see Background Paper 2: Settlement Hierarchy and Development Potential http://wrexhamldp.wrexham.gov.uk/), and is an appropriate location for development. In order to take these factors into account, it is recommended that the overall principle of retaining the green wedge in the area is appropriate in order to prevent coalescence and manage urban form; however amendments to the designation will be necessary to accommodate housing sites H1(1) Land Adjoining Mold Road/A483 and H1(7) Stansty Fields, Stansty.	
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Map 4: Proposed Green Wedge Land South of Gwersyllt

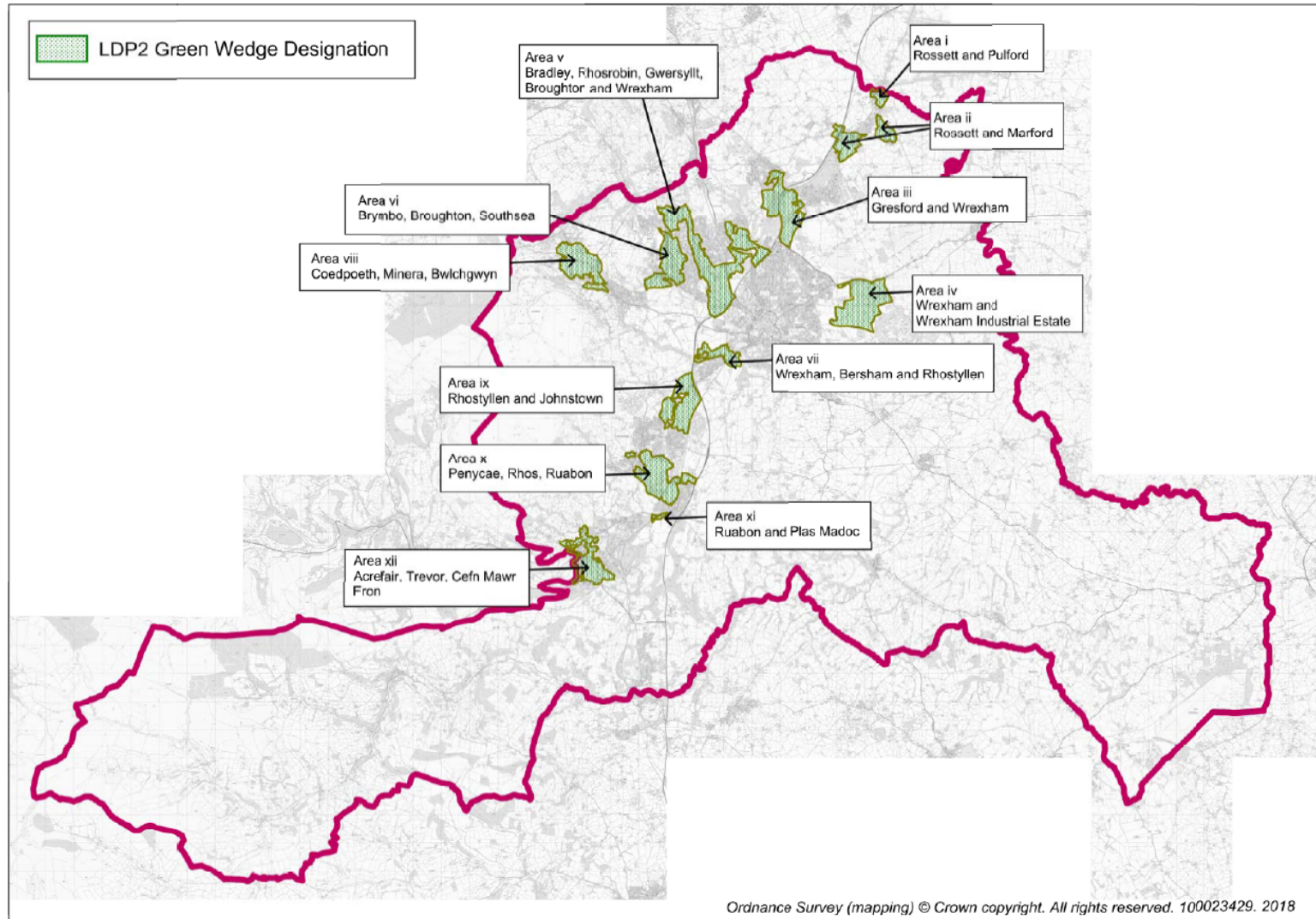




Looking south east along Stansty Chain Road



Map 17: Green Wedge Review – Proposed LDP Green Wedge Designation



APPENDIX B

Relevant Appeal Decisions

Penderfyniad ar yr Apêl

Ymchwiliad a gynhaliwyd ar 26/9/18 i 28/9/18
Ymweliad â safle a wnaed ar 26/9/18 & 3/10/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 05.02.2019

Appeal Decision

Inquiry Held on 26/9/18 to 28/9/18
Site visit made on 26/9/18 & 3/10/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 05.02.2019

Appeal Ref: APP/T6905/A/17/3188913

Site address: Land at the corner of Pentywyn Road and Marl Lane, Deganwy

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Roberts Beech Developments (NW) Ltd against the decision of Conwy County Borough Council.
 - The application Ref 0/43059, dated 23/06/2016, was refused by notice dated 16/10/2017.
 - The development proposed is residential development comprising 110 no dwellings and associated works including roads, sewers, public open space and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development comprising 110 no dwellings and associated works including roads, sewers, public open space and landscaping at Land at the corner of Pentywyn Road and Marl Lane, Deganwy in accordance with the terms of the application, Ref 0/43059, dated 23/06/2016, and the plans submitted with it, subject to the conditions set out in Schedule 1 below.

Procedural matters

2. On 5 December 2018 and after the close of the Inquiry Planning Policy Wales (PPW) Edition 10 was published and replaced PPW 9 with immediate effect. The main parties were given an opportunity to comment on the implications of PPW 10 on the appeal development and on each other's comments in this regard. I have taken all of these comments into account.
 3. An executed Section 106 Planning Obligation dated 20 September 2018 was submitted at the Inquiry. The obligation concerns contributions to off-site highway improvements, open space, waste, allotment sites and libraries and is considered further below.
 4. During the course of the planning application revised plans were submitted. As these were considered by the Council, no prejudice arises in dealing with the appeal having regard to these revised plans. The main parties agreed the list of revised plans.
-

Main Issues

5. The main issues in this case are:

- Whether the proposal accords with planning policies that seek to control new development outside settlement boundaries;
- The impact of the proposal on the setting of heritage assets and the historic landscape;
- Whether the proposal would result in the unacceptable loss of best and most versatile agricultural; and
- Whether the lack of a 5-year housing land supply is a consideration sufficient to outweigh any conflict with local and national planning policies.

Reasons

Settlement boundaries

6. The appeal site relates to agricultural land located immediately adjacent to the settlement boundary of Llandudno Junction/Deganwy, with existing housing on its north-west, west, south-east and southern sides. The proposed housing development is situated outside the green wedge. The north-eastern side of the site is bounded by agricultural land and green wedge. The proposed development's drainage balancing pond extends partly across this field. Marl Lane and Pentywyn Road borders two sides of the site and the junction of these roads meet at the west corner of the site.
7. The Conwy Local Development Plan (LDP) 2007-2022 was adopted in October 2013. The LDP's key strategy is to prioritise future development within the strategic economic hub locations of Conwy, Llandudno, Llandudno Junction and Colwyn Bay and within and on the fringe of settlements closely linked to essential facilities and services, and accessible to the strategic road and rail network.
8. LDP Policy DP/2 indicates that development will be located in accordance with the overarching strategic approach whereby 85% of new housing will be located within, and on the fringe of the urban areas. The policy goes on to indicate that urban areas will be the key in the provision of a combination of market and affordable housing for local need (AHLN).
9. Policy DP/1 C would permit development provided that it is consistent with the principles of sustainable development and all development is required to accord with national guidance in line with Policy DP/6, be consistent with the sequential approach to development having regard to DP/2, and, amongst other things, conserve or enhance the quality of buildings, sites and places of historic, archaeological or architectural importance in line with Policy CTH/1.
10. LDP Strategic Policy HOU/1 requires that over the period 2007 to 2022 the Council will plan, monitor and manage the delivery of approximately 6,520 new dwellings (at an average annual rate of 478 new dwellings) inclusive of completions, commitments, windfall and new allocations. The policy gives priority to locating new development in line with Strategic Policy DP/1 – 'Sustainable Development Principles' and the settlement hierarchy set out in Policy DP/2 – 'Overarching Strategic Approach'. The policy states that outside the urban settlement boundaries, no further housing development will be permitted, except to meet AHLN on exception sites adjoining Llanrwst in line with Policies HOU/2 – 'Affordable Housing for Local Need' and HOU/6 – 'Exception Sites for Affordable Housing for Local Need'.

11. The development is outside the urban settlement boundary and is therefore contrary to Policy HOU/1 where no further housing is permitted. Policy HOU/1 has set settlement boundaries based on the calculation that the housing requirement figure over the plan period can be met within those boundaries.
12. However, the housing land supply situation which is set out further below is at a significant shortfall from the plan-led housing requirement figure. The obligations to maintain a 5-year supply of housing land as required by PPW 10 paragraphs 4.2.10 and 4.2.15, and Joint Housing Land Availability Studies Technical Advice Note 1 (TAN 1) paragraph 2.1 is currently not being met.
13. PPW 10 seeks the delivery of sustainable development, balancing and integrating social, economic, cultural and environmental considerations. Paragraph 1.17 states that a plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted and kept under review. The LDP review is somewhat off and the replacement plan delivery agreement contains an indicative adoption date of 2021.

Heritage assets and the historic landscape

14. The heritage assets identified as being affected by the appeal development are Bodysgallen Hall listed building (Grade 1), Bodysgallen Registered Historic Park and Garden (Registered Grade 1), and Deganwy Castle Scheduled Ancient Monument and listed building (Grade II*), and the Historic Landscape. The cumulative effects of the appeal development on these assets have also been considered.

Policy and statutory provisions

15. In relation to the listed buildings the statutory provision of the Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66(1) says that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
16. In relation to the Scheduled Ancient Monument (SAM) the provisions of the Ancient Monuments and Archaeological Areas Act 1979 provides no statutory protection to the setting of a SAM.
17. PPW 10 paragraphs 6.1.10 - 6.1.13 provides guidance on listed buildings, paragraphs 6.1.18 - 6.1.19 on historic parks and gardens, paragraphs 6.1.20 - 6.1.21 on historic landscapes, and paragraphs 6.1.23 - 6.1.27 on archaeological remains. Planning Policy Wales Technical Advice Note 24 (TAN 24): The Historic Environment provides further guidance. Paragraph 4.2 of TAN 24 sets out that when considering development proposals that affect SAMs there is a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains. Paragraph 7.2 of TAN 24 indicates that local planning authorities should protect and conserve parks and gardens, and their settings, included in the register of historic parks and gardens.
18. Paragraph 1.25 of TAN 24 sets out that the setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the

ability to appreciate that significance or may be neutral. Setting is not a historic asset in its own right but has value derived from how different elements may contribute to the significance of a historic asset. Similarly the published guidance on Setting of Historic Assets in Wales May 2017 indicates that the importance of setting lies in what it contributes to the significance of a historic asset.

19. LDP Strategic Policies CTH/1 and CTH/2 seek to preserve or where appropriate enhance heritage assets and their settings.

CADW's response on the application/appeal

20. CADW in its letter dated 10/01/2018 and in response to the appeal expressed concerns about the accumulative damage and the threat of urban sprawl on the setting of Bodysgallen Hall and important views from it. CADW refers to direct views of the development from the lower terrace and from the Hall tower which are important elements of the overall composition, and whilst self-seeded trees do provide some screening of the development from other parts of the Hall and grounds these are not part of the original planting scheme, and if there was ever a desire to return to the original arrangement, the inappropriateness of the proposed development would be impossible to ignore. CADW's concerns also relate to the unimaginative modern housing estate layout and indicate that a lower density development and more substantial planting should have been considered. CADW indicate that the proposal would be damaging to the setting of the listed hall and its historic complex.
21. In an earlier letter from CADW dated 4/05/2017, it indicated that the proposed development will not cause significant damage to the setting of any scheduled monument, that the development will cause moderate, but not significant damage to the setting of the Bodysgallen Registered Historic Park and Garden, and slight adverse impact on the outstanding universal values of the world heritage site.

Bodysgallen Hall (BH) Grade 1

22. BH is a grade 1 listed building and is noted as an exceptionally well-preserved C17th gentry house with successive additions in the early C20th that makes a coherent architectural whole of remarkable character and consistency. BH is constructed on an elevated platform with extensive views of the surrounding Bodysgallen Registered Historic Park and Garden (BRHPG) itself registered grade 1, and within its grounds are a number of ancillary buildings that are listed Grade II (former stables, barn and granary, bailiff's house, former dovecote, terrace walls, gates and garden walls). BH comprises a three-storey house with five-stage central tower. The date of the central tower has not been firmly established but CADW favour the C17th. The house was enlarged in a consistent Tudor-Gothic style with a north and north-east wing and latterly in C19th and early C20th with extensions to the south. The significance of the building is derived from its evolution as a heritage asset, its historical association with the Mostyn family, its aesthetic and communal value. BH was converted to a hotel in the late C20th and is run by the National Trust.

Bodysgallen Registered Historic Park and Garden (BRHPG) Grade 1

23. BRHPG is an exceptional terraced and walled garden on different levels. It includes a long terrace walk providing superb views, a large rose and kitchen garden partly dating to the C18th, the remains of a landscape park and large areas of oak woodland. The significance of this asset is derived from its physical form and setting believed to be contemporary with the construction of BH in the C17th. The long terrace walk was constructed at the top of the slope to the south-west of the house and reported by

Pennant in 1782 to have views to Conwy from the long terraced walk over the tops of trees.

Deganwy Castle (DC) SAM and grade II listed building*

24. DC SAM occupies two hilltops and saddle of The Vardre. The SAM is defined tightly around the lower slopes of the hillocks. The listed building comprises the ruins of a medieval castle a former defensive fortification constructed before Conwy Castle. It is reported that the castle was built there in 1080, and was destroyed in 1210; it was refortified and again destroyed in 1241. It was again refortified before being destroyed in 1263. The significance of the asset derives from its evidential value its historical past and aesthetic importance as a dramatic hill top location commanding views across the estuary and Conwy and is also valued communally by the network of footpaths and historical and archaeological publications.

Historic landscape

25. The appeal site is within the Creuddyn and Conwy Landscape of Outstanding Historic Interest (LOHI). Gwynedd Archaeological Trust (GAT) was commissioned by the appellant to produce an Assessment of the Impact of Development on the Historic Landscape (ASIDOHL2). GAT produced a comprehensive document and assessed Historic Landscape Character Areas (HLCA) within the broader LOHI. GAT considered Creuddyn, Deganwy/Llandudno Junction, Conwy and Bryn Pydew HLCAs. The Council disagrees with elements of the ASIDOHL2 assessment.

The contribution the setting has to the significance of the heritage assets

26. During the course of my visits, I viewed the appeal site from the BH tower, from the terraced walk of the BRHPG, from DC and The Vardre and from surrounding footpaths close to the site and those within the BRHPG traversing towards the obelisk and down to the A470. Several photomontages and photos have been produced from both parties and these I have considered carefully in the light of my extensive site visits.
27. The setting of BH is complex and multi-tiered. It is viewed within the essential setting of the BRHPG and outwards from the adjoining parkland and the wooded hillside of East Covert. The setting of the BRHPG and the footpaths within the woodland are experienced to some degree in the context of traffic noise from the A470 at the foot of East Covert hill. In other aspects of the experience BH has an immediate and enclosed relationship with the BRHPG given that it is heavily wooded and planted on the top of the hill and down the slopes of the hill. In all, the immediate setting of BH is quite enclosed and there is little physical and visual recognition of the wider setting beyond the A470 that is of the built settlement of Llandudno Junction.
28. When viewed from the tower there is an expansive view either side of the stairwell entrance of the settlement towards Conwy, the mountains behind, the estuary and the wooded slopes in the foreground. The view is panoramic and as the receptor moves around the tower viewing point different elements of the view is experienced. One such view is towards Deganwy, The Vardre, DC SAM hillocks and the surrounding agricultural landscape. Another is towards Gloddaeth and the surrounding pasture and wooded slopes; another is the wooded foreground with Llandudno and Llanrhos in the background. The appeal site can be viewed from the tower, but that does not mean that setting is affected. The appeal site is some 600m from BH in the overall composition of the view the site is a small component of the overall available view. Beyond the woodland of the BRHPG there is a field which provides separation in the view between the planted slopes of BRHPG and the landscaped boundary of the appeal site. The site is seen within the context of ribbon development above and a block of

residential development below and to one side. DC SAM hillocks are an angled view to the side of the higher ribbon of residential development. The appeal site is to one side and lower than this view towards DC SAM, secondly the view of the appeal site is largely contained by existing development.

29. The listed DC remains are not visible in this view. Whether or not there was an intention to capture the view from BH tower to DC cannot be conclusively determined, there is no historical functional evidence of this, however, the view towards the appeal site is strictly not in the same frame as the view to DC SAM because it is lower and largely enclosed by residential development on three sides. In all, the view of the proposed development would not result in a negative contribution to the setting of BH or the significance of the BH. This is due to the panoramic scale of the setting experienced across a very wide area from the tower viewing point. I conclude that the ability to appreciate and understand the special architectural and historic interest of BH would not be diminished by the proposal and the impact on the overall significance of BH would be neutral.
30. From BRHPG, the key view from the terraced walkway is towards Conwy Castle. This view is over the Woodlands site which was recently granted planning permission and Llandudno Junction with the mountains in the background. It is a filtered view due to the wooded foreground, but no part of the appeal site can be seen in this view because of the direction it faces. As the receptor walks around the terraced walkway there is another view towards DC SAM and The Vardre. The Council note that this is a central and channelled view of the appeal site towards DC. The view is of an agricultural landscape with a ribbon of development at the foot of rising ground comprising The Vardre and DC SAM beyond. However, the site might be central in the view, but it is heavily filtered by established landscaping along field boundaries. The angle of the view means that the appeal site is barely seen and cannot be read as forming part of a swathe of agricultural and historic landscape. The proposed development would make no negative contribution to the setting and significance of the BRHPG because of its obscurity. Other factors such as traffic noise diminish the experience of the setting of the BRHPG. The visual experience of a receptor looking at an historic agricultural landscape is tempered by this other sensory and negative contributor to setting.
31. I conclude that the proposed development given its obscurity in one peripheral part of one element of the setting of the BRHPG would have a neutral impact on the setting and significance of BRHPG.
32. From DC SAM and listed building ruins no part of the proposed development would be seen from the western hillock or from the saddle, obscured by the agricultural swathe of land of The Vardre. From the eastern hillock the view of the site is a very small sliver in the overall panoramic views which are obtained. The ribbon of residential development on the top part of the appeal site can be seen because of the presence of a large white rendered property. The appeal site is barely noticeable in the broader ambit of the overall view. The proposed development would be a very small element of the view at distance and would be seen in the context of other built development with a curtain of established landscaping in front and to the rear of the site.
33. The Council indicate that the proposed development would appreciably increase the built form in views to the east from DC SAM and erode the sense of isolation. However, I do not consider that the view of an agricultural landscape towards the wooded slopes of East Covert would be diminished by the proposed development and this east view and the sense of isolation would not be diminished by a development on

a lower level and largely contained by existing development and established landscaping.

34. I conclude that the proposed development, given the distance, the angle of view and the extent of containment of the site with its surroundings in an extensive panoramic view, would have a neutral impact on the setting and significance of the DC SAM. The development of the site would not diminish a receptor's ability to understand and appreciate this heritage asset.
35. Turning to the views from the footpaths close to the site back towards DC SAM and towards BH and the BRHPG, the DC SAM cannot be seen from appeal site itself due to topography, the built form and landscaping. The view and experience of BH from the footpath close to the site is limited. A receptor would see the roof and gable chimneys of BH in a backdrop of densely planted woodland of East Covert. The obelisk is seen and a small part of Marl Hall. The BRHPG is not seen in this view. As the receptor traverses the footpath towards BH these features come into a clearer focus but by then the appeal development has been passed and the receptor is much closer to the A470. The receptor might be aware of a high status residence in the woods on the hill but would not be able to appreciate and experience its detail from this distance. However, the proposed development would not lessen the understating and appreciation of the setting and significance of BH and BRHPG as BH's roof and chimneys would be seen in isolation.
36. The Council say that open landscape has been encroached upon and that sufficient open space remains between assets to allow an appreciation of the separation between them and that in this historic landscape this contributes to the heritage significance of BH. It is also argued that development of the site would tip the balance in the relative composition of the view as the site is part of the landscape rather townscape. The Council refer to six assets but only three are identified in the reasons for refusal. Gloddaeth and BH were in the same ownership but seemingly there is limited evidence of any functional and historical link between all other assets and inter-visibility between these is also limited. As the development site is contained by built development on three sides and landscaping on the other side I do not view it as part of an open landscape. The contribution it makes to the composition of the view between high status heritage assets and the separation between them is limited.
37. The site is situated on the edge of the LOHI. The ASIDOHL2 report has sought to identify more precisely the boundaries of the LOHI. The LOHI includes a large area; Conwy, Llandudno and the coast, Deganwy and Llanrhos, but also includes some recent developments and allocated land in the LDP. The ASIDOHL2 considers the impact of the proposed development on individual HLCAs. The appeal site is located in the Creuddyn HLCA and borders Deganwy/Llandudno Junction, Conwy and Bryn Pydew HLCAs. The ASIDOHL2 concludes that with mitigation there would be a moderate visual impact on three HCLA's, Creuddyn, Conwy and Bryn Pydew, and slight impact on the Deganwy/Llandudno Junction HCLA. However, it considers that the development will have a negligible impact on the ability to understand and appreciate the affected HCLA's historical meaning and significance. The Council disagrees and considers that the development would impact on four of the twelve HLCAs which correspond to a low reduction of value of the Creuddyn and Conwy LOHI. However, for the reasons I have outlined above, the site appears as a logical expansion of the built-up area, it is not part of a secure agricultural holding and is contained by development on three sides. I therefore consider that given the small area of land on the periphery of the LOHI the loss to the historic landscape would not be significant.

38. Turning to the cumulative effects, there is criticism from statutory consultees and the Council that the development would tip the balance and exceed the critical point. However, there is no analysis of how this development would change the balance and harm the heritage asset and historic landscape. CADW refer to the possibility of a lower density development but that suggestion in my view undermines its case concerning the development's effect on the setting and significance of the heritage assets and cumulative impact. The SOCG confirms that there is no dispute between the main parties that the design and appearance of the development is acceptable.
39. In all, the evidence of the appellant and Council heritage witnesses should be given more weight than a statutory consultee response as their evidence was examined and tested at the Inquiry. I conclude that the proposed development would not conflict with LDP Strategic Policies CTH/1 and CTH/2. The proposal would not harm the setting and significance of the heritage assets identified or the historic landscape concerned.

Agricultural land

40. The Agricultural Land Classification (ALC) assessment undertaken by the appellant concludes that the agricultural quality of the land falls within subgrade 3a and that this qualifies as best and most versatile agricultural land (BMV). The appeal site comprises 4.55ha primarily within a single field unit. The Statement of Common Ground (SOCG) sets out an agreed position that the ALC of the appeal site comprises grade 3a BMV. An interested party challenges the findings of the assessment and indicates the presence of grade 2 agricultural land which was overlooked by the Welsh Government (WG) Department of Environment and Rural Affairs. Nevertheless, the relevant WG department confirms that the ALC assessment accords with its guidelines and that the grade 3a classification fairly reflects the agricultural land quality across the appeal site. In the light of the agreed position in the SOCG, and WG's stance on the matter, I am satisfied that the ALC assessment adequately reflects agricultural land quality across the appeal site as a whole.
41. LDP Policy DP/4 (2h) indicates that planning permission will not be granted where the proposed development would have an unacceptable adverse impact on BMV agricultural land. Strategic Policy NTE/1 (e) seeks to support the wider economic and social needs of the Plan Area, and the Council will seek to regulate development so as to conserve and where possible enhance the Plan Area's natural environment, countryside and coastline. The policy indicates that this will be achieved, amongst other things, through sub-clause (e), by seeking to minimise the loss of Grade 2 and 3a agricultural land to new development, in particular, in the east of the Urban Development Strategy Area in line with Policy DP/6. Policy DP/6 requires development to accord with national guidance.
42. PPW 10 paragraphs 3.54 and 3.55 sets out that agricultural land of grades 1, 2 and 3a of the ALC is the best and most versatile, and should be conserved as a finite resource for the future, and when considering the search sequence in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 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. Technical Advice Note 6 Planning for Sustainable

Rural Communities (TAN 6) paragraph 6.2.2 recognises that once agricultural land is developed its return to BMV is seldom practicable.

43. In relation to the search sequence for development sites under the LDP the appeal site was identified in Background Paper 21 (BP21) 'Site Deliverability Assessment' 2008 but was removed on the basis that there was a large amount of committed sites in the area and was also in the green wedge at that time. In BP21, version 2011, the site was included on the contingency list in the Revised Deposit LDP in the event of deliverability issues with allocated sites. A revised BP21 in August 2012 indicated that the reduction in the contingency housing supply meant that the site was no longer required and that another site in the same settlement known as Woodlands was a preferred site and ranked higher and was allocated. Revised Background Paper 35 for the Conwy Deposit LDP removed the site from the contingency list as it was no longer required.
44. The appellant asserts that the site has been recognised as a potential housing site for many years and has been looked at against a full range of criteria. The appellant contends that the appeal site is regarded as a first ranked site and best available site (outside the settlement boundary sites of the LDP) to meet a clear need. The Council's Developer Guidance Note 1 (DGN 1) Speculative Housing Development Proposals December 2015 which was adopted by Cabinet places an emphasis on ranked sites by showing the next preferred site after allocated sites including the reserve contingency sites and the next best performing sites should they be required in future plan reviews. The Council suggests that these matters should be re-visited in the light of the WG letter dated 18 July 2018 (dis-application of paragraph 6.2 of TAN 1) and that BP21 documents did not distinguish the ALC within grade 3, whether the land was BMV or not.
45. The WG response on the application in 2016 indicated that it did not have detailed ALC information for the site and expected the ALC grading to be 3b. It advised that a survey be undertaken, the results of which revealed a 3a BMV grading. The WG response in 2017 recommended that the 3a ALC grading of the survey be accepted. The ALC information was not available for the LDP BP21 site selection process and site ranking in DGN 1. However, notwithstanding this the appeal site remains ranked as suitable in BP/21, and DGN 1 continues to direct developers towards the highest ranked sites.
46. The Council has not brought forward compelling evidence of other suitable and available previously developed land or land in lower agricultural grades to accommodate the development. Nothing has been presented of substantive difference to challenge the planning officer's conclusions on the issue as set out in the report to Planning Committee on 11/10/2017 which reinforces the same point.
47. The appellant's evidence from the Agricultural Impact Appraisal that the appeal site BMV land is not part of a wider and contiguous area of agricultural land of similar quality and does not form part of a secure agricultural unit has not been significantly challenged. I agree, taking into account the sensitivity of the loss of the lower grade BMV land in question together with, the scale of the loss below 5ha, and the magnitude of the effect, that the loss would amount to a minor adverse impact. The significant shortfall of housing land supply can be regarded as an overriding need for the development and given the foregoing matters, I do not regard the release of the appeal site would have an unacceptable adverse impact on BMV agricultural land in respect of Policy DP/4 (2h), and the overriding need to increase supply in the supporting text to Policy NTE/1 would constitute a reason to ensure the loss of BMV land is minimised.

48. I therefore consider that the proposed development would not conflict with LDP Policies DP/4 (2h) and NTE/1. The considerable weight given to protecting BMV land of the appeal site is tempered by the lack of conflict with the relevant and important policies of the LDP in relation to the issue of BMV agricultural land.
49. I conclude that the proposal would not result in the unacceptable loss of best and most versatile agricultural land.

Housing land supply

50. It is confirmed in the SOCG that the housing land supply position is 3.1 years as set out in the 2017 Joint Housing Land Availability Study (JHLAS). The 2018 JHLAS records the same position, equating to a shortfall of 1357 units. However, there is no dispute that the shortfall is generally increasing and has done so since 2012. This equates to 11 or 12 sites of the same size as the appeal site not being provided for in the LDP settlement boundaries, as required by Policy HOU/1.
51. Furthermore, the proposal would provide 33 affordable housing units where there is a significant social need. The appellant notes that the delivery of affordable homes over the last three years equates to 52 dwellings per annum against an assessed need of 199 dwellings per annum. The provision of 33 affordable homes on the appeal site against a backdrop of under-delivery is therefore a material consideration of significant weight in favour of the development.
52. WG letter dated 18 July 2018 (dis-application of paragraph 6.2 of TAN 1) announces a wide-ranging review into the delivery of housing through the planning system. This was in response to the current housing land supply position and to the under delivery of LDP housing requirements. The letter calls for evidence to address the issue but emphasises the principles that should apply and be addressed through the evidence submitted that planning decisions must be based on an up-to-date development plan, the plan-led approach to development management, housing requirements should be based on evidence and sites must be deliverable and monitoring arrangements must reinforce the plan-led approach.
53. The letter notes the concern that speculative applications for housing not allocated in the LDP is generating uncertainty for communities to the detriment of the plan-led system. The letter announced to dis-apply paragraph 6.2 of TAN 1 removing the paragraph which refers to attaching 'considerable' weight to the lack of a 5-year housing land supply as a material consideration in determining planning applications for housing. As a result of the dis-application of 6.2 of TAN 1, the letter indicates that it will be a matter for decision makers to determine the weight to be attached to the need to increase housing land supply where the local planning authority has a shortfall in its housing land.
54. The Council contends that less than considerable weight should now be applied to the issue of a shortfall in housing land supply and that this change elevates other issues such as BMV agricultural land and heritage issues to outweigh the issue of housing land supply in the overall balance.
55. However, the WG letter makes clear that it would be for the decision maker to determine the weight to the issue of shortfall of housing land supply. The weight to be attached is dependent on the magnitude of the shortfall, how long the shortfall will persist, what the local planning authority is doing to reduce it and how much will the development contribute to meeting the shortfall.

56. The need to provide a 5-year supply of housing land against the housing requirement is a key government policy as set out in paragraph 2.1 of TAN 1. The magnitude of the shortfall here is significant - 1357 units. The shortfall has been in place for several years and will not be rectified until the adoption of the LDP review which is an indicative date of 2021. The Council has produced DGN 1 to steer development outside the settlement boundary to sites that are best ranked as the next available site as identified by BP/21. The site was dropped as a contingency site because it was not numerically required at that time. It was regarded as the next best available site in the settlement for the LDP review process, however, the site is numerically required now and the LDP review is some way off. The Council seeks to down play the importance of DGN 1 and BP/21 but these are the only mechanisms which are in place to bring forward sites in the light of a significant shortfall. The proposal would contribute significantly towards making up the shortfall in a way that no allocated site within the boundary of the settlement or smaller windfall sites would achieve.
57. Taking these matters together I therefore attach significant weight to the need to increase housing land supply as a material planning consideration.
58. Interested parties are critical of the method of calculating housing land supply and that the dis-application of paragraph 6.2 of TAN 1 means that housing land supply should not be a material consideration. I have taken into account fully the representations on this matter but conclude that to adopt a different methodology to TAN 1 for calculating housing land supply would be unsound.

Other matters

59. Interested parties have raised a number of other issues in relation to this appeal and these are considered under broad headings below. A considerable number of letters had been received objecting to the development, I have considered these in the light of the main issues and other matters, and I have considered the statements made at the Inquiry by interested parties and the Assembly Member.

Highway safety

60. Concerns expressed relate to levels of traffic likely to be generated by the proposal, safety and capacity of the site access, the ability of surrounding roads to accommodate the levels of traffic, the increased risk to pedestrians and road users.
61. Highway concerns are not a disputed matter between the appellant and the Council as set out in the SOCG. The Highway Authority has not opposed the grant of planning permission subject to conditions and contributions to highway improvements as set out in the planning obligation. The traffic assessment has quantified that the maximum level of vehicle movements in any hour of the day is likely to be some 61 vehicles equating to 1 vehicle per minute at the site access, and much less on other parts of the local highway network. There is no technical evidence to suggest that there would be any difficulty in accommodating the development related traffic in relation to road capacity. The access has been designed in compliance with current design standards and a Road Safety Audit has supported the proposed access arrangements and road safety evidence indicates that this is not a material concern. It is common ground between the main parties that the site has safe and good access to non-car transport infrastructure including bus, and pedestrian and cycle routes.

Public services – Education and Health

62. Interested parties raise numerous concerns about access to GP services and that Ysgol Deganwy is at capacity and would not be able to cater for the demand for new places

from the development. However, the response on the planning application was the site fell within the catchment of Ysgol y Mynydd which has sufficient capacity for the demand generated from the development. I have no compelling evidence to suggest otherwise and the Council acknowledge that a financial contribution towards education places would not be warranted under The Community Infrastructure Levy Regulations 2010 tests.

63. As regard the Health board response on the application it did not object to the development given that the number of houses proposed was within the predicated growth rate in the LDP. It did not request a financial contribution through a planning obligation and the Council has not opposed the development on this ground.

Sustainable development

64. Concerns have been expressed about the sustainability credentials of the proposed development. PPW 10 indicates that proposals should be prepared within the context of key planning principles and that the first stage is to assess strategic and spatial choices. Whilst the site adjoins the settlement boundary it is common ground between the main parties that the site is sustainable and that a search sequence reveals in BP/21 and DGN 1 that this is the next best available site in the settlement to deliver housing. Other facets of strategic and spatial choices in relation to design, promoting healthier places, impact on the welsh language, sustainable management of natural resources (drainage/bio-diveristy) and managing settlement form have been met by the submission of detailed studies in connection with this application and appeal. The proposal has been subject to detailed consideration of active and social places in relation to housing and transport and in relation to distinctive and natural places in relation to the historic environment and landscape.
65. In all, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act. I am satisfied that my decision accords with the Act's sustainable development principle through its consistency with the objectives concerning environmental well-being and supporting cohesive and attractive communities.

Planning Obligation

66. The appellant agrees to the libraries, open space, allotments and waste contributions of the Section 106 obligations. The Council has produced evidence submitted at document 20 to the Inquiry which demonstrates that no more than five separate planning obligations within the charging area have been collected in relation to these matters under Section 123 of The Community Infrastructure Levy Regulations 2010 (CIL). The same document provides evidence in each case that there is a deficit in supply and that the proposed development would increase the demand and would worsen the deficit in line with LDP Policies DP/5, CFS/1, CFS/11 and Planning Obligations Supplementary Planning Guidance LDP4. These planning obligations are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. As a result, I give these obligations significant weight.
67. The highway contributions are contested and comprise three schemes. Scheme 1 (40K contribution) is footpath improvements at the top of Marl Lane by Albert Drive

and Tan y Gaer. Scheme 2 (20K contribution) is the construction of a pavement link and crossing point on Marl Drive to connect through to Nant y Glyn to improve the route to Ysgol Awel y Mynydd. Scheme 3 (25K contribution) is to provide improvements to the highway link between Marl Lane and the A470. In Scheme 2 the appellant is not required to pay the contribution if this amount is already paid by the Woodlands Marl Lane planning permission.

Scheme 1

68. The Council indicate that the proposed refuge point on the top of Marl Lane would not provide sufficient clearance between the outer body of a large vehicle and the refuge. It is contended that the swept path analysis demonstrates that vehicles would pass too close to pedestrians and cyclists. The appellant argues that the proposed arrangement is preferred, is safe, and there are alternatives such as the crossing point on Marl Lane near the bus stop. The appellant believes that the contribution is not needed to make the development acceptable because the Council's alternative provision duplicates the footways that are already available. However, the route on Pentywyn Road is an Integrated Network Map route approved by WG under the Active Travel Wales Act 2013. The proposal does not meet with the Active Travel Act 2013 design requirements. The appellant's contribution will go towards improving pedestrian and cycling movement in accordance with the Council's proposals for the Marl Lane/Pentywyn Road crossing and is necessary to make the development acceptable in relation to the CIL Regulations 122(2). I attach significant weight to this particular obligation.

Scheme 2

69. On my site visit I walked the route from the proposed development to the crossing point on Marl Drive to connect through to Nant y Glyn which leads to Ysgol Awel y Mynydd. I also walked the alternative route but either route requires pedestrians to cross Marl Drive. A contribution is already considered necessary for the same crossing from the Woodlands site development owned by the appellant. The planning obligation prevents a double payment being made in respect of these works. The contribution is necessary to make the development acceptable in relation to the CIL Regulations 122(2). I attach significant weight to this particular obligation.

Scheme 3

70. The appellant has modelled the Marl Lane/A470 junction as two separate junctions. The Council asserts that as the link road is only 38m in length that it should have been modelled as one junction. The link can only accommodate about 6 vehicles whereas the transport assessment has calculated queuing as 13 vehicles. The appellant argues that the interaction between the two junctions would be identical and the surveys indicate one occasion of a queue extending back from the Marl Lane roundabout and that this lasted no more than 5 minutes. A further queue survey was undertaken on 9 February 2018 at peak times and this revealed that in 54 periods where a queue length was recorded only 4 periods had a queue consisting of 1 or 2 vehicles. There was one occasion of a queue extending back to Marl Drive but this had cleared in 5 minutes. The Council alleges that the February survey was undertaken on half-term. The February survey was undertaken outside the school half term and is representative of typical road conditions.
71. The standard junction modelling reveals that no contribution for this obligation is necessary to constitute a reason for granting planning permission and the CIL

Regulations 122(2) are not met. I therefore attach little weight to this particular obligation.

Conditions

72. I have considered the Council's suggested conditions and the appellant's response to them in the light of Circular WGC 016/2014 'The Use of Planning Conditions for Development Management'.
73. The main differences between the Council and the appellant relate to draft conditions 8 to 10, 12 to 14 in relation to highway matters. In relation to draft condition 8 the appellant notes that the information had already been provided, the Council indicates that the information had not addressed all matters. I therefore consider that the condition should stand. Minor changes were made to the wording of draft condition 9. I have revised condition 10 to reflect the appellant's concern. Compliance with design standards can be addressed by the re-wording of the condition without narrowly referring to technical highway standards. Condition 13 remains unaltered to ensure that the provision is acceptable in relation to the designation of the Integrated Network Map route in connection with the Active Travel Wales Act. Conditions 11, 12 and 14 are subject to minor re-wording.
74. Condition 1 imposes a stricter commencement period of 2 years given the pressing need to address the lack of a 5-year supply. The approved plans are listed to comply with Circular WGC 016/2014. Condition 3 is needed to ensure an appropriate programme of archaeological mitigation. Condition 4 is needed to ensure adequate provision of affordable housing as part of the development. Condition 5 is necessary to ensure provision of public open space and equipped areas within the site. Conditions 6 and 15 are needed in the interests of the visual appearance of the area. Condition 7 is needed to ensure adequate provision of foul and surface water drainage for the site to minimise the risk of surface water flooding. Conditions 8 to 14 are needed in the interests of highway safety.

Planning balance and overall conclusions

75. I have identified conflict with LDP Policy HOU/1 in that the development is located outside the settlement boundary of the LDP.
76. I have concluded that the proposal would not harm the setting and significance of the heritage assets and the historic landscape, and that these assets would be preserved. This factor is a neutral point not a factor in favour or against the development.
77. I have identified that the proposed development would not conflict with LDP Policies DP/4 (2h) and NTE/1 in relation to the second issue, the loss of BMV agricultural land.
78. I have concluded that significant weight should be accorded to the issue of the shortfall of housing land supply and the contribution this development would make to increasing the supply of market and affordable housing.
79. The development is located on the fringe of the urban area whereby 85% of new housing will be located and is in general accord with LDP Policy DP/2. It relates well to the existing urban form. The proposed development is sustainable and accessible and accords with the strategic and spatial choices of PPW 10.
80. No other matters are raised of such weight as to materially alter my assessment of the balance of considerations in this case.
81. The planning balance is such that I allow the appeal.

Iwan Lloyd

INSPECTOR

Schedule 1 – Conditions

- 1) The development shall begin not later than two years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
 - Location Plan- BD/HP/LP1 Rev A- received 27/7/2016.
 - Beech Developments Housing Mix (Schedule) - received 27/7/2016.
 - House Type A3- BD/HP/A3 AP Rev A- received 27/7/2016.
 - House Type A4- BD/HP/A4 AP- received 27/7/2016.
 - House Type P3- BD/HP/P3 AP- received 27/7/2016.
 - House Type B2 - BD/HP/B2 AP Rev A- received 27/7/2016.
 - House Type D2H- BD/HP/D2H AP- received 27/7/2016.
 - House Type DQ3- BD/HP/DQ3 AP Rev A- received 27/7/2016.
 - House Type E4- BD/HP/E4 AP 01 -received 27/7/2016.
 - House Type E4- BD/HP/E4 AP 02- received 27/7/2016.
 - House Type F2- BD/HP/F2 AP Rev A- received 27/7/2016.
 - House Type F3- BD/HP/F3 AP Rev A- received 27/7/2016.
 - House Type G3- BD/HP/G3 AP Rev A- received 27/7/2016.
 - House Type H3 - BD/HP/H3 AP- received 27/7/2016.
 - Single Garage- BD/HP/SG1 AP Rev A- received 27/7/2016.
 - External Works Timber Post & Railing and Wire Mesh - BD/HP/EXW3 – received 27/7/2016.
 - External Works Walls & Timber Railings - BD/HP/EXW4- received 27/7/2016.
 - External Works Screen Fence Details- BD/HP/EXW1- received 27/7/2016.
 - External Works Screen Fence Details- BD/HP/EXW2- received 27/7/2016.
 - Site Cross Sections- BD/HP/DS1 Rev B- amendment received 12/3/2017.
 - Swept Path Analysis (Refuse Vehicle) - SCP/16064/ATR01 Rev B- additional information received 10/4/2017.
 - Proposed Drainage- BD/HP/DR1 Rev A- amendment received 10/4/17.
 - Entrance Wall Detail- BD/HP/DS/02 Rev A- amendment received 10/4/2017.
 - Construction Plan Site Compound - BD/HP/SC/01 Rev B - amendment received 10/4/2017.
 - Construction Plan Site Set Up - BD/HP/SS/01 Rev B - amendment received 10/4/2017.
 - Regrade Layout - BD/HP/RG1 Rev B- amendment received 10/4/2017.
 - Proposed Ghost Island Right Turn Site Access Arrangement - SCP/16064/F01 Rev G - amendment received 31/7/2017.

- Planning Layout - BD/HP/PL 1 Rev E - amendment received 30/8/2017.
 - Proposed Turning Area Opposite Plots 100 to 102 - SCP/16064/ATR03 - additional information received 30/8/2017.
- 3) No development (including topsoil stripping, groundworks or site clearance) shall commence until a specification for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. The development shall be carried out and all archaeological work completed in accordance with the approved specification. A detailed report on the archaeological work, shall be submitted to and approved in writing by the local planning authority within twelve months of the completion of the archaeological work or of completion of the development, whichever is the sooner.
 - 4) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 - 5) The development shall not commence until a scheme for the provision of the public open space areas and equipped play space within the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide details of the specification, phasing of delivery and future management of the open space areas and the equipped play space. The public open space areas and equipped play space shall be completed in accordance with the approved details and thereafter retained in perpetuity and made available for public use.
 - 6) Notwithstanding the details shown on the Landscaping Layout (BD/HP/LS1 Rev C), no dwellings hereby approved shall be constructed above ground level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i. indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
 - ii. soft landscape works including: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and

- proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant);
- iii. earthworks showing existing and proposed finished levels or contours;
- iv. means of enclosure and retaining structures;
- v. other vehicle and pedestrian access and circulation areas;
- vi. hard surfacing materials;

The landscaping works and all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) None of the dwellings hereby approved shall be occupied until the foul and surface water drainage systems relating to that dwelling have been completed, in accordance with a detailed drainage scheme that has first been submitted to and approved in writing by the local planning authority. The drainage scheme include the proposed drainage layout (Proposed Drainage- BD/HP/DR1 Rev A) and the Drainage Strategy by Waterco Consultants (dated September 2017), together with details of the proposed surface water run-off/discharge rate and details of the future management, maintenance and adoption of the system for the lifetime of the development. The drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 8) Notwithstanding the details submitted with the application, the development shall not begin until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i. Travel Management Plan;
 - ii. proposals for the routing of delivery vehicles (for materials and plant) from origin to site;
 - iii. bilingual (Welsh above English) traffic management signs schedule and location plan.
 - iv. scheduling and timing of deliveries to the site;
 - v. location of construction compound and access to construction compound;
 - vi. location of sales office and associated visitor and staff parking;
 - vii. the parking of vehicles of site operatives and visitors;
 - viii. loading and unloading of plant and materials;
 - ix. storage of plant and materials used in constructing the development;
 - x. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - xi. wheel washing facilities;
 - xii. the hours of construction work;

- xiii. measures to control noise from any generators, plant, machinery and equipment on site;
 - xiv. location of security lighting and other temporary lighting;
 - xv. measures to control the emission of dust and dirt during construction;
 - xvi. a scheme for recycling/disposing of waste resulting from construction works.
- 9) The construction of dwellings above ground level shall not commence until the proposed access and visibility splays measuring 2.4m by 120m in each direction have been provided, in accordance with the approved plans and drawings. The visibility splays shall be provided as specified and be maintained free of any obstruction. The access and visibility splays shall thereafter be retained for the lifetime of the development. No dwelling hereby approved shall be constructed above ground level until the access has been completed up to at least binder course for a minimum distance of 25m from the public highway.
- 10) Notwithstanding drawing no. SCP/16064/F01 Rev G, no development shall commence until a scheme of highway measures including details of the pedestrian crossing and bus stop, road markings and gateway signage on Pentywyn Road, have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the highway measures have been carried out in accordance with the approved scheme.
- 11) No dwelling hereby permitted shall be constructed until details of the following highway measures/works have been submitted to and approved in writing by the local planning authority:
- i. A 2.5m wide spine footway/cycleway on one side of the adopted section of road up to turning head of plot 51/52 and linking to the open space areas;
 - ii. Detail design of traffic calming within the site;
 - iii. Detail design of uncontrolled pedestrian crossings and cycle crossing points within the site;
 - iv. Detail design of street lighting layout within the site;
 - v. Each private vehicle access shall have visibility splays of 2.4m by 2.4m onto a footway, or visibility splays of 2.4m by 23m onto a pavement designated for cycling;
 - vi. Detailed design of footpath/cyclepath layout within the open space area, in conjunction with the uncontrolled crossing of Marl Lane.
- No dwelling shall be occupied until the highway measures/works have been carried out in accordance with the approved details.
- 12) No dwelling hereby permitted shall be occupied until the base coat of the estate roads, turning heads, footways/cycleways, pedestrian link paths and street lighting leading to that dwelling have been provided, together with the car parking accommodation and turning areas for that dwelling, in accordance with the approved plans/drawings. The estate roads, footways, pedestrian link paths, street lighting, car parking accommodation and turning heads shall thereafter be retained in perpetuity.
- 13) No dwelling hereby permitted shall be occupied until a 3m wide footway/cycleway has been provided from the site access, along Pentywyn Road, to link through the proposed open space to the site boundary on Marl Lane, with

a service strip for street lighting of up to 1m, in accordance with a detailed scheme to be submitted to and approved in writing by the local planning authority.

- 14) The roadways, visibility splays, footways and pedestrian link paths shall be laid out and completed in accordance with the approved plans and drawings and the carriageway and footways shall be surfaced before the last dwelling hereby approved is occupied.
- 15) No dwellings hereby approved shall be constructed above ground level until details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings have first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Barrett of Counsel	Instructed by the Head of Law and Governance
He called	
Ms Stoten	Heritage - Pegasus Group
Mr Garner	Planning - Garner Town Planning Ltd
Mr Evans-Snarr	Council's Traffic and Transportation Engineer (Called for the round table discussion on the Section 106 and conditions)
Mr Watson	Principal Planning Officer (discussion on conditions)

FOR THE APPELLANT:

Mr Manley QC of Counsel	Instructed by Mr Gilbert
He called	
Mr Elliott	Reading Agricultural Consultants
Mr Ives	Heritage Planning Ltd
Mr Gilbert	The Planning Consultancy
Mr D Roberts	SCP Transportation Planning (Called for the round table discussion on the Section 106 and conditions)

INTERESTED PERSONS:

Mr Edmondson	Welsh Historic Garden Trust Clwyd Branch
Mr Jones	On behalf of Ms Janet Finch Sanders AM
Cllr Shotter	County Councillor
Ms Duncalf	Resident
Ms Milward	Resident
Mr Rogers	Resident
Ms Parker	Resident
Dr Richards	Resident
Cllr Priestley	County Councillor
Mr Adams	Resident
Mr Owen	Resident
Mr E Roberts	Manager of Bodysgallen Hall

Ms Shaw	Resident
Ms Eastwood	Resident
Mr Taylor	Resident
Mr Thorne	Resident
Ms Jacovelli	Resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Council's notification letter and list of those notified
- 2 Statement of common ground
- 3 Statement by Ms Janet Finch Sanders AM read by Mr Jones
- 4 Statement by Mr Edmondson Welsh Historic Garden Trust
- 5 Photomontages
- 6 Statement by Mr Parry
- 7 Statement by Cllr Shotter
- 8 Statement by Ms Duncalf
- 9 Statement by Ms Milward
- 10 Statement by Mr Rogers
- 11 Statement by Ms Parker
- 12 Statement by Dr Richards
- 13 Statement by Cllr Priestley
- 14 Statement by Mr Owen
- 15 Statement by Mr E Roberts
- 16 Copy of email 21/09/2018 from Mr Clarke (Policy) to Mr Garner
- 17 Extract of Gwynedd Archaeological Assessment
- 18 Joint Housing Land Availability Study 2018
- 19 Statement by Ms Jacovelli
- 20 Information on pooled contributions
- 21 Extract of email from Road Safety Officer 12/09/2018
- 22 Council's copy of a User Manual for Autotrack
- 23 Council's extract of Design Guidance Active Travel Act 2013
- 24 Council's draft conditions and appellant's comments

Julie James AC/AM
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government



Llywodraeth Cymru
Welsh Government

Eich cyf/ Your ref: C3429 New Road, Rhosrobin
Ein cyf/ Our ref: qA1345967

Mr Guy Evans
Cassidy and Ashton
10 Hunters Walk
Canal Street
Chester
CH1 4EB

10 June 2019

Dear Mr Evans

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY WELSH TOWN PLANNING AND HOUSING TRUST LIMITED, MRS I
DUTTON, MR J DUTTON, MR P DAVIES AND MR D GRIFFITHS IN CONJUNCTION WITH
LIBERTY PROPERTIES
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 189
DWELLINGS WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS AT LAND EAST
OF TAN Y BONT, MAIN ROAD, RHOSROBIN, WREXHAM
APPEAL REFERENCE: APP/HY955/A/17/3182282**

1. Consideration has been given to the original and addendum reports of the Inspector, Kay Sheffield BA (Hons) DipTP MRTPI, who held Hearings for your client's appeal against Wrexham County Borough Council's ("the Council") refusal of outline planning application P/2016/0189. The application is for "residential development of up to 189 dwellings" on land east of Tan y Bont, Main Road, Rhosrobin, Wrexham.
2. In accordance with section 79 and paragraph 3(1) of Schedule 6 to the Town and Country Planning Act ("the 1990 Act"), the appeal was recovered for determination by the Welsh Ministers. The reason for the direction is that the proposal is for a residential development of more than 150 houses on more than 6 hectares of land. Under the provisions of the Government of Wales Act 2006, the power to determine applications under section 79 of the 1990 Act has been transferred to the Welsh Ministers. These functions are within the portfolio of the Minister for Housing and Local Government and have been exercised by me as Minister.
3. In exercising their functions as part of carrying out Sustainable Development in accordance with the Well-Being of Future Generations (Wales) Act 2015 ("the WFG Act"), section 2 of the Planning (Wales) Act 2015 requires the Welsh Ministers, as a

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.wales

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

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

public body, to ensure the development and use of land contributes towards improving the economic, social, environmental and cultural well-being of Wales. In order to act in this manner, the Welsh Ministers have taken into account the ways of working set out in section 4 of 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance' on the WFG Act through examination of the appeal by way of a Hearing in accordance with the Town and Country Planning (Hearings Procedure) (Wales) Rules 2003.

4. The Inspector held a Hearing on 14 February 2018 and a site visit was carried out on the same date.
5. On 18 July 2018, the Cabinet Secretary for Energy, Planning and Rural Affairs wrote to all Heads of Planning in Wales to issue a 'Call for Evidence' to explore ways the planning system can assist in increasing the delivery of new homes in sustainable locations. As a result, paragraph 6.2 of Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies was dis-applied. It is now a matter for decision makers to determine the weight to be attributed to the need to increase housing land supply where a Local Planning Authority (LPA) has a shortfall in its housing land.
6. In accordance with the Town and Country Planning (Hearings Procedure) (Wales) 2003 Rules, on 31 July the First Minister issued a letter to all parties which took part in the appeal hearing giving them the opportunity to make representations or ask for the reopening of the hearing to take account of a new matter of fact.
7. A Planning Inspector, appointed by the Welsh Ministers reopened the Hearing on 21 February 2019.
8. The Inspector recommends the appeal is allowed and planning permission granted. Copies of the Inspector's original report and addendum report (IR) are enclosed. All references to paragraph numbers, unless otherwise stated, are to the addendum report.

Main Consideration

9. The main issue considered in the Inspector's addendum report is whether the lack of a five-year housing land supply is a consideration sufficient to outweigh any conflict with local and national planning policies (IR41). I agree with the Inspector that this is the main issue due to the absence of an adopted Local Development Plan (LDP).
10. In the Inspector's original report it was accepted that the proposal would constitute inappropriate development in the Green Barrier (original IR80-82) and that planning permission should not be granted for such development except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Barrier as stated in paragraph 3.70 of Planning Policy Wales (PPW) 10. However, in making the recommendation to allow the appeal, the Inspector took account of paragraph 6.2 of TAN 1 and afforded considerable weight to the need to increase housing land supply due to the absence of an adopted LDP, as part of the very exceptional circumstances in favour of the appeal (IR39).
11. The Inspector is of the view that, following the dis-application of paragraph 6.2 of TAN 1 it is now a matter for the decision maker to determine the weight which should be attributed to the need to increase housing land supply where a Council has a shortfall in housing land. However, as stated in paragraph 10 of the letter from the First Minister dated 31 July 2018, the Welsh Government considers the need to

increase housing land supply should not be given considerable weight. It disagrees with the weight afforded in the Inspector's original report to the need to increase housing land supply and with the reasoning that very exceptional circumstances exist to justify the proposed development within the Green Barrier (IR40).

12. I consider the primary consideration is that the Council has neither an up-to-date Unitary Development Plan (UDP) nor an adopted Local Development Plan (LDP). The Inspector states it is therefore considered to have zero housing land supply. The Inspector states that the requirement in Planning Policy Wales (PPW) 10 that the Council must ensure that sufficient land is genuinely available or will become available to provide and maintain a five-year supply of land for housing is not met (IR42). I agree with the Inspector and consider the absence of either an up to date Unitary Development Plan (UDP) or an adopted LDP is the crucial factor in this case.
13. The Council has submitted the Deposit Wrexham Local Development Plan 2013 – 2028 (LDP) for examination, at the time of the Hearing, consultation on focussed changes to it was ongoing and there was no firm programme for its examination (IR9). The Inspector is of the view the provision of a five-year housing land supply is a matter which will be addressed by the LDP. The Council considers that sufficient land is proposed for allocation in the plan to meet the identified need for housing and maintain a five-year supply over the plan period. Whether or not the LDP is sound is a matter for the Examining Inspector for the LDP and not this appeal. However, the Inspector states that, as the LDP has not yet been examined and is unlikely to be adopted until early 2020, limited weight can be applied to it. Furthermore, the Inspector is of the view that there are certain matters in respect of housing land supply which are material to the appeal (IR43).
14. The Council's housing completion figures confirm a consistent and significant under-supply which over the period 2013 to 2018 accounts for approximately 1380 units against a proposed average LDP requirement of 517 per annum. The evidence suggests the shortfall will increase over the next year at least. Although the Council is confident it can deliver the projected housing requirements, the Inspector states, if they are to be achieved, there will need to be a significant increase in the number of completions over the remaining 9 years of the plan period. The Council is aware that unless more land is brought forward for development prior to the adoption of the LDP, there is a risk that the housing requirements will not be met. The Inspector is of the view that it is evident that there is no immediate prospect of completions from proposed allocations in the LDP and suitable sites therefore need to be brought forward for development prior to the adoption of the LDP, if the housing trajectory is to be achieved (IR44).
15. The Inspector is of the view that although in the LDP the appeal site is in open countryside and part of a Green Wedge, it is surrounded on three sides by existing built development within the settlement limit of Wrexham Town and represents a logical extension to the settlement. In the event the examination of the LDP identified a need for additional housing land the Council agreed the appeal site was a strong candidate to satisfy that need (IR45).
16. The appeal scheme would contribute up to 189 dwellings, 25% of which would be affordable. It is in a sustainable location being well related to local services and facilities and accessible by sustainable means of transport. The proposal provides a realistic opportunity to accommodate residential growth in a sustainable location. In addition the evidence confirms that it is not a speculative development, but one which would be brought forward quickly and completed within four years. The Inspector

considers the proposal would therefore make an important contribution to housing supply (IR46).

17. The Inspector acknowledges the appeal site may not be allocated for development in the Deposit LDP, however, she states there is no certainty over the final outcome of the plan and the evidence supports an urgent need to increase housing land supply. Given the underlying evidence, the Inspector is of the view the appeal site would provide residential development on land which would satisfy the requirements of the Council's Preferred Strategy (IR47).
18. The Inspector states, given the current position in respect of the Council's housing land supply, the identified need to bring sites forward for development prior to the adoption of the LDP, if the housing trajectory is to be achieved, and there being no immediate prospect of completions from proposed allocations in the LDP, she is in agreement with the parties that considerable weight should continue to be attributed to the need to increase housing land supply in the determination of the appeal. Furthermore, the Inspector considers the site could be developed with the minimum of delay and would thus make a significant contribution to housing numbers at a time when a significant increase in completions is required. The Inspector is of the opinion that the housing land supply situation constitutes very exceptional circumstances which outweigh the harm the development would cause to the Green Barrier, despite the removal of paragraph 6.2 of TAN 1 (IR48). I agree with the Inspector that the proposal will make a contribution to housing numbers at a time when a increase in completions is required, particularly due to the absence of an adopted LDP.
19. Paragraphs 89 to 104 of the Inspector's original report detail further material considerations.

Historic Heritage

20. The Inspector notes the conservation of archaeological remains is a material consideration in determining an application. She also notes where nationally important archaeological remains and their settings are likely to be affected by development, there should be a presumption in favour of their physical protection in situ. The section of Wats Dyke which crosses the appeal site has been identified as one of the last unenclosed sections of the monument and, as confirmed by Cadw, the proposal would have a significant effect on its setting (Original IR89).
21. However, the Inspector is of the view the creation of a substantial landscape buffer to either side of the Dyke and the restriction of built development to the western side of the site would help protect the Scheduled Ancient Monument (SAM) in situ. Furthermore, she states the measures in the Scheduled Ancient Monument Management Plan (SAMMP) would improve the appearance and setting of the Dyke and secure its long term management. The Inspector considers these factors, together with the management of the wider landscape buffer, would help preserve the heritage asset in the longer term (Original IR90).
22. The Inspector notes it is generally accepted the effect of the development on the SAM would be successfully mitigated and compensated for via the SAMMP. The Inspector is of the view the implementation of the management plan would compensate for the damage which would be caused to the setting. The Inspector is also of the view the proposals present an opportunity to secure measures which would preserve it in the longer term, none of the measures is directly dependent on the development taking place (Original IR91-92).

23. The Inspector concludes on this matter the lack of housing land supply, together with the contribution the site would make to housing provision and its compliance with the Preferred Strategy carry significant weight in favour of the appeal. The works to ensure the long term preservation of the heritage asset are not directly dependent on the development and therefore do not add weight in favour of the proposal. Although, the Inspector also recognises that it is unlikely the benefits would come forward in the absence of the proposal (Original IR93).
24. It is noted that Paragraph 6.1.24 of PPW 10 states it will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument. I am satisfied the proposal will not have a direct adverse impact on the scheduled monument in this case.

Landscape and Visual Effects

25. The Inspector notes the site has value as part of the Green Barrier and in preserving the setting of the SAM. Nonetheless, it is almost entirely surrounded by built development and the part which is adjacent to open countryside is bounded by the railway. Although the site is currently devoid of built development, the Inspector considers its edge of settlement location gives it a semi-urban character. It is also not considered to be a high quality landscape. The erection of houses on the western end of the site would extend the urban edge of Old Rhosrobin eastwards beyond Main Road. However, such an extension has already taken place on the northern boundary of the site and the proposal would not extend any further east than this existing development (Original IR94).
26. The Inspector is of the view the indicative layout and supporting evidence suggest a scheme appropriate to the local surroundings could be devised. There is no dispute the development would visually alter the site. Although the Council recognised the development would have a significant effect on the appearance of the site, it raised no objection to the proposal on grounds of landscape character or visual amenity. The Inspector has reached the same conclusion (Original IR95).

Loss of Agricultural Land

27. In previous Agricultural Land Classification (ALC) surveys about 75% of the site, including the land which would be built upon, was recorded as Grade 3a and therefore Best and Most Versatile (BMV) land. However, the submitted agricultural land classification report concluded that the site is likely to be Grade 3b land. Whilst the Council questioned the accuracy of the survey, as it claimed the correct guidelines had not been followed, the Inspector concluded that it did not provide any substantive evidence to support its claims. It is noted that the Inspector is in agreement with the Council that, although there may be conflict with Policy EC2 of the UDP, which only permits development on agricultural land of Grades 1, 2 and 3a, the dismissal of the appeal on these grounds is not justified. (Original IR96-97).

Highway Improvements

28. The development would result in increased traffic on the local highway network and the representations made by interested parties raised concerns that this would exacerbate existing traffic congestion problems. The Inspector is satisfied that the highway improvements associated with the scheme would benefit the wider community as well as residents of the site (Original IR98).

Other Similar Proposals

29. The Inspector considers there are significant differences between the other decisions on similar residential developments raised in evidence and the appeal, which must be determined on its own merits (Original IR99-101).

Concerns Raised by Local Residents

30. In addition to the matters already addressed, interested parties also raised concerns regarding the effect on local wildlife, noise, air quality, the number of affordable housing units and the ability of local services to cope with an increase in population which the proposal would bring about (Original IR102).
31. In respect of wildlife, the Inspector is satisfied from her inspection of the site, consideration of the technical reports and responses from statutory consultees that the site could be developed without adverse impact on statutorily protected species (Original IR103).
32. The Inspector is satisfied that matters of noise and air quality and flooding were addressed in the various reports which accompanied the application. The Inspector confirms the number of affordable units proposed is in compliance with the Council's policy. With regards to local services, there would be a need for additional educational facilities as a result of the development, financial provision for which is addressed in the Unilateral Undertaking. The Inspector is satisfied that there is no definitive evidence of any capacity issues with regard to local health practices or the local health board (Original IR104).
33. In the light of the evidence the Inspector confirms the overall conclusions reached in her original report remain unchanged and the Inspector continues to recommend that the appeal be allowed, subject to the conditions as set out in the Schedule to the original report.
34. In reaching her recommendation the Inspector has taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. The Inspector considers this decision is in accordance with the Act's sustainable development principle, through its contribution towards the Welsh Ministers' well-being objective of "supporting safe, cohesive and resilient communities."

Conditions and Unilateral Undertaking

35. I have considered the conditions set out at the Annex to the Inspector's report and, subject to minor changes, agree they are necessary and reasonable and meet the tests in Welsh Government Circular 016/2014, "The Use of Planning Conditions for Development Management".
36. I am satisfied the obligations in the UU, dated 6 February 2018, meet the appropriate tests in Section 122(2) of the Community Infrastructure Levy Regulations 2010 and Circular 13/97, "Planning Obligations". As such I have given weight to the UU in the determination of this appeal (IR108).

FORMAL DECISION

37. It is recognised that the appeal site lies outside the defined settlement boundary and the proposal does comprise inappropriate development within the Green Barrier. PPW 10 states inappropriate development should not be granted planning

permission except in very exceptional circumstances where other considerations clearly outweigh the harm, which such development would do to the green wedge.

38. It is considered the appeal site, whilst located outside the settlement boundary, is in a sustainable location in terms of access to services, amenities and public transport. The Inspector has not been presented with evidence of any capacity issues with regards to the local health services and the Unilateral Undertaking makes provision for a financial contribution for additional primary school places.
39. It is acknowledged that the application is made in outline, however, the indicative layout and submitted details, with the imposition of conditions to provide control over detailed design considerations, is capable of delivering a scheme which addresses the national sustainable placemaking outcomes. The scheme makes provision for a pedestrian and cycle way across the site, which would connect with existing highway infrastructure and other settlements, access to open space and equipped children's play areas. This would meet the National Sustainable Placemaking Outcome to 'Facilitate Accessible and Healthy Environments' (PPW 10, Figure 4, page 20).
40. It is considered the proposed development of up to 189 dwellings, of which 25% would comprise affordable units, would make a contribution towards housing land supply in the area, which has not been adequately addressed due to the absence of an up to date UDP (1996 to 2011) or an adopted LDP. Whilst the development would comprise inappropriate development in a green wedge, I am satisfied, in this case, when all the above factors are taken into account, in their totality, they constitute the very exceptional circumstances necessary to outweigh any harm to the green wedge. I am also satisfied there are no other matters which weigh against the appeal.
41. In exercise of the power referred to in paragraph 2 of this decision letter, I hereby allow this appeal and grant planning permission for the "outline application for residential development of up to 189 dwellings with all matters reserved except for access" on Land East of Tan y Bont, Main Road, Rhosrobin, Wrexham (Ref: P/2016/0189) subject to the conditions in the schedule below and the accompanying signed Unilateral Agreement.

42. In reaching this decision, I have considered the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015. The decision made accords with the sustainable development principle set out in the WFG Act 2015 and the well-being objectives of the Welsh Ministers in that it contributes to the objective to 'build resilient communities, culture and language' and contributes to 'driving sustainable growth'.

43. A copy of this letter has been sent to Wrexham County Borough Council and to those persons and organisations who appeared at the Hearing.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AC/AM

Y Gweinidog Tai a Llywodraeth Leol

Minister for Housing and Local Government

Schedule of Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
3. The development shall begin either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. This planning permission provides for a maximum of 189 dwellings.
5. The access into the site shall be laid out in accordance with drawing No. 074-01/GA-02 prior to the occupation of any dwelling erected on the site under the terms of this planning permission.
6. Construction work shall not begin until a scheme for protecting the proposed dwellings from noise from the A483 trunk road has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any dwelling on the site is occupied. The work shall be carried out in accordance with the approved details.
7. No development shall take place until a timetable for the implementation of the measures specified in the Total Heritage Scheduled Ancient Monument Management Plan reference: ROS/16/002 and dated January 2017 has been submitted to and approved in writing by the local planning authority. Thereafter the measures set out in the Management Plan shall be implemented in accordance with the approved timetable.
8. No development shall commence until a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
 - ii) specify the responsibilities of each party for the implementation of the Sustainable Urban Drainage Scheme, together with a timetable for that implementation; and
 - iii) provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented in accordance with the approved details.

9. No development shall commence until a scheme for the provision of foul sewerage infrastructure has been submitted to and agreed in writing by the local planning authority. The scheme shall include details of and be informed by a Hydraulic

Modelling Assessment. No dwelling hereby permitted shall be occupied until the foul sewerage infrastructure has been provided in full and in accordance with the scheme as approved.

10. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The Construction Method Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt from construction works;
 - vi) measures to prevent damage to Wat's Dyke Scheduled Ancient Monument during the construction period;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - viii) hours of working.
11. No development shall commence until a detailed Arboricultural Method Statement has been submitted to and agreed in writing by the local planning authority. The development shall only take place in strict accordance with the Arboricultural Method Statement which shall include:
 - i) a specification for tree protective fencing and ground protection measures in accordance with British Standard 5837:2012;
 - ii) a Tree Protection plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones and location of protective fencing and ground protection measures accurately plotted;
 - iii) a full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zones, including any related sections and method for avoiding damage to retained trees;
 - iv) details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - v) details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the local planning authority;
 - vi) details of all proposed tree works, including felling and pruning.
12. No development shall commence until a scheme detailing the provision of a footway/cycleway link across the site from Main Road to the junction of Plas Acton Road with Blue Bell Lane and a timetable for its completion has been submitted to and agreed in writing by the local planning authority. The footway/cycleway link shall be completed in accordance with the approved details.
13. Notwithstanding the requirements of condition 1, the submission of the reserved matters shall include a scheme for all areas of open space and greenspace to be provided as part of the development, including public amenity space and equipped children's play areas together with a timetable for their provision. The development shall be implemented in accordance with the approved details.
14. No development shall take place until a long term Landscape Management Plan for the identified areas of public open space and maintained land (as referenced on the

indicative masterplan/development framework drawing number Ref: C3429-PO1C) has been submitted to and approved in writing by the local planning authority. The management plan shall provide: details and measures to ensure the long term protection of the open land; the timing of the implementation of the plan; management responsibilities; maintenance schedules and procedures for the replacement of failed planting for all landscaped areas other than private gardens. The approved scheme shall be implemented prior to the occupation of any of the properties hereby approved.

15. No development shall take place until a programme of archaeological works has been submitted to and approved in writing by the local planning authority. The programme shall include a written scheme of investigation and a timetable for the investigation. The works shall be undertaken in accordance with the approved programme. A written report recording any archaeological works undertaken on the site shall be submitted to the local planning authority within three months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing by the local planning authority.
16. No development shall take place until a scheme detailing the provision of a traffic controlled junction at the Llay New Road junction with Plas Acton Road has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the first dwelling hereby approved.
17. Notwithstanding the requirements of condition 1, full details of the timings and phasing of the development shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the details as approved.
18. The development shall be carried out in accordance with the recommendations contained in Section 7 of the Ecological Assessment 2016 (TEP Report Ref: 4731.01.001).

Notification of initiation of development and display of notice

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include the following:

Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out development must ensure the notice is:

- (a) firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

Adroddiad

Gwrandawriad a gynhaliwyd ar 14/02/18

Ymweliad â safle a wnaed ar 14/02/18

**gan Kay Sheffield BA(Hons) DipTP
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 29.03.2018

Report

Hearing Held on 14/02/18

Site visit made on 14/02/18

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 29.03.2018

TOWN AND COUNTRY PLANNING ACT 1990

Section 78

Appeal by Welsh Town Planning & Housing Trust Ltd, Mrs I Dutton, Mr J Dutton, Mr P Davies and Mr D Griffiths in conjunction with Liberty Properties

Residential development of up to 189 dwellings

Land east of Tan y Bont, Main Road, Rhosrobin, Wrexham

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File Ref: APP/H6955/A/17/3182282

Site address: Land east of Tan y Bont, Main Road, Rhosrobin, Wrexham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Welsh Town Planning & Housing Trust Ltd, Mrs I Dutton, Mr J Dutton, Mr P Davies and Mr D Griffiths in conjunction with Liberty Properties against the decision of Wrexham County Borough Council.
- The application Ref P/2016/0189, dated 19/02/2016, was refused by notice dated 06/03/2017.
- The development proposed is residential development of up to 189 dwellings.

Summary of Recommendation: The appeal be allowed

Preliminary and Procedural Matters

1. In exercise of the powers under section 79 paragraph 3(1) of Schedule 6 of the Town and Country Planning Act the Welsh Ministers have directed that the appeal is to be determined by themselves. The reason for the direction is that the proposal is for a residential development of more than 150 houses on more than 6 hectares of land.
2. The planning application was made in outline with all matters reserved for subsequent approval with the exception of access, the detail of which falls to be considered as part of the appeal.
3. The Environmental Statement (ES) which accompanied the planning application has been confirmed as containing the level of information in Parts I and II of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and being complete for the purposes of those Regulations.

The Site and its Surroundings

4. The site comprises approximately 15.78 hectares of agricultural land located on the north western edge of Wrexham. It is well related to Wrexham and a number of local service centres including New Rhosrobin and Pandy. Land uses in the surrounding area include residential, commercial and agricultural.
5. At present the land is principally in use as permanent pasture and grassland, with areas of scrub. Access into the site is from the B5425, Main Road, which forms the south western boundary. The north west and south east boundaries adjoin the Shrewsbury to Chester railway line and the A483 trunk road respectively. The north east boundary is formed by Plas Acton Road. Wat's Dyke, a Scheduled Ancient Monument (SAM)¹ crosses the site in a north-south direction and survives as an embankment for a significant part of its length. A public footpath follows the length of the Dyke from Plas Acton Road and then turns along the boundary with the A483 before terminating on Main Road.

Planning Policy

Local Planning Policy

6. The relevant development plan is the Wrexham Unitary Development Plan 1996 - 2011 (UDP) adopted in February 2005. Although the site adjoins the settlement limit of Wrexham defined in the UDP, it lies in open countryside and in the Green Barrier. The policies of the UDP cited by the Council in refusing permission are PS1 and EC1. The main policies also made reference to in evidence are Policies H5, GDP1 and EC2.

¹ DE151 Wat's Dyke: Section west of Ty Gwyn

7. Policy PS1 is a strategic policy which directs new development for housing, to within defined settlement limits.
8. Within Green Barriers, Policy EC1 of the UDP only allows development if it is for *"agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it"*. According to the explanation of the policy the purposes of a Green Barrier include: to prevent the coalescence of urban areas and villages with other settlements; to assist in safeguarding the countryside from encroachment; to protect the setting of urban areas and villages; and to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
9. Policy H5 only permits new dwellings in the open countryside where: the proposals accord with Policies H3, H4 and H8 of the UDP; or the proposals comprise infilling subject to Policy GDP1; or an essential need to house a full time agricultural or forestry key worker can be established. Policies H3, H4 and H8 relate to the conversion of buildings; the sub-division of dwellings; and exception sites for affordable housing, none of which are applicable to the appeal. Policy GDP1 states that all new development should satisfy a set of criteria. It is an extensive list which includes matters of location, layout, design and appearance.
10. Policy EC2 only permits development on agricultural land of grades 1, 2 or 3a *"if it does not lead to the irreversible loss of that land."*

Emerging Local Planning Policy

11. It is anticipated that the Deposit version of the Wrexham Local Development Plan (LDP) will be published in April 2018 with submission for examination before the end of the year. Notwithstanding this the Council's Preferred Strategy recognises that future housing requirements will not be met without the release of greenfield sites. It is also recognised that some of these greenfield sites may also currently be within the Green Barrier.
12. According to Planning Policy Wales (PPW) the weight to be attached to an emerging LDP when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption². Certainty regarding the content of the plan will only be achieved when the Examining Inspector delivers the binding report. Thus in considering what weight to give to the emerging LDP in respect of the appeal, it is necessary to consider the underlying evidence.

National Planning Policy

13. In PPW the designation of Green Barriers is consistent with Green Wedges. PPW advises that inappropriate development should not be permitted within Green Wedges. The construction of new buildings within Green Wedges is inappropriate development unless it is for one of a list of specified purposes³. These purposes include: justified rural enterprise needs; essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain openness and do not conflict with the purposes of including land within the Green Wedge; limited

² PPW paragraph 2.14.1

³ PPW paragraph 4.8.16

extension, alteration or replacement of existing dwellings; limited infilling and affordable housing for local needs; or small scale diversification within farms.

14. PPW also requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a five year supply of land for housing.⁴ Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (JHLAS) advises that where a local planning authority does not have an adopted LDP or where an adopted UDP is outside of the plan period, it will not be able to produce a JHLAS and therefore will not be able to demonstrate whether or not it has a five year supply of land for housing. Where a local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with development plan and national planning policies.⁵
15. Grades 1, 2 and 3a agricultural land are classed in PPW⁶ as Best and Most Versatile (BMV) land which should be conserved as a finite resource for the future and due to its special importance considerable weight should be given to protecting such land from development. BMV land 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 agricultural considerations.
16. Although the Provisional 1:250,000 Series Agricultural Land Classification (ALC) Map for Wales was withdrawn on 27 November 2017 and replaced by the Predictive ALC Map (Wales) neither party was able to confirm if the grading of the site had changed. Nevertheless, this map does not replace the need for Agricultural Land Classification site surveys.

Planning History

17. Outline planning permission⁷ was sought in 2014 for up to 400 dwellings on the appeal site. However during the course of the application the number of units was reduced to a maximum of 338. The application was refused by the Council on grounds of location outside the settlement boundary and within the Green Barrier, inadequate means of access and harm to Wat's Dyke SAM.
18. Other proposals for residential development in the area include land opposite St Peter's Close, off Llay New Road, Rhosrobin⁸ and land to the rear of Briarswood, Main Road, Rhosrobin⁹. The former adjoins the railway line on the north western boundary of the appeal site and the latter is on the western side of Main Road a short distance to the north of the site¹⁰. Both proposals were refused planning permission by the Council and subsequently dismissed on appeal. Both schemes were considered to be inappropriate development within the Green Barrier, a matter which was not outweighed by the lack of housing land supply.

⁴ PPW paragraph 9.2.3

⁵ TAN 1 paragraph 6.2

⁶ PPW paragraph 4.10.1

⁷ Application Ref P/2014/0876

⁸ Appeal Ref: APP/H6955/A/14/2229480

⁹ Appeal ref: APP/H6955/A/17/3166936

¹⁰ Location of sites is shown in Section 3 of the Appellants' final comments

The Proposals

19. The development proposed is the erection of a maximum of 189 dwellings of which 47 (25%) would be provided as affordable housing. Whilst the appeal site covers about 15.78 hectares, the built development would be limited to the south western part of the site covering an area of approximately 6.31 hectares. The remainder of the land would remain open, providing a landscape buffer to either side of Wat's Dyke.
20. The indicative building parameters and typical street sections which formed an addendum to the Design and Access Statement propose dwellings of 2 and 2.5 storeys in height with an approximate density of 30 units per hectare. The general form of the development would be comparable to existing residential developments in the area. The access into the site from Main Road would be sited opposite Top Farm Road and would be a roundabout junction. Off-site works include the introduction of traffic lights in order to upgrade the B5425 and Plas Acton Road junction.
21. A full list of plans and documents submitted as part of the application and during the course of its determination is set out in the Appellants' Grounds of Appeal.

Other Agreed Facts

22. Section 4 of the Appellants' Hearing statement sets out the matters not considered to be in dispute. At the Hearing the Council confirmed that it was in general agreement with the contents of Section 4 which are summarised below.
23. As demonstrated by the indicative layout plan the site would accommodate the proposed development, with due regard to the living conditions of occupiers of adjacent dwellings, provision of open space and adequate parking, in accord with UDP Policies CLF5 and T8. The site could be developed without prejudice to the amenity of occupiers of properties close to the site by way of loss of light, privacy or by being visually overbearing.
24. The application was supported by a Transport Assessment and Interim Travel Plan together with supplemental information. The Council, as Highways Authority, has raised no objection subject to the imposition of conditions should permission be granted. The proposed highway works would mitigate the impact of traffic generated by the proposal and provide a benefit to a road network which is currently operating above practical capacity. The proposal would comply with Policies GDP1, GDP2, T8 and CLF6 of the UDP.
25. In the absence of any evidence that the development would severely prejudice the effective delivery of local healthcare services the concerns raised do not present a valid reason for refusing permission. The Council as Education Authority raised no objection to the development subject to a contribution towards primary education, to be controlled through the Unilateral Undertaking, in accord with UDP Policy GDP2
26. Subject to the submission of details of the foul and surface water drainage systems statutory consultees have raised no objection in this respect and the proposal would accord with Policies GDP1 (g) and (i) and GDP2 of the UDP.
27. The development would result in the loss of agricultural land. The survey undertaken by the Welsh Office in 1993 assessed 75% of the site as Grade 3a and the remainder Grade 3b. The Council had concerns regarding the reliability of the independent assessment submitted as part of the application which found the whole of the site to be Grade 3b.

28. Although about 50% of the site is subject to a Protection of Mineral Resources designation it would not be possible to work any exploitable mineral reserves under the site without severely compromising the amenity of nearby residents and causing significant disruption to local transport infrastructure. Furthermore there would be a significant element of risk to Wat's Dyke and harm to its setting. It is therefore highly unlikely that any mineral extraction works would take place within the site and the development would accord with Policy MW9 of the UDP.
29. An ecological assessment was submitted as part of the planning application. The site is not the subject of any Biodiversity Conservation designations and no objections to the development on grounds of ecology were raised by Natural Resources Wales, subject to the imposition of appropriate conditions. The development would accord with Policies GDP1(h) and EC6 of the UDP.
30. On the basis of an Air Quality Assessment submitted with the application the Council's Public Protection Team raised no objection. The development would be in accord with Policy GDP1(f) of the UDP.
31. The Council's Public Protection Team also appraised the Environmental Noise Assessment submitted with the application and recommended the imposition of conditions. Indicative details of an acoustic barrier to the A483 satisfied the queries raised by Welsh Government. The development would accord with Policy GDP1(f).
32. Whilst Cadw confirmed that the development would have a significant impact upon the setting of the SAM it considered that this impact could be mitigated and compensated for via the Scheduled Ancient Monument Management Plan (SAMMP). The measures proposed in the management plan together with the retention of the considerable landscape buffer would facilitate the improvement of the appearance and setting of the Dyke and its long term management. The proposal also presents an opportunity to enhance the local awareness of the Dyke through interpretative material such as information boards.
33. The area in which the site is located is not a language sensitive ward and, as such, there is no requirement for a Welsh Language and Community Impact Statement. The development would comply with Policy GDP1 (j).

The Case for the Council (Hearing Statement)

The material points are:

34. Outline planning permission was refused for a maximum of 338 dwellings on the site in 2015. The appeal proposal seeks to overcome the reasons for refusal by the reduction in the number of dwellings to a maximum of 189 and a corresponding reduction in the built up area of the site, the submission of a SAMMP in respect of Wat's Dyke and vehicular access from Main Road only.
35. As well as being in conflict with Policy PS1 of the UDP, the proposal would not accord with any of the circumstances set out in Policy H5. In addition to lying outside of the settlement boundary and within the Green Barrier, the proposal would lead to an irreversible loss of agricultural land. Approximately 75% of the site has an ALC of Grade 3a with the remainder 3b.
36. The UDP period expired in 2011 and the Council is therefore unable to demonstrate a five year housing land supply. The LDP will make provision for approximately 8525 homes (including 10% contingency) to meet the housing needs of the County

Borough over the period 2013-2028. Based on an estimated deliverable supply of 2027 units, a windfall allowance of 2145 and 980 completions over the period 2013-2017, land for approximately 3373 homes is required. It will be necessary to continue to bring forward deliverable sites for development in order to demonstrate a five year housing land supply when the LDP is adopted.

37. The Council accepted that the need to significantly increase the supply of available housing land and the contribution the proposed development would make to the supply in Wrexham weighed heavily in favour of the appeal. It also recognised that future housing requirements would not be met without the release of greenfield sites.
38. In the light of the current situation in respect of housing land supply, the Council considered that Policy PS1 is outdated and therefore should be afforded less weight in the determination of planning applications. However, it does not automatically follow that all proposals to develop sites located outside of settlement limits should be granted planning permission, particularly if those sites are afforded greater protection by other policies of the UDP.
39. The proposed development does not fall within any of the categories of new development specified in PPW as being suitable within Green Wedges. The proposal would therefore be inappropriate development within the Green Barrier.
40. The existing Green Barriers are being reviewed as part of the LDP process and not all land currently designated Green Barrier will necessarily be given the same protection when the LDP is adopted. In respect of the Green Barrier within which the appeal site lies, nowhere is there more than about 0.3km between neighbouring settlements¹¹. This close proximity means the relative openness of the Green Barrier is important.
41. The Strategic Green Wedge Review considered that the openness of the Green Wedge¹² *"would not be maintained to the same extent should it be covered by a general open countryside policy. The number of candidate sites in the area also demonstrates development pressure in the area. The designation therefore serves the function of preventing coalescence in an area of development pressure. The designation is set along defensible boundaries, serving to manage the urban form in this location and separating settlements in close proximity to each other. It also serves to safeguard the countryside from encroachment. Overall it is considered that there is justification for the retention of the green wedge designation in this location"*.
42. The conclusions of the Strategic Green Wedge Review are subject to the caveats that consideration must be given to ensuring that a sufficient range of land is made available and that amendments to the Green Barrier may be needed should sites be deemed suitable for allocation for development in the deposit LDP. Although the release of greenfield sites outside of settlements will be required in order to provide the land needed to meet the housing requirements, the release of sites within the current Green Barrier surrounding Old and New Rhosrobin and Pandy should be one taken as part of the LDP process and not via individual planning applications.
43. The importance of the site in the context of the Green Barrier in which the site lies requires careful consideration. The eastern side of Main Road is noticeably less well developed than the western side of the road and the appeal site provides a very clear visual break between Wrexham and Old Rhosrobin. Although the A483 and the

¹¹ Wrexham Town, Rhosrobin, Gwersyllt, and Bradley

¹² Green Barriers will be referred to Green Wedges in the LDP

railway line bound the site and would continue to provide a continued degree of separation, the development would result in there being no clear distinction between Wrexham and Old Rhosrobin and the two settlements would be viewed as part of the same built up area. The appeal site provides a very clear buffer of undeveloped land between Rhosrobin and Pandy. The development would represent a significant intrusion into the Green Barrier separating Old Rhosrobin and Pandy, particularly when viewed from the A483.

44. In dismissing the appeal on land opposite St Peter's Close, north of the appeal site, the Inspector referred to the Green Barrier as a "*wide arc*" which "*serves to constrain the urban villages of Old and New Rhosrobin and Pandy*". The Inspector considered that the development would result in the distinction between the villages being lost. It seems clear from this decision and that on Briarswood that the shortage of available land for housing will rarely justify granting permission in Green Barriers.
45. The area to the north west of Wrexham is facing considerable development pressure which emphasises the fragility and vulnerability of the Green Barrier in this location. Whilst the contribution the development would make towards housing supply would be a significant benefit, the proposal would substantially and detrimentally impact upon the openness of the Green Barrier and result in the coalescence of Wrexham and Old Rhosrobin as well as significantly eroding the existing gap between Old Rhosrobin and Pandy. In this instance the Council does not consider that the housing land supply issues constitute very exceptional circumstances sufficient to set aside the objections regarding the Green Barrier.
46. Although the submitted agricultural land classification report concluded that the site is likely to be Grade 3b land, it did not follow the correct guidelines. In previous surveys about 75% of the site, including the land which would be built upon, was recorded as Grade 3a and therefore BMV land. However, the site is physically separated from any other agricultural land by roads, a railway line and built development making it difficult to use the land as part of a larger agricultural holding. It is also in three separate ownerships and therefore not necessarily available to be farmed as a single unit. Given these constraints the conflict with Policy EC2 of the UDP would not be a valid reason for refusal in this instance.
47. Unlike many sections of Wat's Dyke in the local area, the open fields of the appeal site give the SAM a semi-rural setting. The considerable landscaped buffer proposed to either side of the Dyke and the measures set out in the submitted SAMMP to improve the appearance and the setting of the SAM and provide for its management would aid its long term preservation.
48. Although the development would have a significant impact upon the setting of the SAM, Cadw accepted that the impact would be mitigated and compensated for by the SAMMP. The development also presents an opportunity to enhance local awareness of the Dyke through interpretative materials. As the SAM is not currently the subject of any proactive management scheme the proposals present an opportunity to secure measures which would help preserve it in the longer term. However, none of the measures proposed as part of the SAMMP is directly dependent on the development taking place and there is no reason why the landowners could not implement the proposed measures irrespective of whether planning permission is granted.
49. The mitigation should not be viewed in the context of enabling development and there is no case put forward that the proposals are the minimum development necessary to secure the future of the SAM. Furthermore the harm to the openness of the Green

Barrier and the considerable erosion of the distinct identities of Wrexham and Old Rhosrobin decisively outweigh the benefits of the works proposed in the SAMMP.

50. The appeal decisions referenced by the Appellants do not suggest a strong precedent for allowing the appeal. Whilst the decisions confirmed the significant weight that should be afforded to the Council's current lack of a five year housing land supply and the recognised need for housing, the sites at Home Farm, Llay and the former Hafod Tileries are not within a Green Barrier. These sites are therefore not subject to the same policy constraints as the appeal site or the appeal decisions referenced by the Council. It is accepted that the sites at Boozy Fields, Gwersyllt and south of Chestnut Court, Summerhill lie within the Green Barrier. However, the fact that the Council accepted development in the Green Barrier does not set a precedent for the release of further sites, which must be treated on their merits.
51. The appeal site lies outside of a settlement limit and within a Green Barrier. The development would result in the coalescence of Wrexham and Old Rhosrobin and cause significant harm to the openness of the Green Barrier separating Old Rhosrobin and Pandy. The development would therefore be contrary to Policies PS1 and EC1 of the UDP. On this basis the appeal should be dismissed.
52. The Council confirmed to the Hearing that, in respect of the candidate sites which comprise the appeal site, the constraints identified in the Strategic Green Wedge Review related to Wat's Dyke SAM and highway matters. Whilst the Council acknowledged that the appeal scheme successfully addressed these matters, it confirmed that the site would be unlikely to be allocated in the LDP as the identified need for housing land could be satisfied by the key strategic sites.

The Case for the Appellants

(Grounds of Appeal, Hearing Statements, Final Comments and Closing Statement)

The material points are:

53. The appeal site is bordered by residential development on three sides and the remaining boundary comprises a railway line. The site does not encroach into open countryside. The development is sustainably located. It is well related to the main conurbation of Wrexham and is easily accessible to a number of local service centres.
54. The UDP is out of date and PPW, TANs and relevant circulars represent material considerations that ought to be accorded great weight. The LDP has not reached deposit stage, submission for examination is not anticipated until late 2018 and as a consequence the LDP can be afforded little weight.
55. In the absence of an up-to-date UDP and an adopted LDP the Council is considered to have zero housing land supply. The last assessment of housing land supply indicated it had fallen to 3.1 years. The LDP enables an assessment of current housing land supply which is calculated to be approximately 1.14 years, a shortfall of some 3558 dwellings. Whilst this figure differs from the Council's identified shortfall of 3378 dwellings, the reason for which was explored during the Hearing, there is still a significant shortfall in housing land supply and, consistent with TAN 1, the need to increase housing supply should be given 'considerable weight' when dealing with planning applications.
56. Due to the lack of brownfield capacity to accommodate projected household growth the Council recognises that the need for new residential development requires the use of greenfield sites. The Preferred Strategy acknowledges that Green Barrier sites will

be required for development and the Council is considering promoting the release of two Key Strategic Sites¹³. These sites would give rise to a number of issues such that delivery could only be regarded in the longer term after overcoming a number of identified constraints. In contrast the appeal site would be immediately available.

57. The Council's assessment of the three candidate sites which comprise the appeal site found that they all complied with the Preferred Strategy. The assessment also found that candidate site WR13CS, which generally aligns with the area of the appeal site which would be built upon, *"may have the potential to contribute to meeting future growth demands within the County Borough"*. Constraints which the assessment considered were unlikely to be overcome were identified in respect of candidate sites WR04CS and WR06CS, which generally form the part of the site which would remain open. Whilst the constraints are not identified in the assessment it is most likely that they related to the impact on the SAM.
58. The area of the site proposed for residential development is in a sustainable location and represents a logical extension to Wrexham. The development would be infill as it is currently surrounded on three sides by existing residential development. It is also bound by the A483, the B5425, the railway line and Wat's Dyke. The development would be well related to local services and facilities, accessible by sustainable means of transport. It therefore provides a realistic opportunity to accommodate residential growth in a sustainable location that could be provided in a short timeframe.
59. PPW requires local planning authorities to ensure that sufficient land is genuinely available to provide a 5 year supply of land for housing. This issue materially impacts on the weight that can be given to the policies in the UDP. In particular Policy PS1 was predicated upon a basis of population projections and household allocations at the time of its adoption and in anticipation that the Plan would expire in 2011. The settlement boundary is no longer "fit for purpose" in circumstances where the Council acknowledges that the need for housing is such that the settlement boundaries are in need of substantial changes to enable necessary development to take place.
60. The Green Barrier is not a permanent designation and the Strategic Green Wedge Review serves to highlight that there are insufficient housing sites available for development outside the Green Barrier. The area proposed to be built upon generally corresponds with candidate site WR13CS which would represent a logical extension to Wrexham being currently surrounded on three sides by existing residential development. Furthermore the Review states that *"overall development of the site would appear to be a logical rounding off of the urban form"*.
61. Detailed evidence has been submitted which addresses the contribution made by the site to the effectiveness of the Green Barrier. By reference to the purposes of Green Barriers the detailed analysis in the Landscape Hearing Statement has found the wider Green Barrier in the local area to be disparate and disjointed, interspersed with regular housing and transport corridors. Its landscape value is mostly moderate/minor. Given the amount of existing residential development, it has a low susceptibility to change. Compared to the remainder of the Green Barrier the site has less landscape and visual quality due to the adjacent A483 dual carriageway. The portion of the appeal site proposed for development contributes little to the purposes of including land within the Green Barrier.

¹³ KSS1: Lower Berse Farm, Ruthin Road, Wrexham and KSS2: Land east of Cefn Road, Wrexham.

62. Wat's Dyke SAM is not currently under any management and is in a generally poor state of preservation. Cadw has described the section of the SAM which crosses the appeal site as "*..presently one of the last unenclosed sections of the monument*"¹⁴. The submitted SAMMP would protect and enhance the SAM within the appeal site. This would provide a significant benefit in respect of heritage issues. The positive measures to protect and enhance the SAM include the removal of low value trees and the crown lifting of those to remain; scrub clearance; removal of redundant fencing, repair of fencing to remain and agreement of any new fencing; control of rabbits; removal of dumped/redundant material; repair of eroded areas and long term active management and monitoring of the monument.
63. The message which emerges from the range of planning determinations and appeals referred to by both parties is one that requires the decision maker to consider the individual merits of the case. However, it is not without significance that in respect of the sites at Gwersyllt and Summerhill, the Council recognised that the lack of a 5 year land supply represented a "very special circumstance" that justified development.
64. The proposal represents sustainable development and there are very exceptional circumstances that justify the grant of planning permission. The Council is unable to demonstrate a 5 year supply of deliverable and viable housing land. The best evidence of the supply is that it currently represents only 1.14 years supply and the shortage of dwellings is in the order of 3500 homes. This issue should be given considerable weight in the determination of the appeal. The development proposal would make a significant contribution to market and affordable housing. The site is deliverable in the short term and can contribute to meeting needs expeditiously.
65. The Development Plan is not up-to-date. The policies of the settlement boundaries and the designation of the Green Barrier were predicated on a Plan that was time limited to 2011. The evidence underpinning the UDP is considerably out-of-date and the Council recognises in the emerging LDP the need for radical amendments to settlement boundaries, development of greenfield sites and review of the Green Barrier to accommodate residential development.
66. The proposed development of a portion of the appeal site would not significantly harm the purposes of including land in the Green Barrier and in particular would not result in or contribute to the coalescence of Wrexham and Old Rhosrobin. Nor would the development cause significant harm to the openness of the Green Barrier separating Old Rhosrobin and Pandy. On the contrary, the proposed development, in securing the future openness of the portion of the site that would preserve and enhance the setting of the SAM, would contribute to a more robust and functionally appropriate Green Barrier.
67. The proposal would protect the character and appearance of the area and enhance the land designations. It would preserve and enhance the setting of the SAM. Wider benefits include: the highway works at the junction of the B5425 with Plas Acton Road which would benefit other road users by providing additional capacity at a junction already operating at capacity; the accessibility of the site by sustainable modes of transport without the need to use private vehicles would contribute to sustainable communities; the provision of open space which would be in excess of that required for policy compliance; and the provision of affordable housing, representing 25% of the schemes total capacity.

¹⁴ Cadw letter dated 16/04/2016

Representations Made by Interested Parties

(Blue folder)

68. The Planning Inspectorate received eight responses to the Council's letter regarding the appeal. These included letters from the Council's Service Manager Environment, Cadw and Gwersyllt Community Council. The remainder were from local residents. In addition to a representative from Rhosddu Community Council the Hearing was also attended by a local resident.
69. Based on the submitted traffic information the Council's Service Manager Environment recommended that any permission should include conditions requiring access into the site via a roundabout junction on Main Road; a traffic signal controlled junction on the B5425 with Plas Acton Road; a footway/cycleway across the site linking Main Road with Plas Acton Road; details of the internal access roads; and the submission of a Construction Traffic Management Plan (CTMP).
70. Cadw confirmed that the development would cause significant damage to the setting of Wat's Dyke. However it considered that the implementation of the SAMMP, the contents of which it has agreed, would mitigate and compensate for the damage that would be caused to the setting of the SAM to an acceptable level. Subject to a condition being attached to any planning permission granted ensuring that the SAMMP would be implemented Cadw raised no objection to the development.
71. Gwersyllt Community Council maintained its objection on the grounds that the location of the site outside the settlement and within the Green Barrier was contrary to policies which seek to protect open countryside and safeguard the character of villages. It considered that other proposals for new development in the area were putting the community under great pressure, contrary to the spirit of the Wales Spatial Plan which promotes the building of sustainable communities whilst retaining their character and distinctiveness. The proposal was considered to be premature as the LDP is still under preparation and given the size of the development and the significant impact it would have on nearby settlements any decision should be taken in the context of an approved development plan. Attention was drawn to the appeal decision in respect of a neighbouring site within the Green Barrier which had been dismissed and which it considered set a precedent.
72. In addition to the matters reported above, concerns were also raised regarding the effect of the proposals on wildlife including protected bats, Great Crested newts and grass snakes; air quality; flooding; insufficient number of affordable housing units; and the effect on local services including insufficient capacity at local schools and doctors' surgeries.

Conditions and Obligations

(Council's Hearing Statement Appendix 7, Appellants' E-mail of 08/02/2018 (Blue folder) and Hearing Document 6)

73. The suggested conditions submitted by the Council and the additional conditions put forward by the Appellants were discussed at the Hearing. There was agreement in respect of the conditions suggested by the Council with the exception of suggested condition 10 regarding the Construction Method Statement and whether the requirement to prescribe the routing and access of construction vehicles would be enforceable. As no demolition works are proposed reference to them in suggested condition 11 was considered unnecessary. Suggested conditions 2 and 3 include a shorter time limit than that usually imposed in respect of the submission of reserved matters and commencement of the development.

74. The Appellants submitted for consideration amended wording of suggested condition 14 relating to a Landscape Management Plan and a further two conditions which required the phasing of the development and a programme of archaeological works. After some discussion the parties were agreed that although it was a relatively large development, in view of the time scale, it would be unlikely that construction would be phased and that a condition on phasing may not be necessary. There was general agreement on the other conditions. There was also agreement that a condition would be required to secure the highway improvement works at the junction of the B5425 with Plas Acton Road.
75. The Appellants submitted a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990. It covers the arrangements for the provision and management of public open space within the development; the provision of 25% of the units as affordable housing and the terms under which these units would be occupied; the need for a commuted sum payment towards additional educational facilities within the Council's area required as a consequence of the development, the method for its calculation and timing of its payment; and the details of the management of the undeveloped areas of the site as a Conservation Management Area. The Council confirmed that it found the contents to be acceptable. Each of the provisions of the Undertaking is required to be met in accordance with identified phases of the development.

Conclusions

The numbers in square brackets indicate the relevant paragraphs of the report.

76. The main issues in respect of this case are
- whether the proposal would be inappropriate development within the Green Barrier; and if so,
 - whether the harm to the Green Barrier by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Inappropriate Development

77. Although surrounded almost entirely by the defined settlement limit of Wrexham, the appeal site lies within open countryside and is in the Green Barrier. The proposal would therefore be contrary to Policy PS1 of the UDP which directs new housing development to within defined settlement limits. However, given the age of the UDP and the inability of the Council to demonstrate a five year supply of housing land, Policy PS1 attracts less than full weight in this case. [4, 6, 7, 35, 38, 53, 59]
78. Whilst new dwellings in the countryside are allowed in certain circumstances by Policy H5 of the UDP, the proposed development does not satisfy the requirements of this policy. [6, 9, 35, 71]
79. Policy EC1 of the UDP is only permissive of development for agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it. The purposes of the Green Barrier as set out in the explanation of Policy EC1 which are relevant to the appeal include: to prevent the coalescence of urban areas and villages with other settlements; to assist in safeguarding the countryside from encroachment; and to protect the setting of urban areas and villages. Policy EC1 reflects PPW which states that the construction of new buildings in a Green Belt or locally designated Green Wedge is inappropriate development unless it would be for certain purposes. Given the scale and nature of

the proposal, the appeal scheme would not satisfy the purposes listed in Policy EC1 and PPW. [8, 13, 39, 60, 61, 65, 66]

80. It is accepted that the site is almost completely surrounded by built development. However it is land in open countryside, it adjoins other land in the Green Barrier and provides the characteristic openness that would be expected in a Green Barrier. The retention of a substantial part of the site free from development would help maintain a visual link with the open countryside and Green Barrier to the north and prevent coalescence with Pandy. Nevertheless, the proposal would result in a significant reduction in openness in this location. [5, 19, 43, 45, 58, 66]
81. At present the appeal site provides a visual break in what is otherwise a continuous frontage of built development along Main Road. The development of Top Farm Road closed the gap on the western side of Main Road and the proposed development would complete the coalescence of Old Rhosrobin and Wrexham on the eastern side of the road. Although the gap is not large, it is sufficient to provide the visual separation of Old Rhosrobin and Wrexham. [5, 20, 43, 45, 66]
82. Given the circumstances of the site and the nature of the proposed development, the appeal scheme would not satisfy any of the purposes identified in PPW. The proposals would therefore constitute inappropriate development in the Green Barrier, contrary to Policy EC1 of the UDP and PPW and substantial weight is attached to this harm to the Green Barrier. Limited weight against the appeal is also attributed by the conflict with Policy PS1 of the UDP. [7, 8, 13, 39, 61, 66]

Other Considerations and Whether Very Exceptional Circumstances Exist

Housing Land Supply

83. In the absence of an up-to-date UDP and an adopted LDP the Council is considered to have zero housing land supply. In such circumstances the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with development plan and national planning policies. [6, 11, 12, 14, 36, 54, 55]
84. The evidence base for the LDP indicates a need for 8525 new homes between 2013 and 2028. Taking into account existing deliverable housing land supply, land is required for approximately 3373 homes. Whilst the figures cited by the parties differ, the base figures having been taken from different years, there was no dispute regarding the need to significantly increase the supply of land for housing, which carries considerable weight in support of the development. [36, 37, 55, 64]
85. The appeal scheme would contribute up to 189 dwellings, 25% of which would be affordable. In addition the Appellants have indicated that the scheme would be brought forward quickly and the suggested conditions to shorten the time period for the submission of reserved matters and commencement of the development would help ensure this took place. These factors provide considerable weight in favour of the appeal. [19, 64, 73]

Emerging Local Development Plan

86. The Council recognised that its future housing requirements will not be met without the release of greenfield sites and it acknowledged that some sites currently within the Green Barrier will be required to be developed. The area to the north of Wrexham is experiencing high pressure for residential development and whilst the release of land to satisfy such demand should be a matter for the local plan, this is an ongoing

process and there is no certainty over the final outcome. It is noted that, at present, the appeal site is unlikely to be allocated in the LDP, preference being given to two Key Strategic sites, despite the potential for their delivery to be longer term than the appeal site. [11, 40, 41, 42, 45, 52, 56, 60, 65, 71]

87. However, in its assessment of candidate sites the Council found that the land which comprises the appeal site complied with the Preferred Strategy. The assessment also found the area of the appeal site which would be built upon may have the potential to contribute to meeting future growth demands. Although the assessment considered there were constraints which were unlikely to be overcome, the Council confirmed to the Hearing that these had been addressed as part of the development. [52, 57]
88. The appeal site, being surrounded on three sides by built development, represents a logical extension to the settlement. It is in a sustainable location being well related to local services and facilities and accessible by sustainable means of transport. The proposal provides a realistic opportunity to accommodate residential growth in a sustainable location that can be provided in a short timeframe. The appeal site may not be currently favoured for allocation by the Council in the emerging LDP. However, there is no certainty over the final outcome of the plan and given the underlying evidence the appeal site would provide residential development on land which would satisfy the requirements of the Council's Preferred Strategy. [12, 45, 58, 71]

Historic Heritage

89. The conservation of archaeological remains is a material consideration in determining an application and where nationally important archaeological remains and their settings are likely to be affected by development there should be a presumption in favour of their physical protection in situ. It is only in exceptional circumstances that permission should be granted if development would result in an adverse impact on a scheduled monument or has a significantly damaging effect on its setting. The section of Wats Dyke which crosses the appeal site has been identified as one of the last unenclosed sections of the monument and as confirmed by Cadw the proposal would have a significant effect on its setting. [5, 32, 70]
90. However, the creation of a substantial landscape buffer to either side of the Dyke and the restriction of built development to the western side of the site would help protect the SAM in situ. Furthermore, the measures in the SAMMP would improve the appearance and setting of the Dyke and secure its long term management. These factors, together with the management of the wider landscape buffer, would help preserve the heritage asset in the longer term. [5, 32, 47, 48, 52, 62, 70]
91. It is generally accepted the effect of the development on the SAM would be successfully mitigated and compensated for via the SAMMP. Therefore, although the development would have a significant effect on the setting of the heritage asset, the implementation of the management plan would compensate for the damage that would be caused to the setting to a level which is acceptable. [32, 48, 62]
92. Whilst the SAM is not subject to any proactive management scheme at present and the proposals present an opportunity to secure measures that would preserve it in the longer term, none of the measures is directly dependent on the development taking place. [48, 49, 62, 67]
93. The lack of housing land supply together with the contribution the site would make to housing provision and its compliance with the Preferred Strategy carry significant weight in favour of the appeal. The works to ensure the long term preservation of the

heritage asset are not directly dependent on the development and therefore do not add weight in favour of the proposal although it is recognised that it is unlikely that the benefits would come forward in the absence of the proposal. Notwithstanding this I find that the other considerations in this case clearly outweigh the identified harm to the Green Barrier and the very exceptional circumstances necessary to justify the development exist. [45]

Other Matters

Landscape and visual effects

94. The site has value as part of the Green Barrier and in preserving the setting of the SAM. Nonetheless it is almost entirely surrounded by built development and the part which is adjacent to open countryside is bounded by the railway. Although the site is currently devoid of built development, its edge of settlement location gives it a semi-urban character. It is also not considered to be a high quality landscape. The erection of houses on the western end of the site would extend the urban edge of Old Rhosrobin eastwards beyond Main Road. However, such an extension has already taken place on the northern boundary of the site and the proposal would not extend any further east than this existing development. [45, 47, 53, 61]
95. As this is an outline application the specific details of siting, layout, design and landscaping are not available. However the indicative layout and supporting evidence suggest that a scheme appropriate to the local surroundings could be devised. There is no dispute that the development would visually alter the site. Although the Council recognised that the development would have a significant effect on the appearance of the site, it raised no objection to the proposal on grounds of landscape character or visual amenity. I have reached the same conclusion. [20, 61, 67]

Loss of agricultural land

96. In previous ALC surveys about 75% of the site, including the land which would be built upon, was recorded as Grade 3a and therefore BMV land. However, the submitted agricultural land classification report concluded that the site is likely to be Grade 3b land. Whilst the Council questioned the accuracy of the survey as it claimed the correct guidelines had not been followed, it did not provide any substantive evidence to support its claims. [27, 35, 46]
97. Since the site is physically separated from any other agricultural land by roads, a railway line and built development it would be difficult to use the land as part of a larger agricultural holding. The site is also currently in three separate ownerships and therefore it would not necessarily be available to be farmed as a single unit. Given these constraints I am in agreement with the Council that although there may be conflict with Policy EC2 of the UDP which only permits development on agricultural land of Grades 1, 2 and 3a, the dismissal of the appeal on these grounds is not justified. [5, 10, 15, 43, 46, 58]

Highway improvements

98. The development would result in increased traffic on the local highway network and the representations made by interested parties raised concerns that this would exacerbate existing traffic congestion problems. However the proposed scheme would introduce a roundabout at the access into the site which would help maintain traffic flow. Furthermore the proposed introduction of traffic lights at the junction of the B5425 with Plas Acton Road would provide additional capacity at a junction which

is already operating at capacity. It is also proposed to introduce a pedestrian and cycle way across the site which would provide a link with Pandy. These highway improvements would benefit the wider community as well as residents of the site. [20, 24, 67, 69, 74]

Other similar proposals

99. The parties drew attention to various decisions on other proposals for residential development. The sites at Home Farm and the former Hafod Tileries are not within a Green Barrier and are therefore not subject to the same policy constraints as the appeal site. The sites at Gwersyllt and Summerhill are within the Green Barrier and in granting permission the Council recognised that the lack of a 5 year land supply represented a very special circumstance that justified development. However, these developments are significantly smaller than the appeal proposal and neither result in the coalescence of settlements. [18, 50, 63]
100. The appeals into the developments on land opposite St Peter's Close, and to the rear of Briarswood were both dismissed on grounds of inappropriate development in the Green Barrier and very exceptional circumstances did not exist to clearly outweigh the harm. In dismissing the St Peter's Close appeal the Inspector saw the Green Barrier as a wide arc which constrained the urban villages of Old and New Rhosrobin and Pandy and he considered that the development would result in the distinction between the villages being lost. There are significant differences between this case and the appeal proposal in that the latter would only result in the coalescence of Wrexham and Old Rhosrobin on Main Road. It would not affect New Rhosrobin and the part of the site which would remain undeveloped would prevent coalescence with Pandy and retain a visual link with the Green Barrier to the north west. [18, 44, 50, 71]
101. I therefore consider that there are significant differences between the other similar developments raised in evidence and the appeal, which must be determined on its merits. [18, 44, 50, 63]

Concerns raised by local residents

102. In addition to the matters already addressed, interested parties also raised concerns regarding the effect on local wildlife, noise, air quality, the number of affordable housing units and the ability of local services to cope with an increase in population which the proposal would bring about. [72]
103. In respect of wildlife, I am satisfied from my inspection of the site, consideration of the technical reports and responses from statutory consultees that the site could be developed without adverse impact on statutorily protected species. Whilst the conditions suggested by the parties cover most of the mitigation recommended in the Ecological Assessment, I am not satisfied that appropriate provision is made for pre-construction surveys for protected species and timing of construction works to avoid disturbance of nesting birds. Whilst there is no evidence of protected species on the site, it has the potential to support badgers and bats and the matter therefore needs to be addressed by way of a suitably worded condition. [29]
104. Matters of noise and air quality and flooding were addressed in the various reports which accompanied the application. The evidence suggests that the concerns raised would be addressed by appropriate conditions. The number of affordable units proposed is in compliance with the Council's policy. With regards to local services, there would be a need for additional educational facilities as a result of the development, financial provision for which is addressed in the Unilateral Undertaking.

There is no definitive evidence of any capacity issues with regard to local health practices or the local health board. [25, 26, 30, 31]

Conditions and Unilateral Undertaking

105. I have had regard to the guidance in Circular 016/2014 on The Use of Planning Conditions for Development Management in assessing whether or not the suggested conditions should be imposed if the Ministers determine that outline planning permission should be granted. A schedule of recommended conditions that comply with the guidance in Circular 016/2014 together with reasons is set out in the schedule to this report. [73, 74, 105]
106. In respect of the issues raised by the parties, I agree that it would be difficult to enforce any prescribed route construction vehicles would take to the site. I have removed reference to demolition works in condition 11. Whilst the parties did not consider that a phasing condition was necessary, I am aware that the timing of the various provisions made in the Unilateral Undertaking is governed by the phasing of the development. I consider that a phasing condition is required in order to ensure the requirements of the Unilateral Undertaking are met. [73, 74]
107. The amended wording of condition 14 includes for the submission of details and measures to ensure the long term protection of the part of the site to remain devoid of built development. The SAMMP only relates to the heritage asset and the majority of the works to it will require SAM consent. Control of the works to the wider part of the site to remain open would be facilitated by the amended wording of condition 14. Although provision of the access and other highway works within the site are covered by the suggested conditions, the improvement of the junction of the B5425 with Plas Acton Road is not and an additional condition is therefore necessary. For the reasons already given a condition is required in respect of a pre-construction survey of the site for protected species. [74, 104]
108. I am satisfied that the Unilateral Undertaking is necessary to make the development acceptable in planning terms; is directly related to the development; and is fairly and reasonably related in scale and kind to the development. As a result it satisfies The Community Infrastructure Levy Regulations 2010, as amended, together with Circular 13/97 Planning Obligations. [75]

Planning Balance and Recommendation

109. Although the proposal would be inappropriate development within the Green Barrier, very exceptional circumstances have been found to exist which clearly outweigh the harm, in accord with Policies PS1 and EC1 of the UDP. I have not found any other matters which weigh against the appeal. For these reasons, and having had regard to all other matters raised, I recommend that the appeal be allowed, subject to the conditions as set out in the Schedule to the report.
110. In reaching my recommendation I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle, through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Kay Sheffield

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

John Barrett	Counsel for the Appellants
Guy Evans BSc(Hons) MSc MRTPI	Director of Cassidy + Ashton Group
Karl Hulka	Of Total Heritage
Stuart Ryder	Of Ryder Landscape Consultants
Phillip Morris BSc FRICS	Of Liberty Properties

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Phillips BSc(Hons) MSc MRTPI	Lead Officer Planning Control
Mared Rees BSc(Hons) MSc MRTPI	Planning Officer

INTERESTED PERSONS:

Ann Grey	Local Resident
Julie Smith	Community Councillor

DOCUMENTS

Documents submitted to the Hearing

- 1 Council's letter of 9/01/2018 regarding the arrangements for the Hearing
- 2 Signed Unilateral Undertaking
- 3 Policy EC 1 of the UDP omitted from the questionnaire
- 4 Extract from Proposals Map of UDP
- 5 Closing statement on behalf of the Appellants.

Document submitted after the Hearing

- 6 Additional conditions agreed by the parties

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

- 2) Any application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.

Reason: In view of the need to increase the supply of housing in the County Borough, it is reasonable to require the reserved matters to be submitted for approval within two years of the date of the outline planning permission being granted in order to encourage the development to be brought forward at the earliest possible date.

- 3) The development shall begin either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In view of the need to increase the supply of housing in the County Borough, it is reasonable to reduce the normal 5 year date for commencement in order to encourage the development to be brought forward at the earliest possible date.

- 4) This planning permission provides for a maximum of 189 dwellings

Reason: To define the scope of the planning permission.

- 5) The access into the site shall be laid out in accordance with drawing No. 074-01/GA-02 prior to the occupation of any dwelling erected on the site under the terms of this planning permission.

Reason: In order to provide a safe means of access.

- 6) Construction work shall not begin until a scheme for protecting the proposed dwellings from noise from the A483 trunk road has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any dwelling on the site is occupied.

Reason: To ensure that the residential amenity of future occupiers of the development is protected from vehicular traffic noise.

- 7) No development shall take place until a timetable for the implementation of the measures specified in the Total Heritage Scheduled Ancient Monument Management Plan reference: ROS/16/002 and dated January 2017 has been submitted to and approved in writing by the local planning authority. Thereafter the measures set out in the Management Plan shall be implemented in accordance with the approved timetable.

Reason: In the interests of the protection of Wat's Dyke Scheduled Ancient Monument.

- 8) No development shall commence until a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and

the measures taken to prevent pollution of receiving ground water and/or surface waters;

- ii) specify the responsibilities of each party for the implementation of the Sustainable Urban Drainage Scheme, together with a timetable for that implementation; and
- iii) provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that effective drainage of the development in the interests of minimising the risk of surface water flooding within the development and the locality and to ensure no adverse impact occurs to the environment or the existing public sewerage system.

- 9) No development shall commence until a scheme for the provision of foul sewerage infrastructure has been submitted to and agreed in writing by the local planning authority. The scheme shall include details of and be informed by a Hydraulic Modelling Assessment. No dwelling hereby permitted shall be occupied until the foul sewerage infrastructure has been provided in full and in accordance with the scheme as approved.

Reason: To protect the integrity of the public sewerage system and the health and safety of existing residents and ensure no detriment to the environment.

- 10) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The Construction Method Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt from construction works;
 - vi) measures to prevent damage to Wat's Dyke Scheduled Ancient Monument during the construction period;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - viii) hours of working;

Reason: To protect occupiers of nearby dwellings and Wat's Dyke from potentially adverse effects during the construction period and to ensure that mud is not tracked onto Main Road in the interests of highway safety.

- 11) No development shall commence until a detailed Arboricultural Method Statement has been submitted to and agreed in writing by the local planning authority. The development shall only take place in strict accordance with the Arboricultural Method Statement which shall include:
- i) a specification for tree protective fencing and ground protection measures in accordance with British Standard 5837:2012;
 - ii) a Tree Protection plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion

- Zones and location of protective fencing and ground protection measures accurately plotted;
- iii) a full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zones, including any related sections and method for avoiding damage to retained trees;
 - iv) details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - v) details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the local planning authority;
 - vi) details of all proposed tree works, including felling and pruning.

Reason: To ensure that trees and hedges of amenity value are protected during construction works.

- 12) No development shall commence until a scheme detailing the provision of a footway/cycleway link across the site from Main Road to the junction of Plas Acton Road with Blue Bell Lane and a timetable for its completion has been submitted to and agreed in writing by the local planning authority. The footway/cycleway link shall be completed in accordance with the approved details.

Reason: To provide pedestrian and cycling links to and across the site in order to promote accessibility and sustainable travel choices.

- 13) Notwithstanding the requirements of condition 1, the submission of the reserved matters shall include a scheme for all areas of open space and greenspace to be provided as part of the development, including public amenity space and equipped children's play areas together with a timetable for their provision. The development shall be implemented in accordance with the approved details.

Reason: To ensure that adequate open space and recreation facilities are provided in accordance with Policy CLF5 of the UDP and in the interests of the character and appearance of the development.

- 14) No development shall take place until a long term Landscape Management Plan for the identified areas of public open space and maintained land (as referenced on the indicative masterplan/development framework drawing number Ref: C3429-PO1C) has been submitted to and approved in writing by the local planning authority. The management plan shall provide: details and measures to ensure the long term protection of the open land; the timing of the implementation of the plan; management responsibilities; maintenance schedules and procedures for the replacement of failed planting for all landscaped areas other than private gardens. The approved scheme shall be implemented prior to the occupation of any of the properties hereby approved.

Reason: To ensure landscaped and open spaces are managed in a manner that ensures their visual and recreational value is maintained.

- 15) No development shall take place until a programme of archaeological works has been submitted to and approved in writing by the local planning authority. The programme shall include a written scheme of investigation and a timetable for the investigation. The works shall be undertaken in accordance with the approved programme. A written report recording any archaeological works undertaken on the site shall be submitted to the local planning authority within three months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing by the local planning authority.

Reason: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of Planning Policy Wales and the Development Plan.

- 16) No development shall take place until a scheme detailing the provision of a traffic controlled junction at the Llay New Road junction with Plas Acton Road has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the first dwelling hereby approved.

Reason: In the interests of highway safety.

- 17) Notwithstanding the requirements of condition 1, full details of the timings and phasing of the development shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the details as approved.

Reason: To ensure the development contributes to the housing land supply in an appropriate manner and to ensure compatibility with schedules contained within the Unilateral Undertaking.

- 18) The development shall be carried out in accordance with the recommendations contained in Section 7 of the Ecological Assessment 2016 (TEP Report Ref: 4731.01.001).

Reason: In the interests of protected species and other wildlife.

Adroddiad Atodol

Gwrandawriad wedi ail-agor ar 12/02/2019

**gan Kay Sheffield BA(Hons) DipTP
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 12.03.2019

Addendum Report

Hearing re-opened on 12/02/2019

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers
Date: 12.03.2019

TOWN AND COUNTRY PLANNING ACT 1990

Section 78

Appeal by Welsh Town Planning & Housing Trust Ltd, Mrs I Dutton, Mr J Dutton,
Mr P Davies and Mr D Griffiths in conjunction with Liberty Properties

Residential development of up to 189 dwellings

Land east of Tan y Bont, Main Road, Rhosrobin, Wrexham

File Ref: APP/H6955/A/17/3182282

Site address: Land east of Tan y Bont, Main Road, Rhosrobin, Wrexham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Welsh Town Planning & Housing Trust Ltd, Mrs I Dutton, Mr J Dutton, Mr P Davies and Mr D Griffiths in conjunction with Liberty Properties against the decision of Wrexham County Borough Council.
- The application Ref P/2016/0189, dated 19/02/2016, was refused by notice dated 06/03/2017.
- The development proposed is residential development of up to 189 dwellings.

Summary of Recommendation: The appeal be allowed

Preliminary and Procedural Matters

1. Subsequent to the submission of my original report the Welsh Government (WG) announced a wide-ranging review into the delivery of housing through the planning system¹. In addition to issuing a call for evidence to address the issue, the dis-application of paragraph 6.2 of Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies was announced. For the purposes of Rule 13(4)(b) of the Town and Country Planning (Hearings Procedure) (Wales) Rules 2013 this is considered to be a new matter of fact.
2. Since housing land supply was material to my consideration of the appeal the dis-application of paragraph 6.2 of TAN 1 constitutes new evidence that should be considered prior to a decision being made. Therefore, in accordance with Rule 13(6)(a), further evidence was invited in respect of the disapplication of paragraph 6.2 of TAN 1. At the re-opened Hearing the discussion was limited to the implications of the dis-application of paragraph 6.2 of TAN 1 on the parties' cases. No other matters were discussed and therefore this addendum report should be read in conjunction with my previous report.
3. Planning Policy Wales (PPW) edition 10 was published on 5 December 2018 and it replaced edition 9 with immediate effect. Regard has therefore been given to edition 10 in this addendum report.

Planning Policy

National Planning Policy

4. Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.²
5. According to PPW 10³ the supply of land to meet the housing requirement proposed in a development plan must be deliverable. To achieve this, development plans must include a supply of land which delivers the identified housing requirement figure and makes a locally appropriate additional flexibility allowance for sites not coming forward during the plan period. The ability to deliver requirements must be demonstrated through a housing trajectory which illustrates the expected rate of housing delivery and the maintenance of a five-year supply of housing land over the plan period.⁴

¹ Letter from Cabinet Secretary for Energy, Planning and Rural Affairs dated 18 July 2018

² PPW 10 paragraph 1.17

³ PPW 10 paragraph 4.2.10

⁴ PPW 10 paragraph 4.2.15

6. Local Planning Authorities (LPA) are required to ensure that sufficient land is genuinely available or will become available to provide and maintain a five-year supply of land for housing judged against the general objectives, scale and location of development required in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints and be economically viable, in order to support the creation of sustainable communities.⁵
7. The WG's announcement of a review into the delivery of housing through the planning system was in response to the current housing land supply position and to the under delivery of Local Development Plan housing requirements. In calling for evidence to address the issue, the letter⁶ emphasised the overarching principles that should apply and be addressed through the evidence submitted, namely: planning decisions must be based on an up-to-date development plan; housing requirements should be based on evidence and all sites identified to meet the requirement must demonstrate they are deliverable; and monitoring arrangements must reinforce the plan-led approach to development management.
8. The letter notes that speculative applications for housing on sites not allocated in Local Development Plans are generating uncertainty for communities to the detriment of the plan-led system. Therefore in support of the review and to alleviate some of the immediate pressures on LPA it was decided to dis-apply paragraph 6.2 of TAN 1 thus removing the paragraph which refers to attaching "considerable" weight to the lack of a five-year housing land supply as a material consideration in determining planning applications for housing. As a result of the dis-application of paragraph 6.2 of TAN 1 it is for the decision maker to determine the weight which should be attributed to the need to increase housing land supply where an LPA has a shortfall in housing land.

Local Planning Policy

9. The relevant development plan remains the Wrexham Unitary Development Plan 1996-2011 (UDP). Although the Council has submitted the Deposit Wrexham Local Development Plan 2013 – 2028 (LDP) for examination, at the time of the Hearing, consultation on focussed changes to it was ongoing and there was no firm programme for its examination. Whilst the Council anticipated that at the very earliest the LDP would be adopted by the end of 2019, it conceded that adoption would more likely be in early 2020. Nevertheless, the evidence to support the policies in an emerging LDP can be used as a material consideration when making decisions.
10. In making development management decisions, the weight which can be attached to an emerging LDP does not simply increase as the plan progresses towards adoption. Certainty regarding its content will only be achieved when the Examining Inspector delivers the binding report following the Examination in Public. However, the Development Management Manual states that in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, there is a need to consider carefully the underlying evidence and background to the policies.⁷
11. The appeal site is not allocated for development in the LDP. It lies within open countryside and forms part of the Green Wedge. Policy SP2 of the LDP directs new development to the defined settlement limits and employment areas identified on the Proposals Map. The explanation of the policy confirms that all development located

⁵ PPW 10 paragraph 4.2.15

⁶ Letter from Cabinet Secretary for Energy, Planning and Rural Affairs dated 18 July 2018

⁷ Development Management Manual Section 9.4.8

outside of any defined settlement limit or employment area as shown on the Proposals Map is classed as development in the open countryside and will be strictly controlled and limited in accordance with national planning policy. The appeal site lies within the Green Wedge between Bradley, Rhosrobin, Gwersyllt, Broughton and Wrexham as identified in Policy SP7 of the LDP. Within areas designated as Green Wedge the policy only permits development that accords with national planning policy.

The Case for the Council

(Supplemental Statement and verbal contributions made to the Hearing)

The material points are:

12. Despite the dis-application of paragraph 6.2 of TAN 1, in Wrexham the need to increase housing land supply should continue to be afforded considerable weight in the determination of relevant applications and appeals on the grounds that: the UDP plan period expired in 2011; and in the LDP there is a need to allocate 3376 units in order to meet the identified housing requirement of 8525 units. Nevertheless, the Council remains of the opinion that the appeal should be dismissed.
13. As part of the LDP process a review of the Green Barriers allocated in the UDP has been undertaken. The purpose of the Wrexham Strategic Green Wedge Review, October 2017 (the Review)⁸ was to ensure that the Green Wedge allocations in the LDP are based on a sound formal assessment and a sufficient range of land would be available for development. Whilst the housing allocations proposed in the LDP include sites that are currently designated Green Barrier in the UDP, the Review concluded that the appeal site should continue to be afforded protection by way of a Green Wedge designation.
14. Whilst the LDP has not reached a stage where the plan as a whole can be afforded significant weight, the Review is robust and justifies the retention of the appeal site as a Green Wedge. Furthermore, the Council is content that it can deliver the projected housing requirements via the sites proposed for allocation in the LDP. These comprise two key strategic sites on land at Lower Berse Farm (KSS1) and east of Cefn Road (KSS2) together with 17 non-strategic sites, one of which is land at Llay New Road, Rhosrobin (site 17), a short distance to the north of the appeal site.
15. In order to meet the LDP housing requirement, an average completion rate of 517 is required per annum over the whole of the plan period. The Council reported that the delivery of new houses has been consistently and significantly below this figure, completions on average having been 241 per annum. Whilst the Council anticipated that the deficit would be made up over the plan period, it recognised that if the LDP housing requirements are to be achieved there will need to be a significant increase in the number of completions over the remaining plan period. However, other than the site at Home Farm, Llay (site 10) where delivery is due to start in 2019/20, there is no immediate prospect of completions from proposed allocations in the LDP. It was envisaged that a recent outline application for 600 units on the strategic site KSS2 would not be implemented until the end of 2022 whereas in the housing trajectory⁹ completions on this site were anticipated as early as 2020/21. Contributions from KSS1 are not forecasted to begin until 2026/27 with most of the completions taking place after the end of the plan.

⁸ The contents of the Wrexham Strategic Green Wedge Review, October 2017 remain the same as the February 2016 version in respect of the appeal site.

⁹ Document 2

16. The housing projections rely on housing being delivered on allocated sites over the plan period and the Council accepted that unless more land is brought forward for development prior to the adoption of the LDP, there is a risk that the housing requirements will not be met. This means that suitable sites, potentially including those proposed for allocation in the LDP, will need to be brought forward quickly for development prior to the adoption of the LDP if the housing trajectory for the period up to 2021 is to be achieved¹⁰.
17. The Council accepted that there are several sites which, for various reasons, were not proposed for allocation in the LDP. However, as in the case of the appeal site, constraints which had originally played a part in their exclusion from the plan had been overcome. The Council would need to enter the LDP Examination with a contingency list and it was considered that the appeal site was a strong candidate if further land had to be brought forward in order to satisfy the need for housing as part of the LDP.
18. Notwithstanding this, the appeal site lies outside of a settlement limit and within a Green Barrier. The development would result in the coalescence of Wrexham and Old Rhosrobin and would cause significant harm to the openness of the Green Barrier separating Old Rhosrobin and Pandy. The development is therefore contrary to Policies PS1 and EC1 of the UDP. Furthermore, the site is proposed to be afforded the same level of protection in the LDP. The Council therefore respectfully reiterates its request that the appeal be dismissed.

The Case for the Appellants

(Supplemental Statement and verbal contributions to the Hearing)

The material points are:

19. Notwithstanding the dis-application of paragraph 6.2 of TAN 1 the need to increase housing land supply is still afforded considerable weight by the decision makers where there is a significant need for new housing in a Council's administrative area. This very real need must be met now. The need for housing and the maintenance of a five-year housing land supply is emphasised in PPW. Accordingly, the Council's current identified housing requirement is a material consideration in its own right, which must be met through sites that are available and deliverable now and so forms part of the very exceptional circumstances that exist.
20. The rationale for the dis-application of paragraph 6.2 appears to be related to the receipt of speculative housing proposals that generate uncertainty, to the detriment of the plan led planning system. In the case of the appeal this rationale does not gain any traction for the following reasons:
 - a) The appeal proposal addressed the compliance with the development plan and the application of other material considerations;
 - b) The UDP is considerably out of date. It was adopted in 2005 and addressed development needs ending in 2011;
 - c) The appeal proposal is being brought forward because development plans are failing to maintain a five-year supply. It therefore supports development plans in delivering much needed development in sustainable locations for Councils such as Wrexham which are clearly in difficulty. To suggest that the response to the housing shortage is to prevent further planning applications being made is counterintuitive.

¹⁰ Document 1, pages 56 & 57

21. Section 5 of the Well-Being of Future Generations (Wales) Act, 2015 (WBFG Act) establishes the sustainable development principle and places on public bodies an obligation to take into account "*the importance of balancing short term needs with the need to safeguard the ability to meet long term needs, especially where things done to meet short term needs may have detrimental long-term effect*". The WG's response to the housing shortage with a message which is being construed as a vehicle for preventing residential development appears to be inconsistent with straightforward sustainable development principles.
22. The WBFG Act requires public bodies to consider the long-term impact of their decisions, to work better with people, communities and each other, and seek to prevent persistent problems such as poverty, health inequalities and climate change. Its aim is to make sure public bodies in Wales are working towards the same purpose: achieving all seven well-being goals, not just one or two.
23. The National Housing Strategy, 2010 established a series of actions to bring about investment in housing. The actions aimed to: meet peoples' need for a home; bring about positive economic impacts through jobs and training opportunities; improve peoples' health and well-being; and benefit the environment. Housing delivery tackles poverty and inequality, opening new opportunities for people.
24. The importance of housing delivery is consolidated in the second priority area in the document National Strategy Prosperity for All, September 2017. It places a good quality, affordable home as the bedrock of living well. Moreover, it notes that delivering housing that secures this opportunity brings a wide range of benefits to health, learning and prosperity. On this basis the delivery of a choice of quality housing to meet identified need is inextricably linked to the collective ability of public bodies in Wales to work effectively in delivering the seven well-being goals of the WBFG Act.
25. Key points in respect of the appeal are:
 - a) It remains one where section 38(6) of the Planning and Compulsory Purchase Act 2004 applies;
 - b) A material consideration is a question of law not policy;
 - c) The decision to dis-apply paragraph 6.2 of TAN 1 does not and cannot render the need for housing an immaterial consideration. The weight to be given to housing need is for the decision maker;
 - d) It remains that each case has to be considered on its merits with contribution to housing need being undoubtedly material.
26. In the light of the following great weight should be applied in this case to the need to increase housing land supply:
 - a) The Council has a zero supply of housing land;
 - b) There is a significant need for additional land to be brought forward for housing;
 - c) Whereas the delivery of housing facilitates very real social consequences and household formation, a shortage of supply increases house prices thereby worsening affordability, resulting in concealed households and reducing the ability of people to access housing. It is important to acknowledge the immediate economic benefits associated with construction and the direct association with employment policy, with housing required to facilitate the creation of jobs;
 - d) The failure of housing supply to keep up with rising demand has wide social and economic implications. There is an ever increasing number of households on local authority housing registers and significant levels of overcrowding in private and social housing stock. Poor housing impacts directly on residents' health and educational attainments, while difficulties in accessing affordable housing can limit

- the ability of people to move to find work. The need to increase the supply of housing and tackle affordability issues is a key housing policy issue;
- e) A moratorium would be in place preventing delivery of market and affordable housing;
 - f) There is a very real need to address the Council's requirement for affordable housing. The delivery of market housing is the only effective vehicle for the delivery of this for the foreseeable future;
 - g) The absence of a continuing supply of housing land has significant consequences in relation to people finding homes and is in direct opposition to the thrust of national guidance, which is that everyone should have the opportunity of a wider choice of housing. Housing land supply is not just related to a mathematical equation, it is about ensuring land comes forward early enough to meet real needs;
 - h) The lack of housebuilding within the Council's area over many years has resulted in a crisis that needs addressing and the bringing forward of applications through the development management process is an appropriate and flexible response.
27. The Council acknowledges the need to increase housing land supply remains an important material consideration despite the dis-application of paragraph 6.2 of TAN 1. This is due to the Council's zero housing land supply and an identified housing need as set out in the LDP. As evidenced in recent reports to Committee, Officers believe that considerable weight should be given to the need to increase housing land supply.
28. Policy SP2 of the LDP directs new development to the defined settlement limits identified on the Proposals Map with most of the development being directed to Wrexham Town. The appeal site bears similarities with two sites proposed for allocation, namely Mold Road/A483 (site 1) and Llay New Road (site 17) both of which are currently designated Green Barrier.¹¹ The latter is separated from the appeal site by the built development on its northern boundary. The appeal site is more aligned to Wrexham Town than the Llay New Road site. The inclusion of the appeal site within an extended settlement boundary for Wrexham Town would not prejudice but strengthen the established principles of the delineation of the settlement boundary. It would also strengthen the separation of Rhosrobin and Pandry.
29. Previous submissions highlighted flaws in the Review in this locality and supported consideration of the appeal site for allocation in preference to the Llay New Road site or, when considered against the standpoint that the proposed housing provision figures are too low and need to be increased, as an allocation in its own right.
30. Areas designated as Green Wedges in Policy SP7 of the LDP have been identified through the Review. In terms of its landscape character, the current Green Barrier between Bradley, Rhosrobin and east of Gwersyllt is disparate and disjointed, interspersed with regular housing and transport corridors. The appeal site has a lesser landscape and visual quality compared to the remainder of the Green Barrier given the adverse landscape and visual effects of the adjacent A483 dual carriageway. It should be considered as a priority for development over and above the other allocations proposed in the locality.
31. As recently reported by the Council¹², it is evident from the sites selected for allocation in the Deposit LDP the housing requirements up to 2028 can only be met by the substantial release of greenfield sites. Of the 19 sites proposed for allocation, 14 comprise land located outside of existing UDP settlement limits and 10 are within the

¹¹ Document 2

¹² Document 1 page 59

Green Barrier. Taken together, around 90% of the housing delivered via allocated sites will be on land outside the existing UDP settlement limits and 80% would be on land within the existing Green Barrier. It is therefore clear that both the UDP settlement limits and the Green Barriers present a significant constraint to delivering the required supply of land for housing.

32. The Council has also recently reported that there is a need to ensure a consistent supply of housing is brought forward prior to the adoption of the LDP; otherwise there is a risk that the housing requirements will not be met. The housing trajectory indicates that the completions on allocated sites will not satisfy the annual housing requirement of 517 units until 2021/22. Even if planning permission is granted on allocated sites prior to the adoption of the LDP, there is a long lead-in time to secure the necessary permissions, complete legal obligations, discharge conditions and start preliminary works on site.
33. An outline application for planning permission for a residential development of 137 units on land proposed as an allocation in the LDP¹³ was recently refused by the Council on the grounds that it would be inappropriate to accept that, prior to its examination, the housing requirement identified in the LDP outweighed the UDP. The housing trajectory indicates completions on this site from 2020/21. Although an outline application for 600 units on KSS2 is currently before the Council, it is considered unlikely that any properties would be completed until 2022 at the earliest. The housing trajectory anticipates delivery of 140 units on this site by the end of 2021/22.¹⁴
34. Housing completions over the period 2013 to 2018 have averaged 241 units per annum. This figure is consistently and significantly below the 517 units per annum required to satisfy the housing need identified in the LDP. The accumulated shortfall to date is approximately 1380 units. The Appellants consider that the LDP requirement is incapable of being met in the remaining 9 years of the plan period unless there is a significant increase in the number of completions.
35. In contrast it is evidenced in correspondence with major housebuilders¹⁵ that a reserved matters application could be submitted within approximately 3 months of an outline permission being granted and a start on site could be made within 3 months of these matters being approved. It is also anticipated that the first units would be ready for occupation within 18 months of the grant of outline permission and the site would be built out within 4 years. This time period could be reduced by up to 1.5 years if a second housebuilder was involved. Furthermore, given that the previously identified constraints on the land have been overcome by the appeal proposals, the site could be supported for inclusion in the LDP.
36. In conclusion, regardless of the dis-application of paragraph 6.2 of TAN 1, the Appellants are of the opinion that the decision maker can apply considerable weight to the very real and current need to increase housing land supply and apply the planning balance to the policies and circumstances as they currently exist.

Representations by Interested Parties

37. The Planning Inspectorate received correspondence from various parties in response to the call for new evidence. However, some have been disregarded as the

¹³ Application Ref: P/2018/0560

¹⁴ Document 2, page 48

¹⁵ Document 5

representations did not solely relate to the dis-application of paragraph 6.2 of TAN 1. Of the remainder, Gwersyllt Community Council commented that as housing land supply will be met through the LDP and the appeal site is not allocated the appeal should be dismissed. Local residents considered that the development was a speculative proposal and given that the aim of the dis-application of paragraph 6.2 was to alleviate some of the pressures on planning authorities when dealing with such applications, the appeal should be dismissed.

Conditions and Obligations

38. The parties were agreed that the suggested conditions previously submitted and considered in my original report remain relevant. The same opinions were voiced regarding the Unilateral Undertaking. I have reached the same conclusions.

Conclusions

The numbers in square brackets indicate the relevant paragraphs of the report.

39. In my original report I accepted that the proposal would constitute inappropriate development in the Green Barrier and that planning permission should not be granted for such development except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Barrier. However, in making my recommendation to allow the appeal, I took account of paragraph 6.2 of TAN 1 and afforded considerable weight to the need to increase housing land supply as part of the very exceptional circumstances in favour of the appeal. [1-2, 19]
40. Following the dis-application of paragraph 6.2 of TAN 1 it is now a matter for the decision maker to determine the weight which should be attributed to the need to increase housing land supply where a Council has a shortfall in housing land. Notwithstanding this, WG considers the need to increase housing land supply should not be given considerable weight. It disagrees with the weight afforded in my report to the need to increase housing land supply and with the reasoning that very exceptional circumstances exist to justify the proposed development within the Green Barrier.¹⁶ [1-2, 8, 19, 25]
41. The main issue considered in this addendum report is therefore whether the lack of a five-year housing land supply is a consideration sufficient to outweigh any conflict with local and national planning policies. [2, 7]
42. The Council has neither an up-to-date UDP nor an adopted LDP. It is therefore considered to have zero housing land supply. The requirement in PPW 10 that the Council must ensure that sufficient land is genuinely available or will become available to provide and maintain a five-year supply of land for housing is not met. [5-7, 26]
43. The provision of a five-year housing land supply is a matter which will be addressed by the LDP. The Council considers that sufficient land is proposed for allocation in the plan to meet the identified need for housing and maintain a five-year supply over the plan period. Whether or not the LDP is sound is a matter for the Examining Inspector and not this appeal. However, as the LDP has not yet been examined and is unlikely to be adopted until early 2020, limited weight can be applied to it. Furthermore, there are certain matters in respect of housing land supply which are material to the appeal. [5, 9-10, 26, 37]

¹⁶ Letter from First Minister for Wales dated 31 July 2018

44. The Council's housing completion figures confirm a consistent and significant under-supply which over the period 2013 to 2018 accounts for approximately 1380 units against an average LDP requirement of 517 per annum. The evidence suggests that the shortfall will increase over the next year at least. Although the Council is confident that it can deliver the projected housing requirements, if they are to be achieved there will need to be a significant increase in the number of completions over the remaining 9 years of the plan period. The Council is aware that unless more land is brought forward for development prior to the adoption of the LDP, there is a risk that the housing requirements will not be met. It is evident that there is no immediate prospect of completions from proposed allocations in the LDP. Suitable sites therefore need to be brought forward for development prior to the adoption of the LDP if the housing trajectory is to be achieved. [6-7, 14-16, 20, 26-27, 31-33]
45. Although in the LDP the appeal site is in open countryside and part of a Green Wedge, it is surrounded on three sides by existing built development within the settlement limit of Wrexham Town and represents a logical extension to the settlement. In the event that the examination of the LDP identified a need for additional housing land the Council agreed that the appeal site was a strong candidate to satisfy that need. [6, 11, 13-14, 17-18, 26-33, 37]
46. The appeal scheme would contribute up to 189 dwellings, 25% of which would be affordable. It is in a sustainable location being well related to local services and facilities and accessible by sustainable means of transport. The proposal provides a realistic opportunity to accommodate residential growth in a sustainable location. In addition the evidence confirms that it is not a speculative development, but one which would be brought forward quickly and completed within four years. The proposals would therefore make an important contribution to housing supply. [4, 6-7, 11, 20-24, 26, 28-30, 35, 37]
47. The appeal site may not be allocated for development in the Deposit LDP. However, there is no certainty over the final outcome of the plan and the evidence supports an urgent need to increase housing land supply. Given the underlying evidence, the appeal site would provide residential development on land which would satisfy the requirements of the Council's Preferred Strategy. [25-26, 32-33]
48. Given the current position in respect of the Council's housing land supply, the identified need to bring sites forward for development prior to the adoption of the LDP if the housing trajectory is to be achieved, and there being no immediate prospect of completions from proposed allocations in the LDP, I am in agreement with the parties that considerable weight should continue to be attributed to the need to increase housing land supply in the determination of the appeal. Furthermore, the site could be developed with the minimum of delay and would thus make a significant contribution to housing numbers at a time when a significant increase in completions is required. I remain of the opinion that the housing land supply situation constitutes very exceptional circumstances which outweigh the harm the development would cause to the Green Barrier. [12, 27, 32-36]

Recommendation

49. In the light of the evidence before me I confirm that the overall conclusions I reached in my original report remain unchanged and I continue to recommend that the appeal be allowed, subject to the conditions as set out in the Schedule to the original report.
50. In reaching my recommendation I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider

that this decision is in accordance with the Act's sustainable development principle, through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Kay Sheffield

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

John Barrett	Counsel for the Appellants
Guy Evans BSc(Hons) MSc MRTPI	Director of Cassidy + Ashton Group
Phillip Morris BSc FRICS	Of Liberty Properties

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Phillips BSc(Hons) MSc MRTPI	Lead Officer Planning Control
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INTERESTED PERSONS:

Ann Grey	Local Resident
Susan Cross	Local Resident
Liam Rondell	Press

DOCUMENTS

- 1 Officer's Report in respect of Application Ref P/2018/0560, 7 January 2019
- 2 Wrexham Local Development Plan Housing Supply and Delivery, January 2018
- 3 Policies SPSP2 and SP7 of the Deposit Wrexham Local Development Plan
- 4 Extract from Proposals Map of Deposit Wrexham Local Development Plan
- 5 Letters from major housebuilders

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 10/10/19

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.11.2019

Appeal Decision

Site visit made on 10/10/19

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 18.11.2019

Appeal Ref: APP/H6955/A/19/3233167

Site address: Woodlands Farm, Dodds Lane, Gwersyllt, Wrexham, LL11 4NS

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Wales and West Housing Association against the decision of Wrexham County Borough Council.
 - The application Ref: P/2018/0997, dated 23 November 2018, was refused by notice dated 1 April 2019.
 - The development proposed is the erection of 23No. affordable residential units with associated parking, landscaping and ancillary works.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 23No. affordable residential units with associated parking, landscaping and ancillary works at Woodlands Farm, Dodds Lane, Gwersyllt, Wrexham, LL11 4NS in accordance with the terms of the application Ref: P/2018/0997, dated 23 November 2018, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I have taken the site address from the Council's Notice of Decision as it represents a more accurate address than that outlined on the planning Application Form. As this is broadly consistent with that outlined on the Appeal Form, I am satisfied that there is no prejudice in this respect.
3. The appellant has submitted a revised Unilateral Undertaking, under Section 106 of the Act¹. The operative provisions of that document require compliance with obligations relating to: *public open space provision; the provision of affordable housing; and the provision of a Habitat Management Area*. I am satisfied that the Unilateral Undertaking is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development proposed. It satisfies the statutory and policy tests. I shall therefore attribute it due weight in the determination of this appeal.

¹ Signed and dated 8 November 2019

4. The Council's second Reason for Refusal states that: *"Inadequate mitigation proposals have been put forward in respect of Great Crested Newts. The development will therefore adversely impact upon the favourable conservation status of that species and therefore conflict with Policy EC6 of the adopted Wrexham Unitary Development Plan 1996- 2011 (Adopted 2005) (UDP)".*² Nevertheless, in its Statement of Case, the Local Planning Authority (LPA) noted that the appellant had since been in discussions with both Natural Resources Wales (NRW) and the Council's ecologist regarding revised mitigation proposals. Indeed, the Council has since confirmed that, in light of such negotiations, and having regard to the provisions of the submitted unilateral undertaking, the second Reason for Refusal has been addressed, subject to the imposition of suitably worded planning conditions. I have no reason to come to a different conclusion on such a matter and shall, therefore, confine my reasoning to the principal matters of dispute.

Main Issues

5. These are: whether the principle of development is acceptable, having particular regard to the planning policy framework; the effect of the proposed development upon the character and appearance of the area; the effect of the proposed development upon the purposes and openness of the Green Barrier and whether any such harm would be clearly outweighed by very exceptional circumstances; and finally whether the development would result in the unacceptable loss of BMV agricultural land.

Reasons

6. The appeal relates to approximately 1.5 hectares of land located to the north of Dodds Lane on the eastern periphery of Gwersyllt near Wrexham. The site is currently vacant, although it was used for agricultural purposes prior to the appellant's purchase in 2015. The site is bordered by trees and hedgerows and incorporates a hardstanding to the south of the site. The hardstanding was formerly occupied by the buildings of Woodlands Farm which have since been demolished for reasons associated with safety and antisocial behaviour.
7. The appeal proposal seeks full planning permission for the erection of 23No. affordable dwellings, associated parking, landscaping and ancillary works. The site would be developed in an elongated manner and would be dissected by a new vehicular access road that would extend from the existing access onto Dodds Lane. The dwellings would be located on the western side of the proposed access road, backing onto the existing residential dwellings located along Pen-Y-Llyn. The proposed dwellings would therefore have a south-easterly aspect onto the access road, with areas of open space and landscaping on the eastern flank of the proposed estate road.

Principle of Development, Character and Appearance and Green Barrier

8. Despite being time-expired, the adopted Wrexham Unitary Development Plan 1996-2011 (Adopted 2005) (UDP) remains the development plan for the area and the appeal site lies outside of the settlement limits identified within that document. The development would therefore represent development in the countryside for the purposes of planning policy.
9. Policy PS1 of the adopted UDP directs development for housing to areas within defined settlement limits. Policy H5 comprises a criteria-based policy that expands on the principles of Policy PS1, setting out the circumstances where new dwellings in the

² As set out in its Notice of Decision, dated 1 April 2019

countryside would be permitted. Nevertheless, it is common ground that the development proposed in this case does not satisfy the requirements of those policies and I have no reason to come to a different conclusion on this matter. Policy H8 of the adopted UDP allows for affordable housing outside of settlement limits in exceptional circumstances where a proven need can be demonstrated. However, as criterion (a) of that policy restricts such development to no more than 5 dwellings, the appeal proposal would also conflict with the provisions of that policy. It therefore follows that the principle of development would be in conflict with the adopted development plan and, in particular, Policies PS1, H5 and H8.

10. The development would immediately adjoin the existing residential development at Pen-Y-Llyn. Nevertheless, there is little doubt that the appeal proposal would represent a physical incursion into a countryside setting. Indeed, by reason of its scale and nature, the development would inevitably result in the urbanisation of the site and injuriously alter the prevailing rural characteristics of the immediate surroundings. The development would therefore cause harm to the character and appearance of the countryside and conflict with Policies PS1 and GDP1(a) of the adopted UDP which generally seek to protect the countryside and character of the site. It would also conflict with Policy PS2 which states that “*development must not materially detrimentally affect the countryside... or the quality of the natural environment*”.
11. The site lies within a Green Barrier designation defined by the adopted UDP. That designation is akin to the Green Wedge policy tool referred within Planning Policy Wales (PPW)³. Policy EC1 of the adopted UDP states that development proposals within Green Barriers will only be granted planning permission if they are for agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it. The development proposed in this case would without doubt comprise ‘inappropriate development’ within the Green Barrier for the purposes of PPW. Moreover, the development would also fail to fall within the types of development permissible by Policy EC1 of the adopted UDP.
12. PPW states that, when considering applications for planning permission within such designations, a presumption against inappropriate development will apply and that substantial weight should be attached to any harmful impact which a development would have on the purposes of the designation. By encroaching into an area of open countryside, and thereby reducing the area of undeveloped land between Gwersyllt and New Rhosrobin, the development would run counter to the purposes of the Green Barrier which seeks to: i) prevent the coalescence of urban areas and villages with other settlements; ii) assist in safeguarding the countryside from encroachment; iii) protect the setting of urban areas and villages; and iv) assist in urban regeneration by encouraging the recycling of derelict and other urban land. There is also little doubt that, given the scale and nature of the development, there would be a material loss of openness at the appeal site.
13. The appeal proposal therefore conflicts with Policy EC1 of the UDP and, in accordance with the advice contained within national policy, such harmful impacts merit substantial weight in the planning balance. Nevertheless, PPW states that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the designation. Therefore, in order to fully conclude on the Green Barrier policy, it is necessary to consider whether the

³ Edition 10, 2018

arguments advanced in favour of the proposed development amount to 'very exceptional circumstances' that clearly outweigh the identified harm.

14. Given the age of the adopted UDP, and in particular the fact that it is time-expired, there is little doubt in my mind that it attracts less than full weight in the determination of the appeal. Furthermore, in accordance with national policy, the absence of an up-to-date development plan renders the LPA without a five year land supply for housing⁴. PPW requires LPAs to ensure that sufficient land is genuinely available to provide a five year supply of land for housing⁵. As such, and notwithstanding the disapplication of paragraph 6.2 of Technical Advice Note 1: *Joint Housing Land Availability Studies* (JHLAS) (TAN1) and the on-going consultation regarding the wider application of that document, I consider the need to increase the supply to weigh significantly in favour of the appeal.
15. I have fully considered the fact that the emerging Wrexham Local Development Plan (LDP) has been submitted to the Welsh Ministers for Examination and note the Council's contention that the LDP will satisfy the identified housing needs. In this respect, I note the fact that the submitted version of the LDP does not propose a materially different policy context for the appeal site given its inclusion within a Green Wedge designation. Nevertheless, whilst the weight to be attributed to an emerging LDP depends on the stage it has reached, it does not simply increase as the plan progresses. I have not seen anything to indicate that the submitted LDP is to be found sound or indeed that it will be adopted in the immediate future. I therefore consider that the weight to be attributed to such emerging policy should be limited.
16. There is little doubt that the site is located within a broadly sustainable location, accessible to a number of key facilities and services including: Gwersyllt Community Primary School; Ysgol Bryn Alyn Secondary School; Gwersyllt railway station; Gwersyllt Parish Church; and retail facilities. Employment opportunities are also available at the nearby Mold Road Industrial Estate and Rhosddu Industrial Estate. I consider such factors to add weight to the appeal proposal.
17. I have already referred above to the loss of openness should the appeal succeed. Nevertheless, the development would adjoin the built form and, in this respect, I consider that it would represent a logical extension to the village. Moreover, whilst the loss of openness and conflict with the Green Barrier carries substantial weight in the planning balance, I consider that such harmful impacts would be kept to a practical minimum by reason of the proposed design. Indeed, the elongated layout, with the built development confined to the western side of the proposed access road, would ensure that the development would be seen within the context of the existing built form at Gwersyllt. The development would also lie to the north of Dodds Lane, with the nearest form of development at New Rhosrobin lying to the south. Therefore, whilst the appeal proposal would result in the narrowing of the gap between the two settlements, I am satisfied that a physical and visual gap would be retained and their distinctive characteristics preserved.
18. In addition to such matters, I consider the fact that the appeal relates to an application submitted by a housing association for a 100% affordable housing scheme to weigh substantially in favour of the development. Indeed, the evidence indicates that there is a significant need for affordable housing within the area and it would appear that the scheme is deliverable, with the site already in the ownership of a

⁴ TAN1, Paragraph 8.2 (2015)

⁵ PPW, Edition 10, Paragraph 4.2.15 (2018)

Registered Social Landlord (RSL) and Social Housing Grant funding available within the Delivery Program for the next three years.

19. I note the concerns set out in the LPA's Statement of Case which states that the submitted Unilateral Undertaking "...*fails to provide a precise definition of affordable housing, such as social rent, intermediate rent and intermediate shared equity, the likely tenure mix and who will qualify for occupation of the site*". However, I am satisfied that the covenants contained within the undertaking are broadly consistent with national policy, with a clause to ensure that the development would be retained as affordable housing in perpetuity. I note the concerns raised about the exact tenure mix and eligibility for occupation. However, I am satisfied that such concerns could be adequately addressed through the imposition of a suitably worded planning condition, meaning that full weight can be afforded to such positive benefits of the scheme.
20. Based on the foregoing, I consider the fact that the adopted development plan is time expired, the inability of the Council to demonstrate a five year housing land supply, and the sustainable location to weigh substantially in favour of the development. Indeed, when considered alongside the fact that the development would represent a scheme for 100% affordable housing that would make a significant contribution towards meeting local needs, I consider that the matters in favour of the development comprise the very exceptional circumstances required to clearly outweigh both the harm to the Green Barrier and its wider countryside status.

Loss of Agricultural Land

21. It is common ground that the appeal site incorporates best and most versatile (BMV) agricultural land and there is no doubt that such a resource would be lost to the development. The development would therefore conflict with the general aims of Policy EC2 of the adopted UDP which states that development on BMV agricultural land will be permitted if it does not lead to the irreversible loss of that land. Nevertheless, whilst PPW states that such land should be conserved as a finite resource for the future, it also states that such land 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.
22. I have already set out above the overriding need for housing within the area and the substantial benefits that the development proposed in this case would deliver. In addition, the evidence in this case highlights the fact that a significant proportion of the housing sites identified within the emerging LDP will be delivered on greenfield land and that the housing requirements for the County Borough, including both market and affordable housing requirements, cannot be met without the loss of BMV agricultural land. Indeed, of the 14 sites proposed for allocation in the submitted version of the LDP that currently lie outside of the adopted UDP settlement limits, all contain at least some BMV agricultural land.
23. In light of the foregoing, and bearing in mind the fact that the appeal site would only result in a modest loss of BMV agricultural land, I concur with the view of the LPA's Case Officer that such matters do not represent a sound reason for withholding planning permission. Indeed, I consider the overriding need for development, and the foregoing positive benefits of the scheme, to outweigh such agricultural considerations. Therefore, whilst the proposed development would run counter to Policy EC2 of the adopted UDP, material considerations, including the sequential approach advocated by PPW, indicate that such conflict is justified in this instance.

Other Matters

24. I have considered all other matters raised, including those submitted by interested parties. However, subject to suitably worded planning conditions being imposed, I am satisfied that the development would not represent a material threat to pedestrian or highway safety. Similarly, matters relating to land contamination and drainage can be conditioned, whilst ecological matters can be jointly addressed through the use of planning conditions and the submitted Unilateral Undertaking. The Unilateral Undertaking also makes satisfactory provisions for the issue of public open space. I do not, therefore, consider there to be any other matters that weigh materially against the proposal.

Overall Conclusions

25. Based on the foregoing analysis, I have found that the development would run counter to adopted development plan policies designed to protect the countryside. I have also found that the development would be contrary to the purposes of the Green Barrier. However, the harm to the Green Barrier and the wider countryside and landscape setting would be clearly outweighed by the very exceptional circumstances described above. Furthermore, whilst the development would result in the loss of BMV agricultural land, such harm and associated policy conflict would be justified in light of the provisions of PPW and the particular circumstances of this case. For these reasons, and having considered all matters raised, I conclude that the appeal should be allowed, subject to the imposition of suitably worded conditions.
26. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.
27. I have considered the suggested conditions and, having had regard to the advice in Welsh Government Circular 16/2014: *The Use of Planning Conditions for Development Management* (October 2014), have adjusted their wording in the interest of clarity and precision. Reasons for the imposition of each of the conditions are set out in the schedule of conditions attached to this Decision. Given the immediate need for housing, and bearing in mind the advanced stage of the emerging LDP, I agree with the Council that a shorter time commencement period is justified in this case. The Council has suggested a commencement period of two years. However, having regard to the fact that Social Housing Grant funding is available within the Delivery Program for the next three years, I consider a three year period to be reasonable.
28. Whilst not suggested by the Council, I have imposed a condition relating to the provision of affordable housing. As set out above, whilst I am satisfied that the Unilateral Undertaking meets the statutory and policy tests, the Council has raised concerns about the precise definition of affordable housing, the proposed tenure mix and eligibility criteria. Condition No.3 imposed in the attached schedule would address such matters and ensure that the development would comprise 100% affordable housing in accordance with the definition in Technical Advice Note 2: *Planning and Affordable Housing* (TAN2). I am satisfied that there is no prejudice in this respect, not least because it merely ensures that the development would be consistent with the

terms of the application. Finally, I have not imposed the LPA's suggested Condition No.14, as it would be satisfactorily addressed by Condition No.5, below.

Richard E. Jenkins

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be commenced before the expiry of three years from the date of this permission.
Reason: To comply with Section 91(3) of the Town and Country Planning Act, 1990.
- 2) The development shall be carried out in strict accordance with the following plans:
i) 070 Revision P; ii) 110 Revision G; iii) 111 Revision B; iv) 120 Revision F; v) 122 Revision B; vi) 160 Revision B; vii) 161 Revision B; viii) 162 Revision B; ix) 163 Revision B; x) 170 Revision C; xi) 171 Revision B; xii) 175 Revision B; xiii) 176 Revision B; xiv) 200 Revision B; xv) 201 Revision A; and xvi) 202 Revision A.
Reason: To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
- 3) No development shall commence until a scheme for the provision of the affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of Technical Advice Note 2: *Planning and Affordable Housing* (TAN2) or any future guidance that replaces it. The scheme shall include:
 - i) the tenure mix and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of the housing units hereby approved;
 - ii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 4) No development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:
 - a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
 - d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
 - e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
 - f) Method for protecting retained trees during demolition works;

g) Details of all proposed tree works, including felling and pruning.

Reason: To ensure the amenity afforded by the trees within the site is continued into the future in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.

- 5) No development shall commence until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in strict accordance with the details as approved. Those details shall include:

a) a timetable for its implementation, and

b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.

- 6) No development shall commence until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If, during the course of development, any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

Reason: In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 7) Each part of the site subject to the remediation under the scheme(s) approved as part of Condition No.06 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 8) No development shall commence until a scheme of Reasonable Avoidance Measures (RAMs) in respect of Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the scheme as approved.

Reason: In order to protect statutory protected species in accordance with policy EC6 of the Wrexham Unitary Development Plan.

- 9) No development shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:
- a) A detailed plan of mitigation area for Great Crested Newts;
 - b) An Ecological Method Statement including a timetable for the implementation of the habitat mitigation measures;
 - c) A long term Management and Monitoring Plan for the mitigation area; and
 - d) A Biosecurity Risk Assessment.

Great Crested Newt mitigation shall thereafter be provided and thereafter permanently retained and managed in strict accordance with the details as approved

Reason: In order to protect statutory protected species in accordance with policy EC6 of the Wrexham Unitary Development Plan.

- 10) Prior to the construction of the dwellings hereby approved, details and/ or samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

- 11) Within three months of commencement of development, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Hard landscaping works shall be implemented in full prior to the first occupation of the dwellings hereby granted planning permission. Soft landscaping shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first occupation of the dwellings.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.

- 12) Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 33 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

Reason: To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 13) Nothing shall be planted, allowed to grow or erected to a height greater than 0.5 metres in height above the level of the nearside edge of the adjoining highway for a distance of 2.4 metres measured back from the adjoining highway along the entire site frontage of plot 7. The splays shall be provided prior to first use of the development and shall thereafter be permanently retained clear of any such obstruction.

Reason: To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 14) The vehicular parking and turning areas for each plot as shown on approved drawing(s) No 070 Revision P shall be fully laid out, surfaced and drained prior to the first occupation of that plot. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.

Reason: To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

APPENDIX C

S106 Heads of Terms

Land at Mold Road and Stansty Chain Road, Wrexham

DRAFT S106 Heads of Terms

22.10.19

These draft Heads of Terms have been prepared by Russell Homes to support an outline planning application at land at Mold Road and Stansty Chain Road, Wrexham for:

“Residential development for up to 455 no. residential dwellings (including up to 25% affordable) and detailed means of access with all other matters reserved.”

It is anticipated that the following matters will be addressed through a Section 106 Agreement, where it meets the tests of Regulation 122 of the CIL Regulations. The contributions below are in draft and will be established and agreed upon with the Local Planning Authority during the determination of the application.

Affordable Housing

The proposals include for the provision of 25% affordable housing, equating to up to 114 no. dwellings.

This is in accordance with adopted UDP Policy H7 and LPG28 and emerging Local Development Plan Policy H2.

The method by which affordable housing is to be delivered and the precise mix and tenure split of affordable housing deemed appropriate is to be agreed with the Council at Reserved Matters stage.

Public Open Space

The illustrative layout shows approximately 7.88ha of public open space (including bunds). The provision of at least 5.5ha of open space (to include a Locally Equipped Area of Play, SuDS, landscape, bunds) will be provided. This is in excess of the required standards set out in the adopted UDP and LPG10, and in the emerging Local Development Plan Policy CF2.

Education

A commuted sum is to be agreed to mitigate any impact on education services from the proposed development, should it be deemed reasonable and necessary.

Highways

A commuted sum is to be agreed with the Highways Authority, for the proposed highways works:

Stage 1 (white lining)

A483 J5

- Provision of two exit lanes from circulatory carriageway to A541 Mold Road (N); and,
- Nearside circulating lane, past A541 Mold Road (N) approach, to be marked for exit to A483 (N) only, with offside lane for all other traffic.

B&Q Roundabout

- Offside lane of A541 Mold Road (E) approach to be made ahead and right (currently marked as right only);
- Central lane on western circulatory carriageway to be ahead only, with right turns in offside lane only; and,
- Nearside lane on B5101 Plas Coch Road approach to be made ahead and left (currently marked as left only).

*Stage 2 (signalling)***A483 J5**

- A541 Mold Road (E) approach, and eastern circulatory carriageway, to be signalised.

APPENDIX D

LDP Deliverability statement

**Wrexham County Borough Council Local Development Plan 2013-
2028**

**Policy H1 Non-Strategic Site Delivery Statement
Site 1: Land adjoining Mold Road/A483**

SITE DETAILS		
Site Reference	1	No. of units
Site Address	Minimum 375	
Land adjoining Mold Road/A483		

SITE STATUS	
Is site vacant or when is it likely to come vacant	Vacant
Land ownership/legal	Option Secured by Russell Homes with the landowners – HC Morris, JES Thomas and PD Jones.
Developer Interest	Russell Homes

PLANNING STATUS
Pre App Enquiry
Submitted 7 February 2019
Statutory Pre-Application Consultation
Planned to be undertaken in September 2019
Planning Application(s)
Outline planning application planned to be submitted in October 2019
Planning Appeal(s)
NA
Commencement of development
Parcel 1 anticipated January 2021. Parcel 2 anticipated January 2022. Possibility of bringing forward parcel 2 earlier than set out below.

SITE DELIVERABILITY										
2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028
				24	60	60	60	60	60	51

Completed by:

Justin Paul, Managing Director, J10 Planning Ltd
Gary Lynch, Planning Director, Russell Homes (UK) Ltd

On behalf of:

Russell Homes

Date:

22 August 2019

Russell Homes have had pre-application meetings with the Council. They are well advanced in the preparation of an outline planning application and are aiming to commence the Statutory Pre-Application Consultation in September 2019. Russell Homes will consider any consultation feedback from this process to inform any required updates to the application documentation, then anticipate submitting the planning application in late October 2019. Application determination has been anticipated for March 2020 (5 months from application submission) and this is entirely plausible given the positive feedback received from the Council and statutory consultees to-date, as well as the requisite Statutory Pre-Application Consultation process planned before application submission. In advance of application determination, Russell Homes will have begun the marketing of the Site to a preferred partner house builder/s in facilitating a two builder development site, and are targeting the 1st parcel Reserved Matters to be submitted by August 2020 and determined by December 2020; and for the 2nd parcel Reserved Matters to be submitted January 2021 and determined May 2021. Each Reserved Matters will be accompanied by all pre-commencement conditions discharge information, to secure discharge of these at the approval of the Reserved Matters, and to ensure a prompt site start. Accordingly Russell Homes consider their anticipated planning application timescales and delivery period (covered below) to be realistic, having experience of delivering development parcels of a similar size.

Russell Homes are a unique company in that they are an award winning house builder, developer, land promoter and contractor (building their own homes and on behalf of other developers and Housing Associations). This make-up provides them with robust experience in the coordination of development and delivery of infrastructure and housing. They've already had several discussions with leading house builders, both national, and regional/local (North Wales) about delivering the site with one or more house builders, to secure an understanding of interest, delivery partners, and delivery rates. This compliments Russell Homes' own market research as house builder. There is a clear consensus to develop the site with two house builders simultaneously, providing complimentary housing types and character. Other house builders have confirmed to Russell Homes that for this Site they are more than comfortable with this dual build approach, whether building with Russell Homes or another house builder.

Russell Homes has prepared the illustrative masterplan to support the planning application. The Council has reviewed this and other technical information, and have commended Russell Homes' approach and proposed layout. Russell Homes have given the layout great consideration, informed by surveys and the expert advice of their technical team, made up of architects, landscape architects, ecologists, town planners, engineers and surveyors etc. This layout neatly facilitates two development plots, and allows the masterplan site to be delivered expediently. The logistics of bringing this forward with two house builders is already being planned.

Russell Homes' anticipated delivery rates have been informed by local market research and past build rates of local house builders. For example, at one scheme within less than 1 mile of the site, a development build by one house builder achieved build rates at between 3 and 5 units per month (range of 36-60 units per annum). Accordingly Russell Homes' assumption of two house builders building at 60 units per annum in total is considered to be an accurate trajectory. Where one house

builder is building solely during interim months, Russell Homes assume 4 units per month. This is reduced to 3 units per month, per house builder, where two house builders are delivering houses.

Based on the above assumptions, within 5 years of the adopted Plan (expected Spring 2020) 204 units will have been delivered. Within 5-10 years of the adopted Plan, the remaining 171 units will have been built, and the whole Allocation Site completed by the end 2028.

Summary of Key Delivery Matters

To facilitate the Examination in Public and demonstrate the robustness of the Site Allocation's deliverability credentials, we have provided the following summary:

Planning Application

As noted above, Russell Homes are very advanced in the preparation of an Outline planning application for submission to statutory consultees, the local community and councillors, via the Statutory Pre-Application Consultation. Discussions with the Local Planning & Highways Authority and some of the statutory consultees to date, have been positive.

Highways

Russell Homes' transport consultants have prepared a detailed Transport Assessment (TA) to support the planning application, informed by surveys and modelling work, and discussions with the Local Highways Authority, North Wales Trunk Road Authority and Welsh Government.

The assessment has been informed through the undertaking of weekday traffic surveys over two months, including queue surveys. Additionally, a number of key design matters and assessment parameters, which would have a bearing on the assessment of effects, have been discussed and agreed with WCBC Highways officers – these include site access form and location, the extent of the study area, methodology for determining likely development trip generation and distribution and the approach to estimating future traffic growth and local committed development schemes.

Network modelling has been undertaken for a total of 6 existing junctions, along with the proposed main site access junction to the A541 Mold Road. Assessments of capacity have been undertaken using industry standard software – JCT Consultancy's LinSig V3 for signalised junctions, and TRL's Junctions9 for priority-controlled T-junctions and roundabouts.

The assessment work to date demonstrates that for the majority of the study area that has been considered, the highway network currently operates with reasonable levels of spare capacity and would continue to do so during future years "Do Nothing" (no development) and "Do Something" (with development) conditions. Crucially, it is key to note that traffic associated with the proposed residential development is anticipated to have only a negligible effect, when compared to both "Do Nothing" (no development) and "Do Something" (with development) conditions.

Russell Homes' transport consultants instructed JCT Consultancy to investigate the potential for improvements to be made at A483 J5 and B&Q roundabouts. JCT were able to identify two potential

stages of mitigation, the first comprising a package of works to amend carriageway lane markings across both junctions, and the second to implement signalisation of the A541 Mold Road (E) approach to the A483 J5.

Modelling of the 2 mitigation strategies has identified that the Stage 1 package in particular could offer **significant positive impacts across both junctions**, with material increases in junction capacity when compared to “Do Nothing” (no development) scenario conditions, and corresponding decreases in queuing and delay. Indeed, such is the significance of the positive effect that the mitigation works are anticipated to result in a **net betterment when compared with “Do Nothing” conditions**, and even when compared with prevailing 2019 conditions during the PM peak.

On the basis of the findings, it is concluded that the development could be brought forward with only negligible adverse impacts, assuming no mitigation is proposed. However, mitigation measures have been identified and modelled, which confirms that significant positive impacts are gained to the benefit of the local network.

Ecology

There are **no designated sites of nature conservation on site** and the development is concluded as not affecting any further afield. No habitats within the site are designated as a Section 7 Environment (Wales) Act 2016 habitat of principal importance.

Habitat and species surveys have been undertaken across the site over the last two years. The **grassland habitats within the site are poor quality and common** and widespread in the area, so are of low intrinsic value. The loss of this habitat is not considered to be a significant impact.

The bird species recorded during the breeding bird survey within the site and site buffer represents a **low species diversity** with the majority of species recorded being commonplace and widespread.

All mature trees across the site are proposed to be retained under the development proposals. The vast majority of the Hedgerows are being retained too. Any Hedgerow loss will be replaced with native species rich varieties.

Mitigation measures can be provided to minimise light spill towards trees with bat potential.

The surveys have confirmed that there **no badger setts or lizards on site**. There are **no ponds** within 250m of the site and both the Council’s ecologist and Species Officers at Natural Resources Wales (NRW), are satisfied that no further surveys are required, specific to Great Crested Newts. A Method Statement can be produced detailing the measures to be taken to ensure that, in the unlikely event of amphibians being present, they are not harmed by the works.

Landscape Visual Impact Assessment

The LVIA concludes that the proposed development would **not result in any significant adverse landscape and visual effects**, with effects being **minor adverse to negligible or negligible**. Taking in to account the settlement edge location, and the retention and planting of new trees and hedgerow, would successfully assimilate the development into the surrounding landscape.

Noise

A noise survey has been prepared and recommendations prepared in response to this. In order to address noise impacts, first and foremost the layout has been designed with noise in mind and good acoustic design has been incorporated at all boundaries with dwellings fronting the roads, gaps kept to a minimum and, where possible, garages providing shielding to the road. Through good passive design and acoustic barrier measures, it is demonstrated that **noise can be properly mitigated and addressed in line with guidance**, and is thus **not a constraint to planning consent**.

Air Quality

An Air Quality Assessment has been undertaken. The dispersion modelling results indicated that pollutant levels at sensitive locations across the site were below the relevant AQOs. The location is therefore considered **suitable for residential use without the inclusion of mitigation** methods to protect future users.

Predicted impacts on annual mean NO₂ and PM₁₀ concentrations as a result of operational phase exhaust emissions were predicted to be **negligible** at all 20 sensitive receptor locations during the 2024 and 2030 assessment scenarios. The overall significance of potential impacts was determined to be not significant in accordance with the EPUK and IAQM guidance.

Based on the assessment results, **air quality is not considered a constraint to planning consent** for the proposed development.

Utilities

A utilities assessment was undertaken early in the emerging Local Plan process, and Russell Homes' technical team has been liaising with statutory undertakers for the past 12 months to secure the relevant services ready for commencing on site. This includes instructing Welsh Water to appraise capacity and facilitate provision for foul water drainage.

Drainage Strategy

Russell Homes began discussions with the Council's lead drainage officers early in emerging Local Plan process and more recently with SAB (Sustainable Urban Drainage Approval Body) officers. A drainage strategy has been prepared to support the planning application which aligns with SAB guidance, providing a mixture of ponds, swales, tree pits, permeable surfaces and garden storage.