
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.