

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

HEARING STATEMENT Appeal ref no. APP/H6955/A/17/3182282

C+A REF. C3429

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1.0 INTRODUCTION

- 1.1 Cassidy + Ashton is instructed to act on behalf of Liberty Properties (in conjunction with the landowners, Welsh Town Planning & Housing Trust Ltd, Mrs I Dutton, Mr J Dutton, Mr P Davies and Mr D Griffiths) (the appellant) in respect of their appeal against the decision of Wrexham County Borough Council (the Council) to refuse outline planning permission with all matters reserved except access for residential development (up to 189 dwellings) on land east of Tan y Bont, Main Road, Rhosrobin, Wrexham.
- 1.2 The appeal was lodged online on 15 August 2017, with a full set of documents, including grounds of appeal statement.
- 1.3 In view of the fact that the planning application was the subject of an Environmental Impact Assessment a full copy of the Environmental Statement (inc. all appendices) was issued to the Planning Inspectorate. The Environmental Statement (ES) was independently considered by an Inspector, who assessed whether it met the minimum requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. A formal Assessment of Environmental Statement was received from the Planning Inspectorate on 20 October 2017 confirming it as containing the level of information identified in Parts I & II of Schedule 4 of the 1999 EIA Regulations and being complete for the purposes of those Regulations.
- 1.4 In conjunction with the assessment of the ES, the Inspectorate confirmed the start of the appeal, the date being 20 October 2017. Whilst our requested procedure was an Inquiry, the Inspectorate's decision was that, after careful consideration, it does not appear that the issues require cross examination; as such it is not considered that an inquiry is necessary. Therefore the appeal will proceed by the hearing procedure.
- 1.5 It is our understanding that the appeal was due to be determined by an Inspector in accordance with the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Wales) Regulations 2015, however, in exercise of the powers under section 79 and paragraph 3(1) of Schedule 6 of the Town and Country Planning Act 1990, the Welsh Ministers have considered that the appeal should be determined by themselves. Accordingly, under the authority of the Welsh Ministers, the appeal will be determined by the Welsh Ministers, taking account of the Inspector's report. The reason for this direction being that the proposed development is residential development of more than 150 houses or on more than 6 hectares of land.

- 1.6 This document comprises the appellant's Hearing Statement. It sets out the appellant's case for planning permission to be granted and gives full details of the case which you will put forward at the hearing. It has been made with regard to guidance set out in the Procedural Guidance: Planning Appeals and Called-In Planning Applications – Wales published by the Planning Inspectorate July 2015.
- 1.7 This hearing statement should be read in conjunction with the accompanying statements prepared by relevant sub-consultants on specific items associated with this case and the originally submitted grounds of appeal statement.
- 1.8 For clarification, the appellant will be represented by Counsel, John Barrett from Kings Chambers, at the hearing, the date for which has been confirmed as being 14 February 2018.

2.0 SITE AND CONTEXT

- 2.1 The site is located approximately 2 km north of Wrexham town centre, adjacent to the A483 that bounds the main conurbation of Wrexham to the north and west.
- 2.2 The site is currently accessed via a vehicle access point/gate located upon the B5425 (Main Road). The site is generally rectangular in plan, with orientation from SW to NE. The total site measures 15.78 ha (39.02 acres), 6.31 ha (15.59 acres) of which is to be developed upon. The site is located at grid reference Easting 333150, Northing 352630.
- 2.3 The site is bordered to the NW by the main single Railway line between Shrewsbury and Chester, to the SW and SE national road network, the B5425 (Main Road) from Wrexham to Rhosrobin / Llay and A483 (dual carriageway) from Wrexham to Chester respectively. The current land use is principally permanent pasture and grassland, with areas of scrub.
- 2.4 The land is bordered by residential development on three sides (North, East and South) and the remaining boundary is a railway line. The site does not encroach into open countryside.
- 2.5 The site is well related to the main conurbation of Wrexham itself and a number of local service centres such as Pandy, New Rhosrobin, Little Acton and Croes Eneurys. These centres provide the full range of local services and facilities inclusive of schools, shops, post office, public houses, community hall, churches, recreation facilities etc. All local service centres are easily accessible by means of transport other than the private car, e.g. pedestrian links, cycle links and frequent local bus service.



LOCATION PLAN



INDICATIVE DEVELOPMENT FRAMEWORK

3.0 BACKGROUND INFORMATION

THE APPLICATION

- 3.1 The planning application Ref P/2016/0189, dated 19 February 2016, was refused by notice dated 06 March 2017.
- 3.2 The application was supported by a suite of documents, as submitted with the appeal when lodged and referenced in the grounds of appeal.
- 3.3 The applicant and agent sought to work closely with the Local Planning Authority throughout the extended (in excess of 12-months) determination process to resolve any issues. This is evident in that the previous reasons for refusal on highways grounds and impact upon a scheduled ancient monument (SAM) were not present on the 2017 refusal.
- 3.4 Effectively the refusal in March 2017 was the culmination of circa 4-years work, from an original pre-application enquiry made in August 2013, and two planning applications, the second one of which being the subject of this appeal. The resultant position is that all development management items have satisfactorily been addressed. This hearing statement will summarise the position on these, inclusive of supplemental statements by relevant sub-consultants on the most involved development management items
- 3.5 There are no reasons for refusal, other than those referencing policies PS1 and EC1 of the UDP, which effectively address development outside settlement limits and the Green Barrier, hence it is therefore concluded that the proposed development is not deemed contrary to any other policies within the Unitary Development Plan.

OFFICER'S REPORT

- 3.6 The application was reported to the Council's Planning Committee with a recommendation to refuse planning permission.
- 3.7 The report of the Head of Community Wellbeing and Development (the officer's report) shows that, whilst there was opposition to the application from the local community and their representatives, there were no objections from statutory/technical consultees including, but not limited to, Highways, Education, Heritage, Welsh Water and Natural Resources Wales.
- 3.8 The considerable need to increase the supply of land available for housing in the County Borough is fully acknowledged by the Council in the committee report. However it is the Council's view that the impact upon the

Green Barrier would outweigh this need for housing. Our response regarding the Green Barrier (EC1) and defined settlement limits (PS1) is addressed in the grounds of appeal chapter.

3.9 Key extracts from the Committee Report include the following:

"There must be very exceptional circumstances to grant individual planning applications for housing development in Green Barriers. It is clear there is a considerable need to increase the supply of land available for housing in the County Borough. In appropriate cases this could be considered to be a very exceptional circumstance sufficient to outweigh the Green Barrier designation. However the importance of the site in the context of the Green Barrier it lies within must also be carefully considered".

"Whilst I acknowledge that the contribution the development can make towards housing land supply is a significant benefit, as would be the provision of up to 47 affordable houses, the development will significantly and detrimentally impact upon the openness of the Green Barrier and result in the coalescence of Wrexham and Old Rhosrobin as well as a significantly eroding of the existing gap separating Old Rhosrobin and Pandy. I do not consider housing land supply issues constitute the very exceptional circumstances to set aside the Green Barrier objections to the development in this instance".

THE COUNCIL'S DECISION

3.10 The application was reported to Planning Committee with an Officer's recommendation of refusal. Members of the Committee endorsed the recommendation. The single reason for refusal, as set out on the decision notice, is as follows:

"The site lies outside of a settlement limit and within a Green Barrier. The development will result in the coalescence of Wrexham and Old Rhosrobin and 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 Wrexham Unitary Development Plan".

3.11 The only policies advanced by the Council to support the reason for refusal are Policies PS1 and EC1, of the Wrexham Unitary Development Plan (UDP). It therefore follows that the proposed development is not deemed contrary to other policies within the UDP, nor to any other policies and guidance, such as Welsh Government policies and guidance within Planning Policy Wales and Technical Advice Notes (TANs) and the Council's Local Planning Guidance Notes (LPGNs).

- 3.12 This hearing statement focuses on the policies that the Council advance in support of their reason for refusal. The appellant will, however, address compliance with other development plan policies and local and national policies, as appropriate, as part of their case. The planning policy framework of relevance to this appeal is set out in a following chapter.

THE SITE

- 3.13 A brief description of the site and its surroundings is given in Section 2 of this statement and is not repeated here. The appellant will draw, and where appropriate expand, on this in subsequent sections of this statement and will, amongst other things, highlight that:
- Whilst the site is within the Green Barrier, approval of the scale of development proposed will not prejudice the purpose of such a land designation in the wider context and will in fact strengthen the designation by the retention of circa two-thirds of the landholding within the Green Barrier.
 - The site is in a sustainable location, well related to the main conurbation of Wrexham itself and a number of local service centres such as Pandy, New Rhosrobin, Little Acton and Croes Eneurys. These centres provide the full range of local services and facilities inclusive of schools, shops, post office, public houses, community hall, churches, recreation facilities etc. All local service centres are easily accessible by means of transport other than the private car, e.g. pedestrian links, cycle links and frequent local bus service.

4.0 ITEMS NOT AT DISPUTE

- 4.1 Whilst this is a hearing and not an Inquiry, hence there is no Statement of Common Ground as such, we are of the opinion that the Inspector will benefit from a summary of the development management items that have been addressed comprehensively as part of the planning application and the position of conformity reached on each.
- 4.2 This chapter is to be read in conjunction with the Case Officer's Report to Committee, within which there is more detailed commentary from the officer and their considered opinion on each item.
- 4.3 A full copy of the Committee Report is included as Appendix 1 to this hearing statement.

DESIGN / AMENITY

- 4.4 It is submitted that:
- All detailed design matters are reserved for subsequent approval.
 - The indicative/illustrative plans demonstrate that the site can accommodate the proposed development, with due regard to living conditions of occupiers of adjacent dwellings and provision of open space, and sufficient space to accommodate adequate parking.
 - In addition to the above plan, other submitted details confirm that the density of development would vary between 20 and 30 dwellings per hectare. The dwellings would be 2 and 2.5 storeys high and an illustrative street plan confirms that the general form of development is likely to be broadly comparable to existing residential developments in the area.
 - The proposed development is not contrary to UDP Policies CLF5 Open Space Requirements from New Residential Developments or T8 Parking.
 - Detailed layout and design is for consideration at the reserved matters stage.
 - The site can be developed without prejudicing the amenity of occupiers of properties close to the site by way of loss of light, privacy or by being visually overbearing.

- There is no reason to believe that the site cannot be developed in a way that provides future occupiers with an adequate standard of amenity.

TRANSPORTATION

4.5 It is submitted that:

- The application was supported by a Transport Assessment and Interim Travel Plan, the validity of which was not questioned by the Council, as Highway Authority.
- Subsequent to dialogue, clarification and submission of supplemental information, The Council, as Highway Authority, raised no objection to the application, subject to conditions being attached to any permission.
- The public right of way within the application boundary would be enhanced in conjunction with the development proposal.
- The Council's Parks, Countryside and Rights of Way Team raised no objection.
- The site is in a sustainable location.
- The highway works proposed in association with the site, will not only mitigate against the impact of the traffic generated by the development, but will also provide a benefit to a road network that is currently operating above its practical capacity.
- Transportation does not form part of the reason for refusal and the proposed development is not contrary to UDP Policies GDP1 Development Objectives, of which objectives (d) and (e) relate to transportation, GDP2 Capacity of Infrastructure and Community Facilities, or T8 Parking. The proposal is also not contrary to UDP Policy CLF6 Informal Recreation – Public Rights of Way.

4.6 In light of the fact that transportation has been an involved issue, as part of the determination process, a stand-alone statement has been prepared by the appointed transport consultant to supplement this hearing statement. Refer to Appendix 2 to this hearing statement.

COMMUNITY INFRASTRUCTURE

4.7 It is submitted that:

- There is no UDP policy or Local Planning Guidance Notes that impose a specific requirement for the developers to provide or make contributions towards other infrastructure such as health care facilities. In the absence of any evidence that the development will severely prejudice the effective delivery of local healthcare services these concerns do not present a valid reason to refuse planning permission.
- The Council as Education Authority raised no objection to the application, subject to contribution towards primary education. To be controlled through S106 Agreement. We note from the Council's questionnaire that a figure has now been put forward by the Council, this being £378,280.00 based upon a 2-3 bed / 4+ -bed mix.
- Capacity of community facilities does not form part of the reason for refusal and the proposed development is not contrary to UDP Policy GDP2 Capacity of Infrastructure and Community Facilities.

DRAINAGE

4.8 It is submitted that:

- Dialogue with Welsh Water and submission of supplemental information resulted in the lifting of their objection. Grampian style condition to be imposed to prevent development taking place until a scheme for the provision of foul sewerage infrastructure has been submitted to and approved by Local Planning Authority and then prevent any dwelling being occupied until the scheme as approved has been implemented in full. The scheme will need to be informed by Hydraulic Modelling Assessment.
- Natural Resources Wales (NRW) raised no objection and welcomed the intention to dispose of surface water run-off using a sustainable drainage system.
- Percolation testing on site supports SUDS approach, in consideration of the ground conditions.
- Drainage does not form part of the reason for refusal and the proposed development is not contrary to UDP Policies GDP1 Development Objectives, of which objectives (g) and (i) respectively relate to public services and flooding, or GDP2 Capacity of Infrastructure and Community Facilities.

AGRICULTURAL LAND

4.9 It is submitted that:

- The proposed development would result in the loss of agricultural land.
- Under the MAFF Land Classification maps the entire application site is classified as Grade 2, however, the site was last surveyed by the Welsh Office in 1993 and this found that 75% of the site to be Grade 3a and the remainder was classified as Grade 3b.
- An independent assessment of the site has been undertaken, the results of which were presented as an Agricultural Land Classification report. The conclusion of this report is that the correct classification of the land is in fact Grade 3b for the site as a whole.
- PPW (paragraph 4.10) is of relevance and states that: "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 ... 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."
- Taking account of PPW: The housing land supply position could represent an overriding need for the development. As set out in Chapter 2 of the LDP(2) Preferred Strategy, there is a lack of brownfield capacity to accommodate the County Borough's housing need. As concluded in the LDP(2) Initial Sustainability Appraisal greenfield development will reduce BMV agricultural land.
- The irreversible loss of a small element of the lowest grade BMV agricultural land is outweighed by housing need and the inevitable requirement to release greenfield land for development, including the release of BMV agricultural land.
- Loss of agricultural land does not form part of the reason for refusal.

MINERALS

4.10 It is submitted that:

- Approximately 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/or causing significant disruption to local transport infrastructure.
- Whilst no part of Wat's Dyke lies within those parts of the site subject to the policy, the northern section of the Dyke is immediately adjacent. Accordingly there would be a significant risk of mineral extraction works damaging sections of the Dyke. Mineral extraction would also impact significantly upon the setting of the Dyke. It is therefore unlikely that any mineral extraction works would take place within the site.
- Minerals do not form part of the reason for refusal and the proposed development is not contrary to UDP Policy MW9 Protection of Mineral Resources.

ECOLOGY

4.11 It is submitted that:

- The site is not subject to Biodiversity Conservation designations.
- An Ecological Assessment was submitted with the application.
- No objection was raised by NRW, subject to conditions/obligations.
- Ecology does not form part of the reason for refusal and the proposed development is not contrary to UDP Policies GDP1, of which objective (h) relates to nature conservation and wildlife interest, or EC6 Biodiversity Conservation.

AIR QUALITY

4.12 It is submitted that:

- An Air Quality Assessment was submitted with the application and, on that basis, the Council's Public Protection Team raised no objection.
- Air quality does not form part of the reason for refusal and the proposed development is not contrary to UDP Policy GDP1, of which objective (f) relates to air quality.

NOISE

4.13 It is submitted that:

- An Environmental Noise Assessment was submitted with the application and reviewed by the Council's Public Protection Team, who did not raise an objection, but recommended conditions.
- The relationship of any proposed acoustic barrier to the A483 and associated potential impact upon highway safety was queried by Welsh Government. Indicative details were provided and the representation satisfied. A holding objection was revoked.
- Noise does not form part of the reason for refusal and the proposed development is not contrary to UDP Policy GDP1, of which objective (f) relates to noise.

ARCHAEOLOGY

4.14 It is submitted that:

- Whilst the indicative plans propose a significantly reduced area of built development compared to the previous application, Cadw initially remained concerned about the impact the development would have upon the setting of the Dyke. The applicant's archaeologist has liaised extensively with Cadw to address their concerns.
- The indicative plan shows considerable undeveloped landscaped buffer either side of the Dyke. In addition the application is accompanied by a Scheduled Ancient Monument Management Plan that proposes measures to improve the appearance and setting of the Dyke as well as long term management of the Dyke and undeveloped land around it to help preserve it in the long term.
- Cadw have confirmed that the development will have a significant impact upon the setting of the Dyke, however they accept that this impact can be mitigated and compensated for via the management plan. The development also presents an opportunity to enhance the local awareness of the Dyke via interpretive materials i.e. information boards. The implementation of these measures could be secured by planning condition.
- CPAT do not raise an objection.
- Archaeology does not form part of the reason for refusal.

- 4.15 In light of the fact that heritage / archaeology has been an involved issue, as part of the determination process, a stand-alone statement has been prepared by the appointed heritage consultant to supplement this hearing statement. Refer to Appendix 3 to this hearing statement.

WELSH LANGUAGE

- 4.16 It is submitted that:

- Taking Account of LPGN31 The Welsh Language and Welsh Communities, this area is not a language sensitive ward and, as such, there is no requirement for a Welsh Language and Community Impact Statement.
- Welsh language does not form part of the reason for refusal and the proposed development is not contrary to UDP Policy GDP1, of which objective (j) relates to Welsh language.

5.0 KEY ISSUES

5.1 It is submitted that the reason for refusal can be distilled into the following key issues, and it is respectfully requested that these are the matters on which the hearing focuses, that is:

- Whether the development is acceptable in principle being outside the defined settlement limit of Wrexham?
- Whether the development represents an appropriately sized and logical extension to Wrexham?
- Whether there are any material considerations that justify departing from any provision of the adopted development plan with which the proposal conflicts?
- Whether the benefits that would be delivered by the proposal would outweigh any adverse impacts?

5.2 With reference to the above, it is submitted that the key grounds of appeal are as follows:

- The site is available and the proposal is deliverable. The location is sustainable. In light of the Council's position regarding a 5-year housing land supply there should be a presumption in favour of sustainable development.
- The proposal would provide an appropriate site for housing having regard to planning policies which seek to strictly control new development outside settlement boundaries and within the Green Barrier.
- The proposal protects the character and appearance of the area and enhances land designation strategically.
- The proposal would provide a good level of affordable housing to meet strategic demand in the locality.
- The proposal would provide positive measures to protect and enhance a scheduled ancient monument.

5.3 Each matter will be assessed in detail as a stand-alone chapter within this hearing statement.

6.0 PLANNING POLICY FRAMEWORK

- 6.1 It is submitted that the starting point for determining the appeal proposal is S38(6) of the Planning and Compulsory Purchase Act 2004, which requires determination to be made in accordance with the development plan unless material considerations indicate otherwise.

THE DEVELOPMENT PLAN

- 6.2 The current development plan comprises the UDP, which was adopted in February 2005. The UDP was prepared to cover the period 1996-2011.

Relevant Policies

- 6.3 The decision notice states that in reaching their decision the Council had regard to the relevant policies in the UDP, which it lists as follows:

CLF5 Open space requirements from new residential developments

CLF7 Informal recreation – countryside and water resources

EC1 Green Barriers

EC2 Agricultural Land

EC4 Hedgerows, Trees and Woodland

EC6 Biodiversity Conservation

EC11 Archaeology

GDP1 Development objectives

GDP2 Capacity of infrastructure and community facilities

H5 Housing in the countryside

MW9 Protection of mineral resources

PS1 Settlement limits

PS2 Development and the environment

T8 Parking

- 6.4 The reason for refusal refers to two of the aforementioned UDP policies, as follows:

Part 1: Strategic Policies

PS1 Settlement Limits: "New development for housing, employment and community services will be directed to within defined settlement limits/employment areas."

Part 2: Specific Policies

EC1 Green Barriers: "Within Green Barriers, development will only be granted planning permission 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."

OTHER MATERIAL CONSIDERATIONS

ADOPTED POLICIES/GUIDANCE

- 6.5 Other than Policies PS1 and EC1 of the UDP, the reason for refusal does not refer to any other local policies or supplementary planning guidance. It must therefore be agreed that the proposed development is not contrary to any other local policies or supplementary planning guidance.
- 6.6 Notwithstanding the above, it is acknowledged that the Council's Local Planning Guidance Notes (LPGNs) may be considered of relevance and given weight accordingly.
- 6.7 In addition, it is acknowledged that the following national policies and guidance are of relevance:
- Planning Policy Wales (PPW): It is agreed between the main parties that Edition 9 of PPW, published November 2016, contains the Welsh Government's most up-to-date land use planning policies and is a material consideration of particular relevance to the appeal that should be accorded great weight.
 - Technical Advice Notes (TANs): It is acknowledged that Welsh Government Guidance as contained within TANs can be considered of relevance, and that TAN1: Joint Housing Land Availability Studies (2015), which provides guidance on the preparation of Joint Housing Land Availability Studies (JHLAS), is of particular relevance to the appeal and should be accorded great weight.

- Circulars: It is acknowledged that Welsh Government/Office/National Assembly Circulars (and circular/policy clarification letters) can be considered of relevance, in particular WGC 016/2014: The Use of Planning Conditions for Development Management and WOC 13/97: Planning Obligations, which should be given weight when considering conditions and obligations in relation to the appeal proposal.

EMERGING LOCAL DEVELOPMENT PLAN (LDP)

- 6.8 The Council submitted the LDP(1) for examination in September 2011. The examination began on 25 January 2012, but due to fundamental concerns raised by the Inspectors conducting the examination the hearing sessions were suspended and the plan was withdrawn on 16 March 2012. It is submitted that the Inspectors' Preliminary Findings report, February 2012, is a material consideration. The fundamental concerns principally revolved around the following:
- A significant shortfall in the supply of housing and the associated conflicting Plan strategy to confine general housing to within settlement boundaries.
 - A failure to take reasonable steps to secure an appropriate supply of affordable housing.
 - A failure in the Plan to respond to its own evidence base.
- 6.9 Wrexham Council LDP(2) is currently being prepared, and on adoption will replace the UDP. Following stakeholder consultation on the Vision, Objectives and Strategic Growth and Spatial Options document March-April 2015, the Preferred Strategy was issued for public consultation running from 12 February 2016 to 1 April 2016. Further consultation is to take place on the Deposit Plan, when published.
- 6.10 Submission to the Welsh Government for independent examination is still some time away and formal adoption on an even extended timeline. Consequently, given the early stages of the preparation of LDP(2), it must be acknowledged that it can be afforded little weight.
- 6.11 Notwithstanding the above, Chapter 2 of the Preferred Strategy sets out the Context, Key Issues and Drivers, and it is noted at paragraph 2.1 of the Preferred Strategy that "This understanding has emerged from the extensive evidence base and background assessments compiled as part of the LDP preparation process." Consequently, it is acknowledged that this Chapter is more matter of fact than a policy direction of travel and, as such,

should be accorded some weight, despite the early stage of the LDP(2) preparation. It is also agreed that supporting evidence base documents, as to matters of fact, may be given some weight, together with the Sustainability Appraisal.

- 6.12 With regard to whether the appeal proposal raises any issues of prematurity and whether it prejudices the forthcoming LDP (2), our view is that prematurity is not an issue. The approach to development is site specific. We are not attacking green barrier policy as a whole, nor will this development, if approved, prejudice the outcome of the Development Plan process. In light of the extended timeframe associated with the adoption of the Development Plan and the critical position that the Council are in in respect of housing supply numbers, decisions on such proposals must be made now.

HOUSING LAND SUPPLY

- 6.13 It is acknowledged that the Council's Housing Land Monitoring Statement 2015, published April 2015, contains the Council's most up-to-date published position in respect of housing land supply, and supersedes previously published JHLASs, the last being for 2014, as published January 2015.
- 6.14 It is a matter of fact, that the Housing Land Monitoring Statement sets out that the Council has a zero housing land supply. At paragraph 1.1 it states:
- "In the absence of an up-to-date Unitary Development Plan (UDP) and adopted Local Development Plan (LDP) in accordance with the latest Welsh Government Guidance on Joint Housing Land Availability Studies (JHLAS), TAN1, January 20015 [sic], there is no requirement for a Local Authority to prepare a JHLAS and the authority is considered to have a zero land supply."*
- 6.15 This position follows a trend of decreasing housing land supply, as demonstrated by JHLASs 2007-2014, in which supply fell to 3.1 years in the last JHLAS, which was published 31 January 2015 and presented the supply position at the base date of 1 April 2014. This is illustrated in the following table and is the historic housing land supply position.

JHLAS	Housing Land Supply (years)
2007	14.99
2008	7.52
2009	6.08
2010	5.35
2011	3.9
2012	3.5
2013	3.4
2014	3.1

6.16 Whilst the Council is not in a position to undertake a JHLAS, in line with TAN1, the housing land supply position is assessed on an annual basis in preparation for the LDP(2) examination. In this respect the Housing Land Monitoring Statement 2016 is to be published in due course. This does not include a five year housing land supply calculation, as there is no currently adopted housing provision target. However, taking that of the LDP(2) Preferred Strategy, a five year housing land supply figure can be estimated. This calculation shows a housing land supply of 1.14 years, which represents a shortfall of 3,558 dwellings.

6.17 In light of the above, it is acknowledged that paragraph 6.2 of TAN1 applies, which states:

"The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the 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."

STRATEGIC HOUSING CONTEXT

6.18 In 2013, the Council published its Local Housing Strategy 2013-2018, 'The New Housing Landscape Responding to the Challenges.' It establishes how the Council is tackling the challenges posed by the recession and the impact of welfare reform. The Strategy 'will play a pivotal role in helping to deliver sustainable communities in well-designed neighbourhoods where people can access quality, affordable housing.'

6.19 The Strategy is guided by a series of underlying principles, which focus upon:

- Reviewing and monitoring what works, to build in flexibility and adapt to the changing political landscape;
- Having housing policies that contribute to sustainable development, social, economic and environmental policies;
- Supporting the development of the economy;
- Ensuring that it relates to rural, urban, town and village contexts; and
- Being applicable across tenures (public and private) and community groups (voluntary, tenant, resident and homeless).

6.20 The Strategy sits within the wider local strategic context and links to both the Wrexham Plan and the corporate Council Plan. It also sits alongside, and links with, the Local Development Plan. Priorities within the Housing

Strategy focus on three themes under a framework of developing sustainable communities:

- More housing more choice;
- Improving homes and communities; and
- Better services to improve people's lives.

7.0 RELEASE OF LAND AND DELIVERABILITY

- 7.1 This site clearly forms a logical extension for the future development of the settlement, within clear defined boundaries and without detrimental incursion into the surrounding countryside. It is submitted that the availability of potential brownfield / infill sites in the main conurbation of Wrexham have near been exhausted, hence the logical next step is consideration of such sites as the appeal site.
- 7.2 The Council's own Preferred Strategy consultation document from February 2016 states, under the opening Key Issues and Drivers section, the following:

There is a lack of brownfield capacity to accommodate projected household growth in the County Borough;

WREXHAM LDP(2) PREFERRED STRATEGY 2016 AND CANDIDATE SITES

- 7.3 The Preferred Strategy is the first formal publication in the Local Development Plan (LDP) preparation process. It sets out the broad approach that the LDP intends to take in order to ensure that the County is developed in a sustainable manner. It provides the strategic framework for the more detailed policies, proposals and land use allocations which will subsequently be included in the Deposit LDP.
- 7.4 Consultation on the Preferred Strategy took place early in 2016 (Feb – Apr), representing an opportunity for everyone in the plan area and beyond to think about how the places people live, work, learn in and visit should develop over the plan period to 2028.
- 7.5 The Preferred Strategy Consultation (2016) included a number of supporting documents and evidence and background papers including a Candidate Site Register, which set out the Council's assessment of each site that had previously been put forward for consideration through a Call for Sites (2012).
- 7.6 It is submitted that representations were made independently by all three landowners to the Call for Sites (2012), the combination of the three sites equating to the total site that is now the subject of this planning appeal.
- 7.7 On review of the Candidate Site register, the three parcels of land are referenced as follows:

- WR13CS – land off New Road, Rhosrobin
- WR04CS – land at Plas Acton Road, Pandy
- WR06CS – land at Plas Acton Road, Pandy

- 7.8 The summary sheets from the Council's Candidate Site Register are included as Appendix 4 to this Statement.
- 7.9 In summary, the Council's assessment of the three sites confirms that each complies with the Council's Preferred Strategy. However, with reference to sites WR04CS & WR06CS, the assessment states that 'there are site constraints that are unlikely to be overcome to allow the site to be developed'. To our knowledge there is no explanation given as to what those site constraints are in each case, however, it is envisaged that the most likely explanation is impact upon the scheduled ancient monument (Wat's Dyke). It is further submitted that if the site that is the subject of this appeal was not acceptable or deemed capable of being so it would have been discounted by the Council at the early stages.
- 7.10 What is paramount is that the Council's assessment of site WR13CS confirms that the site 'complies with the Council's Preferred Strategy and may have potential to contribute to meeting future growth demands within the County Borough'. Interpretation of this assessment can only be read as one of support from the Council.
- 7.11 Cross referencing site WR13CS with the development framework masterplan for the appeal site, it is clear to see that effectively this site corresponds with the area proposed for built development. The remainder of the total site is undeveloped, in particular giving due consideration to protection and ultimately enhancement of the scheduled ancient monument (Wat's Dyke).
- 7.12 We recommend that WR13CS (Land off New Road, Rhosrobin) is supported for allocation for residential purposes as the adoption of the LDP(2) progresses.
- 7.13 The promotion of this site through the planning process has been ongoing for over 5-years, both via representation to the strategic Development Plan for Wrexham and through the formal planning process. Dialogue has been maintained with the Council at all stages and underlying support in respect of the principle of development has been forthcoming from Officers throughout the process.
- 7.14 It is our understanding that the Council's Preferred Strategy for the emerging Wrexham Local Development Plan (LDP) acknowledges that the required increase in housing delivery will mean that greenfield sites on the edge of existing settlement limits such as this one will be need to be

developed to accommodate new growth. In turn the Preferred Strategy acknowledges amendments would be required to the boundary of the current Green Barrier designation.

- 7.15 In Wrexham the largest greenfield areas of land capable of accommodating new housing lie immediately adjacent to its North West settlement boundary. It is submitted that this area has the greatest potential to accommodate new residential development of the scale required to address the significant shortfall in housing land supply.
- 7.16 Land off New Road, Rhosrobin covers a total of 15.8 hectares and can be split into two portions, separated by Wats Dyke. The north east section covers an area of 6 hectares and the south west section covers an area of 9.8 hectares. In particular it is requested that 6.4 hectares from the south west portion of this site be allocated as a residential development area (as in the existing Candidate Site Register). 6.4 hectares represents only 40% of the total site area. It is requested that the other 9.4 hectares is to remain unallocated as green barrier and there be a buffer zone surrounding the historic monument of Wat's Dyke.
- 7.17 The proposed site represents a logical extension to Wrexham and is in a sustainable location. Development is considered infilling, being currently surrounded on three sides by existing housing development. It is bound by the A483 (to the south), the B425 (to the west), the Wrexham – Chester railway line (to the north) and Wat's Dyke (to the east).
- 7.18 The site is identified as falling within a Tier 1 settlement in terms of the settlement hierarchy in the Candidate Site Register. These sites are said to have a critical role to play in the success of the region, acting important service and employment centres for surrounding settlements and including the rural hinterland.
- 7.19 The site is well related to a number of local service centres such as Pandy, New Rhosrobin, Little Acton, Gwersyllt and Croes Eneurys. These centres provide the full range of local services and facilities inclusive of schools, shops, post office, public houses, community hall, churches, recreation facilities etc. All local service centres are easily accessible by means of transport other than the private car, e.g. pedestrian links, cycle links and frequent local bus service.
- 7.20 The wider environment of the Borough and the adjoining administrative areas are also accessible by public transport, via regular bus services, namely the 32 and 33 Arriva service, the 34 GHA Service, and 28A Townlynx Service. There are bus stops in close proximity to the site, and rail links to major destinations from Wrexham train station. There is also a local rail

service from a station at Gwersyllt, which is approximately 1 km from the proposed site.

- 7.21 In terms of employment, the conurbation of Wrexham town centre is within 1.5 km of the proposed site. There is easy access to Chester Business Park and Wrexham industrial estate both of which can be accessed via bypass roads without travelling through existing urban conurbations. The Rhosddu Industrial Estate lies directly adjacent to the site and Llay Industrial Estate is 3.5km to the north.
- 7.22 In terms of bringing residential development forward in an immediate timeframe, Land off New Road, Rhosrobin presents a very realistic opportunity to accommodate growth in a sustainable location.
- 7.23 The lack of a five year housing supply means that the Council should take proactive steps to manage the situation. A good supply of housing is beneficial to economic prosperity, ensures a healthy housing market and provides a decent choice of housing for future generations to enjoy. Wrexham Council are taking active steps to strategically manage the situation through the emerging Wrexham Local Development Plan 2 (2013 – 2028), part of which is support for the release of land from the Green Barrier.
- 7.24 Wrexham Council are currently considering the release of two Key Strategic Sites from the Green Barrier for development. Within Appendix 5 from the Preferred Strategy document, these are outlined as being:
- KSS1: Lower Berse Farm, Ruthin Road, Wrexham
 - KSS2: Land to the east of Cefn Road including land to the south of Holt Road and Bryn Estyn Lane, Wrexham
- 7.25 The strategic consideration of these sites demonstrate that the Council are supportive of the release of land from the Green Barrier to meet their strategic requirements.
- 7.26 Aligned with this it is submitted that, in consideration of the strategic sites from a site attributes, ownership, constraints perspective they are undeliverable.
- 7.27 KSS1 is expected to have major restrictions from a highways perspective as it would involve a major connection to an existing Trunk Road (A483). Logistics of determination by the Welsh Government associated with such proposals could extend to in the region of 5/10 years. This is cross-referenced in the transport consultants' separately submitted Transport Hearing Statement, submitted as Appendix 2 to this Statement. This clearly places major restrictions on the deliverability of the strategic housing

approach of the LDP(2) and compromises the soundness of the Plan accordingly.

- 7.28 KSS2 is expected to be the subject of major development management issues. The landholding is in multiple ownerships, with each party putting forward conflicting views and aims on the ultimate development strategy. A large proportion of the strategic site already has an extensive planning history, from which it is widely acknowledged that there are major conflicts with ecological designations and associated protected species. It is also widely acknowledged that there are major constraints from a highways perspective and also heritage. Again, there are major constraints to overcome to facilitate the future development of the landholding that will not be addressed, if at all, in a short timeframe. This clearly places major restrictions on the deliverability of the strategic housing approach of the LDP(2) and compromises the soundness of the Plan accordingly.
- 7.29 The site that is the subject of this planning appeal has been considered as part of the Green Barrier Review. The fact that the site has been discounted for release is heavily questioned. Separately referenced in this statement is a critical assessment of that review in the context of the appeal site – refer landscape consultant’s statement. This alone strengthens the case for the release of the land from a purely ‘role of the Green Barrier’ perspective. Aligned with this is a strategic assessment of the site as follows:
- 7.30 The entirety of the site is available with immediate effect in that, a site is considered available for development, when there are no legal or ownership problems, such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners. The site as a whole is the subject of a legal agreement (Promotion Agreement) between the three landowners and a single developer. This is particularly pertinent in that not all of the site is being considered for residential development. All elements of the proposal, management of the scheduled ancient monument and reservation of the majority of the site as Green Barrier from a strategic perspective are intrinsically linked and can be controlled through the promotion agreement.
- 7.31 Taking National Policy into consideration, there are a series of criteria that should be taken into account when assessing whether a site is deliverable and developable, as follows:
- The site should be available and capable of being developed within five years from the adoption date of the Plan;
 - There is a reasonable prospect that it will be available for and could be developed at a specific point in time;

- The site offers a suitable location for housing and a sustainable option for development; and
- Housing development on the site is economically viable.

7.32 The site that is the subject of this appeal satisfies this criteria, in that:

- Contractual agreements are in place, thus it is available and capable of development.
- As has been clearly set out in this representation document, the site is located within easy access to a large selection of services/facilities thus making it sustainable.
- The development of the site is economically viable. Its development would produce an appropriately sized housing development that is suitable for the area, it would be of a size and scale that would suit a large proportion of the population.

8.0 5-YEAR HOUSING LAND SUPPLY AND LOCAL DEVELOPMENT POSITION

- 8.1 PPW requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. It is our understanding that the Council acknowledges that under the provisions of TAN1: Joint Housing Land Availability Studies (JHLAS) it has a statutory duty to monitor housing land supply on an annual basis in the form of a JHLAS. However, in accordance with para. 8.1 of TAN1 (Jan 2015), the Council acknowledges that it is unable to demonstrate whether it has a 5-year housing land supply because the UDP plan period has expired. At para. 6.2 of TAN1, it advises that the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with national planning policies. In this regard, as Policy PS1 of the UDP was worded on the basis of population projections and housing allocations at the time of its adoption, the inability of the Council to now demonstrate a sufficient supply of land means that the requirements can no longer be met within existing defined settlements. As such Policy PS1 is out of date and can therefore now only be afforded limited weight.
- 8.2 In the absence of an up to date UDP or an adopted Local Development Plan (LDP), in accordance with latest Welsh Government guidance on JHLAS, TAN1 (Jan. '15), there is no requirement for a Local Authority to produce a JHLAS and in such circumstances the authority is considered to have a zero land supply. It is submitted that this is the case at Wrexham County Borough Council.
- 8.3 A Planning Inspector held a series of hearing sessions during the early part of 2012 as part of the Examination into the Wrexham Local Development Plan. During the sessions the Inspector identified a number of issues with the Plan, principally in respect of the housing supply figures proposed by the Council (considerable shortfall) and the associated restrictive strategy on the location of future development and the impact upon the delivery of affordable housing.
- 8.4 Given the fundamental changes that would have been required to address the fundamental issues, it was recommended that the Plan be withdrawn. This is the approach that has been taken by the Council.
- 8.5 Selected fundamental concerns are summarised as follows:

- A significant shortfall in the supply of housing and the associated conflicting Plan strategy to confine general housing to within settlement boundaries.
 - A failure to take reasonable steps to secure an appropriate supply of affordable housing.
 - A failure in the Plan to respond to its own evidence base.
- 8.6 It was accepted at the hearing sessions that there was no reason to believe that the character of the County was such that it could not accommodate any expansion of settlements.
- 8.7 The Council accepts that delivering the scale of housing suggested by the Inspector would require allocating sites outside settlement limits. Accordingly the previously pursued strategy of confining development to within existing settlement limits requires reconsideration.
- 8.8 TAN 1 provides guidance on the preparation of Joint Housing Land Availability Studies (JHLAS).
- 8.9 The purpose of these studies is to monitor the provision of market and affordable housing, provide an agreed statement of residential land availability for development planning and control purposes; and set out the need for action in situations where an insufficient supply is identified.
- 8.10 The Wrexham JHLAS indicates that there is not a 5 year supply of housing within the Wrexham area. Paragraph 6.1 of TAN 1 (situations where supply is below 5 years) explains that:

"Where the current study shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies.

In addition, local planning authorities must take steps to increase the supply of housing land. This may include reviewing the development plan, releasing land in its ownership, expediting planning applications or securing the provision of infrastructure for particular sites, which prospective developers may be prepared to finance in whole or in part.

The local planning authority must include a statement in the JHLA study outlining the measures it is taking to address the shortfall in housing land supply."

- 8.11 Hence, despite being outside the current development boundary, it is submitted that the planning application at Main Road, Rhosrobin should be considered in the context of the presumption in favour of sustainable development in line with Planning Policy Wales. On this basis the scheme will assist in delivering houses within the framework of TAN 1 and national planning policies.
- 8.12 In order increase the supply of housing land, particularly in the short term, the Council must grant planning permission for residential development. Notably, the Wrexham County Borough Council Joint Housing Land Availability (JHLAS) Study for 2013 acknowledges that this is the only viable alternative to increase housing land supply in the short term. The document states at paragraph 3.5 that:

"The Council will give appropriate consideration to any applications that may be submitted for residential development outside of existing settlements. It must be stressed, however, that the Council cannot guarantee that any such applications will be approved simply because they contribute to the land supply. The need to increase the 5-year supply will not override the need to take account of all other planning constraints and material considerations. Any applications will be carefully considered on their own individual merits together with the potential contribution that such development can make to the overall housing land supply"

- 8.13 Approving the development proposal on the appeal site will assist in the increase in the supply of housing land within the Wrexham County Borough area in line with the requirements of Planning Policy Wales and TAN 1.

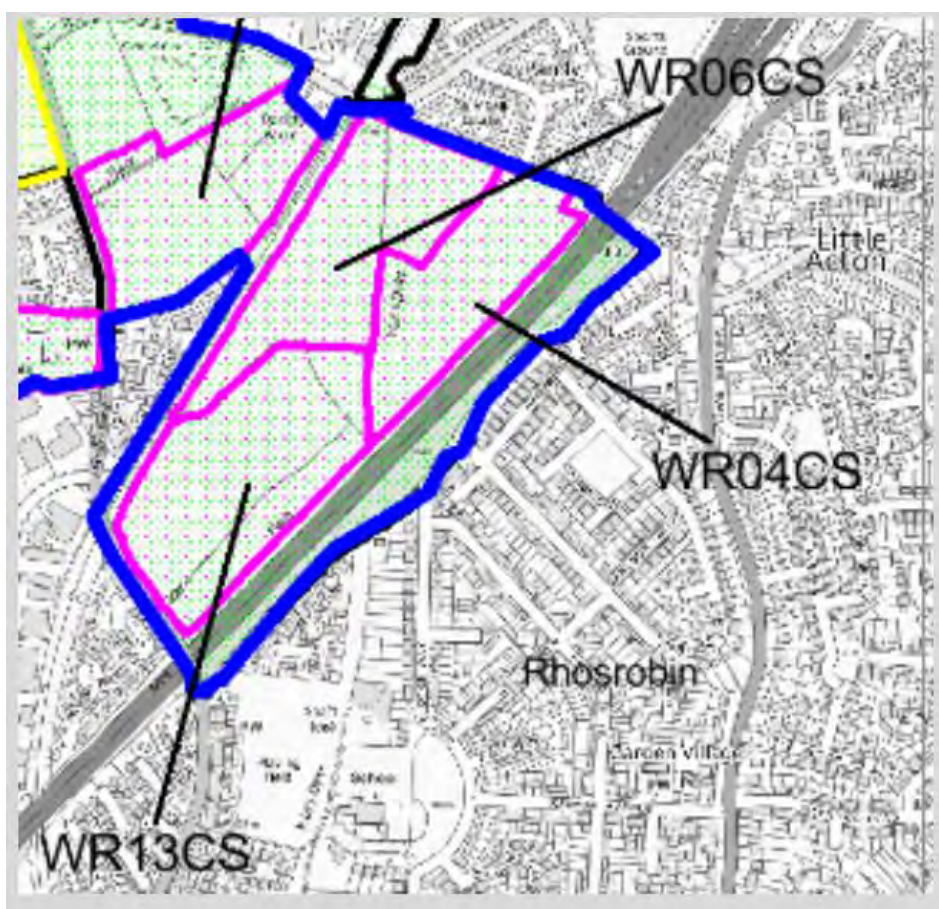
9.0 GREEN BARRIER

- 9.1 Green Barrier policy is intrinsically linked to the Council's position on 5-year housing land supply and the emerging strategic policies that will be pursued by the Council through the emerging Local Plan. Wrexham Council are in a position where a 5-year housing land supply cannot be demonstrated, and to address the Inspector's recommendation on housing numbers for the emerging Local Plan period, the Council are undertaking a full review of the Green Barrier across the Borough, with the view that currently designated areas will be released to satisfy new housing allocations. Hence, when challenged at appeal, the Council must confirm or otherwise whether the land in question is due to be released from the Green Barrier on an individual basis, as part of their review process.
- 9.2 The Council stated at Committee that it is not the role of individual planning applications to determine whether or not land should be released from the Green Barrier and where this should be. However the preparation of the emerging Local Plan has already taken a considerable length of time. It would not be premature to make a decision on the application and Green Barrier designation now, given the fact a Green Wedge (Barrier) Review has taken place.
- 9.3 As all development management items have been addressed, it is considered that the only item which remains to be addressed is that of the Green Barrier designation, Policy EC1.
- 9.4 Green Barrier is not a permanent designation. Wrexham Council are undertaking a Green Barrier (Wedge) Review in light of the fact that there are not enough housing sites available in non-Green Barrier locations. A Key Evidence Base Document in the preparation of the emerging Local Plan is the Strategic Green Wedge Review Stage 1.
- 9.5 It is our understanding that the Council's Preferred Strategy for the emerging Wrexham Local Development Plan (LDP) acknowledges that the required increase in housing delivery will mean that greenfield sites on the edge of existing settlement limits will be need to be developed to accommodate new growth, which in turn acknowledges amendments to the boundary of the current green barrier designation.
- 9.6 Indeed, the Council states within Chapter 5 from the Preferred Strategy Consultation Document 2016 states:

"Our own evidence base demonstrates that we have a limited supply of deliverable brownfield sites remaining within existing settlement limits across the Borough and this is a diminishing resource. It will be necessary

therefore to bring forward greenfield sites on land adjoining existing settlements in the most sustainable locations to address the identified housing and employment land needs over the Plan period. This will be the case regardless of the levels of growth”.

- 9.7 It is submitted that, in light of the above comment, the local authority must ensure that the shortfall in the supply of housing land is addressed and that the maximum figure of new homes over the course of the plan period sought.
- 9.8 Accordingly the previously pursued strategy of confining development to within existing settlement limits requires reconsideration and the only viable option going forward is allocating sites outside the settlement limits, and on greenfield and green barrier sites.
- 9.9 In Wrexham the largest Greenfield areas of land capable of accommodating new housing lie immediately adjacent to its North West settlement boundary. It is submitted that this area has the greatest potential to accommodate new residential development of the scale required to address the significant shortfall in housing land supply.
- 9.10 The appeal site has been considered during Stage 1 of the Strategic Green Wedge Review as part of 'Area 4 - Land between Bradley, Rhosrobin and east of Gwersyllt'. The appeal site is split into candidate sites WR04CS, WR06CS, WR13CS. For the purposes of the Green Wedge Review and due to the characteristics of the area, the Council considered it most appropriate to assess the 3 sites forming this section of Area 4 in combination, however we are of the opinion that this is an incorrect assessment and in fact the three candidate sites should be reviewed in isolation as each has very different characteristics.
- 9.11 It is submitted that the site as whole can be developed such that part for housing will not compromise the green barrier separation function whereas the remaining part of the site will be kept open and the SAM and its open setting protected - thus contributing to and maintaining openness.



Map extract showing Area 4: Land between Bradley, Rhosrobin and east of Gwersyllt Candidate sites - WR04CS, WR06CS, WR13CS

- 9.12 We do not consider it appropriate for these candidate sites to be grouped together in this way when assessing the value of the Green Barrier for Area 4. The relationship and impact upon the Green Barrier clearly differs when the 3 sites are assessed individually. It is clear that WR13CS is the most favourable site out of the 3 in terms of relationship with the existing built form and minimal impact upon the Green Barrier; this site is the only part of the overall appeal site that is proposed for built development.

Site Attributes

- 9.13 The site (WR13CS) represents a logical extension to Wrexham and is in a sustainable location. The site is considered to represent an ideal urban extension scenario, currently surrounded on three sides by existing housing development.
- 9.14 Indeed the Council have stated in the Stage 1 Strategic Green Wedge Review: **"Overall development of the site would appear to be a logical rounding off of the urban form"**.

- 9.15 The site is bound by the A483 (to the south), the B425 (to the west), the Wrexham – Chester railway line (to the north) and Wat's Dyke (to the east). These boundaries will serve to restrict future expansion. The Council have also stated **"the railway line could form a new boundary should the site be developed, which would serve as a defensible boundary"**.
- 9.16 Overall, it is submitted that the site no longer meets many of the purposes of 'green wedges' as set out in Planning Policy Wales, section 4.8 – a position repeated to a certain extent by the Council.
- 9.17 The overall conclusion for Area 4 within the Green Wedge Strategic Review states:
- "Whilst the LDP Preferred Strategy has not identified individual sites beyond the proposed Key Strategic Sites, consideration will need to be given to the candidate sites in this area. 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 amendments to the designation will be necessary should candidate sites be deemed appropriate for inclusion at Deposit LDP stage".*
- 9.18 It is clear that amendments to the Green Barrier designation in the area are required should consideration should be given to the candidate sites in Area 4.
- 9.19 A more detailed analysis of the appeal site and the visual impact upon the character and appearance of the area, most notably the role the Green Barrier serves in this locality, is considered within the separately submitted statement prepared by the landscape consultant. Refer to Appendix 5 to this hearing statement.

10.0 LANDSCAPE IMPACT

10.1 An LVIA was completed in support of the application, which provides a more detailed assessment of the impact upon the landscape and also Green Barrier. This document sits alongside the Council's Strategic Green Wedge Review in determining the characteristics of the site and surrounding area and suitability for development

10.2 In summary, the assessment states:

"The proposed development of the site would not have a significant impact upon the national, county or local landscape character. Some poor quality, urban fringe land would be lost to development in the southern half of the site, which would extend the urban edge of Rhosrobin westwards, beyond Main Road. However, such an extension has already taken place at Churchlea and Olivet Gardens, immediately north of the site, and the proposed development would not extend any further west than either of these settlements. On completion, the development would sit comfortably alongside these existing housing estates and round off the urban edge of Rhosrobin. The retention of a green barrier to the north east of the site would ensure the permanent separation of Pandy and Rhosrobin and maintain key characteristics of the local landscape such as a the defined field structure, Wat's Dyke and scattered mature trees".

"In conclusion, significant impacts of the proposed development on the landscape and views are localised and limited to within the immediate vicinity of the developed area of the site. Mitigation by effective initial design and the overall layout goes some way to ensuring that most visual effects are minimised. Significant long term benefits to the landscape could also be provided by effective landscaping in and around the site and as such would not preclude the development of the site for residential purposes".

10.3 A more detailed analysis of the appeal site and the visual impact upon the character and appearance of the area, most notably the role the Green Barrier serves in this locality, is considered within the separately submitted statement prepared by the landscape consultant. Refer to Appendix 6 to this hearing statement.

11.0 ENHANCEMENT OF WAT'S DYKE

- 11.1 A section of a scheduled ancient monument, Wat's Dyke, traverses the site north-south. Scheduled Monument (DE151) forms only a short part of a much more extensive archaeological feature. The dyke is believed to have formed a physical boundary between two territories during the 8th century.
- 11.2 The monument is not currently under any management scheme and is in a generally poor state of preservation. Although much of the embankment is covered with turf which is serving to reduce erosion, the invasive actions of mature tree roots and burrowing animals along with focused erosion through the footfall of both horses and people have and continue to damage the remains. Overall the monument is in need of urgent works to stabilise and improve its condition.
- 11.3 Extensive dialogue has taken place with Cadw over the course of the application, to the point of agreeing a Management Plan for the protection and enhancement of the SAM on the appeal site. Control over the implementation of the Management Plan would be intrinsically linked with the proposed development on the appeal site.
- 11.4 A more detailed analysis of how the proposal would provide positive measures to protect and enhance a scheduled ancient monument is considered within the separately submitted statement prepared by the heritage consultant. Refer to Appendix 3 to this hearing statement.

12.0 OTHER POSITIVE CONTRIBUTIONS

AFFORDABLE HOUSING

- 12.1 In 2014, Wrexham County Borough Council, working in conjunction with Flintshire County Council, commissioned arc4 to undertake a joint Local Housing Market Assessment (LHMA). This joint assessment provides an up-to-date analysis of the social, economic, housing and demographic situation across the combined area. In particular, the LHMA considers the housing market area of Wrexham and Flintshire, the functionality of the current housing market(s), the potential future demand for housing as well as assessing housing need.
- 12.2 A final report was published in March 2015 and has been published by the Council as an Evidence Base Study in support of the emerging LDP(2). The findings of the report are extensive but most applicable to this appeal statement is the evidence of demand for affordable housing in the administrative area and the associated contribution that a permitted scheme on the appeal site could play in the supply chain.
- 12.3 Key points from the final report are set out as follows:
- In general, demand for affordable housing remains high across all areas and stock types.
 - There is a clear need for more provision of affordable housing; and it should be seen as a tenure of choice and not one of last resort.
 - Analysis through the needs assessment model reveals that there is an annual shortfall of 157 affordable dwellings across Wrexham County Borough.
 - It is also important to note that this model operates on the principle that the calculated backlog of need is cleared within a five year period.
 - The preferred affordable housing tenure split (based upon existing households in need and newly-forming households) is for 70% social/affordable rented and 30% intermediate tenure.
 - The analysis clearly suggests a need for smaller one to three bedroom properties for both under and over 65s with some three bed general needs (under 65s).

- 12.4 Whilst in outline only, with all matters reserved except for access, the description of development includes reference to the potential number of dwellings that can be developed on the site, this being up to 189. Policy H7 of the adopted UDP requires an element of affordable housing to be provided on developments of 25 or more dwellings. The Council will normally expect that 25% of the total site capacity to be provided as affordable housing. It is submitted that the appellant, as has been the position throughout the determination stage, fully supports the assignment of 25% of the total development for affordable housing, which would equate to 47 dwellings of the total figure of 189 dwellings is achieved.
- 12.5 The expectation is that the provision of affordable housing and the associated tenure would be controlled through a S106 Agreement, an engrossed copy of which will be submitted to the Inspector at the hearing session.

CHILDREN'S PLAY AREA, PLAS ACTON ROAD

- 12.6 There is a small existing equipped children's play area on Plas Acton Road at the north-east corner of the site – not in ownership of the appellant and not included in the red line. The proximity of this play area to the proposed development lends itself as a suitable area for use by the occupants of the proposed development and hence enhancement of the play area through an appropriate financial contribution, controlled through the S106 Agreement, would be justified. The appellant would support such an approach.

13.0PRECEDENT APPLICATIONS / APPEALS

- 13.1 Whilst planning appeals and applications are considered independently and on an individual basis, there are several recent decisions made under similar circumstances in the Wrexham area that act as strong precedent, and are evidence of the strong requirement for new housing in the borough. The comparable attributes of these sites are the Green Barrier designations and outside of settlement boundary locations. A table displaying the sites is set out on the following page.

Land East of Tan y Bont, Main Road, Rhosrobin, Wrexham | 01/12/2017
 HEARING STATEMENT Appeal ref no. APP/H6955/A/17/3182282

Planning Reference	Appeal Reference	Proposal	Site Address	Date	Decision
P/2015/0790	N/A	Outline Application for Residential Development (up to 56 no. dwellings) with Associated Works	Boozey Field Off Griffiths Road, Old Mold Road, Gwersyllt, Wrexham, LL11 4YF	Decision: 12/01/2017	Approved
P/2014/0262	N/A	Outline Application For The Erection Of 20 Dwellings And Formation Of New Vehicular And Pedestrian Access From Chestnut Court	Land South Of Chestnut Court, Summerhill Road, Summerhill, Wrexham LL11 4SP	Decision: 06/02/2015	Approved
P/2014/0905	APP/H6955/A/16/3147116	Outline application for up to 365 dwellings and erection of 300 square metre retail unit - all detailed matters reserved	Home Farm, Gresford Road, Llay, Wrexham LL12 0NW	Decision: 05/10/15 Appeal: 26/06/2017	Refused Allowed

Land East of Tan y Bont, Main Road, Rhosrobin, Wrexham | 01/12/2017
 HEARING STATEMENT Appeal ref no. APP/H6955/A/17/3182282

P/2013/0545	APP/H6955/A/15/31 35739	Outline Application For Redevelopment Of Land For Proposed Mixed Use Development Of Up To 300 (Use Class C3) Residential Dwellings, 465Sqm (Use Class B1, B2 And B8) Business, Industrial, Storage And Distribution Units, 235Sqm (Use Class A1) Retail, E	Land At Former Site Of Hafod Tileries, Hafod Road And Bangor Road, Johnstown, Wrexham, LL14 2SP	Decision: 16/06/2015 Appeal: 14/11/2016	Refused Allowed
P/2014/0480	APP/H6955/A/14/22 29480	Erection of 111 dwellings, provision of roundabout on Llay New Road, internal access roads, POS including wildlife area and retention of existing footpath	Land opp. St Peters Close, off Llay New Road, Rhosrobin, Wrexham, LL11 4RB	Decision: 01/07/14 Appeal: 03/07/15	Refused Dismissed

Boozey Field, Gwersyllt

- 13.2 This application was approved at committee without an appeal. The committee report states that there would not be an unacceptable impact upon the openness of the Green Barrier due to the characteristics of the site and defensible boundaries. Crucially the report also states:

"Even if the proposed development were considered to be inappropriate development, the lack of a 5 year land supply is a very exceptional circumstance and the proposed housing would make a significant contribution towards meeting this need that clearly outweighs any harm that the proposed development would do to the Green Barrier. Paragraph 4.8.15 of PPW states that these very exceptional cases can therefore be treated as departures from the plan".

- 13.3 It goes without saying that sites are assessed on an individual basis, however there are clear comparables between Main Road, Rhosrobin and the application at Boozey Field. The committee report acknowledges that the significant need for new housing can outweigh any harm that a development would do to the Green Barrier.

- 13.4 Main Road, Rhosrobin and Boozey Field both feature clear defensible boundaries that would prevent further encroachment into the Green Barrier.

- 13.5 The Committee report concludes by saying:

"Whilst representing a departure from some of the policies of the adopted UDP, the development of the site is justified in this instance as contributing to the 5 year land supply whilst at the same time being in a sustainable location and providing an acceptable form of development".

- 13.6 A full copy of the Committee Report is included as Appendix 7 to this hearing statement.

Summerhill Road, Wrexham

- 13.7 The Committee Report for the application is comparable to that of Boozey Field, in stating:

*"**Loss** of Green Barrier / Agricultural Land: I accept that here must be special circumstances to justify the release of Green Barrier Land for development. In this particular case the pressing need for additional housing is, in my opinion, a valid reason for giving favourably consideration to the release of appropriate sites for residential development".*

- 13.8 The report then goes on to say:

"Many of the settlements in the County Borough that can be considered sustainable places are either partially or wholly bounded by Green Barriers. It will therefore be difficult to significantly increase the supply of housing land if the current UDP policies, including Green Barrier designations, are strictly adhered to in every case".

- 13.9 A full copy of the Committee Report is included as Appendix 8 to this hearing statement.

Home Farm, Llay

13.10 This site is not located within the Green Barrier but is outside the defined settlement boundary of Llay. The application was recommended for approval by the planning officer but was refused by Councillor's at committee, essentially based on the following, as stated by the planning inspector in the appeal report:

"the case, in essence, goes no further than a complaint about built development on greenfield land beyond the settlement boundary. The argument rests on Gresford Road being the logical boundary to development and that settlement boundaries should remain static and once a boundary is established that is the boundary for all of time".

13.11 The application was then approved at appeal. There was a large amount of common ground between the appellant and the Council due to the officer's recommendation for approval.

13.12 Paragraph 227 of the appeal report states:

"There is a considerable and pressing need to increase the supply of housing in Wrexham County Borough. In the circumstances, I consider that the scheme's important contribution to addressing the present significant shortfall in the supply of housing, including affordable housing, is a consideration that attracts considerable weight".

13.13 Similarly Paragraph 228 states: *"The conflict with the development plan arises from the site's location outside the defined settlement boundary (UDP Policies PS1 and H5). However, the development plan (the UDP) is out of time and the current settlement boundaries were drawn in response to meeting the housing target of the UDP. As such they can be regarded as out of date and afforded significantly limited weight. The Council accepts that these settlement limits will have to be breached to meet future housing need as part of the emerging LDP, but given the early stage of the LDP there is no prospect of a plan led solution to increase housing land supply any time soon. In any event, the envisaged contribution of the proposed development to the supply of housing is a significant material consideration which is of sufficient weight to justify departing from the development plan".*

13.14 A full copy of the appeal decision is included as Appendix 9 to this hearing statement.

Hafod Tileries, Johnstown

13.15 This application represents a similar situation, albeit at a part Brownfield site within the Green Barrier. Again the same arguments are presented by the planning inspector at appeal.

13.16 Paragraph 180 of the appeal decision states:

"The proposed development would not accord with Policies PS1 and H5 of the UDP which seek to contain development within settlement limits. However, the Council accept these settlement limits will have to be breached to meet future housing need. I have afforded significant weight in favour of the proposal in regards to the Council's lack of a 5 year housing land supply. In addition I have also afforded significant weight in favour of the proposal's reuse of PDL which forms the overwhelming majority of proposed built development on the site. In addition the proposal would provide 60 much needed affordable homes. For these reasons, even though the proposed development when considered in its entirety would be contrary to the relevant policies of the UDP, I consider it would provide a suitable site for housing and other mixed uses having regard to the principles of sustainable development as advocated in PPW, outdated planning policies that seek to control new development outside of settlement limits, lack of a 5 year supply of housing land, and the PDL nature of the site".

13.17 A full copy of the appeal decision is included as Appendix 10 to this hearing statement.

Land opp. St Peters Close, off Llay New Road, Rhosrobin

- 13.18 This site is neighbouring the appeal site to the north, on the northern side of the railway line. The proposal was for a medium sized residential scheme (111 dwellings) by a recognised small to medium sized housebuilder. The site is directly comparable from a policy position, in that it sits outside a recognised settlement boundary and the land is designated Green Barrier. It must be noted however that, policy considerations aside, we are of the opinion that the appeal site differs greatly from the perspective of impact upon the wider landscape and role of the Green Barrier.
- 13.19 Whilst the application was refused, via a Committee decision, and ultimately an appeal was dismissed, the Officer's report to Committee was recommending approval and the approach that the Officer (same officer for this appeal site) took to the determination of the application from a strategic policy perspective is paramount in the consideration of this appeal.
- 13.20 Key extracts from the officer's report are submitted as follows:

Ordinarily I would recommend planning permission be refused for proposals that represent such a clear and (given the number of dwellings proposed) significant departure from UDP policies however the Council is only required to determine planning applications in accordance with an adopted development plan unless material considerations indicate otherwise.

Whilst noting the concern expressed that the applicants are effectively seeking to bypass the LDP process, anyone is entitled to seek permission to develop land. Furthermore, as noted above, the Council is required by Planning Policy Wales to have and maintain a 5 year housing land supply. This requirement applies irrespective of whether the Council has an up to date development plan or not. In cases like this the Council can only consider whether the need to increase the supply of housing land and the merits of an individual proposal justify departing from the provisions of an adopted development plan. It would therefore not be reasonable to defer or refuse individual planning applications until such time that the LDP has reached a more advanced stage.

Many of the settlements/areas in the County Borough that can be considered sustainable are either partially or wholly bounded by Green Barriers. It will therefore be extremely difficult to significantly increase the supply of housing unless some exceptions to the current UDP policies are made in appropriate cases.

The existing development and transport infrastructure bounding the site mean that the proposed development will not project into the wider rural landscape. Furthermore the does not extend further northwards into the Green Barrier than existing built development in New Rhosrobin directly opposite. As such the site can be considered a logical extension to the existing built up area.

Whilst representing a clear departure from the policies of the adopted UDP, the development of the site is justified in this instance due to the lack of a 5 year land supply in Wrexham, the sustainable location of the site and the fact that an acceptable form of development is proposed.

- 13.21 It is submitted that a number of the comments made by the Officer greatly contradict those put forward in their report to Committee in the determination of the application on site being considered in this appeal. It is acknowledged that the position can change in respect of Planning policy, particularly when there is a timeframe difference of a couple of years or more as in this case, however the critical point to make in this case is that the policy position remains directly comparable.
- 13.22 A full copy of the officer's report is included as Appendix 11 to this hearing statement.
- 13.23 What is paramount from this is the need for consistency in decision making. Whilst each case is assessed on its merits there are a number of key issues and themes that emerge from the analysis of these cases that are applicable to the appeal and to which weight needs to be given.

14.0 CONCLUSIONS

- 14.1 This appeal is in respect of a refusal of planning permission for residential development of up to 189 dwellings with all matters reserved except for access at land east of Main Road, Rhosrobin, Wrexham.
- 14.2 Land off Main Road, Rhosrobin is a readily deliverable site and has already received interest from national housebuilders. The proposal is not speculative and would present the local planning authority with a well-considered sustainable form of development that supports their strategic vision.
- 14.3 The proposal would provide an appropriate site for housing having regard to planning policies which seek to strictly control new development outside settlement boundaries and within the Green Barrier.
- 14.4 The proposal protects the character and appearance of the area and enhances land designation strategically.
- 14.5 The proposal would provide a good level of affordable housing to meet strategic demand in the locality.
- 14.6 The proposal would provide positive measures to protect and enhance a scheduled ancient monument.
- 14.7 The proposal is deliverable.
- 14.8 Despite being outside the current development boundary, it is submitted that the planning application at Main Road, Rhosrobin should be considered in the context of the presumption in favour of sustainable development in line with Planning Policy Wales. On this basis the scheme will assist in delivering houses within the framework of TAN 1 and national planning policies.
- 14.9 The Local Planning Authority does not have a five year housing supply. As such it is considered that policy relating to Green Barrier and settlement boundaries can be afforded less weight. The Green Barrier designation of the site and settlement boundary (policies PS1 and EC1) form the sole grounds of contention with Wrexham Council.
- 14.10 Wrexham Council have acknowledged that there will need to be some Green Barrier release in order to supply adequate land to meet housing demand. The site represents the most favourable site within Area 4 of the Strategic Green Wedge Review that has been undertaken by the Council.
- 14.11 Land off Main Road, Rhosrobin represents a situation where the significant contribution the application would make towards meeting the shortfall in

housing requirement outweighs the little harm that the development would cause the Green Barrier.

14.12 It is considered that there are exceptional circumstances that justify residential development at the site, as such, it is respectfully requested that this planning appeal is allowed and planning permission be granted.

15.0 APPENDICES

THE FOLLOWING DOCUMENTS ARE SUBMITTED
SEPARATELY FROM THIS STATEMENT FOR EASE OF
CROSS-REFERENCE

1. Officer's Report to Committee (February 2017)
2. Supplementary Transport Hearing Statement (inc. appendices)
3. Supplementary Heritage Hearing Statement (inc. appendices)
4. Council's Candidate Site Register Summary Sheets (February 2016)
5. Supplementary Green Barrier review Hearing Statement (inc. appendices)
6. Supplementary Landscape and Visual Hearing Statement (inc. appendices)
7. Boozey Field, Gwersyllt application - Committee Report (May 2016)
8. Summerhill Road, Wrexham application - Committee Report (July 2014)
9. Home Farm, Llay application - Appeal Decision (January 2017)
10. Hafod Tileries, Johnstown application - Appeal Decision (2016)
11. Land opp. St Peters Close, Rhosrobin application - Committee Report (February 2015)

APPLICATION NO:
P/2016 /0189

LOCATION:
LAND EAST OF TAN Y BONT MAIN
ROAD RHOSROBIN WREXHAM
LL11 4RL

DATE RECEIVED:
19/02/2016

COMMUNITY:
Gwersyllt

DESCRIPTION:
OUTLINE APPLICATION FOR
RESIDENTIAL DEVELOPMENT (UP
TO 189 DWELLINGS) WITH ALL
MATTERS RESERVED EXCEPT FOR
ACCESS

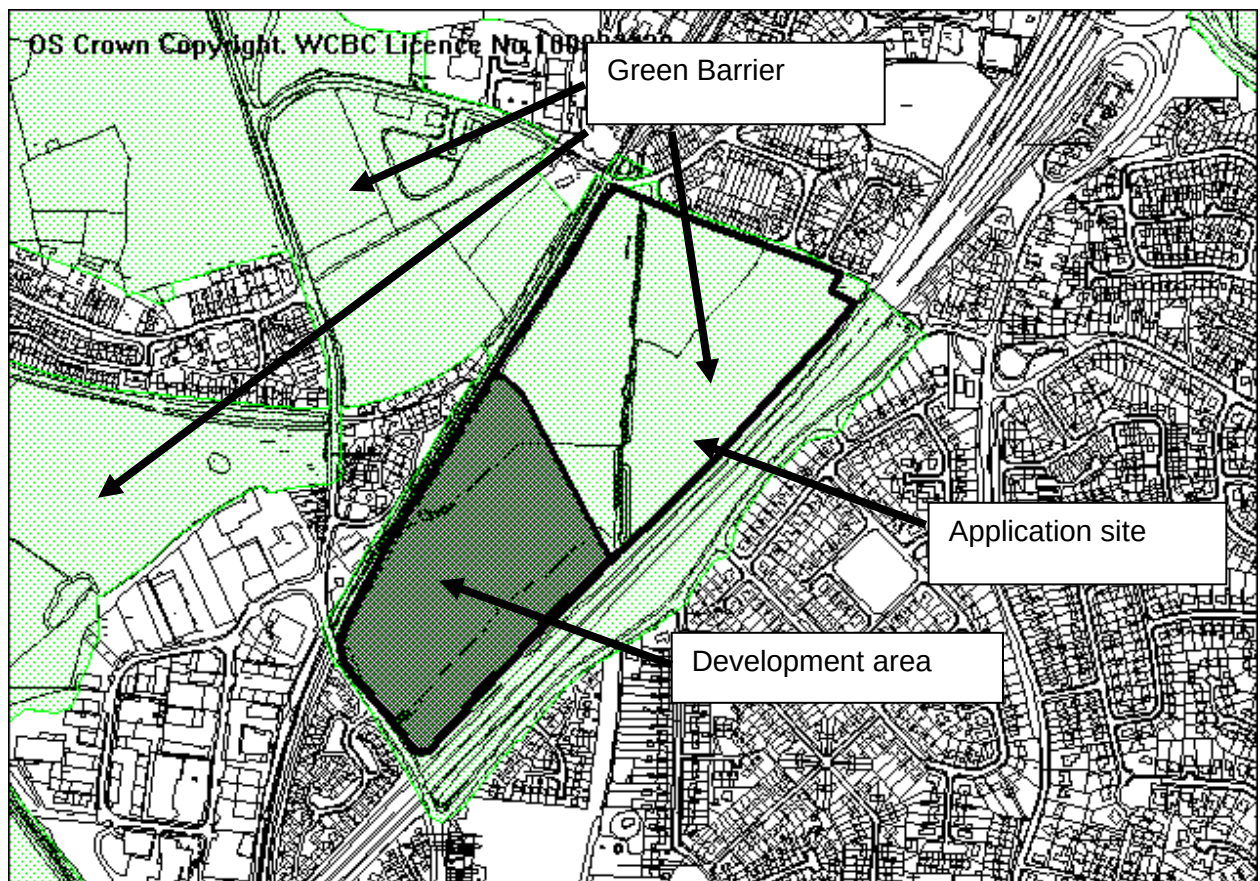
CASE OFFICER:
MP

WARD:
Gwersyllt East & South

AGENT NAME:
CASSIDY AND ASHTON

APPLICANT(S) NAME:
WELSH TOWN PLANNING AND
HOUSING TRUST AND

THE SITE



PROPOSAL

As above. Approval for the main site accesses is sought at outline planning permission stage. Layout, appearance, scale and landscaping are reserved for subsequent approval.

HISTORY

6/16216 Residential development, children's play area and construction of new vehicular and pedestrian access. Refused 6.3.89
P/2014/0876 Outline application for a maximum of 338 dwellings and approval of two new vehicular and pedestrian accesses. Refused 5.10.15

NATIONAL PLANNING POLICY

Planning Policy Wales, in particular:

Chapter 4: Planning for Sustainability
Chapter 6: The Historic Environment
Chapter 8: Transport
Chapter 9: Housing

Guidance in the following Technical Advice Notes (TAN) is also relevant:

TAN1: Joint Housing Land Availability Studies
TAN5: Nature Conservation and Planning
TAN11: Noise
TAN12: Design

DEVELOPMENT PLAN

Outside of settlement limit, within Green Barrier. Policies PS1, PS2, GDP1, GDP2, EC1, EC2, EC4, EC6, EC11, H5, CLF5, CLF7, T8 and MW9 apply.

CONSULTATIONS

Gwersyllt CC:

Object for the following reasons:

- the site in question is outside the settlement limit
- the site forms part of the green barrier and the proposal is contrary to a number of existing planning policies which have been put in place to protect belts of open countryside and to safeguard the character of villages
- the Council considers that little regard (if any) has been paid to the Wales Spatial Plan in bringing the application forward for discussion by the Planning Committee. It is particularly concerned

that the community of Gwersyllt is becoming a regular target for new development at a time when the preparation process for the Wrexham Local Development Plan 2 for 2013-2028 has yet to be completed. This is putting the community under great pressure and is, in the Council's opinion, contrary to the spirit of the Wales Spatial Plan which promotes the building of sustainable communities whilst retaining their character and distinctiveness.

- furthermore, the Council considers that there are strong reasons to refuse planning permission in this case on grounds of prematurity particularly having regard to the following:
 - the development plan is still in preparation and has yet to be adopted or approved
 - the submitted development proposals are so substantial that any decisions need to be taken in the context of an approved development plan
 - the proposals would have a significant impact on the nearby settlements

Rhosddu CC:

Councillor David Griffiths:

Councillor Bernie McCann:

Councillor Andy Williams:

Councillor I David Bithell:

Public Protection:

Notified 3.3.16

Notified 26.2.16

Notified 26.2.16

Notified 3.3.16

Notified 3.3.16

Have made the following comments:

- There is the possibility of made ground on the development site due to potential infilling of a pond. Conditions recommended to ensure any potential contamination issues are adequately addressed
- Conditions/notes recommended in respect of construction impacts;
- The noise report does not give predicted noise levels for outdoor areas (gardens, patios) which is a matter of concern.
- Plot specific recommendations should be required once the final site layout has been determined. Calculations should be provided to demonstrate the effectiveness of the proposed noise mitigation measures to achieve WHO

	recommended levels of indoor living rooms, bedrooms and outdoor amenity areas.
Parks, Countryside, RoW: Flood Management Officer:	Consulted 26.2.16 The indicative scheme design does demonstrate that SuDS techniques can be incorporated into the scheme to fully manage surface waters generated by the development. No information is included with regards to future maintenance or management of this scheme. Recommend a condition requiring the submission, approval and implementation of a sustainable drainage scheme.
Highways:	Have made the following comments: - The development itself only increases traffic around the Stansty Road/Prices Lane junction by approximately 2%. Welsh Government guidelines provides advice that a 5% increase in traffic using any junction as being material; - Traffic flow at the Plas Acton Road/B5425 Llay Road junction will be improved with a traffic signal controlled junction. - It is difficult to justify refusal on highways grounds; - Conditions recommended in the event of permission being granted.
Education:	Consulted 3.3.16
Wales and West Utilities:	Consulted 26.2.16
Dee Valley Water:	Consulted 26.2.16
Welsh Government (Trunk Roads):	Directs that permission be withheld until further notice while additional information is sought in respect of the proposed noise barrier along the boundary of the development with the A483.
Welsh Government (Land Use Planning):	Provided the following advice on the previous application: - The Agricultural Land Classification Report submitted has not been completed in accordance with the <i>Revised Guidelines and Criteria for Grading the Quality of Agricultural Land (MAFF 1988)</i>; therefore the Welsh Government do not consider the report or its findings to be valid.

- The whole of the current site and an area to the north west was surveyed in detail by the Welsh Office in 1993. This shows the current site to be predominantly ALC Subgrade 3a (approximately 11.83 hectares) with an area of Subgrade 3b (approximately 3.96 hectares) in the centre.

Welsh Water:

Recommend planning conditions, including a Grampian condition to protect the public sewer assets by ensuring that a Hydraulic Modelling Assessment any re-enforcement work is undertaken prior to occupation.

Natural Resources Wales:

Flood Risk

- The updated flood map for surface water suggests that there are areas of the site that could be subject to surface water flooding. These areas have been highlighted in the Applicant's Flood Consequences Assessment (FCA) (Tier Environmental Limited, T/14/1400/FCA, 12 January 2016). We note that the "indicative site layout plan" shows that there will be no built development in these potential risk areas, and this is to be welcomed.

Management of surface water runoff

- The FCA proposes to direct surface water runoff from the developed site using infiltration techniques. The Applicant, and the FCA, have failed to submit supporting data (e.g. results of onsite soakaway tests) to prove that such techniques are viable across the developable areas of the site. As there are no watercourses on, or in vicinity of, the site to dispose of surface water, and since Welsh Water have not provided confirmation that surface water could be directed to the public sewer network, then there is a risk that a viable means of surface water disposal could not be achieved at this site. It is our recommendation that this issue be resolved, in conjunction with your drainage department, PRIOR to the grant of any planning approvals.

Foul drainage

- Dwr Cymru/Welsh Water should be consulted on the proposals and be

requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development.

Protected Species

Bats

- The report identifies that there are several trees on site with the potential to support bats.
- Should bats be found to be using the trees as roosting sites then we would expect you to propose and deliver appropriate mitigation and/or compensation schemes, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained.
- We advise that any permission includes a condition requiring the submission of a lighting scheme prior to the commencement of development to be approved to the satisfaction of the local planning authority.
- As recommended in the report, hedges should be retained as far as possible in order to maintain habitat connectivity.

Reptiles

- The Ecological Assessment Report identifies that the site generally has low potential to support reptiles and there are limited opportunities within the wider landscape that may allow reptiles to disperse to the site although some areas of suitable habitat exist within areas of transitional scrub vegetation.
- As recommended in the report, a precautionary approach with regard to vegetation clearance is recommended.

Nesting Birds

- As recommended in the report any removal of vegetation should be undertaken outside of the nesting bird season (March – August inclusive). If this is not possible a pre-clearance check should be made by an ecologist no more than 24 hours in advance of removal.

Invasive Species

- As identified in the Ecological Assessment Report, the presence of invasive species needs to be confirmed.

Waste Management

- We recommend that a Site Waste Management Plan (SWMP) is drawn up prior to scheme's commencement in order to ensure full duty of care is complied with.

Cadw:

Have submitted the following comments following a number of discussions between them and the archaeologists employed by the applicants:

- The management plan produced in response to our previous letter of 19 April 2016, which set out our concerns about the adverse impact of this housing development on the setting of the scheduled monument known as Wat's Dyke: Section W of Ty-Gwyn (DE151). Our subsequent letter of 22 July noted that whilst we maintained our view that the proposed development will have a significant impact on the setting of this monument, we accepted that this impact could in principle be compensated for by a comprehensive management plan for the monument. The submitted management plan addresses the whole of this 410m scheduled section of Wat's Dyke, which falls within the same ownership. Having reviewed the management plan we consider that, if fully and successfully implemented, it will compensate for the impact of the proposed development on the setting of the southern end of the scheduled area of Wat's Dyke: Section W of Ty-Gwyn. The plan will also see the installation of interpretative materials that will help to raise local awareness of its significance and consequently aid its longer term conservation;
- Our comments have also been requested on the proposed drainage scheme for the development. The proposed scheme entailed the crossing of the Dyke by a conventional drainage pipe running to a pond towards the north-eastern side of the site. We had

previously expressed concerns that the scheme would result in a direct impact on the upstanding earthwork and any associated buried archaeology and potential further impacts on undesignated archaeology in the vicinity of the proposed pond. However, having revisited the site in conjunction with the engineering report, it is accepted that the proposed drainage option is likely to be the only viable option due to the topography of the site and the constraints preventing other forms of drainage;

- Discussions at the site meeting of 7 September established a potential crossing point for the drainage pipe at a point where a field access has entirely removed the earthworks of the Dyke above ground and where its original form and extent is now unclear. We consider the proposed laying of a conventional pipe, with the width of the affected section of the scheduled area subjected to a full archaeological excavation in advance, to be acceptable;
- With reference to Cadw's Conservation Principles (Feb 2011) the limited localised destruction of buried remains by a pipe trench of 1.5m or less in width would in our opinion be outweighed by the information retrieved by an archaeological excavation about the character of the monument at this point and the potential for dating evidence from buried soils. The archaeological excavation followed by construction will require an application for scheduled monument consent from the Welsh Ministers (via Cadw).

North Wales Police:

Recommend secure by design measures are incorporated into the development.

CPAT:

The new layout is a significant improvement on the previous design with all development confined to a smaller area to the south west of the scheduled monument. Offa's Dyke is no longer hemmed in on both sides by housing and there appear to be no new or enhanced pedestrian crossings of the dyke.

The principal open views to and from the scheduled monument are largely preserved although there will still be some visual impact to the south west which may be partly alleviated by appropriate natural screening.

There are no impacts to the prehistoric ring ditch burial features located on the eastern margin by the evaluation work. We note that landscaping is proposed within the permanent green barrier area on the west side of the dyke. There should preferably be no new groundworks here with the area preserved more or less as it is with existing tree cover, pasture and hedgerows. New tree or hedge screening would be approved on the eastern development boundary only.

Overall the Trust finds this proposal to be more sympathetic to the setting of the dyke and it will have no significant impact upon non-designated archaeology. The Trust would therefore support this initial layout design in principle.

The comments of Cadw must be sought with regard to the setting of the dyke and the proposed landscaping on the western side. Cadw's comments will take precedence over ours with regard to the scheduled monument.

Ramblers Association:

Have made the following comments:

- The footpath on the ground and boardwalk over the wet area are on a different line than on the plans submitted which I believe was put in by WCBC in the wrong place. The line of the path as distinguished by WCBC is not the one shown on the plans and this must be sorted out before any plan is accepted;
- The area by Wat's Dyke has now been flooding since the installation of the Wrexham Bypass as no drain was put in to allow for water removal.

Network Rail:

Recommends measures be put in place and conditions be imposed to ensure the development does not adversely impact upon the adjacent railway line.

Site Notices (x3):

Expired 24.3.16

Press Notice:

Expired 31.3.16

Neighbours:

The owners/occupiers of 69 nearby properties notified 3.3.16

7 representations received **objecting** to the development on the following grounds:

- Traffic
- Capacity of local schools
- Capacity of doctors surgeries and hospital
- Loss of green space
- Pond on site that houses newts
- Loss of habitat
- The site is situated on Green Belt land
- Insufficient information to consider impacts upon adjacent properties
- Site layout is unclear;
- Visual impact
- The land is classed as Green Barrier in the UDP. Until WCBC produced a new LDP this land such be classed as such and not for development;

2 representations received in **support** of the application and making the following comments:

- The inclusion of permanent green areas either side of Wats Dyke is well considered and a reasonable compromise when one accepts the current need for housing;
- There is an opportunity not to be missed to require the developer to further development the existing children's play park situated in the north east corner of the site of Plas Acton Road.
- Consideration should be given to traffic management at the Plas Acton/Main Road junction.

SPECIAL CONSIDERATIONS

Background: Outline planning permission was sought in 2014 for up to 400 dwellings to be erected on the application site. Access to the site would have been via Plas Acton Road to the north and New Road to the south. By the time the application was reported to Planning Committee in October 2015 the proposals had been amended, including a reduction in the maximum number of dwellings to 338. Planning permission was refused for 3 reasons:

1. *The site lies outside of a settlement limit and within a Green Barrier. The development will result in the coalescence of Wrexham, Old*

Rhosrobin and Pandy. It is therefore contrary to policies PS1 and EC1 of the Wrexham Unitary Development Plan.

2. *The site will not be provided with adequate means of access to the highway and the development will have a detrimental impact upon the free flow of traffic along the local highway network and upon highway safety. It is therefore contrary to policy GPD1(d) of the Wrexham Unitary Development Plan.*
3. *The development will have a significant and detrimental impact upon Wat's Dyke, a scheduled ancient monument, and its setting. Accordingly the development does not accord with policy EC11 of the Wrexham Unitary Development Plan.*

The current proposals seek to overcome the above reasons for refusal in the following ways:

- A substantially reduced built up area and a corresponding reduction in the maximum number of dwellings proposed to 189;
- The submission of a Scheduled Ancient Monument Management plan in respect of Wat's Dyke;
- Vehicular access via New Road only.

Policy: The proposals do not accord with any of the circumstances set out in policy H5 that permit small scale residential development on sites outside of settlement limits and therefore conflicts with that policy as well as PS1. In addition to lying outside of the settlement boundary the site lies within a Green Barrier and the development will lead to the irreversible loss of land that has an Agricultural Land Classification of Grade 3a (around 75% of the site is classified as Grade 3a with the remainder Grade 3b as confirmed by the Welsh Government) thus the proposals conflict with both policies EC1 and EC2.

Notwithstanding the above, it is necessary to consider whether there are relevant material considerations that justify departing from one or more policies of the UDP. These will be discussed in more detail below.

Housing Land Supply: Planning Policy Wales (paragraph 9.2.3) requires Local Planning Authorities to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing.

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies advises that where a local planning authority does not have an adopted Local Development Plan or where an adopted UDP is outside of the plan period, they will not be able to produce a JHLAS and therefore will not be able to demonstrate whether they have a 5 year housing land supply or not.

Because the UDP plan period expired in 2011, Wrexham is now unable to demonstrate whether it has a 5 year housing land supply. Furthermore the emerging Wrexham Local Development Plan will need to make provision for

around 8,460 new homes (this includes provision for a 10% contingency) to meet the housing needs of the County Borough over the 2013-2028 period. Taking into account existing deliverable supply this equates to a requirement for sufficient land to be brought forward for around 4,000 houses to be built. It is therefore clear that there is a need to significantly increase the supply of land available for housing in the County Borough.

In addition to the above, the Council will have to be able to demonstrate that it has a 5 year housing land supply when the LDP is adopted and in order to be able to do that, deliverable sites will need to continue to be brought forward for development between now and LDP adoption.

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies advises that where the local planning authority has been unable to undertake a study (as is now the case for Wrexham – see previous paragraph), TAN1 (paragraph 6.1) 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 national planning policies.

This development would make a significant contribution to the supply of housing land in Wrexham and this is a consideration that weighs heavily in its favour.

Weight afforded to policy PS1: The existing settlement limits reflect the housing requirements identified in the UDP that were informed by migration led projecting, using mitigation trends from 1996. The LDP housing requirements are informed by far more up to date information. It will not be possible to meet the County Borough's future housing requirements without the release of greenfield sites and in light of this, policy PS1 is now outdated and therefore afforded less weight in the determination of planning applications. Despite this it does not automatically follow that **all** proposals to development sites located outside of settlement limits should be granted planning permission, particularly if those sites are afforded greater protection by other UDP policies.

Loss of Green Barrier: The UDP designation of Green Barriers is consistent with the Green Wedges referred to in Planning Policy Wales. Planning Policy Wales advises that inappropriate development should not be permitted within Green Wedges. The construction of new buildings is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings;

- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.

None of the above applies to this proposal and it is therefore inappropriate development.

Green Wedges/Barriers do not have the permanence of a Green Belt (there being no Green Belts in Wrexham) and should be reviewed as part of the development plan process. The existing Green Barrier designations are being reviewed (Strategic Green Wedge Review) as part of the process of preparing Wrexham's Local Development Plan and not all land currently designated Green Barrier will necessarily be afforded the same protection when the LDP is adopted.

The area of Green Barrier that includes the application site was subject to Stage 1 of the Strategic Green Wedge Review which was completed in February 2016. Its conclusions are set out below:

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 (0.18 miles) 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 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.

I have already acknowledged above that in order to provide the land needed to meet the housing requirements of the County Borough, the release of greenfield land outside of existing settlement limits will be required. This may include land currently designated as Green Barrier. Indeed the conclusions of Stage 1 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 (or Green Wedge as they will be called in the LDP) may be needed should sites be deemed suitable for allocation for development at LDP deposit stage. In my opinion the decision whether sites within the current Green Barrier surrounding Old and New Rhosrobin and Pandy are released for development should be one taken as part of the LDP plan preparation and not via individual planning applications.

There must be very exceptional circumstances to grant individual planning applications for housing development in Green Barriers. It is clear there is a **considerable** need to increase the supply of land available for housing in the County Borough. In appropriate cases this could be considered to be a very exceptional circumstance sufficient to outweigh the Green Barrier designation. However the importance of the site in the context of the Green Barrier it lies within must also be carefully considered.

Members will be aware that planning permission for the erection of 117 dwellings on land to the north-west of this site was refused in November 2014 (reference P/2014/0480) on the grounds that the site lay outside of the settlement limit and within a Green Barrier. The subsequent appeal was dismissed with the Inspector concluding that:

In this instance it serves to prevent coalescence of the adjacent settlements of, Old and New Rhosrobin, and Pandy. The green barrier in proximity of the site extends over a wide arc from the south east to the north and west, and it serves to constrain the urban villages of Old and New Rhosrobin and Pandy. The development of the site would result in the distinction between the villages being lost and would therefore be contrary to national and local policies that seek to prevent the coalescence of settlements.

I appreciate that the Inspector was only considering the merits of the site subject to the appeal however the 'wide arc' of Green Barrier he refers to arguably also includes the application site. In addition to the above a number of other appeals have been dismissed due to the sites in question being located in the Green Barrier. Again I appreciate that each case will have been looked at on their own merits; however it is clear that Inspectors have consistently determined that the shortage of land available housing will rarely justify granting permission in Green Barriers.

Whilst the western side of Main Road is almost continuously built up from Wrexham to just beyond the Rhosddu Industrial Estate, with only the A483 and Wrexham to Chester railway line separating the built development, the eastern side of the road is noticeably less well developed. Indeed the application site provides a very clear visual break between Wrexham and Old Rhosrobin. Although the A483 and Wrexham to Chester railway line bound the site and would continue to provide a degree of continued separation if the site were developed it would be significantly less so than at present. Indeed the development of the site would result in there being no clear distinction between Wrexham and Old Rhosrobin to the extent that they would be considered to be part of the same built up area rather than two separate settlements.

The application site also provides a very clear buffer of undeveloped land between Rhosrobin and Pandy. Whilst considerably less of the site would be developed than the under the previous proposals, the development would still represent a significant intrusion into the Green Barrier separating Old Rhosrobin and Pandy, particularly when viewed from the A483. One of the key features of land designated Green Barrier its openness. Whilst not

defined in PPW or the UDP, openness can be considered as the absence of built development. The proposed development would therefore still significantly harm the openness of the Green Barrier, despite its reduced scale compared to the previous proposals.

Whilst I acknowledge that the contribution the development can make towards housing land supply is a significant benefit, as would be the provision of up to 47 affordable houses, the development will significantly and detrimentally impact upon the openness of the Green Barrier and result in the coalescence of Wrexham and Old Rhosrobin as well as a significantly eroding of the existing gap separating Old Rhosrobin and Pandy. I do not consider housing land supply issues constitute the very exceptional circumstances to set aside the Green Barrier objections to the development in this instance.

Loss of Grade 3a Agricultural Land: Planning Policy Wales advises that the agricultural land classed as Best and Most Versatile (BMV) (Grades 1, 2 and 3a) should only be developed if there is an overriding need for the development.

The applicant has submitted an agricultural land classification report that concludes that the site is likely to be classed as Grade 3b land. However this assessment was not carried out in accordance with the correct guidelines. The site was last surveyed by the Welsh Office in 1993 and this found that 75% of the site to be Grade 3a and therefore BMV land. The remainder was classified as Grade 3b.

Notwithstanding the above, the site is physically separated from any other agricultural land by roads, a railway line and built development. In my opinion this is likely to make it more difficult (although not impossible) to utilise the land as part of a larger agricultural holding. It is also worth noting that the site currently divided between by 3 separate landowners so is not necessarily available to be farmed as a single unit. Given these constraints as well as the fact that there is a significant need for additional housing land in the County Borough, I am of the opinion that the conflict with policy EC2 would not, in this particular case, be a valid reason for refusal.

Design/visual impact: All detailed design matters are reserved for subsequent approval. The application is accompanied by an indicative masterplan, which is included below:



In addition to the above plan, other submitted details confirm that the density of development would vary between 20 and 30 dwellings per hectare. The dwellings would be 2 and 2.5 storeys high and an illustrative street plan confirms that the general form of development is likely to be broadly comparable to existing residential developments in the area.

The development would have a significant impact upon the appearance of the site however this is inevitable when green field sites are developed. Whilst the site has considerable value in terms of its Green Barrier function, as well as preserving the setting of Wat's Dyke (discussed separately below), it is not high quality landscape. I accept that there are features of value within the site, notably mature trees and hedges, however it would be possible to consider how best to preserve these and to require new/replacement planting at reserved matters stage. The implementation of an arboricultural method statement would help ensure the trees are protected during construction and this could be secured by condition. I therefore do not consider there to be valid reasons to refuse planning permission on design/visual impact grounds.

The indicative plan includes does not make reference specifically to the provision of public open space (POS), however it does show that all of the land to the north-east of the proposed built development being retained as a green barrier. Whilst this would be peripheral rather than integral to the scheme, its position is dictated by the need to protect the setting of Wat's Dyke. It would be readily accessible on foot by future occupiers of the development. Indeed part of the land is already used for informal recreation purposes – footpath Gwersyllt no.24 crosses the site along the alignment of Wat's Dyke.

The area of land between the proposed built development and Wat's Dyke is shown on the submitted plans as being 2.6ha in area. To accord with policy CLF5, 189 dwellings would require just over 1.5ha of open space. In my opinion the indicative plan provides significant scope for the provision of an adequate area of informal open space and could be given further consideration at reserved matters stage. A planning obligation to secure the long term management of open space would be required.

Whilst Parks, Countryside, Rights of Way have not commented on this application they did comment on the previous one by recommending improvements to and expansion of the existing play area adjacent to the north-east corner of the site as well as contributions towards off-site playing fields. Contributions towards off-site open space provision could be secured via a Planning Obligation and the expansion of the play area could be considered in more detail at reserved matters stage.

Amenity: I am satisfied that the site can be developed without prejudicing the amenity of occupiers of properties close to the site by way of loss of light, privacy or by being visually overbearing. I also have no reason to believe that the site cannot be developed in a way that provides future occupiers with an adequate standard of amenity.

The development will need to incorporate noise mitigation due to the site being bounded by the A483 and the Wrexham to Chester railway line. Subject to this matter being given further consideration prior to approval being sought for the site layout as well as the inclusion of appropriate noise mitigation measures, I am confident that it would be possible to ensure the amenity of future occupiers is not unduly impacted by noise from road and/or railway traffic. The inclusion of adequate noise mitigation could be secured via an appropriately worded condition.

There is inevitably likely to be some disruption during construction, both as a result on noise from plant and machinery used on site, dust as well as construction traffic travelling to and from the site. I am however of the opinion that these impacts could be managed and minimised through the implementation of a Construction Environment Management Plan that could be secured by planning condition.

Highways: Approval for the site access is sought at outline planning permission stage. A four exit roundabout junction on Main Road is proposed

that will give access to the development as well as to the Top Farm Road housing estate directly opposite the application site. Highways have not expressed any concerns about the site access and I therefore have no reason to conclude that it will present a risk to highway safety.

Whilst it is inevitable that the development will increase traffic on local roads, Highways have advised that they do not consider the impact to be sufficient to justify refusal of the application. The Transport Assessment accompanying the application includes proposals to provide traffic signals at the Plas Acton/B5425 Llay Road junction to the north of the site. This will help to improve traffic flow at that junction and off-set the impact of additional traffic to/from the site using those roads. Subject to the implementation of those works, which could be secured by way of a Grampian style condition, and in the absence of any evidence to the contrary I have no reason to conclude that the local road network has insufficient capacity to safely accommodate traffic from the proposed development.

Archaeology: Wat's Dyke, a Scheduled Ancient Monument, crosses the site in a north-south direction. The Dyke survives as an embankment for over 295 metres of its 370 metres length across the site.

Unlike many other sections of the Dyke in and around Wrexham, which are either inaccessible or viewed within a narrow corridor, within the application site the Dyke is set within open fields that provide a semi-rural setting. Indeed this is the last area in the locality where the Dyke can be viewed in anything like its original rural setting.

Whilst the indicative plans propose a significantly reduced area of built development compared to the previous application, Cadw initially remained concerned about the impact the development would have upon the setting of the Dyke. The applicant's archaeologist has liaised extensively with Cadw to address their concerns.

The indicative plan shows considerable undeveloped landscaped buffer either side of the Dyke. In addition the application is now accompanied by a Scheduled Ancient Monument Management Plan that proposes measures to improve the appearance and setting of the Dyke, such as the removal of scrub and low quality trees, the removal of dumped material close to the Dyke, repairing, replacing and construction of fences, repair to eroded areas, as well as long term management of the Dyke and undeveloped land around it to help preserve it in the long term.

Cadw have confirmed that the development will have a significant impact upon the setting of the Dyke, however they accept that this impact can be mitigated and compensated for via the management plan. The development also presents an opportunity to enhance the local awareness of the Dyke via interpretive materials i.e. information boards. The implementation of these measures could be secured by planning condition.

In light of the advice received from Cadw as well as the consultation response from CPAT, whilst it is clear that whilst the development would still have a significant impact upon the setting of Wat's Dyke, the current proposals would have considerably less impact than the development proposed by the previous application. What is more, the current application includes proposals for measures to help off-set those impacts. It must also be remembered that the Dyke is not subject to any proactive scheme management at present, so the proposals do present an opportunity to secure measures that will assist preserve it in the longer term. I am therefore satisfied the current proposals address the archaeological reason for refusal of the previous application.

Ecology: The site has been subject to an ecological assessment and NRW have confirmed that in light of the assessment, they are satisfied that the development is unlikely to adversely impact upon statutorily protected species. This is however subject to the implementation of recommendations made within the report regarding mitigation.

Mitigation can be secured by planning condition and, should outline planning permission be granted, the reserved matters details in respect of layout and landscaping would need to be informed by the recommendations made within the report and by NRW's comments. Subject to this and in light of both the report and NRW's advice I am satisfied the site could be developed without adverse impact upon statutorily protected species.

Drainage:

Foul Drainage

Welsh Water initially objected to the previous application on the grounds that the development would overload the existing sewerage system. However following discussions with the applicant they lifted their objection and recommend Grampian style condition is imposed to prevent development taking place until a scheme for the provision of foul sewerage infrastructure has been submitted to and approved by Local Planning Authority and then prevent any dwelling being occupied until the scheme as approved has been implemented in full. The scheme will need to be informed by Hydraulic Modelling Assessments. Their response to this application reaffirms that advice.

Surface Water

The site has been assessed to determine whether the ground conditions are suitable to enable soak away type drains to be used. The drainage assessment recommends that land to the east of Wat's Dyke is suitable for infiltration drainage and suggests the formation of an infiltration drainage pond on that part of the site. I am satisfied the submissions demonstrate that the site is suitable for sustainable urban drainage systems and as a consequence the development is unlikely to significantly increase the risk of on or off-site surface water flooding. The detailed design and implementation of a surface water drainage scheme could be secured by planning condition.

Minerals: Approximately half of the site is subject to policy MW9. The policy applies to areas where there are potentially exploitable mineral reserves and states that non-mineral development will not be permitted unless it has been demonstrated that no exploitable mineral reserves existing within the site. Alternatively a development must make provision for the removal of the mineral resources.

The areas of the site subject to the policy lie close to existing residential development fronting Plas Acton Road and Top Farm Road and lie adjacent to the A483 and the Wrexham to Chester railway line. It would not be possible to work any exploitable mineral reserves under the site without severely compromising the amenity of nearby residents and/or causing significant disruption to local transport infrastructure. Whilst no part of Wat's Dyke lies within those parts of the site subject to the policy, the northern section of the Dyke is immediately adjacent. Accordingly there would be a significant risk of mineral extraction works damaging sections of the Dyke. Mineral extraction would also impact significantly upon the setting of the Dyke. It is therefore unlikely that any mineral extraction works would take place within the site and accordingly I find no conflict with policy MW9 in this instance.

Community Infrastructure: I have not received a consultation response from Education, however they did comment on the previous planning application by advising that contributions towards primary education were required. I am unaware that circumstances have changed significantly since the determination of the previous application. A planning obligation would be required to secure the contributions.

Education did not previously request contributions towards secondary school provision and I have not been presented with any evidence to demonstrate that circumstances have changed. I therefore have no reason to conclude that there is insufficient secondary school capacity to cater for an increase in demand for places as a result of the development.

Objectors have expressed concerns about the capacity of local health care services to cater for additional demand. There is no UDP policy or Local Planning Guidance Notes that impose a specific requirement for the developers to provide or make contributions towards other infrastructure such as health care facilities. In the absence of any evidence that the development will severely prejudice the effective delivery of local healthcare services these concerns do not present a valid reason to refuse planning permission.

CONCLUSION

Whilst acknowledging the significant contribution the development could make towards the supply of housing land, this benefit is significantly outweighed by the harm the development would have upon the Green Barrier as a result of the virtual coalescence of Wrexham and Old Rhosrobin and the considerable erosion of the gap separating Pandy from Old Rhosrobin and Wrexham.

RECOMMENDATION: That permission be REFUSED

REASON(S)

1. The site lies outside of a settlement limit and within a Green Barrier. The development will result in the coalescence of Wrexham and Old Rhosrobin and 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 Wrexham Unitary Development Plan.
-

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (UP TO 189
DWELLINGS) WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS**

**APPEAL STATEMENT
(TRANSPORT PLANNING)
PLANNING REF: P/2016/00189
APPEAL REF: APP/H6955/A/17/3182282**

**PREPARED ON BEHALF OF:
LIBERTY PROPERTIES**



10 King Street
Newcastle under Lyme
ST5 1EL

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4.0	OPERATION OF THE PROPOSED SITE	5
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IJM/B	APPEAL SITE LAYOUT PROPOSAL DRAWING
IJM/C	DRAWING 074-01/GA-02 – NEW ROAD SITE ACCESS PROPOSALS
IJM/D	DRAWING 074-01/GA-03 - PLAS ACTON ROAD /B5425 SIGNAL CONTROLLED ARRANGEMENT

1.0 INTRODUCTION

1.1 Brief

- 1.1.1 This Hearing Statement has been prepared by Cameron Rose Associates on behalf of Liberty Properties (the Appellants), in support of their appeal against Wrexham County Borough Council (WCBC) of full planning application for the development of up to 189 residential dwellings served from the B5425 Llay New Road.
- 1.1.2 This Hearing Statement associated with Transport Planning summaries the position of agreement reached on highways matters. Transport Planning, has not been cited as a reason for refusal and reference is made to the highways consultation response dated 28 November 2016, which is included as **Appendix IJM/A**,
- 1.1.3 This statement has been prepared with due regard to the findings of the Transport Assessment prepared by Cameron Rose Associates dated January 2016 and submitted as part of the planning application package. In addition; reference is made to Cameron Rose Associates Consultation Responses detailed in Technical Note 02 (dated June 2016) and the subsequent correspondence with Wrexham County Borough Council highway officers. .
- 1.1.4 In order to enable traffic generated by the development proposals to be accommodated on the local highway network, a series of measure were agreed with Wrexham County Borough Council. These included:
- The formation of a new access off the B5425 Llay New Road, which will take the form of priority controlled roundabout junctions;
 - The upgrade of the junction of Plas Acton Road /B5425 to a signal controlled arrangement, with works delivered through a S278 agreement; and
 - A footway/ cycleway linking the site to the Plas Acton Road junction with Blue Bell Lane.

3.2 Accessibility by Sustainable Modes

- 3.2.1 Consideration within the application was given to various sustainable modes of transport demonstrating that the site is in a sustainable location, consistent with Government policy objectives.
- 3.2.2 The matter of the sites accessibility via sustainable modes has been deemed acceptable and is not a matter of this appeal.

4.0 DEVELOPMENT OVERVIEW

- 4.1.1 The application proposals are in outline form only. An indicative Masterplan has been developed for the site which indicates that the site could accommodate up to 189 residential units, at a net density of approximately 33 dwellings per hectare. The residential dwellings will include a significant element of affordable housing. The proposed site layout is illustrated in **Appendix IJM/B**.
- 4.1.2 Up to 189 residential units will be accessed via a newly constructed junction off the B5425 Llay New Road. The new access will take the form of priority controlled roundabout junctions. The junctions have been designed to accommodate refuse and emergency vehicle access to the site. The proposed site access is presented in drawing 074-01/GA-02, illustrated in **Appendix IJM/C**.
- 4.1.3 The matter of the site access has been deemed acceptable and is not a matter of this appeal.

5.0 OPERATION OF THE PROPOSED SITE

5.1 Study Area

5.1.1 In order to inform the local highway authority on the potential impact on the proposed development, operation capacity assessments were undertaken for a Weekday AM and PM peak period. Assessments have been undertaken for the following junctions, as agreed with Wrexham County Borough Council, using the software noted:

- A483/ Bluebell Lane/ A5156 – LINSIG;
- Plas Acton Road/ B5425 Llay Road – PICADY;
- Plas Acton Road/ Bluebell Lane – PICADY;
- B5425 Llay Road/ Rhosrobin Road – PICADY;
- B5425 New Road/ Ty Gwyn Lane – PICADY;
- B5425 New Road/ Price's Lane/ Stansty Road – PICADY;
- B5425 Rhosddu Road/ A5152 Grosvenor Road – ARCADY;
- B5425 Llay New Road/ Site Access – ARCADY; and
- Plas Acton Road/ Site Access – PICADY.

5.2 A483/ Bluebell Lane/ A5156

5.2.1 Wrexham County Borough Council have agreed that with the addition of development traffic flows, the junction will continue to operate within acceptable capacity limits for a future assessment year. It has therefore been concluded that in operational capacity terms, the proposed development will not have a material impact on the operational performance of the junction.

5.3 Plas Acton Road/ B5425 Llay Road

- 5.3.1 Operational capacity assessments demonstrated that the junction will operate over its practical capacity in a future assessment year, without the addition of traffic generated by the proposed development.
- 5.3.2 In order to accommodate additional traffic growth associated with the development proposals, the application included proposals to upgrade of the junction of Plas Acton Road /B5425 to a signal controlled arrangement.
- 5.3.3 The highway authority have accept the mitigation works presented in drawing 074-01/GA-03, illustrated in **Appendix IJM/D** for the junction of Plas Acton Road/ B5425. The proposed development will therefore fund the implementation and upgrade of the junction to a signal controlled arrangement, with works delivered through a S278 agreement. These works in addition to mitigating against the impact of the traffic generated by the development, will also provide a benefit to a road network that is currently operating above it practical capacity.

5.4 Plas Acton Road/ Bluebell Lane

- 5.4.1 Wrexham County Borough Council have agreed that with the addition of development traffic flows, the junction will continue to operate within acceptable capacity limits for a future assessment year. It has therefore been concluded that in operational capacity terms, the proposed development will not have a material impact on the operational performance of the junction.

5.5 B5425 Llay Road/ Rhosrobin Road

- 5.5.1 Wrexham County Borough Council have agreed that with the addition of development traffic flows, the junction will continue to operate within acceptable capacity limits for a future assessment year. It has therefore been concluded that in operational capacity terms, the proposed development will not have a material impact on the operational performance of the junction.

5.6 B5425 New Road/ Ty Gwyn Lane

- 5.6.1 Wrexham County Borough Council have agreed that with the addition of development traffic flows, the junction will continue to operate within acceptable capacity limits for a future assessment year. It has therefore been concluded that in operational capacity terms, the proposed development will not have a material impact on the operational performance of the junction.

5.7 B5425 New Road/ Price's Lane/ Stansty Road

- 5.7.1 This junction was subject to additional junction modelling following the submission of Transport Assessment. The original modelling work resulted in a hugely disproportionate impact on Prices Lane. Following consultation with Wrexham County Borough Council highway officers, a more detailed investigation and modelling analysis was undertaken in October 2016, adopting an agreed methodology.
- 5.7.2 As a result of this additional work, Wrexham County Borough Council have agreed that in operational capacity terms, the proposed development will not have a material impact on the operational performance of the junction.

5.8 B5425 Rhosddu Road/ A5152 Grosvenor Road

- 5.8.1 Wrexham County Borough Council have agreed that with the addition of development traffic flows, the junction will continue to operate within acceptable capacity limits for a future assessment year. It has therefore been concluded that in operational capacity terms, the proposed development will not have a material impact on the operational performance of the junction.

5.9 B5425 Llay New Road/ Site Access

- 5.9.1 The results of the operational capacity assessments have demonstrated that the proposed site access junction is suitable to accommodate the proposed development traffic, for a future assessment year.
- 5.9.2 It is therefore considered that the proposed site access is sufficient to accommodate the development proposals. The matter of the site access has been deemed acceptable and is not a matter of this appeal.

5.10 Summary

5.10.1 The highway works proposed in association with the site, will not only mitigate against the impact of the traffic generated by the development, but will also provide a benefit to a road network that is currently operating above its practical capacity.

5.10.2 It should also be noted that these enabling works ensure that the development can be delivered in the short term; unlike other strategic sites, such as the site off the Ruthin Road (KSS1), which will require a new junction with the A483 Trunk Road, resulting in delivery of the site being between a five and 10 year period, due to consultation and construction timeframes.

5.10.3 Accordingly, paragraph 32 of the National Planning Policy Framework, which states; '*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'; can be considered and dismissed as the residual cumulative impact can be judged as not being severe.

6.0 SUMMARY AND CONCLUSIONS

6.1.1 This Hearing Statement has been prepared by Cameron Rose Associates on behalf of Liberty Properties (the Appellants), in support of their appeal against Wrexham County Borough Council (WCBC) of full planning application for the development of up to 189 residential dwellings served from the B5425 Llay New Road.

6.1.2 In order to enable traffic generated by the development proposals to be accommodated on the local highway network, a series of measure were agreed with Wrexham County Borough Council. These included:

- The formation of a new access off the B5425 Llay New Road, which will take the form of priority controlled roundabout junctions;
- The upgrade of the junction of Plas Acton Road /B5425 to a signal controlled arrangement, with works delivered through a S278 agreement;
- A footway/ cycleway linking the site to the Plas Acton Road junction with Blue Bell Lane.

6.1.3 This Hearing Statement associated with Transport Planning summaries the position of agreement reached on highways matters. Transport Planning, has not been cited as a reason for refusal.

6.1.4 Overall it is considered that the site is a suitable location for the proposed development and there are no highways or transport reasons that should prevent the granting of planning consent for the proposals.



APPENDICES



APPENDIX IJM/A

HIGHWAY CONSULTATION RESPONSE

MEMORANDUM

From:	Service Manager Environment	To:	Head of Community Well-being and Development
Our Ref:	P/2016/00189	Your Ref:	P/2016/0189
Date:	28 November 2016		

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

Location: O. S Grid Ref: 3310 5260 Land East of Tan y Bont, Main Road, Rhosrobin
Development: Outline application for residential development (up to 189 dwellings) with all matters reserved except for access.

I refer to your consultation dated 27 April 2016 in respect of the above.

The original transport assessment revealed that the traffic generated by the proposed development would cause significant increase in queuing traffic at the Prices Lane junction; despite the fact that there were only 45 additional cars generated by the development over the peak hour. It was on the basis of this significant detriment to the highway that my first response recommending a refusal was based.

In order to address concerns raised about the impact of development traffic on the Prices Lane junction, the applicant submitted a more detailed investigation and modelling analysis in October 2016 using a methodology agreed with the highway department.

It was apparent that the development traffic appeared to cause a hugely disproportionate impact on Prices Lane. The revised detailed modelling of the junction demonstrated that although queuing along Prices Lane would increase it would be not be as significant an increase as originally believed.

The development itself only increases traffic around the Stansty Road / Prices Lane junction by approximately 2.2%. Welsh government guidelines TAN 18 annex E para 4 provides advice in respect of likely material increases in traffic levels. As a broad guide the assembly government regards a 5% increase in traffic using any junction as being a material increase.

Traffic flow at the Plas Acton Road / B5425 Llay Road junction will be improved with a traffic signal controlled junction.

Given the above it is difficult to justify a refusal on highway grounds.

I therefore recommend that any permission include the following conditions:

CONDITIONS

NONSTDC CONSTRUCTION OF ROUNDABOUT

026R

No part of the development shall commence until a scheme detailing the provision of the following has been submitted to and approved in writing by the Local Planning Authority:

- An appropriately designed roundabout at the site access junction with Main Road and Top Farm Road

The approved scheme shall be implemented prior to commencement of development

NONSTDC CONSTRUCTION OF SIGNAL CONTROLLED JUNCTION

026R

E06N

E07N

No part of the development shall commence until a scheme detailing the provision of the following has been submitted to and approved in writing by the Local Planning Authority:

- An appropriately designed traffic signal controlled junction at the Llay New Road junction with Plas Acton Road

The approved scheme shall be implemented prior to occupation of the first dwelling.

NONSTDC CONSTRUCTION OF CYCLEWAY / FOOTWAY

026R

E06N

E07N

No part of the development shall commence until a scheme detailing the provision of the following has been submitted to and approved in writing by the Local Planning Authority:

- A footway / cycleway linking the site to the Plas Acton Road junction with Blue Bell Lane

The approved scheme shall be implemented prior to occupation of the first dwelling.

NONSTDC CONSTRUCTION DETAILS

026R

The detailed layout, lighting, design, drainage and construction of the internal estate road shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority prior to the commencement of any site works.

ZJ45

026R

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

No part of the development shall commence until a Construction Traffic Management Plan including provisions for contractor parking has been submitted to and approved in writing by the Local Planning Authority and the Plan as is approved has been fully implemented.





APPENDIX IJM/B

APPEAL SITE LAYOUT PROPOSED DRAWING



KEY

-  MAIN ACCESS / VEHICLE ACCESS
-  ACCESS IMPROVEMENT TO EXISTING HIGHWAY
-  PUBLIC RIGHT OF WAY
-  PROPOSED CYCLE PATH
 - UPTO 3M WIDE
 - BOUND MATERIAL SURFACE
 - LOW LEVEL ILLUMINATION ALONG ROUTE
-  DEVELOPMENT BOUNDARY
-  KEY SETTING - EXISTING LONG DISTANCE VIEWS TO HORIZON & SETTING OF WAT'S DYKE PERMANENTLY MAINTAINED STREETS
-  URBAN DESIGN FOCAL POINTS
-  GATEWAY NODE
-  EMERGENCY ACCESS ROAD
-  ACOUSTIC ATTENUATION
-  INDICATIVE RESIDENTIAL FRONTAGE
-  DEVELOPMENT AREA MEDIUM LEVEL DENSITY; UPTO 30no. Units pha 2 - 2.5 STOREY HEIGHT DEVELOPMENT AREA; 6.31ha UPTO 189NO. DWELLINGS
-  EXTENT OF WAT'S DYKE
-  NO BUILD BUFFER ZONE FOR SCHEDULED ANCIENT MONUMENT ENHANCEMENT / IMPROVEMENT OF WAT'S DYKE BY AGREEMENT WITH L.A.
 - 30m West
 - 10m East
-  MAINTAINED LAND (PERMANENT GREEN BARRIER)
-  LANDSCAPING (PERMANENT GREEN BARRIER) POS AREA; 2.6ha

TOTAL UPTO 189NO. DWELLINGS

NEW ROAD - RHOSROBIN, WREXHAM
INDICATIVE MASTERPLAN / DEVELOPMENT FRAMEWORK

C3429 - P01C
SCALE - 1:2000 @ A2

Cassidy+
Ashton

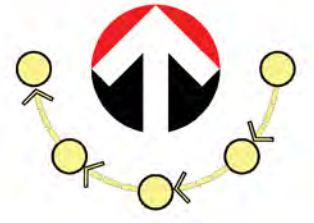
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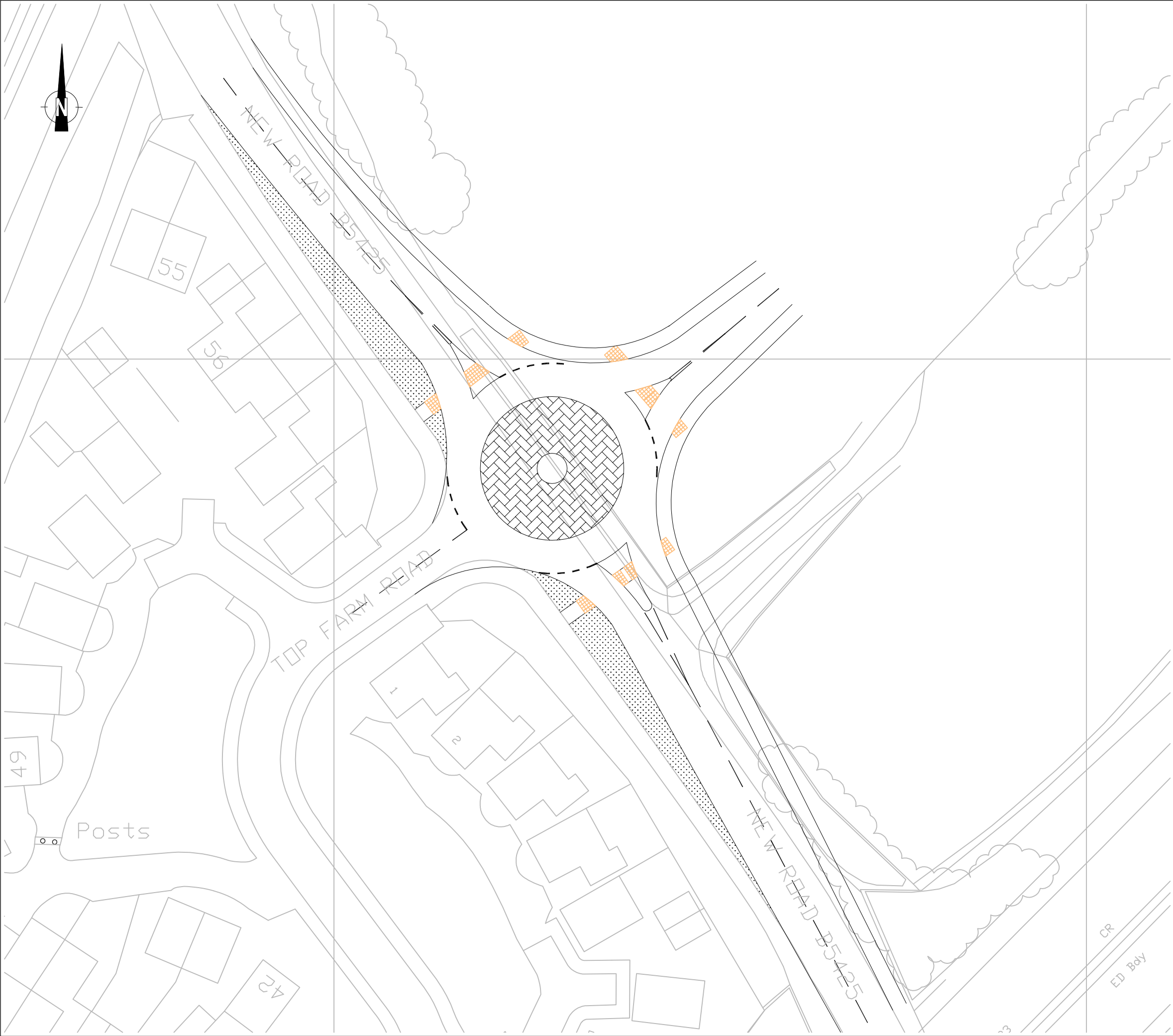
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APPENDIX IJM/C

DRAWING 074-01/GA-02 – NEW ROAD SITE ACCESS PROPOSALS



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This drawing has been prepared for feasibility purposes and does not represent a construction plan. All design aspects to be confirmed at the appropriate detailed design stage.

● Revision History

● Date

A	desc	date a
B	desc	date b
C	desc	date c
D	desc	date d
E	desc	date e
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G	desc	date g
H	desc	date h
I	desc	date i
J	desc	date j

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CAMERON ROSE
ASSOCIATES

client:

Tier Consult

project:

Rhosrobin
Propsed Residential Development

drawing title:

New Road Site Access
Preliminary Design Proposal

scale(s): 1/500date: 21/10/14drawn by: IJMchecked: CAB

drawing number: 074-01/GA-02

xrefs:

status:

Information

rev:

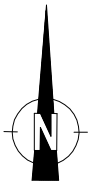
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DATE PRINTED:



APPENDIX IJM/D

**DRAWING 074-01/GA-03 - PLAS ACTON ROAD /B5425 SIGNAL
CONTROLLED ARRANGEMENT**



Anti-skid surface for a distance of 50m
or similar as agreed by engineer

Off-side secondary signal or
similar as agreed by engineer

Near-side primary signal head

Anti-skid surface for a distance of 50m
or similar as agreed by engineer

Anti-skid surface for a distance of 50m
or similar as agreed by engineer

Near-side primary signal head

Near-side primary signal head

Traffic signals ahead warning sign to
Diag. 543 in accordance with TSRGD



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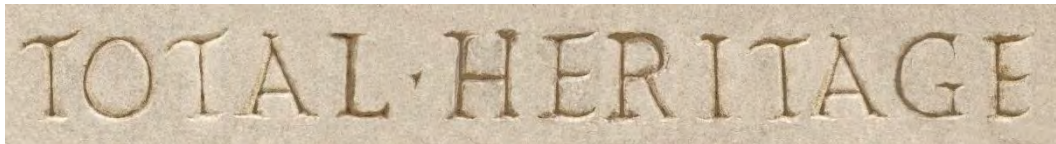
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Heritage Appeal Statement

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

On behalf of Liberty Properties

November 2017

Total Heritage Project Ref: 17/009/ROS

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- 6 Letter dated 19/04/2016 from Helen May (Protection and Policy, Cadw)
- 7 Letter dated 22/07/2016 from Nichola Davies (Protection and Policy, Cadw)

1.0 INTRODUCTION

- 1.1 This Heritage Appeal Statement has been prepared by Total Heritage on behalf of Liberty Properties. It relates to the effects of the proposed housing development across land to the east of Tan y Bont, Rhosrobin on historic assets and, in particular, the effects of the proposed development on the scheduled monument comprising a section of Wat's Dyke (CD151) which crosses the appeal site from southwest to northeast.
- 1.2 Whilst heritage issues were not part of the reason for refusal of the application, the appeal is at liberty to re-examine all elements of the refused application. Although heritage issues did form a reason for refusal of the 2014 application for the same site, revisions of the indicative masterplan, extensive discussions with Cadw and the production of a management plan led Cadw to withdraw their objection¹, recognising that the development would provide an opportunity to greatly enhance and conserve the section of Wat's Dyke running through the appeal site.
- 1.3 The purpose of this statement is to set out the significance of the scheduled monument and to explain its current condition, to summarise discussions with statutory heritage consultees and the measures taken by the appellant to enhance the significance of the designated heritage asset.
- 1.4 The effect of the proposals on designated heritage assets are limited to the setting of a single scheduled monument, Wat's Dyke west of Ty Gwyn (CD151). No other effects on other designated heritage assets were raised in a formal response to the application by CADW, in their role as statutory advisors to the Local Planning Authority (in this case, Wrexham County Borough Council) on matters relating to scheduled monuments.
- 1.5 The effects of the outline proposals on Wat's Dyke have been assessed as indirect; an effect on the setting of the scheduled monument.
- 1.6 This statement is informed by site visits carried out on 22nd June, 7th September and 12 October 2016. The second and third visits also included a meetings with Cadw officers on the appeal site.

¹ Letter from Cadw dated 08/02/2017 stating their intention to withdraw their earlier objection

- 1.7 As the refusal of planning permission (06/03/2017) does not relate to cultural heritage, the proposals are considered to be in line with Welsh Government policy on heritage matters and that they meet the relevant objectives of TAN 24 and Planning Policy Wales in that the development would conserve and enhance the historic environment, recognise the contribution it makes, understand the significance of historic assets, contribute to the knowledge and understanding of the past.
- 1.8 The appellant's view is that the proposals represent an opportunity to protect and enhance a scheduled monument and that this in turn represents a significant benefit of the proposals.

2.0 SITE AND MONUMENT DESCRIPTION

The Appeal Site

- 2.1 The appeal site lies approximately 2km north of Wrexham town centre, adjacent to and north of the A483. It comprises fields to either side of the scheduled monument which divides the appeal site into two unequal parts. The larger part is to the west and would contain all the scheme's housing with the eastern part proposed as maintained pasture forming Permanent Green Barrier land. The roughly rectangular appeal site is bounded to the southeast by the A483, to the southwest by Ffordd Fawr, to the northeast by Ffordd Plas Acton and to the northwest by the deep cutting for the railway line from Wrexham to Chester.
- 2.2 The enclosed land for the most part comprises improved grassland with some scrubby woodland to the southwest. The land is divided into smaller parcels of land by a series of hedgerows and post and wire fences. The remains of Wat's Dyke forms an almost continuous boundary through the appeal site with occasional breaches along its length.

Monument description

- 2.3 Scheduled Monument (DE151) forms only a short part of a much more extensive archaeological feature. The dyke is believed to have formed a physical boundary between two territories during the 8th century. The identity of Wat is not clear although the monument as a whole is associated with the better known Offa's Dyke which extends along much of the border between England and Wales. This part of Wat's Dyke was designated in 1986 and the definitive area covered by the designation is illustrated at Appendix 4.1 of the Scheduled Monument Management Plan.²
- 2.4 The description of the scheduled monument held on the Clwyd Powys Archaeological Trust (CPAT) Regional Historic Environment Record notes that the monument has been badly damaged by quarrying and agricultural activity³. In its current form, the earthen embankment survives up to a maximum of 1.3m above the surrounding ground surface although in places, particularly in

² Scheduled Monument Management Plan (January 2017), Wat's Dyke: Section W of Ty-Gwyn (DE151) – Total Heritage

³ Scheduled monument description for this section of Wat's Dyke (Primary Ref. No. 106671) – from Archwilio
 Heritage Appeal Statement | Land east of Tan y Bont, Main Road, Rhosrobin, Wrexham | On behalf of Liberty Properties | November 2017 | ©

the northern/ southern extremes and in the central northern areas, the bank appears entirely removed. Conversely, the quarry ditch is likely to survive in much better condition although for the most part it is infilled with only occasional linear depressions indicating its general position.

- 2.5 The prominence of the earthwork is further diminished by vegetation and trees which have grown or been planted both along the bank and across the land immediately to the west. In the north of the application site, the bank survives to c.1m high and is capped by a broad and intermittent hedgerow of shrub plants such as hawthorn and holly, interspersed with areas of bracken and tall grass. Vegetation on the central and southern parts of the designation is typified by taller willow and bramble thicket interspersed with tall, mature deciduous trees such as oak, cherry and hazel.

3.0 RELEVANT PLANNING POLICY

Introduction

- 3.1 The following chapter summarises heritage-specific policy and guidance relevant to the proposal for a residential development on the appeal site.

Legislation

- 3.2 The Ancient Monuments and Archaeological Areas Act 1979 makes provision for the scheduling and management of (normally) unoccupied archaeological structures. In the case of the proposals considered by this appeal, this applies solely to the remains of a section of Wat's Dyke discussed above. The Act sets out a process for managing physical intervention known as scheduled monument consent, but it does not create a statutory framework for the consideration of the setting of an ancient monument.

TAN 24: The Historic Environment (2017)

- 3.3 Technical Advice Note 24: The Historic Environment superseded Welsh Office Circular 60/96 "Planning and the Historic Environment: Archaeology" in May 2017. The technical advice note is set out in several parts relating to different components of the historic environment of which Section 4 deals with the importance of archaeology and advises on the handling of archaeological matters in the planning process. Paragraph 4.1 of the technical advice note notes that archaeological remains are a finite and non-renewable resource which requires appropriate management.
- 3.4 Paragraph 4.2 advises that archaeological remains are a material consideration in the planning process and when considering proposals affecting scheduled monuments and other archaeological remains of national significance, there should be a presumption in favour of their preservation in-situ.

Planning Policy Wales

- 3.5 Planning Policy Wales (Edition 9, November 2016) Chapter 6 "The Historic Environment" contains guidance on managing change affecting listed buildings and archaeological monuments, and on the conservation of historic sites.

Cadw Guidance

- 3.6 Cadw's Conservation Principles 2011 sets out a number of helpful definitions and principles which help to establish the significance of historic assets and the effects of change, leading towards an assessment of impact within the overall planning balance.⁴ The key definitions are noted here:

Historic Asset:⁵ *"An identifiable component of the historic environment. It may consist or be a combination of an archaeological site, an historic building, or a parcel of historic landscape. Nationally important historic assets will normally be designated."*

- 3.7 Significance: "The sum of the cultural heritage values often set out in a Statement of Significance." Conservation Principles 2011 describes four heritage values,⁶ namely:

- **Evidential Value:** Value deriving from the potential of a place to yield evidence about past human activity.
- **Historical Value:** Value deriving from the ways in which past people, events and aspects of life can be connected through a place to the present.
- **Aesthetic Value:** Value deriving from ways in which people draw sensory and intellectual stimulation from a place.
- **Communal Value:** Value deriving from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

⁴ The general language and structure of Cadw's *Conservation Principles* 2011 is similar to that of English Heritage's *Conservation Principles* 2008. In England, some of the terminology was adopted in the now-cancelled PPS5, and it is now to be found in the NPPF. In Wales there is a greater gap between the language of *Conservation Principles* 2011 and the earlier Circulars 60/96 and 61/96, but the approach in *Conservation Principles* is nevertheless very helpful in creating a structure within which assessments can be made.

⁵ Broadly equating to a heritage asset in current terminology in England.

⁶ These four heritage values are broadly the same as those in English Heritage's *Conservation Principles* 2008. In England the advent of PPS5 in 2010 indicated that setting was also to be considered to be part of the significance of a heritage asset, and this has been more formally stated to be the case in the NPPF, almost as a fifth heritage value. In Wales the policy basis for this is less formal, but paragraph 11 of Circular 61/96 does state that setting is often part of a building's character, indicating a broadly similar approach.

Setting: "The surroundings in which an historic asset is experienced, its local context, embracing present and past relationships to the adjacent landscape."

- 3.8 *Conservation Principles* 2011 also sets out six principles within which historic assets should be managed and conserved when undergoing change, and it is made clear at a number of points that the setting of a historic asset is of considerable importance. In summary, the six principles set out by Cadw fall under the headings (1) Historic assets will be managed to sustain their values, (2) Understanding the significance of historic assets is vital, (3) The historic environment is a shared resource, (4) Everyone will be able to participate in sustaining the historic environment, (5) Decisions about change must be reasonable, transparent and consistent, and (6) Documenting and learning from decisions is essential.

Local Development Plan

- 3.9 The development plan covering the appeal site is the Wrexham Unitary Development Plan 1996 - 2011 from which, Policy CM11 relates to 'Archaeology' and includes scheduled monuments along with non-designated below ground remains.

Policy CM11: Archaeology

- 3.10 This policy seeks to preserve the 'site and setting of a Scheduled Ancient Monument or archaeological site of national significance'. The policy specifically mentions Wat's Dyke, stating that 'Before development is carried out on these [scheduled monuments] Scheduled Monument Consent would be required.

4.0 ASSESSMENT AND CONSULTEE DISCUSSIONS

- 4.1 This chapter provides an assessment of the significance of the scheduled monument produced by Total Heritage⁷ in response to Cadw's advice to the local planning authority relating to the heritage effects of the 2016 application. The assessment considers the part setting plays in that significance and the effect development of the appeal site would have on that significance. Subsequent correspondence and meetings with Cadw officers are relevant to the establishment of common ground concerning the significance of setting, the effect of the proposals on the scheduled monument and agreement of suitable compensation measures and so have been included, were relevant to this assessment
- 4.2 Following consultee responses to the 2014 application, a number of revisions were made to the masterplan in order to address concerns relating to the proximity of the housing to the scheduled area. As a result, prior objections received from Clwyd Powys Archaeological Trust relating to the setting of the scheduled monument and any archaeological remains on the appeal site were withdrawn⁸

Assessment of Significance

- 4.3 The earthwork in its current form is a much diminished remnant of the original early medieval land boundary. As noted in the CPAT Regional Historic Environment Record, 'The dyke is badly damaged by quarrying and agricultural activity', going on to state that the 'Southern end of this section of Dyke cut-through by the building of the Wrexham by-pass'.
- 4.4 As set out at 4.7 above, the significance of a monument can be defined by four components of heritage value, namely its evidential value, historical value, aesthetic value and communal value. The monument's setting also plays a part in its significance. The extent to which each of these components contributes to the monuments' significance is set out below.
- 4.5 The principal interest of the monument lies in its evidential and historic value, that is, it's potential to provide information on human activity in this area during the early medieval period. The dyke represents a physical boundary dividing two different cultures, probably during the 8th century AD. At that time, this landscape

⁷ Letter dated 06/06/2016 from Karl Hulka (Heritage Consultant T/A Total Heritage)

⁸ Email dated 16/03/2016 from Mark Walters (Development Control Archaeologist, CPAT)

would have comprised a mixture of close woodland and more open agricultural land. Archaeological evidence suggests that the land to the east of the dyke saw some form of occupation at various times in the past and it is likely that when newly constructed, the immediate vicinity of the earthwork was kept clear of trees and shrubs. Although its physical, above-ground form has undergone significant disturbance, it is likely that the quarry ditch, in this instance on the west of the bank, survives in relatively good condition albeit infilled. The fills of this ditch are also likely to retain evidence of period over which the boundary was maintained methods of construction and environmental conditions at the time.

- 4.6 The aesthetic value of the monument is considerably diminished by post-medieval activity including quarrying and agricultural practices which have reduced the height or totally removed the embankment. This is compounded by mature trees and shrub vegetation which obscure views from and towards the monument. Although Cadw's advice to the local planning authority in relation to the 2016 application⁹ stated that this scheduled monument '*is presently one of the last unenclosed sections of Wat's Dyke*', in reality, the monument is enclosed by woodland along much of the southern part and barely recognisable in areas to the north due to the degradation of its form as described above.
- 4.7 The communal value is also recognised although this is qualified by acknowledging that relatively few members of the public who use the footpath along the embankment are likely to appreciate the full significance of the monument other than its physical presence as a landscape feature.
- 4.8 The setting of the monument is that of an improved agricultural landscape crossed by field boundaries. The southern part of the monument, on its west side, is enclosed by woodland and scrub vegetation and at its southern end the setting of the scheduled monument is dominated by the dual carriageway which cuts through it. The landscape is largely the product of the 19th and 20th centuries and whilst the dyke has probably served as a boundary throughout the period since its construction, the closeness of the woodland, presence of trees and shrubs along the embankment along with post and wire fences, gates etc. provide little context to the monument and add nothing to its significance.

⁹ Letter dated 19/04/2016 from Helen May (Protection and Policy, Cadw)

- 4.9 In the initial consultation response¹⁰, Cadw concluded that the proposals would result in '*significant adverse impacts*' on this scheduled monument and its setting. In the appellant's written response to this¹¹, the extent of the impact was questioned, arguing that the role setting played in the significance of the scheduled monument had been overstated and that consequently, the overall effects of the proposals on that significance were also overstated. The setting was assessed as only playing a small part in the overall significance of the scheduled monument and the proposals would not in any meaningful way impact on the understanding and appreciation of its significance.
- 4.10 Subsequent email correspondence from Nichola Davies of Cadw¹² confirmed that the setting of the monument had been compromised and while continuing to assert that the development would result in '*significant change and therefore have a significant impact on the setting*', extended an invitation to meet on site and discuss the issues. A site meeting was arranged for the 22nd September 2016, attended by Will Davies of Cadw, Karl Hulka of Total Heritage and other members of the appellant's development team. At the meeting, it was agreed that the effect of the outline proposals on the significance of the scheduled monument were sufficiently limited that they would be acceptable provided that appropriate enhancement and conservation of the monument were formalised in a site specific Scheduled Monument Management Plan (SMMP) to be approved by Cadw.
- 4.11 A subsequent meeting was held between Karl Hulka of Total Heritage and Cadw's field monument warden, Dr. Fiona Grant in which the format and content of the SMMP were agreed and following formal submission of the approved document to the local planning authority, the Cadw objection was withdrawn on 8th February 2017.

Summary of Effects

- 4.12 In summary, the current setting of the scheduled monument contributes relatively little to its overall significance other than providing a sense of its original rural context. The current tree and shrub cover, particularly in the south of the scheduled area prevents all but close range views to and from the visible parts of the earthwork. In addition, the current condition of the monument along the full

¹⁰ Letter dated 19/04/2016 from Helen May (Protection and Policy, Cadw)

¹¹ Letter dated 06/06/2016 from Karl Hulka (Heritage Consultant T/A Total Heritage)

¹² Email dated 22/07/2016 from Nichola Davies (Protection and Policy, Cadw)

length of this designation is becoming increasingly unstable and undergoing continuous damage and erosion as a result of burrowing animals (principally rabbits), tree roots and human activity relating to agricultural practices and lack of maintenance. Due to the relatively small scale of the proposed development, namely residential housing and associated infrastructure along with its location in the far west of the appeal site, the effect of the proposals on the setting of the scheduled monument will be minor and nothing close to the 'significant adverse impact' suggested by the initial Cadw response to this application.

- 4.13 The proposals would bring about a change in in the setting of the monument, with housing being closer to the monument on the west. However, housing and other modern urban infrastructure are already visible in views west from the northern and central part of the scheduled area and the proposals maintain a substantial undeveloped buffer between the development and the scheduled monument which will serve to maintain the most important element of its setting. It should be noted that other changes to the setting of the monument such as the clearance of vegetation on and around the earthwork, brought about by the implementation of the Scheduled Monument Management Plan, are positive effects of the development.
- 4.14 The effects of the proposed development were greatly overstated in the original Cadw response. As a result of Cadw withdrawing their objection and agreeing the contents of the management plan, the proposals offer an opportunity to greatly improve the condition and appearance of this scheduled monument and thereby better revealing the significance of the monument. The agreed Scheduled Monument Management Plan provides a framework for repair, maintenance and archaeological investigation and interpretation of the monument which is currently under threat. The implementation of the management plan would result in a significant enhancement of the scheduled area and result in a better appreciation and understanding of this part of the dyke.

5.0 CONCLUSIONS

- 5.1 The assessment of effects on designated heritage assets has been agreed between the appellant and Cadw, the advisors to the local planning authority on matters relating to scheduled monuments.
- 5.2 Indirect, visual impacts deriving from the establishment of a housing development will have an effect on the setting of the scheduled monument. However, the setting of the monument has been compromised and currently plays only a limited role in the overall significance. Consequently, the effect on setting can be ameliorated by the adoption of an agreed Scheduled Monument Management Plan as part of the proposals.
- 5.3 As a result, these proposals would result in significant works of repair and conservation of this section of Wat's Dyke. This is in line with both local and national planning policies and represents a significant benefit of the proposals.

APPENDIX 1

Matthew Phillips
Environment and Planning
Wrexham County Council

Matthew.Phillips@wrexham.gov.uk

Eich cyfeirnod
Your reference

P/2016/0189

Ein cyfeirnod
Our reference

Dyddiad
Date

8 February 2017

Llinell uniongyrchol
Direct line

01443 336007

Ebost
Email:

amadminplanning@wales.gsi.gov.uk

Dear Mr Phillips,

189 Dwellings, Land East of Tan y Bont, Rhosrobin – Management Plan and Drainage Scheme

Thank you for your email of 2 February 2017 inviting our comments on the management plan and drainage scheme for the proposed development as described above.

The management plan has been produced in response to our previous letter of 19 April 2016, which set out our concerns about the adverse impact of this housing development on the setting of the scheduled monument known as Wat's Dyke: Section W of Ty-Gwyn (DE151). Our subsequent letter of 22 July noted that whilst we maintained our view that the proposed development will have a significant impact on the setting of this monument, we accepted that this impact could in principle be compensated for by a comprehensive management plan for the monument. The submitted management plan addresses the whole of this 410m scheduled section of Wat's Dyke, which falls within the same ownership. Having reviewed the management plan we consider that, if fully and successfully implemented, it will compensate for the impact of the proposed development on the setting of the southern end of the scheduled area of Wat's Dyke: Section W of Ty-Gwyn. The plan will also see the installation of interpretative materials that will help to raise local awareness of its significance and consequently aid its longer term conservation. We suggest that a suitably worded condition regarding the implementation of the submitted management plan should be attached to any planning consent for the proposed development.

Our comments have also been requested on the proposed drainage scheme for the development. The proposed scheme entailed the crossing of the Dyke by a conventional drainage pipe running to a pond towards the north-eastern side of the site. We had previously expressed concerns that the scheme would result in a direct impact on the upstanding earthwork and any associated buried archaeology and potential further impacts on undesignated archaeology in the vicinity of the proposed pond. However, having revisited the site in conjunction with the engineering report, it is



accepted that the proposed drainage option is likely to be the only viable option due to the topography of the site and the constraints preventing other forms of drainage

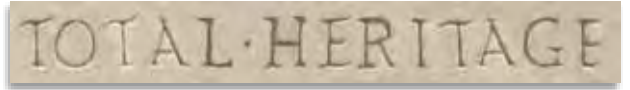
Discussions at the site meeting of 7 September established a potential crossing point for the drainage pipe at a point where a field access has entirely removed the earthworks of the Dyke above ground and where its original form and extent is now unclear. We consider the proposed laying of a conventional pipe, with the width of the affected section of the scheduled area subjected to a full archaeological excavation in advance, to be acceptable.

With reference to Cadw's Conservation Principles (Feb 2011) the limited localised destruction of buried remains by a pipe trench of 1.5m or less in width would in our opinion be outweighed by the information retrieved by an archaeological excavation about the character of the monument at this point and the potential for dating evidence from buried soils. The archaeological excavation followed by construction will require an application for scheduled monument consent from the Welsh Ministers (via Cadw). Information about scheduled monument consent is available online at www.cadw.gov.wales/historicenvironment

Yours sincerely

Nichola Davies
Diogelu a Pholisi/ Protection and Policy

APPENDIX 2



Scheduled Monument Management Plan (January 2017)

**Wat's Dyke: Section W of Ty-Gwyn (DE151)
(NGR: SJ 33317, 52871)**

On behalf of Liberty Properties

Under Instruction from L - P Archaeology

January 2017

Project Ref: ROS/16/002

Project Number: ROS/16/002

Authored by: Karl Hulka

Reviewed by: Dan Garner (for L-P Archaeology)
Fiona Grant/ Will Davies (for Cadw)

Date: January 2017

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3.0	MAP AND PHOTOGRAPHS OF THE SCHEDULED AREA HIGHLIGHTING MANAGEMENT ISSUES	10
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APPENDICES

- Appendix 1.1: Map showing the scheduled area in relation to the application boundary
- Appendix 1.2: Definitive map of Scheduled Monument DE151
- Appendix 1.3: List Description (From Archwilio)

1.0 INTRODUCTION AND SITE DESCRIPTION

- 1.1 This Conservation Management Plan (CMP) has been produced by Total Heritage on behalf of Liberty Properties under instruction from L-P Archaeology. It relates to an outline application for planning permission seeking consent in principal for a new housing development on land east of Tan y Bont and to the west of Scheduled Monument DE151, known as Wat's Dyke west of Ty Gwyn. The scheduled area extends along a north northeast – south southwest axis between the A483 in the south and Ffordd Plas Acton in the north.
- 1.2 For avoidance of doubt, this management plan does not include a strategy for dealing with below ground archaeological remains encountered either within the perimeter of the scheduled monument, or beyond, which are encountered as a result of intrusive works associated with the proposed development. The strategy for these will be dealt with separately by provision of appropriate mitigation measures prepared in response to detailed proposals. Nor does it include any advice or direction for works on the part of Designation DE151 which lies to the south of the dual carriageway (A483), only that part to the north which lies within the application site.
- 1.3 This management plan has been prepared in order to secure the upkeep and conservation of a section of a linear earthwork which survives across the application site as an infilled quarry ditch with an earthen embankment of varying quality to the east. The CMP also sets out a series of repairs and enhancements to the scheduled monument which are to be undertaken by the final developer on being granted consent for detailed proposals.
- 1.4 The CMP follows the format of a generic template provided by Cadw which has been adapted so as to provide site-specific advice and guidance. The document has been reviewed by Cadw so as to ensure it provides a clear and achievable management regime and it is intended that adherence to the measures and

directions contained within it will be enforced by means of a condition placed on any scheduled monument consent.

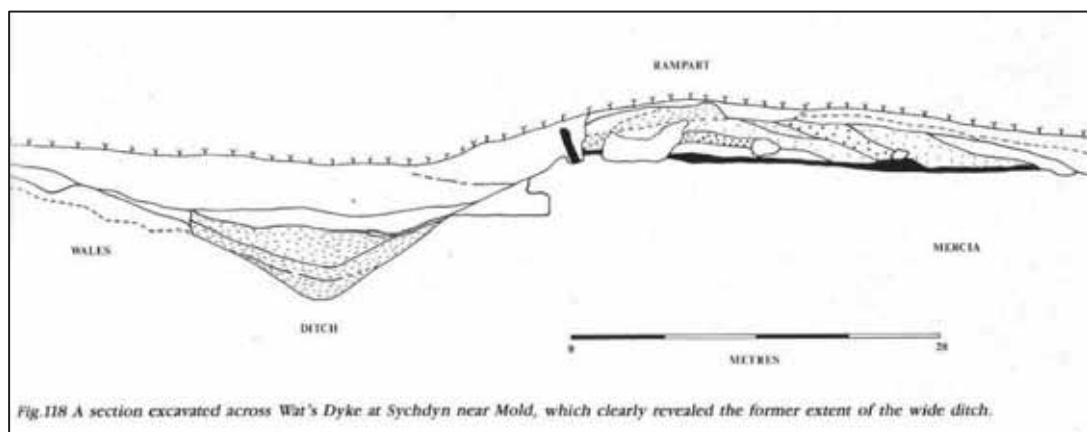
The Monument and its surroundings

Scheduled Monument (DE151) forms only a short part of a much more extensive archaeological feature. The dyke is believed to have formed a physical boundary between two territories during the 8th century. The identity of Wat is not clear although the monument as a whole is associated with the better known Offas Dyke which extends along much of the border between England and Wales. This part of Wat's Dyke was designated in 1986 and the definitive area covered by the designation is illustrated at Appendix 4.1.

- 1.5 The listing description notes that the monument has been badly damaged by quarrying and agricultural activity such as ploughing and boundary maintenance etc. The embankment survives up to a maximum of 1.3m above the surrounding ground surface although in places, particularly in the north/southern extremes and in the central northern areas, the bank appears entirely removed. Conversely, the quarry ditch is likely to survive in much better condition although for the most part it is infilled with only occasional linear depressions indicating its general position.
- 1.6 The prominence of the earthwork is further diminished by vegetation and trees which have grown or been planted both along the bank and across the land immediately to the west. In the north of the application site, the bank survives to c.1m high and is capped by a broad and intermittent hedgerow of shrub plants such as hawthorn and holly, interspersed with areas of bracken and tall grass. Vegetation on the central and southern parts of the designation is typified by taller willow and bramble thicket interspersed with tall, mature deciduous trees such as oak, cherry and hazel.

- 1.7 Although no archaeological investigations have taken place on this designated length of the dyke, works have been undertaken on the same feature at other locations. One such investigation carried out at Sychdyn near Mold bears great similarity to the monument within this application site, described by Greuter et al¹ as:

The Wat's Dyke here near Mold, consists of a low earthen bank crowned with hedges or trees about 1 – 1.5m high with a shallow, sometimes waterlogged ditch in front of it. The whole construction is some 2,4m across. When excavated however the shallow ditch turns out to be 6m wide and some 2.4m deep with a cleaning slot at the bottom. Behind this considerable obstacle the bank appears to consist of a turf front to an earth bank itself stabilised with layers of turf. From a reconstruction of the shape of the bank it probably stood originally some 2m high.



- 1.8 The significance of the monument lies largely in its evidential value, serving as it does as tangible evidence of the hostilities between the Brythonic speaking people and the Saxons during the early medieval period.

¹ 'The Archaeology of Clwyd'. Greuter S, Manley J and Gale F (ed) 1991

2.0 CURRENT CONDITION

- 2.1 The monument is not currently under any management scheme and is in a generally poor state of preservation. Although much of the embankment is covered with turf which is serving to reduce erosion, the invasive actions of mature tree roots and burrowing animals along with focused erosion through the footfall of both horses and people have and continue to damage the remains. Overall the monument is in need of urgent works to stabilise and improve its condition. The key management issues are set out below and a map and schedule of works are included in Section 3.

Trees

- 2.2 Mature trees are established in both the central and southern sections of this monument. Damage to the monument is being caused from shading, which has reduced the sward and exposed the ground surface to erosion. Standing and fallen trees also encourage stock sheltering and rabbit burrowing, leading to further erosion. Uprooting trees, either as part of deliberate clearance or through natural events, can cause significant damage to sub-surface archaeologically sensitive deposits.

Scrub

- 2.3 There is scrub cover from hawthorn, blackthorn etc. across the majority of the monument. Damage to the monument is being caused from shading, which has reduced the sward and exposed the ground surface to erosion. Scrub also encourages sheltering stock and rabbit burrowing, leading to further erosion.

Stock Erosion

- 2.4 Severe stock erosion is evident in many places along the monument. Stock erosion can cause serious damage to a monument, and lead to collapse of earthworks and a loss of archaeological material.

Boundaries

- 2.5 Several fence boundaries have been constructed within the scheduled area without or prior to the need for Scheduled Monument Consent. It is clear that the line of the scheduled monument has continued as a land boundary through to the current time and consequently the crest of the embankment along the central and southern sections is marked by a post and wire fence dotted with gates and other openings. Construction and subsequent removal of boundaries such as fences and gates impact upon sub-surface archaeological material. Wherever fencing within the scheduled area is no longer required for stock management, it should be carefully removed. Any new fencing required to prevent stock accessing the monument should be outside the scheduled area.

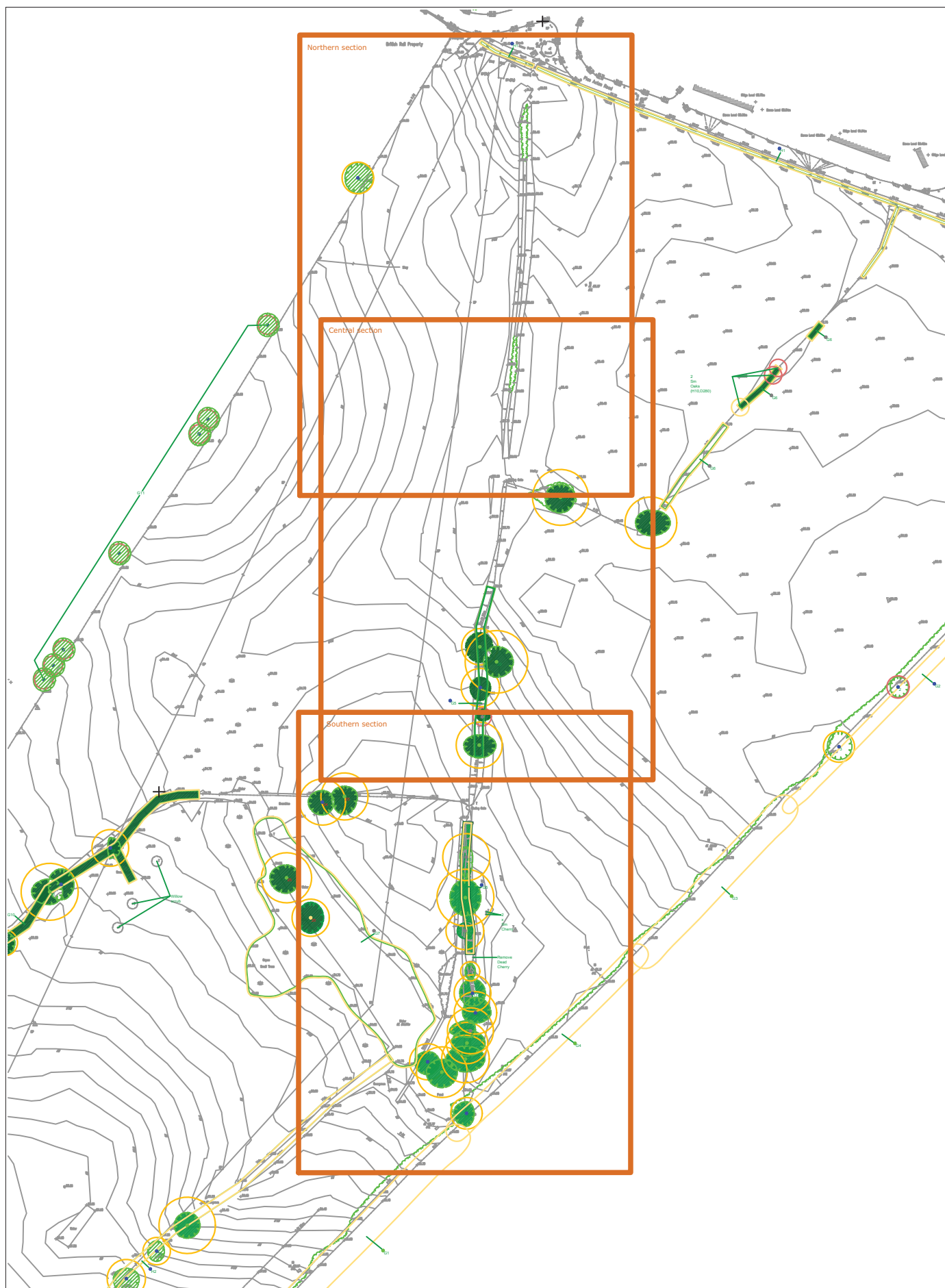
Burrowing Animals

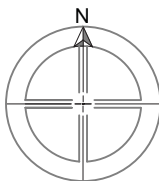
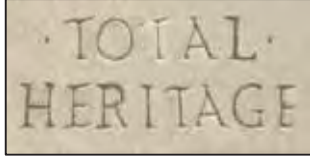
- 2.6 Rabbit burrowing damage is evident along the full length of the surviving embankment but appears particularly severe in the northern section of the monument. Animal burrowing on archaeological sites results in the disturbance and sometimes destruction of artefacts, ecofacts and buried land surfaces. It also leads to the destabilisation of monuments, which in turn can lead to an altering of a monuments profile. Damage by burrowing should be prevented or avoided because our archaeological resource is finite and contains irreplaceable information that is important to the study of the human past.

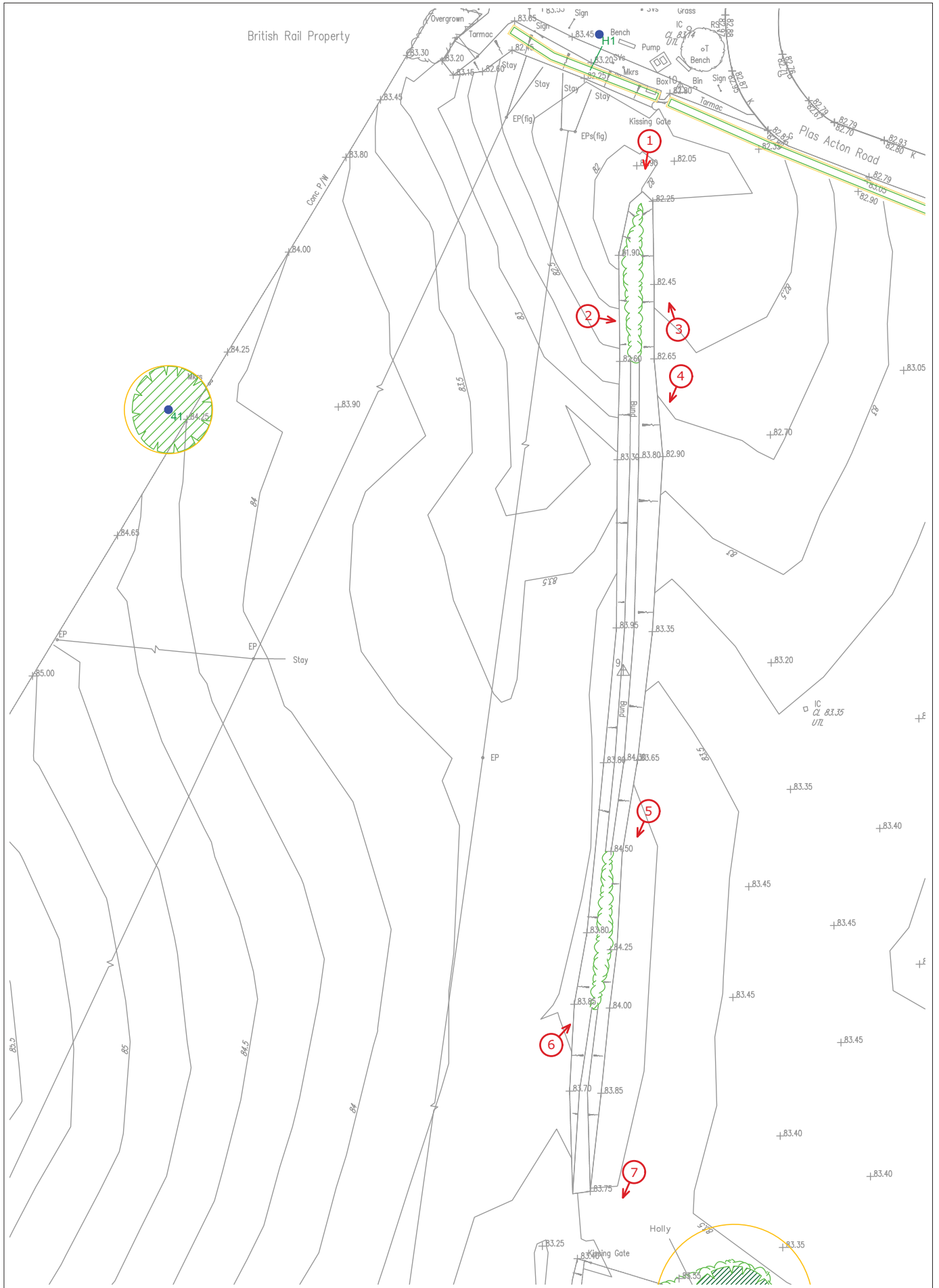
Dumping

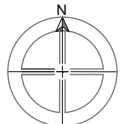
- 2.7 There are several heaps of dumped hardcore or construction waste at the southern end of the monument. These dumped materials diminish the visual importance of the monument and so have a negative effect on its significance.

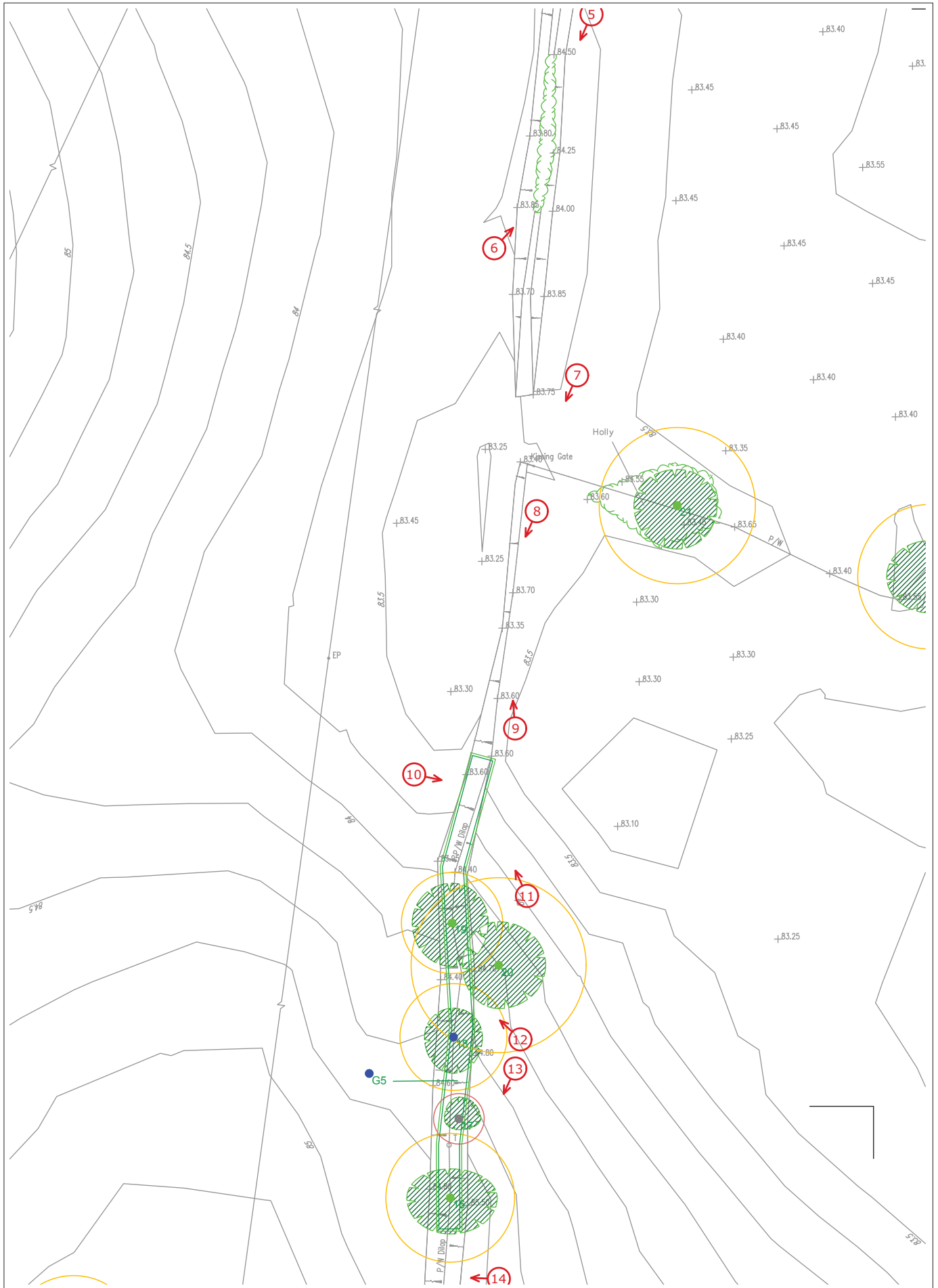
3.0 MAP AND PHOTOGRAPHS OF THE SCHEDULED AREA HIGHLIGHTING MANAGEMENT ISSUES

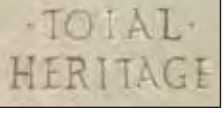


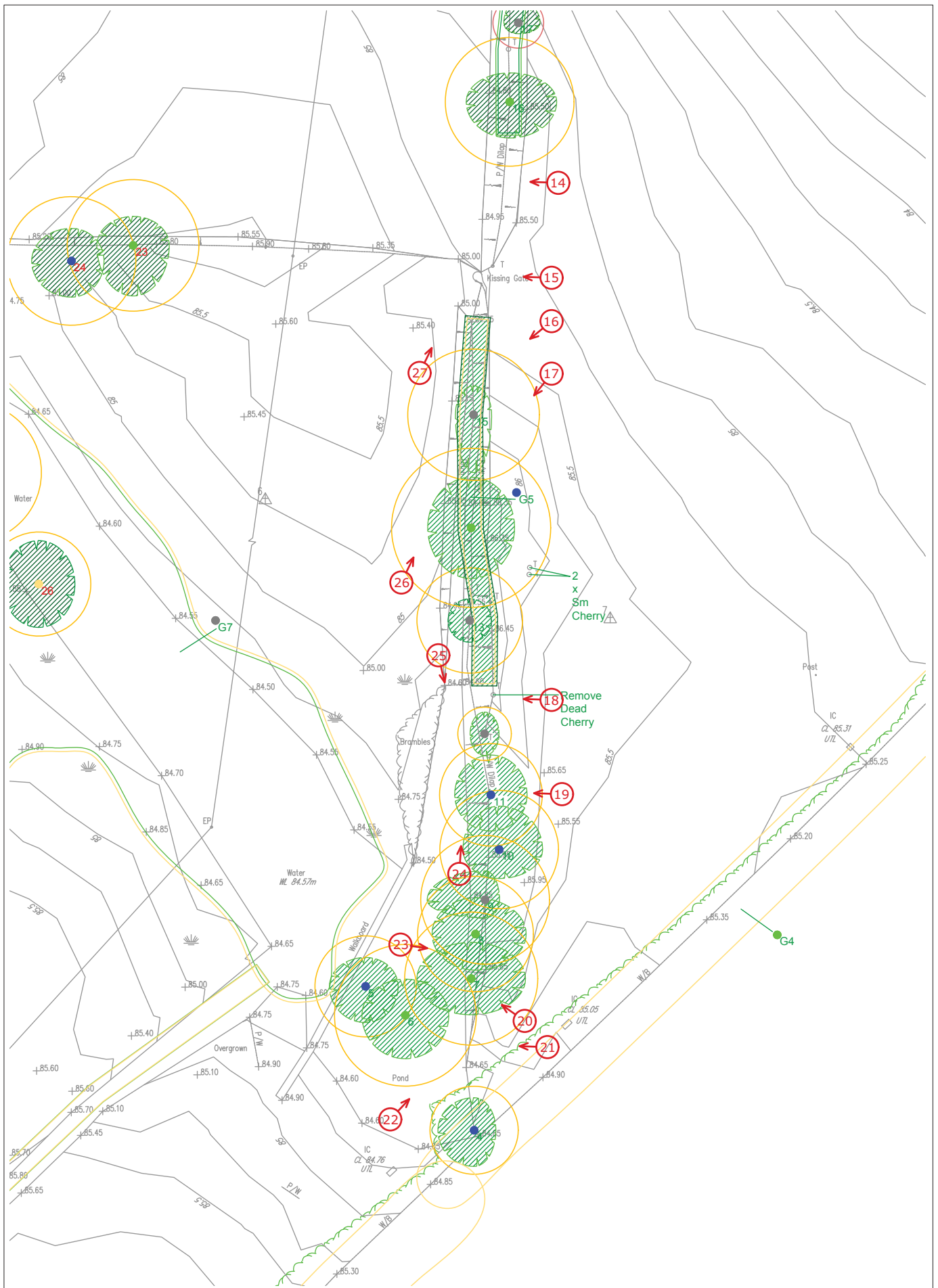
	Job title: Conservation Management Plan Wat's Dyke west of Ty Gwyn, Rhosrobin, Wrexham	Drawing Title: Figure 3.1: Plan showing the location of detailed maps in Section 3	
	Client: Liberty Properties	Drawn by: KH	
	Scale @ A4: 1:2000	Date: 05/12/2016	
		Checked by:	



Notes: Legend: 	Job title: Conservation Management Plan Wat's Dyke west of Ty Gwyn, Rhosrobin, Wrexham Client: Liberty Properties Ltd Scale @ A3: 1:500 Drawing Title: Figure 3.2. Detailed topographical plan of the northern sector of Scheduled Monument DE151 identifying management issues. Date: 05/12/2016 Drawn by: KH	
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Notes: Legend:		Drawing Title: Figure 3.3. Detailed topographical plan of the central sector of the scheduled monument identifying conservation issues.
	Job title: Conservation Management Plan Wat's Dyke west of Ty Gwyn, Rhosrobin, Wrexham	
	Client: Liberty Properties Ltd	Date: 05/12/2016
	Scale @ A3: 1:500	Drawn by: KH



Notes:

Legend:



Job title:

Job title:
Conservation Management Plan
Wat's Dyke west of Ty Gwyn,
Rhosrobin, Wrexham

Drawing Title:

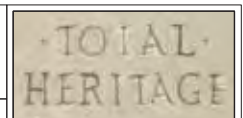
Figure 3.4. Detailed topographical plan of the southern sector of the scheduled monument identifying conservation issues.

Client:	Liberty Properties Ltd
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Date:	05/12/2016
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Scale @ A3: 1:500

Drawn by:	
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View 1

Management Issues

- Hedge removal
- Scrub clearance
- Rabbit control
- Repair of vacant burrows (see Erosion Repair in Category 2 Works [p.47])



View 2

Management Issues

- Hedge removal
- Scrub clearance
- Rabbit control
- Repair of vacant burrows (see Erosion Repair in Category 2 Works [p.47])



View 3

Management Issues

- Hedge removal
- Scrub clearance
- Rabbit control
- Repair of vacant burrows (see Erosion Repair in Category 2 Works [p.47])



View 4

Management Issues

- Scrub clearance
- Rabbit control
- Repair of vacant burrows (see Erosion Repair in Category 2 Works [p.47])



View 5

Management Issues

- Hedge removal
- Scrub clearance
- Rabbit control
- Repair of vacant burrows (see Erosion Repair in Category 2 Works [p.47])



View 6

Management Issues

- Scrub clearance
- Rabbit control
- Repair of vacant burrows (see Erosion Repair in Category 2 Works [p.47])



View 7

Management Issues

- Fence/ gate removal
- Scrub clearance



View 8

Management Issues

- Fence removal
- Scrub clearance



View 9

Management Issues

- Fence removal
- Scrub clearance



View 10

Management Issues

- Hedge/ fence removal
- Scrub clearance
- Rabbit control
- Repair of vacant burrows (see Erosion Repair in Category 2 Works [p.47])



View 11

Management Issues

- Hedge/ fence removal
- Scrub clearance



View 12

Management Issues

- Tree surgery to lift crowns
- Fence removal
- Scrub clearance
- Rabbit control
- Repair of vacant burrows (see Erosion Repair in Category 2 Works [p.47])



View 13

Management Issues

- Tree surgery to lift crowns
- Hedge/ fence removal
- Scrub clearance
- Rabbit control
- Repair of vacant burrows and eroded ridgeline (see Erosion Repair in Category 2 Works [p.47])



View 14

Management Issues

- Tree surgery to lift crowns
- Hedge/ fence removal
- Scrub clearance
- Rabbit control
- Repair of vacant burrows and eroded ridgeline (see Erosion Repair in Category 2 Works [p.47])



View 15

Management Issues

- Tree surgery to lift crowns
- Hedge/ fence/ gate removal
- Scrub clearance
- Rabbit control
- Repair of vacant burrows and eroded ridgeline (see Erosion Repair in Category 2 Works [p.47])



View 16

Management Issues

- Tree surgery to lift crowns
- Hedge/ fence removal
- Scrub clearance
- Repair of eroded ridgeline



View 17

Management Issues

- Tree surgery to remove Tree 15 (category 3) and lift crowns of those remaining
- Hedge/ fence removal
- Scrub clearance



View 18

Management Issues

- Tree surgery to Trees 12 and 13 (category 3) and to lift crowns of any remaining
- Hedge/ fence removal
- Scrub clearance
- Repair of eroded ridgeline