



Ein cyf/Our ref: qA1283217

Ms Stephanie Hawkins
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Stephanie.hawkins@gva.co.uk

26 June 2017

Dear Ms Hawkins

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY MRS MARGARET CREWE
“OUTLINE APPLICATION FOR UP TO 365 DWELLINGS AND ERECTION OF
300SQM RETAIL UNIT – ALL DETAILED MATTERS RESERVED” AT HOME
FARM, GRESFORD ROAD, LLAY, WREXHAM.
APPEAL REFERENCE: APP/H6955/A/16/3147116**

1. Consideration has been given to the report of the Inspector, Richard Duggan BSc (Hons) DipTP MRTPI, who held an Inquiry into your client's appeal against Wrexham County Borough Council's ("the Council") refusal of outline planning application LLA P/2014/0905 for, "up to 365 dwellings and erection of 300sqm retail unit – all detailed matters reserved" at Home Farm, Gresford Road, Llay, Wrexham.
2. In accordance with section 79 and paragraph 3(1) of Schedule 6 to the Town and Country Planning Act 1990 ("the 1990 Act"), the appeal was recovered for determination by the Welsh Ministers as the proposal relates to residential development of more than 150 houses or on more than 6 hectares of land. Under the provisions of the Government of Wales Act 2006 the power to determine applications under section 79 of the 1990 Act has been transferred to the Welsh Ministers. This power normally falls within the portfolio of the Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths AM. However, as the proposed development falls within the Cabinet Secretary's constituency, the matter has been passed to me, the First Minister, for determination.

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

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

3. In exercising functions, as part of carrying out Sustainable Development in accordance with the Well-being of Future Generations Act ("the FG Act 2015"), section 2 of the Planning (Wales) Act 2015 requires the Welsh Ministers, as a public body, to ensure the development and use of land contributes towards improving the economic, social, environmental and cultural well-being of Wales. In order to act in this manner, the Welsh Ministers have taken into account the ways of working set out in section 4 of 'SPSF1: Core Guidance, Shared Purpose: Shared Future- Statutory Guidance on the Future Generations Act 2015' through examination of the appeal by way of Inquiry in accordance with The Town and Country Planning (Inquiries Procedure) (Wales) Rules 2003.
4. The Inspector held an Inquiry on 22-24 November 2016. A site visit was made on 23 November 2016. The Inspector recommends the appeal is allowed and planning permission granted subject to conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.
5. I have given due regard to representations submitted after the Inquiry closed. However, I do not consider any new evidence or new matter of fact has been raised which would materially affect my conclusions on this appeal.
6. I note the Cabinet Secretary for Environment and Rural Affairs issued a letter on 23 February 2017 regarding the delivery of affordable homes in the planning system. For reasons explained below I do not consider the letter, which clarifies advice set out in Technical Advice Note 1 - Joint Housing Land Availability Studies (TAN 1), materially affects the Inspector's or my conclusions on the appeal.

Main Issues

7. I agree the main issues are those listed by the Inspector at IR 158:
 - whether the proposed development complies with national and local policy designed to protect the countryside and whether there are other material considerations that would justify granting planning permission, in particular with regard to housing land supply and the sustainable credentials of the development;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the development on ecology, in particular Great Crested Newts (GCN) and bats.

Whether the proposed development complies with national and local policy designed to protect the countryside and whether there are other material considerations that would justify granting planning permission, in particular with regard to housing land supply and the sustainable credentials of the development.

Settlement boundaries

8. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I agree the Wrexham UDP ("the UDP"), adopted in 2005 is the relevant plan against which this appeal should be determined unless material considerations indicate otherwise (IR 159). I note the parties agree the appeal site is located outside the defined settlement limit for Llay and the Inspector, therefore, considers the proposal conflicts with Policy PS1 of the UDP, which directs housing development to within settlement limits (IR 160).
9. I agree the proposal would also conflict with UDP policy H5, which serves to permit new dwellings outside settlement limits only in certain limited circumstances (IR 164).
10. I note the Council accepts there is an acute need for additional dwellings, the settlement boundaries in the UDP were defined in response to a different housing requirement and will need to be redrawn to accommodate existing and future housing needs (IR 161). I agree paragraph 4.2.4 of Planning Policy Wales (PPW) states, where relevant development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development in the planning system. I agree the shortage of housing supply is a material consideration (IR 161). The weight to be attached to this material consideration is clearly set out in paragraph 6.2 of TAN 1, which states, when local planning authorities do not have a 5-year housing land supply the need to increase supply should be given considerable weight providing the development would otherwise comply with development plan and national planning policies.
11. The advice in TAN 1 was clarified in a letter, issued by the Cabinet Secretary for Environment and Rural Affairs on 23 February 2017. The letter states the Welsh Government remains committed to increasing housing land supply by requiring Local Planning Authorities to give it considerable weight as a material consideration when dealing with planning applications for housing. However, this is subject to the development otherwise complying with development plan and national planning policies, as clearly set out in paragraph 6.2 of TAN 1. This includes ensuring development proposals are well related to the existing settlement form and do not lead to unacceptable impacts on local economic, social and environmental infrastructure. The letter concludes the principles of sustainable development and the creation of cohesive communities, which form the basis of the Welsh Government's planning policy, remain and should not be undermined by the need to increase housing land supply.

12. I am satisfied the Inspector's report gives due consideration to the issues raised in the Cabinet Secretary's letter. The Inspector's report considers the potential impact of the proposed retail floorspace on Gresford shopping centre and any potential impact on local education, health facilities and ecology resulting from the proposed residential development. No unacceptable impacts have been evidenced which would justify withholding planning permission. The Inspector is content the appeal site would constitute sustainable development, being located in close proximity to the settlement boundary of Llay with its range of services and facilities, employment opportunities and close to public transport options.
13. I note the Council has granted permission for residential development on sites which would be contrary to Policy PS1 in order to increase housing supply. However, the Council concedes the number of housing units permitted on these sites does not meet the housing need in the area. Also, the Council acknowledges the appeal decisions drawn to the Inspector's attention, which aim to demonstrate Inspectors have given weight to policies aimed at protecting the countryside from development, relate to locations which are clearly different to the appeal site (IR 162). The Inspector considers granting planning permission on the appeal site could negate the need to develop other land which is designated as a green barrier or Special Landscape Area (IR 163). Whilst this may be the case, I note each planning application should be considered on its own merits.
14. The Inspector states the settlement limits in the UDP, which policy PS1 seeks to maintain, are out of date and were drawn in response to a housing target set out in the now out of time UDP. He also notes the Council acknowledges the settlement limits will need to be redrawn to accommodate existing housing needs (IR 164). I am satisfied the acknowledged requirement to redraw settlement limits to address housing need indicates the settlement limits in the UDP are now outdated.
15. On this matter, having regard to IR 159-164, the Inspector concludes, whilst the development would conflict with policy PS1 and H5 of the UDP, these policies carry limited weight in determining this appeal. I agree, given the lack of housing supply and the need to accommodate housing needs, the weight which can be given to these policies is limited.

Other material planning considerations

(i) Housing Land Supply and Affordable Housing Provision

16. I agree that due to the absence of a LDP the Council has a zero housing supply figure (IR 166) and TAN 1 is clear, in such circumstances, the need to increase supply should be given considerable weight when dealing with planning applications providing the development would otherwise comply with development plan and national planning policies (IR 167).

17. Of the total number of houses provided by the appeal proposal, 25% would be affordable units. Therefore, if the scheme provides a total number of 365 dwellings, 91 would be affordable units. I agree the provision of this proportion of affordable housing would make a significant contribution to meeting housing needs in the area (IR 174). I also agree, whilst the proposal would not accord with the development plan as it relates to development outside defined settlement boundaries, the need to address housing demand in the area is a consideration which weighs heavily in favour of the appeal proposal (IR 175 - 176).

(ii) Emerging Wrexham Local Development Plan 2 ("LDP 2")

18. I note the Inspector considers the weight which can be afforded to the emerging Wrexham Local Development Plan 2 ("LDP 2"), which is at an early stage of preparation and not expected to be adopted until after 2018 (IR 168). I agree LDP 2 can be given little weight in the consideration of this appeal.
19. I note LDP 2 recognises a significant proportion of the new dwelling requirement will need to be on greenfield sites on the edge of and outside existing settlement limits (IR 169). The Inspector notes two parcels of land on the LDP 2 site register, which were not initially put forward for consideration by the landowner but were identified by Council officers, form part of the appeal site. The site register confirms both parcels of land comply with the Council's Preferred Strategy and may have the potential to contribute towards meeting future growth demands within the County Borough (IR 170).
20. I am satisfied the Inspector has considered issues of prematurity in the context of LDP 2, in accordance with paragraph 2.14.2 of Planning Policy Wales (PPW). For the reasons given by the Inspector, I consider the proposal would not be prejudicial to LDP 2 (IR 172).

(iii) Early implementation

21. I note the Inspector considers the proposal has the potential to be implemented earlier than the standard timeframes. The parties agreed conditions at the Inquiry which aim to secure commencement of the scheme within 3 and not the standard 5 years (IR 173). However, recommended conditions 3 and 4 do not necessarily deliver early commencement on site due to the time periods provided for the approval of reserved matters. Therefore, I have given limited weight to the potential for the site to be delivered in a short timescale.

(iv) Sustainable development

22. I agree with both parties and the Inspector, although the site is located outside the settlement boundary, it is in a broadly sustainable location with access to bus services and a range of local facilities (IR 177). Whilst the appeal site is located within walking distance of Llay Industrial Estate, which would provide the opportunity to access employment by foot, I do not consider this factor alone to weigh heavily in favour of the proposed development (IR 178). However, I am content the appeal scheme would satisfy PPW's sustainable development objectives (IR 178).
23. Whilst the proposal would result in the loss of 2.7 ha of grade 3a agricultural land, classed as the best and most versatile land (BMV), I am satisfied the loss is outweighed by the overriding need for housing in the County Borough (IR 179 - 181).
24. As the proposed retail unit would be limited to a maximum sales area of 300sqm and would be developed in conjunction with a large housing development, providing access to shopping facilities for future residents, I am content it would not compromise the relevant policies in the UDP or fail to accord with the principles of sustainable development, set out in PPW (IR 182).
25. On this first main issue, the Inspector concludes the proposal would provide much needed open market and affordable housing on a site in a sustainable location, and would substantially meet the key principles and policy objectives of sustainable development in PPW. Whilst there would be loss of a small area of BMV and the appeal proposal conflicts with policies PS1 and H5 of the UDP, the Inspector considers these issues are outweighed by the overriding need for the development (IR 183 and 184). I agree with the Inspector's conclusions on this issue.

The effect of the proposed development on the character and appearance of the area.

26. I note the Inspector considers the Landscape and Visual Impact Assessment (LVIA), submitted by the appellant, is sufficient to enable the potential landscape and visual impacts to be understood. The Inspector's findings have also been informed by his site visit and observations from a number of vantage points in the surrounding landscape (IR 185 - 186). I am satisfied the Inspector had sufficient evidence and information to assess the impact of the scheme on the character and appearance of the area.

27. I note the parties agree any material impact on long distance views of the site would be prevented by topography and features such as trees, hedgerows and buildings, and visual impact would be limited to the immediate locality, primarily Gresford Road and the approaches from Rackery Lane, Chapel Lane and Straight Mile. The Inspector indicates the main area of disagreement between the parties is the level of visual impact at site level and the impact on visual receptors, including those living close to the appeal site, users of the public right of way and those travelling in cars (IR 187).
28. The Inspector notes development of any undeveloped site would be very likely to significantly alter its character. However, he considers the proposed development would be perceived as a continuation of the settlement's built form and, consequently, the effect on the character of the village would be reasonably limited when perceived from a moderate distance away. The Inspector accepts the proposed dwellings would be easily seen along Gresford Road and Straight Mile but in the main would be seen in the context of the existing built up edge of Llay (IR 188 - 189). I have no reason to disagree with the Inspector on these matters.
29. The Inspector considers the provision of housing on the site would not introduce an uncharacteristic feature into the landscape. He also notes existing residential development in the locality is highly variable in character and, therefore, the proposed development would not introduce an incongruous or discordant pattern of development into this part of Llay (IR 190). The Inspector notes the proposed landscape strategy involves retaining trees along Gresford Road and would serve to reinforce and manage existing hedgerows along the boundaries and within the site. He considers, subject to appropriate conditions and recognising the ability to control landscaping details at reserved matters stage, the scheme's impact on the character of the locality would be acceptable (IR 191). I am satisfied with the Inspector's assessment of the impact of the proposed development on the character of the area.
30. In terms of visual impact, the Inspector considers, based on his visits to the area, the proposed development would have no material impact on views from more distant locations (IR 192). He notes the visual impact from a number of viewpoints would be of limited significance due to the gently undulating topography of the site and due to screening from existing trees and vegetation. Whilst the Inspector recognises the appeal proposal would be highly visible from properties in the Home Farm complex, and from the dwellings known as Maes Y Rhedyn and Y Bwthyn, he considers the partial screening from existing and proposed landscaping and the setback distances of properties from Gresford Road means neither these properties or any others further afield, would be unacceptably affected (IR 193). I have no reason to disagree with the Inspector's findings on this matter, recognising the ability to control landscaping and layout details at reserved matters stage.

31. The Council argues Gresford Road is a strong and defensible boundary which should not be breached. However, I agree with the Inspector this is not a compelling reason to resist development in this case. I also agree concerns about creating a precedent for future development in the vicinity of the appeal site do not affect consideration of this appeal proposal (IR 194).
32. For the reasons given by the Inspector, I am satisfied with his conclusion on this main issue, namely the proposal would not have an unacceptable impact on the character and appearance of the area and, therefore, the proposal would not be in conflict with UDP Policy PS2. UDP Policy PS2 seeks, amongst other things, to ensure development does not materially detrimentally affect countryside or landscape character (IR 195 -196).

The effect of the development on ecology, in particular Great Crested Newts (GCN) and bats.

33. The Inspector considers, based on the ecological surveys submitted with the planning application, the only significant ecological resources within the zone of influence of the proposed development likely to be affected, are bats and GCN (IR 197). I have no reason to disagree with this view.
34. I note Natural Resources Wales (NRW) did not raise an objection to the planning application and was satisfied with the ecological assessment submitted with the application. NRW also accepted the approach adopted in the appellant's GCN Mitigation Strategy, recommending the requirements for a compensation area and its long term management would need to be secured by planning condition and obligations (IR 198).
35. The Inspector states, as part of the evidence for the appeal, the appellant undertook further survey work to assess whether GCN were present within the waterbodies on the site. Based on the findings of this survey, the appellant's witness at the Inquiry confirmed any impact on GCN can be effectively mitigated (IR 199).
36. The Inspector notes any potential impact on the local population of GCN would be mitigated by conditions to avoid harm during and after construction, and the Unilateral Undertaking (UU) would secure long term management and maintenance of any on-site habitat mitigation (IR 200). In terms of bats, the Inspector notes the appellant's ecology witness confirmed, due to the proposed retention of trees as shown in the indicative layout plans, there is no risk to the species (IR 201).

37. The Inspector is satisfied, having regard to NRW's advice and case law cited by the appellant, a condition to secure additional ecological work and mitigation would be appropriate in this case (IR 202). I have no reason to disagree with the Inspector on this matter. I also note the Inspector has considered whether NRW would grant a derogation licence, taking account of the relevant tests in regulation 53 of the Conservation of Habitats and Species Regulations 2010. He concludes there is a reasonable prospect a licence would be granted by NRW if one is deemed to be required (IR 203, 204). I am satisfied with the Inspector's considerations on this issue.
38. In terms of this main issue the Inspector is satisfied the scheme not likely to unacceptably affect the favourable conservation status of protected species and is consistent with national policy set out in Technical Advice Note 5: Nature Conservation and Planning (IR 205, 206). I have no reason to disagree with this conclusion.

Other Matters

39. The Inspector notes most of the concerns raised by local residents and local organisations are addressed in the main considerations or the recommended conditions. Several of the more detailed concerns can be addressed when reserve matters applications are submitted (IR 207).
40. I note a number of representations were received regarding highway safety. I am satisfied the Inspector has considered the potential impact of the scheme on highway safety and no technical evidence was presented which would support an objection on highway grounds (IR 208, 210). I note sustainable forms of travel would be promoted by ensuring a Travel Plan is provided for each phase of development (IR 209).
41. Concerns regarding air quality and pollution, resulting from increased traffic, are addressed by the Inspector. He notes the Council's public protection section raised no objections to the proposed development and concludes he has no evidence before him to persuade him otherwise (IR 211). I have no reason to disagree with this position.
42. The Inspector notes a number of residents raised concerns regarding health and education facilities already being at capacity. I note the Council's Education Section raised no objection to the scheme subject to commuted sum payments, which would be secured in the Section 106 Unilateral Undertaking (UU). I also note the Inspector was not presented with evidence of capacity issues with health facilities (IR 212-214). I am, therefore, satisfied these are not issues which would prevent a grant of planning permission.
43. I am content, for reasons given by the Inspector at IR 215-216, surface water drainage and sewerage issues can be addressed by planning conditions. I am also satisfied detailed design and layout issues can be addressed at reserved matters stage (IR 217).

44. In terms of other issues, I agree there is no reason to suggest the houses would not be available to local people and potential devaluation of property is not, in itself, a material planning consideration (IR 218).
45. I note the site is subject to a Protection of Mineral Resource Designation, however, the North Wales Minerals and Waste Planning Service confirm due to their depth, prior removal of the resources would not be viable (IR 219). I am satisfied the Inspector has no evidence to indicate the site would be unsuitable for development due to land stability (IR 220).
46. The Inspector has considered representations referring to Straight Mile being an historic Roman Road and I note Clwyd Powys Archaeological Trust (CPAT) confirm there are no predicted archaeological impacts (IR 221).
47. I am satisfied the Inspector has considered all other matters raised by local residents and none justify withholding permission (IR 222).

Conditions and Obligations

48. I have considered the conditions suggested by the Inspector (IR 223, 224) and, subject to minor changes, agree they are necessary and reasonable and meet the tests in Welsh Government Circular 016/2014, "The Use of Planning Conditions for Development Management".
49. I am satisfied the obligations in the UU, dated 24 November 2016, meet the appropriate tests in Section 122(2) of the Community Infrastructure Levy Regulations 2010 and Circular 13/97, "Planning Obligations". As such I have given weight to the UU in the determination of this appeal (IR 225).

Overall Conclusions

50. The Inspector's overall conclusions are set out at IR 226-234. I agree the need to address the lack of housing supply is a material consideration which attracts substantial weight when the scheme is assessed against relevant local and national planning policies and justifies departing from UDP policies PS1 and H5. The proposed development would comprise sustainable development, being located in close proximity to the existing services, facilities, employment opportunities and public transport options in Llay. It would not result in any significant harm to the character of the landscape or visual amenity of the area and, therefore, would not be contrary to Policy PS2 of the UDP, which seeks to prevent unacceptable landscape and visual impacts. I am also content the scheme is not likely to affect the favourable conservation status of protected species. With reference to the Cabinet Secretary's letter of 23 February 2017, I am satisfied the Inspector has considered the impact of the proposal on local economic, social and environmental infrastructure and no unacceptable impacts have been identified which would justify withholding planning permission.

51. The proposed scheme will increase housing land supply in Wrexham County Borough Council in a location identified as suitable as part of the LDP candidate site process. I am content the proposal would not undermine the principles of sustainable development or the creation of cohesive communities, which form the basis of national planning policy, as reiterated in the Cabinet Secretary's letter of 23 February 2017.
52. Subject to my comments in paragraphs 7 - 51 above, I agree with the Inspector's recommendation, for the reasons given by him, to allow the appeal and grant planning permission subject to conditions.

Formal Decision

53. For the reasons given, in exercise of the power referred to in paragraph 2 of this decision letter, I allow your client's appeal and hereby grant planning permission subject to the conditions detailed in the Annex to this letter. I confirm I have given weight to the UU, dated 24 November 2016, in the determination of this appeal.
54. In reaching this decision I note the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015 and I consider the decision accords with the sustainable development principle set out in the FG Act 2015. In accordance with section 3(2) of the FG Act 2015 and the well-being objectives of the Welsh Ministers, the decision will "improve access to secure, safe, efficient and affordable homes" and provides the opportunity to develop and "support safe, cohesive and resilient communities".
55. A copy of this letter has been sent to Wrexham County Borough Council and to those attending the Inquiry who asked to be informed of the decision.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carwyn Jones', with a stylized, flowing script.

CARWYN JONES

Annex

Conditions attached to the Welsh Ministers' decision to allow planning appeal APP/H6955/A/16/3147116 – “Outline application for up to 365 dwellings and erection of 300sqm retail unit – all detailed matters reserved” at Home Farm, Gresford Road, Llay, Wrexham

- 1) Details of the access, appearance, landscaping of the site, layout and scale, (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development begins. The development shall be carried out in accordance with the details as approved for each phase of the development.
- 2) The first reserved matters application shall include a plan showing the site and location of the first phase of the development and all subsequent phases of development (‘the Phasing Plan’). The Phasing Plan shall include the percentage of affordable housing in each phase, which across the phases shall consist of no less than 25% of the total number of dwellings to be built on the site. All subsequent reserved matters applications shall be submitted in accordance with the approved Phasing Plan.
- 3) Plans and particulars of the first reserved matters referred to in conditions 1 and 2 shall be submitted in writing to the Local Planning Authority not later than 2 years from the date of this permission. The reserved matters applications for subsequent phases of the development shall be submitted not later than 3 years from the date of this permission. The development shall only be carried out in strict conformity with such details as are thereby approved.
- 4) The development shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plan: OS Map 653 P (00) 001 A.
- 6) This permission shall provide for a maximum of 365 dwellings and a sales area of no more than 300m² for the retail unit.
- 7) The retail unit shall not be brought into use until details of the hours that it shall be open for customers and the hours of deliveries have been submitted to and approved in writing by the Local Planning Authority. The retail unit shall thereafter be operated in accordance with the approved details.

- 8) An ecological management plan and ecological method statement, to include details of all surveys recommended by TEP Ecological Assessments (Reference 4358.01.001 Version 1.0 June 2014) for the approved site, shall be submitted to and approved in writing by the Local Planning Authority as part of the first reserved matters application. This information shall demonstrate how the findings of the surveys have informed the layout of the development, show how existing features of ecological interest will be protected, including protection measures during the construction period, identify areas of compensation and mitigation, include biosecurity risk assessments and demonstrate the management and monitoring of the site in the long term. The management plan and method statement as approved shall be fully implemented in accordance with timescales to be agreed in writing as part of the approved details. All subsequent reserved matters applications shall be submitted in accordance with the approved ecological plan and ecological method statement.
- 9) No part of the development shall commence until a detailed method statement for the removal and long term management of Japanese Knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.
- 10) No part of the development shall commence until a scheme to deal with potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a phased investigation approach to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring.
- 11) No part of the development shall be occupied until a Verification Report which demonstrates that the remedial works approved as part of condition no. 10 above have been satisfactorily carried out, has been submitted to and approved in writing by the Local Planning Authority.
- 12) No part of the development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed Arboricultural Method Statement and Tree Protection Plan which shall include:
 - a) all site instructions and prohibitions necessary to the success of the Tree Protection Plan;
 - b) a programme for arboricultural supervision and monitoring;
 - c) a programme for any pre-development access facilitation works; and
 - d) the requirements for any contractors engaged to provide such services.

The development shall be undertaken in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

- 13) No part of the development shall commence until a scheme for the surface water and land drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system (SUDS), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. specify the responsibilities of each party for the implementation of the scheme and a period for its implementation; and
 - iii. provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 14) No part of the development shall commence until a sewerage scheme to satisfactorily accommodate the foul water discharges from the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of and be informed by a Hydraulic Modelling Assessment. No part of the development shall be occupied until the foul water system has been fully implemented and brought into use in accordance with the approved scheme.
- 15) Prior to the commencement of development a detailed scheme to improve the junction of the B5102, the B5373 and Chapel Lane, and a scheme to provide pedestrian footway improvements along Gresford Road shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.
- 16) Prior to the occupation of each phase of the development, a Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the details of an annual monitoring report, which shall be submitted to the Local Planning Authority for written approval following the first anniversary of the first use of the development, and every year up to and including the fifth anniversary.
- 17) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;

- iv. the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during demolition and construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. hours of working; and
- ix. construction vehicle routing and access.

- 18) No development shall commence in any phase with a boundary bordering the Straight Mile until a scheme of noise mitigation for the dwellings in that phase has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the approved noise mitigation scheme has been implemented.
- 19) The rating level of any noise generated by reason of the retail unit included in the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.
- 20) All mechanical plant and equipment shall be enclosed in sound insulating material, mounted and located to minimise the transmission of structure borne sound in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the retail use hereby permitted is open for trading and thereafter maintained as such.
- 21) The landscaping and layout reserved matters to be submitted for the approved development pursuant to the requirements of Condition 1 above shall include a scheme for all areas of open space and green space to be provided within the development site, including public amenity space and equipped children's play areas. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings.
- 22) As part of the first reserved matters, a landscape management plan, to include the timing of the implementation of the plan, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

Notification of initiation of development and display of notice

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

Notice of initiation of development

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

Display of notice

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

The person carrying out development must ensure that the notice is:

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