



Your ref:
Our ref: CV/BT/628C

4th April 2012

Simon Greenland
Planning Officer
Community Wellbeing and Development
Wrexham County Borough Council
Lambpit Street
Wrexham
LL11 1AR

By Email & Post

Dear Simon

APPLICATION FOR B8 WAREHOUSE DEVELOPMENT FOR KINGMOOR PARK AND NORBERT DENTRESSANGLE LIMITED, BRYN LANE, WREXHAM INDUSTRIAL ESTATE (P/2011/0891)

I am writing following our recent meeting to discuss your progress in determining the above planning application. Following our meeting I felt that it would be helpful to summarise the current position in respect of technical issues and other considerations relevant to this application.

Revised Plans and Documents

As you will be aware, following concerns raised by the Countryside Council for Wales (CCW) the original proposals have now been revised in order to reduce their scale thereby providing additional ecological habitat mitigation area at the request of CCW. The original proposals sought outline approval for a B8 warehouse development extending to 46,950 sqm (approximately 500,000 sqft) which have now been revised to a reduced gross building footprint of 37,300 sqm (approximately 400,000 sqft). Revised plans and a number of refreshed technical documents (as previously agreed with the Council) have been submitted to address these changes.

Technical Issues

Ecology

In response to concerns raised by the Countryside Council for Wales the scale of the proposed development has been reduced in order to provide for a larger more uniform area of ecological mitigation (namely for Great Crested Newts). It should also be noted that the amended drawings have also been revised in order to address so far as possible comments received from the Council's Ecologist.

The proposals have been developed in consultation with CCW and further to a request from them, draft Licence Documents for the protection and enhancement of habitat for Great Crested Newts have been prepared and submitted to CCW for their review (note these have also now been submitted to the Council). Prior to the submission of updated information to the Council, CCW have indicated in email correspondence to TEP Consultants (dated 27th March 2012) that the principles of the ecological scheme are now acceptable subject to agreeing details of the long term management of the ecological

mitigation area. This email was copied to you. In summary CCW now have no objections to the application in relation to ecological matters.

As discussed at our meeting the Council previously accepted a mechanism for securing long term maintenance of the ecological mitigation area as detailed in the Unilateral Undertaking associated with the 2010 appeal scheme for the E3 site. You indicated at our meeting it would be appropriate to use the same approach again and I would be grateful for your confirmation of this.

Highways and Parking

In a memorandum dated 14th March 2012 the Council's Network and Infrastructure Manager confirms there is no objection to the proposals subject to a number of suggested conditions in relation to layout, visibility splays and securing a future travel plan. The proposals are therefore acceptable from a Highways and Parking perspective.

Public Rights of Way

In relation to the consultation response received from the Council's Rights of Way Officer (received by HOW Planning on 23rd December 2011) it is agreed that there are no implications for the proposals.

Flood Risk and Drainage

The Environment Agency responded to the Council on 29th December 2011 welcoming the proposals to adopt sustainable drainage techniques and offering no objection to the proposals subject to conditions.

Trees

In an email response issued to HOW Planning on 23rd December 2011 the Council's Tree Officer requested additional information to be added to the Arboricultural Report/Plans and that Root Protection Areas (RPA's) in respect of certain trees should be enlarged. An updated Arboricultural Report has been provided to the Council which addresses the comments received so far as possible. The revised document was prepared in consultation with the Council's Tree Officer to address the issues which had been raised.

You will note that the revised drawings indicate a minimum 10 metre standoff between areas of car parking and the trees/tree belt to the western and southern site boundaries. This has been established in line with guidance and is considered to be acceptable. The applicant's position is that the issues raised have been adequately addressed.

Agricultural Land Classification

Further to the request of the Welsh Government's Rural Development Adviser the applicants authorised a survey of the application site which took place during February 2012. A formal response was received from WAG dated 5th March 2012 confirming that the land has been classified as agricultural land grade 3b under the MAFF (1998) ALC Revised Guidelines. This designation has been made on the basis of "moderately severe agricultural limitations relating to soil wetness and workability". You have confirmed that the classification has no implications for the determination of the application and that there are no agricultural issues.

Health and Safety Executive

Following an initial (standard) objection from the Health and Safety Executive it has been determined that Bryn Lane hosts an intermediate pressure gas pipeline which is not classified as a major hazard. Following clarification the HSE confirmed that the nearest major hazard pipeline is several hundred metres from the proposed development site and that its consultation distance extends only 55m either side of the pipeline. Accordingly the HSE confirmed in an email to WCBC on 20th January 2012 that the previous advice/objection dated 12th December 2011 could be disregarded. There is no objection from the HSE to the application therefore.

Public Protection

I have received no response from the Public Protection department and I understand none has been provided to you. At our meeting we discussed the fact that no issues were raised by the Council in respect of Air Quality, Noise or Geo-Environmental issues in respect of the appeal scheme and that we did not anticipate any issues being raised in relation to the current application given the similarities in the nature of development proposed.

Planning Policy

You have confirmed that the Council's evidence submission to the (now withdrawn) Local Development Plan Examination in Public represents the extent of the policy response to this application. You confirmed that you are in receipt of evidence prepared by HOW Planning (January 2012) which was submitted to the EiP addressing both the Inspectors questions and the further issues in relation to the ability to successfully achieve development on the site raised by the Council in their response to the Alternative Sites LDP consultation which took place in February 2011.

Landscape Issues

We discussed the response received from the Council's landscape Officer dated 5th January 2012 which refers to Policy E3 and the requirement for information to fully address the single user aspect of this policy. The response states that in the absence of such information refusal is recommended but that if this aspect of policy is satisfied then additional supporting information including an outline planting proposal for landscape mitigation would be required.

I am unsure if the Officer has had the benefit of the HOW Planning Supporting Planning Statement which clearly demonstrates that the single user aspect of Policy E3 is effectively met and which deals with the implications of the Appeal Inspectors report in relation to the current proposals. I would be grateful if you could confirm that this has been provided to the Landscape Officer.

In relation to the request for additional information I note that you appear to be satisfied with the level of landscaping detail provided in the revised plans which we consider to be appropriate given that details of landscaping form a Reserved Matter. Furthermore the level of information which has been provided is identical to that which was submitted with the previous appeal scheme proposals for which there was no request for additional information. Please can you confirm that sufficient information has been submitted.

The Southern Land

The Supporting Planning Statement confirms that the southern land (comprising the southern portion of UDP allocation E3) is not available to NDL and is reserved for a major energy project. You confirmed that you have been involved in pre-application meetings for this project which is currently live and progressing. I can confirm that there is a Legal Option Agreement in place over this land and that it is not available for any other user including Norbert Dentressangle. I understand this position is accepted by the Council.

As you will be aware the application also seeks consent for a link road between the existing NDL facility and the proposed expansion facility and this is an integral part of the scheme. This allows for a single, secure operation which can only be achieved by delivering an expansion facility in close proximity to the existing operation. There is a clear functional relationship between the existing NDL facility and the expansion proposals and therefore locations elsewhere within the Industrial Estate or indeed Wrexham (if a large enough site were to be available) would not be acceptable. NDL's position is set out in their letter from its Property Manager dated 30th November 2011 which was issued to the Council.

Draft Planning Policy Wales Chapter 7 – Supporting the Economy

Since the planning application was submitted the Welsh Assembly Government has consulted on a revision to Chapter 7 of Planning Policy Wales (Supporting the Economy). The purpose of the revised policy is to ensure that WAG can deliver on their aspirations for economic recovery in Wales.

The Welsh Government commissioned consultants Roger Tym and Partners to produce a report recommending changes to the planning system which would help aid economic revival in Wales. The report '*Planning for Sustainable Economic Renewal*' was published in June 2011. The consultation document contains proposals to replace Chapter 7 of PPW as well as a draft structure for the content of a Technical Advice Note (TAN) focusing on economic growth. The consultation notes that there is a perception in Wales that planning policy for economic development needs to be updated and that the policy should be set against the Government's legal duty to promote sustainable development.

The consultation document makes reference to the July 2010 Welsh Government strategy for economic recovery called 'Economic Renewal: A new direction'. The strategy seeks to implement a fresh approach to policy making in order to find a new way to lead Wales out of recession. As part of this approach the Welsh Government identified that planning policy needed to be updated. The strategy states that:

"To remain competitive, businesses in Wales must be able to invest in new development in an efficient and timely way. The Government provides the framework for this new development, and needs to ensure that the planning system in Wales facilitates effective decisions and to impose costs only where these are justified by the benefits they bring to society as a whole."

The draft revisions to PPW Chapter 7 require Local Planning Authorities to adopt a more holistic approach to economic development and to adopt a 'whole economy' approach rather than focusing wholly on the traditional employment land uses as defined in categories B1-B8 of the Town and Country Planning Use Classes Order. The policy also requires Councils to establish a robust local evidence base to assess the economic characteristics of their areas and to undertake and keep up to date employment land reviews. Importantly, the policy seeks to ensure that economic development officers are

consulted on proposals which have the potential to generate job creation or retention and that the economic benefits of such proposals are more fully understood.

Of particular relevance to the current application proposals the draft policy states that:

- The planning system should support economic and employment growth alongside social and environmental sustainability – the planning system, including planning policies, should aim to ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses;
- Planning authorities should aim to facilitate the provision of land that the market requires, except where there are good reasons to the contrary; and
- Councils should guide/control economic development to facilitate regeneration and promote social and environmental sustainability.

Paragraph 7.1.2 of the draft policy advises Councils that they should co-ordinate economic development alongside infrastructure provision, align jobs and services with housing wherever possible, promote the reuse of previously developed land and to deliver physical regeneration and employment opportunities to disadvantaged communities. In applying these and other considerations, the guidance states that Councils should aim to steer economic development to **the most appropriate locations, rather than prevent or discourage such development** (emphasis added).

Our Supporting Planning Statement identifies that the application site is capable of meeting the criteria identified above and would result in sustainable development. As set out in further detail below, the application site is considered to represent the most appropriate (indeed the only available) location for the development. Further consideration is given to this below.

Paragraph 7.2.2 of the revised policy states that:

"Planning Authorities are required to ensure that the economic benefits associated with a proposed project are understood and that these are given equal consideration with social and environmental issues in the decision making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations".

Section 7.6 of the draft policy relates to development management and the economy. The draft guidance advises Councils to adopt a 'positive and constructive approach' toward applications for economic development and that account should be taken of the likely economic benefits of development. It also states that planning authorities should look favourably on applications for economic land uses which are not in accordance with the Development Plan if the economic benefits of the development are demonstrated to outweigh any adverse impacts.

Implications of Draft National Policy

It is clear that the draft revisions to PPW Chapter 7 provide further strong support for the application proposals. The economic and regenerative benefits of the proposals must be considered by the Council (and given equal if not greater weight) alongside social and environmental factors. In line with the emerging guidance the Council should view the application proposals as an opportunity to steer major economic development and new jobs to the most appropriate location in the Borough rather than to prevent or discourage this economically vital proposal. The application robustly demonstrates that there are no alternative sites which could accommodate the proposals and the draft national policy is therefore supportive of the proposals in locational terms.

The benefits of the proposals include the expansion of a major local employer in Norbert Dentressangle, their retention in Wrexham thereby safeguarding existing jobs and the facilitation of their expansion which will create the opportunity for much needed new jobs for the local area. The Councils Economic Development Officer has provided a strongly supportive response to the application highlighting the economic development benefits of the proposals. The retention of existing jobs and creation of new positions has the capacity to address deprivation issues identified in the Wrexham urban area. These are substantial material considerations which the Council need to attribute maximum weight towards.

The Supporting Planning Statement (SPS) submitted by HOW Planning (See Section 7) provides a detailed analysis in relation to the 2010 Appeal Inspectors Report. The SPS concludes that even if the Council find that the proposals conflict with the Development Plan there are very weighty material considerations which serve to outweigh any such conflict and which can be seen to justify the proposals. The draft national economic policy explicitly states that in such instances Councils should look favourably on applications. The applicant has demonstrated that this can be achieved and the proposals should therefore benefit from the full support of the Council and be approved as a result.

Wrexham's Local Development Plan

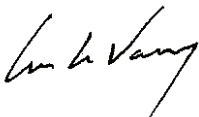
As highlighted previously HOW Planning submitted Representations to the Local Development Plan EiP objecting to the Council's proposed de-allocation of the northern part of the E3 allocated employment site. You indicated at our meeting that the Council's proposed deletion of this land from the Local Plan was potentially a valid material consideration in the determination of these proposals. The applicant's position is that this can be afforded no weight given that the Councils approach was the subject of outstanding objections yet to be considered by the LDP Inspector and particularly now the LDP has been withdrawn.

It has been demonstrated through this application that there is a clear need for this land to facilitate major economic development and investment and that the location has a clear functional relationship with NDL's existing operation on Wrexham Industrial Estate.

Planning Committee

I understand that the next Planning Committee takes place toward the end of April and I would be grateful for your confirmation that you intend to report this application to it and provide details of the time, date and venue. With regard to the issues identified above please could you let me know as soon as possible if the Council require any further information to support the application or clarification on any of these matters and I shall be pleased to assist further. I look forward to hearing from you.

Yours sincerely



CONOR VALLELLY
SENIOR PLANNER

Direct Line: 0161 831 5877

Email: conor.vallelly@howplanning.com

CC: T Goddard, Kingmoor Park Properties Limited
A. Newman, Property Manager Norbert Dentressangle Logistics Limited
S. Bayley, WCBC Head of Assets and Economic Development