

REPORT TO:	Planning Committee
REPORT NO.	COEP/40/25
DATE:	7 July 2025
REPORTING OFFICER:	Chief Officer Economy and Planning
CONTACT OFFICER:	Matthew Phillips – Head of Planning Development Management
SUBJECT:	Planning Appeal APP/H6955/A/20/3263516 (WCBC ref. no. P/2019/0005) – Land south of Holt Road Wrexham.
WARD:	Holt

1.0 PURPOSE OF REPORT

- 1.1 To outline the significant changes in circumstances since the Planning Committee agreed in 2024 to withdraw the reasons it had previously given for refusing outline planning permission in 2020 following the adoption of the Wrexham Local Development Plan (LDP)
- 1.2 To seek agreement from Members on the recommendations set out below in connection with the forthcoming planning appeal.

2.0 BACKGROUND

- 2.1 Application Ref. P/2019/0005 was submitted to the Council in January 2019. Outline planning permission was sought for the erection of up to 600 dwellings on land to the south of Holt Road. All matters except access from Holt Road were reserved for later consideration.
- 2.2 The application was reported to Planning Committee on 27 July 2020 with a recommendation that permission be granted, subject to the prior completion of a Planning Obligation to secure affordable housing, contributions towards the construction of a spine road, the management of on-site open space and habitat mitigation and financial contributions

towards primary and secondary education. A copy of the Committee Report can be found at **Appendix 1**. Planning Committee refused outline planning permission and the applicants lodged an appeal with the Planning Inspectorate (now PEDW) in December 2020.

- 2.3 Following the adoption of the LDP on 20 December 2023, the appeal Inspector invited both parties to make further representations on a number of key matters before formally making a decision regarding appeal procedure. The primary reason for the delay in the appeal process up to 2024 was the phosphorous issue.
- 2.4 On 8 April 2024, a report was presented to the Planning Committee which outlined the very significant changes in circumstances since the planning application was refused 2020. Members resolved to accept all 3 of the recommendations in the report, which included confirmation that all 3 reasons for refusal of the planning application on 27 July 2020 were to be withdrawn. A copy of this report can be found at **Appendix 2**.
- 2.5 The appeal has not yet been determined. The primary delay remains the phosphorus issue, which Members will be aware is delaying certain planning decisions across the County Borough. However, PEDW has now indicated that the appointed Inspector is now minded to proceed to hold an Inquiry. The date of this has yet to be finalised, but the Inspector has indicated an intention for it to be held week commencing 29th September 2025.
- 2.6 The Council will need to prepare an updated Position Statement for submission to the Inspector and, potentially, a proof of evidence.
- 2.7 There have been further significant changes in circumstances since the Committee decision of 8th of April 2025.
- 2.8 Following a challenge brought under section 113 of the 2004 Act, the High Court issued an Order received on 12 June 2025. The effect of the Order is that the vote by Full Council on 20th December 2023 to adopt the LDP is quashed, returning the LDP to the status of an 'unadopted' plan. The LDP therefore no longer has the status of a development plan for the purposes of Section 38(6) of the 2004 Act. The quashing of the decision of Full Council to adopt the LDP means the Wrexham Unitary Development Plan 1996-2011 (UDP) is returned to the status development plan for the purposes of Section 38(6) of the 2004 Act.
- 2.9 Although the unadopted LDP no longer has the status of development plan, paragraph 9.4.11 of the Development Management Manual (DMM) advises that the weight to be attached to an emerging LDP will depend on the stage it has reached, with certainty regarding the content of the plan will being achieved when an Inspector delivers a binding report.

The DMM goes on to advise that Local Planning Authorities need to carefully consider the underlying evidence to an emerging LDP.

- 2.10 In light of the above, it is necessary to consider the relative weight that should be afforded to UDP policies and designations as well as policies and designations in the unadopted Local Development Plan.

3.0 CONSIDERATION OF KEY ISSUES

- 3.1 These will be considered in the context of the 3 (now withdrawn) reasons for refusal:

Reason 1

- 3.2 **Principle of Development:** The appeal site is located outside of the settlement limit as defined by the UDP and amounts to a departure from the relevant policies of the UDP are referred to in the Committee Report of 27 July 2020. However, the site is located within the settlement limit and is allocated for residential development in the unadopted Local Development Plan, forming the northern part of a larger strategic housing allocation, Key Strategic Site 2 (KSS2). The planning policy position therefore differs significantly between the positions of the UDP and unadopted LDP in respect of the site.
- 3.3 The National Development Framework for Wales also has the 'development plan' status, as defined by section 38(4)(a) of the 2004 Act. Future Wales: The National Plan 2040 (FW) was adopted on 24 February 2021, and therefore is also part of the starting point for determining planning applications, in addition to the UDP. Wrexham lies within the Wrexham and Deeside National Growth Area as defined in Policy 20 Future Wales: The National Plan 2040 (FW). FW's spatial strategy focuses growth within the main built up areas in the Wrexham and Deeside Growth Area. The proposed development therefore accords with FW.
- 3.4 The UDP is the adopted development plan and is therefore a starting point for the consideration of the appeal. However, the UDP was adopted in 2005 and the plan period expired in 2011. Crucially, the UDP is based on outdated national planning guidance and underpinned by an evidence base that is now woefully outdated, being well over 20 years old.
- 3.5 The settlement limits and Green Barrier boundaries were defined in the context of the UDP plan strategy, including making provision for 5,775 dwellings over the plan period 1996-2011. The UDP housing provision has now been entirely built out. The UDP also pre-dates FW and makes no specific provisions to support the requirement of policy 20 of FW to recognise the National Growth Area as a focus for strategic housing growth.

- 3.6 The unadopted LDP settlement limits and Green Wedge boundaries are informed by an evidence base that has been subject to Examination in Public and found to be sound. This includes a need to make sufficient land available to meet the identified housing requirement. The unadopted LDP makes provision for 8,083 new dwellings to meet an identified requirement for 7,750 new houses between 2013-2028.
- 3.7 The UDP Green Barriers are analogous to Green Wedges described in PPW12. The development constitutes inappropriate development in a Green Wedge, as defined by para 3.75 of PPW12. However, paragraph 3.68 advises that Green Wedges should be reviewed as part of the development plan process. PPW12 also advises that, when considering designations, local planning authorities need to ensure a sufficient range of development land which is suitably located in relation to the existing urban edge is made available.
- 3.8 The UDP Green Barriers were reviewed in the Strategic Green Wedge Review (GWR) October 2017 as part of the process of preparing the unadopted LDP. The application site forms part of one of 20 sites identified as allocations for residential development in order to provide a sufficient supply of land to meet the identified housing requirement. Taking this into account, GWR proposed to omit the whole of the KSS2 allocation from the Green Wedge designation in the unadopted LDP.
- 3.9 The LDP Inspectors commented in their report regarding the Green Wedge boundaries proposed in the unadopted LDP: *That a site was formerly in a UDP green barrier is not, therefore, a compelling reason for it not to now be allocated in the LDP.*
- 3.10 The draft LDP has been subject to Examination in Public. A number of Inspectors' key findings are set out below:

Future Wales

The LDP Inspectors concluded that *FW 'forms part of the Council's statutory development plan and, which, this plan needs to be in general conformity. The LDP is consistent with its main principles, particularly, that, as recognised in Policy 20- National Growth Area, Wrexham and Deeside will be the main focus for growth and investment in the North region'.*

Plan Vision and Objectives, Strategy and Growth

The LDP Inspectors concluded that *"the overall strategy is coherent and based on a clear and robust preparation process. In addition, the strategy and strategic policies are realistic and appropriate, and based on robust and credible evidence."*

Location of Development

The Inspectors concluded that the LDP's spatial strategy: *is "coherent and based on a clear and robust preparation process. The spatial strategy and relevant strategic policies are realistic, appropriate and logical in the light of relevant alternatives and are based on robust and credible evidence."*

On settlements limits, the Inspectors specifically commented that *"we are satisfied the review of settlement boundaries was carried out consistently and was based on robust evidence."*

Housing Provision and Allocations

The overall conclusion of the Inspectors was that: *"the amount of housing provision set out in the LDP is realistic and appropriate and founded on a robust and credible evidence base. It will achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy."*

"the identification of the housing sites was based on a robust and rational site selection process. The policies and requirements for the housing allocations are clear, reasonable and sufficient. The allocated housing sites will thus enable the provision of the housing requirement"

- 3.11 Having regard to the above, the UDP settlement limits and Green Barrier designations, where they are inconsistent with the unadopted LDP, are now outdated. Paragraph 7.8 of Development Plans Manual (Edition 3) advises that where development plans are outdated, Local Planning Authorities should give the plan decreasing weight in favour of other material considerations, such as national planning policy.
- 3.12 The evidence that underpins the unadopted LDP is, in every respect more up to date than the evidence that underpins the UDP. Moreover, the unadopted LDP has been subject to Examination in Public, with the LDP Inspectors concluding that subject to the binding changes set out in their report (which have been incorporated into the final version of the written statement and proposals maps), *'the Wrexham Local Development Plan satisfies the requirements of section 64(5) of the 2004 Act and meets the procedural requirements and tests of soundness'*. This, and the matters discussed above are material considerations that, in the view of Officers, weigh heavily in favour of the appeal proposal and also outweigh conflict with conflict with the UDP settlement limit and Green Barrier designations.
- 3.13 **UDP Policy GDP1:** The reason for refusal does not identify why the proposed development was considered to conflict with policy GDP1 e.g.

visual impact, highway safety, and residential amenity. As set out in the report of 8 April 2024, detailed matters of layout, appearance, scale, landscaping and access (other than access onto Holt Road) would be given further consideration at reserved matters stage in the context of GDP1 as well as other relevant UDP policies.

- 3.15 **UDP Policy GDP2:** The 27 July 2020 report advised that contributions towards primary and secondary education provision could be secured by a Planning Obligation. It also advised that the KSS2 policy identified the provision of a primary school to be necessary infrastructure for the delivery of the site (i.e. KSS2 as a whole).
- 3.16 The Council's Education Team confirmed in April 2024 that there remained a need for contributions towards secondary education provision. The position set out in the 27 July 2020 report therefore remains broadly correct. Moreover, on 5th of July 2024 a Planning Obligation was signed by the Council and the landowners of the site. In the event of the appeal being allowed, the obligation would secure:
- Financial contributions towards primary and secondary education provision;
 - Affordable housing (20% of the total number of dwellings to be built on site;
 - Provisions to secure the construction of a spine road across the appeal site; and
 - The management of on-site open space and any on-site ecological mitigation areas.
- 3.17 The Planning Obligation referred to above will secure the necessary community infrastructure to ensure compliance with policy GDP2 of the UDP.
- 3.18 **Open Space:** The position remains as set out in paragraph 3.6 of the 8th of April 2024 report. Moreover, a Statement of Common Ground was agreed between the Council and appellants on 7th of June 2024. This included a schedule of planning conditions that both parties have agreed should be imposed in the event of the appeal being allowed. A copy of this can be found at **Appendix 3**. Draft condition 13 sets a requirement for details of areas of open space to be submitted with the subsequent application(s) to agree reserved matters. As such, in the event of the appeal being allowed, the Council would have an opportunity to consider the adequacy of open space provision at a future date, when a detailed layout scheme is produced.
- 3.19 **Minerals:** The position of the North Wales Minerals and Waste Service is that the applicants have not demonstrated that there are no exploitable reserves within the development site or that the underlying minerals do not merit extraction. The development does therefore not accord with policy MW9 of the UDP. However, in July 2023, the North Wales

Minerals and Waste Planning Service (NWMWPS) confirmed that an updated Prior Extraction Assessment demonstrated compliance with policy MW1 of the unadopted LDP on the grounds that there was an overriding need for the development. In line with what has already been outlined above, policy MW1 of the unadopted LDP and the confirmation by the North Wales Minerals and Waste Planning Service (NWMWPS) that updated Prior Extraction Assessment demonstrates compliance with the policy should be afforded significant weight. The response from the NWMWPS was prepared in July 2023. Crucially, this was after the LDP Inspectors' Report (27 February 2023) and but before the now quashed Full Council vote to adopt the LDP on 20th December 2023. This means the status and weight afforded to the unadopted LDP is not materially different now to when the NWMPS commented. Draft condition 18 contained within the Statement of Common Ground sets a requirement for a Mineral Recovery Plan to be submitted before development commences on site.

- 3.20 Having regard to the above, it is considered that the Council would not be able to provide substantive evidence to successfully defend this reason for refusal in the event that Members determined that it should be re-instated in part or in full.

Reason 2

- 3.21 In their report, the LDP Inspectors accepted that Best and Most Versatile agricultural land (BMV land) was a key consideration throughout the LDP Sustainability Appraisal and site selection process and concluded they were *'satisfied that sites have only been allocated where there is an overriding need for development, and either previously development land or land in lower grades is unavailable, consistent with national policy'*.
- 3.22 Having considered the conclusions reach by the LDP Inspectors, as well as well as Future Wales, the Department for Climate Change confirmed they raised no objection to the development. The response was received on 18th of October 2023. Crucially, this was after the LDP Inspectors' Report (27 February 2023) and before the, now quashed, Full Council vote to adopt the LDP on 20th December 2023. A copy can be found at **Appendix 4**. As noted in paragraph 3.19 above, this means the status and weight afforded to the unadopted LDP is not materially different now to when the Department for Climate Change commented in October 2023.
- 3.23 Having regard to the above, in conjunction with the matters discussed in the context of Reason 1, it is considered that the Council would not be able to provide substantive evidence to successfully defend the reason for refusal in the event that Members determined that it should be re-instated.

Reason 3

- 3.24 The position remains as set out in the report of 8th April 2024.
- 3.25 Having regard to the above, it is considered that the Council would not be able to provide substantive evidence to successfully defend the reason for refusal if the event that Members determined to re-instate it.

4.0 IMPLICATIONS

- 4.1 Paragraph 3.11 of the Section 12 Annex: Award of Costs to the Development Management Manual (Section 12 Annexe) advises that Local Planning Authorities are at risk of an award of costs being made against them if they fail to produce evidence to substantiate the impact of the proposal or each reason for refusal. Having regard to this, and in light of the weight that should be afforded to unadopted LDP policies and evidence underpinning them, it is considered that the Council would be highly vulnerable to an award of costs being made against it the application was refused for the three reasons outlined within the original decision which cited conflict with policies in a now expired and outdated UDP and in the absence of objections from the North Wales Waste and Minerals Service and the Health Board.
- 4.2 Paragraph 3.10 of the Section 12 Annexe also advises that Local Planning Authorities are at risk of an award of costs being made against them if it were try to introduce new reasons for refusal.
- 4.3 In addition to the risks identified above, Members are advised that the Case Officer (now Head of Service, Planning Development Management) will not be able to act as Expert Witness at the Inquiry. The Case Officer drafted the committee report of 20th of July 2020 and represented the Council at the Examination in Public, including in the hearings where the Council set out to demonstrate to the LDP Inspectors that the proposed housing allocations, including the KSS2 allocation, were sound and deliverable. Should Members determine to reinstate one, or more, of the reasons for refusal, either in whole, or part, it would therefore conflict with the Royal Town Planning Institute's professional charter which prevents Officers defending a position in a Public Inquiry that conflicts with their own professional views.

5.0 RECOMMENDATIONS

Recommendation 1

- 5.1 That Members confirm that the policies of the unadopted LDP, including, but not limited to policy SP4, and the evidence underpinning them be given significant weight by the appeal Inspector and therefore the

Council does not wish to reinstate reasons 1 and 2, either in whole or in part.

Recommendation 2

- 5.2 That reason 3 is not reinstated, having regard to paragraphs 3.24 to 3.25 above.

Recommendation 3

- 5.3 That Chief Officer Economy and Planning is given delegated authority to prepare an updated position statement and to agree an updated Statement of Common Ground that take account of the matters discussed above.

Recommendation 4

- 5.4 In the event that Members determine to reinstate one or more of the reasons for refusal, Members nominate up to two Members of the Planning Committee to act as Expert Witness at the Inquiry.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

APPLICATION NO:

P/2019 /0005

LOCATION:

LAND SOUTH OF HOLT ROAD
WREXHAM
LL13 9SA

DATE RECEIVED:

04/01/2019

COMMUNITY:

Holt

DESCRIPTION:

OUTLINE APPLICATION FOR THE
CONSTRUCTION OF UP TO 600
DWELLINGS, WITH ASSOCIATED
LANDSCAPING, PUBLIC OPEN
SPACE AND ON-SITE
INFRASTRUCTURE, WITH ALL
MATTERS RESERVED EXCEPT
FROM THE NORTHERN SITE
ACCESS

CASE OFFICER:

MP

WARD:

Holt

AGENT NAME:

BARTON WILLMORE
MR VINCENT RYAN

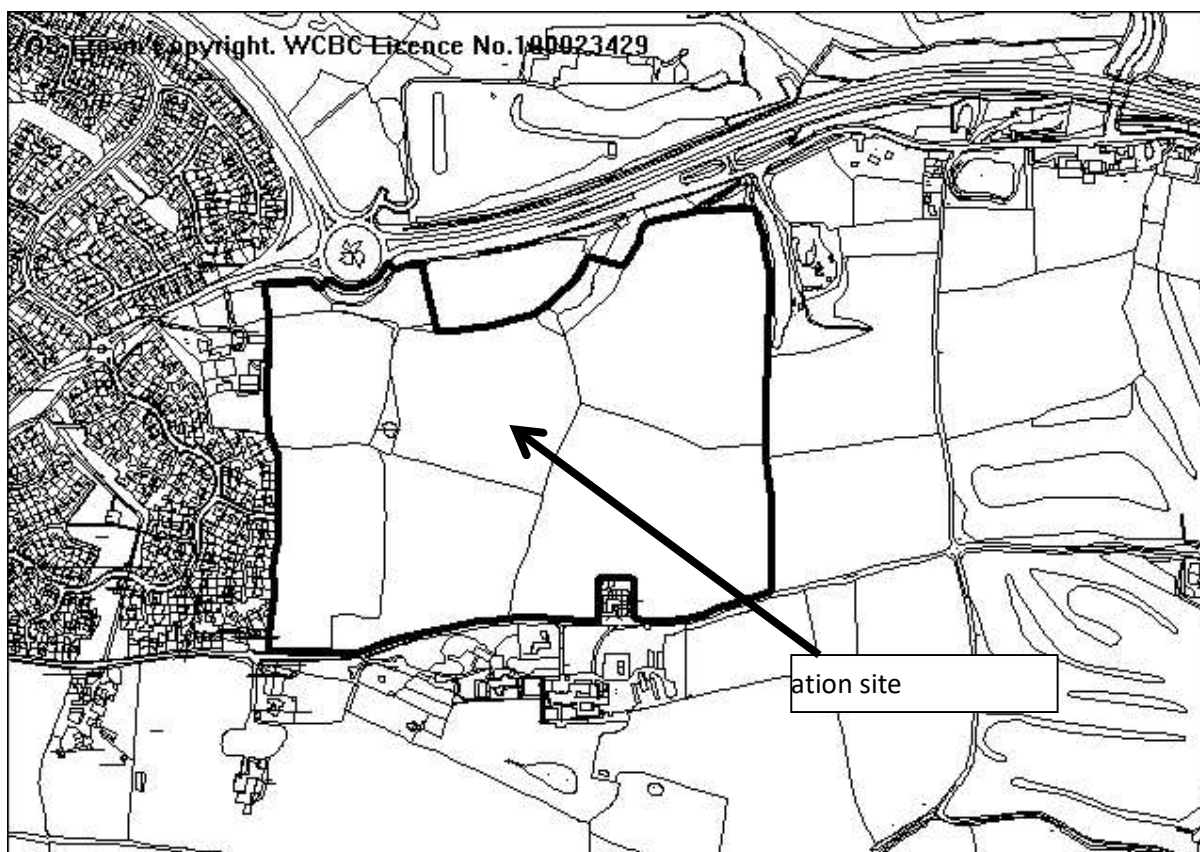
APPLICANT(S) NAME:

BARRATT HOMES AND BLOOR
HOMES NORTH WEST AND JOHN
RAYMOND JONES AND THE
TRUSTEES OF THE WREXHAM
(PAROCHIAL) EDUCATION
FOUNDATION

THE SITE

Land South of Holt Road, Wrexham.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020



PROPOSAL

As above. Approval for the main site access is sought at outline planning permission stage. All other detailed matters, including the location of other means of access, are reserved for subsequent approval.

HISTORY

NATIONAL PLANNING POLICY

Planning Policy Wales Edition 10

Technical Advice Note 2: Planning and Affordable Housing
Technical Advice Note 5: Nature Conservation and Planning
Technical Advice Note 12: Design
Technical Advice Note 18: Transport

DEVELOPMENT PLAN

Unitary Development Plan

The site lies outside of the UDP settlement limits, within a Green Barrier and a mineral resource protection area. It also contains Best and Most Versatile agricultural land. Policies PS1, PS2, GDP1, EC2, EC4, EC6, H5, T8 and MW9 apply.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

Emerging Local Development Plan

In the LDP the site will form part of Key Strategic Site 2, with policies SP3, SP5 and MW11 are specifically applicable to this site.

CONSULTATIONS

- | | |
|-----------------------------|---|
| Holt Community Council: | Members feel that if this development is allowed it will only form part of the larger picture for the number of properties planned in the LDP and it will mean there will be no infrastructure here and everyone passing on the financial implications of providing this. |
| Abenbury Community Council: | The Council object to the proposal as they feel strongly that this is premature. The LDP has only just been submitted and could be amended in the course of consideration. The Council also believes that this strategic site should be considered and developed coherently to ensure the required community uses can properly be planned and funded. |
| Acton Community Council: | <p>The Community Council objects strongly to this application and wishes to confirm its reasons as set out below. The views below were also submitted as part of the Community Council's response to the Local Development Plan Consultation (which is expected to be adopted shortly) and in particular the proposals for the land this application refers to; and to highlight that there is not the same demand for Housing as originally envisaged when the Local Development Plan was being prepared:-</p> <ul style="list-style-type: none">• The development will result in a loss of high grade agricultural green barrier land;• During the expected build on this land there will be nuisance caused to nearby occupiers by reason of noise, dust, grit and other matter;• Since 2011 the existing Public Transport provision within the Acton Community has contracted and serves less of the area; currently some bus services are being temporarily provided by the local Authority for a two year period on a restricted basis• The Welsh Spatial Plan aim on Health is "to create a strong and well run network of streamlined and integrated care services "The health services within the Acton Community are inadequate to cope with any expansion. There are two GP practices at Borrass Park and |

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

Strathmore Surgery on Chester Road. There is a shortage and no other land identified to provide new or additional GP surgeries to meet increased demand and public health needs. This is contrary to the Wales Spatial Plan's Area Framework for North East Wales which seeks to ensure there is good access to services such as health for users and workers across the area.

- The Welsh Spatial Plan on Water Extraction - there will be a big impact due to reliance of water supplied from the River Dee. The Welsh Spatial Plan Area Framework for North East Wales in valuing the Environment recognises the development of more housing may put a strain on the Environment particularly in relation to water resources and by isolating protected wildlife and species. The LDP proposal for KSS2 (of which the application site is part of) provides no compelling evidence that this large scale development will have the resources to expand the existing over stretched local infrastructure to meet all the ancillary needs coming from the large scale development of this large green field site.
- Welsh Spatial Plan requirements to promote a sustainable Economy by ensuring areas have a strong and co-ordinated network of Education and skills providers to match geographical and sectoral needs: The three existing Primary Schools in the Acton Community are oversubscribed and at capacity. The Community Council is of the view that any large scale expansion of housing without matching learning infrastructure will be inadequate and not meet the Welsh Spatial Plan's Area framework for North East Wales to ensure provision of basic education skills for the area's Children and Young People.
- The infrastructure deficit for Transport, Water, sewerage and energy will place additional demands on these services that are already overstretched with the current housing provision.
- The Welsh Spatial Plan aim of valuing the Environment by promoting wildlife and diversity: The Acton Community area has a green open space deficiency and the proposed expansion to green field sites will decrease the quality and quantity of nature sites and the

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

development will result in a green field site becoming part of the urban area. Paragraph 16.57 of the 2008 Wales Spatial Plan refers to provision of open spaces to improve the infrastructure for activity, recreation and community facilities

Councillor Michael Morris:
Cllr Mike Davies:

Notified 8.1.2019

Strongly object:

- Application concerns land earmarked for inclusion in the LDP. The public will be given an opportunity to examine the LDP when it is presented. The LDP when complete will no doubt have a number of considerations which will guide or even restrict future applications. This application is premature and will pre-empt any such guidelines;
- The LDP proposes in excess of 1600 new homes. This amounts to a virtual new village on the outskirts of the town, with all associated requirements of new residents. Some considerations will no doubt include routes for future highways to access the site, a requirement for a percentage of affordable housing, a suitable infrastructure and improvements to existing highways. There will no doubt be considerations for educational establishments and possibly shops. This application assumes to pre-guess any such requirements and the result of full public consultation;
- The application proposes only one access point which will enter onto an already very busy roundabout. The only other potential access point will be through an already existing housing estate at the Fairways. This will cause congestion as existing roads through the estate are not of the size and dimensions to cater for such an increased traffic flow;
- It is true the application allows for some recreational space but this is far less than provided in neighbouring developments;
- There is already an issue of flooding on Holt Road. There would be a need for a serious rethink of the drainage a 600 houses will lead to a large increase in run-off water;
- The nearest schools and medical facilities are already showing signs of strain;
- The nearest shops are a distance down Holt Road, this will no doubt increase traffic along an already very busy road at certain times of

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

day. This would require investment and improvements to the existing highway. The applicants will avoid any requirements to contribute to such improvement schemes;

- I believe there is much work to be done in preparation for the proposed LDP development. This application is premature and there is a danger that an early development will hinder correct consideration for the full site as earmarked in the LDP. The application should be put on hold so it can be fully considered within the boundary of the future LDP site.

Highways (external consultants): The TA Addendum for the KSS2 planning application, provides an assessment of the incremental impacts of the wider development proposals and provides a sufficiently sound evidence to allow for the proposed developments with the highway mitigation measures proposed by the developer. However, it is recommended that additional mitigation measures at the Greyhound and A5156/A534/Stryt Holt/Site Access roundabouts are considered for future implementation. The timing of the mitigation measures, particularly the Link Road, will be open to adjustment if the planned build out rates change in the future.

Public Protection: The modelled air quality conclusions of the Air Quality Assessment are accepted. The dust management measures detailed in the Air Quality Assessment are accepted. Conditions recommended in respect of hours of work, noise mitigation as well as advisory notes.

Education: Primary and secondary contributions required.

Contaminated Land: Requests a condition to secure further investigation of specific areas shown on a submitted plan and to require mitigation in the event of any previously unidentified contamination being found.

Senior Flood Officer: Has made the following comments:

- For large phased developments which could have sites with multiple build stages involving multiple developers, the SAB, LPA and developers should establish an agreed overall strategic approach to sustainable drainage design. This should involve agreeing strategic drainage principles for the development and likely build phases, which are consistent with the Statutory SuDS Standards and relevant local policies. This is needed to avoid potential

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

problems such as inconsistencies of delivering drainage solutions, which could lead to an increased flood risk or the inability to deliver compliant sustainable drainage systems and cause undue delay in the construction of later build phases.

- Therefore, prior to the determination of the outline application it must be clearly demonstrated that a Sustainable Drainage Scheme, compliant with the Welsh Ministers Statutory Standards for Wales, can be delivered for the site. This needs to consider, and be acceptable too, the SuDS Approving Body who are duty bound adopt any scheme built in accordance with SAB approval.
- Any revised SuDS Strategy document must detail the proposed approach to achieve compliance with the Statutory Standards, whilst demonstrating how the guiding principles of the standards will be achieved. This document will need to consider how the SuDS scheme will be delivered for the site, particularly if phasing of any development is likely. Proposals for how the future management, maintenance and funding of the scheme will be secured to ensure its function over the lifetime of the development will also need to be given consideration. It is essential that due consideration is given to the sustainable drainage of the site at the outline application stage to ensure the maximum benefits of Sustainable Drainage can be achieved and a high quality, compliant scheme can be brought forward that will satisfy SAB and wider planning considerations. This should include consideration of relevant stakeholder concerns for the site. Of particular note are NRW's recent comments with regards to biodiversity and water quality.
- In the absence of this information it has not been demonstrated that a SuDS scheme compliant with the Statutory Standards can be delivered for the site and I would request this information is requested as a matter of urgency.
- This may have significant implications for the deliverability of the site if any future application for SAB approval were not successful.

NRW:

We recommend that you should only grant planning permission if you attach the following

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

- Condition 1: The submission and implementation of compensatory proposals associated with Great Crested Newts (GCN). This to consider material issues associated with tenure and resource provision (e.g. imposition of index linked ground rent service charges on prospective residents);
- Condition 2: The submission of proposals concerning long term, surveillance and wardening associated with GCN.
- Condition 3: Submission and implementation of an amphibian friendly surface water management system
- Condition 4: EPS: External lighting/internal light spillage assessment compliant with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK
- Condition 5: Submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.
- Condition 6: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.
- Condition 7: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

WG (Trunk Roads):

Does not issue a direction in respect of this application.

WG (Rural Affairs):

Agricultural Land Classification:

A detailed ALC survey was undertaken on the south western half of the site by the Welsh Government in 2002. This confirmed a presence

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

of 13.02ha of BMV land (Subgrade 3a) on the survey area.

A further detailed ALC survey of the un-surveyed area of the site was undertaken by the developers in October 2018 (Ref: RAC 8190) and submitted with the planning application. The results of this survey have been amalgamated with the 2002 survey to confirm ALC grading for the entire site. The results of the survey confirm the presence of 26.3ha of BMV land (Subgrade 3a) on the site.

The department has validated the October 2018 survey (Ref: RAC 8190), and can confirm it has been undertaken in accordance with the Revised Guidelines and Criteria for Grading the Quality of Agricultural Land (MAFF 1988). This survey can be accepted as an accurate reflection of land quality on the site. This confirms that the application, if granted, would involve the loss of 26.3ha of BMV land.

Expression of view

The proposal has failed to apply the sequential test and justify the loss of BMV agricultural land in accordance with the procedure required by PPW 3.54 & 3.55. Consequently, the Department for Environment, Energy and Rural Affairs of Welsh Government wishes to express a **CONDITIONAL OBJECTION** to this planning application. The following agricultural factors should be noted:

1. The loss of 26.3ha of BMV agricultural land is a matter of national significance, with reference to DMP Order 2012, Schedule 4 paragraph (s).

This objection is consistent with our response to the Pre-Application Consultation on this case.

It is considered that the submitted proposal has failed to justify the loss of a nationally significant area of best and most versatile agricultural land, as is required by Planning Policy Wales paragraph 3.54 & 3.55, before such land is developed for non-agricultural purposes. Such land is described in PPW 3.54 & 3.55 as a finite resource for the future

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

and in development management decision making process, considerable weight should be given to protecting such land from development because of its special importance.

It is considered that the response in the Planning Statement, to our pre-application response, that '*justification has been provided by the Council in their assessment of the Key Strategic Sites and the Sustainability Appraisal with regard to why the loss of this land is essential to help the Council meet its housing needs*' is not credible for the following reasons:

- a. The proposed LDP assessment process considers the total loss of BMV Agricultural land for the whole LPA area, over the plan period. The proposed Wrexham LDP has not to date been adopted; therefore, the Department cannot pre-judge the outcome of the LDP and this proposal must be assessed on its merits alone.
 - b. A number of non-BMV sites have been put forward within the un-adopted LDP. Lower grade agricultural land is available and the Planning Statement conflicts with PPW.
2. Under the proposed and unadopted Wrexham LDP (2013-2028), the site is proposed as part of a Key Strategic Site (*Ref: KSS2 – Land East of Cefn Road*) for housing under policy SP5.

The proposed LDP assessment process considers the total loss of BMV Agricultural land for the whole LPA area, over the plan period. If the proposed LDP is proved sound and adopted by the LPA, which includes the site as a development allocation, then the Department would **withdraw the objection**. As noted, the proposed Wrexham LDP has not to date been adopted; therefore, the Department cannot pre-judge the outcome of the LDP.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

Procedural matters

If your Authority includes this **CONDITIONAL OBJECTION** in the grounds for refusal of planning permission, then this Department is prepared on request and in accordance with the Town and Country Planning (Referred Applications and Appeals Procedure) Regulations 2017 to be represented on any appeal inquiry which may result. In addition, this Department is prepared to submit to your Authority a statement of evidence to assist in the preparation of the written statement as required under Regulation 22 of the Regulations.

Should your Authority consider that there is a case for granting planning permission despite the **CONDITIONAL OBJECTION** by the Department for Environment and Rural Affairs, the Department would **EXPECT** the matter to be brought to its attention before a decision is made, and failing a satisfactory resolution of the issues involved, this Department may ask Welsh Government to consider the case further.

North Wales Minerals and
Waste Planning Service:

The concluding comments are set out below:

- It is acknowledged that this application site is important for Wrexham's Housing Strategy and that it forms part of the Key Strategic Site 2 in the emerging Local Development Plan. However, this application site and KSS2 impact on minerals of national importance and that need to provide housing, infrastructure and other community facilities in sustainable locations needs to be balanced with the need to safeguard the nationally important resource.
- It is considered that the submitted Prior Extraction Assessment does not provide sufficient evidence to justify the loss of the resource. It does not include how much resource would be lost and it would be arguable that the data provided is not representative of the resource that may be present. It is considered to be commercially viable to extract fine grained sand resources with a lesser amount of gravel when blended with courser material, to create a saleable aggregate product, which is common place within the industry. Breedon Aggregate may be interested in the prior extraction of this

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

resource and the applicant has not entered discussions with them.

- The Prior Extraction Assessment in its current form would not provide the Local Planning Authority with sufficient information to demonstrate that there are no exploitable resources at the site. Furthermore, the conclusion of the report that the mineral does not merit extraction has not been substantiated with sufficient evidence and mineral operators working in North Wales disagree with this conclusion.
- Given that the deposits in this site are some of the best quality aggregate resources in Wales, this is a very important issue that has not been sufficiently addressed within the planning application. The information has not demonstrated that there are no exploitable resources exist within the site. It is considered that, based on the information provided, the mineral does merit extraction. It is considered that, the information provided to date has not demonstrated compliance with Policy MW9 of the Wrexham UDP or the emerging Policies SP3 and MW1 of the Deposit Draft LDP.

HSE:

The site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline.

Welsh Water:

Note it is proposed for foul flows from the proposed development to be disposed of via the public sewerage system and surface water is to be discharge into a sustainable drainage system. We would advise that foul flows from the proposed development should be taken to an existing manhole on the 1150mm foul sewer at or beyond manhole reference SJ35515201. Also, please note that no surface water, highway or land drainage run-off will be permitted to discharge directly or indirectly into the public sewerage system. In light of the above and given the omission of a detailed drainage plan / layout a drainage condition is recommended.

Health Board:

The Health Board's comments made are summarised below:

- The national average GP:patient ratio is 1:1800 patients. In Wrexham the ratio is currently 1:2600
- The additional increase in population would broadly equate to a need for an additional 0.4 full time equivalent GP.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

- Many practices are experiencing considerable sustainability challenges largely due to staffing shortages and difficulties in recruitment.
- In addition to extra staffing the Health Board will need to undertake a full evaluation of the existing estate capacity to accommodate expansion on this scale.
- The Health Board's capacity, infrastructure and financial constraints present considerable challenge in accommodating growth and expansion of health services and to obtaining full alignment of strategic plans.
- Section 4 of the Infrastructure plan (2018) acknowledges that the predicted growth within the deposit plan will present specific challenges for primary care and community as well as hospital services. It describes the measures the health board will take through development of a model of care, in this case for the Central Wrexham locality, to increase capacity within available resource. However a full and viable solution to bridging the gap in required health infrastructure to meet the potential increase in demand fully has not been identified and agreed.
- We understand that this specific development will take place over a 5-6 year period. We can predict that it may potentially grow by about 1400 people depending upon internal / external migration. As a consequence this will have an impact on the Cluster needs assessment that will inform future service development. Specific detail will be required to ensure this is as accurate as possible. We recognise that this is detail that will follow as the proposals progress.
- Whilst the Cluster plans need to develop to take account of the population changes within the key strategic sites, these are still in very early stages of implementation;
- We know from the data that the population profiles of two of the closest GP practices are very different, each bringing specific requirements for health service provision, and we also know from the data that the lifestyle and social factors of each of the practices' current population profiles, influence the health service provision that is required in the area.
- It is hard to provide specific details in response to the outline application when details of the

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

housing mix, estate design, the target population mix and also how the infrastructure and access routes/services will be developed are not definitive.

- The health board will seek to work collaboratively with partners, including WCBC and potential developers to discuss further options to accommodate the planned level of growth. We maintain our position that we wish this to include phasing and potential support from CIL / Section 106 agreements. This approach is consistent with the identified source of growth funding for other infrastructure areas to support the development of Key Strategic Sites and described within the infrastructure plan.
- According to the indicative site layout, the proposed residential development is approximately 50% of the available land, which although indicative is encouraging, with regard to the balance of green or recreational space in the proposed development.
- We would encourage that the developer takes note and implements the conditions as described in the LDP Integrated objectives which support the aim of a diverse and mixed community and promote and encourage a healthy, active and safe lifestyle through the design of the development.
- We would welcome further discussion regarding the potential impact on infrastructure in the area and, as the development of the key strategic site proceeds, the scope for any developer contributions

Wales and West Utilities:

Has pipes in the area. These may be affected and at risk during construction works. Should the planning application be approved then we require the promotor of the works to contact us direct to discuss our requirements in detail before any works commence on site.

CPAT:

The development site includes some significant prehistoric archaeology as identified in trenches. None of the prehistoric features were present on the geophysical survey data and this leaves us with a problem in terms of quantifying just how much prehistoric archaeology we have here and how widespread it is over the development site. Require a condition for additional archaeological works to be undertaken.

Site Notices (x6)

Expired 8.2019

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

Press Notice:

Breedon Quarry Group:

Expired 16.2.2019

Do not object but have the following comments on the Prior Assessment:

- Disagree that the lack of a significant proportion of sand and gravel in the deposit means it is not a commercially viable mineral resource;
- The and would be of interest to Breedon and there is sufficient storage space at Borrass Quarry to extract the material in a relatively short space of time and stockpile it at Borrass;
- By processing the material, all of the sand has the potential to be made into coarse and fine sands;
- If Breedon were able to extract the sand then materials from difference sources would be used to blend with it to achieve the required gradings;
- With stand becoming a finite source, particularly in North Wales, many companies will now source grfts, recycled glass and other materials to add to the sand in order to create the required specification. It is imperative that the deposit of material is not sterilised before it is extracted;
- Material is blended at concrete plants to produce acceptable concreting sand;
- If washed, the majority of the sands would be suitable for asphalt sand in the use of hot rolled asphalt;
- Breedon are not objecting to the housing development but believes the sand deposit is a commercially extractable mineral and should not be sterilised but should be extracted prior to development taking place.

Neighbours:

The owners/occupiers of 40 nearby properties notified 17.1.2019.

23 representations **objecting** to the application expressing the following concerns:

- Capacity of local facilities – schools, surgeries, hospital;
- Traffic/traffic congestion;
- Highway safety;
- Plans show a secondary access through Thornhurst Drive.
- Thornhurst Drive/the Fairways is not a sustainable/suitable/safe access;
- Has consultation with Highways taken place;

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

- Bryn Estyn Lane not appropriate as a secondary access;
- Access to retail – Borrass Park and the car park there is always full of parents dropping off/collecting their children from school;
- What financial contributions have the developers offered?;
- Premature until the LDP examination has taken place/the LDP is adopted;
- No weight should be given to the LDP;
- the application should be refused under the terms of the UDP;
- inappropriate development in a Green Barrier/Wedge;
- loss of BMV land;
- conflict with PPW10;
- national policy no longer advises that the need to increase housing land supply should be afforded significant weight;
- completely change the make up of the area;
- number of houses served by a single access is excessive;
- loss of mineral resources;
- the land is farmed and is of great use;
- impact upon wildlife;
- visibility from the proposed access will be severely impaired;
- hedgerows, boundaries and vent pipes should be retained;
- The land is 3m higher than adjacent properties;
- Granting permission will jeopardise the delivery of the link road through the site;
- Lack of open space proposed;
- Foul and surface water drainage issues;
- SuDs ponds introduce a danger to children;
- The Fairways is served by one sub-station. There is frequent outages;
- Lack of contribution to infrastructure improvements;
- Traffic survey carried out at the wrong time of year;
- 600 dwellings seems excessive;
- Houses will be too expensive for Council tenants;
- Reduce the value and attractiveness of existing properties;
- No evidence of a lack of suitable properties in the housing market locally. Properties on the Fairways are taking month to sell;

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

- Undesirable intrusion into the rural landscape and an inappropriate form of development for this area;
- Would question whether there is a more appropriate place for this type of development;
- The landscape may form part of a flood risk area.

57 representations in **support** making the following comments:

- There is a need for/the site will provide affordable homes;
- An opportunity for/ need for homes for first time buyers;
- Will help to improve small businesses in and around the town;
- Want to move back to Wrexham;
- Want to stay in the area;
- Lack of appropriate properties in the area;
- Site well placed for town centre, industrial estate and bypass;
- Will contribute to local community and trades;
- Will create construction jobs;
- New houses will bring extra revenue to the area;
- Good location near to good schools and town centre;
- More homes equals more jobs for the area;
- Need more new houses in Wrexham;
- There are no new builds this side of town.

SPECIAL CONSIDERATIONS

Policy: The site lies outside of the settlement limit of Wrexham and is situated within a Green Barrier as defined in the UDP. It also contains Best and Most Versatile (BMV) agricultural land. Given the site area and number of units proposed the development does not accord with policy H5, which only permits small scale residential development on sites outside of settlement limits by way of subdivision, conversion, infill, affordable housing adjacent to settlement limits and to house rural enterprise workers. The proposals therefore conflicts with that policy as well as PS1, EC1 and EC2.

Notwithstanding the above, section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan in force in the area unless material considerations indicate otherwise. I will discuss these in more detail below.

Green Barrier: The UDP designation of Green Barriers is consistent with the Green Wedges referred to in Planning Policy Wales (PPW). Paragraph 3.71 of PPW

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

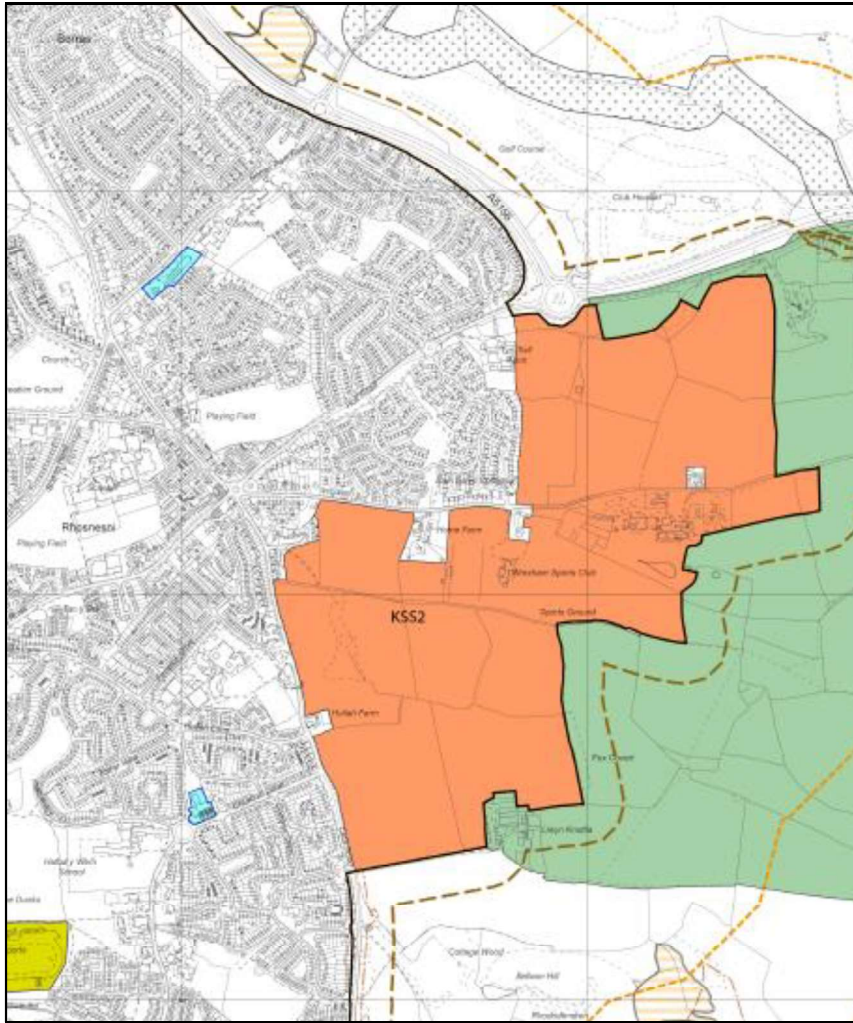
advises that the construction of new buildings is inappropriate development unless it is for the following purposes:

- 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; 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 for a site located within Green Barrier/Wedge. The development will inevitably result in a significant loss of openness. PPW paragraph 3.70 advises that inappropriate development should not be permitted within Green Wedges except in very exceptional circumstances where other considerations clearly outweigh the harm it would do to the Green Wedge.

Green Barriers/Wedges do not have the permanence of a Green Belt (there are currently no designated Green Belts in Wrexham) and should be reviewed as part of the development plan process. The existing Green Barrier designations have been reviewed (Strategic Green Wedge Review October 2017) as part of the process of preparing Wrexham's Local Development Plan. The application site is proposed for allocation for residential development in the LDP, forming part of Key Strategic Site 2, and would therefore not sit within the Green Wedge. An extract from the LDP proposals map is included below showing the full extent of KSS2:

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020



Exceptional Circumstances:

Housing Supply

On 26 March 2020 the Welsh Government revoked Technical Advice Note 1, amended Planning Policy Wales (PPW) and published Development Plans Manual Edition 3 (DPM3) to provide revised guidance on how housing delivery is to be monitored. The delivery of housing in the Country Borough now to be monitored using the Average Annual Requirement (AAR) as set out in a Local Development Plan. Despite the changes to national policy, housing delivery remains an important material consideration. This is evidenced by the advice in the amended paragraph 4.2.11 of PPW10 that a review of an LDP may prompted by an under delivery of housing.

It is acknowledged that Wrexham's LDP has yet to be adopted. The Unitary Development Plan therefore remains the operational development plan for the County Borough, however the Plan period expired in 2011 with much of the evidence underpinning it now being at least 20 years old. The UDP strategy, including settlement limits and Green Barriers, are therefore fundamentally out of date and although being a starting point for the consideration of planning applications can no longer be afforded full weight.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

Both the Development Management Manual (DMM) and the DPM advise that certainty regarding the content of an LDP will only be achieved when LDP Inspectors deliver their binding report, which takes place following the completion of an Examination in Public (EiP). Paragraph 9.4.9 of the DMM does however acknowledge that the evidence underpinning an emerging LDP could be used as a material consideration when making planning decisions.

The deposit LDP identifies a requirement for 7,750 homes to be built over the 2013-2028 period. I have not been given any indication that LDP Inspectors consider this to be too high. Indeed on the 13th of December 2019 the Inspectors wrote to me setting out a number of matters that they required further evidence in support of. In respect of the LDP housing requirement, the Inspectors sought further justification for a reduction from the Preferred Strategy requirement of 10,650 in the Preferred Strategy to the one set out in the Deposit Plan. In my opinion it is therefore unlikely that the LDP Inspectors will seek to impose a lower housing requirement than 7,750.

The need to deliver 7750 homes by 2028 equates to an annual average requirement (AAR) for 517 dwellings over the whole Plan period. The actual rate of completions over the 2013-2019 period has been half of this. This amounts to a persistent and **considerable** undersupply of housing in every one of the 6 past years. This can only be addressed by additional land being brought forward for development and it is clear this will require a considerable release of land outside of settlement limits.

As already noted above, the application site forms part of the proposed LDP allocation Key Strategic Site 2 (KSS2). The site lies to the north of Bryn Estyn Lane with the remainder of KSS2 lying to the south. Taking the application site and the remainder of KSS2 separately, 14 of the LDP allocations are situated outside of UDP settlement limits and 10 lie within the UDP Green Barrier. These 14 sites are expected to deliver 40% of the total LDP housing requirement with sites located in the UDP Green Barrier are expected to deliver 36% of the overall housing requirement.

In addition to dwellings delivered by allocations, the LDP housing requirement is expected to be met by a number of other components, including development that has already been completed and from committed supply (i.e. sites that have planning permission but have yet to be built out). Since 2013, greenfield sites that are not proposed for allocation in the LDP (including land in the Green Barrier) have already been developed, are in the process of being developed or have extant planning permissions. When these sites are taken into account then over half of the housing requirement will be met by sites outside of UDP settlement limits.

The LDP identifies KSS2 as having the capacity to deliver 1,680 dwellings of which 1,580 are expected to be delivered over the plan period up to 2028. KSS2 is fundamental to the delivery of the LDP, accounting for 20% of the identified housing requirement and just under half of the houses expected to be delivered from allocated sites. The table below sets out the projected number of annual completions that are expected to be delivered on the application site.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

Year	Completions
2020 – 2021	0
2021 – 2022	50
2022 – 2023	100
2023 – 2024	100
2024 – 2025	100
2025 – 2026	100
2026 – 2027	100
2027 – 2028	50
Total Within Plan Period	600

Whilst it is noted that no completions are anticipated in 2020-2021, this reflects the fact that following a resolution to grant outline planning permission a Planning Obligation will need to be completed. Once permission has been granted, there will be a requirement to obtain approval of reserved matters, discharge conditions and undertake preliminary site preparation works. Were this application subject to any significant further delay in determination or if it were refused, then it is highly unlikely that the delivery of all 600 dwellings will be achievable by 2028. This would put the delivery of the LDP as a whole at considerable risk.

Taking all of the above into account, the need to increase housing supply in the County Borough and to deliver a strategically significant site weigh heavily in favour of the proposal. In acknowledgement that there is an urgent need to increase the supply of housing in the County Borough it would be appropriate to require reserve matters for a first phase of development to be submitted within 12 months of the date of permission being granted and for development to commence on site within 3 years. Reserved matters for subsequent phases would be required to be submitted within 3 years.

Location of Development

Planning Policy Wales advises that new housing development should be directed to areas which are, or can be, easily reached by walking or cycling, and are well served by public transport.

LDP Background Paper BP02b: Settlement Hierarchy and Development Potential (BP02b) identifies settlements in Wrexham as falling within one of 5 tiers based on an assessment of the availability of employment, local services and accessibility by non-car modes:

- Tier 1: Primary Settlement
- Tier 2: Key Settlement
- Tier 3: Local Service Centres
- Tier 4: Minor Villages
- Tier 5: Hamlets.

The application site is effectively an urban extension to Wrexham. Wrexham is identified as a Tier 1 Primary Settlement, or a settlement which has a critical role to

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

play in the success of the region and which acts as an important local service and employment centre for surrounding settlements and rural hinterlands. This reflects the fact that it is a regionally important town with a high level of service provision and connectivity (i.e. good transport links). For this reason, it is the most appropriate location for strategically important housing developments.

Relationship between Wrexham and the Wrexham Industrial Estate

The application site projects into the countryside approximately 600 metres beyond the existing settlement limit. This will inevitably result in a significant loss of openness within the site and will encroach into an area of land that separates Wrexham from the Wrexham Industrial Estate. Despite this, application site is separated from the settlement limit of the Industrial Estate by a gap of 1 kilometre. The gap between the southern part of KSS2 and the settlement limit of the Industrial Estate is nearly 900 metres. The landscape separating KSS2 and the Industrial Estate is dominated by open fields, hedgerows and areas of woodland. Clays Golf Course also occupies a large area of land. The amount of existing built development is comparatively limited, consisting of small groups of buildings typical to a rural landscape.

Regardless of whether the development is considered in isolation or in the context of KSS2 as a whole, it will not result in the coalescence of or the blurring of the distinction between Wrexham or the Wrexham Industrial Estate.

Prematurity

The matter of prematurity is dealt with in DPM3, which advises that:

Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant planning permission would be to predetermine decisions about the scale, location or phasing of new development which ought to be properly to be taken in the LDP context.

Paragraph 7.7 of DPM3 advises:

Whether planning permission should be refused on grounds of prematurity requires careful judgement and the LPA will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.

Whilst I am aware that the LDP has not yet been adopted, it is at a very advanced stage of preparation, with the majority of the EiP having now taken place. Whilst the Inspectors have identified a number of outstanding matters that the Council needs to address these are in respect of Gypsy and Traveller site provision, not housing. A number of hearing sessions have been held covering both the scale of growth proposed in the Plan as well as proposed allocations, including the two Key Strategic Site housing allocations. There has been no indication from the LDP Inspectors that KSS2 should be wholly or even partially removed from the Plan.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

The LDP spatial strategy directs the majority of new development to Wrexham. Given that Wrexham is the only Tier 1 and by far the most significant settlement in the County Borough this is entirely appropriate and in light of the comments above, this is unlikely to be challenged by the LDP Inspectors. It is also clear from the available evidence that delivering the LDP housing requirement is heavily dependant upon the delivery of a number of large housing allocations on the edge of Wrexham of which KSS2 is by far the most important.

The infrastructure requirements for the whole KSS2 site are understood and clearly set out in LDP policy SP5. These can be secured via planning conditions and obligations. The granting of this application therefore does not pre-determine the scale, location or indeed the phasing of new development. Accordingly I do not believe there are valid reasons to refuse the application on the grounds of prematurity.

Affordable Housing: UDP policy H7 and Local Planning Guidance Note 28 apply a uniform housing requirement across the County Borough for 25% of dwellings to be affordable on developments of 25 or more dwellings.

The forthcoming Local Development Plan policy H2 will take a different approach by applying a requirement to different areas of the County Borough reflecting variations in viability. The application site lies in an area know as the Rural East for the purposes of viability. The Deposit Plan version of policy H2 was informed by the WCBC Viability Study, dated January 2018, produced by Andrew Golland Associates (AGA) indicated that the site lay in an area where a 40% affordable housing required could be applied

In response to representations made to the Deposit Plan made by Welsh Government the Council subsequently the District Valuer Services (DVS) to complete a viability study in preparation for the EiP. The key issues identified by WG that made it necessary to commission the DVS assessment were:

- Whether sufficient provision was made for Section 106 contributions, for such things as education, in addition to affordable housing
- Whether the costs of fire sprinklers, which are now a mandatory requirement in houses in Wales, have been taken into account

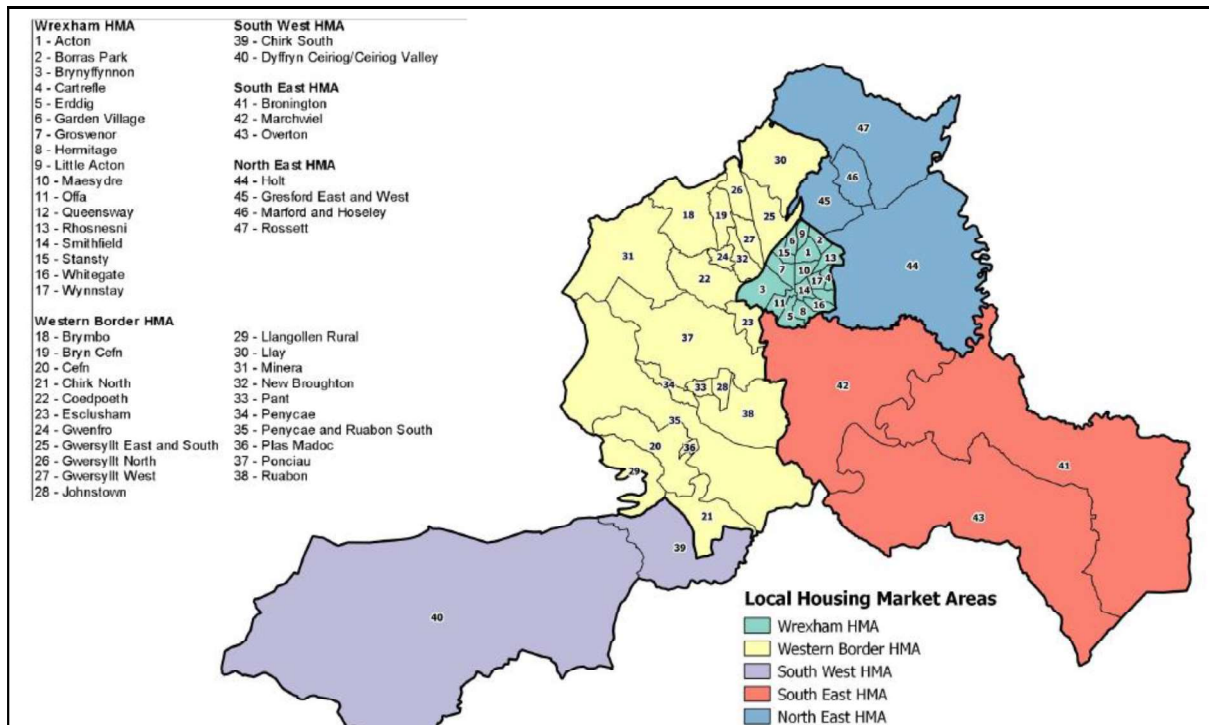
Further analysis of the AGA assessment suggested that the above matters were not adequately addressed. It had also been carried out on the basis of an affordable housing tenure mix at odds with the requirements identified in the Local Housing Market Update (April 2018).

DVS Viability Study recommends that a 30% affordable housing requirement should apply to the Rural East. The DVS recommendations do not however apply to Key Strategic Site 2. The infrastructure requirements for the Key Strategic Sites are greater than for non-strategic sites. KSS2 is expected to deliver a new primary school and a new spine road connecting the A5156/A534 Holt Road roundabout with Cefn Road. KSS2 has been subject to a viability study commissioned by the site promoters which has in turn been reviewed by the DVS. The DVS have advised that an affordable housing requirement of 20% for the site is likely to be viable. This equates to 120 dwellings out of the proposed 600 being affordable. This is 17% of

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

all of the affordable housings likely to be delivered from allocated sites over the LDP period.

For the purposes of the Local Housing Market Assessment Update, the site is situated in the North East sub-area. However it also adjoins the Wrexham sub-market area.



The LHMA identifies a requirement for 41 affordable dwellings in the North-East sub area and 327 in Wrexham sub area over the 2017-2022 period. The need in the Wrexham sub-area is the second highest in the County Borough. The need in the North East is likely to be largely, if not entirely, met by LDP allocations in Rossett and Holt. Given the fact that the site physically adjoins the Wrexham sub-area, it will make a significant contribution towards meeting the need in the town. This is a material consideration that weighs heavily in favour of the development.

Agricultural Land: Approximately half of the site was subject to an Agricultural Land Classification (ALC) survey by the Welsh Government in 2002 which confirmed the presence of grade 3a land. The remainder of the site was surveyed on behalf of the developers in 2018. Taking together with the WG ALC survey, this confirms that the entire site contains Grade 3a. The Department of Rural Affairs of Welsh Government have reviewed and validated the developer's ALC survey and confirmed that it can be accepted as an accurate reflection of the land quality within the site. Accordingly, the whole site is classed as BMV land and therefore policy EC2 and Planning Policy Wales paragraph 3.55 are applicable.

Paragraph 3.55 of PPW advises that BMV land should only be developed where there is an overriding need for the development and either previously developed land or land in low is unavailable, or subject to other constraints that outweighs the agricultural considerations. Where BMV land needs to be developed and there is a

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

choice of land available, PPW10 advises that development should be directed to land of the lowest grade.

Whilst noting the Department of Rural Affairs objection I do not agree that the release of this site prior to adoption of the LDP is premature. The issue of prematurity has already been covered generally earlier in this report; however I will also deal with this specifically in the context of the loss of BMV land below.

It is clear from the evidence discussed earlier that there is an overriding need for land to come forward for development to deliver the LDP's housing requirements. It is also evident that meeting the housing requirement is heavily reliant upon the release of greenfield sites. The decision to propose the allocation of KSS2 and indeed other LDP housing sites has been undertaken within the context of a substantial evidence base. This indicates that the housing requirements cannot be met without the loss of such BMV land, indeed all of the emerging LDP housing allocations located outside of UDP settlement limits contain at least some BMV land. This is a consideration that has been factored into the relevant Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) processes.

Reference to the Welsh Government's Predictive Agricultural Land Classification Map confirms that Wrexham is almost entirely surrounded by BMV land (Grades 2 and 3a) therefore any urban extension to the town will inevitably result in the loss of BMV land. I have not been given any indication from the Inspectors that they have any fundamental concerns about the spatial distribution of development in the LDP, the proposed release of greenfield sites or the resulting loss of BMV land.

The Department of Rural Affairs did not object to the LDP and commented as follows:

Assessment

The Authority has provided robust evidence to demonstrate that BMV loss has been considered throughout the spatial strategy and site selection. The Department has worked with your Authority to provide detailed ALC survey data and desk assessments. It is extremely encouraging to see that the Predictive ALC Map has been used to update the SA / SEA, taking into account the most recent and best available information.

The loss of BMV land within the Plan is significant; however, the loss and policy requirements have been recognised and factored into the Spatial Strategy, growth options and competing objectives in the Sustainability Appraisal. The choice for the Wrexham Industrial Estate strategic site reflects the need to avoid BMV loss.

In this regard the Department would consider that the Authority has satisfied PPW 4.10.1 in site allocations.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

Conclusion

*In conclusion, it is the Departmental view that the Authority has demonstrated a sensible and pragmatic approach to considering BMV loss in the context of national planning policy and on that basis **no objection** is offered.*

Given that Department of Rural Affairs have found the evidence that underpins the LDP in respect of BMV loss to be robust, it seems entirely reasonable that the same evidence must also be material to the consideration of planning applications for sites that are proposed for allocation in the LDP. In my opinion there is no credible or realistic alternatives to the loss of BMV land that would occur as a result of development of the application site or indeed other LDP allocations. The loss of BMV land is therefore not a valid reason to refuse planning permission in this instance.

Access and Highways: Paragraph 4.1.12 of PPW requires the sustainable transport hierarchy to be applied to reduce the need to travel, prevent car dependant developments in unsustainable locations and to prioritise access and movement by active and sustainable transport. The sustainable transport hierarchy promotes walking and cycling, then public transport ahead of private motor vehicles.

The site adjoins Wrexham, which as discussed above is a Tier 1 settlement, reflecting the fact that the town has good transport links. There are local needs retail, primary and secondary schools all within 2km and therefore walking distance of the site. Holt Road also has an existing signalised crossing which ensures both existing pedestrians as well as future occupiers of the site are able to safely cross the road to the access services in the wider locality. Whilst the location of the primary school to be delivered on the KSS2 site has yet to be finalised, all of KSS2 (south) lies less than 2km from all parts of the application site and therefore walking distance. The site is therefore well located for to encourage future occupiers to make local journeys on foot.

Journeys of up to 5km are generally accepted as being ones where cycling has the potential to replace short car journeys. Wrexham town centre lies within 5km of the site as does much of Wrexham Industrial Estate via Bryn Estyn Road. The site is therefore well located to encourage cycling over the use of private cars for certain trips.

The provision of infrastructure within the site for both pedestrians and cyclists will be a matter for further consideration at reserved matters stage.

Whilst I recognise that Covid-19 has had a significant impact upon public transport use and service provision, this is somewhat exceptional. Under normal circumstances, the site is readily accessible by public transport by way of the no.5 Wrexham-Chester (via Holt and Farndon) service as well as the no.35 Plas Goulbourne – Sunningdale Estate via Acton and Borrass Service.

Taking all of the above into account, the site complies with the sustainable hierarchy and is well placed to promote walking, cycling and public transport use.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

The indicative plans submitted with the application show a number of potential access locations, two of which being identified as primary accesses. The primary accesses consist of:

- an additional arm constructed off the A5156/A534 Holt Road roundabout at the northern end of Holt Road; and
- a road that is intended to cross but not providing vehicular access to Bryn Estyn Road.

Both of the primary accesses will form part of a spine road that will eventually connect the A5156/A534 Holt Road roundabout with Cefn Road when the southern part of KSS2 is developed. The plans also show the position of a number of potential secondary accesses, including one shown onto Bryn Estyn Road and another onto Thornhurst Drive. The application seeks approval for the A5156/A534 Holt Road access only. Whether there are any secondary accesses and whether they are used for vehicular and pedestrian traffic or solely pedestrian traffic will be determined at reserved matters stage. Both Highways and the occupiers of nearby properties will have an opportunity to comment on the reserved matters applications in due course.

The indicative plan shows a spine road crossing the site from north to south. The majority of the route will be delivered as an integral part of the development of the application site and the southern part of KSS2 in due course. The developers of both parts of the site will however need to contribute towards the provision of a link between the two sites where the spine road crosses Bryn Estyn Road. This will be secured by a Planning Obligation. The location of the point where the spine road will cross Bryn Estyn Road has yet to be finalised, although I am satisfied that a number of feasible route options exist.

WG Trunk Roads have not issued a direction in respect of the A483 therefore I am satisfied the proposals are unlikely to have an unacceptable impact upon the strategic highway network .

The development will add traffic to the A5156/A534 Holt Road roundabout as well as to the wider local highway network. Policy SP5 of the LDP recognises that there are capacity constraints at the Greyhound Roundabout and that highway improvements to address them will be required to enable the full KSS2 site to be delivered.

The application is accompanied by a Transport Assessment (TA) produced on behalf of the applicants dating from December 2018 which includes traffic data collected in June 2017 and March 2018. In addition further highways assessments have been carried out and are directly relevant to the consideration of this application:

- Highway modelling work was commissioned in 2019 jointly by the Council and the promoters of the KSS2 site, including the applicants and submitted as evidence to the LDP EiP. The modelling work took account of the potential implications of delivering KSS3 (i.e. the proposed extension to Wrexham Industrial Estate) as well;
- An addendum to the TA dated January 2020 submitted by the applicants, taking account of the modelling work referred to above.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

The modelling work assessed measures that would be required to mitigate for the traffic growth likely to arise from both KSS2 and KSS3. Mitigation is identified as being required in the following cases:

Mitigation	Timing
Signalisation of the A534 / Blackwood Way roundabout as well as an additional 100m long west-bound approach lane and an additional circulatory lane on the southern quadrant of the A5156 / A534 / Holt Road roundabout	Required when 710 dwellings are occupied on KSS2, assumed to be 250 dwellings on the northern part of KSS2 (i.e. the application site) and 460 dwellings on the southern part) and approximately half of KSS3 has been developed
Spine road through KSS2 from the A5156 / A534 Holt Road to Cefn Road	Required for the number of dwellings occupied in KSS2 to exceed 710, again assumed to be 250 dwellings on the northern part of KSS2 and 460 on the southern part
An additional 100m long south bound approach lane, additional circulatory lane on the northern quadrant and signalisation of the A5156 / A534 / Holt Road	Required when the remainder of KSS2 is built out and for KSS3 to be fully developed

The modelling work acknowledges that there will be some additional queuing at the Greyhound Roundabout when the number of dwellings on KSS2 reaches 710, but this does not result in concerns over the performance of the highway network. Average queue lengths are anticipated to increase by an additional 7 vehicles and maximum queue lengths are expected to increase by approximately 24 vehicles, however the modelling work suggests the queues quickly dissipate, this representing the maximum likely queue at a single point within the PM peak.

The mitigation proposals have been independently reviewed on behalf of the Council and I have been advised that the mitigation proposals are acceptable. The Highways consultants have however advised that further mitigation should be considered, namely:

- Installing the additional 100m long south bound approach lane to the A5156/A534 Holt Road roundabout before the number of units on KSS2 exceeds 710; and
- Undertaking improvement works at the Greyhound Roundabout to alter the Cefn Road and Holt Road (north) arms.

Requirements can only be imposed by a Planning Obligation where they meet the following statutory tests. The Planning Obligation requirements must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

Given that the modelling work assessed the impact of various mitigation measures in light on the assumption of traffic being generated by KSS2 and KSS3, imposing all of the requirements upon this development or indeed the wider KSS2 site would not meeting the statutory tests set out above.

I consider all mitigation measures identified in the modelling work as ultimately being necessary to enable both KSS2 and KSS3 to be fully developed out. Whilst it is likely that some occupiers of the KSS2 site will work at and therefore travel to/from the Industrial Estate, it is unlikely that the requirements for mitigation of the A534/Blackwood Way roundabout could be considered as directly related to this development. The modelling work suggests that KSS3 will be by far the biggest generator of additional traffic using that junction. I therefore do not believe that seeking a contribution towards the costs of signalling that junction is necessary to make the residential development current proposed acceptable or is directly related to the development and do not intend to require a Planning Obligation to include a contribution to those works.

Whilst I note the Highways consultant's recommendations for the earlier implementation of the additional 100m long south bound approach lane to the A5156/A534 Holt Road roundabout I am not satisfied that there is sufficient evidence to demonstrate these works are necessary to allow the current development to proceed. Based on the available evidence in the modelling work, this improvement is made necessary when the number of dwellings on the KSS2 site exceeds 710 dwellings, the spine road through the site has been completed and a substantial proportion of KSS3 has also been developed. The majority of the additional traffic that gives rise to this requirement will be generated by the southern part of KSS2 and KSS3. Taken together, KSS2 (south) and KSS3 will generate nearly 80% of the additional AM and PM peak time movements.

There has yet to be a formal planning application submitted for KSS2 (south) or for any part of KSS3. The level of traffic growth using the junction solely as a result of the development proposed by this application will not be sufficient alone to justify these works at the outset. Imposing a requirement to contribute towards the works would therefore not meet the statutory requirements discussed above. It would therefore seem appropriate that the costs of delivering those works is proportionately borne by KSS2 (south) and KSS3 when applications for those sites come forward, and the works be delivered in accordance with a programme aligned to the predicted levels of traffic growth. .

In respect of works to the Greyhound Roundabout, it is tightly constrained by surrounding developments, therefore it is not practical to deliver any significant alterations to it. The delivery of a spine road through the KSS2 site has been demonstrated in the modelling work to be the most effective way form of mitigation for congestion at this roundabout, given that it will help divert traffic away from it, particularly from the south.

The need for the additional 100m long west-bound approach lane and an additional circulatory land on the southern quadrant of the A5156/A534/Holt Road roundabout is required to accommodate the traffic associated with 710 dwellings on KSS2 (as above, assumed to be 250 on the application site and 460 on the southern part) and

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

half of KSS3. The works are not required to cater for the application proposals by themselves, given that modelling work identifies that there is capacity at the existing junction to accommodate 710 dwellings, 110 dwellings more than is proposed by this application.

Notwithstanding the above, dwellings are projected to be delivered on this application site in the next 12 months and as a result the site is likely to be the largest net contributor of additional traffic in the foreseeable future. The applicants have submitted a plan that proposes the delivery a 40m long west-bound approach lane and an additional circulatory lane on the southern quadrant of the A5156/A534/Holt Road roundabout, which would be implemented prior to the completion of 250 dwellings on the application site. In my opinion these works appear proportionate to the impact that would arise directly as a result of the development. These works would be required by condition.

It will also be necessary to ensure that the spine road is constructed across the site from the A5156/A534/Holt Road roundabout up to the site boundary with Bryn Estyn Road. This will be dealt with by conditions. In accordance with the modelling work undertaken, there will be a requirement that no more than 250 dwellings be occupied until the spine road has been completed across the site to its southern boundary. Based on the current projected rate of completions set out earlier in the report, the spine road would be completed to the southern boundary of the site during 2023-2024.

In light of the above, I am satisfied that the proposals will be provided with space means of vehicular access and subject to the completion of the junction improvements and the spine road, the development is unlikely to have a harmful impact upon highway capacity in the wider locality.

Ecology: The application is accompanied by an ecology report which includes recommendations in respect of the following:

Bats

Bat species have been recorded within the site, although activity levels were relative low and focussed on trees and hedgerows. Trees with both moderate and low potential to support bats were also identified. The layout and landscaping of the site will need to be designed to minimise the loss of bat habitat and to retain/provide corridors. These are matters that can be considered at in more detail at reserved matters stage. NRW have requested that light spillage assessment be submitted – this will be secured by condition.

Birds

The provision/retention of suitable habitat for birds will be considered in more detail at reserved matters stage, including (wherever possible) the retention of mature trees and hedgerows. Where the clearance of vegetation is required the report recommends that this should be undertaken outside of the bird nesting season.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

Great Crested Newts

The report confirms that potential Great Crested Newt (GCN) habitat is present within the site but no GCN were recorded on site during surveys. GCN are present in the vicinity of the site. The report recommends a number of mitigation measures that will ensure habitat for GCN is retained within the site and maintains habitat corridors in order to retain connectivity between off-site GCN habitats.

NRW have advised that should planning permission be granted, the provision of compensatory habitat and long term maintenance and monitoring of habitat provision for GCN will need to be secured. These can be secured by way of planning conditions and, in respect of long term management, by a Planning Obligation. The layout and landscaping of the development will also need to have regard to habitat provision, however these will be considered in more detail at reserved matters stage.

NRW have advised that they consider the development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts subject to the measures discussed above. I concur with their advice.

Hedgerows and trees: There are a number of hedgerows within the site that coincide with field boundaries. There are also mature trees within the site – most being found within the hedgerows. The indicative plan suggests that there is sufficient scope to incorporate many of the existing hedgerows and trees into the site layout, with the provision of public open space providing an opportunity for compensatory planting where hedgerow and/or trees are lost. This is a matter that will be given further consideration when approval for layout and landscaping is sought at reserved matters stage. It would however be appropriate to impose a condition to secure an arboricultural method statement so that protection measures are put in place during construction works to minimise the risk of damage to hedgerows and trees that are retained.

Drainage: Welsh Water has not identified any concerns about the capacity of the local foul water drainage network nor of the Waste Water Treatment works for to accommodate the development. I have no reason to dispute this advice.

Whilst I note the comments made by the Senior Flood Officer, the surface water drainage arrangements for the site will need approval separately from the Council as Sustainable Drainage Systems Approval Body (SAB) before development commences on site. There is no requirement for SAB approval to be obtained before planning permission is granted. I recognise that full details of the surface water drainage scheme(s) for the site are integral to the layout of the site, however the responsibility lies with the applicants to ensure that they take account of SAB requirements when they seek approval for site layout at reserved matters stage.

The site was subject to investigations prior to the submission of the planning application which indicated that ground conditions are generally favourable for infiltration drainage. I therefore see no reason why it should not be possible for

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

surface water run-off from hard surfaces to be managed within the site and without undue risk of off-site surface water flooding.

Education: Education have confirmed that contributions towards primary and secondary provision are required. These will be secured by way of a planning obligation.

As already discussed earlier in this report, the site forms part of the LDP KSS2 allocation. Policy SP5 of the LDP identifies the provision of a new primary school (rather than the extension to existing schools) to be necessary infrastructure for the delivery of the site. The location of the school has yet to be finalised, however a number of potential options for it exist on the southern park of KSS2. Granting permission for development on the application site will therefore not prejudice the delivery of the school.

Healthcare: Whilst noting the response from the Health Board contributions can only be sought via Planning Obligations where they meet the tests discussed earlier in this report.

Officers met with the Health Board to discuss the two Key Strategic Site LDP allocations in June 2019, however I have not been provided with evidence to demonstrate:

- i. specific additional local healthcare infrastructure would be necessary to make the development acceptable in planning terms (i.e. that permission should be refused unless contributions are made); and
- ii. the scope of any such contributions or how they are directly related to the scale of the development and the impact it is likely to have.

In the absence of such evidence the statutory tests for seeking contributions via a Planning Obligation have not been satisfied. In addition, this matter has been considered by the LDP Inspectors through the EiP. In their post-hearing issues note of 13 December 2019 they commented as follows:

We heard during the sessions of shortcomings in the County Borough in the provision of health facilities. The local Health Board, which does not object to the LDP, states in its consultation responses that it is not the provision of buildings for additional services which is the issue but the availability of the required workforce. We have little evidence, therefore, that the availability of health services is a compelling reason to prevent or limit residential development.

It is not the role of the planning system to address shortfalls in the provision of staff in key public services. Planning conditions and obligations can only be used to secure physical infrastructure where there is evidence that this is necessary to adequately accommodate additional demand arising from a particular development.

Taking all of the above into account, concerns regarding local healthcare infrastructure would not be a valid reason to refuse planning permission.

Minerals: The site is subject to UDP policy MW9 which applies to areas where there are potentially exploitable mineral reserves. The policy states that non-mineral

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

development will not be permitted unless it has been demonstrated that no exploitable mineral reserves existing within the site. Where a development materially prejudices mineral resources, the policy requires provision to be made for prior removal of the mineral resources.

Whilst the site is proposed for allocation in the LDP, paragraph 5.29 of the Deposit Plan states that for the to KSS allocations '*a Prior Extraction Assessment will be sought in accordance with policy MW1 as it is considered that any opportunities to recover mineral prior to housing development should be sought on both sites*'.

Policy MW1 of the LDP seeks to protect potentially exploitable mineral resources and therefore states that non-mineral development will only be supported where:

- i. The mineral underlying the site does not merit extraction, or
- ii. The need for the non-mineral development outweighs the need to protect the resource, or
- iii. The mineral can be satisfactorily extracted prior to the non-mineral development, or
- iv. The development is of a temporary nature or can be removed within the timescales within which the mineral is likely to be needed, and
- v. Essential infrastructure that supports the supply of minerals would not be compromised or would be provided elsewhere.

The North and Minerals Waste Planning Service have advised that the development impacts upon minerals of national importance and that the Prior Extraction Report does not provide sufficient evidence to justify their loss. Whilst noting this advice, it was provided in February 2019 and a considerable amount of time has elapsed since then.

The considerable and a long term undersupply of housing has been discussed earlier in this report. Although there have been a number of residential developments granted planning permission since February 2019, these alone will not be ensure that a sufficient supply of housing is delivered over the remaining plan period.

During the LDP hearing sessions on housing provision held in 2019, the Council was asked to give further consideration to the anticipated contribution that windfall sites are likely to make to the overall delivery of housing provision over the remaining Plan period. Having done so (and as set out in document M3.01R) it has been acknowledged that there will be a shortfall of 94 dwellings. This position was reaffirmed in a further EiP hearing session held on 11th of March 2020. The shortfall of 94 dwellings assumes the delivery of all of the 600 dwellings proposed on the application site by 2028 and would be increased if there is any further significant delay the development coming forward.

Taking account all of the above, not only is it clear that there is a significant need for this development, in my opinion the need outweighs the harm arising from the loss of mineral resources in this instance. Accordingly I do not believe there are grounds to delay or to refuse the application on the grounds of conflict with UDP policy MW1 or indeed looking further ahead, LDP policy MW1.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

Residential amenity: The site is bounded by existing dwellings to the west and to the south. The development will inevitably result in a significant change to the outlook currently enjoyed by the occupiers of those properties, however the loss or alteration of a view over land is not a material planning consideration.

Given that this is an outline planning application with all matters except the main site access reserved, the relationship between existing and proposed dwellings in respect of residential amenity will be considered in more detail at reserved matters stage. I have no reason to doubt at this stage that adequate separation distances can be provided to ensure that the amenity of existing occupiers is not unacceptable compromised by way of loss of light, privacy or as a result of the new dwellings proving overbearing.

Archaeology: In their initial response, CPAT advised that additional site investigations be carried out. Following the completion of a geophysical assessment of the site, CPAT advised that trenches be dug. These were deemed necessary so that a more detailed investigation could be undertaken of certain features identified by the geophysical assessment. The report submitted following the completion of the excavation work has identified areas of the site where no further works are required, but also areas where additional site investigations are needed before development commences. CPAT have agreed that this is a matter than can be dealt with by planning condition.

Well-being and Future Generations (Wales) Act 2015: In reaching this decision I have considered the duty the duty imposed by the Act to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle. I have also had taken account of the current version of Planning Policy Wales, which itself has been revised to ensure it fulfils the requirements of the Act. It should also be noted that the LDP (and therefore the decision to propose the KSS2 allocation) has been prepared with regards to the requirements of the Act. I consider that the granting of planning permission would be in accordance with the sustainable development principle and is therefore in accordance with the requirements of the Act.

CONCLUSION

It is acknowledged that the proposals conflict with UDP policies as a result of being outside of the settlement limit, within a Green Barrier and including BMV land. However this must be balanced against the following:

- that the UDP is time expired;
- that there is a need to deliver 7,750 new homes in the County Borough;
- that there has been a considerable and persistent undersupply of housing between 2013 and 2019;
- that this development will make a very significant contribution to meeting the housing requirement and in turn the delivery of the LDP as a whole.

In my opinion, taken together the consideration set out above constitute very exceptional circumstances that sway the overall planning balance in favour of

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

granting permission despite the conflict with UDP policies PS1, EC1, EC2, H5 and MW9.

I am satisfied that subject to the matters addressed by the planning obligation and conditions set out below, the proposals will be acceptable in respect of highway capacity and safety, residential amenity, foul and surface water drainage, hedgerows and trees, ecological considerations and community infrastructure. In that regard the proposals are in accordance with policies GDP1, GDP2, EC4, EC6, CLF5 and T8.

Members are reminded that as the developments proposes more than 150 dwellings and represents a departure from the provisions of the UDP, the requirements of Circular 07/12: The Town and Country Planning (Notification) (Wales) Direction 2012 applies. Should Members resolve to grant planning permission, the Council is required by the Circular to give notice of its intentions to the Welsh Government who then have a statutory period of 21 days to determine whether to call the application in or not.

RECOMMENDATION A

In accordance with the requirements of Circular 07/12: The Town and Country Planning (Notification) (Wales) Direction 2012 in respect of a significant residential development that is not in accordance with one or more provisions of the UDP, that the application be referred to the Welsh Ministers

If the Welsh Ministers issue confirmation that they do not intend to call the application or no response is received from the Welsh Ministers following the expiry of 21 days from the date the application is referred to them, that the Chief Officer Planning and Regulatory be given delegated authority to determine the application in accordance with Recommendations B, C and D below.

RECOMMENDATION B

That the Council enters into an Obligation under Section 106 of the Town and Country Planning Act 1990 to secure:

- a) The provision of affordable houses, with 20% of the total number of dwellings built on site required to be affordable;
- b) The payment of a commuted sum in order to secure the full 20% affordable housing in the event of part of the affordable housing requirement being less than a full dwelling unit.
- c) A financial contribution towards the construction of a spine road connecting the A5156/A534 Holt Road roundabout with Cefn Road
- d) The management and maintenance on-site public open space;
- e) The long term management and maintenance of any on-site habitat mitigation a may be provided;
- f) Financial contributions towards primary and secondary education.

That the Chief Officer Planning and Regulatory be given delegated authority to approve the final form and content of the Obligation.

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

RECOMMENDATION C

Upon completion of the Planning Obligation that permission be **GRANTED** subject to the following conditions:

CONDITION(S)

1. Details of the access (other than the northern site access as shown on drawing no. CBO-0322-017), appearance, landscaping of the site, layout and scale, (hereinafter called ""the reserved matters"") for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development on that phase 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 first phase of development and location of all subsequent phases of development (hereinafter called ""the Phasing Plan""). The Phasing Plan shall include the percentage of affordable housing in each phase and the phasing of a Spine Road to connect the northern site access shown on drawing no. CBO-0322-017 to the site boundary with Bryn Estyn Road. 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 1 year 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 hereby permitted shall be begun before the expiry of 3 years from the date of this permission or two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.
5. No dwelling shall be occupied until the vehicular access from the site onto the A5156/A534/Holt Road roundabout has been laid out, surfaced and drained in strict accordance with the details shown on drawing no. CBO-0322-017.
6. No more than 250 dwellings shall be occupied on site the following alterations to the A5156/A534/Holt Road roundabout shall be laid out, surface and drainage in strict accordance with the details shown on drawing no. CBO-0322-017:
 - a) The widening of the southern quadrant of the roundabout to 3 lanes;
 - b) The widening of the A534 approach to 3 lanes; and
 - c) Associated road markings.
7. Reserved matters submissions relating to a phase that includes the route of the Spine Road referred to in condition 2 of this planning permission, shall include full details of the Spine Road to be constructed and a timescale for its delivery. No more than 250 dwellings shall be occupied on the site until the full length of the Spine Road has been completed to base coat standard.
8. The submissions made in respect of condition 01 for each phase shall include an ecological method statement and management plan that shall include the following:
 - a) Great Crested Newt mitigation, compensation and Reasonable Avoidance Measures;
 - b) Measures to avoid adverse impacts upon nesting birds;
 - c) A biosecurity risk assessment;

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

d) Timescales for the implementation of all mitigation, compensation and avoidance measures.

Development in that phase shall thereafter take place in strict accordance with the details that are approved.

9. No development shall take place within any part of a phase of the development that lies within 250 metres of the eastern boundary of the site or within 25 metres of any part of the site identified on drawing no. R2062-R01-001 until a phased site investigation of the nature and extent of contamination has been carried out on the land in that phase falling within those areas and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, development shall not commence within the area subject to the investigation until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Remediation works thereafter shall be carried out in strict accordance with the approved scheme.

10. If, during the course of development, any contamination is found on a part of the site that has not been identified in the site investigation, no further development shall take place on that part of the site until an scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

11. No dwelling shall be occupied on any part of the site that has been subject to remediation until a Verification Report which demonstrates that the works approved as part of conditions no. 9 and/or 10 above have been carried out, has been submitted to and approved in writing by the Local Planning Authority.

12. Development in each phase shall not commence until archaeological work in that phase has been undertaken. The work shall comprise of the following:

i) A scheme of additional Archaeological Evaluation to be carried out in accordance with a written scheme of investigation which has been first been submitted to and approved in writing by the Local Planning Authority. The scheme must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for archaeological field evaluation.

ii) Upon completion of the scheme Archaeological Investigation, a copy of the Evaluation report shall be submitted to and approved in writing by the Local Planning Authority. A copy of the the approved report shall be submitted to the Development Control Archaeologist and the regional Welsh Archaeological Trust for inclusion in the Historic Environment Record (HER).

iii) Where the evaluation report identifies safeguarding measures required to ensure preservation in situ of important archaeological remains and/or further archaeological investigation, recording and reporting shall be implemented, these works will be undertaken in accordance with a written scheme of investigation that shall first have been submitted to and approved in writing by the Local Planning Authority. A copy of any additional resulting report shall be submitted to and approved in writing by the. Following approval, the report will be submitted to the Development Control Archaeologist and the regional Welsh Archaeological Trust for inclusion in the Historic Environment Record (HER).

13. No part of the development within each phase shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage for that phase has been submitted to and

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, 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 receiving ground water and/or surface waters;
- ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
- iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

14. . No part of the development shall commence in each phase until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority for that phase. No development or other operations within that phase shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

- 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- 2) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- 3) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
- 4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- 5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- 6) Method for protecting retained trees during demolition works;
- 7) Details of all proposed tree works, including felling and pruning.

15. The landscaping and layout Reserved Matters shall include an area or areas of public open space to be provided within each phase, together with a scheme that includes the following details:

- 1) the siting, size, layout and appearance of any formal equipped play areas;
- 2) hard and soft landscaping of the open space area(s);
- 3) the timing of the construction and landscaping of the open space area(s);

Public open space shall be provided on site within each phase in accordance with the approved scheme and permanently retained thereafter.

16. No street lighting shall be installed on any part of the site until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a light spillage assessment and details that demonstrate how the street lighting has been sited and designed so as to minimise

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

the potential impact upon bat species. Street lighting shall thereafter only be installed in accordance with the scheme as approved.

17. This development makes provision for a maximum of 600 dwellings

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012
2. To ensure that the development of the site takes place in a coordinated manner and to ensure compliance with UDP policy H7 in respect of the delivery of affordable housing.
3. To comply with Section 92 of the Town and Country Planning Act, 1990.
4. To comply with Section 92 of the Town and Country Planning Act, 1990.
5. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. To ensure the formation of a safe and satisfactory access in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. To ensure the delivery of a strategically important piece of highway infrastructure in accordance with policies GDP1 and GDP2 of the Wrexham Unitary Development Plan
8. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
9. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
10. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
11. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
12. To ensure that any features within the site that are of archaeological significance are identified, recorded and, where necessary, preserved in accordance with Policy EC11 of the Wrexham Unitary Development Plan.
13. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
14. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
15. In the interests of the appearance of the development and the standard of amenity afforded to future occupiers - UDP Policies GDP1(a) and CLF5
16. In order to protect wildlife interests, which are afforded special protection in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
17. To define the extent of the development.

RECOMMENDATION D

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 is not completed within six months of the date of the Committee resolution the

REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY
DATED 27th JULY 2020

Chief Officer Planning and Regulatory be given delegated authority to refuse the application for the following reasons:

1. The development will not make any contribution towards the provision affordable housing and therefore conflicts with policy H7 of the Wrexham Unitary Development Plan.
 2. The development makes inadequate provision for the long term maintenance of on-site open space and habitat mitigation and as such does not accord with policies GDP1, EC6 and CLF5 of the Wrexham Unitary Development Plan.
 3. The development does not make adequate provision for securing strategic highway infrastructure and therefore does not comply with policies GDP1 and GDP2 of the Wrexham Unitary Development Plan.
 4. There is inadequate provision for additional school capacity. Without this additional provision, existing schools do not have sufficient capacity to cater for the development. As such the development does not accord with policy GDP2 of the Wrexham Unitary Development Plan.
-



REPORT TO:	Planning Committee
REPORT NO.	COEP/25/24
DATE:	8 April 2024
REPORTING OFFICER:	Chief Officer Economy and Planning
CONTACT OFFICER:	Matthew Phillips – Head of Planning Development Management
SUBJECT:	Planning Appeal APP/H6955/A/20/3263516 (WCBC ref. no. P/2019/0005) – Land south of Holt Road Wrexham.
WARD:	Holt

1.0 PURPOSE OF REPORT

- 1.1 To outline the significant changes in circumstances since outline planning permission was refused for the proposed development in 2020 and to seek agreement from Members on the recommendations set out below in connection with the forthcoming planning appeal.

2.0 BACKGROUND

- 2.1 Application reference no. P/2019/0005 was submitted to the Council in January 2019. Outline planning permission was sought for the erection of up to 600 dwellings on land to the south of Holt Road. All matters except access from Holt Road were reserved for later consideration.
- 2.2 The application was reported to Planning Committee on 27 July 2020 with a recommendation that permission be granted, subject to the prior completion of a Planning Obligation to secure affordable housing, contributions towards the construction of a spine road, the management of on-site open space and habitat mitigation and financial contributions

towards primary and secondary education. A copy of the Committee Report can be found at **Appendix 1**.

2.3 Planning Committee refused planning permission for the following reasons:

- 1. The proposed development lies outside the settlement limit and within a designated green barrier. To allow the development would be contrary to policies PS1, EC1, EC2, H5, MW9, GDP1, GDP2 and CLF5 of the adopted Wrexham Unitary Development Plan.*
- 2. The proposal has failed to apply the sequential test and justify the loss of BMV agricultural land in accordance with the procedure required by PPW 3.54 and 3.55.*
- 3. The proposed development conflicts with PPW10 paragraph 3.21 in failing to consider the impact upon health facilities and the need for further provision to meet increased demand.*

2.4 The appellants lodged an appeal with the Planning Inspectorate (now PEDW) in December 2020. The method of appeal was initially to be Local Inquiry, however the appeal Inspector has indicated that it may now be appropriate for the appeal to proceed via Written Representations or Informal Hearing. The Inspector has invited both parties to make further submissions on a number of key matters by 24 April 2024 before formally changing the appeal procedure. The primary reason for the delay in the appeal process has been the phosphorous issue, which Members will be aware has considerably delayed many planning decisions across the County Borough between 2021 and 2023.

2.5 The applicants also submitted a second planning application in May 2021 (reference no. P/2021/0436). This has been held in abeyance for the same reasons as the appeal.

2.6 There have been significant changes in circumstance since the planning application was refused in July 2020 which would have a significant impact on the ability of the Council to defend the appeal, notably:

- The Local Development Plan (LDP) was adopted by the Council on 20 December 2023; and
- The submission of a further Prior Extraction Assessment. This has been considered by the North Wales Minerals and Waste Planning Service (NWMWPS) who have confirmed that the applicants have demonstrated compliance with LDP policy MW1.

3.0 CONSIDERATION OF KEY ISSUES

3.1 Each of the 3 reasons for refusal will be discussed in detail below:

Reason 1

- 3.2 The site lay outside of the settlement limit for Wrexham and was situated in a Green Barrier as defined in the Unitary Development Plan (UDP). However, the site is located within the settlement limit and is allocated for residential development in the LDP, forming part of the Key Strategic Site 2 allocation. There is therefore no longer any policy objection in principle to the development.
- 3.3 The reason refers to UDP policy EC2. The policy sought to protect Best and Most Versatile (BMV) agricultural land. However, this matter will be discussed further below in the context of Reason 2.
- 3.4 LDP policy DM1 sets out broadly similar requirements to UDP policy GDP1. The reason for refusal does not identify why the proposed development was considered to conflict with policy GDP1 e.g. visual impact, highway safety, and residential amenity. Detailed matters of layout, appearance, scale, landscaping and access (other than access onto Holt Road) would be given further consideration at reserved matters stage in the context of DM1, as well as other relevant LDP policies.
- 3.5 UDP policy GDP2 set a requirement for contributions towards infrastructure, where it lacked sufficient capacity to accommodate the development. With the exception of health care infrastructure, discussed below in the context of reason 3, the reason for refusal does not identify any specific infrastructure that lacked capacity to accommodate the development. The 27 July 2020 report advised that contributions towards primary and secondary education provision could be secured by a Planning Obligation. It also advised that the KSS2 policy identified the provision of a primary school to be necessary infrastructure for the delivery of the site (i.e. KSS2 as a whole). The Council's Education Team have recently been re-consulted to provide an updated position regarding the need for contributions towards secondary education provision. Nevertheless, the position set out in the 27 July 2020 report remains broadly correct.
- 3.6 Policy CLF5 of the UDP required developments of 10 or more dwellings to be provided with on-site open space. Policy CF2 of the LDP also imposes a requirement for developments of 10 or more dwellings to make provision for open space on-site. The reason for refusal does not specifically state that the proposed development would not provide adequate open space provision. Moreover, matters of layout and landscaping would be considered further at reserved matters stage. Members' attention is also drawn to the schedule of conditions included

in the report of 27 July 2020. Condition 15 required the reserved matters scheme to make provision for on-site open space. It also remains the case that the long term management of open space could be secured by Planning Obligation.

- 3.7 The applicants have submitted additional information in the form of a Prior Extraction Assessment in support of application P/2021/0436 that should be considered alongside original Prior Extraction Assessment. The NWMWPS have confirmed that the requirements of LDP policy MW1 have been satisfied and recommend that if planning permission is granted, a suitably worded condition should be imposed to require the submission and implementation of a Mineral Recovery Plan.
- 3.8 Having regard to the above, it is considered that the Council would not be able to provide substantive evidence to successfully defend this reason for refusal.

Reason 2

- 3.9 The site is now allocated for residential development in the LDP. BMV land was a key consideration throughout the LDP Sustainability Appraisal and site selection process. Sites have only been allocated for residential development where there is an overriding need for development, and either previously development land or land in lower grades is unavailable.
- 3.10 Following the receipt of the LDP Inspectors' Report, the Department for Climate Change were asked for an updated consultation response to application P/2021/0436. The Department confirmed they raise no objection to the development.
- 3.11 Having regard to the above, it is considered that the Council would not be able to provide substantive evidence to successfully defend the reason for refusal.

Reason 3

- 3.12 The Health Board were asked to confirm their current position in relation to this development proposal in October 2023. The Health Board advised that they did not intend to object. They also did not advance any evidence to demonstrate that financial contributions are necessary to fund additional physical capacity in the primary care sector.
- 3.13 The Health Board have asked whether the need for contributions could be revisited at a later stage in the planning process. The Health Board have been advised that any evidence regarding a need for additional infrastructure would need to be identified before outline planning permission is granted and therefore it would not be possible to revisit

following the grant of outline planning permission, when an application to agree reserved matters is being considered.

3.13 The Health Board were contacted on 11th January 2024 and asked to confirm if they intended to submit further comments. They were contacted again on 27th February 2024 and asked to confirm if they intended to submit further comments. The Health Board confirmed on 7 March 2024 that there had been no change to their previously stated position.

3.14 In the absence of a formal objection from the Health Board and any substantive evidence to demonstrate that local healthcare infrastructure has insufficient capacity to accommodate the development, it is considered that the Council would not be able to provide substantive evidence to successfully defend the reason for refusal.

4.0 IMPLICATIONS

4.1 Paragraph 3.11 of the Section 12 Annex: Award of Costs to the Development Management Manual (Section 12 Annexe) advises that Local Planning Authorities are at risk of an award of costs being made against them if they fail to produce evidence to substantiate the impact of the proposal or each reason for refusal. Having regard to this and in light of the adoption of the LDP and the absence of objections from the North Wales Waste and Minerals Service and the Health Board, the Council would be at considerable risk of an award of costs being made against it if it attempted to defend the three reasons for refusal.

4.2 Paragraph 3.10 of the Section 12 Annexe also advises that Local Planning Authorities are at risk of an award of costs being made against them if it withdraws reasons for refusal without good reason. However, it is clear from the matters discussed above that there have been very significant changes in circumstance since the decision to refuse the application was made in July 2020. In the event of the developers chose to continue to pursue the appeal and that appeal Inquiry taking place prior to the determination of application P/2021/0436, it is recommended that they are approached (via their agents) with a view to negotiating a Statement of Common Ground that sets out why the reasons for refusal are no longer being pursued.

5.0 RECOMMENDATIONS

Recommendation 1

5.1 That Members formally confirm that all 3 reasons for refusal are now withdrawn

Recommendation 2

- 5.2 The Chief Officer Economy and Planning is given delegated authority to agree a Statement of Common Ground confirming that the reasons for refusal have been addressed, for the reasons discussed above.

Recommendation 3

- 5.3 In the event the developer does not agree to either defer the appeal until application P/2021/0436 has been determined or to withdraw the appeal, The Chief Officer Economy and Planning is given delegated authority to agree a draft suite of planning conditions along with the terms of a Planning Obligation to secure appropriate arrangements for education provision, the provision and maintenance of on-site open space and affordable housing provision, should the appointed Inspector be minded to allow the appeal and grant outline planning permission.

APPENDIX 3

In the event that the Appeal is allowed, the Parties agree that the following schedule of conditions are appropriate for imposition on to the grant of planning permission.

Condition No.	Condition Text (and Reason)
1	Details of the access (other than the northern site access as shown on drawing no. CBO-0322-017), appearance, landscaping of the site, layout and scale, (hereinafter called "the reserved matters") for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development on that phase begins. The development shall be carried out in accordance with the details as approved for each phase of the development. Reason: To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
2	The first reserved matters application shall include a plan showing the first phase of development and location of all subsequent phases of development (hereinafter called ""the Phasing Plan""). The Phasing Plan shall include the percentage of affordable housing in each phase. All subsequent reserved matters applications shall be submitted in accordance with the approved Phasing Plan. Reason: To ensure that the development of the site takes place in a coordinated manner and to ensure compliance with policy H2 of the Wrexham LDP in respect of the delivery of affordable housing.
3	The reserved matters applications for 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. Reason: To comply with Section 92 of the Town and Country Planning Act, 1990.
4	The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission or two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later. Reason: To comply with Section 92 of the Town and Country Planning Act, 1990.
5	No dwelling shall be occupied until the vehicular access from the site onto the A5156/A534/Holt Road roundabout has been laid out, surfaced and drained in accordance with the details shown on drawing no. CBO-0322-017. Reason: To ensure the formation of a safe and satisfactory access in accordance with policies DM1 and T1 of the Wrexham LDP.
6	The submissions made in respect of condition 01 for each phase shall include an ecological method statement and management plan that shall include the following: a) Great Crested Newt mitigation, compensation and Reasonable Avoidance Measures; b) Measures to avoid adverse impacts upon nesting birds; c) A biosecurity risk assessment; d) Measures to deliver a net benefit to biodiversity (NBB)

Condition No.	Condition Text (and Reason)
	e) Timescales for the implementation and management of all mitigation, compensation, NBB and avoidance measures. Development in that phase shall thereafter take place in strict accordance with the details that are approved. Reason: In order to protect wildlife interests, which are afforded special protection in accordance with Policies SP14 and NE1 of the Wrexham LDP and to ensure the development delivers a net benefit to biodiversity in accordance with paragraph 6.4.5 of Planning Policy Wales 12
7	No development shall take place within any part of a phase of the development that lies within 250 metres of the eastern boundary of the site or within 25 metres of any part of the site identified on drawing no. R2062-R01-001 (Stage 1 Contamination Assessment, Smith Grant, November 2014) until a phased site investigation of the nature and extent of contamination has been carried out on the land in that phase falling within those areas and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, development shall not commence within the area subject to the investigation until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Remediation works thereafter shall be carried out in strict accordance with the approved scheme. Reason: In the interests of the amenities of the future occupants of the buildings in accordance with Policy DM1 of the Wrexham LDP.
8	If, during the course of development, any contamination is found on a part of the site that has not been identified in the site investigation, no further development shall take place on that part of the site until a scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation. Reason: In the interests of the amenities of the future occupants of the buildings in accordance with Policy DM1 of the Wrexham LDP.
9	No dwelling shall be occupied on any part of the site that has been subject to remediation until a Verification Report which demonstrates that the works approved as part of conditions no. 7 and/or 8 above have been carried out, has been submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of the amenities of the future occupants of the buildings in accordance with Policy DM1 of the Wrexham LDP.
10	Development in each phase shall not commence until archaeological work in that phase has been undertaken. The work shall comprise of the following: i. A scheme of additional Archaeological Evaluation to be carried out in accordance with a written scheme of investigation which has been first been submitted to and approved in writing by the Local Planning Authority. The scheme must meet

Condition No.	Condition Text (and Reason)
	the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for archaeological field evaluation. ii. Upon completion of the scheme Archaeological Investigation, a copy of the Evaluation report shall be submitted to and approved in writing by the Local Planning Authority. A copy of the approved report shall be submitted to the Development Control Archaeologist and the regional Welsh Archaeological Trust for inclusion in the Historic Environment Record (HER). iii. Where the evaluation report identifies safeguarding measures required to ensure preservation in situ of important archaeological remains and/or further archaeological investigation, recording and reporting shall be implemented, these works will be undertaken in accordance with a written scheme of investigation that shall first have been submitted to and approved in writing by the Local Planning Authority. A copy of any additional resulting report shall be submitted to and approved in writing by the. Following approval, the report will be submitted to the Development Control Archaeologist and the regional Welsh Archaeological Trust for inclusion in the Historic Environment Record (HER). Reason: To ensure that any features within the site that are of archaeological significance are identified, recorded and, where necessary, preserved in accordance with Policy SP15 of the Wrexham LDP.
11	No part of the development shall commence in each phase until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority for that phase. No development or other operations within that phase shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following: 1. A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012; 2. A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted; 3. A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees; 4. Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires; 5. Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority; 6. Method for protecting retained trees during demolition works; 7. Details of all proposed tree works, including felling and pruning. Reason: To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policy SP19 of the Wrexham LDP.
12	No development shall commence in any phase of development until a scheme for the provision of foul sewerage infrastructure of that phase has been submitted to and agreed in writing by the local planning authority. The scheme shall include details of, and be informed by a Hydraulic Modelling Assessment. No dwelling hereby permitted shall be

Condition No.	Condition Text (and Reason)
	occupied within that phase, until the foul sewerage infrastructure for that phase has been provided in full and in accordance with the scheme as approved. Reason: To protect the integrity of the public sewerage system and the health and safety of existing residents and ensure no detriment to the environment, in accordance with LDP policy NE6.
13	The subsequent Reserved Matters applications shall include provision for areas of public open space, together with a scheme that includes the following details: 1. the siting, size, layout and appearance of any formal equipped play areas; 2. hard and soft landscaping of the open space area(s); 3. the timing of the construction and landscaping of the open space area(s); Public open space shall be provided on site in accordance with the approved scheme and permanently retained thereafter. Reason: In the interests of the appearance of the development and the standard of amenity afforded to future occupiers and in accordance with policies DM1 and CF2 of the Wrexham LDP.
14	No street lighting shall be installed on any part of the site until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a light spillage assessment and details that demonstrate how the street lighting has been sited and designed so as to minimise the potential impact upon bat species. Street lighting shall thereafter only be installed in accordance with the scheme as approved. Reason: In order to protect wildlife interests, which are afforded special protection in accordance with Policies DM1, SP14 and NE1 of the Wrexham LDP.
15	The development hereby approved makes provision for a maximum of 600 dwellings. Reason: To define the extent of the development.
16	No development shall be occupied until a Framework Travel Plan has been submitted to, and agreed by the Local Planning Authority. The details of the plan as agreed shall be fully implemented concurrently with the occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure a satisfactory form of development.
17	No dwelling shall be occupied until a scheme of low and zero carbon technology has been implemented in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the measures installed in accordance with the scheme shall be retained. Reason: To ensure the development minimises energy use and carbon emissions in accordance with policy RE1 of the Wrexham LDP.
18	No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Mineral Recovery Plan (MRP). The MRP will

Condition No.	Condition Text (and Reason)
	establish any areas where incidental minerals may be recovered as part of the construction process, such as from ground works, sustainable drainage systems, road sub-bases, granular fill and landscaping. The MRP will be required to: a) assess the potential mineral resource quality through the application site; b) design, implement and report the outcome of further intrusive investigation if required; c) estimate the total mineral resource volume which may be incidentally extracted during construction; and d) provide a methodology for how incidentally extracted mineral resource recovered during construction will be managed, processed (if required) and incorporated into the construction of the proposed development. Reason: To ensure a satisfactory form of development in accordance with policy MW1 of the Wrexham Local Development Plan.
19	No more than 250 dwellings shall be occupied on the site the until alterations to the A5156/A534/Holt Road roundabout have been laid out, surfaced and had drainage installed in strict accordance with the details shown on drawing no. CBO-0322-017. The alterations shall include the following: a) The widening of the southern quadrant of the roundabout to 3 lanes; b) The widening of the A534 approach to 3 lanes; and c) Associated road markings. Reason: To ensure the formation of a safe and satisfactory access in accordance with Policy DM1 of the Wrexham Local Development Plan.
20	Reserved matters submissions relating to a phase that includes the route of the Spine Road referred to in condition 2 of this planning permission, shall include full details of the Spine Road to be constructed and a timescale for its delivery. No more than 250 dwellings shall be occupied on the site until the full length of the Spine Road (within the confines of the application site) have been completed to base coat standard. Reason: To ensure the delivery of a strategically important piece of highway infrastructure in accordance with policies DM1 and T1 of the Wrexham Local Development Plan
21	No development shall commence in any phase until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority in respect of that particular phase of development. The approved statement shall be adhered to throughout the construction period in that phase. The statement shall provide for: 1) the parking of vehicles of site operatives and visitors; 2) loading and unloading of plant and materials; 3) storage of plant and materials used in constructing the development; 4) an earthwork balance in respect of materials arising from excavations carried out on site, including measures to ensure those materials are re-used on-site; 5) hours of working and deliveries;

Condition No.	Condition Text (and Reason)
	6) a scheme of dust management; and 7) a scheme to manage the impacts of construction noise and vibration. Reason: In the interests of highway safety and to minimise the disruption arising from construction works, in accordance with policy DM1 of the Wrexham Local Development Plan.



Matthew Phillips
Wrexham County Borough Council
Guildhall,
Wrexham.
LL11 1AY

By Email: matthew.phillips@wrexham.gov.uk

18th October 2023.

Dear Matthew Phillips,

Re: Revised Consultation Response - Planning Application P/2019/0005 and P/2021/0436 - Proposed development, Land South of Holt Road, Wrexham.

I refer to your e-mail on the 12th of October 2023 requesting an updated response to the proposed outline planning permission for the above site. This revised response is made in accordance with:

- Schedule 4, paragraph (s) of the Town and Country Planning (Development Management Procedure)(Wales) Order 2012
- Annex B1, B2 and B6 of Technical Advice Note (TAN) 6 – 2010¹.
- Planning Policy Wales (PPW), Edition 11 – 2021².
- National Development Framework (NDF) Future Wales: The National Plan 2040³

This response will first set out our consideration of the agricultural land classification survey undertaken for the site, followed by our revised view on the proposed application.

¹ <https://www.gov.wales/technical-advice-note-tan-6-planning-sustainable-rural-communities>

² https://www.gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

³ <https://www.gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>

1. Agricultural Land Classification (ALC) surveys - Technical Review and Advice:

A detailed ALC survey was undertaken on the south western half of the site by the Welsh Government in 2002 (report Ref: Ty'n Twll – ALC- 007-02). This confirmed a presence of 13.02ha of BMV land (Subgrade 3a) on the survey area.

A further detailed ALC survey of the un-surveyed area of the site was undertaken by the developers in October 2018 report Ref: RAC 8190) and submitted with the planning application. The results of this survey have been amalgamated with the 2002 survey to confirm ALC grading for the entire site. The results of the survey confirm the presence of 26.3ha of BMV land (Subgrade 3a) on the site.

The department has previously validated the October 2018 survey (Ref: RAC 8190), and can confirm it has been undertaken in accordance with the '*Revised Guidelines and Criteria for Grading the Quality of Agricultural Land* (MAFF 1988)'. This survey can be accepted by your Authority as an accurate reflection of land quality on the site.

2. Revised Expression of View:

Having considered this proposal in light of Welsh Government PPW provision for the protection of BMV agricultural land (paragraphs 3.58 & 3.59); TAN 6 (Annex B1 & B2) and NDF Future Wales (Policy 9), the Department offers no objection to the application for the following reasons:

- A re-appraisal of the status of the emerging LDP where the principle of the BMV loss in this specific case has been agreed by the Inspector, and as accepted for the whole Plan by the Department in representations dated 12 July 2018.
- The status of NDF Future Wales as a material consideration in relation to the elapsed UDP.

The view expressed does not bind any other part of Welsh Government commenting on the proposal.

I trust the above expression of view and associated remarks are clear and unambiguous. Please do not hesitate to contact if necessary.

Yours sincerely



Arwel Williams.
Agricultural Land Use & Soil Policy Advisor
Soil Policy & Agricultural Land Use Planning Unit - LQAS@gov.wales