

Mineral Safeguarding Comments on the Prior Extraction Assessment and other supporting information in relation to the Proposed Development at Land South of Holt Road, Wrexham

Planning Application P/2019/0005

Introduction

Application Ref: P/2019/0005 for 'outline application for the construction of up to 600 dwellings, with associated landscaping, public open space and onsite infrastructure, with all matters reserved except from the northern site access', was refused on 27th July 2020.

This decision is subject of appeal ref: APP/H6955/A/20/3263516 lodged in November 2020 and deemed valid on 17th December 2020.

Application P/2021/0436 was submitted in 2021 and sought to address the reasons for refusal previously cited by the council in its decision made in July 2020.

Local Plan

The Council's decision to adopt the Wrexham Local Development Plan 2013 to 2028 (WLDP) was quashed by the High Court on 19 May 2025. As a result the Wrexham Unitary Development Plan 1996-2011 (WUDP) has been returned to the status of 'adopted development plan'. The WUDP was formally adopted in February 2005. However, the plan is out of date; being underpinned by an evidence base that is over 20 years old. Paragraph 7.8 of Development Plans Manual 3 advises that where development plans are outdated, Local Planning Authorities should give the plan decreasing weight in favour of other material considerations, such as national planning policy.

The WLDP now has the status of an emerging plan. The evidence that underpins the unadopted WLDP is, in every respect more up to date than the evidence that underpins the WUDP. It has previously been found sound by an inspector following examination.

Mindful of the above, the WLDP is still a material consideration with significant weight owing to the plan being found sound by the appointed inspector and having previously gone through examination.

This note seeks to provide an update of the position regarding mineral safeguarding in this new policy context and takes into account of any updated information since the last set of comments.

Policy

PPW 12 paragraph 5.14.7 states that:

"It is important that access to mineral resources, including secondary, recycled and marine dredged materials, which society may need, as well as the minerals related infrastructure to deliver this need, is safeguarded in order to prevent sterilisation by other forms of permanent development. Planning authorities should consider the long term and the need for preventative action to avoid the creation of problems in the future. Safeguarding does not indicate an acceptance of mineral working, but that the location and quality of the mineral is known and that the environmental constraints associated with extraction, including the potential for extraction of mineral resources prior to undertaking other forms of development, have been considered".

Minerals Technical Advice Note 1: Aggregates, paragraph 32 states (in relation to sand and gravel) *"resources must be safeguarded for possible use by future generations."*

The Welsh Government has issued a letter to Chief Planning Officers, dated 14th November 2012, which highlights that a national aggregates safeguarding map has been published. The letter goes on to advise that *“the Aggregate Safeguarding Map of Wales provides a key evidence base for Local Development Plan preparation, enabling plan strategies to fully recognise the importance of mineral resources and to avoid their unnecessary sterilisation”*.

The map is accompanied by a technical guide which explains how the maps have been derived and identifies the categorisation of different mineral resources. Sand and gravel resources, specifically glacio-fluvial, brown sand and river terrace sand and gravel deposits are identified as Category 1 resources which are *“those resources that have a national importance in Wales (and in some cases the UK)”*.

Although policy and guidance regarding safeguarding is limited, this is interpreted to mean that the main aim of policy is to prevent sterilisation of resources, and where not possible, ensure that mineral is extracted in advance of non-mineral development where possible. There is no guidance on how much of that mineral should be extracted prior to the non-mineral development.

Policy MW9; Protection of Mineral Resources of the adopted Wrexham UDP provides the policy context for safeguarding minerals within Wrexham and it states:

“Resources of sand and gravel, and clay, will be safeguarded from non-mineral development in order to prevent the sterilisation of unworked mineral deposits. The identification of mineral resource areas gives no presumption in favour of the working of any deposits. Within such areas, non-mineral development will be strongly resisted unless a resource assessment (or other information) is provided to demonstrate that no exploitable reserves exist within the development site. Where non-mineral development which materially prejudices mineral resources is granted planning permission on land holding mineral deposits, provision should be made for the prior removal of mineral deposits.”

The emerging WLDP also contains policies in relation to mineral safeguarding and the proposed development site. The Plan’s “Policy SP3 Key Strategic Housing Sites” relates to an allocated site identified as “Land East of Cefn Road”, the northern part of which is the subject of the proposed development site. The text accompanying the policy states that *“In order to minimise the loss of mineral, 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.”*

Policy MW1 of the emerging WLDP states that non-mineral development will only be permitted in a Mineral Safeguarding Area where it can be shown that:

- i. the mineral does not merit extraction; or
- ii. there is an overriding need for the incompatible development; or
- iii. prior extraction can be undertaken satisfactorily; or
- iv. the development is temporary; or
- v. essential mineral industry infrastructure would not be compromised.

The policy also requires a Mineral Safeguarding Assessment, and Prior Extraction Assessment where the development is for non-mineral development on allocated Sites over 4ha and which are underlain by Category 1 sand and gravel.

Discussion

The North Wales Minerals and Waste Shared Planning Service has previously provided comments on application ref: P/2019/0005 in February 2019 and subsequently appeal ref: APP/H6955/A/20/3263516 in November 2021.

Comments were also made upon application P/2021/0436 in July 2023. For the avoidance of doubt, this document is in reference to application ref: P/2019/0005 (appeal ref: APP/H6955/A/20/3263516).

The documents of most relevance to this topic area and understood to form part of this application / appeal include:

- PROOF OF EVIDENCE OF STEPHEN BARRY dated November 2021
- PRIOR EXTRACTION ASSESSMENT dated December 2018
- TECHNICAL NOTE NO.6 by Wardell Armstrong dated 18th October 2020
- TECHNICAL NOTE NO.8 by Wardell Armstrong dated 18th May 2022
- NOTE by Dan Ingram of Barton Wilmore, (now Stantec) dated May 2022

Comments made in 2019 stated that *“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”*

These comments are considered to still be applicable.

Landbank

Wrexham has a sand and gravel shortfall of -1.565 mt as identified within the Regional Technical Statement Second Review (RTS2) based on 2016 sand and gravel sales figures. The Statement of Sub-Regional Collaboration for North East Wales, endorsed by Flintshire County Council, Denbighshire County Council and Wrexham County Borough Council agrees that the sub-regional apportionment figures set out in the RTS2 for Flintshire and Wrexham will be met by working collaboratively.

Since the last set of comments, the North Wales Regional Aggregates Working Party's Annual Report 2023 (published May 2025) covering the 2023 calendar year was released. This report presents sales and reserves data for aggregate minerals in the region.

Per the report, permitted reserves of sand and gravel are 12.0 mtpa with an average annual sales of 0.81mtpa resulting in a landbank of 15 years. This is above the 7 year minimum required by PPW and MTAN1.

Conclusion

Nationally, mineral planning policy regarding safeguarding has not moved significantly since the adoption of the WUDP. Essentially, policy seeks to ensure the long-term conservation of mineral resources of local and national importance.

With reference to policy MW9 of the WUDP, it is considered the submissions do not demonstrate that no exploitable reserves exist within the development site and therefore the development is contrary to adopted policy.

Notwithstanding this, policy MW1 of the emerging WLDP sets out that non-mineral development in safeguarding areas will be resisted unless one of five policy criteria stated

within the policy are met. The applicant has sought to demonstrate the mineral underlying the site does not merit extraction and that overriding need exists.

With regards to whether the mineral underlying the development does not merit extraction it is considered the applicant has supplied insufficient evidence so as to conclude that is the case.

With regards to overriding need, it is noted that the comments by the North Wales Mineral and Waste Planning Service made upon application P/2021/0436 in July 2023 identify that the need for the non-mineral development is considered to outweigh the need to protect the resource in its entirety; This is owing to KSS2's inclusion within the WLDP.

It is considered that adverse weight is taken forward in the planning balance should permission be granted without prior extraction or further information detailing viability being provided. With regards to overriding need outweighing any harm resulting from the loss of safeguarded mineral, this assessment is ultimately for the decision maker.

Other Matters

Previously there have been discussions as to whether a separate application would be required from the outline application for the mineral working and any backfilling. Section 58A of The Town and Country Planning Act 1990 provides guidance on this.

Suggested Condition

Notwithstanding the apparent conflict with identified policy, should permission be granted it is recommended this is subject to a condition which secures a Mineral Recovery Plan (MRP). It may read as follows:

Prior to commencement of the development, a mineral recovery plan (MRP) shall have been submitted to and approved in writing by the Local Planning Authority. The developer should recover as much useable mineral and retain on site as possible. The MRP should include:

- a) an assessment of the potential mineral resource quality throughout the application area;*
- b) design, implementation and reporting of further intrusive investigation if required;*
- c) An estimate of the total mineral resource volume which may be incidentally extracted during construction ; and,*
- d) 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: In the interests of mineral safeguarding.

Suggested Informative

During construction, should any minerals be found on site you should notify Wrexham County Borough Council in order to keep record of windfall sand and gravel resource. Should any uneconomically viable resource be found, the Council would encourage that where appropriate this resource is used on site within the construction. This is so that the development has less reliance on the use of primary aggregate.