

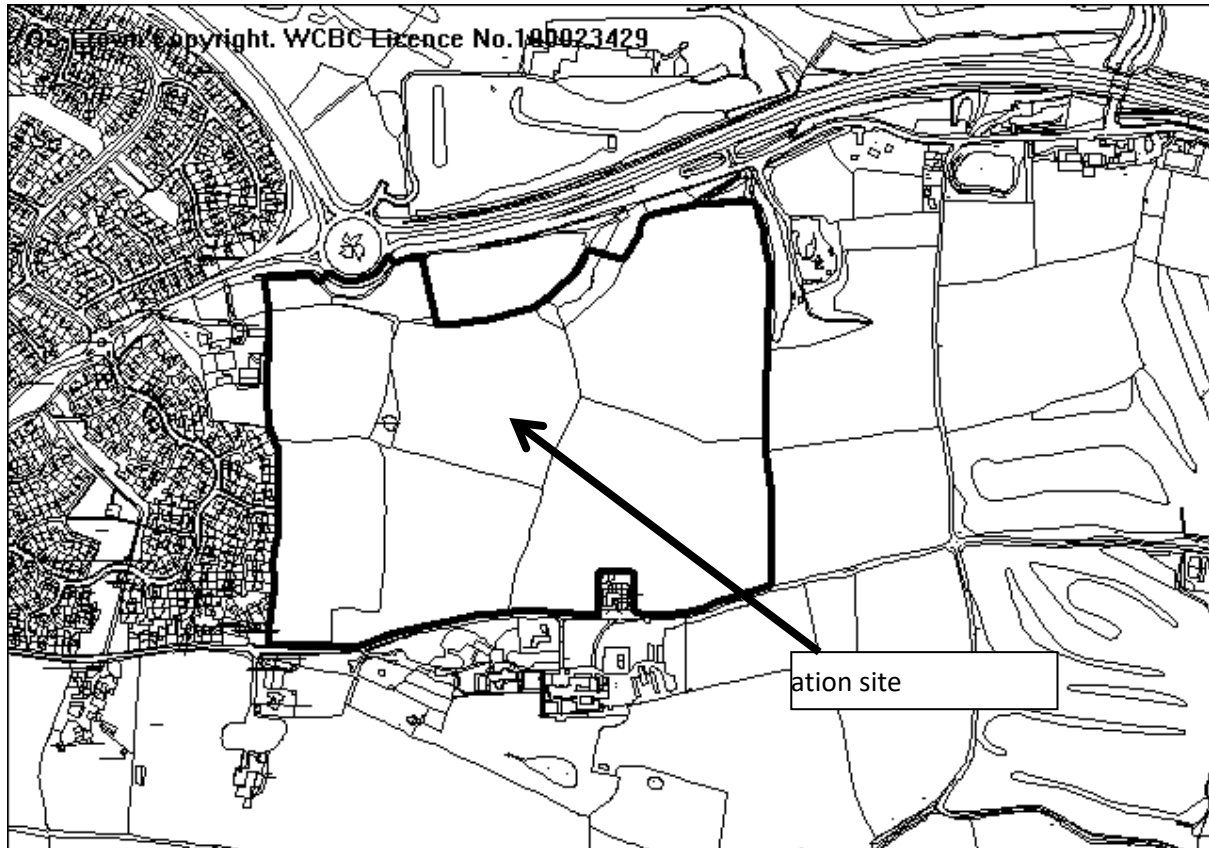
**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
LAND SOUTH OF HOLT ROAD**

COUNCIL'S STATEMENT OF CASE

**PLANNING REF: P/2019/0005
PINS REF: 3263516**

1.0 THE SITE

- 1.1 The appeal site lies between the south of south of the A5156/A534/Holt Road junction and Bryn Estyn Lane, with the Fairways housing estate to the west.



2.0 PROPOSAL

- 2.1 Outline planning permission is sought. 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.

3.0 NATIONAL PLANNING POLICY

- 3.1 Planning Policy Wales Edition 11

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

4.0 DEVELOPMENT PLAN

Unitary Development Plan (UDP)

- 4.1 The Wrexham UDP is the adopted development plan for the area. 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.

Emerging Local Development Plan (LDP)

- 4.2 In the LDP the site forms part of proposed Key Strategic Site (KSS) 2, with policies SP3, SP5 and MW11 specifically applicable to this site.

5.0 THE COUNCIL'S CASE

- 5.1 The application was refused 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.*

- 5.2 Since the determination of the application, Planning Policy Wales 10 has been superseded by Planning Policy Wales 11. In respect of the second reason for refusal, it is paragraphs 3.58 and 3.59 of PPW11 that are applicable and in respect of the third reason, paragraph 3.21 of PPW11.

Development Outside of a Settlement Limit

- 5.3 Policy PS1 of the UDP directs residential development to sites within the UDP settlement limits. Whilst UDP policy H5 allows for residential developments outside of settlement limits it is only where the proposals involve the conversion of a suitable building, the subdivision of an existing house, infilling, small affordable housing schemes on the edge of settlements and dwellings for rural workers. The appeal proposals do not meet any of these criteria and as such conflicts with both policies. The development will also represent a significant intrusion into the rural landscape thus also conflicting with policy GDP1.

Development within the Green Barrier

- 5.4 The UDP designation of Green Barriers is consistent with the Green Wedges referred to in Planning Policy Wales 11 (PPW11). Paragraph 3.75 of PPW11 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.
- 5.5 None of the above applies to this proposal and it is therefore inappropriate development for a site located within Green Barrier/Wedge.
- 5.6 The development will inevitably result in a significant loss of openness. PPW11 paragraph 3.74 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. This matter will be discussed further below under the heading Emerging LDP.

Loss of Best and Most Versatile Agricultural Land

- 5.7 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. Taken together with the WG ALC survey, this confirms that the entire site (26.3ha) contains Grade 3a. The Department of Rural Affairs of Welsh Government 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 PPW11 paragraphs 3.58 and 3.59 are applicable.
- 5.8 Policy EC2 states development on agricultural land will only be permitted on agricultural land of Grades 1, 2 and 3a if it does not lead to the irreversible loss of that land. Paragraph 3.58 of PPW11 requires BMV land to be conserved as it is a finite resource for the future. Paragraph 3.59 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 choice of land available, PPW11 advises that development should be directed to land of the lowest grade.
- 5.9 The development would result in the irreversible loss of 26.3ha of BMV land. The Welsh Government's Land, Nature and Forestry Division advised that the proposed development failed to apply the sequential test to justify the loss of BMV land as set out in PPW11 and accordingly issued a conditional objection to the planning application. The consultation response also advised that it could not pre-judge the outcome of LDP and that this proposal must be

judged on its own merits. Consultation response can be found at **Appendix 1**.

- 5.10 In light of the above the Council contends the proposals are in conflict with UDP policy EC2 and PPW11 paragraphs 3.58 and 3.59.

Sterilisation of Mineral Resources

- 5.11 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 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. The importance of safeguarding mineral resources is also set out in paragraph 5.14.7 of PPW11
- 5.12 The Council relies on the consultation response from North and Minerals Waste Planning Service which can be found at **Appendix 2** advises as follows:

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.

Healthcare provision

- 5.13 Paragraph 3.21 advises that

The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity. This will include considering the provision of, and access to, community and health assets, such as community halls, libraries, doctor's surgeries and hospitals. Health impacts should be minimised in all instances, and particularly where new development could have an adverse impact on health, amenity and well-being. In such circumstances, where health or amenity impacts cannot be overcome satisfactorily, development should be refused.

- 5.14 The requirement to take into account the impact of development upon community facilities is also set out in UDP policy GDP2. This states that where the capacity of infrastructure, including facilities, is likely to be deficient, Planning Obligations may be used to secure additional on or off-site capacity.

- 5.15 The consultation response from the Betsi Cadwaladr University Health Board is included at **Appendix 3**. This identifies that healthcare provision in Wrexham is already under considerable pressure. The national average GP to patient ratio is 1:1800, whereas it in Wrexham it is 1:2600, 44% higher than the national average. The proposed development would equate to a need for an additional 0.4 full time equivalent. The Health Board advised that many practices in North Wales are experience considerable challenges largely due to staffing shortages and difficulties in recruitment. The Health Board makes it clear that an evaluation of existing capacity is needed and that they wish to discuss potential support from Planning Obligations in order to accommodate future population growth in Wrexham.
- 5.16 The proposed development does not make any provision for additional healthcare provision, either through the provision on new healthcare facilities on-site or by contributions towards additional provision off-site. As such it conflicts with GDP2 and paragraph 3.21 of PPW11.

Open Space

- 5.17 The Council is concerned that the master plan submitted with the application does not make sufficient provision for greenspace and that future occupiers would therefore potentially be reliant upon open space within the adjoining Fairways housing development to the west. Inadequate provision of public open space would represent a conflict with policy CLF5.

Emerging LDP

- 5.18 It is acknowledged that the appeal site forms part of the KSS2 allocation in the emerging LDP. However paragraph 9.4.8 advises that certainty regarding the content of an LDP will only be achieved when LDP Inspectors delivers their binding report, which takes place following the completion of an Examination in Public (EiP). The Wrexham EiP, whilst at an advanced stage, has yet to conclude and as such there is no certainty regarding the content of the plan, including whether the EiP Inspectors are content for individual allocations to remain in the Plan.
- 5.19 Consideration must be given to whether granting permission for a strategically significant development in advance of the publication of Inspector's Binding Report and the adoption of the LDP is appropriate.
- 5.20 The matter of prematurity is dealt with in Development Plans Manual 3 on page 177:

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.

- 5.21 The emerging LDP identifies a housing requirement of 7,750. Nearly half of the requirement is expected to be delivered from new allocations. The delivery of 1,580 dwellings on KSS2 over the LDP accounts for 20% of the identified housing requirement and nearly half of the houses expected to be delivered from allocated sites. The appeal proposals alone would deliver 8% of the entire requirement.
- 5.22 The above clearly emphasises the significance of the KSS2 site in the context of the LDP. Indeed it is the Council's position that the delivery of the KSS2 site goes to the heart of the plan and therefore to grant permission for development on all, or indeed, part of the site, predetermines decisions about the scale, location or phasing of new development which ought to be properly taken through the conclusion of the EiP and publication of the binding report by the LDP Inspectors.
- 5.23 Whilst it is acknowledged that housing completions over the 2013-2021 period have been, on average, half of the Annual Average Rate needed to deliver the LDP housing requirement, in light of the matters discussed above the Council contends that this is not a material consideration of significant enough weight to warrant granting permission for proposals that represent a significant departure from the UDP policies and conflict with the paragraphs of PPW11 discussed above.

6.0 CONCLUSION

- 6.1 The proposed development conflicts with UDP policies PS1, EC1, EC2, MW9, GDP1, GDP2 and Planning Policy Wales 11 paragraphs 3.21, 3.58 and 3.59. The Council therefore respectfully requests the appeal be dismissed.

LIST OF DOCUMENTS

The Council will rely upon those documents submitted with the questionnaire and upon the policies and guidance referred to above and the consultation responses appended to this statement. Where necessary, other documents will be referred to and submitted with the Council's Proof of Evidence.

APPENDICIES

Appendix 1: The Welsh Government's Land, Nature and Forestry Division consultation response received 12/06/2020

Appendix 2: North Wales Minerals and Waste Planning Service consultation response dated 13/02/2019

Appendix 3: Betsi Cadwaladr University Health Board Consultation Response dated 13/02/2019

Appendix 1: The Welsh Government's Land, Nature and Forestry Division
consultation response received 12/06/2020

Matthew Phillips

From: Arwel.Williams@gov.wales
Sent: 12 June 2020 10:31
To: Matthew Phillips
Cc: James.Cooke@gov.wales
Subject: RE: Planning application - Revised Response P/2019/0005 - Land South of Holt Road, Wrexham.
Attachments: WGALC.pdf

Security Notice: The attachments in this email were secured by a Wrexham Council Security Gateway.
The original attachments were not modified.

Dear Matthew Phillips,

(James – for information as discussed)

Re: Revised Response - Planning Application P/2019/0005 – Land South of Holt Road, Wrexham.

Thank you for your e-mail, regarding our response (*dated 01-02-2019, copy attached for reference*) in respect of the above planning application. The Department has considered the original response and would offer a revised response to this application as detailed below. To answer your question regarding notification, should your Authority consider that there is a case for granting planning permission, the Department would expect the matter to be brought to its attention directly (*and separately from Decisions Branch of Planning Division*) before a decision is made.

Consultation remit

The Department for Environment and Rural Affairs of Welsh Government has the responsibility to respond to statutory consultations made on the basis of Table to Schedule 4 paragraph (s) of the Town and Country Planning (Development Management Procedure)(Wales) Order 2012 (DMP Order 2012). Technical Advice Note 6; Annex B2 further describes this consultation arrangement.

Policy

The Department has regard to Welsh Government planning policy towards the conservation of best and most versatile (BMV) agricultural land, as described at paragraph 3.54 and 3.55 of Planning Policy Wales (PPW).

3.54 Agricultural land of grades 1, 2 & 3a of the ALC system is the best and most versatile (BMV), and should be conserved as a finite resource for the future.

- 3.55 When considering the search sequence and in development management decisions considerable weight should be given to protecting such land from development because of its special importance. Land in grades 1, 2 or 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

Agricultural Land Classification (ALC)

A detailed ALC survey was undertaken on the south western half of the site by the Welsh Government in 2002 (Ref: Ty'n Twll – 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 (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 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.

Administrative matters

This **CONDITINAL OBJECTION** response is made solely on the basis of impact upon the national agricultural interest, and is made independently of other parts of Welsh Government that may wish to exercise a remit to comment upon this planning application.

Any view expressed by the Department for Environment and Rural Affairs in the exercise of its consultation responsibility under the DMP Order 2012 does not bind the consideration of Welsh Government should the matter come before it in a formal context.

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.

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

Arwel Williams

Arwel Wyn Williams
Cyngorydd Polisi Pridd a Defnydd Tir Amaethyddol / Agricultural Land Use & Soil Policy Advisor
Is-adran Tir, Natur a Choedwigaeth / Land, Nature and Forestry Division
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From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Sent: 10 June 2020 09:53
To: Williams, Arwel (ESNR - ERA - Land, Nature & Forestry) <Arwel.Williams@gov.wales>
Subject: Planning application

Arwel,

Hope you are well.

Your response to a planning application I consulted you on early in 2019 is attached.

The determination of this application has been delayed for a number of reasons, workload, LDP examination and more recently Covid-19. I am however under some pressure to get the application to committee sometime in July.

Can you confirm that your comments still apply?

The other matter I could do with some clarification on is your request that you be notified again if we were minded to support the application. Is this something you would expect to happen in advance of an application going to planning committee or if Members resolved to grant?

Because this application is a departure from the UDP, it falls within the remit of the Town and Country Planning (Notification (Wales) Direction 2012, we would be obliged to notify WG anyway in the event of a committee resolution to grant and given WG an opportunity to consider whether the application should be called in. Would you be expecting to be notified by us separately to that process, or would the Decisions Branch of the Planning Division contact you as part of their deliberations?

Regards

Matthew Phillips

Arweinydd Rheoli Cynllunio/Planning Control Lead
Cynllunio a Rheoleiddio/Planning and Regulatory



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Cyngor Bwrdeistref Sirol Wrecsam, Neuadd y Dref, Wrecsam, LL11 1AY



Wrexham County Borough Council, Guildhall, Wrexham, LL11 1AY



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Appendix 2: North Wales Minerals and Waste Planning Service consultation
response dated 13/02/2019

Mineral Safeguarding Comments on the Prior Extraction Assessment supporting the Proposed Development at Land South of Holt Road, Wrexham Planning Application P/2019/0005

Introduction

Wardell-Armstrong have prepared the Prior Extraction Assessment to support an outline planning application for 600 dwellings at Land South of Holt Road, Wrexham.

The site is located to the east of Wrexham Town Centre extending to the east along Bryn Estyn Road, bound by Holt Road to the north of the site. The majority of Wrexham Town is underlain by sand and gravel which has been sterilised by non-mineral development. Borrass Quarry (operated by Breedon Aggregate) is located approximately 1km to the north of the application site.

Site Geology

The published geological plans in this area show the application site is underlain by Devensian glaciofluvial sand and gravel sheet deposits. Such deposits, on a regional basis, are some of the best quality aggregate resources in Wales. The only areas near the site not covered by glacial deposits are those where the deposits have already been extracted for sand and gravel. Borehole data in this area (SJ35 SE26) provided as Appendix 1 of the Prior Extraction Assessment shows that there is very little overburden (0.3m) and depth of mineral is in excess of 25 metres.

The material at the application site is shown on the Geological Survey Map as being part of the same geological horizon currently worked at Breedon Aggregate's Borrass Quarry, particularly the northern excavation area. The borehole logs provided suggest the material is predominantly sand, however with a proportion of gravel which is in accord with lower Borrass material.

Policy Framework

PPW 10 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 Deposit Draft Local Development Plan for Wrexham also contains policies in relation to 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.”*

Emerging Policy MW1 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.

Consideration of the Submitted Prior Extraction Assessment

The applicant has prepared a Prior Extraction Assessment in accordance with Wrexham's existing and emerging minerals safeguarding policies and has provided evidence to support their conclusion that prior extraction would not be economically viable, and therefore there is no exploitable resource. The report concludes that the mineral resource at the application site does not merit extraction.

Evidence has been presented in the form of data from 12 boreholes that were drilled to 5 metres in depth. An extract of a BGS log in this location has also been submitted as evidence which provides data on the sand in this location to a depth of 25 metres. Additional site investigations have been carried out where the applicant excavated 7 soakaway pits. Sand and gravel were taken from the pits at a depth of 4 metres for analysis. The applicant has analysed the samples from the boreholes and produced Particle Size Distribution graphs. The results show that in most cases the sand particles are smaller than 0.5mm diameter and in most cases the sample contained little or no gravel. The applicant concludes that due to the very fine sand present on site, the sand is of no commercial use in its natural state.

The argument put forward by the applicant to justify why prior extraction would not be commercially viable relies heavily on the economic viability of producing sand and gravel for concrete production/sales. They claim that since the results of the borehole logs demonstrate a very low percentage of gravel, then the mineral would *"not be commercially viable as a mineral resource, and therefore not a commercially exploitable reserve."* They go on to justify why the resource does not need safeguarding as the mineral is predominantly sand, with insufficient gravel to be commercially viable. They conclude that the low proportion of gravel renders it uneconomically viable and does not merit extraction.

The applicant argues that a commercially viable resource of sand and gravel must contain at least 25% gravel content. They argue that their assessment demonstrates that there are no exploitable resources within the development site because the mineral is primarily sand, with almost no gravel content, and therefore is not suitable for commercial use. They conclude that the proposal does not conflict with the minerals safeguarding policy.

The data provided from the sample boreholes presented in the report suggest this area comprises of a thick layer of sand and gravel of varying proportion with occasional clay horizons, which is what is to be expected based on the geology of this kind. Therefore, contrary to the applicant's assertions, the deposit does offer potential for aggregate resources.

Having considered the Particle Size Distribution (PSD) data submitted, it would appear that the samples of sand taken from the site are generally too fine to fall within the PSD range anticipated for a British Standard (BS) concreting sand. However, an aggregate appropriate for meeting the specification for concreting aggregate could be achieved via blending with material of an appropriate size.

In terms of the PSDs in relation to a BS building / mortar sand, individual samples may not conform to the Standard within certain size ranges, however, if an average grade for all the samples is taken the resulting PSD approaches both Type S and Type G grading curves of the BS1200 albeit a little too coarse in the 5 and 2.36 mm size ranges and slightly too fine in the 0.075 mm size. In terms of meeting the specification of the European Standard, an average PSD from all the samples produced once again is slightly too coarse in the 2.0mm+ range for both 0/2 and 0/1 FP. However, once again, with processing a suitable PSD could be achieved. On the basis of the samples for which data has been provided, it is likely that with appropriate processing or blending, sand suitable for building / mortar ('soft sand') or sand suitable for concrete ('sharp sand') could be produced.

During pre-application consultation, the applicant was advised that, on the basis of the above data, and the evidence of the available sand resource, that consideration should be given to blending the sand with courser material in making an aggregate product. However, it is noted in paragraph 3.10 of the submitted Prior Extraction Assessment that the applicant states that blending would entail a significant cost to excavate, load, haul and double handle the fine sand as well as the cost of sourcing and transporting a source of courser sand to mix with.

The applicant was also advised that Breedon Aggregates (who operate from neighbouring Borrass Quarry) would be interested in extracting this material prior to commencement of development. Despite this, paragraph 4.2 of the Prior Extraction Assessment, states that the quarry operator has been contacted in respect of prior extraction and has not expressed any interest in it. However, Breedon Aggregate have confirmed that they would potentially be interested in the prior extraction of this material. They have advised the North Wales Minerals and Waste Planning Service that they would be making a representation on this planning application.

The applicant was advised that a partnership arrangement should be explored between Barratt/Bloor Homes and Breedon Aggregate so that the nationally important resource is not unnecessarily sterilised. It would appear that no efforts have been made by the applicant to meet with Breedon Aggregates to discuss the possibilities of an arrangement for prior extraction, and this has been totally disregarded. Therefore, the costs and logistics of exporting the finer material for blending elsewhere have not been ascertained.

If sand was extracted at this site, then an operator would blend materials from different sources to achieve required sand gradings. With sand becoming a finite resource in many areas (particularly North Wales) many companies will now source grits, recycled glass and other materials to add to sands in order to create the required specifications. The sand in question would not be used as dug but, a given operator would process the material which would change the sand gradings for their many uses that need and require sand that would be sterilised should the planning application be granted without any amount of prior extraction.

Aggregate companies rely on many different locations for various materials to add and take away from materials in order to make a complete material. They are constantly designing theoretical blends in order to make a complete product so they really do need to rely on being able to source many different reserves. The majority of these sands, once washed would be suitable for asphalt sand in the use of HRA (hot rolled asphalt).

The availability of sand and gravel, at the historically required in-situ ratio, is ever increasingly rare. It is not new that the industry has blended fine sand with crushed aggregate to produce a conforming sand and thus concludes all sand resources as potentially exploitable. It is understood that it is common practice to import fine grade sands to Ready Mixed Concrete plants where it is combined with coarser, often washed Limestone dust, to form an aggregate suitable to make Ready Mixed Concrete to EN206 and BS8500. The BS and EN conformance certificates gained by ready mix concrete plants suggests that the final concrete produced through blending of fine sand with a coarser aggregate is of a high standard. This certification concludes that fine sand deposits are indeed exploitable and economic, and the use of similar techniques will become more common place as sand and gravel deposits are exhausted.

Whilst the mineral resource that is present beneath the application site may well be fine grained, it is common place for operators to blend finer grained material with coarse material imported from other sites to create aggregate products to satisfy their customer's requirements. Therefore, the North Wales Minerals and Waste Planning Service does not agree that the sand is not suitable for commercial use, as it can be blended with other products to create a saleable product.

The samples undertaken by the applicant to support the Prior Extraction Assessment also seem to come from relatively shallow depths. Eight of the trial pit samples do not reach the depth of the glacial sand & gravel (1.8m), and the other two only go into the top. Given likely variability of the top surface of the glacial S&G, it's possible the samples are not representative of the sand and gravel deposit so therefore, further borehole samples would provide more information on the sand and gravel resource available on this site. Furthermore, analysis of samples from the BGS borehole (SJ35-SE26) indicate that locally, the deposit comprises predominantly sand with a proportion of fines. However, BGS boreholes a short distance from the application site to the north (SJ35-SE25) and south (SJ35-SE22) indicate a higher proportion of gravel thus indicating the variable nature of the glaciofluvial deposits locally.

The report fails to mention the amount of sand resource present on site in terms of tonnages. Estimated tonnages have not been provided following the site investigations. The Local Planning Authority would need to know how much mineral would be sterilised if prior extraction didn't take place both directly and indirectly. The proposal would not only sterilise minerals of national importance on site, it would also further sterilise mineral in the adjacent land holdings to account for any future buffer zone should the mineral adjacent to the site be worked in the future. This information has not been presented within the assessment.

The applicant states that should the mineral be extracted it would create a void which would be unusable for the proposed development. The report does not consider extracting a lesser amount of mineral, despite advising the applicant that this should be considered during pre-application consultation. It would not be appropriate to work the entire mineral resource as it would present an inappropriate, and also it would take considerable time to extract all the resource which would not be compatible with the delivery of the housing scheme, should it be approved. A minimal amount of material could be extracted prior to commencement of construction, and in a phased manner. This has been totally over looked by the applicant and not addressed in the Prior Extraction Assessment. Had the applicant discussed the possibilities of prior extraction with a mineral operator, this information could have been gathered and presented.

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 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.

13.02.2019

Hannah Parish

Senior Minerals and Waste Planning Officer

North Wales Minerals and Waste Planning Service

Appendix 3: Betsi Cadwaladr University Health Board Consultation Response dated 13/02/2019



Bwrdd Iechyd Prifysgol
Betsi Cadwaladr
University Health Board

Betsi Cadwaladr University Health Board

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Dyddiad / Date: 13/02/2019

Matthew Phillips
Wrexham CBC

P/2019/0005 Outline Planning Application for 600 dwelling on Land South of Holt Road, Wrexham

Dear Matthew,

Thank you for the opportunity to comment on the outline application for 600 dwellings within KSS2 on Land south of Holt Road, Wrexham. The Health Board provided feedback to Barton Wilmore on the pre-application consultation in October 2018 the key points of which are as follows:

The national average GP:patient ratio is 1:1800 patients. In Wrexham the ratio is currently 1:2600, which is already 44% higher than the national average. The additional increase in population would broadly equate to a need for an additional 0.4 full time equivalent GP. Many practices in the UK, and locally in North Wales, 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) references previous discussion with Betsi Cadwaladr Health Board and highlights the concerns we have expressed in terms of the health service capacity to support development and in particular of Key Strategic Sites. Section 4.14 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.

From our former discussions with Wrexham CBC we understand that this specific development will take place over a 5-6 year period, starting with a build of 50 houses in the first year and then 100 houses on the subsequent years. However details as to the housing mix within the development (and what is built when within this mix) will have an impact on the population profile within the area. 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 and will in future need a high degree of collaborative working between the Local Authority, the Health Board and the independent contractors that plan and deliver the primary care services within the Cluster footprint.

We know from the data that the population profiles (which include age and sex of the population) of two of the closest GP practices (Holt Road and Prince Charles Road) 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, which contribute to health and well-being outcomes, also 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 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. Also we would encourage that the developer takes note and implements the conditions as described in the LDP Integrated objectives [SO1/SO2/SO3/SO5/SO6/SO8] - and it is noted that SO5 and SO6 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.

I hope these comments are of help. 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.

Sincerely,

Chris Jones
Health Planning Manager
on behalf of Sally Baxter Asst Director of Health Strategy