

Report of the Chief Officer Economy and Planning

Application Reference

P/2023/0593

Applicant

MR J HOBBS

Agent

THE PLANNING CONSULTANCY MR MATTHEW GILBERT BRIDGE FARM

Site Address

LAND AT LOWER BERSE FARM BERSHAM WREXHAM LL14 4HP

Description of Development

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 1450 DWELLINGS PLUS ASSOCIATED ROADS, OPEN SPACE, COMMUNITY FACILITIES, A SITE FOR A PRIMARY SCHOOL AND A WASTEWATER TREATMENT PLANT (IF NECESSARY)

Wards

Brynyffynnon/Brynyfynnon

Esclusham/Esclusham

Communities

Offa/Offa

Esclusham/Esclusham

Recommendation

The applicants have submitted an appeal against non-determination. The Council is therefore no longer able to determine the application itself. However, in the forthcoming appeal, the Council will need to set submit a statement of case and indicate whether it would have granted or refused planning permission had it determined the application itself, and to give reasons if the Council conclude that it would have refused planning permission.

The report below sets out an assessment of the planning application in light of relevant planning policies and other material considerations, which inform the recommendation below:

Recommendation

That Members resolve that the Council's position at the forthcoming appeal is that planning permission should be refused on the grounds of:

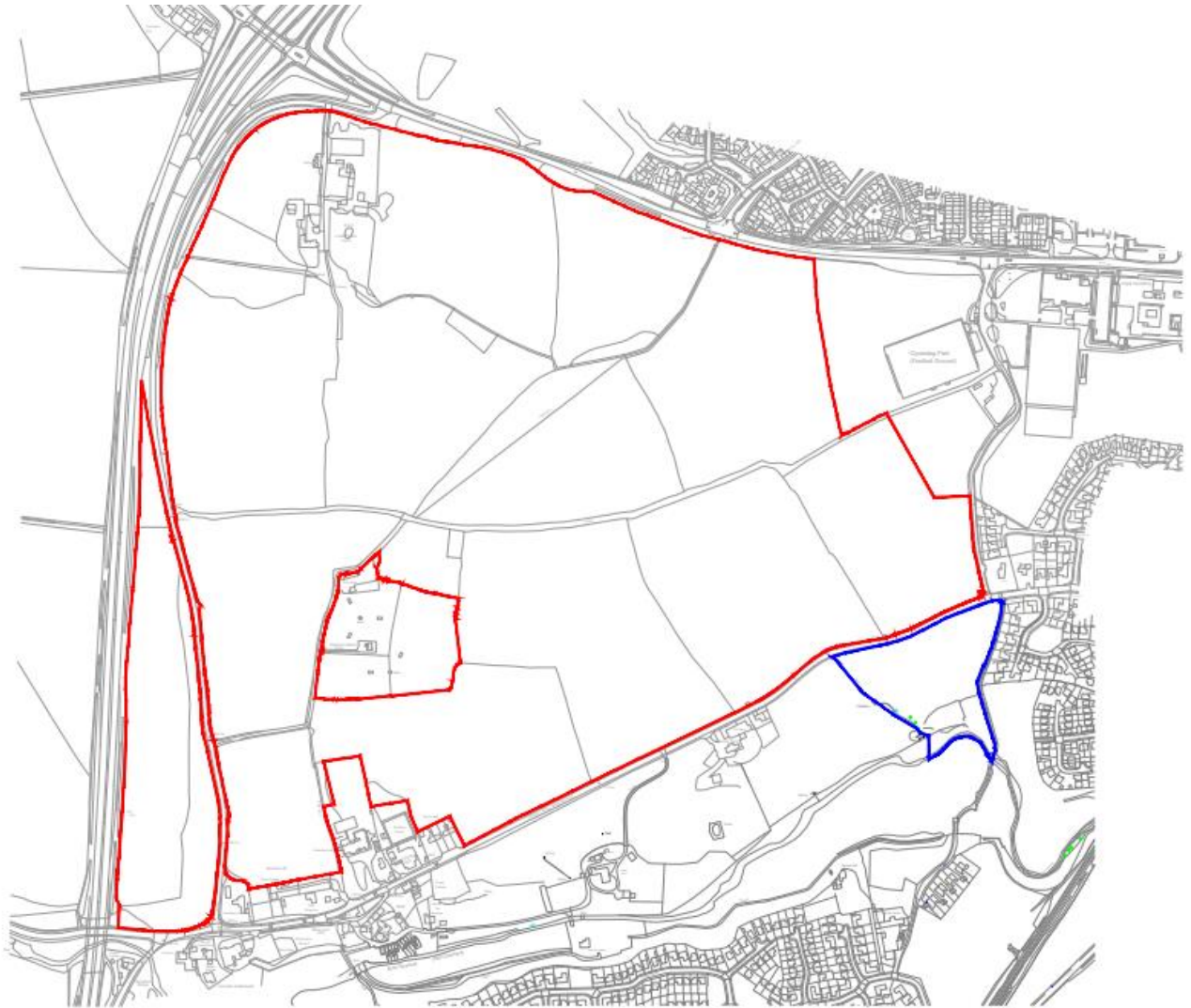
- Highway capacity and safety;
- Archaeology; and
- The potential for the development to have a significant effect on the integrity of the River Dee and Bala Lake Special Area of Conservation.

Report of the Chief Officer Economy and Planning

Officer Report

Site Description

The site is approximately 73ha in area and is situated to the south-west of the existing built-up area of Wrexham. The village of Bersham lies to the south of the site. The site is bounded by the A525 Ruthin Road to the north, Homestead Lane to the east, the B5099 Bersham Road to the south and the A483 trunk road to the west.



Proposal

This application seeks outline planning permission for the erection of up to 1450 dwelling houses, associated roads, open space, communities facilities a primary school and a wastewater treatment plant. The application also seeks approval of vehicular accesses onto Ruthin Road and Bersham Road. Matters of appearance, landscaping, layout and scale are reserved for subsequent consideration.

The proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and is accompanied by an Environment Statement.

Reason for Committee Determination

For the Committee to determine what the Council's position should be at the forthcoming non-determination appeal.

Report of the Chief Officer Economy and Planning

Site History

P/2024/1466 OUTLINE APPLICATION FOR ERECTION FOR 1450 DWELLINGS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED) AND PROVISION OF LAND FOR PRIMARY SCHOOL. Pending

Development Plan

Unitary Development Plan

UDP PS1 - The Broad Location Of Development
UDP PS2 - The Broad Location of Development
UDP PS4 - The Broad Location of Development
UDP PS11 - Biodiversity
UDP Policy GDP1 - Development Objectives
UDP Policy GDP2 - Capacity of Infrastructure and Community Facilities
UDP Policy EC1 - Green Barriers
UDP Policy EC2 - Agricultural Land
UDP Policy EC5 - Special Landscape Areas
UDP Policy EC4 - Hedgerows, Trees and Woodland
UDP Policy EC6 - Biodiversity Conservation
UDP Policy EC7 - Conservation Areas.
UDP Policy EC9 - Listed Buildings of Special Architectural or Historic Interest
UDP Policy EC11 - Archaeology
UDP Policy H5 - Housing in the Countryside
UDP Policy H7 - Affordable Housing
UDP Policy CLF5 - Open Space Requirements from new Residential Developments
UDP Policy CLF7 - Informal Recreation
UDP Policy T8 - Parking
UDP Policy MW9 - Protection of Mineral Resources

Unadopted Local Development Plan

LDP Policy SP1 - Housing Provision
LDP Policy SP2 - Location of Development
LDP Policy SP3 - KSS1, Land at Lower Berse Farm, Ruthin Road, Wrexham.
LDP Policy SP6 - Green Wedge
LDP Policy CF2 - Provision of New Open Space.
LDP Policy MW1 - Minerals Safeguarding

Unadopted LDP Evidence Base

Background Paper 1b (BP01B): Population and Household Projections with Dwellings and Employment Impacts, January 2018;
Background Paper 9 (BP09): Settlement Boundary Review, January 2019.
Background Paper 10 (BP10): Spatial Strategy and Distribution of Development, January 2017.
Open Space Audit and Assessment of Need (OSAAN), March 2016.

Report of the Chief Officer Economy and Planning

Relevant National Policy

Planning Policy Wales, Edition 12.

Technical Advice Note 2: Affordable Housing

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 11: Noise

Technical Advice Note 12: Design

Technical Advice Note 15: Development, Flooding and Coastal Erosion

Technical Advice Note 18: Transport

Technical Advice Note 24: Historic Environment

Minerals technical advice note (MTAN) Wales 1: Aggregates

Future Wales: The National Plan 2040: Policies 1, 7 and 20 apply.

Consultation Responses

Community Councils:

Esclusham Community Council

Objects to the application for the following reasons:

- Transport/Highway Issues/Road network capability;
- Housing need/numbers – too many and a greater proportion of social/affordable houses should be provided;
- Flooding/drainage;
- Impact on Bersham Conservation Area;
- Capacity of community facilities – Health, Education
- Green Wedge – should be extended so development does not take place south of the bridleway crossing the site; and
- Loss of BMV agricultural land.

Offa Community Council

Objects to the application for the following reasons:

- Traffic Impacts;
- Drainage/Flooding;
- Sewage disposal – proposed on-site waste water treatment works;
- Effect on public services;
- Environment Issues and heritage;
- Housing – affordable housing provision, proposed mix of types and need for carbon neutrality;
- Loss of agricultural land.

Neighbouring Community Councils:

Coedpoeth Community Council

Objects to the application for the following reasons:

- Number of dwellings proposed
- Lack of infrastructure proposed
- Number of affordable properties available

Minera Community Council

Objects to the application and comments as follows;

- The development will add traffic to the Ruthin Road/A483 junction;

Report of the Chief Officer Economy and Planning

- Consideration should be given to impacts of increased traffic through Wern, Aberoer and Legacy, which would be open to be used as 'rat runs' to either access the A483 or to avoid traffic pressure at the Ruthin Road/A483 junction.

Local Members:

Councillor Mark Pritchard

Notified. No response received.

Councillor Phil Wynn

Objects to the applicant and comments as follows:

1. No decision will be taken until an independent traffic monitoring of the junctions referenced in developer's Transport Assessment Report has been commissioned;
2. Consideration is given to the validity of the car ownership/use modelling Redrow have used
3. The developers should be required to revisit their proposed improvements to the functioning of the A483 junction fly-over, to see if their claim to see if their claim the proposed development will have limited negative impact upon the junction does ring true.
4. Redrow should base their traffic queueing modelling using Census 2021 data, rather than Census 2011
5. Comments should be secured from the Council's Flood Officer, Tree Officer, Ecology Officer and Education Officers and agencies the Welsh Government Agricultural Inspectorate, Natural Resources Wales and Welsh Water.
6. Welsh Water should complete their negotiations with Welsh Water to connect their proposed housing development to the existing sewerage system linked to Five Fords and the applicant should delete reference to the on-site sewerage treatment plant;
7. Agree with comments made by local residents about flooding issues and refer to issues on the Pentre Bach estate by flood water breaching the bung along Ruthin Road. Any development of Berse Farm would need to ensure the volume of water leaving the proposed development is not made worse;
8. The developer's proposals are silent on the need to mitigation flooding in the city centre. Consideration should be given to how the developer's flood management proposals contribute to securing this outcome;
9. There should be a requirement for the designated land for the proposed 420 place primary school to be transferred to the Council as a condition of any consent;
10. There needs to be a s106 contribution to secondary school;
11. If the local road infrastructure can accommodate the 400 new houses mentioned in the Planning Inspectorates LDP approval report but not the proposed 1520, the developer needs to submit a revised planning application for 400 houses on the north side of the site's ancient bridleway. This way the Bersham green wedge can be judged as meeting

Report of the Chief Officer Economy and Planning

the test of openness and BMV agricultural land south of the bridleway;
and

12. Any consent would need to ensure only one management company is ever appointed and an understanding given about who will have ultimate responsibility for the maintenance of all flood attenuation work on the estate.

Endorses the concerns made by local residents in their representations:

- Highway Issues;
- Flooding and Drainage Issues;
- Public Open Space provision;
- Provision of Community Facilities;
- Adverse impact on the Village of Bersham and the Designated Conservation Area;
- Green Wedge; and
- Loss of Best and Most Versatile agricultural land.

Natural Resources Wales:

Raises concerns regarding groundwater protection, land contamination and protected sites.

Recommend conditions be imposed if planning permission is granted relating to the following matters:

Groundwater Protection and Land Contamination;
Construction Environmental Management Plan;
Ecology.

Comments on flood risk, confirming the Flood Consequences Assessment has been reviewed. Notes that there would be no highly vulnerable development within the modelled flood outlines but part of the site would remain in Flood Maps for Planning Zones 2 and 3.

Recommends the advice from the Council's Flood & Water Management Officer should be consulted regarding the findings of the FCA in respect of the watercourse crossing the site.

Notes flood mitigation measures are proposed. Advises that the implementation of these measures should be secured by planning condition and/or planning obligation.

Dwr Cymru Welsh Water:

Raises no objections. Comments that there is capacity at Five Fords Waste Water Treatment Works to accommodate the foul water flows from the development within existing permit limits. Subject to measures outlined in the Hydraulic Modelling Assessment, the sewerage network would have capacity to accommodate the foul water flows from the development.

Highway Officer:

Comment that further information is required on a range of matters before a view on the acceptability of the proposed development, including:

- Stage 1 Road Safety Audit of the proposed site accesses;

Report of the Chief Officer Economy and Planning

- Provision of footways along adjoining Ruthin Road and Bersham Road;
- Trip generation - the trip generation in the Transport Assessment is considered too low;
- Up to date traffic assessments; and
- Junction capacity modelling.

Welsh Government (Trunk Roads):

Directs that planning permission is not granted because the applicant has provided insufficient information to determine the application.

Advises that the applicant must provide the following information in respect of the following;

- Traffic growth figures
- Committed development
- Trip generation
- Trip distribution
- Transport Implementation Strategy
- Assessment years
- A483 Junction 3
- Linsig modelling of Junction 4 and A525 Ruthin Road/Croesnewydd Road/Site Access;
- A525 Eastbound and Westbound
- A383 Southbound off-slip
- A525 Ruthin Road/Croesnewydd Road/Site Access signal junction
- Heavy goods vehicle percentages

Contaminated Land Officer:

Recommends requiring investigation of the site for contamination and remediation (if applicable) are applied to the planning permission if granted.

Public Protection Officer:

Comments that the noise report identifies areas of the site closest to the A483, Ruthin Road and Bersham Road are modelled to fall within Noise Exposure Categories (NEC) B and C during both the day time and night. TAN11 advises that planning permission should not normally be granted within areas subject to NEC C. Advises it would be preferable for areas subject to NEC C not to have residential development, but notes this area has been identified for residential development and is therefore likely to be acceptable.

Notes that the noise report contains that noise mitigation will be required. Recommends this be secured by condition.

Notes the application is accompanied by an Air Quality Assessment. The AQA has identified the potential for dust nuisance during construction. Recommends a condition be imposed to require a dust management scheme.

Report of the Chief Officer Economy and Planning

Comments that AQA concludes the impact of traffic pollutants on proposed development would not be significant. Advises the findings of the AQA are accepted.

Comments that an Odour Risk Assessment considers the impact of the proposed wastewater treatment plant. Notes that the Assessment recommends a 50m buffer zone around the WWTW and enclosure of certain operational areas. Note the Assessment recommends further quantitative assessment of odour impacts is undertaken. Recommends that any application for full permission/reserved matters is informed by this assessment.

Conservation Officer:

Repeats Cadw's comments in respect of Lower Berse Farm. Also comments that the proposed development would result in the infilling of the gap between Wrexham and Bersham which currently has a semi-rural character. This would irreversibly change the site from a largely unchanged agricultural landscape to an urban one. Comments that the fields provide a break in the urban sprawl of the Wrexham and bring the Wrexham and Bersham together, eroding the character of the Conservation area and its sense of identity as an outlying village.

Notes that the Masterplan shows development along Ruthin Road set back in order to create a green frontage to the road and the development fronting Bersham Road is similarly set back, albeit to a lesser extent. Comments that views eastwards from the conservation area to the city is from an elevated position and that the view is important as it highlights the separation from Wrexham and the semi-rural character of the village. The proposed development would mean the views would be across and over the new development. Recommends that careful consideration of the development on this rural and open character is explored.

Acknowledges that the detailed design is a reserved matter, but emphasises the importance attached to and requirement of high quality design, which will be crucial to the successful integration of the development into the wider area and local identity.

Education Department

Advises that there is insufficient primary and secondary school provision in the locality to accommodate pupils generated by the development. Recommends that financial contributions be secured towards additional primary and secondary school provision.

Welsh Government (Department for Climate Change):

Raises no objection.

Comments that the Agricultural Land Classification (ALC) report submitted with the application can be accepted as an accurate reflection of the land quality on the site. The ALC report confirms that 81% of the site contain Best and Most Versatile agricultural land.

Report of the Chief Officer Economy and Planning

Advises that the reasons for not objecting to the application take account of the fact that the principle of the BMV loss in this case has been agreed by the LDP Inspectors, as well as status of Future Wales as a material consideration in relation to the lapsed UDP.

Arboricultural Officer:

Raises no arboricultural objections in principle, however, raises concerns about the Masterplan and detailed matters of design, including the potential loss of Category A trees.

Ecology Officer:

Raises no objections in principle. Comments that the predominant habitats within the site are of limited value. However, comments that there are areas of ecological value within the site and that the Masterplan is not acceptable in its current form. Of particular concern is the severance of a green lane crossing the site by two proposed spine roads without any proposed mitigation. Advises that if the impact could not be reduced, the development would not accord with PPW12.

Comments that there are several hedgerows and areas of woodland of value within the site and an important green lane. The latter provides foraging and commuting habitats for bats, including the rare (for the County Borough) Lesser Horseshoe, foraging for badgers and ancient woodland flora veteran trees. Advises that PPW seeks to avoid fragmentation and deterioration of habitats and ensure wildlife corridors and stepping stones are protected, maintained and enhanced.

The Masterplan fails to protect the corridor due to 2 spine roads and proximity to development and lighting. Advises that the crossings should be reduced and the use of green tunnels, bridges or overpasses explored. Also advises alterations are required to the site layout to ensure the corridor is kept extremely dark.

Fire and Rescue Authority:

Advises that the developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes. Also advises that the developer should contact Building Control regarding means of warning and escape, internal fire spread, external fire spread, access and facilities for the Fire and Rescue Services.

Betsi Cadwaladr University Health Board:

Make the following recommendations and comments :

- Consideration to be given when developing the green and blue spaces to ensure that they are inclusive and accessible for all;
- Consideration could be given to separate cycling and pedestrian routes, and to ensure that cycle stands are available in safe, secure and accessible locations;

Report of the Chief Officer Economy and Planning

- Pedestrian routes should be designed to ensure the needs of those with limited mobility are considered by providing sufficient dropped kerbs for wheelchair users;
- Consider the provision of community food growing spaces within the green space of the development;
- Consider the inclusion of natural play facilities and play features for residents of all ages;
- Consider a range of home types, including the provision of safe and accessible housing for people with limited mobility;
- The provision of additional greenery where possible will contribute to improving air quality and reducing noise; and
- Consider undertaking a Health Impact Assessment to assess the potential effects on the health of the population.

Comments that the area is currently served by a number of Primary Care sites and GPs which are at or towards the limits of their existing patient list size, primarily due to physical capacity. Recommend that because the development is of a relatively large, new registrations are distributed across all practices who cover the area based.

Comments that Wrexham County Borough Council and the University have been undertaking feasibility study that identifies the need for and scope of integrated health and social care services and intermediate care facilities. Comments that it is anticipated that the outcome of this work would identify the need for redevelopment of an existing site or a new site and would wish to request a S106 contribution to support the additional capacity.

Cadw:

Raises no objection. Comments proposed development would not affect on the way component scheduled monuments of Offa's Dyke or scheduled monument DE189 Bersham Iron Works are experienced, understood, and appreciated.

Notes the site comprises of open farmland with large, well-defined fields bound by traditional hedgerows. The Grade II* listed Lower Berse Farm is located at the northern end of the proposed development, along with a collection of brick outbuildings.

Comments that the boundaries of the surrounding field system are largely unchanged from the pattern recorded on the 1841 Tithe Map. Comments that they make a significant contribution to the character of Lower Berse Farm and aid in understanding its agricultural history and development.

Notes the masterplan indicates that the farmhouse and its historic outbuildings are to be retained and converted for use as a local centre for the residential development. Advises that this is welcomed, but comments that the proximity of proposed development entirely removes the surrounding field system and thus, erases the historic setting of the farm complex. Comments that this is considered to negatively impact on the building's significance, negatively affecting people's ability to understand and appreciate its former agricultural use.

Report of the Chief Officer Economy and Planning

Notes that a modest area of green space is outlined as a buffer between the historic farm buildings and the new development, but comments that this could be increased to provide greater preservation of the setting of the Listed building.

Comments that it is not clear from the masterplan what consideration will be given to the retention of boundary walls within the farm complex which make a contribution to the character of the historic farm and the arrangement of spaces within the farmyard itself. Recommends the retention of these walls as features alongside the outbuildings would help to preserve the character of the farm and in understanding its historic function.

Heneb:

Recommend that further archaeological investigations are undertaken prior to determination of the application in order to the significance of archaeology present. Advises that this would enable advice to be given about whether some areas of the proposed development need to be altered or removed in order to preserve important archaeology. It would also help inform the applicant about the potential cost implications of archaeological mitigation if additional survey and excavations are required as a condition of any permission. Advises that pre-determination assessment follows best practice guidance in TAN24.

Coed Cadw/Woodland Trust:

Objects to the planning application on account of detrimental impact to irreplaceable ancient woodlands and veteran trees. Raise particular concerns about the following:

- Intensification of recreation activities of people and pets which can result in disturbance to breeding birds, vegetation damage, trampling, litter and fire damage;
- Noise, light and dust pollution during both construction and operational phases of the development;
- Fragmentation and loss of semi-natural habitat adjacent to ancient woodland;
- Where wood edge overhangs public areas, trees can become safety issues and can indiscriminately be lopped/felled, resulting in a reduction of woodland canopy and threatening the long-term retention of such trees;
- Adverse hydrological impacts occurring where the introduction of hard-standing areas and water run-off affect the quality and quantity of surface and ground water. This can result in the introduction of harmful pollutants/contaminants into the woodland;
- Development can provide a source of non-native and/or invasive plant species and aid their colonisation of the woodland;
- Any effects of development can impact cumulatively on ancient woodland – this is much more damaging than individual effects.

Flood & Water Management Officer:

Comments that the flood risk during inclement weather is too great to enable the proposed development to be supported without further mitigation.

Report of the Chief Officer Economy and Planning

On-site flood risk

Notes that the majority of the site is not at risk of flooding and therefore raises no objection to development in those areas.

Parts of the site are identified as being at risk of flood on NRW's (now superseded) Development Advice Map. Comments that objections would be raised to any residential development or supporting highway infrastructure in those areas.

Notes that flood risk would affect two of the four spine roads. Advise that it would be expected that these would be clear of flooding or that the spine roads would be in areas of no flood risk. Advises that it also appears that water stored in a flood storage area would affect a secondary road. Recommend that a reduction in the size of the proposed development parcel in this area to reduce the risk to infrastructure and properties is removed.

Alterations to water course

Advises that information submitted is insufficient to determine if the proposed changes would be acceptable.

Raise concerns about the eastern access to the site. To accommodate the access, a watercourse would need to be culverted and further pipes installed to connect the inlet of the culvert to the existing flood plain. Advises that it is unclear how floodwater would return to the watercourse. Advises that further information is required.

Notes that two roads cross the watercourse. Advises oversized box culverts or bridged are considered for these locations to ensure the flow of water is not impeded and reduce the risk of blockages which could cause flooding.

Off site flood risk

Raise significant concerns about the impact of the proposed development on existing flooding on the A525. The FCA notes there would be an increase in the depth of flood water. Advises the projected depth of flood water is not considered to be safe on an arterial route. Also advises the flood water affects properties downstream in Pentre Bach and that road closures during rainfall events prevents access via the A525 to the nearby Maelor Hospital.

Advises the bridleway crossing the site can funnel water onto Homestead Lane. Recommends the developer considers the risk of this run-off and should liaise with the Council regarding possible mitigation measures.

SAB Approval

Advises that the development would require SAB approval. Comments that it is not possible to advise on the suitability of the proposed SuDS features because a clear plan has not been provided.

Notes that the development would be phased over a number of years. Comments that SAB approval is only valid if construction is completed within 5 years and advises that it would be acceptable for SB applications to be

Report of the Chief Officer Economy and Planning

submitted in phases. However, recommends that it should be clear how each phase would interact with the drainage in a phase downstream.

WWTW

Objects to the inclusion of a WWTW due to concerns about the consequences of its failure and the impact that treated effluent would have on the River Clywedog. Recommend that it would be preferable for foul water to drain to the existing public sewer.

North Wales Minerals and Waste Planning Service:

Comment that the Prior Extraction Assessment does not provide sufficient information to demonstrate that there are no exploitable resources at the site.

Comments that in response to further information provided by the applicants, advises it is necessary to request the following additional information:

- i. a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use; and
- ii. a method to record the quantity of recovered mineral (re-use on site or off site) and to report this data to the Mineral Planning Authority

Advises that this information could be provided as part of a broader planning condition relating to construction management plans.

Publicity Undertaken:

Press Notice

Site Notice

Notification Letters

Responses to Publicity:

292 written representations and a petition with 489 signatories received objecting to the application expressing the following concerns:

- Site was identified for development on the proviso of an upgrade to junction 4 of the A483. The Welsh Government have cancelled the upgrade;
- Traffic increase/traffic congestion;
- Impact on the A483;
- TA uses out of date and incorrect census information;
- No need for additional housing in the area;
- No need for development on greenfield land;
- Development should take place on undeveloped brownfield land;
- The development will not support public transport use/lack of public transport;
- Capacity of infrastructure – healthcare, education, sewers, utilities;
- Impact on/loss of ecology/habitat;
- Impact on the countryside/visual impact;
- Loss of green spaces;
- Loss of trees;
- Loss of BMV agricultural land;

Report of the Chief Officer Economy and Planning

- Pollution;
- Conflict with the UDP;
- Increased noise;
- Flood Risk;
- Need for public open space within the development;
- Impact on Bersham Conservation Area;
- Development in the Green Barrier;
- Siting of wastewater treatment plant on site – risk of pollution;
- Question whether the school and community facilities will be delivered;
and
- The Council have rejected the LDP.

1 representation received in support of the applicant on the grounds that people need somewhere to live.

Principle of Development

Section 38(6) of the 2004 Act states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of Section 38(6), Future Wales: The National Plan 2040 (FW) and the Wrexham Unitary Development Plan have the status of development plans and are therefore the starting point for determining planning applications.

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 strategic housing growth within the main built up areas of Wrexham and Deeside Growth Area.

Policy PS1 directs employment development to sites within defined settlement limits. The site lies outside of the settlement limit of Wrexham and is situated within a Green Barrier and Special Landscape Area as defined in the UDP. It also contains Best and Most Versatile (BMV) agricultural land. The proposed development therefore conflicts with UDP policies PS1, EC1, EC2 and EC5. Given the site area and number of units proposed, the proposed development also conflicts with UDP 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.

Although the UDP is the adopted development plan and therefore the starting point for the consideration of planning applications, it 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.

Future Wales and Strategic Housing Growth

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

Report of the Chief Officer Economy and Planning

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. The objectives of FW policy 20 therefore conflict with the now outdated UDP strategy.

Section 38(5) of the 2004 Act states if there are conflicts between two different development plans, the conflict must be resolved in favour of the policy in the later development plan. FW is significantly more up to date than the UDP, and therefore where there is conflict between the two, FW takes precedence.

FW does not set specific housing requirements for the County Borough or the wider Wrexham and Deeside sub-region. However, as explained within FW:

Future Wales and its spatial strategy has been prepared in the context of the three tiered development plan system. Future Wales does not seek to take decisions that are most appropriately taken at the regional or local level. It provides strategic direction for all scales of planning and sets out policies and key issues to be taken forward at the regional scale. It does not seek to identify the exact location for new development or the scale of growth in individual settlements. The regional and local tiers are the most appropriate level at which to take these decisions, involving communities as they do so”.

Having regard to the above, setting detailed housing requirements is a matter for the Strategic Development Plans (SDP) and LDPs. In the absence of any emerging evidence that will inform the preparation of either the North Wales SDP and/or a future LDP for the County Borough, at the present time, the only available evidence regarding a housing requirement, and sites assessed as being suitable for housing development to meet that requirement, is the unadopted LDP, underpinned by its evidence base.

Table 2 of the unadopted LDP sets out a settlement hierarchy for the County Borough. This was informed by the findings of Background Paper BP02b: Settlement Hierarchy and Development Potential (BP02b). The table and BP02b categorise settlements within the County Borough into 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 an urban extension to Wrexham. Wrexham is identified in Table 2 and BP02b as a Tier 1 Primary Settlement. The latter defines a Tier 1 settlement as one which has a critical role to 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 Wrexham is regionally important settlement with a high level of service provision

Report of the Chief Officer Economy and Planning

and connectivity (i.e. good transport links). For this reason, Wrexham is the most appropriate location for strategically important housing developments in the County Borough. Moreover, the unadopted LDP's spatial strategy is consistent with FW policy 20.

The unadopted LDP makes provision for 8,083 new dwellings to meet an identified requirement for 7,750 new houses between 2013-2028. In order to meet the requirement, the unadopted LDP identified 2 Key Strategic Sites (KSS) and 18 non-strategic sites for allocation for residential development.

The majority site is located within the settlement limit and is allocated for residential development in the unadopted LDP, being one of the two KSS housing allocations, Key Strategic Site 1. Unadopted LDP Policy SP3 allocated the site for a maximum of 1,500 dwellings, although the policy anticipated only 400 dwellings being completed over the Plan period, following the completion of a scheme of improvements to junction 4 of the A483. However, policy SP3 does not specify that 400 dwellings is an upper limit for the number of dwellings that may be permitted on the site.

The unadopted LDP KSS1 allocation is consistent with FW policy 20's identification of Wrexham as a focus for strategic housing growth.

Green Barrier

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 Green Wedge 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.

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 is 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 majority of the site from the Green Wedge designation in the unadopted LDP.

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.*

The south-west of the application site lies within area and the GWR proposed should be retained as Green Wedge. This is identified on the unadopted LDP proposals map as forming part of the Wrexham, Bersham, and Rhostyllen Green Wedge. The GWR proposed the Wrexham, Bersham, and Rhostyllen Green

Report of the Chief Officer Economy and Planning

Wedge in order to ensure a break in the built form of Bersham and Wrexham was maintained and to protect the setting of Bersham Conservation Area.

The application is accompanied by a Masterplan which shows the majority of this area being retained as a Strategic Open Space. The remainder would be kept free of development, forming a buffer zone around the existing telecommunications masts.

Paragraph 3.77 confirms that development may be appropriate within a Green Wedge provided it preserves its openness and not conflict with the purpose of including land within it. The Strategic Open Space shown on the Masterplan would be in accordance with this. The Masterplan is only indicative, with matters related to detailed layout and landscaping reserved for subsequent approval. However, ensuring that the areas of the site within the unadopted LDP Green Wedge are maintained free of built development is a matter that could be specified in a suitably worded planning condition.

Special Landscape Area

The boundaries of many UDP SLAs predate LANDMAP, the nationwide set of spatial datasets covering five topic areas; Cultural Landscape, Geological Landscape, Historic Landscape, Landscape Habitat, Visual and Sensory.

As part of the preparation of the unadopted LDP, a Special Landscape Areas Study 2017 (the Study) was undertaken to review the boundaries of the SLAs. The methodology of the review followed that recommended by NRW and is consistent with PPW12 para 6.3.12, which recommends that LANDMAP and any associated landscape character assessments (including the register of historic landscapes in Wales) should be used to inform local landscape policies and to help identify or revise SLAs. Informed by the findings of the findings of the Study, the application site lies in an area that is not a Special Landscape Area designation in the unadopted LDP.

On the specific point of SLA designations, the LDP Inspectors concluded that the unadopted LDP properly defines local areas of high landscape importance, which may be unique, exceptional or distinctive to the area, consistent with national planning policy. They also concluded that the LDP's natural environment policies are based on robust and credible evidence.

Bearing in mind that the UDP became time expired in 2011, and the conclusions of the LDP Inspectors, it is considered that the LDP SLA boundaries represent a more robust and suitable basis against which landscape impacts should be considered.

The fact that the Study did not propose to bring forward the SLA designation in this location is a material means policy EC5 is outdated and should be afforded little weight.

Weight afforded to the unadopted LDP

Report of the Chief Officer Economy and Planning

The unadopted LDP has been subject to Examination in Public and been found sound. A number of Inspectors' key findings are set out below in respect of conformity with Future Wales, the plan strategy and housing provision and allocation:

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"

Having regard to the above, the UDP settlement limits, Green Barrier and SLA 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.

Report of the Chief Officer Economy and Planning

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 were 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, Green Barrier and SLA designations.

Best and Most Versatile Agricultural Land

The application is accompanied by an Agricultural Land Classification (ALC) survey. The Welsh Government Department for Climate Change have reviewed the developer's ALC survey and have confirmed it is an accurate reflecting of the land quality within the site.

A total of 81% or 61.6ha of the site is classed as Best and Most Versatile (BMV) agricultural land, comprising of the following grades:

Grade 1: 3.4ha/4%
Grade 2: 21.9a/29%
Grade 3: 36.3/48%.

Paragraph 3.59 of PPW12 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, PPW12 advises that development should be directed to land of the lowest grade.

In their report, the LDP Inspectors accept that 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'*.

The Department for Climate Change raises no objection to the proposed development. Having regard to this and that the unadopted LDP, including the proposed housing allocations, has been found sound, the requirements of para 3.59 of PPW12 are met. The presence of BMV within the site would therefore not be a sustainable reason for refusal.

Having regard to all of the above, the principle of development is acceptable.

Report of the Chief Officer Economy and Planning

Design

The application site is currently undeveloped and is comprised of agricultural fields of various sizes that are enclosed by boundary hedges and mature trees. The proposed development would significantly alter the appearance of the site from rural to urban in character. However, in selecting the site for allocation in the unadopted LDP, it has already been established that the character and appearance of the site would change.

The site is bounded to the north by the A525/Ruthin Road, to the east by Homestead Lane and existing development, to the south by B5099/Bersham Road and to the west by the A483 trunk road. Considered in this context, the proposed development forms a logical extension to the existing built-up area of Wrexham. Although views of the site from the immediate locality would be possible, from longer distance viewpoints, the site would be seen in the context of the existing build up area of Wrexham or would be obscured by existing landscape topography and features such as trees and hedgerows. As such, the proposed development would not detract from the character of the rural landscape beyond the site boundaries to the west of the A483 or to the south beyond Bersham Road.

The application is accompanied by a Masterplan that shows the position of the proposed vehicular accesses together with internal roadways, development parcels of varying sizes, extensive areas of open space and land for a primary school. Matters relating to appearance, landscaping, layout and scale are reserved for subsequent consideration. The submitted Masterplan is therefore illustrative. The grant of outline permission would not commit the Council in respect of the layout or indeed density. However, the Masterplan shows a development of varied form and density across the site, substantial areas of open space and the majority of existing mature trees and hedgerows being retained.

Policy CLF5 requires developments of 10 or more dwellings to provide open space within the development. Policy CF5 of the unadopted also LDP sets a requirement for developments of 10 or more dwellings to provide open space. However, the per dwelling provision differs between the two policies. The UDP is now out of dated, being underpinned by an evidence base that is over 20 years old. Policy CLF5 should therefore be afforded limited weight. In contrast, unadopted LDP policy CF2 is underpinned by the Open Space Audit and Assessment of Need (OSAAN), March 2016 (the Audit).

Given that the unadopted LDP has been subject to Examination in Public and found sound, policy CF2 is considered to be a material consideration of significant weight. It is on the basis of unadopted LDP policy CF2 that open space should therefore be provided. The quantity and quality of open space would be considered at reserved matters stage. A suitably worded planning condition could require detailed open space provision to be submitted with the relevant reserved matters applications and a Planning Obligation could secure its long term management.

Report of the Chief Officer Economy and Planning

The application is accompanied by a Noise Impact Assessment, which considers the impact of noise from the roads adjoining the site, namely Ruthin Road, the A483 and Bersham Road.

The majority of the site was determined to fall within Noise Exposure Category (NEC) A, as defined by Technical Advice Note (TAN 11). TAN11 advises that noise would not be a determining factor in granting planning permission for development in areas that fall within NEC A.

The NIA determined that areas of the site adjacent to the closest to the A483, Ruthin Road and Bersham Road fall within NEC B. The most extensive areas within NEC B are in the western part of the site, close to the A483. The NIA also determined that small areas of the site, mostly adjacent to the western boundary with the A483, were determined to fall within NEC C.

TAN11 advises that, where appropriate, planning conditions should be imposed to ensure an adequate level of noise mitigation is provided within areas exposed to noise levels that fall within NEC B. It also advises that planning permission should not normally be granted for residential development within areas exposed to noise levels that fall within NEC C.

Only a relatively limited extent of the site has been determined to fall within NEC C. Although the Masterplan is indicative, it is unlikely that a high number of dwellings would be erected within those areas. As such, noise exposure would not, by itself, be a valid reason to refuse planning permission. A suitably worded planning condition would require noise mitigation measures for those areas falling within NEC C and those falling within NEC B.

Having regard to the above, further consideration would be given to detailed design matters at reserved matters stage. However, based on the indicative site layout in the Masterplan, the proposed development would accord with policy GDP1 and policy CF2 of the unadopted LDP.

Impact on Neighbouring Amenity

Detailed consideration of the impact upon residential amenity would be given at reserved matters stage. However, the site is large enough to accommodate the proposed development in compliance with the separation distances recommended in Local Planning Guidance Note 21. As such, the proposed development would not cause any undue harm to the living conditions of the occupiers of existing nearby properties by way of loss of light, privacy or visual over-dominance.

The development could give rise to some degree of disruption when construction works take place. However, the implementation of a Construction Environment Management Plan (CEMP) would assist in managing such impacts. The submission and implementation of a CEMP could be secured by a suitably worded condition.

Having regard to the above, the proposed development accords with policy GDP1.

Report of the Chief Officer Economy and Planning

Highway Considerations

Paragraph 4.1.12 of PPW12 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 proposed development would be an urban extension to Wrexham. As noted above, Wrexham is identified in Table 2 of the undopted LDP and BP02b as a Tier 1 Primary Settlement, acknowledging the city's high level of service provision and connectivity and therefore making it an appropriate location for strategically important housing developments. The site lies on the edge of the Wrexham Technology Park, is close to both the Wrexham Maelor and Spire Yale Hospitals, the former being a major local employer, a secondary school and two supermarkets. In addition, on the opposite side of the A525, land is allocated in the UDP for employment development. Policy EM1 of the unadopted LDP also identified the same area as reserved for Class B1 employment development. All of these lie within 2km of the site. This is a distance generally considered to be one where people will choose to travel on foot.

Journeys of up to 5km are generally accepted as being ones where cycling has the potential to replace short car journeys. Wrexham City Centre and Wrexham General Railway Station lie within a distance of 5km from the site.

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. Ensuring there are appropriate active travel links within the site is a matter for further detailed consideration at reserved matters stage. The provision of appropriate connections, and where necessary, improvements to existing active travel provision could be secured by suitably worded planning conditions and/or Planning Obligation. Contributions towards improvements to public transport could also be secured by Planning Obligation.

Approval for 4 vehicle accesses is sought at outline planning permission stage. Two onto the A525/Ruthin Road and 2 onto the B5099/Bersham Road. The submitted plans demonstrate that appropriate visibility could be secured for all 4 accesses. The Council's Highway Officer has advised that further information is required in order to demonstrate that the proposed accesses would not give rise to highway safety concerns.

The site is immediately to the south-east of the Junction 4 of the A483, which suffers from capacity issues at peak times. Determining what the likely impact of the development is on the safe and efficient operation of the junction, both in terms of the trunk road and the local highway network, is a critical consideration.

The Council's position at the LDP Examination in Public was that significant improvement to the junction was necessary to enable the development of the KSS1 allocation to proceed. This was contested by the applicants. They

Report of the Chief Officer Economy and Planning

submitted a Transport Assessment (TA) as part of their representations to the Deposit LDP that suggested a more modest scheme of improvements to the junction would be sufficient to enable the application site to be developed. The LDP Inspectors agreed with the applicant's position on this matter and concluded that there were no highway capacity reasons to restrict the development of the site. Nevertheless, the TA dated from May 2018. Its findings and the comments made by the LDP Inspectors do not bind the Council, nor an appeal Inspector, in the determination of this application. The application should be considered in light of current traffic conditions.

The application is accompanied by a TA. However, the Council's Highways Officer has advised that insufficient information has been provided to determine if the proposed development would be acceptable. The Welsh Government (Trunk Roads) has also directed the Council not to grant planning permission until further information has been submitted. Although the applicants have submitted further information, the concerns expressed by the Council's Highway Officer have not been addressed. The Welsh Government (Trunk Roads) direction also remains in place.

Having regard to the position of the Council's Highway Officers and the Welsh Government (Trunk Roads), it is not possible to conclude that the proposed development would not result in a significant and harmful impact upon the safe and efficient operation of junction 4 of the A483 and in turn both the A483 trunk road and the local highway network, in particular the A525 Ruthin Road in the vicinity of the site. In addition, at the present time, concerns remain about the safety of the proposed site accesses. The proposed development therefore conflicts with policy GDP1.

Historic Environment

Listed Building

The application site entirely surrounds the Grade II* Listed Lower Berse Farmhouse. The farmhouse is as an architecturally, historically, and evidentially significant example of a late-14th – early 15th century hall. Both Cadw and the Council's Conservation Officer have expressed concerns that the proposed development would negatively affect the farmhouse and its outbuildings due to the loss of the surrounding agricultural land and therefore their historic agricultural context. The Masterplan provides for a modest buffer around the listed buildings. Both Cadw and the Council's Conservation Officer consider that this could be extended, and consideration given to the retention of historic boundary walls within the farm complex.

Whilst these concerns raised are noted, the site is identified in the unadopted LDP as a key strategic housing allocation. In selecting the site for allocation, it has already been accepted that the wider context within which the farmhouse will be viewed will change considerably. Nevertheless, the Masterplan is indicative and therefore if planning permission were granted, the Council would not be prevented from considering the setting of the listed buildings further at reserved matters stage. Moreover, a suitably worded condition could require the establishment of a formal buffer zone around the listed buildings. The long-term

Report of the Chief Officer Economy and Planning

management of the buffer zone could be secured via a Planning Obligation, along with other areas of open space within the site.

Subject to the above, the statutory requirements imposed on the Council Section by 314A of the Town and Country Planning Act 1990 to have special regard to the desirability of preserving listed buildings, their settings or any features of special or archaeological interest the building possesses is satisfied. The proposed development would also accord with policy EC9 of the UDP.

Bersham Conservation Area

The Bersham Conservation Area lies to the southwest of the site. The view eastwards from the Conservation Area to the city is from an elevated position. The Council's Conservation Officer has advised that this view is important because it highlights the separation of Wrexham and the semi-rural character of the village. The proposed development would result in this degree of separation being significantly reduced. However, the Masterplan provides for a substantial area of undeveloped land described as Strategic Open Space surrounding the Conservation Area. This coincides with the Wrexham, Bersham, and Rhostyllen Green Wedge proposed in the Strategic Green Wedge Review and unadopted LDP. As explained earlier in the report, the Green Wedge was proposed to ensure a break in the built form of Bersham and Wrexham was maintained and to protect the setting of Bersham Conservation Area.

Having regard to the above and, subject to further details of the landscaping of the strategic open space, as well as the layout, appearance and landscaping of development on the edge of it at reserved matters stage, the proposed development would accord with the statutory duties imposed under section 161(1) of the Historic Environment (Wales) Act 2023 to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The proposed development would also accord with policy EC7 of the UDP.

Archaeology

Chapter 9 of the Environmental Statement considers archaeology and heritage impacts and is informed by an Historic Environment Baseline Assessment and a Geophysical Survey Report. The latter identified that there are features within the site that are potentially of archaeological origin. Heneb have advised that further archaeological assessments, including targeted excavations of the site, are required to assess the significance of the potential archaeological features identified by the geophysical surveys. The applicants have no objection to undertaking further archaeological investigations. However, they have suggested that this should be done prior to the submission of reserved matters applications and that a suitably worded condition could ensure this work takes place.

Paragraph 6.1.26 of PPW12 establishes that: *"Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information, through desk-based assessment and/or field evaluation, to allow a full understanding of the impact of the proposal on the significance of the remains. The needs of archaeology and*

Report of the Chief Officer Economy and Planning

development may be reconciled, and potential conflict very much reduced, through early discussion and assessment".

Further guidance is provided in Technical Advice Note (TAN)24: Historic Environment. Paragraph 4.7 of TAN24 states "*Where archaeological remains are known to exist, or considered likely to exist, and a study has not already been undertaken by the applicant, the local planning authority should ask an applicant to undertake a desk-based archaeological assessment and, where appropriate, an archaeological evaluation.....The reports of these investigations will form part of the planning application. Applicants should show they have modified their development proposals to minimise any negative impact on the identified archaeological remains, and how they intend to mitigate any remaining negative impacts*".

It would not be appropriate for planning permission to be granted subject to a condition requiring further archaeological investigations to take place. In the absence of the work Henneb have advised as necessary, the significance of any archaeological remains within the site cannot be determined, nor the extent to which they may need to be protected. It is acknowledged that the Masterplan accompanying the application is indicative. Granting permission would therefore not commit the Council in terms of the exact location of development within the site. However, depending on the significance of any archaeological remains, there may be a need to ensure that no built development takes place on parts of the site and that appropriate buffers are put in place in order to preserve any important archaeological remains in situ.

Having regard to the above, the application is not accompanied by sufficient information to demonstrate that the proposed development would not harm any important archaeological remains or that appropriate measures could be put in place to preserve and/or record those remains, depending on their significance. The proposed development therefore conflicts with paragraph 6.1.24 of PPW12, paragraph 4.7 of TAN24 and UDP policy EC11.

Natural Environment

Chapter 8 of the Environmental Statement considers ecology impacts and is informed by a suite of Ecology Assessments. The application is also accompanied by an Arboricultural Impact Assessment (AIA) and Green Infrastructure Assessment.

There are no statutory designated nature conservation sites within or adjacent to the site and no Local Wildlife sites in close proximity. The majority of the site is agricultural land containing a mixture of arable farmland and improved and species poor semi-improved grassland of limited ecological value.

The site has an extensive network of hedgerows and a significant number of mature trees on the site. The mature trees are situated within the hedgerows, together with a belt of woodland classified as Ancient Woodland in the south-west corner the site. The site is crossed by a green lane/bridleway cross centre of the site from west to east, lined by hedgerows and mature trees. The native species hedgerows and mature trees are the main features of ecological value

Report of the Chief Officer Economy and Planning

within the site. Mature trees also have potential to support roosting bats, with one tree confirmed as doing so. Hedgerows provide foraging and commuting habitat for bats. Trees and hedgerows are also important habitat for nesting birds. Badgers have also been identified as present in various locations within the site.

Matters relating to landscaping and layout are reserved for later consideration. However, the Masterplan shows the majority of existing trees and hedgerows being retained. Nevertheless, the Masterplan and AIA indicate that some tree and hedgerow removal is likely to take place, including the removal of some Category A/High Quality Trees. The anticipated tree and hedgerow loss coincides in locations where two spine roads would cross the green lane/bridgeway.

The Council's Ecology and Tree Officers have not raised any objections in principle to the development but have both expressed concerns about the impact of the crossing points. PPW12 paragraph 6.4.42 states that the removal of trees and hedgerow should only be permitted where there are significant public benefits. The proposed development would make a significant contribution towards meeting the unadopted LDP's housing requirement and would also deliver up to 218 affordable houses, both being very significant public benefits. Moreover, the provision of crossing points is considered to be necessary in order to support accessibility within the site for vehicular traffic, cyclists and pedestrians. Given the size of the development, more than one crossing point would be necessary to provide adequate access to all parts of the site in the event of emergencies. Connectivity for future occupiers of the development is therefore also a significant public benefit that is necessary to ensure other planning policy requirements regarding safe access and promoting sustainable transport options are satisfied.

Further consideration of the exact route of the spine roads and their detailed design would need to be given at reserved matters stage to ensure both have sought to minimise tree and hedgerow loss and associated impacts, particularly on habitat connectivity for bats. However, as noted above, the Masterplan shows extensive areas of open space within the site. These would ensure connectivity of existing habitats within the site is largely preserved. They would also provide ample opportunity for new tree and hedgerow planting to replace those lost at the 3:1 ratio required by para 6.4.42 of PPW12. There would also be opportunities to undertake other measures to deliver a net benefit to biodiversity within the areas of open space.

The objections of Coed Cadw/Woodland Trust are noted. However, Ancient Wood occupies a relatively small area of the site. The protection of this area could be considered in more detail at reserved matters stage.

Protection measures for trees and hedgerows to be retained, including the area of Ancient Woodland, would need to be implemented whilst construction works take place. An Arboricultural Method Statement could be secured by a suitably worded condition.

Report of the Chief Officer Economy and Planning

The Council's Ecologist has also expressed concerns about the potential for lighting to disturb bats. However, careful siting of dwellings and streetlights would avoid significant impacts. This is a matter that would need detailed consideration at reserved matters stage. A suitably worded condition could also require details of external lighting to be submitted with future reserved matters reserved matters applications.

The areas where badgers have been identified as being present within the site generally coincide with areas shown on the Masterplan as falling within open space areas. The layout of any phases of the development close to those areas would need to be carefully considered. A suitably worded condition could ensure appropriate scheme of avoidance measures are implemented during the development. If any setts were to be impacted by the development, a licence from NRW would also be required.

Subject to further consideration being given to the detailed layout and landscaping of the site at reserved matters stage and to the protection and enhancement measures discussed above, the proposed development would, avoid impacts upon species and habitats across the majority of the site and minimise impacts where avoidance is not possible. It therefore accords with the Step-Wise Approach outlined in paragraph 6.4.11-6.4.12 of PPW12 and UDP policy EC6.

Flood Risk

The majority of the site is not subject to flood risk. However, a minority is identified as falling within Zones 2 and Zone 3 on Flood Maps for Planning (FMfP). Technical Advice Note (TAN)15: Development, Flooding and Coastal Erosion states that new highly vulnerable development, should as residential development, should not be permitted within Zone 3. TAN15 states that highly vulnerable development should only be permitted within Zone 2 where the site has been allocated in an adopted development plan.

The matter of flood risk was considered by the LDP Inspectors, albeit with references to flood risk zones used in the now superseded Development Advice Maps: *Two areas of the allocation lie within a C2 flood zone where, in line with national policy [Technical Advice Note 15 Development and Flood Risk (TAN15)], highly sensitive development such as housing should not be permitted. These C2 areas take up only a small part, estimated at 5%, of the total site, however. It would be a straightforward matter to devise a layout such that they could be left undeveloped without the number of dwellings being significantly reduced and without access, egress or circulation within the site being compromised. Due to the presence of C2 areas a flood consequences assessment (FCA) will be needed when planning permission is sought for the scheme.* The relatively limited extent of the site subject to flood risk was therefore not considered to be a reason that should prevent the site from being allocated.

The Masterplan indicates that no dwellings would be erected in areas subject to flood risk. Although the Masterplan is indicative, it does show the main access roads and one secondary road crossing areas subject to flood risk.

Report of the Chief Officer Economy and Planning

Chapter 11 of the Environmental Statement considers drainage and is informed by a Flood Consequences Assessment and Drainage Strategy. The Council's Flood & Water Management Officer has raised concerns about the flood risk to the development and also increased risk of off-site flooding, particularly along the A525 Ruthin Road. However, these concerns relate to an earlier version of the Flood Consequences Assessment and Drainage Strategy. NRW's comments relate to the later version of this document. NRW have noted that a number of flood mitigation measures are recommended and suggest these are secured by suitably worded conditions and/or Planning Obligation.

Although flood risk is relatively localised and could be considered further at reserved matters stage, it is nevertheless necessary to establish whether both on-site and off-site flood risk have been appropriately taken into account before outline planning permission is granted. Until a response is received from the Council's Flood & Water Management Officer on the updated Flood Consequences Assessment and Drainage Strategy, it is not possible to conclude whether this is in fact the case and as such it is not possible to conclude whether the requirements of TAN15 and EC15 have been satisfied.

Members will be updated if any further response from the Council's Flood & Water Management Officer is received before this application is considered.

Drainage

Foul Water Drainage and effect on the River Dee and Bala Lake SAC

The site lies within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). UDP policy EC6 seeks to protect sites of biodiversity interest from harm, with paragraph 5.8 of the UDP confirming that this includes SACs. However, PPW contains more up to date policy advice and states that Local Planning Authorities must have regard to the relative significance of international, national, and local designations in considering the weight to be attached to nature conservation interests. It states that development should be refused where there are adverse impacts on the features for which a site has been designated.

The proposed development sets out two potential options for dealing with foul water. Option 1 would involve the construction of an on-site wastewater treatment works (WWTW). This would discharge treated water into the River Clywedog. Two versions of the Masterplan have been submitted, with one option indicating the potential location of the WWTW. If this option were selected, then the maximum number of dwellings proposed would be 1,360 instead of 1,450. Option 2 would involve connection of the proposed development to the existing public sewer network, which drains to the Five Fords WWTW.

The applicant's assessment of both options relies upon an outdated methodology set out in the Dee Catchment Phosphorous Reduction Strategy (DCPRS). This has now been superseded by Welsh Government's Nutrient Calculator (the WG Calculator). The differences between the two are significant and mean that the applicant's methodology cannot be relied upon as a robust

Report of the Chief Officer Economy and Planning

approach to nutrient budgeting. The applicant's assessment also makes assumptions about the amount of phosphorous removal that can be attributed to sustainable drainage systems (SuDS), which also rely on the DCPRS. The WG calculator directs potential users of it to guidance on using SuDS to reduce phosphorus in surface water runoff. So on the matter of the role SuDS could play in phosphorous reduction, the methodology is also not robust.

If the WG Calculator is used, both options lead to additional phosphorus load entering the River Dee SAC, even if allowances for SuDS the applicants are used.

The applicant justifies the additional phosphorous loading as compliant with NRW's '*Planning advice to planning authorities for planning applications affecting nutrient sensitive Special Areas of Conservation*'. However, it is not compliant with the advice. In March 2025 new data indicated that the Lower Dee, the water body that either of the two foul water drainage solutions would discharge into, to be failing the phosphorus conservation targets. Furthermore, NRW updated its guidance in October 2025 to advise that where and waterbody is failing to meet is conservation targets for phosphorous conservation, capacity at treatments works and WWTW's operating within the limits of the Environment Permits alone would not be sufficient to conclude that new developments would have no significant effect on the SAC. The updates to NRW's guidance is consistent with an Interim Planning Policy Statement and Planning Guidance issued by Neil Hemmington, the Welsh Government's Chief Planner in July.

Where phosphorus treatment at WWTW is less than 100% effective, improvements in other sectors, including agriculture, must have been, or must be likely to be delivered, within the lifetime of a planning permission to conclude that the intended development would not have a likely significant effect on the integrity of the SAC and to ensure that the SAC would no longer be failing. Controls on discharges from land are concentrated on compliance with the Control of Agricultural Pollution Regulations. However, there is no evidence before the Council that these controls are currently securing 100% reduction in phosphate discharges in this sector or are likely to do so within the life of the proposed development. As already outlined above, the applicants have also not demonstrated that their own proposals would secure nutrient neutrality.

Having regard to the above, it is not possible to conclude that phosphates would not enter the SAC as a result of the development and that such discharges would not be likely to have a significant effect on the integrity of the SAC. The proposed development would therefore conflict with PPW12 Chapter 6 advice as well as UDP policy EC6.

Surface Water Drainage

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. This is a statutory requirement. There is no requirement for SAB approval be obtained before outline planning permission can be granted. The need to obtain SAB approval

Report of the Chief Officer Economy and Planning

means that there are adequate controls in place to ensure surface water is properly managed.

Notwithstanding the above, TAN15 acknowledges that because the SAB process is independent of the planning process, there is a risk of proposed developments complying with one regulatory system but not the other. TAN15 advises that avoiding a situation where a proposed development receives planning permission but not SAB approval should be avoided. To achieve this, TAN15 advises that planning applications should provide a Drainage Statement that outlines show a developer proposes to integrate SuDS into the scheme in order to provide the Local Planning Authority with confidence that a proposed development is likely to obtain SAB approval. TAN15 advises that inadequate Drainage Statements and flawed drainage arrangements could be grounds for refusal of a planning application.

Chapter 11 of the Environmental Statement considers drainage and is informed by a Flood Consequences Assessment and Drainage Strategy. The Council's Flood & Water Management Officer has advised that it is not possible to comment on the suitability of the proposed SuDS features. However, since the consultation response was received, an updated Flood Consequences Assessment and Drainage Strategy. The Council's Flood & Water Management Officer has been asked to review the updated submissions.

Until a response is received from the Council's Flood & Water Management Officer, it would not be possible for the Council to conclude whether the proposed development accords with TAN15 and therefore whether it considers this matter to be a valid reason to request the forthcoming appeal be dismissed.

Members will be updated if any further response from the Council's Flood & Water Management Officer is received before this application is considered.

Air Quality

The application is accompanied by an Air Quality Assessment (AQA). The AQA has identified the potential for the development to give rise to dust nuisance during construction. However, appropriate mitigation measures could be put in place via a Dust Management Scheme. This could be secured by a suitably worded planning condition.

The AQA has also considered the potential for the development to have an impact upon local air quality once occupied. The AQA concludes that the impact of traffic pollutants due to the development would be negatable. The Council's Public Protection Officer confirms the findings of the AQA are accepted.

Having regard to the above, the proposed development would not give rise to air quality concerns and therefore accords with policy GDP1.

Report of the Chief Officer Economy and Planning

Other Considerations

Minerals

Two areas of the site are subject to UDP policy MW9, which applies to areas where there are potentially exploitable mineral reserves. One area is a relatively narrow strip of land that lies either side of Berse Road and adjacent to the A483 trunk road. The other is broad area of land to the east of the site. Policy MW9 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.

Chapter 8 of the Environment Statement considers the impact of the development on mineral resources and is informed by a Mineral's Safeguarding Assessment (MSA). The MSA concludes that there is unlikely to be a viable quantity of extractable mineral within the site, that the proposed development would not lead to a strategic sterilisation of minerals and the nuisance impacts arising from extraction would further impact upon the viability of extraction.

The North Wales Minerals and Waste Planning Service (NWMPS) advised that the MSA does not demonstrate that there are no exploitable reserves within the site. In response, the applicants have provided details of the expected volumes of sand and gravel within the site but also suggested the need to establish a buffer would reduce total quantity of mineral that could be extracted. The NWMPS have commented that despite the limitations on the extent of mineral that could be extracted, the applicant should provide a method for ensuring that extraction of any mineral that can be viably extracted is undertaken and that a record of the quantity of mineral extracted is recorded. The NWMPS advise this could be secured via a suitably worded planning condition.

It is unlikely that minerals underneath area subject to policy MW9 either side of Berse Road would be extracted. The proximity of this area to Berse Road itself and to the A483 means it is unlikely any substantial works could take place without harm to existing transport infrastructure. Furthermore, Minerals Technical Advice Note (MTAN)1: Aggregates recommends that buffer zones of 100m are established around sand and gravel mineral extraction sites in order to protect sensitive development, such as existing housing and schools, from adverse impacts such as noise and dust. The need to maintain a 100m buffer zone around existing sensitive development in Bersham would also limit the extent to which mineral reserves underlying the south-west of the site could be extracted.

The eastern area of the site subject to policy MW9 is less contained by existing transport infrastructure. However, 100 metre buffer zones would need to be established around existing residential development to the north of Ruthin Road, to the east of Homestead Lane and to the south of Bersham Road. Although this would considerably reduce the area of where mineral extraction could take place, the majority of the area subject to MW9 would be relatively unconstrained. Nevertheless, when considered in the context of potentially exploitable mineral resources within the wider County Borough, the exploitable reserves within the site are small. It is therefore considered unlikely that any significant extraction

Report of the Chief Officer Economy and Planning

would take place in future if the proposed development did not take place. It would therefore be extremely difficult to sustain a reason for refusal on the basis of the sterilisation of a comparatively small volume of minerals.

Should permission be granted, a suitably worded condition could require the submission of a Minerals Recovery Plan to include an assessment of the areas where minerals could be recovered during ground works and to ensure as much usable mineral is extracted as possible. Subject to the condition, the proposed development would not conflict with policy MW9.

Health Care

The Health Board have not raised any objections to the application. They have made a number of recommendations that relate to matters of detailed design. Those matters could be considered in more at reserved matters stage.

The Health Board has recommended that a Health Impact Assessment be undertaken. However, paragraph 3.24 identifies that HIAs are valuable in the Plan making role i.e the preparation of Local Development Plans. PPW12 does not provide any specific thresholds for individual planning applications other than applications for opencast coal working. Paragraph 3.24 only advises that where significant effects on human health are likely to arise as a result of development plans or individual development proposals, environmental impacts should be considered in full knowledge of the likely consequences for health.

Although this is a development of significant size, there are no unusual, complex or wide-ranging impacts that are likely to arise. Construction works have the potential to impact upon human health by way of noise and dust, However, these impacts would be relatively localised. Moreover, suitably worded conditions would require scheme of mitigation to be put in place whilst construction takes place.

The Health Board were consulted on the unadopted LDP and a Health Impact Assessment was undertaken as part of the preparation of the unadopted LDP (KPD9a). Having regard to this and the matters discussed above, a Health Impact Assessment to inform the outcome of the planning application is not necessary, having already been appropriately considered at the (albeit unadopted) plan making stage.

The capacity of local healthcare services is a concern raised by objectors. The Health Board have commented that there are capacity constraints in primary care practices in the locality. In addition, the Health Board have indicated a desire to discuss contributions sought via Planning Obligations if a potential integration of health and social care facilities identified a need for additional capacity.

Welsh Officer Circular 13/97 establishes that a Planning Obligation can only be sought where they meet the following tests:

- i) Necessary;
- ii) Relevant to planning;
- iii) Directly related to the development;

Report of the Chief Officer Economy and Planning

- iv) Fairly and reasonably related in scale and kind to the proposed development; and
- v) Reasonable in all other respects.

Regulation 122 of The Community Infrastructure Levy Regulations 2010 set out similar requirements, stating that a Planning Obligation may only constitute a reason for granting planning permission for a proposed development if the obligation is:

- 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.

The Health Board or objectors have not provided any substantive evidence to demonstrate:

- a) A specific requirement for additional local healthcare infrastructure arises from the proposed development, as opposed to addressing existing pressures in the area, in order to the development acceptable in planning terms (i.e. that permission should be refused unless contributions are made); and
- b) the scope of any such contributions or how they would directly related to the scale of the development and the impact it is likely to have.

The LDP Inspectors responded to concerns raised about the capacity of local health care provision by objectors to unadopted LDP in their report: *In relation to health, we heard during the sessions of shortcomings in the County Borough in the provision of health facilities such as doctors' surgeries. The local Health Board which has not objected to the Plan, 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.*

Having regard to the above, in the absence of substantive evidence, the statutory tests for seeking contributions via a Planning Obligation have not been satisfied. Concerns relating to healthcare would also not be a valid reason for planning permission to be refused. The proposed development would no conflict with UDP policy GDP2 on this specific matter.

Planning Obligations

Affordable Housing

PPW12 paragraphs 4.2.31- 4.2.32 state that development plans should include thresholds for affordable that taking into account their impact on site viability to ensure residential sites remain viable.

UDP policy H7 applies to developments of 25 or more dwellings and states that the Council will negotiate for an element of affordable housing. The policy does not specify the percentage of dwellings that should be affordable. Guidance is provided Local Planning Guidance Note 28, which advises that a requirement of 25% applies to qualifying residential developments across the County Borough. However, the current version of LPGN28 was adopted in 2013 prior to the completion of the

Report of the Chief Officer Economy and Planning

viability work used to inform the LDP policies. LPGN28 is not underpinned by any earlier viability evidence.

Unadopted LDP policy SP3 sets a 15% affordable housing requirement for the KSS1 allocation. The policy is underpinned by viability evidence that has been scrutinised at Examination in Public and found to be sound. On the topic of affordable housing, the LDP Inspectors commented that *“the Plan’s affordable housing policies and provisions are supported by robust evidence and are consistent with nation policy objectives”*.

Having regard to the above, policy H7 of the UDP and the blanket 25% requirement advised by LPGN28 are now outdated and should be afforded limited weight in the determination of the applicant. In contrast, policy SP3 of the unadopted LDP is a material consideration of significant weight.

The application is accompanied by a Supporting Statement. This confirms the applicant’s intention for the proposed development to include a mix of house types, including 15% affordable homes. Subject to the completion of a Planning Obligation to secure the affordable homes, the proposed development accords with unadopted LDP policy SP3.

Education

The Council’s Education Department acknowledge that there is insufficient capacity in a both existing primary and secondary school levels to accommodate the number of pupils likely to be generated by the development. However, the Education Department raise no objection to the application subject to financial contributions being secured towards additional primary and secondary school provision.

The Education Department’s calculations are based on existing school capacity, rather than a future projection. The appeal Inspector will expect the Council to provide evidence that contributions towards education provision sought via a Planning Obligation meets the Welsh Officer Circular 13/97 and Regulation 122 of The Community Infrastructure Levy Regulations 2010 tests discussed above. Even if outline planning permission were granted sometime in 2026, it is likely to be some time before significant numbers of dwellings are completed. The development could also take up to 10 years to be completed. It would therefore be inappropriate to require financial contributions solely on the basis of existing school capacity. The Council’s Education Department have been asked to provide further evidence to enable a more robust assessment to be made of local school capacity over the lifetime of the development.

Notwithstanding the above, policy SP3 of the unadopted LDP identifies the provision of a new primary school to be necessary infrastructure for the delivery of the site. The proposed development has the potential to generate in the region of 300 primary aged pupils, a sufficient number to justify a new primary school. The provision of a school on site would also contribute towards place-making and sustainable travel choices by enabling children who live on the site, and in some of the residential areas nearby, to walk to school. The description of development accords with policy SP3 of the unadopted LDP by including reference to a primary school. The Masterplan also shows land being reserved for a primary school.

Report of the Chief Officer Economy and Planning

Contributions towards primary and secondary school provision, including the land provided within the site for a primary school could be secured by a Planning Obligation. Having regard to this and subject to the matters discussed above, the proposed development would accord with policy GDP2.

Conclusion

Despite the conflict with UDP settlement limit, Green Barrier and Special Landscape Area, having regard to the age of the UDP in contrast to Future Wales, the unadopted LDP and its evidence, the principle of development is considered acceptable. Subject to further consideration being given to detailed design matters at reserved matters stage and to suitably worded conditions and a Planning Obligation, the proposed development would not give rise to concerns regarding design, residential amenity, ecology, mineral safeguarding or the impact upon a Listed Building and the Bersham Conservation Area.

Notwithstanding the above, in the absence of further information to demonstrate otherwise, the proposed development would give rise to concerns regarding highway capacity and safety, archaeology and the integrity of the River Dee and Bala Lake Special Area of Conservation. The Council should therefore respectfully request that the Minister dismiss the appeal on those grounds.