



Penderfyniadau  
Cynllunio ac  
Amgylchedd **Cymru**  
Planning &  
Environment  
Decisions **Wales**

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**Adroddiad i Fwrdeistref  
Sirol Wrecsam**

**Report to Wrexham County  
Borough Council**

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Arolygwyr a benodir gan Weinidogion  
Cymru

Inspectors appointed by the Welsh  
Ministers

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 64

**REPORT ON THE EXAMINATION INTO THE WREXHAM  
LOCAL DEVELOPMENT PLAN 2013 – 2028**

Plan submitted for examination on 18 April 2019

Examination hearings held between 3 September 2019 and 11 October 2019, on 25 February, 11 & 12 March 2020, and on 9 November 2020 (online).

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## Abbreviations used in this report

AABR	Anticipated Annual Build Rate
AAR	Average Annual Requirement
AONB	Area of Outstanding Natural Beauty
AP	Action Point
BMVAL	Best and most versatile agricultural land
CIS	Community Involvement Scheme
The Council	Wrexham County Borough Council
DA	Delivery Agreement
DCPRS	Dee Catchment Phosphorus Reduction Strategy
dph	dwellings per hectare
FC	Focussed Change
GTAA	Gypsy and Travellers Accommodation Assessment
HRA	Habitats Regulations Assessment
IMAC	Inspector Change
IP	Infrastructure Plan
LDP	Local Development Plan
LDPMv2	Local Development Plans Manual edition 2
DPMv3	Development Plans Manual edition 3
LVIA	Landscape and Visual Impact Assessment
MAC	Matters Arising Change
NDF	National Development Framework
NRW	Natural Resources Wales
Para.	Paragraph
PEA	Prior Extraction Assessment
PPP	Planning Policy Panel
PPW	Planning Policy Wales
PS	Preferred Strategy
REA	Renewable Energy Assessment
The Regulations	The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005

## Wrexham Local Development Plan 2013-2028 – Inspectors’ Report

SA	Sustainability Appraisal
SAC	Special Area of Conservation
SM	Scheduled Monument
SEA	Strategic Environmental Assessment
SFCA	Strategic Flood Consequences Assessment
SINC	Site of Interest for Nature Conservation
SLA	Special Landscape Area
SoCG	Statement of Common Ground
SPA	Special Protection Area
SPG	Supplementary Planning Guidance
SSA	Strategic Search Area
SSSI	Site of Special Scientific Interest
TA	Transport Assessment
TAN	Technical Advice Note
UDP	Unitary Development Plan
WCBC	Wrexham County Borough Council
WFG Act	Well-being of Future Generations (Wales) Act 2015
WG	Welsh Government
WIE	Wrexham Industrial Estate
WSP	Wales Spatial Plan
WwTW	Wastewater Treatment Works

## **Non-Technical Summary**

This report concludes that, subject to the recommended Matters Arising Changes (MACs) and Inspector Changes (IMACs) set out in Appendix A, the Wrexham Local Development Plan (LDP) provides an appropriate basis for the planning of the County Borough up to 2028. The Council has sufficient evidence to support the strategy and has shown that it has a realistic prospect of being delivered.

A number of changes are needed to meet legal and statutory requirements and to ensure that the Plan is sound. These do not alter the thrust of the Council’s overall strategy and do not undermine the Sustainability Appraisal carried out by the Council. The main changes are summarised as:

- Clarification of essential elements of the LDP including the vision, objectives and strategy;
- Adjusting the housing requirement calculation in order to remove double counting;
- Bringing forward delivery of other housing allocations;
- Use of an alternative methodology for the calculation of affordable housing;
- Clarification that the affordable housing contribution to be made will depend upon the circumstances of each proposal including viability;
- Clarification in respect of the need for and provision of new Gypsy and Traveller pitches, including the deletion of two Gypsy and Traveller allocations at Llay and Hanmer, improvements to the policy framework to better reflect the legislative requirements/ national policy and amendments to the Monitoring Framework;
- A site-specific, regeneration policy for the former Air Products site at Acrefair;
- Recognition of the importance of the former steelworks site at Brymbo with a site-specific, regeneration policy including an element of housing;
- Amendments to the renewable energy policy RE 1;
- Provision of a clearer and more realistic monitoring framework, particularly in respect of housing delivery, economic development and affordable housing.

Almost all of the recommended changes have been put forward by the Council in response to matters discussed during the examination. With the recommended changes the Plan satisfies the requirements of section 64(5) of the 2004 Act and meets the tests of soundness in the Development Plans Manual edition 3.

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## 1 Introduction

- 1.1. Under the terms of Section 64(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a Local Development Plan is to determine:
  - a) whether it satisfies the requirements of sections 62 and 63 of the Act and of regulations under section 77, and
  - b) whether it is sound.
- 1.2. This report contains the assessment of the Wrexham Local Development Plan (from here referred to as “the LDP” or “the Plan”) in terms of the above matters, along with recommendations and the reasons for them, as required by section 64(7) of the Act.
- 1.3. The submitted LDP has been prepared pursuant to the Act and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (the Regulations). We have considered it against the tests of soundness which are set out in Table 27 of the Development Plans Manual, 2020 (DPMv3). There are three tests:
  - **Test 1: Does the plan fit** – is it clear that the LDP is consistent with other plans?
  - **Test 2: Is the plan appropriate** - is the plan appropriate for the area in the light of the evidence?
  - **Test 3: Will the plan deliver** - is it likely to be effective?
- 1.4. In addition, we must be satisfied that the plan preparation process has complied with the all the legal and regulatory procedural requirements such as the LDP regulations, sustainability appraisal, habitats requirements and so on.
- 1.5. The starting point for the examination is that the Local Planning Authority has submitted what it considers to be a sound plan, together with the evidence base that supports its position.
- 1.6. Prior to submission of the LDP for examination the Council considered the representations received and decided to make a number of Focussed Changes to the deposit Plan. These changes were duly advertised and the responses taken into account. At the Pre-Hearing Meeting the Council confirmed that the Plan it wished to be examined was the deposit LDP as modified by the Focussed Changes [KPD21 Schedule of Proposed Focussed Changes and Minor Editing Changes]. Since the Focussed Changes have been consulted on and the SA has been revisited where necessary, they are accepted as part of the submitted LDP. The deposit Plan as modified by the Focussed Changes has therefore formed the starting point for the examination of the Plan’s soundness.
- 1.7. Since the purpose of the examination is to determine whether the Plan is sound we recommend changes in this report only where there is a clear need

to amend the Plan in the light of the legal requirements and/or the tests of soundness. Throughout the examination the Council maintained a schedule of Action Points (AP) which included changes the Council suggested in response to matters raised during the examination. Many of these have become matters arising changes to the Plan (MACs); they do not alter the thrust and strategy of the LDP. The schedule has formed the basis of the MACs set out in Appendix A to this report. The MACs prefixed with an ‘I’ are Inspector changes (IMACs). The MACs and IMACs contained in Appendix A form the basis of our recommendations and are therefore binding changes which are necessary to ensure the soundness of the Plan. We are satisfied that no parties will be prejudiced by the MACs or the IMACs and that they will have no material impact on the findings of the Plan’s sustainability appraisal. All have been the subject of consultation. We have taken the MAC consultation responses into account in writing our report.

- 1.8. Minor editing and typographical errors are not referred to in this report, but are detailed in Section C of the Council’s Schedule of Matters Arising Changes (November 2021) as Minor Editing Changes for information only [KPD26]. The Council may make any consequential amendments arising from the MACs. We are satisfied that all of the changes including the IMACs are in line with the substance of the overall Plan and its policies, and do not undermine the Sustainability Appraisal (SA) and participatory processes that have been undertaken.
- 1.9. All duly made representations and the matters raised at the examination hearings have been considered. Given the focus of the examination on soundness, our report does not refer specifically to the individual representations made in each case. Matters raised by individual representations are referred to only where it is considered that they raise substantive issues concerning the Plan’s soundness. Plan changes sought by any representor are the subject of a recommended change only where we have found, on the basis of the evidence, that such a change is required to make the Plan sound.
- 1.10. A number of representors have proposed alternative sites to those allocated in the Plan, most notably for housing development. What is required of the Council is that it produces a strategy, policies and allocations that are sound. There are likely to be a number of ways that the Council could meet the needs of its community, each of which may be valid. Some may consider that the allocations in the Plan do not present the best solution but our remit is only to recommend changes where required to make the Plan sound. It is not our remit to seek to make a sound plan better. Our conclusions as to the submitted Plan’s soundness and the changes proposed by the Council in response to matters arising have thus guided how far we have needed to consider in detail other candidate sites for allocation. For this reason, no specific reference is made to the majority of proposed alternative sites in this report.
- 1.11. The Covid-19 pandemic started to take hold at the beginning of 2020; our last in-person hearing at Wrexham took place on 12 March, two weeks before the

first lockdown restrictions came into force. It has had a cataclysmic and global effect with many people’s lives and circumstances being irretrievably changed. Planning will have a significant role in the recovery process, not only of the economy but also in the positive effects that the many facets of placemaking can have on the well-being of communities and individuals.

- 1.12. In July 2020 WG published the document *Building Better Places* which addresses placemaking and the Covid-19 recovery. As the Minister for Housing and Local Government says in its foreword ‘PPW leads the way in this respect and contains the principles and policies needed for us to recover from this situation in a positive manner, putting placemaking at the heart of future development.’ *Building Better Places* predated publication of the National Development Framework *Future Wales*, the finalisation of which was delayed by the pandemic. This pause gave WG the opportunity to reflect on the draft and to consider how it would influence the recovery from Covid-19. It concluded that, overall, it would stand up well to emerging challenges and opportunities [*Building Better Places*, page 8].
- 1.13. Our examination of the LDP has also been interrupted and delayed by the pandemic. Its unusual circumstances have thrown up new issues and increased the focus on what is important and valuable to individuals, families and communities. It has also emphasised the importance of the County Borough having an adopted LDP in place in order to provide a firm and certain basis for recovery and new development.
- 1.14. In May 2021, Natural Resources Wales (NRW) issued revised guidance on development that had the potential to increase phosphate levels in riverine Special Areas of Conservation (SACs). This had serious implications for the LDP. We therefore report on this issue in detail at section 3 alongside Habitats Regulation Assessment (HRA).
- 1.15. In October 2021 the planning appeals and LDP examination function in Wales left the Planning Inspectorate (PINs) and moved to WG where it now exists as Planning and Environment Decisions Wales (PEDW).

## **2 Plan preparation**

- 2.1. The legal and regulatory preparation requirements are set out in the 2004 Act and the LDP Regulations. Planning Policy Wales (PPW) and Welsh Government (WG)’s Development Plans Manual provide guidance as to these requirements.
- 2.2. The LDP has been prepared in accordance with the Delivery Agreement (DA) (as revised by agreement with the Welsh Government) and the Community Involvement Scheme (CIS) as demonstrated in the Consultation Report. Consultation events, for example at the Key Stakeholder stage [KPD02 Appendix A], appear to have been accessible and generally well-attended. At the Preferred Strategy (PS) stage letters or emails were sent to approximately 7500 consultees as well as using methods such as site notices, exhibitions/drop-in sessions, and notices in local publications [KPD13, section



- 2.0]. Consultation on the deposit plan and its supporting documents was extensive and thorough including, as well as measures used at previous stages, the use of social media.
- 2.3. Some representors reported problems with the consultation website, particularly in viewing representations made by others. Whilst desirable, there is no absolute requirement in the Regulations to make copies of the representations available on the website; these state only that ‘where practicable, [the LPA must] publish on its website details of all representations received...’ [Regulation 19 (2)(b)]. In time, the consultation report [KDP12, 12a and 12b] containing a summary of all duly made representations was placed on the website and was available for those preparing for the hearings. We do not consider, therefore, that the limitations that some representors experienced with the consultation website constituted a breach of the Regulations or a fault in the plan preparation process.
- 2.4. There were also some serious concerns that many residents had been discouraged from responding by the complexity of the website and forms. The work done by local volunteers to produce more user-friendly forms is to be applauded. Nonetheless, the format of the form used by the Council was that advised by WG and the Planning Inspectorate (the predecessor body to PEDW). In addition, comments about the LDP were not rejected by the Council if they were not submitted on the recommended form.
- 2.5. As inspectors, we had little need to use the consultation portal but did find the examination website slightly cumbersome to navigate. That being said, we do not consider that either the response forms or the website were incorrect or so difficult to use that the plan preparation process was compromised. Indeed, consultation on the deposit Plan, and at other stages, resulted in a healthy number of responses covering a wide range of matters.
- 2.6. All proposed changes made to the deposit Plan, as outlined above, have been advertised and consulted on. The Plan thus complies with the requirements of the LDP Regulations in this respect, including in relation to consultation, advertisement and the publication and availability of prescribed documents.
- 2.7. The Plan has been subject to a SA and SEA process. Further changes put forward by the Council as part of the examination process have likewise been tested where necessary for any impacts they have upon the SA and SEA [KPD11, 11a, 11b, 11c, 11d, 11e and KPD27]. We are satisfied that the SA/SEA process undertaken is robust and satisfies procedural and legal requirements.
- 2.8. The Public Sector Equality Duty requires public bodies to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between different communities. The Council has undertaken and publicised an Equality Impact Assessment [KPD15 and KPD29] of the LDP to ensure that such issues have been taken into account throughout the plan preparation process. We are satisfied that this process ensures that the LDP promotes equality and diversity and does not adversely affect or

discriminate against any people who are protected under the Equality Act 2010.

- 2.9. The final version of the Development Plans Manual edition 3 (DPMv3) was published in March 2020. The LDP was prepared mainly using LDPMv2 and we have retained references to it in this report where appropriate. Some of the amendments and changes to the Plan, for example housing tables, have been prepared in line with DPMv3. We consider this to be a sensible and helpful approach. In a letter to local planning authorities [from the Minister for Housing and Local Government, dated 26.3.20] announcing the publication of DPMv3, WG stated that transitional arrangements would apply to LDPs that were currently the subject of examination including Wrexham. In essence this means that Wrexham LDP will continue to follow the Average Annual Requirement (AAR) methodology rather than the Anticipated Annual Build Rate (AABR) method now advised in DPMv3.
- 2.10. The same WG letter sets out changes in the delivery of housing as put in place through revisions to PPW [paras 4.2.10 and 4.2.11]. These are explained in detail later in this report. A significant consequence of the changes to PPW is that Technical Advice Note 1: Joint Housing Land Availability Studies (TAN1) has been revoked in its entirety [Para. 6.2 of TAN1 was deleted in July 2018].
- 2.11. LDPMv2 states that LDPs once adopted should have an operational life of at least 10 years [LDPMv2, para 10.2.2] and this advice is repeated in the Development Plans Manual edition 3 (DPMv3) [para 7.4]. In this case, the LDP would run until 2028. It has taken a number of years to get the Plan to submission, with further delays having been necessary to: (i) rectify deficiencies, (ii) as a result of the unusual circumstances arising from the Covid-19 pandemic and (iii) deal with the implications of increasing phosphate levels in riverine SACs. Bearing in mind the urgent need for an up-to-date development plan to facilitate and guide growth within the area, it makes no sense, in our view, to find the Plan unsound on the basis that the remaining period falls short of that requirement.
- 2.12. The Council has prepared a position statement [POS002] which explains the implications of the Well-being of Future Generations (Wales) Act 2015 (WFG Act) for the LDP and how the LDP addresses the Act. The document sets out in tabular form how the LDP’s vision, objectives and policies will deliver the Act’s well-being goals and be consistent with its ways of working. It concludes that, overall, the WFG Act has been embedded into the LDP since the Act came into effect. As the Act’s well-being goals have been incorporated into the LDP as objectives, in assessing the LDP against the objectives the SA also assesses it against the Well-being goals. They have thus been used to inform decision making and justify choices where competing objectives need to be balanced. The position statement and SA therefore provide evidence that the Plan aligns with and supports the well-being goals and has been produced in a manner consistent with the ways of working specified in the Act.

- 2.13. The 10<sup>th</sup> edition of Planning Policy Wales (PPW) was published in December 2018, that is, after the deposit version of the LDP had been prepared and consulted on. That version responded directly to the Well-being of Future Generations Act and made an important contribution to addressing the statutory well-being goals. With this new purpose at its heart it was thus arranged quite differently from earlier versions.
- 2.14. Edition 10 focused on placemaking and development plans had to seek to deliver development that addressed the national sustainable placemaking outcomes [PPW, Figure 4, p 20]. Since the deposit LDP was completed in advance of the 10<sup>th</sup> version of PPW it would not have been reasonable or fair to ask the Council to retrace its steps in order to explicitly incorporate placemaking. In any event, the placemaking outcomes are consistent with the principles and detail of sustainable development. As this is the overriding objective of the LDP it is not notably out of step with the placemaking agenda.
- 2.15. The Council provided a position statement [POS001] on the implications of the changes in PPW10 on the LDP which proposed a number of amendments. The most significant of these were to do with coal and minerals safeguarding; air and noise quality; and development in green wedges. They are covered in this report under those topics. The remainder of the amendments updated footnotes and cross references. These were minor changes which are not dealt with in this report.
- 2.16. Edition 11 of PPW was published in February 2021. It is an update of edition 10 with the same structure and few material changes. The Council has confirmed that the LDP continues to be broadly consistent with PPW in most respects. Instances where we do not consider that to be the case are covered in detail later in this report.
- 2.17. The Council confirmed at the pre hearing meeting that the LDP had regard to the Wales Spatial Plan (WSP). At the time of the hearings the draft National Development Framework was the subject of consultation; it was published as *Future Wales the National Plan 2040* (FW) in February 2021 and replaces the WSP. FW forms part of the Council's statutory development plan and, with 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.

### *Conclusion*

- 2.18. The legal and regulatory preparation requirements have been satisfied.

## **3 Habitats Regulations Assessment**

- 3.1. Under the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), the Competent Authority will need to decide whether ‘likely significant effects’ on a European protected site, alone or in-combination with other plans or projects, can be ruled out. It is the responsibility of

Wrexham County Borough Council (WCBC), as the Competent Authority, to undertake the formal assessment.

- 3.2. Accordingly, a shadow Habitats Regulations Assessment (HRA) was carried out in respect of the consultation version of the Deposit LDP in 2018, which has been reviewed in the light of changes put forward during the examination [KPD18, KPD18a and KPD18b]. Although it concluded no Likely Significant Effect upon any of the European Sites selected for consideration (either alone or in combination) in relation to most aspects of the Plan, the provisions within Policy NE6 are identified as mitigation measures for 14 policies in the Deposit Plan, which otherwise may either have a significant effect alone, or in combination, on the River Dee and Bala Lake SAC. That is, prior to its amendment by MAC35 and in the circumstances existing at that time, Policy NE6 could be relied upon to avoid adverse effects to site integrity as a result of the discharge of wastewater.
- 3.3. Nevertheless, the conclusions of the main HRA can no longer be relied upon in their entirety owing to changes to the way wastewater treatment needs to be dealt with. Given NRW’s Phosphate policy position, and its confirmation that there is either none or very limited headroom in the Wastewater Treatment Works (WwTW) permits to accommodate further flows, all new development would potentially add to the phosphate load. NRW further advises that in an already exceeding system, it would not be possible for development provided for within the Plan that added wastewater to the system to conclude no adverse effect to the integrity of the SAC.
- 3.4. Consequently, it was concluded that the LDP should be subject to further assessment under the Habitats Regulations to determine whether the updated advice from NRW requires further amendments to the Plan and associated policies. A subsequent addendum has therefore been prepared to take account of the NRW policy position on phosphates in rivers together with MACs which could not be screened out [KPD28 and KPD28a]. The KPD28a Addendum – Screening of Matters Arising Changes (Habitats Regulations Assessment) November 2021 has screened out all but one of the MACs as having no Likely Significant Effect. Whilst there are a number of changes to the original consultation version of the Deposit Plan, the majority of the changes have no relevance to the HRA work which has already been completed. The MAC screened in for further consideration relates to Policy NE6 Wastewater Treatment and River Water Quality.

*Implications of the phosphates constraint*

- 3.5. NRW’s interim guidance on development affecting phosphate levels in river SACs did not emerge until the LDP examination was at an advanced stage. This placed the Council in the difficult position of having to assess the situation; collect evidence; and establish the foundations of a complex strategy; all under substantial time pressure. The Council worked with Flintshire County Council, NRW, and stakeholders such as Dŵr Cymru, and employed ecological consultants to advise and produce the strategy. The consultation draft of the Dee Catchment Phosphorus Reduction Strategy

(DCPRS) was published in November 2021. It is the first of its kind in Wales and could assist every LDP review which follows; the absence of forerunners, however, has made the task all the more challenging.

- 3.6. The Habitats Regulations, together with NRW’s specific guidance, results in two essential requirements for us to consider in our examination of the LDP. These are (i) the need to ensure that the phosphorus sensitive River Dee and Bala Lake SAC is protected from any adverse effects from new development, whilst (ii) having a high degree of certainty that allocated sites will be delivered.

*(i) Protection of SAC from phosphorus*

- 3.7. The main focus of the phosphates work carried out by the Councils and their consultants has been on the first of these. In Wrexham’s case, Policy NE6 has thus been strengthened by MAC35 and will only permit development which has no adverse effect on the integrity of the River Dee and Bala Lake SAC. In particular, development creating waste water discharges will be required to demonstrate no increase in phosphorus levels in the SAC. Policy NE6 will thus be a safety net and safeguard, preventing development where the DCPRS is at too early a stage to be relied on. This is a strategy that we endorse.

- 3.8. The HRA addendum concludes that, subject to Policy NE6 as revised by MAC35 and the strategic approach to phosphorous reduction set out in the DCPRS [EBNB04], the LDP will have no adverse effect on the integrity of any European sites. Consequently, we find that the LDP complies with legal and regulatory procedural requirements including the Habitats Regulations. It therefore meets the preparation requirements set out in the Development Plans Manual edition 3 [Figure 3.4, page 16].

*(ii) Delivery of allocated sites*

- 3.9. The DCPRS [paras 3.3.22 – 3.3.24] identifies existing WwTW at Lavister, Gresford, Holt, Five Fords, Overton, Penley and Cefn Mawr that would treat waste water from 18 of the allocated housing sites, including the two strategic sites KSS1 and KSS2. An allowance has also been made for windfall sites within each of the WwTW affected for phosphate budgeting purposes. In total these sites would provide in the region of 5322 housing units in the Plan period [Table 4.2 of the DCPRS].
- 3.10. Our concerns with delivery arise from two factors. The first of these is the timing of elements of the DCPRS and the production of essential supplementary documents. In our view, and taking into account the passage of time that has already elapsed, the milestones set out in Table 5.1 of the DCPRS are overambitious and not realistically achievable.
- 3.11. The approach to a developer contribution scheme is described in detail in the DCPRS [Section 5] and it is clear much thought has been given to its format. Much work will be required, however, to finalise and cost the package of

mitigation measures. In order to be robust and reliable, the resulting contribution scheme should be the subject of a consultation exercise. We do not consider it likely, therefore, that the developer contributions mechanism will be finalised as forecast. The table states that this step will be necessary before applications for development are determined.

- 3.12. Timing in itself is not, however, a fatal issue. The housing trajectory is satisfactory; not all of the County Borough or allocations are affected; and site by site negotiations and implementation could be carried out in the absence of supplementary guidance.
- 3.13. The second factor, and the one which we are concerned could have a serious negative impact, is the cost of mitigation measures on the viability of sites. In order for development to be permitted on the 18 sites, mitigation measures must be in place to minimise their phosphorus loading to the sewerage system, existing watercourses and the SAC catchment. The DCPRS [Table 4.6, page 67] sets out an extensive list of intervention measures; developers are listed as delivery partners for the majority of these. There are also references to the Category 1 measures being delivered by Dŵr Cymru, subject to extra developer funds being made available [para 4.4.18, page 74].
- 3.14. The measures themselves include surface water separation, enhancements to WwTW, SuDS and the provision of wetlands. The DCPRS states that the costs of mitigation set out in the developer contribution scheme will include the implementation of measures; the staff resource; compensation to land owners; land acquisition costs (if required); monitoring; and the long term maintenance and management of mitigation [para 5.1,34 page 104]. The cost of mitigation will be apportioned according to how much phosphorus the proposal generates. It seems to us that these costs, in terms of financial contributions and, potentially, land take, are likely to be significant. Our major concern is, therefore, that the necessary mitigation costs would seriously affect the viability of sites. This could reduce or prevent the provision of affordable housing. Indeed, it could prevent the development of sites within the Plan period.
- 3.15. In all, the lack of clarity with regard to timing and viability shortcomings create an environment of considerable uncertainty. We cannot, therefore, be satisfied that development would be viable and that the allocated sites within the sensitive SAC catchment would be delivered as forecast or even within the Plan period.
- 3.16. The amount of detail in the DCPRS and the high level of understanding of the issue give us confidence that it will provide a robust and reliable basis for a strategy which, eventually, will align the protection of the SAC from phosphates with the delivery of LDP allocations. Until that time, and depending upon the extent of the problem, there are potentially serious implications for the delivery of a significant proportion of the LDP’s housing allocations.

- 3.17. Be that as it may, we do not dispute that there are other factors which could alleviate the phosphorus mitigation needs, including the provision of wetland or the funding of mitigation measures by developers.
- 3.18. WG's statement of December 2021 clarifies soundness test 3 in relation to Flintshire and Wrexham LDPs. It recognises these LDP examinations as exceptional cases and sets out WG's opinion that the fine grain detail of required mitigation measures cannot be achieved now, or is not necessary at such an advanced stage of plan preparation. In essence, therefore, it advocates considering viability and deliverability in the light of the current and ongoing uncertainties surrounding costs and approaches for phosphate mitigation measures, and supports a pragmatic approach to the application of soundness test 3, for this specific issue and for this Plan.
- 3.19. We agree that, in this exceptional situation, there would be little benefit in finding the plan unsound purely for this reason. That is because without the Plan in place, the same uncertainties would prevail, but without the local policy support for development on specific sites which in all other respects have been found to be the best options for meeting the County Borough's identified needs.
- 3.20. We attach significant weight to WG's position statement. All things considered, we are satisfied that, despite the uncertainties thrown up by the need for phosphorus mitigation, given the circumstances the allocated sites represent the best chance of delivering the identified housing requirement. We therefore find that soundness test 3 has been met in this regard.

### *Conclusion*

- 3.21. As certain elements of the Plan have the potential to result in likely significant effects on the SAC, the HRA Report incorporates an Appropriate Assessment. The AA identifies that, subject to certain identified mitigation measures, the Plan would have no adverse effect on the integrity of European Protected Sites, either alone or in combination with other plans and projects. As the mitigation measures identified in the AA would be incorporated within the Plan via MACs, we are content that the Habitats Regulations have been complied with.

## **4 Plan Strategy**

### *Key issues, vision and objectives*

- 4.1. The County Borough of Wrexham is of average size in comparison with other North Welsh counties but an area of great contrasts and variation. The main settlements, of which the town of Wrexham is foremost, lie along the A483 trunk road which runs from north to south; much of the County Borough is rural in character. As well as agriculture, Wrexham's economy was historically based on mining and heavy industry. Manufacturing remains an important sector (20% of all jobs) together with technology and services; the public administration, education and health sector has 35% of all jobs.

- 4.2. The County Borough is in a nationally strategic position with much of its border being with England; the county of Cheshire West and Chester is to the east and Shropshire is to the south. It is well connected by road and rail, particularly to the remainder of North Wales; Chester and Merseyside; and the Midlands.
- 4.3. Wrexham’s industrial heritage is epitomised by the spectacular Pontcysyllte Aqueduct which is the focus of a World Heritage Site. There are 23 designated conservation areas in the County Borough and over a thousand listed buildings of various types. The beautiful, rugged countryside in the south west is within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) whilst the area to the south east is largely a traditional, agricultural and pastoral landscape.
- 4.4. These characteristics are picked up by the nineteen key social, economic, cultural and environmental issues set out in the LDP. They emerged from the pre-deposit consultation and were informed by the sustainability appraisal (SA), associated topic papers and the evidence base. Some changes and additions are necessary to explain the key issues satisfactorily. MAC1 will explain how the employment offer could be improved and MAC2 will give examples of how the capacity of some settlements is constrained. MAC3 will refer to the fact that use of the Welsh language in the County Borough is declining whilst MAC4 will better reflect the broad scope of the climate change issue by removing the single example.
- 4.5. The vision, which is an integral part of the LDP, encapsulates the place that the County Borough will be at the end of the Plan period and which will be achieved through addressing the key issues. Although somewhat generic and unspecific, it covers the main requirements. MAC5 will refer to Wrexham being a place where people want to work as well as live, visit and invest in, consistent with policy 20 of FW which seeks to secure growth and investment in Wrexham and Deeside.
- 4.6. A suite of objectives was set out in the *Vision, Objectives and Strategic Growth and Spatial Options* document [KSD02] which was published in March 2015 and the subject of consultation with key stakeholders. A report to the Council’s Planning Policy Panel (PPP) states that during consultation there was an overall consensus agreeing to the objectives. Despite that consensus the Council felt some could be consolidated, shorter, more specific and concise. Our view is that, in doing so, the Council inappropriately reduced the scope of the objectives as a whole. In particular the reference to meeting the future needs of a growing population was unwarrantably omitted from the deposit Plan objectives. MAC8 will restore this wording, albeit in a different location. The additional wording of MAC7 will broaden the range of the economy objective in line with several of the key issues whereas MAC6 will recognise the role of Wrexham Town as a National Growth Area, in accordance with FW.



- 4.7. A few of the strategic objectives and their explanations require additional examples and wording to ensure that all the key issues and elements of the vision are covered. The addition of the requirement for education infrastructure in MAC9 will link Objective SO8 to key issue 10 which identifies education capacity constraints. Similarly, an addition to SO9 will connect with key issue 11 which highlights the large proportion of settlements which are surrounded by high quality agricultural land (MAC10). The changes to Objective SO10 are mentioned above. The fuller description of the measures to address climate change clarifies and explains the Plan’s approach to this important matter (MAC11).

### *Strategy*

- 4.8. The overall strategy was developed early in the plan preparation process following Key Stakeholder Consultation [KSD02, KSD02a, KPD02, KDP02a]. This set out genuine and realistic options for strategic and spatial growth which were firmly based on evidence. It also gave those consulted the opportunity to suggest spatial options of their own and to make comments. Consultation responses were robustly analysed and it was concluded that:

*‘Stakeholder engagement has proved worthwhile in reaching a broad consensus on the strategic growth and spatial options and in clarifying some of the main issues that the LDP should address’ [KPD02 para 4.1].*

- 4.9. A similarly rigorous exercise accompanied the publication of the PS, the results of which informed the strategy set out in the deposit Plan. This is succinctly described as balancing economic aspiration with the sustainable delivery of the homes, jobs and infrastructure required to meet the needs of a growing population [LDP para. 5.2].
- 4.10. The details of the growth strategy are now significantly different from those chosen in the PS, changes which are discussed elsewhere in this report [Para. 6.2 on]. The main features of the Deposit Plan growth strategy are to provide 8525 new dwellings, meeting a requirement for 7750 dwellings, and 4200 new jobs.
- 4.11. Three spatial options were set out in the key stakeholder consultation document [KSD02 5 ii)]. These were to concentrate growth in the primary key settlement of Wrexham town; or the primary key settlement of Wrexham town and key settlements; or the primary key settlement of Wrexham town, key settlements and local service centres. All were thoroughly appraised and detailed lists of each option’s pros and cons were set out in the consultation document. They were also assessed in the SA.
- 4.12. The Council considered that there were advantages in a more dispersed spatial distribution which would improve viability and deliverability and meet other Plan objectives such as rural housing needs. It would also sustain a wider range of communities. Thus, the third option, focussing development in the primary key settlement of Wrexham and Wrexham Industrial Estate, key settlements, and local service centres was chosen. Allocations have been

made in accordance with the spatial strategy [KPD11e]. The SA records that nearly 90% of allocations are in settlements with the widest range of services, sustainable transport options and potential links into active travel. The remainder of sites are in sustainable, but rural, locations where the potential to encourage active travel is more limited.

- 4.13. As part of the spatial strategy, the designated green wedge, which has been reviewed as part of the LDP process, will strategically manage growth.
- 4.14. Whilst all the elements of the strategy are in place and clearly explained some sub-headings are necessary for clarity and to give the strategy coherence (MAC12). In addition, the topic, criteria and area based policies will be reordered placing Housing and Economy before Natural Environment in a more logical structure for the LDP as a whole (MAC29), thereby assisting the Plan’s effective implementation.

#### *Strategic policies*

- 4.15. Many of the strategic policies are most appropriately dealt with under the topic headings. Policy SP3 simply lists the two strategic housing sites, both of which are also covered in detail by the strategic policies Policy SP4 (KSS1) and Policy SP5 (KSS2). Policy SP3 does not, therefore, serve any useful purpose and will be deleted by MAC15.
- 4.16. Ill health and obesity are significant issues in the County Borough; the Plan recognises the complexity of these topics. Whilst the quality of the environment and good access to all facilities and services can have positive impacts on physical and mental health, these are difficult to quantify. Health and wellbeing are rightly addressed in the Plan by a separate objective and policy. Because of the holistic nature of the subject Policy SP14 is unavoidably somewhat general. MAC23 will reword the policy to make it more direct and effective, and to provide additional explanation and guidance in the accompanying paragraphs.
- 4.17. 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 [Representor ID983282], 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.
- 4.18. Having a strategic policy dealing with climate change, SP19, highlights the importance of this subject in any evaluation of development proposals. The policy explanation expects that Design and Access Statements should demonstrate how schemes would take account of relevant matters, such as reducing carbon emissions and promoting energy efficiency. This emphasises the need to consider these fundamental issues and build them into proposals from their inception. By expanding on the descriptions of what is required MAC27 will make the policy meaningful and able to be implemented.

- 4.19. The LDP, rightly, does not repeat national policy. Nonetheless, in some places, for example Policy SP19, it will be helpful to include references to the national policy source (MAC27). MAC26 and MAC27 will also secure the effectiveness of policies SP17 and SP19 respectively, by inserting cross-references to other related LDP policies and providing clarity about how the policy will be implemented.

### *Conclusion*

- 4.20. We conclude that, subject to the MACs, 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.

## **5 Location of development**

### *Settlement hierarchy*

- 5.1. The settlement hierarchy, which identifies the County Borough’s most sustainable settlements, is central to the LDP’s spatial strategy. Each settlement was assessed [BP02b Settlement Hierarchy and Development Potential Revised (January 2018)] on the basis of the capacity of existing infrastructure; the provision of services; employment opportunities; planning constraints; development viability, and opportunities for new development. A tiered approach was used to group settlements which had similar characteristics in terms of facilities and services.

- 5.2. The identified tiers were:

***Tier 1: Primary Key Settlement*** – Settlement [Wrexham town] which has a critical role to play in the success of the region, and which acts as an important service and employment centre for surrounding settlements, including the more rural locations;

***Tier 2: Key Settlement*** – Settlements which support communities, but which are dependent upon the Primary Key Settlement for some key amenities. Some services are present and they have good access to public transport;

***Tier 3: Local Service Centres*** – Settlements with fewer services and which have relatively good accessibility by non-car modes;

***Tier 4: Minor Village*** – Settlements with limited facilities with some access by non-car modes;

***Tier 5: Hamlet*** – Settlements with no services and limited or no access by non-car modes.

- 5.3. The assessment of tiers, combined with development opportunities (from the sites register), constraints, viability and deliverability (through discussions with

landowners and developers) has been used to direct development, that is allocations, to appropriate locations, ensuring sustainable and proportionate growth in the most appropriate areas.

- 5.4. The strategy does not set out figures for the amount of growth in each tier or prescribe the type of development which would be appropriate. The use of the settlement hierarchy in the determination of future planning applications will be confined, therefore, to whether or not a proposal is within a settlement limit. The evidence base does not justify a more prescriptive approach or policy which, the Council considers, would make the Plan inflexible. We concur with that view.
- 5.5. The settlement hierarchy is a useful tool in understanding the sustainability of places within the County Borough. It is not in itself, however, the only method that has been used to determine where new development should be located. The proportion of development assigned to a tier reflects a number of considerations including the Plan’s vision and objectives [KSD02]; national, regional and local planning policy, context and issues; the results of the sustainability appraisal (SA) [KPD11c]; consultation and engagement [KPD12a]; the assessment of candidate sites [BP04a]; and the evidence base, as well as the settlement hierarchy [BP02b]. Allocations have not been made, therefore, in all the settlements identified in the preferred spatial strategy areas.
- 5.6. Some settlements in tiers 2 and 3 are unsuitable for development and do not offer any opportunities for growth. As well as the phosphates issue, there are other significant planning constraints, for example flooding in Bangor on Dee, or infrastructure capacity issues such as with sewerage disposal [BP10]. Nonetheless, the distribution of housing from all components is broadly proportionate to the current and future population levels within each tier. During the Plan period it is estimated that 44% of the housing supply will be in tier 1; 30% in tier 2 settlements; 21% in tier 3; 4% in tier 4 and less than 1% in tier 5 [MAC13].
- 5.7. There were a few objections to the tier in which settlements had been placed. Whilst there might have been some errors in data, as to available services for example, we are satisfied that the settlement hierarchy assessment is generally robust, consistent, and thus a reliable means of guiding the location of development.
- 5.8. Strategic Policy SP2 is the main policy by which the location of development is controlled. MAC14, which includes additional headings, will explain the location of new development more clearly and thus will improve coherence. Some re-formatting of Table 2 and additional details in it, for example including the number of allocated dwellings in each tier and the proportions of brownfield and greenfield land allocated, will improve its legibility and clarity, enabling the policy to be implemented effectively and consistently.

*Settlement limits*

- 5.9. Settlement limit boundaries are a well-trying and widely used mechanism for protecting the countryside whilst enabling settlements to grow where necessary in a sustainable and controlled manner. DPMv3 states that the settlement boundary must be appropriately drawn; taking into account the aims of the overall strategy and the amount and type of development that is attributed to each tier of the settlement hierarchy [DPMv3 para 5.20].
- 5.10. Settlement boundaries designated in the Unitary Development Plan (UDP) were used as a starting point. These were reviewed to ensure the delivery of sustainable patterns of development consistent with the Plan’s strategy [BP09]. Amendments were made within the following categories:
- i. minor amendments/corrections
  - ii. planning permissions
  - iii. development sites
  - iv. employment land
  - v. schools
  - vi. boundaries added for two settlements which did not previously have one.
- 5.11. The settlement boundary review sets out details as to how these types of site and uses were treated [BP09 Appendix 1]. The document, which was a background paper to the deposit Plan and thus subject to consultation, also included a series of large-scale maps with all proposed changes to settlement boundaries shown. We are satisfied that the review of settlement boundaries was carried out consistently and was based on robust evidence.

*Open countryside*

- 5.12. The settlement boundary review [BP09 para 1.3] explains that the Wrexham County Borough countryside is a valuable resource that merits protection from inappropriate development. Increased development pressure on the countryside requires a robust planning policy framework to be in place, balancing rural development and the protection of the countryside. All areas outside the defined settlement limits are classed as open countryside where, in line with PPW [paras. 3.60 & 5.6.6], new building must continue to be tightly controlled and its protection maintained wherever possible. MAC12 and MAC14 will ensure consistency with PPW, amend an existing paragraph in the explanation to Policy SP2 to explain the LDP’s approach to open countryside more clearly, and add a similar paragraph to the Plan’s overview which introduces the growth and spatial strategies.

*Green wedge*

- 5.13. Policy SP7 identifies twelve green wedges (GW) in Wrexham, which have been designated only on those parts of the countryside that are considered to act as buffers between settlements to prevent settlement coalescence in areas under pressure for development. They work in conjunction with the settlement boundaries to strategically manage built form at settlement edges, thereby

assisting in safeguarding the countryside from encroachment, protecting the setting of urban areas and assisting in urban regeneration [PPW para 3.67].

- 5.14. GWs are local designations which essentially have the same purpose as Green Belts and, in both cases, there is a presumption against inappropriate development [PPW para 3.69]. PPW makes clear that GWs should be proposed and be subject to review as part of the LDP process [PPW para 3.68]. It also advises that, when considering designations, local planning authorities need to ensure that a sufficient range of development land which is suitably located in relation to the existing urban edge should be made available having regard to the longer term need for development land, the effects of development pressures in areas beyond the Green Belt and the need to minimise demand for travel [PPW para 3.72].
- 5.15. The Council commissioned a Strategic Green Wedge Review in 2017. The Review assessed the requirement for GW designation throughout the County Borough in a staged process focussing firstly on Wrexham Town and the western villages where *inter alia* a number of potential Key Strategic and large sites which were allocated as GW at that time required review to assess their contribution towards the purpose of the green wedge designation. In summary, where key candidate sites were proposed within existing green wedges and did not undermine their integrity, the Review identified that these sites could be removed from the relevant green wedge.
- 5.16. In redrawing limited parts of the green wedge boundaries and allocating some housing sites, this is what the Council has rightly done. Such actions are, therefore, consistent with national policy and the allocations are not unsound in respect of the green wedge.
- 5.17. Focussed Change 32 sought to amend the boundaries of the GW between Gresford and Wrexham with the justification for doing so given as ‘...to ensure that the purpose of the designation meets the requirements of national planning policy’ [Document Ref KPD21, FC32, p.38]. In reality, the Council proposed the allocation of a Gypsy and Traveller site on the affected area of land, thereby resulting in the need to remove it from the GW designation given that new Gypsy and Traveller sites are likely to constitute inappropriate development, and there is a general presumption against inappropriate development in GW [Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites, June 2018].
- 5.18. Nevertheless, for the reasons discussed later in this report, the site is not to be allocated for the purposes of Gypsy and Traveller Accommodation. The Council recognised at the Hearing session that the land should remain in the GW and the boundaries should not be amended. That is therefore what has been done and FC32 is not accepted. There is little justification for an amendment to the boundaries of this GW, not least as the Review identified that ...‘*the western boundary of the GW comprises of the B5425 and Lon Pont y Capel (Pont-y-Capel Lane)*’ and that ‘*the roads, which form part of the boundary, are considered to represent clear defensible boundaries*’

[Document Ref. EBNB01 Wrexham Strategic Green Wedge Review, October 2017, p.72].

- 5.19. Although the policy identifies twelve GW, MAC19 relates to GW (ii) Rossett and Marford, the boundaries of which currently extend between Rossett and Marford and between Rossett and Trevalyn (to the east of Rossett). The boundaries of the GW will be amended so that GW (ii) relates only to the land between Rossett and Marford and the land to be protected between Rossett and Trevelyn will be identified as a separate GW. It was agreed at the Hearing that this change would be consistent with the approach taken in terms of the other GW designations. The inset plans will also be amended accordingly.

### *Conclusion*

- 5.20. The 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.

## **6 Housing provision**

### *Overall provision*

- 6.1. One of the key issues [Para 4.2, no. 2] recognises that there has been a period of under-delivery in Wrexham and thus a need to increase housing provision during the Plan period. This will be addressed by the amended Objective SO5 requiring the future needs of a growing population to be met by providing the right type, mix and amount of development. Consistent with this, the essential aim of the Plan strategy is to balance economic aspiration with the sustainable delivery of homes, jobs and infrastructure.
- 6.2. The details of housing provision are set out in Policy SP1. Provision is made in the deposit Plan for 8525 new homes (MAC13 amends that figure to 8083 new homes) in order to deliver a requirement of 7750 dwellings. These figures are substantially lower than those set out in the Preferred Strategy (PS) in which, of four options, a level of growth of about 11,715 new homes (781 dwellings a year), approximately 7,550 jobs and 53 ha of employment land was chosen.
- 6.3. It was pointed out that the PS is not a submission document; furthermore, that it is the deposit Plan that is examined and not the PS. This is of course the case but the deposit version springs from the iterations before it; it is a continuation of them which evolves in response to considerations such as new evidence and the results of consultation.
- 6.4. The key issues, objectives and vision were identified prior to the PS and the strategies and policies now set out in the deposit Plan should address those. Soundness Test 2 as set out in the DPMv2 asks does the Plan fit, and does it address key issues? If the answer to these questions were to be ‘no’ there

might thus be a problem with soundness. Our concern, therefore, was that the significant reduction in housing numbers and in jobs between the PS and the deposit Plan could mean that the latter was no longer consistent with the objectives set out in the PS which were carried over almost unaltered to the deposit Plan.

- 6.5. The 2014-based projections, which were published after the PS had been prepared and were available to inform the deposit Plan, forecast significantly reduced population and household growth in the County Borough during the Plan period projections which informed the PS. There was a reduction of 27% (10 year migration trend) and 42% (5 year migration trend) [BP01b Table 2.1] compared with the PS figures. The first of these would lead to a growth in households of 7,500 and of 4,700 in jobs [BP01b table on page 3]. The Council chose to adopt the 10 year migration trend figures for inclusion in the deposit Plan. The correlation with the higher end of the economic growth forecasts in the Employment Land Review [EBE01 Joint Wrexham and Flintshire Employment Land Review (October 2015)] justifies this decision.
- 6.6. Overall, although the total dwelling requirement is considerably less than that set out in the PS, in the Council’s view it supports the Plan’s economic growth aspirations. PPW10 included a change regarding the calculation of the housing requirement in LDPs, namely that the latest WG local authority level Household Projections will form a ‘*fundamental*’ part of the evidence base. Nevertheless, ‘*these should be considered together with other key evidence in relation to issues such as what the plan is seeking to achieve, links between homes and jobs...*’ [PPW10 para 4.2.6, PPW11 para 4.2.6]. This advice is retained in PPW11.
- 6.7. During the examination we have become aware of reluctance by some parties to support anything but minimal development in the County Borough. We were concerned that this was the underlying reason for the reduced housing requirement in the deposit Plan. Having explored the housing and population data extensively during the hearing sessions, however, we are now satisfied that the lower figures provided by the 2014-based projections are the primary reason for the reduction in the housing requirement from the PS. We are also confident that the reduction is proportionate and accurate. Furthermore, by selecting the figures which correlate with the Employment Review jobs forecast, the Plan is maintaining its growth aspirations. The housing requirement set out in the Plan will therefore meet the future needs of a growing population by providing the right amount of development, consistent with Objective SO5.
- 6.8. The other three reasons stated by the Council for the reduced housing requirement in the deposit LDP [BP01b para 2.15 & 2.2] were, firstly, that a clear majority of respondents to public consultation opposed the Council’s preferred growth option; they were concerned that the scale of housing growth was too high, and out of proportion to the perceived need. Consultation is an important, and statutory, element of the plan preparation process. It is not a plebiscite or referendum, however, and changes to strategies and policies must be based on evidence. We have noted the response to the consultation



but our reason for accepting the Plan’s housing requirement is because it is based on the latest WG local authority level Household Projections.

- 6.9. Secondly, concerns were raised about the ability of the development industry to deliver growth at the level indicated in the PS. In supporting this claim the Council pointed to total completions since 2002 [WCED015A Council Response to Inspectors’ Letter page 14] where the annual number was between 199 and 606 with one exception. That was 2006-2007 when the number of completions was 945, the Council noting that was a time when there was an up-to-date plan and a housing land supply of 6.3 years. We note, however, that the figure was also boosted by the completion of apartments at a Brymbo development.
- 6.10. The development industry argues that it can deliver and that depressed completion rates during the past few years are due to an inadequate supply of housing land caused by the lack of an up-to-date development plan. Given the extent to which the UDP is out of date, we find this argument compelling. As the adoption of the LDP should lead to an uplift in housing delivery rates, we are not persuaded that in this case it would be appropriate to place a high reliance on past build rates in assessing future delivery. We would not, therefore, have considered this a compelling reason to reduce the housing requirement, had it not been sufficient.
- 6.11. The final reason for reducing the housing requirement was that the level of growth identified was considered to place too much strain on infrastructure such as highways, education, schools, council services and health providers. Again, we are not convinced that this is relevant to the assessment of the need for new housing. Moreover, it is a requirement for developers to make provision, through planning obligations and commensurate with the scale of development, for infrastructure to be provided where existing capacity would not meet the additional demands and needs of new development.
- 6.12. Settlement boundaries are drawn tightly around the developed areas. They have been adjusted, however, from those of the UDP. As such, and as well as allocated sites, they now include sufficient margins to allow for windfall sites to come forward in accordance with the spatial strategy.

*Committed sites*

- 6.13. The Council responded fully to concerns raised during the examination about the deliverability of committed sites within the Plan period [M3.01R paras. 3.7 – 3.10]. Officers had made extensive enquiries as to progress being made towards development and received largely positive, convincing responses [M3.01R and BP08b ].
- 6.14. Doubts remained amongst some objectors as to delivery of the former Air Products site, Acrefair (232 dwellings) [BP08b, Table 6, p4]. These arose from the lack of an interested developer or reserved matters applications six years after outline planning permission for residential development was first granted. The planning obligation enabling that proposal, particularly the

provision of affordable housing, is out-of-kilter with revised viability advice; the landowners have advised that this would need to be addressed by an application to vary the obligation. They also responded [on 10 January 2020] to the Council’s query on progress that they had received a great deal of interest from local and national developers, including Registered Social Landlords, and offers to purchase the site, either in part or as a whole.

- 6.15. The development for housing of this large, brownfield site, which lies within a Tier 2 settlement, would assist the regeneration of the wider area and be fully consistent with the LDP’s objectives and spatial strategy. It is therefore necessary to allocate the site under a site-specific policy which would give greater certainty and ensure that its future redevelopment was a plan-led initiative (MAC36).
- 6.16. Although an application to vary the planning obligation had not been made at the time of writing, the Council’s view is that the site could be completed within the Plan period. In the expectation that the new allocation will provide encouragement and momentum to the proposal, we accept that position.

#### *Windfalls*

- 6.17. A considerable proportion of the housing provision (25% of the total housing requirement, 39% of proposed new residential development in the deposit Plan) is anticipated to be constructed on windfall sites [we have noted the amended figures in Table 3 of M3.01R]. The basis for these figures is past completions on windfall sites in the County Borough. With no up-to-date development plan in place in recent years, it was inevitable that a significant amount of development should take place on windfall sites. As a consequence, the number of permissions on windfall land was likely to be significantly greater than with an adopted LDP in place.
- 6.18. The very nature of windfalls is that there is a greater level of uncertainty over delivery than with allocated sites. The Council says itself that some known large sites have not been allocated as it is not confident that they would be delivered during the Plan period [INSP017R, para 2.7]. This matter was discussed in depth at hearing sessions. The Council has produced much evidence on windfall sites, including ‘known’ windfall sites, and clearly has a thorough knowledge and understanding of sites throughout the County Borough. Furthermore, in calculating the number of windfalls that could reliably be included within the housing requirement, the Council discounted past windfalls by 32% [M3.01R paras. 4.3 – 4.5; INSP017R para 1.2], an approach supported by WG and in line with its advised methodology on windfalls [DPMv3 Table 18]. In that light we are now confident that the windfall allowance is not over ambitious.
- 6.19. The Council accepted that there had been some double counting between the windfall allowance for large sites and committed sites. It addressed this [M3.01R paras. 4.6 – 4.11] by deleting the large windfall sites’ allowance for two years, taking account of the average time it takes for a site to produce completed units. We agree with this, particularly as it is the position now

advocated in DPMv3 which states that ‘large windfall sites should not be included in the first two years of supply to avoid issues of double counting’. (MAC13)

*Delivery of housing sites*

- 6.20. The Council has set out information on each allocation, including on delivery, in its background paper *Housing Supply and Delivery* [BP08, Appendix D Housing Allocation Delivery Reports (August 2019)]. This has been compiled in consultation with the respective landowners. In most cases we consider the delivery forecasts to be realistic and achievable.
- 6.21. PPW [para 4.2.10] states that the supply of land to meet the housing requirement proposed in a development plan must be deliverable. The ability to deliver requirements must be demonstrated through a housing trajectory. PPW [Letter from the Minister for Housing and Local Government, 26.3.20] now states that the trajectory should form part of the Plan. The housing trajectory will be used as the basis for monitoring the delivery of the housing requirement. This measure replaces the need for a five year land supply and TAN 1 has been revoked. To be ‘deliverable’, sites must be free from planning, physical and ownership constraints and be economically viable at the point in the trajectory when they are due to come forward for development [PPW 4.2.10].
- 6.22. Objectors consider that the projected delivery of units on the allocated sites, particularly the two, large strategic sites, is unrealistic. The Council argues that there is, on average, a 22-month period between the submission of a planning application and the completion of the first dwellings on a site. Its evidence [M3.01R Appendix 3] in support of this contention is somewhat weak. The table provided shows windfall completion timescales, not from the submission of a planning application, but from the date of granting permission to first completions, for which the average is 22 months. Moreover, as the largest of these listed sites has only 54 units they are not comparable in terms of scale to the KSSs. Having said that, all the listed sites were windfall sites. It is likely that, once sites are allocated in an adopted plan, the application process will not be excessively lengthy even on the KSSs as preparatory work has already begun.
- 6.23. We have given careful consideration to all the evidence on the components of housing provision and, all in all, we consider that they have been thoroughly assessed and are adequate. However, consistent with national policy, a housing trajectory chart and tables should be added to the Plan as a new appendix (MAC83).

*Site selection process*

- 6.24. The Candidate Site Register [KPD7a] consists of sites submitted by interested parties as a result of the Council’s call for sites; sites from the urban capacity study; and other sites put forward by officers as a result of their local

knowledge. The methodology for assessing these sites is set out in the Council’s background paper [BP04a].

- 6.25. Site selection was a three-stage process. The first stage began with the identification of sites and input of basic data such as location, size, current use and so on. A desk top study then took place using the Council’s GIS to identify constraints [BP04a Appendix 2]. This information was used as the basis for determining which Council departments and external organisations should be consulted on the suitability of candidate sites for development. The list of constraints included such characteristics as flood risk zone; heritage assets; landscape and conservation designations; agricultural land quality; and infrastructure, including education, health, transport and drainage features. Separate site [KPD07] and alternative site [KDP10] registers were then produced.
- 6.26. Many of the constraints, for example the presence of protected trees; being within a conservation area; or being contaminated land; are not fundamental blocks to development and could be capable of mitigation. Others, including being brownfield land or within a settlement, are positive attributes. At this stage the sites’ suitability for development was determined [BP04a, para 4.6] and those sites with constraints which could not be overcome were discounted [BP04a, para 4.10]. There is little explanation as to how this assessment was finally made but such decisions would have to be ones of balance and judgement.
- 6.27. Behind the published site registers is a data base of sites maintained by officers and not accessible to any other parties including the inspectors. The entries in the site register are very brief and general; many, for example, say that although the site complies with the Council’s Preferred Strategy there are site constraints that are unlikely to be overcome. The later version of the site register [KPD07a] contains more information but is still lacking in detail. Many of the comments are that the site in question fails stage 1 of the candidate site assessment process, listing the constraints which are unlikely to be overcome. There is no further site-specific information or detail, however, as to the basis on which such decisions have been taken. It was thus impossible for us to be assured that the selection of the sites which were eventually allocated in the LDP was consistent or fair.
- 6.28. Stage 2 of the assessment was to ensure compliance with the LDP vision, objectives and spatial strategy; Stage 3 took into account the findings of the statutory required assessments such as the SEA/SA [KPD11 - KPD11e], health [KPD9a], equality impact assessments [KPD15] and Habitats Regulations appraisal [KPD18, 18a, 18b].
- 6.29. The Council had identified a list of reserve sites in 2017, that is, sites which were considered to have development potential but were less favoured as allocations or which had constraints making it unlikely that they would be brought forward during the Plan period. In order to expand the list the Council reviewed pre-deposit representations considering new evidence which might make them feasible. It also reassessed sites which had been submitted

previously, and rejected as allocations, and were put forward again during the deposit consultation [WCED015A, p23]. In addition, in response to our concerns in respect of the lack of detailed explanation in the site register, the Council carried out additional work to extract the key reasons behind a site’s rejection setting these out fully and clearly in its response to one of our notes [INSP017R, para 3.13, Appendices 1 and 2].

- 6.30. This additional evidence, together with the outcome of discussions on the site selection process which took place at the hearings, was helpful. It enabled us to conclude that the selection process was measured, balanced, consistent and based on a thorough understanding of the sites under consideration.
- 6.31. The Council rightly relied on advice in LDPMv2 [para. 5.3.4.3] and DPMv3 [para. 3.59] which states that it is unlikely that potential sites submitted after the preferred strategy stage will be considered for inclusion in the Plan. The Council thus considered that it did not have to assess sites submitted at deposit stage which were not accompanied by the statutory assessments such as SA.
- 6.32. The Council did refer to the sites brought forward at the deposit stage in its consultation report [KPD22]. In the majority of cases, however, its response was a stock reply that the LDP had allocated sufficient land for development to meet identified needs during the Plan period and additional allocations were not required.
- 6.33. Given that the Council found it difficult to find sites which met its criteria as being suitable for residential development it might have been sensible to give those submitted at the deposit stage greater consideration. After all, the DPMv3 advises only that their inclusion in the Plan is unlikely, not impossible. If that had happened, it is possible that the former steelworks site at Brymbo would not have slipped as easily under the wire. Nevertheless, and as the result of the Council’s answers to our questions, we are confident that there have been no other significant omissions [WCED015A, p25-26].
- 6.34. The revised housing figures, amended to avoid double counting and several changes to deposit Plan allocations, are as follows.

**Table A Housing components**

LDP housing requirement 2013-2028	7750
Flexibility allowance	4.3%
<b>Total LDP housing provision (Policy SP1)</b>	<b>8083</b>

Completions (2013-2019)	1561
Committed deliverable large sites (April 2019)	1185
S106 sites (April 2019)	16
Large windfall sites allowance (120 x 7 yrs)	840
Small windfall sites allowance (75 x 9 yrs)	675
<b>Total completions, commitments, allowances</b>	<b>4277</b>

6.35. The full position on housing in the LDP is set out in Table B at the end of section 8 of this document. It takes into account our assessment of the allocations and other associated matters discussed in the following paragraphs. MAC13 will amend Policy SP1 and its explanatory text to account for the revised housing figures.

## **7 Housing allocations including strategic sites**

### *Common issues with allocations*

7.1. Where there are significant issues with individual allocations these are addressed separately below. Several concerns and matters are common to more than one allocation and we deal with these first.

### *Previously developed land*

7.2. It is a well-established principle that previously developed, or brownfield, land should be used in preference to greenfield sites where it is suitable for development and wherever possible. It is recognised, however, that not all previously developed land is suitable for development [PPW para 3.55]. The Council has been very keen to follow this principle but recognises, as a key issue in the LDP, that there is a lack of brownfield capacity to accommodate projected household and economic growth in the County Borough. Having regard to the evidence we are satisfied that the allocation of greenfield sites such as KSS1 is justified and necessary to meet the identified housing requirement. The explanation to LDP Policy SP2 will include a table setting out the proportions of brownfield and greenfield allocations [Table 2 as amended by MAC14].

### *Green wedge*

7.3. The UDP designated several areas of green barrier, now to be known as green wedge in line with PPW. The purposes of these are the same as those of Green Belts and include preventing the coalescence of settlements with one another and safeguarding the countryside from encroachment. The difference between Green Belts and green wedges is the permanence of the former; green wedges are local designations which should be subject to review as part of the LDP process [PPW para 3.64].

7.4. In accordance with PPW, the Council has carried out a review of the County Borough’s green wedges [EBNB01] which is described elsewhere in this document. PPW also states that, when considering such designations, a sufficient range of development land which is suitably located in relation to the existing urban edge should be made available. The protection of land and settlements with a green wedge designation must therefore be balanced against the need to provide sufficient, suitable sites for development. 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.

*Best and most versatile agricultural land*

- 7.5. A large amount of evidence has been submitted by representors contesting the allocation of sites where there is the best and most versatile agricultural land (BMVAL). The County Borough has a significant amount of such land [KPD11a, Figure 3] surrounding most of its settlements and this is identified as a key issue. The need for the LDP to conserve and, where possible, enhance the countryside and its resources, including the best and most versatile agricultural land is a key message from national policy. It was carried through into the SA where it was used as an indicator. The presence of BMVAL has been taken into account in evaluating sites with further, site-specific investigations being carried out. BMVAL is also one of the constraints recorded, separately by grades 1, 2 and 3, at stage 1 of the site selection process [BP04a, Appendix 2].
- 7.6. PPW states that BMVAL should be conserved as a finite resource for the future and considerable weight should be given to protecting such land from development because of its special importance when considering the search sequence. In the County Borough there is a pressing need for housing, infrastructure and other development in sustainable locations. The presence of BMVAL has been a key consideration throughout the SA and site selection process. We are, therefore, satisfied that sites have only been allocated where there is an overriding need for development, and either previously developed land or land in lower agricultural grades is unavailable, consistent with national policy [PPW paras 3.54 and 3.55].

*Environmental interests*

- 7.7. Similarly, environmental interests such as habitats, woodland and trees, local and national designations have been recorded and considered in allocating sites for development. In addition, LDP Policy SP15 and Policy NE1 to Policy NE5 will protect various elements of the natural environment from inappropriate or harmful development.

*Minerals*

- 7.8. The County Borough is rich in natural resources. National policy does not put an outright ban on the development of sites underlain by minerals. The presence of minerals underneath a site is one of the considerations which has to be balanced against other factors such as the need for housing; ecological, landscape, heritage interests; infrastructure constraints and whether they could be mitigated; and so on. The LDP evidence base [BP11, Minerals background paper, KPD11 Sustainability Appraisal Report and KPD11b Appendices] demonstrates to our satisfaction that minerals have been properly considered throughout the LDP process including in the selection of allocated sites. Where there are minerals under a site (of at least 4 ha in area), LDP Policy MW1 requires that Prior Extraction Assessments (PEAs) must be provided. These will ensure that there is an opportunity to recover minerals prior to development taking place on the site.

*Placemaking and design*

- 7.9. Where housing allocations are on greenfield land adjoining existing residential areas, the views into them and character of the surrounding areas are likely to be significantly altered. Although we appreciate that, in most cases, existing occupiers would prefer to look out over open countryside, this is not a compelling reason not to allocate such sites. The provision of good quality development is, however, essential for the well-being of both existing and future occupiers, and of the community as a whole.
- 7.10. PPW advises that development proposals, as well as development plans, must seek to deliver development that addresses the national sustainable placemaking outcomes [PPW para 2.17 and Figure 5, p19]. Although the most recent versions of PPW, which include these, were not published in time for them to be taken into account in the preparation of the LDP, being national policy they will be considerations for decisions made on future planning applications. Arranged under headings including creating and sustaining communities; maximising environmental protection and limiting environmental impact; and facilitating accessible and healthy environments, they should help to ensure that new residential development is well-designed, well-connected and well-served.
- 7.11. In addition, LDP Policy DM1 addresses detailed, site-specific issues on all development proposals within the County Borough. It covers a wide number of matters and, amongst other things, aims to protect the character and appearance of the areas surrounding new development; protect the amenity of nearby and future occupiers; ensure highway safety; and safeguard the environment from the various types of pollution or land instability that might arise from a proposal.

*Open space and green infrastructure*

- 7.12. A further LDP policy relevant to new residential development is SP20 which would protect and enhance the green and blue infrastructure (appropriately defined in the explanatory text to the policy by MAC28) of the County Borough from sub-regional to local neighbourhood levels. LDP Policy CF2 aims to secure new public open space such as sports pitches, play areas, parks and amenity space. The amount sought on each site is consistent with the Wrexham Local Quantity Standard which is derived from the Council’s open space audit and assessment of need [EBNB02].

*Infrastructure*

- 7.13. Many LDP representators raised the matter of infrastructure, of various kinds, in connection with the allocated sites. One of the main purposes of the LDP is to provide for a significant level of growth which will require a concurrent expansion in infrastructure networks. The Council’s Infrastructure Plan (IP)[ EBI01] which is part of the evidence base, sets out a well-thought through strategy for the provision of enabling and necessary infrastructure. It has been prepared in consultation with stakeholders and organisations responsible



for the provision of infrastructure and the information provided has informed the LDP allocations. The Council considers that continued dialogue with these consultees will help to develop the detail of required infrastructure.

- 7.14. The IP describes the scale of existing infrastructure and identifies the infrastructure needed to deliver the LDP allocations. It also sets out the types of infrastructure required to deliver any windfall sites but cannot do so in detail. In addition, and as far as possible, the IP identifies the organisations responsible for providing infrastructure, the financial and other means by which it will be provided, and when during the Plan period the provision is likely to be made. There are sections for the various types of infrastructure namely transportation and highways; education; health; environmental management; and utility services. Three appendices provide detail of infrastructure projects by type of infrastructure; of infrastructure requirements for KSS1, 2 and 3; and of the engagement and meetings with key stakeholders and organisations responsible for infrastructure.
- 7.15. The IP also describes in detail the data, assumptions and methodologies used to determine the demands likely to arise from new development, such as the number of school places or GPs, and, where relevant, the financial contributions towards infrastructure that should be made by developers. All in all, the IP provides evidence that the elements necessary to facilitate the growth identified in the LDP have been thoroughly, realistically and clearly planned by the Council in consultation with stakeholders and providers. We are satisfied that there is sufficient certainty that this infrastructure will be implemented to a timetable that would enable the delivery of projects and allocations identified in the LDP.

### *Housing allocations*

- 7.16. We now turn to individual allocations for residential development. We only address those, however, which raise questions of soundness or where there has been a significant level of objection, and which are not covered by the general paragraphs above. Neither do we go into wastewater issues and effects on the SAC which are dealt with earlier.

### *KSS1*

- 7.17. In respect of KSS1, hearing discussions focussed on the number of dwellings that could be delivered on the site prior to the highway improvement works at Junction 4 of the A483. As it stands, Policy KSS1 purports to limit the number of dwellings completed on the site during the Plan period to no more than 200; representors have made a case for up to 500 dwellings.
- 7.18. The evidence base includes a series of reports on the capacity of and improvements to the main trunk road running through the County Borough, the A483. The first of these noted that the junction capacity assessments utilised existing 2013 turning count data available from WCBC in order to avoid the costs and time associated with undertaking traffic surveys. It added that, at a more detailed design stage, more recent data, as well as additional data such

as Automatic Traffic Counts (ATC) and queue surveys, would be required to produce fully calibrated and validated junction capacity models [EBT01, March 2016, para. 2.5].

- 7.19. The latest report, published in July 2017 [EBT02], states that the A483 Junctions 4 and 5 capacity analysis has identified a number of shortcomings that make it difficult to reach firm conclusions. It has been based on data collected in 2013 and uses models which are not validated. As part of the study it was not possible to update or validate the models as new data was not available. It goes on to say that, as a consequence, the analysis and the conclusions reached can only be considered to be indicative. Further analysis using more accurate data and models would be required to confirm the conclusions and to develop the design further [EBT02 July 2017 para. 11.2.1].
- 7.20. In addition, the forecasts of the amount of traffic arising from future development are not based on the current LDP position; they take account only of the three key strategic sites, outstanding planning permissions for new employment and residential development and an annual windfall allowance of 150 dwellings pa [EBT02 July 2017 para. 7.1.4]. In our view, the limitations of the data, particularly its age, mean that the value and robustness of this evidence is in significant doubt.
- 7.21. Representors provided their own transport advice [Redrow Homes, ID983041, SCP, Technical Note, May 2018] using data from new traffic flow and queue surveys. The assessments included two committed developments [P/2015/0890 - 80 dwellings; and P/2016/0554 – 91,000 sq ft offices], and four non-strategic housing sites which were proposed in locations where they could increase the number of trips travelling through Junction 4. The strategic site, KSS2, was also taken into account.
- 7.22. The assessment found that Junction 4 was forecast to operate significantly over capacity at peak periods at the end of the Plan period without any dwellings being delivered on the Redrow allocation site. This would primarily be as a result of traffic from the committed developments, background traffic growth and other LDP sites in Wrexham. In that light, an improvement scheme was drawn up which would have significant capacity benefit to Junction 4 allowing it to operate with some reserve capacity at least during the afternoon peak time with all of the proposed 1,500 dwellings in place. During the morning peak it was forecast that Junction 4 would operate over capacity but not at a significantly higher level than forecast for the scenario without development on the Redrow allocation site.
- 7.23. The representor argues that, with the improvements proposed in the assessment in place, there are no highway capacity reasons to restrict the number of dwellings that could be developed on this site over the LDP Plan period or in advance of the wider improvement scheme. In the light of the paucity of evidence to the contrary we agree.
- 7.24. The limit on the number of dwellings constructed on the site during the Plan period would be implemented through Policy SP4 (MAC16). The references

to the need for highway improvements at Junction 4, which are not specific to those to be delivered by WG, will be retained. In order to reflect the likelihood of increased delivery the housing trajectory should be altered to provide for 400 dwellings during the Plan period (MAC83).

- 7.25. A statement of common ground has been prepared for KSS1 by the Council and the developer [SoCG001]. It provides helpful information about some of the site’s features. 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; for clarity that requirement will be set out in MAC16.
- 7.26. Designated green wedge, in which development is strictly controlled by LDP Policy SP7 and national policy [PPW paras 3.64 – 3.78], surrounds the village. Although the overall open area will be greatly reduced by the development of KSS1, the green wedge will maintain an undeveloped gap between Wrexham and Bersham and prevent the coalescence of the two settlements, which we consider to be justified by the evidence.
- 7.27. The conservation area at Bersham is essentially linear stretching from, and incorporating, Big Wood in the west to the village itself in the east. The green wedge will also provide a buffer around the village part of the conservation area. To the north west of the settlement limit, however, a small stretch of the southern boundary of KSS1 coincides with the conservation area boundary. It is likely, therefore, that at least part of the allocation is within the setting of the Bersham conservation area. LDP Policy SP16, the wording of which rightly reflects the statutory duties [Planning (Listed Buildings and Conservation Areas) Act 1990, sections 16, 66 and 72], will protect the conservation area and listed buildings within it, and also the grade II\* listed Lower Berse Farm in the site, from any unacceptable effect of development within the KSS1 allocation.
- 7.28. MAC16 clarifies the site specific affordable housing targets in relation to KSS1. In line with the evidence it confirms that the starting point for negotiation will be the delivery of 15% affordable housing, with the expectation that it will be delivered on-site in the first instance and only in exceptional circumstances will off-site or commuted sum contributions be accepted in lieu of on-site provision. MAC16 also provides necessary confirmation that the masterplan is indicative and will be refined through a detailed design process.

## KSS2

- 7.29. Unlike KSS1, where there is a single developer at this stage, there are four developers involved with KSS2. They have been working with the Council for

a number of years on progressing the site as an allocation in the LDP. The statement of common ground for the site [SoCG002] demonstrates that a large amount of preparatory work, for example technical surveys, assessments, an evolving masterplan, and the submission of an outline planning application, has been carried out. This advanced position reflects that, unlike KSS1, the site is forecast to deliver most of its dwellings – all but a hundred of the total 1680 units - during the Plan period.

- 7.30. The irregularly shaped site is divided into two distinct areas (known as the northern and southern parcels) and is bounded on perhaps a third of its boundary by existing residential development. The allocation has thus attracted more representations than KSS1. The generation of traffic from this large development and the effect on the local highway network is a particular concern.
- 7.31. The SoCG reproduces a study [SoCG002 Appendix 2] carried out by consultants in order to understand the implications of traffic growth associated with the development of KSS2, including the network within which the additional traffic would have an impact. As well as the main roads and roundabouts, it covers the Greyhound junction which is a key local node. One of the most important new infrastructure features would be a spine road through the site linking the northern and southern parcels. This would help to mitigate the impact of the development upon the local highway network, particularly the Greyhound roundabout.
- 7.32. Off-site improvements would also be necessary. These would include widening approach roads, partial signalisation of the industrial estate road roundabout, and, following completion of the spine road, further road widening and traffic signal control [SoCG002 Appendix 3].
- 7.33. The spine road would enable bus services to be routed through the site, encouraging travel by alternative modes to the car. Pedestrian and cycle connections would also be provided between the northern and southern parcels, creating links across the site as well as to existing footpaths and cycle routes to Wrexham town centre and the industrial estate. The traffic modelling shows, however, that at least 250 dwellings on the northern parcel and 460 dwellings on the southern parcel could be accommodated on the highway network prior to completion of the spine road.
- 7.34. The SoCG also explains how primary and secondary education facilities will be provided; that existing school playing fields will be retained and new green infrastructure including public open space provided; and that the community facility of the Erlas Victorian Walled Garden will be protected. KSS2 is within a Category 1 aggregates safeguarding area for sand and gravel. Consequently, any planning applications for its development must be accompanied by a PEA.
- 7.35. The contents of the SoCG are summarised in an appendix [SoCG002 Appendix 1]. Of particular help is the table showing proposed infrastructure

triggers which itemises the infrastructure requirements together with their timing and the parties which will be responsible for them.

- 7.36. There is some doubt over the rate of delivery proposed by one of the developers [Countryside Properties Plc (ID 1165532)], for example 120 dwellings during 2020-21. The efficient, modular, timber-frame construction utilised by this developer has produced good results in the North West of England. Whilst those sites are not closely comparable to this, we consider the evidence provides sufficient assurance that the ambitious rate forecast for KSS2 could be achieved.
- 7.37. MAC17 clarifies the site specific affordable housing targets in relation to KSS2. In line with the evidence it confirms that the starting point for negotiation will be the delivery of 20% affordable housing, with the expectation that it will be delivered on-site in the first instance and only in exceptional circumstances will off-site or commuted sum contributions be accepted in lieu of on-site provision. MAC17 also provides necessary confirmation that the masterplan is indicative and will be refined through a detailed design process.

*Site 1 Land adjoining Mold Road/A483*

- 7.38. With an indicative number of 375 units this would be a major residential allocation, justified by its proximity to Wrexham town, the only Tier 1 settlement in the county borough.
- 7.39. The key constraints are the capacity of the A541 Mold Road/A483 junction and, at its nearest point, the site’s proximity to an SSSI which has potential as a habitat for Great Crested Newts. The need for mitigation to address these constraints would be properly determined at the planning application stage. Policy NE1 clearly identifies that compensatory measures will be required to mitigate impacts upon statutorily protected sites or species.
- 7.40. The developer has provided a comprehensive explanation of work undertaken to support and progress a planning application [BP08, Appendix D, page 42 on ], including a detailed transport assessment. This provides adequate reassurance that work on the site will commence in line with the forecast delivery.

*Site 2 Jacques Scrapyard*

- 7.41. Being a brownfield site on the edge of the town centre and in a Tier 1 settlement, this site has good sustainability credentials. There is a planning permission (June 2019) for 25 dwellings, all affordable, and this is the number of units now identified as deliverable in Policy H1. The main constraint is the route of Watt’s Dyke across the site which is a Scheduled Monument (SM). As most, if not all, of the remains of the dyke within the site have been removed, Cadw had no objections to the allocation.
- 7.42. The development platform is not in the C2 flood zone and, subject to there being no ground levels changes, a requirement which has been secured

through a planning condition on the current permission, the development complies with TAN15. Alternative schemes could also be designed to accord with TAN15 should the extant permission lapse.

*Site 5 Land Opposite Former Ruabon Works*

- 7.43. This is another brownfield site within the Tier 2 settlement of Acrefair/Cefn Mawr. The main potential constraint is its proximity to the former Flexys site where there remains a Hazardous Substance Consent; this could lead to the Health and Safety Executive (HSE), a statutory consultee, advising against planning permission. The Flexys site has, however, been fully decommissioned and cleared for some time and it is unlikely that the consent would be utilised. Furthermore, the Council has informed us that, when recently notified of the intention to grant permission for other residential developments within the hazard consultation zone, the HSE did not exercise the option of calling the applications in.
- 7.44. The investigation of contamination, which could be present as a result of historic uses on the site, and its subsequent remediation would be satisfactorily addressed by conditions on any eventual planning permissions. We are satisfied, therefore, that the constraints are not such as to prevent the site coming forward.

*Site 6 Land Off B5070, Chirk*

- 7.45. On the northern edge of Chirk, a Tier 2 settlement, this is a greenfield site. It is estimated that it would accommodate 180 units which would be a significant increase in the size of the existing residential estate to which it would be adjacent. That is not a reason in itself, however, to prevent the site’s allocation.
- 7.46. The need for contributions to school provision and additional wastewater treatment capacity would be determined at the application stage. An archaeological assessment carried out to accompany the planning application would determine whether any mitigation was necessary and, if so, the conditions to be imposed to secure this. As a result of a transport assessment there are no concerns from the Highway Authority with regard to the development of the site or traffic movements which would arise from it.
- 7.47. Objectors were particularly concerned in respect of air quality and dust nuisance in Chirk. The Council notes that there have been no objections on these grounds from the HSE or its own environmental protection department and, at the time it responded to our hearing questions, there had been no noise or odour complaints from existing properties. If air quality has worsened or is significantly poor, this is a problem affecting present residents which should be addressed by existing legislative measures; it does not prevent the allocation of housing sites in the area. Accordingly, there are no constraints that are likely to prevent the site coming forward.

*Site 7 Stansty Fields*

- 7.48. The Stansty Fields allocation, which is for 96 dwellings, is on the southern edge of Gwersyllt, a Tier 2 settlement. In this location it is also within easy reach of the employment opportunities, services and facilities available in Wrexham town. The green wedge between the two settlements will be maintained, however, to prevent coalescence.
- 7.49. Specific issues in respect of the development of the site include sewerage and wastewater infrastructure capacity, the need for Great Crested Newt mitigation, the capacity of the A541 Mold Road and school capacity. These can all be adequately dealt with at the planning application stage and addressed by conditions or obligations requiring measures such as ecological mitigation and enhancement, transport infrastructure improvements and school contributions. There are no constraints, therefore, which will prevent the site coming forward.
- 7.50. The landowner has been approached by a number of parties including a major housebuilder. We have no reason to doubt the delivery forecast suggested to the Council.

*Site 9 British Legion*

- 7.51. This brownfield site on the edge of Llay, a Tier 2 settlement, is allocated for 51 dwellings. There is an extant, outline planning permission for residential development, a 372 sq.m retail unit and car parking [WCBC ref. P/2018/0933, dated 15 October 2019] under which the existing Royal British Legion building would be retained. The application is subject to the completion of a planning obligation requiring the developer to make contributions to enhance primary and secondary school capacity in order to meet the needs of future residents of the scheme. There are no insurmountable constraints to prevent its delivery.

*Site 10 Land at Home Farm*

- 7.52. There is a planning permission for 365 dwellings and a 300 sq m retail unit on this site [WCBC ref. P/2014/0905 (outline), WCBC ref. P/2017/1054 (reserved matters)]. The main constraints on the development of the site were the capacity of an adjacent road junction, the capacity of the local foul water drainage network, surface water drainage and primary and secondary school capacity. These were addressed by conditions imposed on the planning application and a planning obligation.
- 7.53. Development on the site has commenced with the developers indicating that it will be completed by 2024. The full delivery of this site is therefore assured.

*Site 11 Land South of Berse Road*

- 7.54. As with several other allocations, this site for about 25 units is at the edge of an existing settlement, in this case Caego in the Tier 3 settlement of Broughton. An outline application for residential development [P/2017/0772] was refused in April 2018 as the site was outside of the UDP settlement boundary and within a green barrier. As set out elsewhere in this document settlement boundaries and green barriers have been reviewed as part of the LDP process and in order to find sufficient sites for the assessed amount of new development now needed. The UDP constraints are not reasons to prevent the allocation of this site.
- 7.55. Responses made by statutory bodies at the time of the planning application confirmed that Dŵr Cymru did not envisage problems with the capacity of the water treatment works. NRW had no objections and, despite the busy nature of the local road network, neither did the Highway Authority. The Council confirmed at the relevant hearing session that a traffic impact assessment had been submitted.

*Site 12 Land at Gatewen Road*

- 7.56. Also in Caego, this site for approximately 112 dwellings is considerably larger than Site 11. An outline application for residential development [P/2018/0674] was refused in July 2019 on the grounds firstly, of a detrimental impact on the local highway network and secondly, of the site being outside the UDP settlement boundary and within the UDP green barrier. Another potential constraint was the presence of trees within the site which are protected by a Tree Preservation Order (TPO)[ WCBC ref. 288]. As at Site 11, consultation on the planning application revealed that Dŵr Cymru did not envisage any problems in respect of the water treatment works.
- 7.57. Despite the application being refused, contrary to officers’ recommendation, the Council considers that highway capacity is not an insurmountable issue which would prevent the site from coming forward. Indeed, the planning officer’s report stated that there were not sufficient grounds to refuse the application on the basis of adverse traffic generation. Although local residents at the hearing were particularly concerned by the effects of potential traffic generation, we have seen no evidence supporting their views. The site is well located for future occupiers to use non-car modes of transport; access to those alternative modes would be secured at planning application stage and promoted by way of a travel plan.
- 7.58. The trees subject to a TPO are predominantly located around the periphery of the site and the visibility splays for the site access would, in all likelihood, require the removal of small amount of the existing tree coverage. We agree that this is not a constraint preventing the site from being developed but careful consideration would need to be given to the layout to ensure no adverse impact upon retained, protected trees. This would be controlled by conditions imposed on the eventual planning permission.



*Site 13 Land Adjacent to Sycamore House*

7.59. This site is in Holt, a Tier 3 centre and is allocated for 35 units or so. It is a comparatively small site at the southern edge of the village and there are no significant constraints to its development. The impact of residential development upon a principal aquifer and the need for habitat mitigation and enhancement, for example for Great Crested Newts, will be determined at the planning application stage. There are no constraints that are likely to prevent the site coming forward.

*Site 14 Land off St Mary’s Avenue*

7.60. Despite the submission of other candidate sites, this site for 40 dwellings is the only housing allocation in Overton. We consider it to be of an appropriate scale in a Tier 3 settlement where there are limited services and facilities.

7.61. The site is just under a kilometre from the River Dee, an SAC and SSSI, and in an area where Great Crested Newts are likely to be present. There will thus be a need for ecological mitigation/enhancement and school contributions, which will be determined at the application stage, but the site is not subject to any constraints that cannot be addressed by means of a planning obligation and conditions. There is firm developer interest and no reason to consider that the site will not be completed during the Plan period.

*Site 16 Land north and south of Rossett Road*

7.62. There was a large amount of opposition to this site, an allocation for about 137 dwellings on the eastern edge of a Tier 3 settlement. Many of the issues raised are dealt with in the general paragraphs above.

7.63. A key constraint is the safety of future occupiers when walking to the services, including public transport, and facilities available in the village. In order to reduce the number of trips by the private car, consistent with the sustainability objectives of the LDP, it would be essential to facilitate walking, cycling and the use of public transport. The developers would provide a footway along Holt Road but objectors did not consider that this would be wide enough for safe or practical use. The proposed footway would be set into the existing verge and between approximately 0.7 and 1.6m wide. The guidance is that such paths should be between 0.9 and 2.5m wide but, whilst not optimal, along much of its length the new footway would meet the requirement and be a better situation than that currently existing. The provision of a footway of these dimensions would be sufficient to meet the concerns of the Highways Authority and would be satisfactory in terms of accessibility requirements.

7.64. At least two objectors have professional knowledge of flood and drainage matters and drew our attention to previous flooding incidents affecting parts of Rossett, for example in 2001 and 2003. NRW’s flood risk maps show that the site is mainly within zone A with some parts in zone B. They also indicate that there is not any risk from surface water or small watercourses. Under the terms of TAN15: Development and Flood Risk, which states that ‘new

development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue’ [TAN15 para 6.2], the use of the site for residential development is appropriate.

- 7.65. We are aware that in some parts of Rossett near to the allocated site, some major insurers are refusing cover to existing properties. A letter from WG to LPAs [9 January 2014 ref. WG0701-14] states that in order to ensure that insurance cover for new properties will be obtainable, new developments should only be permitted in a flood risk area where it can be made safe, resistant and resilient to flooding for a given flood event, and does not increase flood risk elsewhere. In being located in flood zones A and B, which are appropriate for highly vulnerable development such as residential, the allocated site would meet these strictures.
- 7.66. In respect of archaeology, site investigations have been carried out. The Clwyd-Powys Archaeological Trust (CPAT), which provides advice to the Council on this matter, has confirmed that no further investigations are required and that it has no objection to the allocation.
- 7.67. An outline application [LPA Ref: P2018/0560] for residential development on the site was made in July 2018, refused by the Council in January 2019, and then the subject of an appeal later that year [APP/H6955/A/19/3231048]. As the proposal was for residential development on more than six acres of land the Welsh Ministers directed that the appeal be determined by themselves. The inspector’s conclusion was that the development should be permitted subject to conditions, a recommendation that the Welsh Ministers agreed with in allowing the appeal.

*Site 17 Land at Llay New Road*

- 7.68. Rhosrobin is classed as a minor village and this is the only LDP housing allocation located in a Tier 4 settlement. The justification for the site of about 79 dwellings, as confirmed by the SA, is its close proximity to Wrexham town centre. The main constraint is the presence of Great Crested Newts but previous planning applications have indicated that adjoining land would be available for mitigation. This matter, along with the need for additional school capacity and public open space, could be dealt with adequately at the planning application stage through planning obligations and conditions.
- 7.69. In line with national policy [PPW para. 3.64], the green wedges in Wrexham have been reviewed within the LDP preparation process. This has been necessary, and is entirely legitimate, in order to find suitable development land in a county borough which is subject to a large number of varying constraints to development. The Rhosrobin site is one of the areas that has been removed from the green wedge [EBNB01 Wrexham Strategic Green Wedge Review (October 2017), page 38] and is thus appropriate for allocation.
- 7.70. Our attention has been drawn to an application for housing which was dismissed on appeal in May 2015 [LPA ref. GWE P/2014/0480, appeal ref.

APP/H6955/A/14/2229480]. This concerned a larger site than that now allocated. If developed, it would have closed the green wedge gap between Rhosrobin and Pandy Industrial Estate and, consequently, had a significantly detrimental effect on the character and appearance of the area. It was thus contrary to policies in the UDP which was the development plan at that time.

*Former steelworks, Brymbo*

- 7.71. Alternative sites are not normally considered during LDP examinations unless inspectors find such deficiency in allocated sites for there to be a risk of unsoundness. During the examination, however, it became evident that the former steelworks site at Brymbo was not adequately considered for allocation by the Council. This is a large brownfield area with a complex planning history: there has been significant development and regeneration in recent years; outline planning permission for a new school was granted in 2017; and a master plan is well advanced. The new spine road through the site, Phoenix Drive, was opened in 2015. In the UDP the area is designated for land reclamation. It is covered by UDP Policy EC16 which states that sites will be reclaimed and restored for beneficial use; the proposed after uses for Brymbo Steelworks are listed as housing/employment/amenity. In contrast the site has minimal recognition in the LDP which belies its significance and led us to question whether it was dealt with appropriately.
- 7.72. Despite having seen aerial photographs, it was nonetheless surprising to observe the extent of the vacant land at the site visit. This; the spine road which was clearly designed to serve the redevelopment of the whole area; the estate agent’s large signs; and the lack of any construction or regeneration activity give the area an atmosphere of incompleteness and abandonment. Whilst we acknowledge the extant permissions, it is hard to see how it will be developed further without some certainty and guidance being provided by the LDP. Indeed, for the LDP to have so little regard for what should be a significant and valuable regeneration scheme is, at least, a missed opportunity.
- 7.73. Most of the sites now allocated in the LDP were first identified in the candidate register [KDP07, KDP07a]. This was achieved in one of three ways: they could be put forward by landowners; had been recognised as having the potential for development within the Council’s urban capacity study; or were considered to have the potential for development by council officers. Nearly 30 candidate sites were identified in Brymbo [KPD07 page 47]. Parts of the former steelworks were included but not all the cleared area and not as a single site. Apart from part of the area being designated as a protected employment site there is little or no mention of the Brymbo steelworks site in the Plan.
- 7.74. The Council states that it did not identify the whole area as a candidate site because it was not submitted for consideration during the first call for sites [November 2012 to February 2013] or as an alternative site during the PS consultation [February to April 2016]. This would have been a reasonable course of action had the site not been a large area of mainly brownfield land

which had been the subject of considerable regeneration and had the potential for much more. The Council has recognised in its response to us [INSP017R Appendix 1 para 39] that, whilst the majority of sites in Brymbo have fundamental constraints or are not available, the former steelworks is a significant brownfield regeneration opportunity within the settlement limit.

- 7.75. PPW advises that, in developing their spatial strategy, planning authorities must prioritise the use of suitable and sustainable previously developed land and/or underutilised sites for all types of development; those located within existing settlements should be considered in the first instance [PPW para 3.43]. The Council argues that development within the settlement limit is supported in principle by the Plan and national policy and that, if housing development were proposed, it would contribute towards the Council’s windfall provision.
- 7.76. There are no LDP housing allocations in Brymbo in the Deposit Plan but 160 units from the committed supply should be delivered there during the Plan period, the third highest in Tier 3. Furthermore, there was significant housing development in Brymbo during the UDP Plan period. Between April 2006 and March 2013, 526 dwellings were completed representing an approximate 50% increase in the number of dwellings in Brymbo since 2006. There has not been, however, any education, retail, community or other non-residential development to provide for the everyday needs of the increased population of Brymbo. The Council argues that the Plan’s regeneration focus for the village should now focus on the delivery of supporting infrastructure.
- 7.77. The landowners’ ambitions for the site are to do just that. The scheme that they are proposing would include: a two-form entry primary school; a food store; retail units; a pub/restaurant; healthcare or other non-residential D1 use; green infrastructure and public open space that provides links within the development as well as connecting the separate parts of Brymbo. There would also be up to 450 new dwellings. The Council is proposing 350 dwellings of which 240 would be developed during the plan period (MAC37 and MAC38). The landowners assert that the scheme would bring a new heart to Brymbo and that there would be substantial benefits to the community of developing the site in such a way. We agree with these assessments and confirm that the site is capable of accommodating the proposed dwellings and supporting infrastructure.

*Former steelworks - protected employment site*

- 7.78. Eight hectares of the site is identified in the Deposit Plan as existing employment land which is protected for employment uses under Policy EM1. The designation was made on the basis of a planning permission for employment which has since lapsed [P/2014/0166]. In answer to one of our questions [M9.01 Council’s statement for Matter 9 hearing session, p 3] the Council explained that protected employment sites were selected through a two-stage process:

- i. an assessment of each site in the portfolio of employment land, including a determination as to whether the site realistically formed part of the employment land supply, and
  - ii. an appraisal of the employment areas (mostly industrial estates) within which the majority of the portfolio lies.
- 7.79. The designated site, which is cleared, vacant land, has no current employment use nor the infrastructure to enable one to be carried out. The assessment that the site could realistically form part of the employment land supply (selection stage i) at best seems somewhat tenuous. In not being an existing employment area, the site is incorrectly listed within Policy EM1.
- 7.80. Furthermore, the employment land review, which is the main evidence for the Plan’s employment strategy, allocations and policies, found that employment uses had been consented on the steelworks site, Brymbo for 18 years. It advised that the Council needed to engage with the landowners to seek assurances that B-class employment uses would be delivered there and to ascertain the efforts being made to market the land for employment. The review recommended that, if such assurances could not be obtained and/or, despite appropriate marketing, there appeared to be no demand for employment uses, the Council should not protect the land indefinitely [EBE01 Joint Employment Land Review, Table ES3, p7].
- 7.81. In designating the site as protected employment land, the Council has appeared to pay little heed to the appraisal of employment areas (selection stage ii) or to the evidence provided in the employment land review. The representations made on the deposit LDP from agents acting on behalf of the landowners concluded that it was not appropriate to protect the site for employment uses due to lack of market demand, viability issues and noncompliance with both the evidence base and PPW [Barton Willmore ID1170197 Representations of Behalf of Parkhill Estates, para. 2.71]. Contrary to the recommendation of the employment land review, this designation does not provide any assurance whatsoever that B-class employment uses would be delivered on the protected site.
- 7.82. The Council points to Policy EM3 as a route to bypass an impractical or inappropriate use of the site. This sets out criteria under which the alternative use of employment land might be permitted. These are, however, quite stringent and there is no certainty that the site in question here would be judged to comply with any of them. In any event, it is wrong to justify an unsound designation on the grounds that it could be righted through the application of another policy.
- 7.83. Following the first hearings the Council published its reserve housing sites. This included the former employment land at Brymbo which it stated could accommodate 350 dwellings [M3.01R, Appendix 7].

*Former steelworks - greenfield land*

- 7.84. The landowners’ aspirations for the Brymbo steelworks area, which are encapsulated in the masterplan [Ibid, Appendices 1-5], include an area adjacent to, but outside, the settlement boundary. This area, which is known as the Ty-Cerrig site, was the site of Brymbo Hall in the nineteenth and twentieth centuries, this being demolished in the early 1970s. At this time the area was part of the Ty-Cerrig opencast coal site and is now, therefore, ‘made land’. In the intervening period *‘the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings’* [PPW, Definition of Previously Developed Land, p37]. As such the area is excluded from the definition set out in PPW and can no longer be described as previously developed land.
- 7.85. A full LVIA [AHM3.012b2] for the proposals has been submitted. The land at Ty-Cerrig is an elevated plateau and is thus quite prominent in some views. From several viewpoints, however, existing areas of extensive development can already be seen and from one at least there would be the added mitigation of intervening woodland.
- 7.86. The Ty-Cerrig site is not covered by any designation, such as green barrier, country park or Area of Outstanding Natural Beauty (ANOB), which might justify its protection from development. Whilst it is of high value for its cultural, geological and historic landscapes, and for landscape habitats, these are not features which would stringently constrain development. The value of its visual and sensory aspects is placed at moderate.
- 7.87. The LVIA concludes that, on Ty Cerrig, the development proposed would lead to the loss of some characteristic landscape features. These impacts would be perceived, however, in the context of a landscape strongly influenced by built form including electricity transmission infrastructure and housing on adjacent elevated land. Furthermore, the adverse impact could be reduced by extensive strategic open space and structural planting, the distribution and height of the built form, and extensive planting. We agree with these conclusions and, overall, it is not our view that development on the Ty-Cerrig site would be a harmful encroachment into the countryside.

*Former steelworks - infrastructure constraint*

- 7.88. A planning application for a substantial mixed-use development has been submitted to the Council [application Ref P/2019/0546]. We are aware that this is the subject of a direction from WG that it should not be granted on the grounds of insufficient information with regard to additional traffic flow and its impact on the nearest A483 junction [WCED015b Appendix 1 WG Trunk Road Direction]. The Council also refers to infrastructure constraints as a reason for not promoting further residential development in Brymbo.
- 7.89. The landowners are in discussions with WG (supported by WCBC) and have requested further information as to how WG considers the development now proposed on the former steelworks site could adversely affect the safe

operation of the junction. They state that analysis has demonstrated that queues on the slip roads are not likely to extend beyond the extent of the existing slip roads. Neither will the predicted queues on the A525 approaches impact on the safe operation of Junction 4 or impede the flow of traffic on the A483.

- 7.90. There are extant planning permissions for development on much of the former steelworks site which provide for a significant number of consented trips. The number of additional trips arising from the development of the whole area would be considerably offset or reduced by those already accounted for in the existing permissions. A comprehensive redevelopment scheme on the site would replace the existing permitted proposals.
- 7.91. Moreover, the holistic redevelopment proposed would benefit the community as a whole and result in a greater level of containment than currently. By providing for more everyday needs within Brymbo the number of existing trips out of the settlement would be reduced and the number of additional trips from the new development minimised.
- 7.92. As mentioned previously, WG is committed to making highway improvements between junctions 3 and 6 of the A483 in order to improve traffic movements around Wrexham. According to WG’s website the estimated construction start date could be in summer 2023.
- 7.93. All things considered we do not consider that there is compelling evidence that a strategy for the redevelopment of Brymbo should be excluded from the LDP on the grounds of its impact on the road network.

#### *Conclusions on Brymbo*

- 7.94. In its most recent response [WCED015A p29], the Council states that it has, and is providing, a positive policy approach to previously developed sites, such as the steelworks, provided they are located within settlement limits. We do not agree. Indeed, we consider the Council’s approach in the LDP to the former steelworks site to be ambiguous and perplexing. On the one hand it recognises the site as a *‘significant brownfield regeneration opportunity within the settlement limit’*. On the other its strategy for this is no more innovative or exceptional than that for any windfall or infill site and there is nothing other than an erroneous employment designation to mark it on the proposals map.
- 7.95. The redevelopment of Brymbo as the landowners propose would be consistent with several of the Plan’s objectives. In particular, it would meet the future needs of a growing population by providing the right type, mix and amount of development and infrastructure in sustainable locations and accessible locations (Objective SO5); promote active travel and seek to alleviate known highway capacity constraints (SO4); and promote and encourage a healthy, active and safe lifestyle (SO6).
- 7.96. PPW states that:

*'Planning authorities should work with landowners to ensure that suitably located previously developed sites are brought forward for development and to secure a coherent approach to their development. ... planning authorities should take a lead by considering and identifying the specific interventions from the public and/or private sector necessary to assist in its delivery. This will normally support regeneration initiatives and land allocations in development plans...'*  
[PPW para 3.56].

- 7.97. It seems to us that the Council has failed in these respects. In addition, as a result of undervaluing the regeneration potential of the site the LDP is not fully consistent with the national sustainable placemaking outcomes of making the best use of resources and facilitating accessible and healthy environments [PPW Figure 4, p17]. The site also falls within the 'National Growth Area' identified in FW which policy 20 says LDPs must recognise as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing and transport infrastructure.
- 7.98. The Deposit Plan does not, therefore, have regard to national policy. Test 1 is not met and the Plan does not fit.
- 7.99. The Deposit Plan also disregards a project which would help address several of the key issues, such as the lack of brownfield land, the need to increase housing delivery, high levels of multiple deprivation, balancing development with enhanced biodiversity and landscape interests, and addressing climate change. The failure to include a strategy for this important site in the Plan indicates that real alternatives have not been properly considered. Test 2 is not met, therefore, and the Plan is not appropriate.
- 7.100. In order for the LDP to be sound on this matter, MAC37 will add a site-specific, regeneration policy for the former steelworks area to be named Policy BE4. This will include for the provision of 350 dwellings, 240 to be completed during the plan period. MAC38 makes a consequential change to policy H1 and MAC46 to policy EM1. We have found that the development of the greenfield, Ty-Cerrig site would not harm the character or appearance of the settlement or area. The soundness of the plan is rectified, however, by Policy BE4 as it relates to the area within the settlement boundary identified in MAC96. As the inclusion of the Ty-Cerrig area is not necessary for soundness, it is not allocated in the LDP.

## **8 Other housing matters**

### *Affordable housing and exception sites*

- 8.1. As required by national planning policy, the Local Housing Market Assessment (LHMA) is a fundamental component of the evidence base which has informed the affordable housing policies in the LDP. Initially undertaken in March 2015 and updated in 2017, the LHMA identified a need for 2355 units over the Plan period (or 157 affordable units per year) with a tenure split of 70% social rented and 30% intermediate.



- 8.2. The Plan sought to maximise the contribution that overall housing provision would make towards meeting this need, with the supply of affordable units delivered from allocated sites and known windfall sites delivering 56% of the required need. Accordingly, Policy H2 set out the Council’s requirement for securing affordable housing on new housing developments over the Plan period. It set different quotas for the six sub-market areas of the County, informed by the WCBC Viability Study, dated January 2018. The Council’s approach of setting different targets for each of the six sub-market areas is intended to secure the provision of affordable housing across the County as a whole, contributing to meeting need arising within individual sub-market areas.
- 8.3. National planning policy advises that the plan-wide affordable housing target should be informed by deliverability and viability. In order to ensure that the Plan was deliverable and sound, the Council commissioned District Valuer Services (DVS) to undertake a new viability assessment, which was completed in September 2019. The updated viability assessment took into account whether sufficient provision had been made for S106 contributions, the cost of implementing fire sprinklers and the reconsideration of the tenure mix in accordance with that identified in the Local Housing Market Assessment Update 2017, and therefore provides a more robust foundation for informing the plan’s approach to securing affordable housing. As a consequence of the DVS assessment, it is necessary to amend Policy SP1 to identify a more realistic affordable housing target of 717 dwellings for the Plan period (MAC13).
- 8.4. In order to reflect the changes in relation to the affordable housing target for the Plan period, MAC39 amends Policy H2 so that a lower percentage of affordable housing contributions will be sought on developments of 10 or more units across the majority of the sub-market areas with 0% contribution being sought in the North West Settlements and the Cefn Mawr and Rhos sub market areas. This approach accords with the evidence.
- 8.5. Policy H2 does not specifically include any affordable housing-led sites. However, as the Plan is at such an advanced stage, it would be highly problematic to retrospectively apply the amended policy requirement to the Plan’s site allocations. Nonetheless, MAC39 also amends the explanatory text to Policy H2 to clarify that, subject to the availability of funding for social housing, proposals for affordable housing led developments will be supported on sites allocated under policy H1 and on windfall sites. Thus, there is a genuine prospect that if public funding streams become available, additional affordable housing could potentially be secured above the Plan’s identified target levels.
- 8.6. Whilst we appreciate interested parties’ strong objections to a reduction in affordable housing provision, and that the revised target represents only a modest proportion of the total identified need, we are satisfied that the affordable housing target identified in Policy H2 is the highest level justified by the most recent evidence and has been determined in a manner consistent with national policy. Although no site allocations are identified as affordable

housing-led, that is justified by the evidence and would provide site owners and developers with the flexibility needed to maintain a supply of affordable housing.

- 8.7. Meanwhile, MAC40 amends Policy H3 ‘Affordable Housing Exception Sites’ by removing reference to ‘immediately’ adjoining settlement limits, allowing for a less constrained approach to the identification of appropriate exception sites. Whilst clarifying that such sites should be ‘small’ and not located in a Green Wedge, the changes to the policy also permit a larger number of dwellings on such sites relative to their location adjoining a Tier 1- 3 or Tier 4 - 5 Settlement, in line with the spatial strategy.
- 8.8. These MACs are necessary as they clarify the components of the Plan’s affordable housing supply, reflect additional viability evidence brought forward during the examination and align with other plan policies, as proposed to be amended. In combination, the changes outlined above would align with the conclusions of the submitted evidence and would accord with national policy. They would not have a material impact on the Plan’s strategy as a whole.
- 8.9. Including the specific monitoring indicators detailed in MAC69, MAC70 and MAC71, which relate to the level and tenure of affordable housing completions and delivery in line with policy targets and thresholds in the sub-market areas would also enable the Council to accurately monitor the delivery of affordable housing, prompting early review of the Plan if the targets were not being met.
- 8.10. Subject to the recommended changes, the Plan’s affordable housing policies and provisions are supported by robust evidence, are consistent with national policy objectives and are sufficiently flexible.

#### *Houses in Multiple Occupation*

- 8.11. Policy H6 sets out criteria for assessing proposals to convert buildings into flats or Houses in Multiple Occupation (HMOs). It seeks to resist proposals where the cumulative impact of development would lead to the over concentration of HMOs in the locality to the detriment of community cohesion or residential amenity. As submitted, the policy clearly identifies the proportion of HMOs above which harmful impacts are likely to result and seeks to further control the spatial distribution of HMOs by ensuring a gap of at least two Class C3 dwellings or other uses between that proposed and other HMOs.
- 8.12. The thresholds are informed by WG evidence identifying concerns about the increase of HMOs once their concentration in an area rises above 10%. It follows the approach outlined in the Council’s existing adopted Local Planning Guidance Note 5 ‘Houses in Multiple Occupation’ (LPG Note 5), which also identifies a high concentration of multi-person households in the Wrexham Town wards. Since LPG Note 5 was adopted in May 2018, there have been few examples of the concentrations being exceeded as a result of subsequent Development Management decisions on individual proposals. We are satisfied that this approach is reasonable and that the submitted evidence is sufficiently robust to justify the threshold figure in the policy.

- 8.13. However, to ensure a sufficiently focussed and coherent policy on self-contained flats and HMOs, MAC43 amends the structure of policy H6 and introduces an additional criterion which makes clear that such proposals should not have an unacceptable effect on the amenity of the occupiers of nearby properties or adversely impact upon the operation of nearby business premises. It also merges criterion (v) and (vii) which, as submitted, treat the change of use of domestic buildings differently from commercial buildings in terms of the need to accommodate additional facilities such as drying areas, bin storage and cycle parking, with no justification for doing so.
- 8.14. Despite the strict policy restrictions on HMOs, it is noted that the Plan makes no allocations for purpose-built student accommodation. However, Policy SP1 requires new developments to make provision for specific housing needs such as student accommodation, where a need is identified. Policy SP2 would direct such development to sites within settlement limits. That is, the Plan places no restriction on the provision of purpose-built student accommodation subject to compliance with the relevant Development Management policies.
- 8.15. Overall, and as amended by MACs, Plan’s policies would provide a robust basis on which to assess proposals for specialist forms of residential accommodation. Subject to the recommended changes we conclude that the Plan’s policy relating to HMOs and self-contained flats is sound.

*Housing in the countryside*

- 8.16. Policy H7 sets out criteria for housing development outside the defined settlement limits. As submitted, it is largely consistent with national planning policy, in particular TAN 6 ‘Planning for Sustainable Rural Communities’. However, criterion (v) seeks to restrict infill development to no more than two dwellings in a small gap within a well-developed built frontage. Such an approach is inconsistent with PPW 11 which, although recognising that infilling or minor extensions to existing settlements may be acceptable, requires growth to be strictly controlled. MAC44 would remove this criterion to better align with national planning policy. Accordingly, paragraph 6.78 of the explanatory text is also deleted.

*Replacement dwellings in the countryside*

- 8.17. Policy H8 is a criteria-based policy which deals with replacement dwellings in the countryside. So as to ensure consistency with other policies in the Plan, and effective application, reference to ‘...in the countryside’ in the wording of the policy is replaced with ‘...outside of settlement limits’ (MAC45).

*Open space*

- 8.18. The LDP contains policies to protect existing open space, recreation and sport facilities from development, and to provide an appropriate amount of public open space in new housing developments. The policies are based on a 2016 open space audit and assessment [EBNB02] which adopted the guidance set

out in TAN16: *Sport, Recreation and Open Space*. Even where areas of open space are not identified by the audit, they will be protected through the Policy CF1 criteria, as stated in the explanatory text [LDP para 6.161]. This is a necessary provision as it rightly recognises the value of relatively minor open spaces to local communities.

- 8.19. New open space must be provided for all residential development of ten or more dwellings. When on-site facilities are not possible or appropriate, Policy CF2 allows provision to be off-site through a commuted sum and/or the improvement of an existing area of open space. The wording is sufficiently flexible to enable the circumstances of individual sites to be taken into account in decisions on planning applications.
- 8.20. In response to a large number of representations, the Council confirmed that Haywards Field, Llay is an area of public open space which should be protected from development under Policy CF1 of the LDP. It was not appropriate, therefore, for it to be listed as a potential windfall site; the Council had thus deleted the site in the latest version of the background paper on Housing Supply and Delivery [BP08b (August 2019), Appendix A, site ref. LLAY003NUCS, p22].

*Overall conclusion on housing*

- 8.21. During the examination, and due to changed circumstances regarding some of the allocations, the indicative number of dwellings from allocated sites has fallen. Two sites, namely Crown Buildings in Wrexham and the former Rhosymedre infant school in Cefn Mawr, have been discounted from the supply and the trajectory, and numbers have been reduced on several other allocations. Altogether there is a decrease of just under 100 units from the allocations set out in the deposit Plan.
- 8.22. As described earlier, the allowance for large windfall sites has also been reduced by two years to prevent any element of double counting. This amounts to 240 fewer units in the Plan’s anticipated housing supply. The total reduction in housing provision from that envisaged in the deposit Plan is therefore in the region of 330 units, requiring the identification of additional sites.
- 8.23. It is our view that these additional units can best be provided by allocating for 350 units at Brymbo, with 240 delivered during the Plan period and by accounting for an additional 200 to be brought forward on KSS1 during the Plan period.
- 8.24. In relation to flexibility allowances, DPMv3 advises that ‘The level of flexibility will be for each LPA to determine based on local issues; the starting point for such considerations could be 10% flexibility with any variation robustly evidenced [DPMv3 para 5.59d].’ The deposit Plan’s housing target equated to a flexibility allowance of 10% which, in our view, having regard to the evidence and the local circumstances, provided sufficient headway for the housing requirement to be met. The examination, and consequent reassessment,

recalculation and updating, has however resulted in refined figures which are based on more detailed evidence. We consider that the latest housing position, which has sprung from the information and analysis presented to the examination, is robustly evidenced. It is thus reasonable to reduce the flexibility allowance from 10% to 4.3%.

- 8.25. The consequences of the reduction in the original allocations; the decreased windfall allowance; the provision of additional units through a new allocation and bringing forward delivery; and the reduced flexibility allowance, are set out in the table below. MAC13 implements these adjustments to the housing figures and Policy SP1.

**Table B LDP housing position**

<b>Allocations</b>	<b>No of dwellings during plan period</b>
Deposit Plan allocations updated	3366
Former steelworks, Brymbo	240
KSS1 (additional delivery)	200
<b>Total</b>	<b>3806</b>
<b>Completions, commitments, allowances (Table A)</b>	<b>4277</b>
<b>Total dwellings to be provided</b>	<b>8083</b>
LDP housing requirement 2015-2028	7750
Flexibility allowance	4.3%
<b>Total LDP housing provision (Policy SP1)</b>	<b>8083</b>

- 8.26. Having investigated this matter thoroughly we are satisfied 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.
- 8.27. In addition we conclude that, subject to the changes on this matter, relevant alternatives have been considered and 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.

## **9 Accommodation for Gypsies and Travellers**

### *Allocated sites*

- 9.1. The Council’s Gypsy and Traveller Accommodation Needs Assessment of 2015 (GTAA) [EBH05] assessed the level of need for permanent and transit gypsy and traveller sites over the Plan period. In brief, whilst it concluded that it was not necessary to make provision for a transit site, it provided evidence of an unmet need for 15 permanent pitches over a five year period and 28

pitches over the Plan period. In response to such evidence of need, the Council initially sought to allocate three new sites in Policy H4: i. Land off Coedyfelin Road, Brymbo (6 pitches), ii. Land off Llay New Road, Llay (7 pitches) and iii. Land off A525, Hanmer (6 pitches).

- 9.2. During the course of the hearings, the Council undertook further work to clarify future need in light of discrepancies in the submissions and to take account of planning permissions granted since the production of the GTAA. As a consequence, the identified need has been amended to 16 permanent pitches over the LDP period. There is no longer an unmet need over the 5 year period.
- 9.3. On the basis of the above, and in light of our concerns regarding the allocated site at land off A525, Hanmer (which are discussed later in this Report), the Council sought to allocate the two remaining sites at Brymbo and Llay, increasing the pitches to 8no on each site in order to meet the unmet need over the Plan period, whilst also providing information on immediate and longer-term needs. These changes are set out in MAC41. It is important to note that Policy H4 is further amended by IMAC1.
- 9.4. We acknowledge that WG Circular 005/2018 ‘Planning for Gypsy, Traveller and Showpeople Sites’ (the Circular) confirms that where a GTAA identifies an unmet need, planning authorities should allocate sufficient sites in development plans to ensure that the identified pitch requirements for residential and / or transit use can be met. However, it also adds that Planning authorities will need to demonstrate that sites are suitable and deliverable in the identified timescales [para 35].
- 9.5. Accordingly, the Council’s ‘Gypsy and Traveller Site Selection’ (March 2018) [BP06] outlines the methodology for assessing sites. It involved a staged progression which, if correctly applied, ought to have resulted in sites being taken forward to the next stage only where they passed an earlier stage. However, there were a number of errors and inconsistencies in that process and the extent to which these matters rendered the allocations unsound was extensively debated during the hearings. In summary, our concerns regarding the site selection process related primarily to:
  - i. Inaccurate database entries. Such errors and omissions raise sufficient doubt in our minds as to whether the inaccurate database entries, on which the successive site selection assessment is based, resulted in sites being taken forward that should have failed an earlier stage or, conversely, that sites were ruled out that may have been suitable;
  - ii. The use of site selection criteria which pre-dated the Circular advice advocating a more sequential approach to site selection;
  - iii. A number of sites ruled out on the basis of a site size below 0.5ha. There is no suggestion in the Circular that any site should be discounted on size, and thus to do so at the beginning of the process surely restricted the number and range of sites beyond that which may have been considered had proximity to services been the first criteria applied;

- iv. Following a review of the sites omitted on Green Barrier grounds only, two sites were re-introduced. Little justification has been provided to convince us that the GW site at Llay was re-introduced at the appropriate time and prior to a thorough assessment of suitability of the 26 sites that had passed the Stage 3 assessment;
  - v. The criteria for each Stage in the site selection process appears to have been inconsistently applied for individual sites;
  - vi. No details are provided of how the Stage 3 assessments were undertaken, how the criteria were applied, what weight was given to the differing factors and what account was taken of potential for mitigation;
  - vii. Stage 4 of the site selection involved an assessment of proximity to facilities, using a traffic light grading system categorising the sites as ‘red’, ‘amber’ or ‘green’. There is a lack of detailed evidence as to what criteria was applied for individual sites such that they were allocated a colour categorisation; and
  - viii. The decision to include a third site, i.e. the site on land off the A525, Hanmer, does not appear to have been taken on the basis of the site selection process or evidence of need.
- 9.6. In this context, we were unconvinced that the Gypsy and Traveller site selection process was carried out in a consistent and robust manner consistent with the advice in the Circular or, in some instances, that the progression of sites was logical, such that it resulted in the allocation of suitable and deliverable sites [INSP019A].
- 9.7. In response to our concerns regarding soundness, the Council carried out a Re-run Gypsy and Traveller Accommodation Site Assessment and Selection Process in September 2020 [WCED024]. The re-run assessment identified only one suitable and deliverable site (the previously allocated site at Brymbo), albeit it confirmed that this site has insufficient capacity to provide for total identified need over the Plan period. Many sites, including the previously allocated Hanmer site failed this time because of the prominence now given to proximity of sites to settlements/services. The previously allocated Llay site failed because it is in Country Park and Green Wedge.
- 9.8. However, the Council considered that due to the statutory duty under the Housing (Wales) Act 2014 to provide for the identified need, it was necessary to re-run the assessment a second time to find one or more additional sites. As such, sites that had failed the first re-run assessment were re-assessed if they were, first, on Public Open Space (no suitable and deliverable sites were found), then Country Parks (no sites that were not also within Green Wedges were found), then Special Landscape Areas (no sites were found) and then, finally, Green Wedge. The assessment identified the Llay site as having sufficient capacity which, together with the Brymbo site, could meet the unmet need for 16 pitches over the Plan period. For clarity, the Council concluded at this juncture that the Hanmer site should not be allocated.
- 9.9. Nevertheless, whilst we recognise that the site selection process does not require the ‘best’ site(s) to be selected, there must be reasoned justification for progressing a site to allocation based on robust evidence. For a number of

reasons, the re-run site selection has failed to achieve this objective. In the main, our concerns relate to:

- i. The accuracy of the data in some instances;
- ii. Whether the information on which the site assessments were based was correct in terms of land ownership details that resulted in sites being ruled out at Stage 1. If the assertions of interested parties are correct, and some sites have not been sold (either in part or in their entirety) or are not in the purported uses, we can only conclude that they have been ruled out of the site selection process prematurely;
- iii. In the second re-run assessment, the Council only revisited sites previously ruled out at Stage 2 for the following reasons, and in this order: POS, Country Park, Special Landscape Area and Green Wedge. We are thus unclear why a re-visit of the designated sites was prioritised over the Stage 3 sites (proximity to services);
- iv. The use of sub-categories and staged assessments in respect of POS, Country Parks and GW, which are complicated and unnecessarily confusing, with inconsistent terminology and language used and no clear indication of whether the assessments were purely an officer desktop exercise; and
- v. Alteration to the distances used in the assessment of proximity to services from that used in the 2017 assessment. It is unclear why the Council unilaterally decided to alter the evidence base in this respect as it was not a change to the criteria that had been discussed nor was it to address an issue that the Council has raised previously.

9.10. Notwithstanding the above, despite significant anecdotal evidence being submitted at the hearings in relation to the suitability of the allocated site at Coedfelin Road, Brymbo, mainly in relation to land contamination and highway safety, there is no substantive evidence before us to indicate that such matters could not be adequately resolved through the development management process. Thus, we do not consider that the errors and omissions are critical to the allocation of the Brymbo site and for this reason we conclude that the allocation is sound.

9.11. Ultimately, we continued to express very serious reservations regarding the inclusion of the Llay site which is in a Country Park and Green Wedge, particularly that its inclusion conflicts with national planning policy [INSP022]. We are not persuaded that the evidence currently points to this site representing the ‘last resort’ that national planning policy requires in respect of Green Wedge [Paragraph 55 of Circular] or that the impact on the recreational value of the Country Park and the associated well-being considerations have been properly assessed. That is, we had little confidence that there are no sequentially preferable sites available.

9.12. Following the subsequent Exploratory Meeting of 7 December 2020, which was held to discuss the matters at issue, the Council sought to make further submissions [WCED037]. However, we concluded that it neither addressed our fundamental concerns regarding the site selection process nor contained significant additional evidence which would advance the Plan. At such a late



stage in the plan process, the need for further explanation of the re-run site assessment process did not give us sufficient confidence that the evidence base was robust or that the remaining inaccuracies, errors and discrepancies could be resolved in a timely manner.

- 9.13. In summary, the individual site assessments carried out do not appear to have adhered to the methodology to which the Council has outlined its commitment. Whilst we accept that it is for the Council to balance the competing interests in allocating land in the LDP for specific uses, that decision must be based on sound planning judgement. In particular, the inclusion of the Green Wedge site as an allocated Gypsy and Traveller site undermines the methodology and consistency of the approach to inappropriate development in the Green Wedge. Hence the Llay allocation is unsound.
- 9.14. Be that as it may, the duty imposed by the Housing (Wales) Act 2014 to provide sites where a need has been identified must be observed. Paragraph 48 of the Circular helpfully clarifies that ‘A planning authority which, exceptionally, is unable to meet all assessed future needs through specific site locations should give in the development plan a reasoned explanation why that has not been possible supported by relevant evidence. It must explain what criteria will be used to ensure adequate provision and state the detailed measures it will take to ensure that adequate provision is made during the plan period.’
- 9.15. It is therefore apparent that there are circumstances in which a Local Authority will not be able to meet its need via site allocation. However, it seems to us that the duty in the Act does not infer that the need must be met via a site allocation policy in the LDP only. Rather, we consider that the need for Gypsy and Traveller sites could also be met in part by a criteria-based policy.
- 9.16. Hence, mindful of the urgent need for an adopted Plan, we consider that a pragmatic approach to providing accommodation for gypsies and travellers would result in: (i) a site allocation, (ii) the remaining need over the Plan period being delivered via private sites that come forward under a criteria-based policy, and (iii) a monitoring indicator that requires early review if pitches are not being provided within a certain timeframe. There would also be a reasoned explanation provided in the LDP as required by the Circular. Moreover, such an approach can be justified on the basis that there is no unmet need in the 5 year period and there is no reason to believe that other private sites may not come forward on a similar basis to that which has already been evidenced by the planning permissions granted since the production of the GTAA.
- 9.17. Accordingly, and further to MAC41, IMAC1 deletes the allocation at Llay, leaving only the allocation at Coedfelin Road, Brymbo, which is necessary for soundness. IMAC2 adds a monitoring indicator to the effect that the Council should instigate a review of the Plan in the event of a shortfall in the provision of sites when measured against identified need. IMAC 3, which deals with a criteria based policy is discussed below.

*Criteria based policy*

- 9.18. Policy H5, as drafted by the Council, (MAC42) outlines support for gypsy and traveller sites in sustainable locations within or adjacent to existing settlement boundaries with access to local services. It goes on to add that sites in the open countryside will be considered if it is not possible to locate sites within or adjacent to existing settlement boundaries. However, such wording is not consistent with the thrust of the advice in Welsh Government Circular 05/2018: Planning for Gypsy, Traveller and Showpeople Sites (June 2018), which clarifies that ‘*In assessing the suitability of such sites [in the countryside], local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services*’ and that the over rigid application of national and local policies that seek a reduction in car borne travel would be inappropriate [paragraph 39]. Consequently, IMAC3 amends the wording of the policy to more closely align with national planning policy advice in this regard [INSP024 (Jan 21)].
- 9.19. On this basis, we are satisfied that Policy H5 represents a sound criteria based approach for considering proposals for new Gypsy and Traveller accommodation.

*Conclusion*

- 9.20. Subject to the recommended changes, we are satisfied that the Plan provides an appropriate and sound basis for meeting the needs of Gypsies and Travellers over the Plan period. It also meets the legislative requirements of the Housing (Wales) Act 2014

## **10 Economy**

*Strategy*

- 10.1. The LDP’s strategy is to balance economic aspiration with the sustainable delivery of the homes, jobs and infrastructure required to meet the needs of a growing population over the Plan period. In order to do this, an overall employment land supply of 96 ha (MAC20) is proposed, which takes into account the removal of the formerly protected Brymbo site, rather than the lower level of provision recommended in the Employment Land Review (ELR) [EBE01 Joint Employment Land Review Report (October 2015)]. This is a sensible decision which will provide a range of available sites and allow for choice and flexibility. A higher, employment-led, growth option was not selected as the Council considered that the annual housing requirement associated with that would require a significant increase in housing delivery over the Plan period, compared with previous completion rates, such that it was not realistic.
- 10.2. A higher option would increase associated carbon emissions and trip generation. In requiring the release of more greenfield land, it would also have negative impacts on local ecology, areas of historic interest and landscapes, BMV agricultural land, and minerals of economic importance.

- 10.3. The chosen option will help to address a number of the LDP’s Key Issues including that some parts of the County Borough experience high levels of multiple deprivation. Those areas are mainly in Wrexham town, particularly around Caia Park; it is also appropriate, therefore, that the Borough’s key employment area and primary focus for new employment development over the Plan period is Wrexham Industrial Estate (WIE) which is only 2km from Caia Park. WIE is already a nationally and regionally important employment area of around 513 ha in size. The allocation of a further 28ha of land for B use class purposes is immediately to the north of the existing industrial estate is necessary to assist in securing the growth aims and spatial strategy of the Plan. In the rest of the Borough, and in all settlement tiers apart from the lowest, over twenty existing employment areas are protected by Policy EM1 from non-employment related uses.
- 10.4. MAC12 will amend the overview of Chapter 5 Strategy and Strategic Policies, adding headings and bullet points to define the separate elements of the strategy and thus enhance its clarity and coherence. In addition, and for the same purpose, the total overall provision of employment land in the County Borough will be stated in Policy SP9 with a table listing the components of that total added to the explanatory text (MAC20).
- 10.5. Overall, therefore, the economic strategy is coherent, realistic, appropriate and based on credible evidence. It will address the Key Issues and Strategic Objectives effectively and efficiently.

#### *Employment provision*

- 10.6. The existing employment sites to be protected by Policy EM1 were selected through a two-stage process: an assessment of each site in the employment land portfolio, and an appraisal of the employment areas, mostly industrial estates, within which the majority of sites lie. The assessments included consideration of whether the sites were realistically part of the employment land supply and whether they were suitable for non-employment uses. The only new employment allocation is the extension to WIE which is necessary to meet the needs of existing firms in the area and to attract further inward investment.
- 10.7. The main evidence source for the employment strategy, allocation and protected sites is the ELR which provides a comprehensive, thorough and consistent assessment of the supply, need and demand for employment land and premises in Wrexham and the neighbouring county of Flintshire. Having been published in 2015 the ELR is now some years old but employment land availability is monitored and updated annually [MRE01-MRE06]. The justification for the expansion of WIE is set out in a separate background paper [BP05] whilst the search process is set out in the employment land background paper [BP07]. In addition, the Council’s economic development department has provided recent data on enquiries for land and premises [M9.01 – WCBC Hearing statement on Matter 9, Economy, p5] which indicates that demand for such on WIE remains high.

- 10.8. The policy relating to WIE, SP10, will be amended to make it more precise over the type of development allowed, aiding its consistent and effective application. MAC21 will specify the uses which will be permitted and remove the reference to other ancillary development.
- 10.9. Policy SP10 also protects identified areas of land within and adjacent to its boundaries for a strategic ecological network. Several sites in the identified area are also local designations for nature conservation importance and protected by Policy NE2. The Council is preparing supplementary planning guidance on the WIE Strategic Ecological Network. In its absence, there is little advice in the LDP as to how it will be treated, particularly those parts that are not also covered by Policy NE2. MAC21 addresses this deficiency by adding a short description of the network to the explanatory text of the Policy SP10.
- 10.10. The landscaped buffer zone surrounding the Pentre Maelor housing estate is within the strategic ecological network and covered by an additional policy, EM6. Similar buffers are indicated around dwellings adjacent to KSS3. These are essential features, necessary to protect the residential amenity of local occupiers, and it is important to establish this principle in the LDP. The 50m width is referred to only in the explanation and not the policy itself and is not, thus, an absolute requirement. The size of the buffer zones is, however, consistent with that indicated by a similar UDP policy which, according to the Council, has served its purpose well. We see no reason, therefore, to alter Policy EM6, other than to remove extraneous wording which will make the policy more concise (MAC48).
- 10.11. The LDP’s approach is to encourage new tourist accommodation, because of its valuable contribution to the local economy, whilst ensuring that such development is sustainable and respects the character of the countryside. It is not necessary to allocate land for tourism development as Policy EM5 deals with visitor accommodation outside settlement limits. In permitting the conversion or extension of existing tourism accommodation; new touring caravan and camping sites; and some new development in association with existing tourism facilities, the policy provides an appropriate level of control.
- 10.12. In the interest of effective implementation, MAC47 amends Policy EM5 and its explanation to make a reference to glamping.

### *Conclusion*

- 10.13. The overall scale, type and distribution of the allocated and protected employment sites thus achieves the relevant objectives of the LDP in a sustainable manner consistent with the Wales Spatial Plan (WSP) and national policy. Relevant alternatives have been considered and the identification of the sites was based on a robust and rational site selection process.

## 11 Retail

### *Retail and commercial centre hierarchy*

- 11.1. Policy R1 defines a retail, leisure and commercial centre hierarchy with Wrexham town centre at the top of the hierarchy, followed by two district centres, seven local centres, four village centres and three neighbourhood centres. This hierarchy and the ‘town centres first’ approach explained in paragraph 6.134 of the explanatory text to Policy R1 is consistent with national planning policy, the submitted Wrexham Retail Assessment (the 2014 Assessment) and the 2019 Update of the Wrexham Retail Assessment Update (the 2019 Update) together with the Plan’s Strategic Objective S03 to regenerate Wrexham town as a multi-functional destination. The boundaries for the centres are defined on the Proposals Map and are consistent with the findings of the assessment outlined in the Retail and Commercial Centre Review 2017.
- 11.2. Although Policy R1 also applies to leisure uses, the Council accepts that some such uses have specific land requirements that cannot be accommodated within settlements, for example tourism facilities associated with the World Heritage Site and rural diversification activities. MAC49 inserts a new paragraph into the explanatory text to Policy R1 explaining this position and making reference to other policies in the Plan which provide support for proposals that cannot be accommodated within settlements, consistent with paras 4.3.18 – 4.3.24 of PPW11.
- 11.3. The Wrexham Town Centre Masterplan Area outlined in Policy R2 sits outside the designated retail, leisure and commercial centre hierarchy of Policy R1. The Town Centre boundary in Policy R1 is tightly focused and is at the head of the retail hierarch. The Council states that it would not be appropriate to elongate the town centre boundary further to reflect that of the Wrexham Town Centre Masterplan Area because there is a danger of extending the retail circuit and expanding the fragmentation of the Town Centre. That is, the Town Centre Masterplan Area has a wider boundary in recognition of the importance any development within that area in complementing the role, function and performance of the town centre. MAC50 inserts an additional sentence into the explanatory text which clarifies the wider role of the Masterplan Area in, for example, creating an attractive and distinctive environment along key routes and gateway locations and improving accessibility and connectivity to the town centre.
- 11.4. Policy R3 defines primary shopping streets, encouraging retail occupation at ground floor level and providing an enhanced level of protection for the most important shopping streets whilst preventing too many non-retail uses which could harm the vitality and viability of these streets. MAC51 amends the explanatory text to Policy R3 by clarifying that the upper level of Eagles Meadow is excluded from the definition.
- 11.5. Policy R4 deals with development outside primary shopping streets. It supports ground floor retail, professional services, food and drink, offices,

hotels, educational establishments, leisure, commercial and other proposals outside the primary shopping streets of Wrexham Town Centre that would enhance vitality and viability. It outlines support for the conversion of upper floors to residential uses within the town centre and ground floor residential uses outside the primary shopping streets of Wrexham Town Centre where they do not harm the vitality and viability of the street. However, MAC52 amends the policy wording to make it clear that support for residential uses within the town centre is subject to consideration of its compatibility with other uses in the same building as well as the use of neighbouring properties.

- 11.6. It is acknowledged that WG’s ‘Building Better Places: The Planning System Delivering Resilient and Brighter Future - Placemaking and the Covid-19 Recovery’ July 2020, advises that primary retail areas will need to be urgently reviewed. Nevertheless, the full effects of the Covid-19 pandemic on town centre retailing is yet to be realised and it would therefore be premature to attempt to apply the amended policy requirement at this stage.
- 11.7. MAC53 amends Policy R6, which deals with retail and commercial development at edge and out of centre locations. The policy title will include reference to leisure and commercial development as well as to retail, and the policy re-worded to require such proposals to demonstrate compliance with the National Planning Policy sequential test so as to be consistent with the direction of travel in respect of the Town Centre First principle outlined in PPW 11 and the recently published Future Wales: The National Plan 2040.
- 11.8. Policy R7 is concerned with the loss of local services. MAC54 amends the wording of the policy to encompass a greater range of services that are required to help sustain local communities and reduce the need to travel. A third criterion is introduced which allows the loss of one of the specified services if it can be demonstrated that the existing provision is surplus to the needs of the community, thereby securing an appropriate level of flexibility. The corresponding paragraph at 6.156 of the explanatory text is amended accordingly.

#### *Retail floorspace requirements*

- 11.9. The explanatory text to Policy R1 references the additional retail floorspace requirements over the Plan period, which were initially based on the findings of the 2014 Assessment and subsequently updated by the 2019 Update. The methodology is consistent with the approach advocated in PPW and TAN 4 ‘Retail and Commercial Development’.
- 11.10. The 2014 Assessment found that over 71% of comparison goods expenditure and 85.5% of convenience goods expenditure available to residents is retained by town, village and other centres, retail parks and freestanding stores. Around a third of the total comparison goods expenditure leaks to destinations beyond the study area, including Chester, Oswestry and Shrewsbury. Less leakage was found in the convenience goods sector because such shopping is generally undertaken on a more localised basis

and, accordingly, there are no parts of the study area where there is an acute localised deficiency in convenience goods provision.

- 11.11. The 2019 Update of the Wrexham Retail Assessment refreshed the Council’s evidence base taking account of changes to population projections, expenditure growth rates, special forms of trading, growth in the sales densities of retail floorspace and retail floorspace commitments. It calculated a total comparison retail floorspace requirement of 9,145sq.m and 2,369sq.m of convenience retail sales floorspace (compared with 15,600sq.m and 7,800sq.m respectively in the 2014 Assessment), resulting in a more modest additional retail floorspace requirement than that identified in the 2014 Assessment. MAC49 therefore corrects the explanatory text to Policy R1 in paragraph 6.135 to reflect the updated retail floorspace requirements.
- 11.12. The 2014 assessment also highlighted weaknesses in the performance of Wrexham Town Centre, which included below average representation of services, particularly in the food and drink sector. There were also qualitative weaknesses in the comparison retail offer including the lack of high quality retailers in the town centre and the concentration of national multiple retailers in the largely self-contained Eagle Meadow development. It thus recommended amending the boundaries of the Wrexham Town Centre shopping area to include the Eagles Meadow development and adjoining retail units on Smithfield Road and Mount Street. Changes were also suggested to principal shopping streets, including linking sections of High Street, Yorke Street and Chester Street to connect Eagle Meadow with Hope Street, Bank Street and Henblas Square in order to strengthen the town centre retail circuit. It identified scope to strengthen the protection of existing retail activity within the principal shopping streets so as to limit the proportion of non-retail uses within any given ground floor frontage. However, it advocated a more relaxed approach to non-retail uses within the remainder of the town centre shopping area.
- 11.13. The 2019 Update assumed no significant changes to the vitality and viability of Wrexham town centre and other centres in the county borough since the time of the 2014 assessment. It maintains that additional comparison retail floorspace requirements should continue to be directed to Wrexham Town Centre. Convenience retail floorspace requirements should be directed to areas of potential under-provision and locations where existing stores are known to be over-trading. The convenience retail floorspace requirements identified for the rest of the study period would not be sufficient to support a large-format superstore but could support similar food stores and extensions to existing stores.
- 11.14. The Plan does not allocate retail sites, rather it provides a general framework through Policies R1 to R6 to deliver new retail development. There is inevitable uncertainty relating to additional retail floorspace requirements and the delivery of existing commitments, not least due to current economic uncertainty associated with the UK’s withdrawal from the EU. Since the production of the LDP, the Covid-19 pandemic transpired with the full impacts yet to be realised. WG’s ‘Building Better Places: The Planning System

Delivering Resilient and Brighter Futures’ deals with placemaking and the Covid-19 recovery. Specifically in terms of revitalising town centres it recognises that the role and function of established shopping areas must be reassessed, with evidence suggesting that traditional retailing uses will not be as prevalent and the demand for new retail floorspace will be very low for the foreseeable future.

- 11.15. Future Wales: The National Plan 2040 recognises that town centres are moving away from their traditional retail role but remain important focal points of communities and are increasingly becoming places to live, centres of community and cultural activity, a focus for public services such as health and education, and the location of new co-working spaces. As such, the ‘Town Centre First’ approach advocates that the location of significant new commercial, retail, education, health, leisure and public service facilities must be within town and city centres. A sequential approach must be used to inform the identification of the best location for these developments and they should be identified in Strategic and Local Development Plans.
- 11.16. As the Plan is at such an advance stage, and whilst it is recognised that much more creative thinking will be needed to re-imagine and re-purpose these areas, it would be problematic to reflect any shifts in national policy in advance of a comprehensive and robust review of the retail function of the town centre.
- 11.17. However, MAC78 introduces a monitoring indicator relating to the delivery of retail commitment (convenience and comparison). This would allow for retail activity to be monitored in light of the potential major economic changes, such as those associated with Brexit or the Covid-19 pandemic.

### *Conclusion*

- 11.18. Subject to the recommended changes, the Plan’s Retail Strategy is sound.

## **12 Historic and Cultural Environment**

- 12.1. Wrexham has a rich and varied historic environment which is evidenced in the listed buildings, conservation areas, scheduled monuments, historic parks, gardens and landscapes and the Pontcysyllte Aqueduct and Canal World Heritage Site.
- 12.2. The LDP seeks to protect historic assets from inappropriate development and, where, possible to enhance historic areas, buildings and landscapes. Policy SP16 ‘Historic and Cultural Environment’ requires development proposals to protect the qualities of the historic and cultural environment through a criteria-based approach which generally accords with national policy. However, as submitted the policy was incorrect in relation to the level of protection to be afforded to nationally designated historic assets and adopted terminology which was not used in the relevant legislation.
- 12.3. MAC25 would amend the wording of the policy to ensure that the test would reflect the relevant legislative provisions [The Planning (Listed Buildings and



Conservation Areas) Act 1990, the Historic Environment (Wales) Act 2016 and the Ancient Monuments and Archaeological Act 1979] in relation to the corresponding historic asset.

*Conclusion*

- 12.4. The amendments to the wording of Policy SP16 make clear the intentions of the policy and its consistency with the national policy context [PPW and Technical Advice Note 24: The Historic Environment]. It is therefore soundly based.

### **13 Natural Environment**

- 13.1. LDP Policy SP15 gives general protection to the natural environment including the green infrastructure links that are, or will be, present on and around many allocations. The introduction of the words ‘seeks to’ (MAC24) in Policy SP15, which indicate an aspiration rather than an absolute requirement, are necessary to bring some flexibility and generality to this strategic policy. It would not be realistic to expect all development to protect, conserve and enhance the natural environment. Where appropriate, stronger protection for biodiversity, including variously designated sites, is provided by the topic, criteria and area based policies which support the strategic policies. MAC24 also removes the suggestion that all of the types of site and feature listed in the policy, which range from internationally protected sites to landscape features which have no statutory recognition, should be afforded the same level of protection.
- 13.2. Protected sites of international importance are protected by Policy NE1. MAC31 would bring protected species into the ambit of this policy, affording them a level of protection commensurate with their importance, whilst also extending consideration to species protected under Section 7 of the Environment (Wales) Act 2016. Policy NE2 covers locally designated nature conservation and geologically important sites, Policy NE3 deals with trees, woodlands and hedgerows which have significant value and Policy NE4 with the Area of Outstanding Natural Beauty (AONB). Policy NE6 covers waste water treatment and river water quality. Minor wording changes to these policies and the supporting text are required for clarity and consistency, and to provide an effective approach to controlling the impact of development within the River Dee and Bala Lake SAC, referencing the DCPRS. (MAC32, MAC33, MAC34 and MAC35)
- 13.3. There was objection to the designation of a site adjacent to WIE as a local site of nature conservation importance on the basis of the evidence on which this had been made. We were assured that there had been a fairly recent survey of the area which had revealed the presence of over 300 species. Furthermore, and although cited as being permitted in exceptional circumstances only, Policy NE2 does not rule out all or any development on local nature conservation sites.

- 13.4. Policy NE5 deals with Special Landscape Areas (SLAs). Prior to preparation of the LDP, those in the County Borough were established through the UDP (adopted 2005). Many predated LANDMAP, the nation-wide set of five spatial datasets providing a consistent assessment of geological, habitat, visual and sensory, historic, and cultural landscapes. The Council therefore appointed consultants to carry out a review of SLAs which was published in 2017 [EBNB03].
- 13.5. The methodology of the review followed that advised by NRW [NRW LANDMAP Guidance Note 1: LANDMAP and Special Landscape Areas 2017]. It was also in line with PPW which states that LANDMAP and any associated landscape character assessments should be used to inform local landscape policies and SPG, and to help identify or revise SLAs [PPW para 6.3.12]. LANDMAP is particularly used at Stage 2 which is the establishing of broad search areas. The review explains that, given the status applied to landscape with a SLA, it is important to only consider evaluation criteria that are “Outstanding” (international/national value) or “High” (of regional/county value) [EBNB03 para 3.2.2]. That is the reason why the SLA review, now based on LANDMAP data, did not assess the whole of the County Borough and omitted those areas not having outstanding or high value landscapes. The seven SLAs now identified and protected by Policy NE5 thus properly define local areas of high landscape importance, which may be unique, exceptional or distinctive to the area, consistent with national policy [PPW para 6.3.12].
- 13.6. Planning authorities should state which features, characteristics or qualities require extra protection, and explain how the policy or designation will achieve this protection [PPW para 6.3.13]. Policy NE5 rightly refers to protecting and enhancing the character and quality of the particular landscape features for which the SLA has been designated. These are clearly set out in the review document which is referenced in the explanation to Policy NE5.
- 13.7. SLAs are non-statutory designations that Planning authorities should apply where there is good reason to believe that normal planning policies cannot provide the necessary protection [PPW para. 6.3.12]. We do not agree that the removal of areas from SLAs will make parts of the rural area of the County Borough vulnerable to speculative development. All areas outside the defined settlement limits are classified as open countryside where, under national policy, new building continues to be strictly controlled [PPW para 3.60].
- 13.8. Once adopted, the LDP will replace the UDP which was prepared and examined the best part of two decades ago when circumstances and national planning policy were quite different. In preparing the LDP, the Council’s starting point was to select which current issues it needed to address in order to realise its vision for the future of the County Borough. It would not be forward-looking or, therefore, appropriate to adhere to advice given by the UDP inspector and the Council is under no obligation to do so.

*Conclusion*

- 13.9. Overall, the natural environment policies and proposals, subject to the identified MACs, achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy, and are based on robust and credible evidence.

## **14 Design Principles and Masterplanning Framework**

*Development management considerations*

- 14.1. Policy SP13 requires high quality, sustainable design and a positive contribution to be made by development to the creation of locally distinctive places. This ensures a placemaking approach compatible with PPW, TAN 12: Design and other national guidance. MAC22 slightly amends the policy wording for clarity.
- 14.2. Policy DM1 is a useful, catch-all policy covering the basic considerations for all development. Some rewording is necessary to avoid ambiguous or vague criteria, securing the policy’s effectiveness. (MAC30)

*Planning obligations*

- 14.3. There is no Community Infrastructure Levy (CIL) currently in place in the County Borough and the future position on this is unknown. MAC18 will reflect this and delete the reference to the likelihood of one being prepared.

## **15 Transport and Accessibility**

- 15.1. The Council is proposing minor amendments to the transport policies which will: clarify when Transport Assessments will be required; ensure the requirement to provide infrastructure for active travel is consistent with national policy; and ensure that disused rail routes are safeguarded for leisure as well as transport use. These minor changes, which are not necessary for soundness, are made in response to consultation responses and as set out in the Consultation Report [KPD12a pp133-139].

*Conclusion*

- 15.2. Our conclusion on this matter is that the relevant strategic and topic policies will achieve the LDP objectives in a sustainable manner consistent with national planning policy. They are supported by robust and credible evidence and clear and reasonable.

## **16 Minerals and Renewable Energy**

*Minerals*

- 16.1. Amongst the most significant changes in edition 10 of PPW (and continued in PPW edition 11) were those in respect of minerals. As these later editions

were published after the deposit LDP had been prepared, they require some changes to the Plan. The Council helpfully set these out in a position statement [POS001 *Implications of Changes to Planning Policy Wales Edition 10 December 2018 for the Wrexham Local Development Plan*] and they are as follows.

- 16.2. In order to achieve challenging targets for decarbonisation and increased renewable energy generation, PPW’s objective is to avoid the continued extraction and consumption of fossil fuels which is not compatible with such targets. When proposing the extraction of on-shore oil and gas, robust and credible evidence will need to be provided demonstrating that proposals conform to the energy hierarchy and contribute towards decarbonising the energy system [PPW para. 5.10.11].
- 16.3. MAC56 will amend Policy MW3 and its explanatory text to ensure that it aligns with PPW. In addition, Energy Mineral Extraction Exclusion Areas will be removed from the Proposals Map and inset plans.
- 16.4. As a consequence of national policy to remove coal from energy generation, there is no longer any need to safeguard coal resources. Although PPW states that LPAs may wish to safeguard primary coal resources depending on individual circumstances [PPW, para. 5.10.17], there are no longer any operational coal mines or surface coal extraction sites in the County Borough, or any known regional need. MAC55 will amend Policy MW1 and its explanatory text to ensure it is consistent with PPW. In addition, Coal (Primary and Secondary Resource) Safeguarding Areas will be removed from the Proposals Map and inset plans. MAC56 will clarify the position with regard to opencast coal extraction.
- 16.5. MAC56 is also necessary to explain the up-to-date position with regard to the extraction of other fossil fuels in the County Borough. Taking account of the answers to our questions [M15.01 Wrexham CBC hearing statement] and the matters discussed at the hearing, particularly regarding prior extraction assessments and the Regional Technical Statement [NPPRG007a Regional Technical Statement (2<sup>nd</sup> Review) – Appendix A (North Wales)], we are satisfied with the LDP’s approach to this matter. It is consistent with national policy and balances the need to protect mineral resources against the need for other development appropriately.
- 16.6. A concern for some landowners is that there is no equivalent to UDP Policy EC16 which identified over a dozen derelict sites for reclamation and restoration to beneficial uses. MAC56 will explain how the regeneration sites previously identified in the UDP will be treated if they have not yet been developed.

#### *Renewable energy*

- 16.7. In order to provide necessary certainty and to align with the Plan’s objectives MAC57 will amend Policy RE1. Developers of KSSs and housing sites of 100 dwellings or more will be required to incorporate renewable energy schemes

unless reputable investigations indicate that these would not be financially or technically feasible.

- 16.8. PPW [para. 5.99] states that, outside of Local Search Areas, planning applications for renewable energy and low carbon energy development should be determined on the merits of the individual proposals. MAC58 will, therefore, remove the size and other criteria from renewable energy schemes in Policy RE2 whilst also making it clear that the preferred location for solar farms of less than 10MW will be within the designated Local Search Areas
- 16.9. Following representations on the Plan, the publication of the current edition of PPW and the receipt of new evidence, particularly updated mapping of BMV agricultural land, the Council has updated its renewable energy assessment [WCED010] in line with up-to-date, national guidance. MAC58 will implement the consequent required changes to Policy RE2: Renewable Energy Schemes, and to its supporting text including the tables that identify renewable energy and heat potential. The Local Search Areas – Solar Energy Development on the Proposals Map and inset plans will also be amended.

### *Conclusion*

- 16.10. We conclude that the provisions made for minerals and renewable energy in the submitted LDP, as amended by the MACs, are consistent with national planning policy and supported by robust and credible evidence.

## **17 Plan monitoring and review**

- 17.1. The Council is proposing a number of MACs which will update and fine tune the monitoring process (MACs 59 to 82). We consider that, subject to the MACs, the monitoring framework will enable adequate monitoring of the LDP’s effectiveness.

## **18 Overall Conclusions**

- 18.1. We conclude that, with the binding recommended changes identified in this report and set out in Appendix A, 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.

*Siân Worden and Melissa Hall*

Inspectors