

Adran Adnoddau Naturiol
Department for Natural Resources



Llywodraeth Cymru
Welsh Government

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Dear Lawrence

Welsh Government Response to the Wrexham Preferred Strategy Consultation

Thank you for consulting the Welsh Government on the Wrexham Local Development Plan Preferred Strategy. We acknowledge that the preparation of a LDP and the supporting evidence base is a significant undertaking for all local planning authorities and recognise the amount of work Wrexham has undertaken to prepare its Preferred Strategy.

The Welsh Government is broadly supportive of the Preferred Strategy which is based on an assessment of growth and spatial options and an understanding of the role and function of Wrexham's settlements. We are supportive of the level of growth and the approach to accommodating this growth across the County Borough.

The annex to this letter provides our detailed comments on the Preferred Strategy. The key issues for you to consider going forward to ensure the preparation of a sound LDP include:-

- deliverability and viability;
- a framework for the delivery of the strategic sites;
- Wrexham's wider regional role; and
- the approach to employment across the whole County Borough.

It is important that the Council now continues to progress its LDP to deliver a Plan which can help it meet its stated objectives. We would be happy to meet you to discuss our comments in more detail if this is helpful.

This letter is written without prejudice to the Minister's discretion to intervene in the LDP process and to the independent examination. As always, we would urge you to seek your own legal advice to ensure that you have met all the procedural requirements, including Sustainability Appraisal (SA) including Strategic Environmental Assessment

(SEA) and Habitats Regulation Assessment (HRA), as responsibility for these matters rests with your local planning authority.

Yours sincerely

Mark Newey
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Annex to Welsh Government Letter of 1st April 2016 in response to Wrexham County Borough Council Preferred Strategy Consultation

Overall Summary

The Welsh Government supports Wrexham's approach to developing its Preferred Strategy (PS). The topic and background papers and other key supporting evidence are well presented and explain the development of the PS. The growth and spatial options are well explained and clear links are made to the supporting evidence base.

We recognise the significant amount of work undertaken by the Planning Policy team in developing the PS. The presentation of individual documents, the clear links to the evidence base and the accessibility of documents on the website are excellent. Many of our comments relate to issues that should be considered in the preparation of the Deposit LDP and are intended to support Wrexham moving forward.

The **key issue** for Wrexham will be demonstrating the **delivery of sites** and the infrastructure that supports them. Demonstrating the ability of **strategic sites** to come forward is particularly important. It is also important to evidence how the Wrexham LDP has been shaped by **regional issues** and how will it will contribute to wider regional objectives. Further explanation is required on the amount of **employment land** to be provided and how this is spread across the County Borough.

Vision, Objectives & Spatial Strategy

The **vision** sets out that Wrexham will grow, attract investment, has a role as a gateway location for Wales and will provide for housing needs. These are welcome components of the vision and should help shape the Deposit LDP. The vision does not take the opportunity to say how the County Borough will change nor is it distinctive to the Borough. The 12 strategic **objectives** provide better focus for the LDP setting out the economic, social and environmental objectives. The references to Wrexham town in the SO1 and SO3 relate the objectives to an actual place. This helps explain how an issue will be addressed by policies and allocations related to an area. The remaining objectives would benefit from similar spatial expression, to set out how objectives will be met through a spatial approach.

The **spatial strategy** is clearly articulated and is based on an assessment of growth options and the spatial options to accommodate this growth. These options have been informed by and assessed against the LDP vision and objectives.

The penultimate paragraph of 5.6 of the PS says that there may be some settlements in the Council's PS which may be 'unsuitable for development and....do not offer any opportunities for growth due to significant planning constraints'. If it is evidenced at this stage that some settlements cannot accommodate growth, the PS should be clearer on this point.

Housing

Preferred Growth Option

When assessing **growth options and overall housing requirements** it is a matter for the local planning authority to justify the level of their housing provision, having regard to PPW. National policy (PPW 9.9.2) says that the latest local authority level Household Projections should be used alongside the latest Local Housing Market Assessment. Other key issues such as what the plan is seeking to achieve, links between homes and jobs, the need for affordable housing, Welsh language considerations and the deliverability of the plan should inform the assessment of options and growth requirements.

The Council has considered sixteen growth options (Background paper No. 1, March 2015), with the PS presenting four 'realistic' strategic growth options. **We support the Council's consideration of both employment-led projections (option A) and population based projections derived from latest 2011 based Household Projections (options B-D).**

We note the Council's reference to the Ministerial Circular Letter (CL-01-14) which provides a clear message from the Minister that it is not appropriate for authorities to plan for and replicate such a period of poor economic performance. Whilst the 2011 based projections are based on a period of economic decline, it is noted that the projections for Wrexham do not replicate this trend and show a slight increase in households since the 2008 based projections. The Council provides detailed comparative analysis on the numerical differences and trends between the 2008 based and 2011 based projections, which is stated to be predominately the result of an increase in migration rates. The plan would benefit from additional contextual commentary relating to the unique economic factors which were experienced in Wrexham and resulted in the maintenance of growth throughout the recessionary period.

The Council should ensure that the preferred growth option (option B) is adequately justified and has **maximised its opportunities** for economic growth over the plan period and can deliver the Council's vision to strengthen the economy and ensure it is resilient and responds to the County's strategic location within North East Wales.

It is important that the Council **balances economic aspiration against deliverability**. We note that the preferred option to deliver 10,650 units results in an average completion rate which exceeds previous build rates in the County Borough. We note that due to the under supply of homes in the first two years of the plan (April 2013 – March 2015), the remaining annual completions are required to increase further in order to deliver the required level of housing. In accordance with paragraph 9.2.3 of PPW, all LDPs should illustrate a **five year supply of housing land** is available from adoption and throughout the plan period.

The housing provision includes a **conversion ratio** of 3.4% to convert households into dwellings based on data provided by the 2001 and 2011 Census (BP1, paragraph 6.14). This enables vacancy rates, churn in the housing market and an element of hidden

households to be accommodated. It would appear that the Council has applied an allowance of 3.9%. The Council should clarify the appropriate figure.

Policy SP7 proposes the plan makes provision for 11,715 homes in order to deliver a requirement of 10,650 homes. **We support the inclusion of the flexibility allowance** and it is a matter for the Council to show that the allowance of 10% flexibility or contingency allowance is sufficient to demonstrate that the plan can respond to economic challenges and unforeseen circumstances associated with delivery. The table of growth options on page 23 would benefit from reference to the housing requirement which the Council is aiming to deliver, rather than overall provision.

The Deposit LDP should provide clarity on the components of **housing supply** and include figures on housing commitments, allocations and windfall allowance. All components must be viable and deliverable in the plan period.

Spatial approach

Table 4 in Topic Paper 1 sets out the number of potential allocations in each tier of the settlement hierarchy. The majority of allocations will be in Wrexham town (3771/56%). There will be a significant number of new houses to be provided in tier 2, 3 and 4 settlements (2972/44%). An Urban Capacity Study was prepared in 2007 and updated in 2013 and 2015. A key conclusion of this study was the lack of capacity within existing settlement limits to accommodate growth. This Study has influenced the Council's decision to pursue a greenfield strategy and identify strategic sites outside current settlement boundaries.

Whilst the majority of new housing would be in Wrexham Town, a significant amount of new housing would be provided in lower tier settlements across the County Borough. The Council has undertaken an assessment of Candidate Sites and (as set out in Background Paper 2) assessed the development potential of settlements across the County Borough. This work has provided the Council with an understanding of the type of sites available and those which can be considered for potential allocation and inclusion in the Deposit LDP.

In assessing individual sites and sites in combination, **the Council will need to demonstrate that sites are genuinely available and deliverable**. The inclusion of sites in the LDP which are constrained and prove undeliverable will potentially have implications for the Council both during the LDP examination and post the adoption of the LDP. It is important that site promoters continue to be involved in the process and understand the importance of demonstrating delivery.

The Deposit LDP will need to explain **how sites will be phased across the plan period** both to ensure a 5 year land supply and manage the delivery of new housing across the County Borough in a manner which best supports the delivery of the LDP strategy. Will new housing be required to be delivered in the tier 1 settlement before being released in tier 2? In tier 2 before tier 3? Or will all allocations be capable of being built from adoption? If this were the case, what would it mean for the LDP strategy if new housing came forward in

significant numbers in lower tier settlements before those allocated in tier 1? Could this hinder the ability of the strategic sites to come forward if housebuilding activity was focussed outside of Wrexham town? It is important that the housebuilding industry inform the consideration of phasing and provide evidence to demonstrate the ability (or otherwise) of housebuilders to meet anticipated/required build rates.

The consideration of the phasing of sites across the County Borough should be informed by the delivery of the **infrastructure** required to bring these sites forward. The provision of infrastructure is a key issue for site delivery and will determine whether sites can be delivered in a way which best supports the spatial strategy. All those involved in infrastructure delivery – including both developers and infrastructure providers – will need to be involved in the development of the Deposit LDP and provide evidence that **demonstrates that infrastructure can be provided to the required timescales.**

The strategy has been informed by the LHMA. This identifies that households in need of **affordable housing** are evident across all parts of the County Borough and there is a shortfall of provision in all areas except Wrexham town. As stated in Topic Paper 1 the LDP is only one of a number of mechanisms for meeting affordable housing need. In providing housing across the County Borough, the spatial strategy will enable the development of new housing (if viable) to contribute to meeting affordable housing needs.

The Wrexham & Flintshire Viability Study was prepared in November 2014 and was prepared to inform affordable housing and CIL policies. This study provides an overview of **viability** across the County Borough and identifies different levels of viability in different areas. It identifies 6 sub-markets and this evidence has informed the spatial strategy. In general terms, viability is stronger in the eastern half of the County Borough. The Deposit LDP should provide commentary on how the level of **affordable housing** need in the County has influenced the scale and location of growth.

It is **essential that the Deposit LDP is based on the most up to date viability evidence.** The assessment of viability should be informed by the policy requirements included in the Deposit LDP. Where infrastructure such as schools, community facilities or transport schemes are required to deliver sites, the viability testing must be informed by these costs as well as the cost of providing affordable housing. The Council will need to assess its viability evidence and ensure they have properly accounted for costs which may not have been known in November 2014. This should include the potential for a CIL charge which is referred to in Policy SP2.

In setting affordable housing targets the Council should reflect the evidence. This at present suggests the need for different targets in different viability areas. The threshold for securing affordable housing suggested in the viability study of 25 units seems high and the Council will need to evidence its position. It is important that all stakeholders, including the development industry and housing associations, are involved in the process of establishing affordable housing targets.

The PS is based upon the **Gypsy and Travellers** Accommodation Needs Assessment (GTANA) produced in 2013. The current study (2013) pre dates the Housing (Wales) Act 2014 (Sections 101 & 102) which requires local authorities to submit a new GTANA to Welsh Government (Inclusion Unit) by February 2016. The Deposit LDP must make provision to meet any identified need over the full plan period to 2028, in line with the results of the GTANA 2016. In addition, the plan should also include criteria based policies as advocated within national policy.

Employment

The Council must set out a clear and transparent evidence base supporting the proposed level of **employment land** over the plan period and its relationship to the vision, objectives and spatial strategy of the plan. At present the explanation of the level of provision appears contradictory.

The Preferred Growth Option B: Migration Led Projection proposes job growth over the plan period of 7,550, comprising of 4,200 jobs in 'growth sectors' and 3,458 jobs in health and education. This is equated to 53 hectares of employment land. Policy SP1 states the Council will make provision for 96-106 ha of employment land, including identifying a key strategic site, based upon the preferred area of search for an extension of 20-30 ha at the Wrexham Industrial Estate, with a target of delivering 7,500 jobs. The Employment Land Review (ELR) (October 2015) states the identified requirement is 2.06ha/ year resulting in an estimated growth level of 7,658 jobs and an employment land requirement of 30.9 hectares, plus an allocation of 20-30 ha at Wrexham Industrial Estate taking the overall requirement to 50.9-60.9 ha.

The employment land supply proposed in Policy SP1 of 76.2 hectares does not accord with the Council's preferred growth option, nor align with the proposed provision of homes. The Council needs to examine and justify the oversupply of employment land and consider what the implications would be on housing supply if land take were to exceed 53 hectares. The employment land provision is in the region of 50 hectares higher than that projected in the ELR (30.9 hectares). **Whilst the Welsh Government does not object to the principle of employment provision that is higher than anticipated demand**, the Council must ensure that it accords with national policy and provide sufficient clarity to support the proposed provision (TAN 23, paragraph 4.5.2).

It appears that the provision of 76.2 ha of employment land is based on an assessment of currently available employment land "excluding land which is already developed, has significant access constraints, is held for the expansion of individual firms, is proposed for alternative uses or land which has identified ecological issues" (ELR, paragraph xvi). The Council must ensure it has assessed the suitability of protecting this employment land and ensure the scale and location is appropriate and **aligns with the Council's vision, objectives and spatial strategy**.

The additional 20-30 hectares of employment land at Wrexham Industrial Estate appears to have been made without any adjustment to the Council's supply figure, resulting in a total

supply of 96.2-106.2 hectares of employment land which equates to an over provision of 65.3- 75.3 hectares. Further clarity should be provided on the impact this allocation may will have upon the rest of the employment land supply and take up rates.

Strategic Sites

The PS includes **three strategic sites**. Policy SP9 outlines the sites and the mix of uses they will deliver. Background Paper 3 provides contextual information for each site such as site constraints, accessibility issues and so forth. Background Paper 5 gives further information on the employment strategic site.

Strategic sites are by definition strategic to the delivery of the LDP. Their role goes to the heart of the plan. They will therefore be subject to detailed examination across the LDP process. **All the aforementioned points raised in this annex in relation to viability, delivery, phasing and infrastructure apply to each strategic site individually.**

The evidence supporting the strategic sites at this stage is limited. The Council will need to demonstrate that the sites can be delivered as set out in the PS. It is important that the evidence includes a thorough assessment of the costs of bringing these sites forward in the manner envisaged by the Council and a detailed framework for their delivery. There is a significant onus on site promoters, land owners and developers to provide evidence that demonstrates how and when sites will come forward; that sites can deliver the required physical and social infrastructure; and that there is a detailed understanding of the viability issues in respect of each site.

The Deposit LDP should ensure that all the strategic sites are highly **accessible by public transport, walking and cycling**. PPW states that local authorities should assess strategic sites to identify opportunities for higher building standards (including zero carbon), ensuring they are evidence based and viable (Paragraph 4.12.5).

The Council should consider specific LDP design policies and/or a design/development brief or masterplan for the strategic sites. These can be used to provide guidance on the way in which the sites should be developed, for example on the layout, density and mix of uses. The Welsh Government has recently produced guidance in Site and Context Analysis Guide which may be of assistance. The Design Commission for Wales can also provide advice on this.

The Wrexham Industrial Estate Strategic Site recognises the particular **environmental sensitivities** at the site and the supporting information acknowledges that a significant amount of land will be required for ecological mitigation as part of the extension. The Deposit LDP should be clear on the mitigation strategies needed as part of this expansion and how this fits with the existing frameworks for protected species at the Industrial Site.

Neighbouring Authorities & Wider Region

The Welsh Government is supportive of the Council having undertaken joint work with Flintshire including the employment land review and viability study. We also welcome the

acknowledgement in the PS of the need for regional collaborative working in relation to minerals, waste monitoring and landscape and heritage designations.

The Council's vision refers to the wider 'gateway location within Wales' and objective SO1 to the 'Wrexham-Deeside-Chester' hub. The PS provides no further details on how wider regional issues and strategies have been considered. **This is a significant omission.** Chapter 2: context and key issues and drivers would benefit from detail on key strategies such as the North Wales Economic Ambition Board and the Mersey Dee Alliance and commentary on the position of neighbouring authorities' LDPs. It is important that the role of Wrexham in the wider region is recognised and the benefits of the delivery of Wrexham's LDP for the region are clearly articulated. The Council should evidence how its strategy has been informed by working with neighbouring authorities to deliver common regional objectives and demonstrate how, for example, the chosen employment strategy does not undermine that of Flintshire and/or the wider region.

Minerals

The Deposit LDP should provide clear evidence on how **mineral supply and safeguarding** has affected the development of the PS and allocations. Where allocations are made in areas of mineral safeguarding, the Council should demonstrate the rationale for making such allocations and that the potential for extraction of mineral resources prior to undertaking other forms of development has been considered in line with national policy requirements (PPW, paragraph 14.2.1).

The Deposit LDP should also:-

- safeguard mineral resources in line with the BGS mineral maps;
- safeguard existing and potential railheads in order to provide a full range of sustainable transport options;
- together with Flintshire, adequately provide for the contribution to aggregate production over the plan period as identified in the North Wales RTS 1st Review (2014);
- be as clear as possible as to areas where coal should not be worked in order to provide certainty to communities;
- include buffer zones around permitted and proposed mineral workings;
- set a clear strategy for dormant mineral sites and provide clarification on serving prohibition orders;
- encourage the prudent use of natural resources and promote the use of recycled and secondary aggregates or waste materials to reduce primary resources extracted; and
- develop a suitable policy framework to ensure the environmental, amenity and health impacts of future applications are appropriately assessed.

Retail

No reference is given in the policies to the retail need identified in the retail assessment reports. The background papers note that the **convenience** need will be distributed amongst the lower order centres but this is not stated in a strategic policy which ideally it should be to indicate the retail strategy of the plan. For **comparison** goods it is understood the strategy is to locate sites for the identified need Wrexham town centre. The strategic policy should be clear on this point.

Waste

TAN 21 (paragraph 3.21) states that LDPs should indicate where suitable and appropriate sites exist for the provision of **all types of waste management** facilities in order to provide some certainty for waste operators interested in fulfilling demand in an area. The Council must identify those employment sites considered suitable for waste management facilities.

Natural Environment

Policy SP5 broadly addresses national landscape and nature conservation policies. Care will need to be taken when drafting the Deposit LDP policies to keep the clear weighted distinction between the tiers of protection. For instance the narrative discusses statutory and non-statutory sites and European and Non-European sites interchangeably. PPW and TAN 5 (e.g. Annex 2) present a clear hierarchy of sites and this should be reflected in the policy framework. The test of 'exceptional overriding circumstances' goes further than national policy for non-European sites. **The Council will need to provide a full evidenced justification** for this test and an outline of how it will be implemented.

Welsh Language

We note that reference is made in Topic Paper 11 (page 6) to Local Planning Guidance Note 31: The Welsh Language and Welsh Communities (February 2011) which requires the submission of a Welsh language and community impact statement. In order to accord with national policy set out in TAN 20: Planning and the Welsh language (October 2013 and the consultation draft January 2016), planning applications should not be subject to Welsh language impact assessments, as this would duplicate the sustainability appraisal (SA) and LDP site selection processes, with some exceptions (consultation draft, January 2016, paragraph 3.3). In line with the requirements of the Planning (Wales) Act 2015, **the Council must ensure that the SA considers the likely effects of the plan on the Welsh language**. The Deposit LDP should include a statement on how the needs and interests of the Welsh language have been taken into account in its preparation and how any policies relating to the Welsh language interact with other plan policies (PPW, paragraph 4.13.2).

Heritage

We welcome the inclusion of policies that look to protect and enhance the County Borough's heritage assets, particularly SP10. We note that the County Borough contains a World Heritage Site in the form of the Pontcysyllte Aqueduct and Canal and World Heritage

Site, which extends into the adjoining authorities of Denbighshire and Shropshire. The Deposit LDP should contain focussed heritage policies that aim to ensure the continued protection and management of its local assets. **Such policies must be locally distinctive**, consistent with the approach for neighbouring authorities where such assets span local authority boundaries and not repeat national planning policy on heritage as set out in Chapter 6 of PPW.

Transport

The emphasis in the PS on accessibility and health and the importance of having an effective strategy for transport is welcome. In relation to active travel, Policy SP4 sets out that new development should encourage sustainable, active travel. Topic Paper 3 states that the active travel work will inform the approach to promoting walking and cycling. **The Council's promotion of active travel is supported.**

Renewable Energy

It is disappointing that the Council is yet to undertake a **Renewable Energy Assessment**, which has restricted the Council's ability to consider the renewable and low carbon energy potential as part of the assessment of new development sites. We note that the Council will carry out this assessment for the Deposit LDP and should be aware that the Welsh Government published an updated Renewable Energy Toolkit for Planners in September 2015. The Council should also be aware of the Ministerial letter (December 2015) which requires LPAs to take a **proactive approach to all forms of renewable and low carbon energy generation** and take the results of the Renewable Energy Assessment and formulate local policies (including allocations or areas of search) for a local-authority scale (5MW – 25MW) renewable energy scheme or other low carbon technology.

In accordance with national policy, the Council should through the Deposit LDP maximise opportunities for district heating and generation schemes by co-locating new proposals and land allocations with existing development and heat supplies and users (PPW, paragraph 12.9.8).

Flooding

The Council should **provide clear evidence of how flooding policy has been considered in the development of the PS and site selection process.** The Deposit LDP must ensure that it accords with national policy contained in TAN 15 Development and Flood Risk, which clearly states that highly vulnerable development and emergency services should not be allocated within zone C2. We would welcome a strong policy approach in the Deposit LDP to support and reinforce national policy.

Design

The PS contains a general design policy (Policy SP 11 Sustainable Design Principles) which seeks to encourage high quality, sustainable design. This policy broadly reflects national planning policy and guidance. Further consideration will need to be given to how

this will be developed into design policies in the Deposit Plan. The Design Commission for Wales can provide further advice on this matter.

Agricultural Land

The Council have provided robust evidence to demonstrate that they have considered BMV loss when considering their growth options and spatial strategy. They recognise that the need to deliver required infrastructure combined with a proven lack of available capacity with brownfield/exiting urban boundaries will inevitably result in the loss of greenfield/BMV land.

The Council have demonstrated a sensible and pragmatic approach to considering BMV loss in the context of national planning policy. **It is vital that the Council continues to work with the Land Quality Advisory Service in establishing the BMV status of sites in moving forward with the plan.**

Monitoring

It is vital that the monitoring framework includes **key triggers and action points** so that appropriate actions can be taken to avoid, as far as possible, significant problems. There are a number of good practice examples of monitoring frameworks in adopted LDPs which could benefit the Council in the preparation of their monitoring framework.

Supplementary Planning Guidance

The preparation and timing of SPG, particularly those which support the delivery of specific LDP policies and allocations, should be provided at the Deposit LDP stage and linked to the monitoring framework where applicable.