

Wrexham Local Development Plan: Gypsy & Traveller Site Selection Methodology

1. Introduction

- 1.1 This note has been prepared in response to objections raised during public consultation on the Wrexham Deposit Local Development Plan (LDP) with regard to the Gypsy & Traveller policies and site allocations: specifically that the site selection methodology used to justify the allocation of the three Gypsy & Traveller sites was flawed and inconsistent rendering the process (and therefore Plan) unsound. On the back of this the representors argue that the site they object to should not have been chosen for allocation.
- 1.2 This note expands on the Council's summary responses to each of the representations made during the consultation (each representation and response is published on the Wrexham Consultation Portal on the Council's website and summarised in **Appendix 1** of the Executive Board report). This has been done in this way because the Gypsy & Traveller sites have raised by far the largest number of objections (40% of all representations) and they cannot not be responded to via a summary of the Council's position.
- 1.3 A further Appendix to the Executive Board report (**Appendix 5**) has been prepared to address objections to the policies and three site allocations that relate to substantive Planning issues (such as highway safety and visual impact, for example) rather than the site selection methodology.

2. Lack of Information

- 2.1 Objection: there is a lack of publicly available information on the site selection process, with Background Paper 06 (BP06) providing only limited information and a general overview, and a full set of plans for all sites are not available on the Council's website, making it difficult to understand the location and extent of sites that are being assessed.
- 2.2 Response: The comment is noted. BP06 could only ever be a summary of the process, but the plans were available to the Members of the Planning Policy Panel when the sites were considered. Further statutory steps remain in the LDP process, including the Examination in Public (EiP), which present further opportunities for the Council to present this kind of information, including plans of the sites. The Welsh Government (WG) will shortly publish an updated LDP Manual to standardise the presentation of such material in the EiP.

3. Site Sizes

3.1 Objection: the justification used by the Council to exclude sites at stage 1 of the site assessment process (i.e. that they are less than 5000sqm in size) is unsound because the maximum area required would be 3600sqm for 2 sites of 12 pitches and 2400sqm for 3 sites of 8 pitches (as proposed in the Deposit LDP), assuming an individual pitch size of 300sqm.

3.2 Response: The Council, at para 5.13 of BP06, explains that sites greater than 0.5ha were shortlisted because they would be large enough to accommodate 10 - 12 pitches, in accordance with national guidance policy guidance (para 4.7 of BP06). A single pitch on a permanent residential site requires approximately 500sqm because, again in accordance with national guidance, it would comprise the following:

- an amenity block (min 23sqm) including a wc/sink, bath with shower over, dining area and kitchen with a store and food preparation area
- space to accommodate a mobile home (max 20m x 6.8m)
- space for a touring caravan
- parking for 2 vehicles (each space 2.4x4.8m)
- a water supply, electricity and drainage (this may require a small treatment works in rural areas).
- a minimum of 3m between a mobile home and any boundary and 6m between mobile homes themselves.

3.3 Working on this basis, a minimum site size to accommodate 10 pitches would 0.5ha and this is what was set out in stage 1 of the methodology (para 5.13 of BP06). This is a reasonable starting point given that the guidance is that an ideal size site should be able to accommodate 10 -12 pitches. It is also a reasonable starting point bearing in mind the following which, depending on the site's context, needs to be accommodated at the detailed Planning Application stage and which, therefore, might reduce the size of the site actually available for pitches:

- internal roads to service the pitches
- adequate access to the site in line with the requirements stipulated in TAN18 and Manual for Streets
- room for refuse vehicles to enter and exit the site safely
- room for emergency service vehicles to enter and exit the site safely
- adequate screening/landscaping, depending on the site context
- room to provide residents with their preferred pitch layout (tree branch style - based on the findings of consultation with the community)
- places for children to play (something which the Gypsy & Traveller community have indicated via consultation would be an important feature of a new site/sites (BP06, Appendix 2, Section 1 and paragraph 4.1 – 4.7 of Welsh Government guidance: Designing Gypsy and Traveller Sites),

- ecological mitigation or buffer zones, depending on the site
 - other site-specific issues, such as topography, drainage and utilities
- 3.4 As the Council has been clear on the requirements for the size of a pitch and has worked, on the basis of the identified need, to accommodate 10 - 12 pitches per site, in accordance with WG guidance, stage 1 of the methodology is not unsound. The fact that the democratic process shaped the eventual 3 site allocations of 8 pitches each in the Deposit LDP strengthens the argument that choosing sites of 0.5ha or more was robust, not least because, between them, the three allocations can deliver the number of pitches stipulated in the Deposit LDP.
- 3.5 While the total number of pitches required has changed since the LDP was placed on Deposit (because of Planning Permission for 4 pitches on private land), this, in itself, is not a reason to revisit the whole site assessment methodology. If the Council were to do this, there would be serious risks to the submission of the LDP to WG and PINS within the timetable agreed in the Delivery Agreement (DA). Also, the Council cannot be expected to keep modifying the methodology to suit the updated evidence otherwise the plan would never be progressed in line with the Delivery Agreement (DA) and there would be further risk of planning by appeal within the County Borough. However, the Council can provide updated information in relation to need, make Focussed Changes regarding the sites and submit a revised position statement at the EiP should any further private pitches receive Planning Permission between submission and the hearings. In addition, the Plan has a statutory Annual Monitoring Framework which sets out the monitoring indicators to be included in the Annual Monitoring Report (AMR). This provides a further mechanism to monitor progress, in land use terms, of the take up of pitches once the LDP is adopted. Depending on the number of pitches provided on private sites, this could lead the Council to reassess the need for all the site allocations and at that point the Council, as land owner, could decide not to bring forward the remaining allocated sites for development.

4. Llay (Site 320) - Alyn Waters Country Park

- 4.1 Objection: the failure to consider, during stage 2 of the site assessment process, that the site forms part of the Alyn Waters Country Park was unsound.
- 4.2 Response: The site lies in the county park, but is not accessible to the general public - it being used for grazing horses by a charity and by a model airplane club only – and this is acknowledged the Alyn Waters Country Park Management Plan. The other sites referred to by objectors were discounted during the selection process because they form parts of country parks accessible to the general public and because they have other constraints which ruled them out, as, for example is shown in the extracts from table 4 of appendix 3 to BP06 below;

Site	BP06 reason for exclusion
057	Fails Stage 2. All of site is in Alyn Waters Country Park, with more than half of it a local wildlife site.
294	Fails Stage 2 , the majority of site is Country Park, AONB, Wildlife Site and the remainder POS
321	Fails Stage 2, part C2 flood, wildlife site W306 and Country Park
322	Fails Stage 2 Wildlife Site and Country Park
323	Fails Stage 2 – Green Wedge
324	Fails Stage 2 – Green Wedge
364	Fails stage 2. Wholly within wildlife site and Alyn Waters Country park
365	Fails stage 2. Wholly within wildlife site and Alyn Waters Country park

4.3 The specific objections raised to the impact on the charity and model aircraft club are noted, but they are not material planning considerations. However, the Council will seek to accommodate these uses elsewhere within the Council's estate, subject to the terms of their respective agreements, and/or assist them with finding alternative private land, but through a separate, non-Planning process.

5. Llay (Site 320) – Special Landscape Area

5.1 Objection: the failure, in stage 2 of the site assessment process, to take into account material considerations which make the site unsuitable in the site selection assessment – specifically its designation as part of a Special Landscape Area (SLA) – means that the process was unsound.

5.2 Response: The site is located in an SLA in the adopted Wrexham Unitary Development Plan (UDP), but that designation has been reviewed as part of the LDP process and the evidence is clear that this part of the SLA does not meet the nationally accepted criteria for such designation in the LDP as is set out in an evidence-base (EBNB03, Special Landscape Area (SLA), January 2017, on the LDP consultation portal). It is entirely reasonable, therefore, for the status of this area to be reconsidered.

5.3 42 sites within the SLA in the Wrexham UDP were considered for allocation as Gypsy & Traveller site as part of the site selection process. 13 of them fall within areas that are proposed to remain in the revised SLA in the LDP and were not taken forward for consideration. The 29 that do not (including Llay Site 320) were considered for allocation. The reasons for ruling out the 13 sites and taking forward some of the 29 sites (and not others) are identified in the tables below:

The 29 sites excluded from the SLA in the LDP:

Site Ref	Area (Ha)	SLA in UDP?	SLA in LDP?	Comments
039	4.85	Yes	No	Not Green Barrier in the UDP, proposed Green Wedge in the LDP. South part of site C2 flood plan, remainder SLA in UDP. Highways would only support a limited development in this location, off Smithy Road – this would not support the number of pitches required.
047	1.9	Yes	No	Fails stage 2 POS in BP06: SAC buffer, Green Barrier (UDP), SLA(UDP), Not POS (not in 2016 study) as identified in BP06. SLA in UDP not in LDP, significant tree coverage on the site and there is no means of suitable access.
052	2.11	No	No	No obvious means of vehicular access.
056	2.06	Yes	No	SLA and GB in UDP. Not GW in LDP. Highway objections – does not appear possible to create an access with adequate visibility splays.
079	0.14	Yes	No	Ruled out at STAGE 1 site less than 0.5ha.
276	2.05	Yes	No	SLA in UDP, not in LDP. Site was shortlisted in the methodology as being potentially suitable however there were highway concerns that the point of access already served a significant number of dwellings and a school in this location where it would be difficult to support any further traffic movements.
278	3.01	Yes	No	SSSI / SAC buffer, WHS buffer zone, LWS, AONB, SLA and GB (UDP). Not GW or SLA in LDP2 but whole of site is a LWS therefore ruled out at stage 2 LWS, AONB.
308	0.71	Yes	No	GB and SLA in UDP, site forms part of playing field for Ysgol Clywedog therefore not available
309	4.16	Yes	No	GB and SLA in UDP, site forms part of playing field for Ysgol Clywedog therefore not available. Highways would not support.
312	2.55	Yes	No	SLA in UDP not in LDP. C2 flood zone and TPO covers majority of site.
315	66.87	Yes south part	No	South part of site SLA in UDP, not in LDP. Footpaths crossing site. Wildlife site within site and adjacent to south of site W418. Leaves approximately 45ha to the north east. This site was shortlisted in the final 28 as passing the stages of the methodology, however there are ecological concerns about the development of the site, highways would not support an access of cranberry lane and there are 2 long term tenancies on the land that would require negotiation (one lifetime and one to 2029).

320 Llay site	4.35	Yes	No	GB and SLA in UDP, sand and gravel safeguarding. GW proposed in LDP, not SLA in LDP, no other planning constraints. Access is possible off both Llay new road and Pontycapel lane – no highway objections, upgrades would be required as part of any planning application. Ecology comments: 'The ancient woodland to the east is also designated as a county wildlife site. A development buffer would be required up this edge with complementary planting. There are also some valuable looking field boundary's. Surveys for bats and birds will be required'. Site was presented to PPP members as an option for allocation along with 324 .
325	13.18	Yes	No	GB and SLA in UDP, all of site is LWS (worms wood) and also has an area TPO towards the south part of the site, C2 zone to east part of site. GW proposed in LDP, not SLA. Access would be required over other land in Council ownership to reach the site, other constraints rule the site out as unsuitable (other than just GW)
340	0.44	Yes	No	Site less than the 0.5ha required
341	5	Yes	No	GW and SLA in UDP, forms part of the playing field for Darland High school, should be in table 3 in appendix to BP06 as site is not available due to being in another use. GW as proposed in LDP.
362	2.94	Yes	No	SLA in UDP, not in LDP. Gas main to the west of the site and also within Offas dyke buffer. C2 along the northern boundary of the site which could restrict the ability to provide access off the B5097.
368	0.41	Yes	No	Fails stage 1: Site less than the 0.5ha required and no means of access to the site.
370	10.89	Yes	No	GB in UDP to the South, POS and SLA in UDP. GW to south in LDP, not SLA but remains POS. Owain Glyndwr protected POS status.
372	12.74	Yes	No	SLA in UDP, not in LDP. Large part of the site is a Local Wildlife site with the remainder of the site forming part of the Pandy Quarry SSSI and also lies within the River Dee SAC buffer zone.
374	0.53	Yes	No	site not large enough for requirements of allocation, C2 flood grounds rule it out also.
376	15.4	Yes	No	SLA in UDP but not in LDP. Site forms part of the Pentre Bychan crematorium, half of the site falls within the C2 floodplain with the remainder forming part of a local wildlife site. There is also a gas main that runs through the site.

381	1.74	Yes	No	SLA in UDP, not in LDP. Site is covered with a woodland TPO designation, is wholly within a local wildlife site with part of the site to the north also falling within a C2 flood zone. There is also no direct access to the site.
390	7.65	Yes	No	SLA in UDP but not in LDP. Site is however no longer in Council ownership
391	3.21	Yes	No	SLA in UDP but not in LDP. Site is however no longer in Council ownership
392	15.85	Yes	No	SLA in UDP but not in LDP, gas pipeline and overhead lines run through site. Site is also now covered in solar panels therefore not available for alternative development.
393	1.54	Yes	No	SLA in UDP but not in LDP. Gas pipeline on site.
401	27.28	No (small part)	No	Not in SLA in UDP or LDP. Sand and gravel resource in UDP. Footpath crosses site. Site is no longer in Council Ownership
405	1.94	Yes	No	SLA in UDP but not in LDP. Gas feeder on site in connection with Wrexham Power (NSIP) and part of the site to the south lies within a C2 flood zone.
417	5.68	Yes	No	SLA in UDP, not in LDP. Large part of the site covered by a woodland TPO and large parts of the site to the south covered by C2 flood zone designation.

The 13 sites that remain in the SLA in the LDP:

Site Ref	Area Ha	SLA UDP?	SLA LDP?	Comments
279	1.17	Yes	Yes	SLA in UDP and in LDP, site surrounds listed building
280	0.37	Yes	Yes	Fails stage 1 site less than the 0.5ha required
310	16.15	Yes	Yes	SLA in UDP and in LDP. South part of site also falls within C2 floodzone.
311	16.5	Yes	Yes	SLA in UDP and in LDP, footpath crosses the site.
342	1.24	Yes	Yes	SLA in UDP and SLA in LDP
344	3.23	Yes	Yes	SLA, SAC buffer and major gas main runs through site as stated in BP06
345	10.3	Yes	Yes	SLA, SAC buffer and major gas main runs through site as stated in BP06
346	31.8	Yes	Yes	SLA in UDP and in LDP C2 floodplain to west of site
347	12.65	Yes	Yes	SLA in UDP and in LDP.
356	4.93	Yes	Yes	SLA in UDP and in LDP.
357	11.43	Yes	Yes	SLA in UDP and in LDP.
358	4.32	Yes	Yes	SLA in UDP and in LDP and no means of access to the site
359	2.52	Yes	Yes	SLA in UDP and in LDP., part of site also lies within a LWS

5.4 As all of the sites which were located within the SLA in the UDP, but not in the revised SLA proposed in the LDP were reconsidered as part of the site selection process, there was no inconsistency in the approach to site selection on the basis of the SLA.

6. Llay & Brymbo – Listed Buildings and historic landscape

6.1 Objection: the failure to consider, during stage 2 of the site assessment process, that a site affects an historic landscape or falls within the setting of a Listed Building makes the process unsound.

6.2 Response: The sites do not lie within formally designated historic landscapes and the issue of the SLA (in Llay) has been dealt with above.

6.3 The Llay site is approximately 160 metres from a grade II Listed Building, Bryn Alyn Farmhouse, to the south. The Brymbo site is approximately 86 metres from a grade II Listed Building, the church on Coedyfelin Road, to the west.

6.4 Impact on Listed Buildings was taken into account during stage 2 in the process, where, if there was a Listed Building on the site the site was discounted or if there was a Listed Building in close proximity to the site (and the site wasn't ruled out for any other reasons), further consultation was undertaken with the Council's Conservation Officer.

7. Llay – Green Barrier/Green Wedge

7.1 Objection: the failure, during stage 3 of the site assessment process, to consider the Green Wedge allocation and explore alternatives before such land was considered, or to reintroduce other sites that had been identified as having constraints other than a Green Wedge, for reassessment, made the selection process unsound. Also, the failure to take into account material considerations which make the site unsuitable in the site selection assessment – specifically its designation as Green Wedge in the LDP – made the process unsound

7.2 Response: the site is located in the Green Barrier in the UDP and Green Wedge in the Deposit LDP (the term Green 'Barrier' was a local WCBC term used at the time of the UDP which has been changed to Green 'Wedge' to accord with national policy guidance). As identified in paragraph 4.8.3 of Planning Policy Wales, the purpose of the Green Wedge is to:

- prevent the coalescence of large towns and cities with other settlements
- manage urban form through controlled expansion of urban areas
- assist in safeguarding the countryside from encroachment
- protect the setting of an urban area
- assist in urban regeneration by encouraging the recycling of derelict and other urban land

7.3 Green Wedge designations should be established through development plans (paragraph 4.8.11, Planning Policy Wales, para 4.8.11) and in designating

them, the Council should 'include only land that is strictly necessary to fulfil the purpose of the policy' (paragraph 4.8.3 of Planning Policy Wales). It does not follow that the land must meet each purpose identified in national policy to be designated.

- 7.4 This is the approach that the Council has taken in presenting the evidence to justify the Green Wedge proposed in the Deposit LDP (see document EBNB01, Strategic Green Wedge Review (October 2017)). The area of Green Wedge proposed in the LDP Proposal Map between Gresford, Wrexham and Llay has been designated to avoid the coalescence of these settlements, in particular at the narrowest part between Llay and Gresford.
- 7.5 Guidance on Gypsy & Traveller site selection in WG circular 005/2018 states that alternatives should be explored before Green Wedge locations are considered. BP06 (table 4, appendix 3, assessment conclusions) sets out the alternatives that have been considered. As, during the site selection process, no suitable sites were available to meet the identified need (as can be evidenced), it was appropriate for the Council to reconsider those sites that were in the Green Barrier in the UDP, but which were not proposed to be in the Green Wedge in the LDP. Furthermore, if there were sites that remained in the Green Wedge as a result of the proposed changes to the LDP and there were still no other suitable sites (as can be evidenced), national policy allows for the consideration of sites even though they are in the Green Wedge. This has required the Council to reconsider sites which are in Green Wedge.
- 7.6 Whilst the Llay site allocation is currently shown in the Green Wedge in the Deposit LDP, the need for the allocation to meet the duty to provide sites is considered to outweigh the benefit of designating the land as Green Wedge, in particular when:
- the purpose of the Green Wedge (to prevent coalescence of settlements in this location) would not be undermined by making changes to the proposed designation as identified in the Deposit LDP
 - it can be evidenced that alternatives have been considered and discounted (through the site selection process) as required by circular 005/2018
 - there is precedent in the County Borough for allowing Planning Applications for Gypsy & Traveller sites in Green Barrier (identified in the UDP) at appeal
- 7.7 419 sites in Council ownership were assessed as part of the site selection process. 61 of these had constraints that related to the Green Barrier/Wedge.
- 7.8 19 sites were Green Barrier in the UDP, but not proposed to be Green Wedge in the LDP. The reasons they were discounted as potential Gypsy Traveller sites are provided in the table below:

Site Ref	Area Ha	Within GB in the UDP?	Within GW in the LDP?	Comments
020	1.6	Yes	No	Ruled out at stage 2 and 3 in BP06 – C2 flood zone
056	2.06	Yes	No	SLA and GB in UDP. Not GW in LDP. Highway objections – does not appear possible to create an access with adequate visibility splays.
079	0.14	Yes	No	Ruled out as stage 1 site less than 0.5ha
233	0.39	Yes	No	UDP GB and POS in the 2016 study. Not GB in LDP but too small to be developed therefore ruled out at stage 1.
278	3.01	Yes	No	SSSI/SAC buffer, WHS buffer zone, LWS, AONB, SLA and GB (UDP). Not GW or SLA in LDP2 but whole of site is a LWS and in the AONB therefore ruled out at stage 2.
288	0.34	Yes	No	UDP GB, C2 and WHS buffer. Site too small to accommodate development, less than 0.5ha
296	0.88	Yes	No	UDP GB, C2 and POS in 2016 survey. Ruled out at stage 2 due to being POS and C2 (no mention of GB in BP06).
301	8.89	Yes	No	GB in UDP, sand and gravel safeguarding. Not GW in LDP, but forms part of KSS2 therefore not available.
303	5.17	Yes	No	GB in UDP, site in other use – Millenium Eco Centre, part of the active Borrass Quarry, ruled out as site in other use.
304	4.65	Yes	No	GB in UDP, site no longer owned by the Council.
308	0.71	Yes	No	GB and SLA in UDP, site forms part of playing field for Ysgol Clywedog therefore not available
309	4.16	Yes	No	GB and SLA in UDP, site forms part of playing field for Ysgol Clywedog therefore not available and Highways would not support.
314	0.76	Yes	No	GB in UDP, also quarry buffer. Not proposed as GB in LDP . Site was considered at PPP for allocation but further investigation indicated that the access was not adopted highway and was owned by Tarmac. In addition the site also has ecological issues which would require a licence by NRW to move, and is unlikely to be granted due to the difficulties experienced in relation to the WIEAR. This was reported to PPP on the 26 th January 2018. BP06 however does not contain this level of detail.
318	2.52	Yes	No	GB in UDP, gas main on site. Site passed stage 3 in BP06 but not suitable in terms of proximity to services and gas main present on site.

338	2.15	Yes	No	All of site is POS and mostly covered by C2 flood zone. Sand and gravel safeguarding and GB in UDP, not proposed as GW in LDP but C2 would rule out suitability for development.
363	23.41	Yes	No	GB in UDP and GW in LDP. LWS , Country Park (public access). Site in other use in BP06 therefore not available.
367	2.23	Yes	No	GB in UDP, all POS, SAC buffer, sand and gravel safeguarding. NOT proposed as GW in LDP – however settlement limit has changed to incorporate adjoining site which has been allocated for housing (H12) in the LDP therefore site not available.
380	0.76	Yes	No	GB in UDP, not in LDP but no direct access – fails stage 2 in BP06.
386	9.67	Yes	No	GB in UDP, not GW in LDP. Whole of site school playing field – not available.

7.9 Based on the above (i.e. the consideration of alternatives), it is clear that sites were ruled out for a number of reasons. This required the Council to reconsider the 42 sites that were worthy of Green Wedge designation in the LDP in order to meet the statutory duty to provide for Gypsy & Traveller Accommodation. These sites are shown in the table below.

Site Ref	Area Ha	Within GB in the UDP?	Within GW in the UDP 2017?	Comments
005	26.99	Yes	Yes	GB in UDP, GW in LDP. Most of site in use as Golf Club. Small part between hugmore lane and new WIEAR does not appear to be part of golf club (1.24 HA). Noise and ecology are considered to be issues here, along with visual impact. Site considered more suitable as a temporary stopping site than permanent use. Remote from facilities thus objections from highway on sustainability grounds but access to site possible either via the clays golf club site or off Hugmore Lane.
006	13.3	Yes	Yes	GB site in UDP, GW in LDP. Highway objections on the grounds of the site being too remote from facilities, but access to and from the site is achievable.
007	6.86	Yes	Yes	Former landfill site, strong objections from Public Protection. Most of site remains concrete batching plant. Limited opportunity for redevelopment and what land remains (part of former highway would be better placed as a potential stopping place).
021	10	Yes	Yes	GB in UDP and GW in LDP. All of site POS.

023	5.8	Yes	Yes	GB in UDP, GW in LDP. Most of site is POS, remainder is covered in trees and forms part of the household recycling centre. Small part of site (0.56HA) remains that would not be large enough for site allocation in accordance with the methodology.
033	0.35	Yes	Yes	Site failed stage 1 – too small < 0.5ha
039	4.85	No	Yes	Not GB in UDP, proposed GW in LDP. South part of site C2 flood plan, remainder SLA in UDP. Highways would only support a limited development in this location, off Smithy Road – this would not support the number of pitches required and along with C2 constraint would make the site difficult to develop.
045	0.96	Yes	Yes	GB in UDP, part of site in C2 flood plain to north, gas main to south of site. There is no suitable access to the site from a highway perspective. Proposed GB in LDP but ruled out due to other constraints.
046	1.88	Yes	Yes	GB in UDP, all of site is also POS, SSSI / SAC buffer. GB in LDP (all but a v small part which is too small). Ruled out as site is all POS.
047	1.9	Yes	Yes	SAC buffer, Green Barrier (UDP), SLA, Not POS. GB in LDP, highway access difficult to achieve.
048	3.4	Yes	Yes	GB in UDP, all of site POS, no suitable means of accessing the site from a highways perspective. GW in LDP.
049	4.42	No	Yes	SLA, AONB, all C2, SSSI / SAC buffer, WHS buffer, LWS. Not GB in UDP but proposed GW in LDP. Ruled out due to C2 flooding reasons and other constraints.
054	3.67	Yes	Yes	GB in UDP, most of site POS, north east corner LWS. GW in LDP. Ruled out on grounds of POS and LWS.
062	1.62	Yes	Yes	GB in UDP, POS and part of the site is also a LWS. GW proposed in LDP (BP06 does not mention that the site was ruled out on POS grounds).
078	1.31	Yes	Yes	GW in UDP, all site is POS, Gas Main runs through middle of site (BP06 makes no mention of the gas main). GW proposed in LDP but POS and GAS main rule site out.
143	0.69	Yes	Yes	Within UDP GB and GW as proposed in LDP, remaining part of site forms access road to housing estate and is too small (<0.5HA) to develop a site.
144	0.16	No	Yes	Within UDP settlement limit, outside settlement in LDP and proposed GW. Site is not POS in 2016 study. Site less than minimum size (0.5HA) therefore ruled out at stage 1.
146	0.38	Yes	Yes	GB in UDP and included in 2016 POS study. Within GB in LDP, site less than 0.5HA therefore ruled out at stage 1.
153	0.72	No	Yes	H&E advise that the site is being disposed of to groundwork trust and is therefore not available.

250	5.75	Yes	Yes	GB in LDP, whole of site is POS. GW proposed in LDP. Ruled Out as all of site is POS
281	0.56	Yes	Yes	GB in UDP and site is also a LWS. Site is in GB as proposed in the LDP. Ruled out all of site is LWS.
287	1.91	Yes	Yes	GB in UDP, WHS buffer zone, HSE and Gas main. GB proposed in LDP. (BP06 – no detail of WHS buffer, HSE or Gas).
291	1.2	Yes	Yes	GB in UDP, all of site is POS, AONB, HSE consultation zone, WHS buffer, SAC buffer. GW proposed in LDP (BP06 – no mention of HSE consultation zone, WHS buffer, SAC buffer). Ruled out as all site is POS and AONB.
293	1.1	Yes	Yes	GB in UDP, WHS buffer, AONB, SAC buffer and SLA. GW proposed in LDP (BP06 makes no mention of WHS buffer, SAC buffer and SLA). AONB location would rule the site out – national designation.
298	0.45	Yes	Yes	UDP GB and GW as proposed in the LDP. Site too small to be developed therefore fails stage 1 (<0.5ha).
319	0.62	Yes	Yes	GB in UDP, sand and gravel safeguarding. GW proposed in LDP. NOT part of the country park at all (outside area in Alyn Waters Management Plan and not on GIS). Highways response – <i>‘the development site is not bounded by any existing highway, however it is assumed that with agreement from adjoining landowners that a suitable access could be considered / achieved served off either Llay New Road or Pont y Capel Lane as provided in the response to 320 and 324’</i> . From an ecology perspective, <i>‘this site is immediately adjacent to the wildlife site and ancient trees, and there appear to be several mature trees in the opposite hedgerow, there seems little remaining developable area to make a useable development site’</i> . The site is only 0.62HA in total and there are access and ecology constraints that would make the site difficult to develop. BP06 states that the site be ruled out on GB grounds only, there is no mention of the access, ecology or size of the site that would make it unviable.

320 Llay site	4.35	Yes	Yes	GB and SLA in UDP, sand and gravel safeguarding. GW proposed in LDP, not SLA in LDP, no other planning constraints. Access is possible off both Llay new road and Pontycapel lane - no highway objections, upgrades would be required as part of any planning application. Ecology comments: 'The ancient woodland to the east is also designated as a county wildlife site. A development buffer would be required up this edge with complementary planting. There are also some valuable looking field boundaries. Surveys for bats and birds will be required'. Site was presented to PPP members as an option for allocation along with 324 below.
323	1.2	Yes	Yes	GB in UDP, sand and gravel safeguarding. GW proposed in LDP. No highway objections, ecology comments as 320 above. Located north of cemetery, closer to the settlement of Llay. Shape of site would make it difficult to accommodate the preferred tree and branch layout identified in the community consultation document. Site is also smaller than others in this location, and is more open in aspect with limited tree and hedgerow boundaries, making development in this location more intrusive in the landscape (nothing about this in BP06)
324	2.6	Yes	Yes	GB in UDP, sand and gravel safeguarding. GW proposed in LDP. No highway objections, ecology comments as 320 above. Site is located directly south of the cemetery and this site was presented to members as one potential option, along with 320 above. Panel members wanted both sites to be looked at as one, given the close proximity of the sites to each other, then advised officers that given the proximity of the site to the cemetery that it should be discounted, leaving site 320 remaining as a potential allocation going forward.
325	13.18	Yes	Yes	GB and SLA in UDP, all of site is LWS (worms wood) and also has an area TPO towards the south part of the site, C2 zone to east part of site. GW proposed in LDP, not SLA. Access would be required over other land in Council ownership to reach the site, other constraints rule the site out as unsuitable (other than just GW) i.e the whole site is a LWS.
329	8.2	No	Yes	Plas power tip, land rec site and sand and gravel safeguarding, all site is LWS. GW proposed in LDP, BP06 incorrectly states that is in GW as one of the reasons it was ruled out, it was ruled out as the site comprises of a LWS.
330	0.89	Yes	Yes	GB in UDP and most of site is also LWS, sand and gravel safeguarding. GW as proposed in LDP. Ruled out as LWS.

331	4.6	Yes	Yes	GB in UDP, site is also all POS. GW proposed in LDP, ruled out as all site is POS.
336	0.79	Yes	Yes	Site forms part of Ysgol Y Gaer School, GB in UDP and GW as proposed in LDP. Site in alternative use therefor not available for development. Should be under table 3 in appendix of BP06.
341	5	Yes	Yes	GW and SLA in UDP, forms part of the playing field for Darland High school, should be in table 3 in appendix to BP06 as site is not available due to being in another use. GW as proposed in LDP.
366	29.66	Yes	Yes	GB in UDP, part of site is also LWS along eastern boundary. Land appears to comprise of the Moss Valley Golf club therefore is not available for alternative uses (should be in table 3 in appendix to BP06)
369	1.74	No	Yes	GB in UDP, all in moss valley country park (public access), LWS. GW as proposed in LDP not available as in public access part of Country Park
370	10.89	Yes	Yes	GB in UDP to the South, POS and SLA in UDP. GW to south in LDP, not SLA but remains POS. Owain Glyndwr protected POS status.
378	21.8	Yes	Yes	Northern part in GB in UDP, part LWS and TPO's. C2 in part, no suitable access. BP06 states within River Dee SSSI / SAC buffer?
383	2	No	Yes	Far south corner in GB in UDP, all GW in LDP. In use as a cemetery - site not available
387	1.7	Yes	Yes	GB in UDP, all POS, GW as proposed in LDP.
396	0.3	Yes	Yes	GB in UDP, and GW in LDP. No direct access, school playing field and less than <0.5ha - too small.

7.10 Of the Green Wedge sites, the site in Llay (Site 320) is the least constrained in Planning terms, meets the requirements of the Gypsy & Traveller community in relation to proximity to facilities, is in a sustainable location with safe and convenient links to facilities in Llay and Wrexham and was shortlisted as a 'green' site in the Appendix 4 to BP06 as presented to Members as one of four preferred sites that had passed stage 3 of the site selection methodology. It is clearly evidenced that other alternatives were considered in a consistent way, but that none was found to be suitable. As such, the process was sound.

8. The red, orange, green (RAG) categorisation

8.1 Objection: there is a lack of transparency as to the meaning of the 'red', 'amber' and 'green' categorisation of sites and the stage 4 assessment process undertaken and as to how the decision was taken to reduce the number of sites from 4 to the 3 proposed to be allocated in the Deposit Draft LDP.

8.2 Response: The Red/Amber/Green (RAG) categorisation in Appendix 4 of BP06 (sites passing stage 3) broadly groups the sites passing this stage to assist Members in understanding which sites were deemed to be the best in Planning terms based on:

- a cumulative evaluation of the site constraints and how easily they could be mitigated
- a broad commentary on their deliverability (issues such as tenancy)
- how the sites fared in relation to proximity to community facilities/services

8.3 The details of the RAG system were included in the Planning Policy Panel report to Members on the 20th November 2017 which stated:

- Red sites - cumulatively the constraints would be difficult to overcome and the site is too remote from facilities
- Amber sites - it may be possible to mitigate the constraints, but the site is not as accessible to facilities and/or would require negotiation on a tenancy
- Green sites - any site constraints could be more easily mitigated and the site is accessible to facilities.

8.4 The decision to recommend to Executive Board reducing the number of sites from 4 to 3 was taken at the Planning Policy Panel on the 15th February 2018 following advice from Welsh Government in relation to an early draft of the Deposit Plan that proposed 5 sites that were shortlisted from the sites that passed through the site assessment methodology (**Appendix A** below). The officers' recommendation to the Panel had been that 2 sites (Llay and Brymbo) be taken forward, but the Panel resolved to include the site in Hanmer to provide a more even spread of pitches across the County Borough. The other site shortlisted (Site 60 at Chirk) was ruled out due to the reasons identified in section 10.2 below.

8.5 In view of the above, the RAG system used was sound.

9. Llay (Site 320) - the cemetery

9.1 Objection: the site selection process was inconsistent in the way it dealt with proximity to Llay Cemetery (situated to the north of the Llay site) compared with other sites.

9.2 Response: Land to the north of the proposed Llay site was also shortlisted for consideration as a site for allocation (Site 324). When this site was considered by the Planning Policy Panel on the 20th November 2017, Members raised concerns about its proximity to the cemetery, given that it is located directly adjacent to its southern boundary. The site was discounted from further consideration because of this.

9.3 The impact of the allocated site (Site 320) on the cemetery was taken into account as part of Member deliberations at the Planning Policy Panel meeting on the 20th November 2017. The allocated site in Llay is approximately 140m away south of the cemetery and adjacent to the main road. Additionally, at the detailed Planning Application stage, screening (such as hedges and buffer tree planting) can be incorporated into the design of the site and/or on the adjoining Council-owned land, to screen the development. Such screening could be

provided in advance of the site being occupied because the Council owns the land involved.

10. Inconsistencies in the site selection compared to other sites

10.1 Objection: there were inconsistencies in the site selection process with reference being made to a number of other sites that the objectors feel were more suitable and should not have been discounted, thus making the process unsound (e.g. Sites 60 and 268).

10.2 Response: the sections above explain how the site selection process was undertaken in a sound way with regard to a range of Planning constraints. In relation to the two example sites:

- Site 60 – was suggested for shortlisting for allocation at the Planning Policy Panel meeting on the 26th January 2018, but ruled out by Members due to part of the site being unavailable (an extension to the car park at the hospital) and due to ongoing legal issues in relation to the diversion of a Public Right of Way.
- Site 268 – was suggested for shortlisting for allocation, but ruled out because it is located on the Wrexham Industrial Estate where there are significant constraints as a result of a large population of Great Crested Newts. The site is proposed to form part of the protected ecological network for the newts in the LDP (Policy SP10) to ensure their favourable conservation status can be maintained on the estate. In addition, the site forms part of the Pentre Maelor Buffer area in both the existing UDP and proposed LDP, the purpose of which is to protect the residential amenity of the residents of Pentre Maelor from development. As a result, the remaining developable area would have been reduced from 3.6ha to 0.6ha, and whilst this is above the 0.5ha required in the site selection methodology, it would be difficult to bring the site forward due to the presence of a covenant on the site which restricts the use of the land to community use only with no option to release the covenant by paying an overage.

11. High Quality Agricultural Land

11.1 Objection: the failure, in stage 3 of the site assessment process, to take into account material considerations which make the site unsuitable in the site selection assessment; specifically its identification as high quality agricultural land, make the process unsound.

11.2 Response: the presence of high quality agricultural land was a consideration in stage 3 of the site assessment process as is indicated in Table 2 of BP06. However, it is not, in itself, a reason to discount a site. The purpose of assessing the constraint at this stage was to seek to understand what further work may be required at the detailed Planning Application stage to seek to address/mitigate this issue, if required, on a site by site basis, and to help

weigh up the relative impacts of this constraint on site selection within the overall planning balance.

- 11.3 Much of the agricultural land surrounding the settlements in the County Borough is classed as either Grade 1, 2 or 3a, which is defined as high quality in national planning policy. Sites have been allocated in the Deposit LDP which are high quality agricultural land (Llay (320) and Hanmer (351)) and low quality (Brymbo (035)) which are deemed suitable for allocation, based on the evidence that there are no other suitable alternatives
- 11.4 Additionally, at site selection stage, it was the predictive Agricultural Land Classification (ALC) that has been used to assess the sites. Site-specific assessments to determine the actual ALC would be required at the detailed Planning Application stage in due course.

12. Environmental Impacts

- 12.1 Objection: the environmental impacts of the proposed use of the site have not been fully assessed, thus making the process unsound.
- 13.2 Response: all the relevant environmental site constraints in relation to the sites, as well as others, were assessed as part of the site selection process and the Council's Ecology Officer, and other relevant consultees raised no objections in principle (Table 2, and Appendix 4 and 5 BP06). Where it was felt that the site constraints could be mitigated, the sites were shortlisted in accordance with the identified process (see response above in relation to the 'RAG' comment).

13. Highway Safety

- 13.1 Objection: the highway constraints of the site have not been fully considered, thus making the process unsound.
- 13.2 Response: the comments of the Highway Authority on the sites were reported and considered (Table 2 and Appendix 4 and 5 of BP06). They raised no objections in principle to the three site allocations.

14. Sterilisation of sand and gravel deposits

- 14.1 Objection: development of the site would prevent the exploitation of valuable mineral reserves (Brymbo - coal, Hanmer - salt, Llay - sand and gravel).
- 14.2 Response: Minerals was a consideration as an issue in stage 3 of the site assessment process as is indicated in BP06 (Table 2).
- 14.3 The presence of minerals on a site is not in itself a reason to discount its development. The purpose of assessing the constraint at this stage was to understand what further work might be required at the detailed Planning Application stage to address this issue, if required, on a site by site basis, and to help weigh up the relative impacts of this constraint on site selection within the overall Planning balance.

14.4 As detailed within the minerals background paper (BP11), because of the underlying geology of Wrexham mineral loss will occur and the LDP is not seeking to prevent this at all costs, but to avoid it where possible or to mitigate the loss by requiring a degree of prior extraction (where appropriate). Policy MW1 makes provision for prior extraction on sites which are 4ha or more. Whilst the total area of the site (including any ecological or planting buffers) is in excess of 4ha given that there is no overall need for further minerals over the plan period and the fact that the site is unlikely to be exploited on a commercial basis, the presence of this constraint is not one which would rule out the site from being shortlisted in

15. Local Businesses

15.1 Objection: that the site will conflict with local businesses (e.g. an organic fish farm adjacent to the Llay site or farms adjacent to the Hanmer site)

15.2 Response: The impact of the proposed allocations on local businesses was not a factor in the site selection methodology. BP06 sets out the approach that has been taken to assess the suitability of a range of sites in Council ownership. Site-specific impacts such as this would be considered at the planning application stage, and in principle, the sites could be developed without any adverse impact on nearby businesses.

16. Community Facilities/Services (sustainability)

16.1 Objection: the selection process ignored the deficiencies of the site with regard to proximity to community facilities and services (e.g. schools, GPs, churches)

16.2 Response: The consideration of the proximity of sites to services and facilities is set out in paragraphs 5.20 - 5.28 of BP06. This part of the methodology (stage 4) also takes into consideration the views of the Gypsy & Traveller community in relation to their aspirations for a new site and proximity to facilities which is detailed in Appendix 2 of BP06 and which is presented in the 'RAG' Tables in Appendix 4 and 5 of BP06.

17. Mixed uses

17.1 Objection: there is a lack of clarity as to the proposed uses that will be allowed on the site, especially whether mixed use will be allowed

17.2 Response: This point is noted. The policy meets the residential needs of the Gypsy & Traveller community only and this point of clarification is proposed as a Focussed Change to Policy H4. However, this does not have a bearing on the soundness of site selection process.

18. Covenant and other civil matters

18.1 Objection: Failure to identify restrictive covenant (Llay) or other restrictions on the sites that prevent their use as a gypsy traveller site and financial

considerations arising, which make it unlikely that the site will be delivered as proposed, made the section process unsound.

18.2 Response: The presence of covenants or other civil restrictions on land is not a material planning consideration of relevance to the site selection process. It would not prevent the LPA from allocating a site or a subsequent Planning Application being made in respect of the proposed use. Where they were known to exist they were noted in BP06, but this was not a determining factor in rejecting or taking forward any of the sites, unless the covenant stipulated that the land could only be used for a certain purpose without any leeway for changing the use (as is the case for example on site 268, see para 10.2 above).

18.3 A separate process will need to be gone through to address any covenant or other civil restrictions pertaining to a site, but the presence of a covenant in itself is not something which would prevent the site from being delivered over the plan period to 2028.

18.4 The cost of removing a covenant was also not a material consideration in the site selection process and not sufficient reason to discount the site from being allocated.

19. Conclusion

19.1 For the reasons stated above, it is considered that the site selection methodology used to determine which sites should be allocated as Gypsy & Traveller sites was sound and that it was applied in a sound way.

From: Welsh Government
Sent: 31 January 2018 12:20
To: Nicola Corbishley
Cc:
Subject: FW: Wrexham draft comments
Importance: High

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

Nic,

Thank you for the opportunity for us to comment further on the Draft Deposit Plan. Firstly, we note that you have taken many of our comments on board from last time, this is appreciated, but there are some outstanding issues. Due to resource issues at present with the Swansea examination, we haven't had the time to look at all policies in detail in the plan, but we have tried to focus our comments on key areas (see attached). We note that various background papers are referenced, and some parts of the plan are not yet included, such as tables and schematic frameworks, and we therefore cannot provide relevant comments on this basis.

One issue that does cause concern is the identification of 5 sites of 12 pitches, total 60 pitches, for Gypsy and Travellers. This is an over allocation of 36 pitches, based on the evidenced need. Bearing in mind your authority would appear to only need two twelve pitch sites, this could be confusing and misleading to local communities as many of these sites will not be required? You will presumably need to delete 3 of these allocations either through focussed changes or through the examination? Your authority appears to be seeking views on sites through the Deposit plan. This is an inappropriate use of the statutory process.

This exercise should have been undertaken prior to Deposit. Given plan preparation time to date, your authority should be in a position to allocate the necessary site(s) now. Given that the provision of Gypsy and Traveller sites is usually contentious, you could be faced with a considerable volume of representations which may cause delays to plan preparation. Delays in the current timetable will be unacceptable from a Welsh Government perspective. If a large volume of representations is received I will expect you to engage further resources to deal with this matter within the current agreed timelines.

The Deposit plan should be the plan the authority considers sound. Presumably your authority will retain all 60 pitches and over allocate for this particular land-use,

potentially taking demand from surrounding authorities? Your authority has not identified the required number of site(s) to meet the need, over allocating, therefore the plan would be potentially unsound on this basis. This would be pointed out in our formal response to the Deposit plan, i.e. the evidence and allocations do not align. This issue was highlighted by my team verbally a few weeks ago. The First Minister has made it clear that the current DA timetable must be adhered to, no further slippage will be allowed.

We hope you find the additional comments helpful, let me know if you wish to discuss any of the above.

Candice/Mark