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10th March 2026

Dear Sirs

PLANNING APPLICATION P/2023/0497 (WREXHAM COUNTY BOROUGH COUNCIL)
LAND NORTH OF BRYN LANE WREXHAM INDUSTRIAL ESTATE WREXHAM LL13 9US

HYBRID APPLICATION SEEKING: FULL PLANNING PERMISSION FOR DEMOLITION OF EXISTING BUILDINGS AND THE SEVERABLE AND PHASED ERECTION OF CLASS B1C/B2/B8 DEVELOPMENT WITH ANCILLARY CLASS B1A FLOORSPACE AND ASSOCIATED INFRASTRUCTURE (INCLUDING SUBSTATION AND ACCESS); OUTLINE PLANNING PERMISSION FOR THE SEVERABLE AND PHASED CONSTRUCTION OF CLASS B1C/B2/B8 DEVELOPMENT WITH ANCILLARY CLASS B1A FLOORSPACE; RETAIL, DRIVE-THRU, HOTEL, PETROL STATION (CLASSES A1/A3/C1/SUI GENERIS); AND ASSOCIATED INFRASTRUCTURE (ALL MATTERS RESERVED)

I write to request that Welsh Government consider a call-in request for the determination of the above application. I write as [REDACTED] in which the site is located. I also [REDACTED] the LPA's Planning Committee.

My reasons for the request are that I am not convinced that the Planning Committee will determine the application in a fair, consistent and objective way given the status of the now "unadopted" Local Development Plan, the complexities surrounding that and their recent decisions in relation to the two other key strategic Sites (KSS) 1 & 2 for residential development. I understand that the application may be presented to the Planning Committee on April 13th 2026.

Some local residents feel that the Council will support this application for the employment merits only even though it has not supported the residential KSS 1 & 2 as evidenced in their respective appeal statements. As consideration of employment land provision was linked to housing provision in the formation of the LDP, these recent actions do not demonstrate a consistent strategic approach. They contend that as W.G. will determine the appeals for KSS 1 & 2 at some point, it makes sense for W.G. to determine the outcome of the KSS 3 application.

BACKGROUND INFORMATION

(i) LDP STATUS

Full Council voted against its adoption on two separate occasions, 19 April 2023 and 14 June 2023. The Council's decision not to adopt the LDP was subject to a Judicial Review. On 29 November 2023, the judgement of Eyre J found that the Planning and Compulsory Purchase Act 2004 imposed a statutory duty upon Councils in Wales to adopt LDPs. The Council subsequently adopted the LDP.

On 20 of December 2024 the Court of Appeal judgement handed down judgement on an appeal lodged against the judgement of Eyre J. The Court of Appeal overturned the judgement of 29 November 2023, ruling that the 2004 Act does not impose such a duty. Following a separate challenge brought under section 113 of the 2004 Act, the High Court issued an Order received by the

Council on 12 June 2025. The effect of the Order is that the vote by Full Council on 20th December 2023 to adopt the LDP is quashed, returning the LDP to the status of an 'unadopted' plan. The LDP therefore no longer has the status of a development plan for the purposes of Section 38(6) of the 2004 Act. The quashing of the decision of Full Council to adopt the LDP means the Wrexham Unitary Development Plan 1996-2011 (UDP) is returned to the status of being the development plan for the purposes of Section 38(6) of the 2004 Act.

On 30 July 2025, Full Council passed a motion formally requesting (in part) that Welsh Government directs the withdrawal of the Local Development Plan. This outcome of this request is still awaited. The resolution further resolved that until directions to withdraw the plan is given, the significant relevant policies in the determination of planning applications are the adopted development plan (which consists of the Unitary Development Plan and Future Wales) and Planning Policy Wales, Technical Advice Notes and W.G. circulars.

It is the Council's position that the unadopted LDP should not be a material consideration of significant weight.

(2) APPEAL KSS2

An appeal was heard from 30th Sept - 2nd Oct 2025 against the refusal of planning permission (P/2019/0005) APP/H6955/A/20/3263516

Permission was originally refused in July 2020, however the reasons were subsequently withdrawn following the Eyre J ruling that the Council must adopt the Plan.

Following the subsequent Court of Appeal rulings which quashed this original judgement, the LPA was to consider an officer report regarding this site at their Planning Committee scheduled for 7th July 2025. Unfortunately, this meeting was inquorate with only 6 out of 16 Members present and so had to be aborted.

The matter was considered at their meeting held on 28th July 2025 where, contrary to Officer advice the Committee resolved to reinstate reasons for refusal 1 & 2 from 27th July 2020 in an amended form as follows:

The proposed development lies outside the settlement limit and within a designated green barrier. To allow the development would be contrary to policies PS1, EC1, E2, H5. MW9 of the adopted Unitary Development Plan

The proposal has failed to justify the loss of BMV agricultural land and therefore does not accord with paras. 3.58 and 3.59 of PPW12.

It should be noted that the Officer felt unable to defend the Council's decision at the appeal hearing. The outcome of the appeal is awaited.

(3) APPEAL KSS 1

Submitted non determination appeal P/2023/0593 (Statements required by 19th March 2026)

Members considered a report at their Planning Committee meeting held on 1st December 2025 to consider their response to the forthcoming non determination appeal. As part of their resolution, again contrary to Officer advice, resolved at (ii)

That the Council's position in the forthcoming appeal is that it would have refused planning permission on the following grounds.

The proposal lies outside of the settlement limit, within a designated green barrier and Special Landscape Area and contains BMV land. It therefore conflicts with policies PS1, EC1, EC2, and EC5 of the Wrexham UDP.

(4) CHARACTERISTICS KSS 3

The application site relates to approximately 37 hectares of agricultural land located to the north of Bryn Lane.

Outside of a defined settlement limit in the adopted UDP . Policies PS1, PS2, PS3, PS4, PS6, PS8, PS11, GDP1, GDP2, EC2, EC4, EC6, EC9, EC11, EC12, EC13, E5, S7, S8, T1, T8 and T9 are of relevance.

The application site is located within the open countryside as defined by the adopted Wrexham UDP, lying outside of the Wrexham Industrial Estate settlement boundary. On this basis, this proposal for employment development (together with ancillary uses) is contrary to UDP Policies PS1 and E5.

The non employment uses (retail and hotel) do not accord with UDP Policies

These characteristics demonstrate a direct comparator with KSS 1 & 2. Coupled with the correlation between housing and employment land, if the housing appeal(s) are refused then this negates the need for such a large allocation of employment land.

(5) CONCLUSION

I fully appreciate that every planning application should be regarded on its own merits, however in this case there are strategic policy issues that have raised concerns and complicated the issue. The unadoption of the LDP and the LPA's consistent failure to recognise that although unadopted, it is still a material consideration as evidenced in its appeal responses for KSS 1&2.

I seek to secure a fair and consistent approach for the handling all key strategic site applications and feel this can now only be achieved by W.G. agreeing to a call-in request. Thank you for your consideration.

Yours sincerely

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