

INQUIRY INTO OBJECTIONS TO THE FLINTSHIRE UNITARY DEVELOPMENT PLAN



INSPECTOR'S REPORT

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APPENDICES

- 1: List of abbreviations
- 2: Representations in alphabetical order
- 3: Appearances
- 4: List of written (4a) and heard objection statements (4b)
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Lists of representations omitted from report in chapter order

- A3: Part 1 policies
- A4: General Development Considerations
- A7: Landscapes
- A11: Housing
- A13: Employment
- A15: Sport and recreation
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- A21: Remaining plan representations

Explanation of the lists of representations under the policy headings

- Personal ID: The reference number given to each objector or supporter
- Representation number: The reference number for each objection or representation of support
- Rep No: The reference number for each objection or representation of support
- O or S: O for objection, S for representation of support
- Conditional withdrawal: Conditionally withdrawn for various reasons

1. Introduction

1.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5227	Welsh Assembly Government	DEP	O	Yes
4699	12193	Parry	DEP	O	No

Summary of Objections:

Rep No	Summary
5227	The plan period should be clearly referred to
12193	Objects to the inadequacy of the consultation process

Key Issues:

- i) whether the plan period needs specifying further
- ii) the adequacy of the consultation process.

Conclusions:

- 1.1.1. Plan period - PC3 proposes the insertion of *15 year* in para 1.4. The proposed change adds clarity. The objector has indicated that this satisfies the objection.
- 1.1.2. Consultation - The Council in its Statement of Pre Deposit Publicity and Consultation and the progress report on the UDP to the Executive dated the 12 October 2004 set out the type and level of consultation carried out. It seems to me that the degree of consultation meets both the statutory requirements and the spirit of the consultation process to be found in, amongst other places, *Unitary Development Plans Wales* and *Unitary Development Plans – A Guide to Procedures*. Whilst I appreciate that other methods of consultation could have been employed, essentially it was a matter of judgement for the Council. The level of response from the people of Flintshire indicates that the consultation process was successful in reaching the population. Given the above, I do not consider the inquiry process should be halted whilst further consultations take place.

Recommendation:

- 1.1.3. I recommend the plan be modified by PC3.
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1.2. Paragraph 1.4

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2238	17429	Heesom	DEP	O	No
2619	18572	Ministry of Defence	PC	O	No

7416	18606	Pochin Rosemound Ltd	PC	O	No
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Summary of Objections:

Rep No	Summary
17429	Para 1.4 should explain changing local government/plan framework which constrained the UDP process
18572 18606	The UDP should run for 10-15 years from adoption date to be in accord with UDP Wales

Key Issues:

1.2.1. Whether:-

- i) there needs to be further explanatory background to the UDP
- ii) the plan period should be extended.

Conclusions:

- 1.2.2. Background - When read as a whole I consider Chapter 1 adequately sets out the context of the UDP and its relationship to other Council strategies. To give more historical background would to my mind result in unnecessary detail in what is essentially a forward looking document.
- 1.2.3. Plan period - *Unitary Development Plans - Wales* confirms that some policies/proposals can last over longer timescales than the plan period. However, it had not been issued as guidance when work on the UDP and its base date was established. Progression on the plan, not least, the high level of representations has meant that delays have occurred in its advancement. It seems to me that when the plan was started a base date of 2000 until 2015 was a reasonable period for the plan to cover.
- 1.2.4. In addition I am told that WAG has not objected to either this or other plans in North Wales which were adopted with less than a 10 year period to run. Para 1.1 of *Unitary Development Plans - Wales* makes it clear that it contains advice and is not prescriptive. The UDP process has now been replaced by the LDP and it is the Council's intention that work on the replacement planning system will commence as soon as is practicable. In the light of this, I see no reason why adoption of the UDP should be further delayed by the additional work which would be involved in extending its period to a date when there will, in all likelihood, be another development plan in place.

Recommendation:

- 1.2.5. I recommend no modification to the plan.

1.3. Paragraph 1.11**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2238	17431	Heesom	DEP	O	No

Summary of Objection:

Rep No	Summary
17431	The UDP does not link with regional planning strategies

Key Issue:

1.3.1. Whether the plan should make further reference to the regional context.

Conclusions:

1.3.2. Whilst through its work outside the UDP process the Council contributes to regional debate and working parties both within Wales and across the border in England, this is not specifically mentioned in Chapter 1. In response to the objection the Council proposes PC4 which adds to the end of para 1.12 the words *Having regard to the unique location of Flintshire, the Plan's preparation has had regard to both Regional Planning Guidance for North Wales and for the North West of England.* This adds clarity to the Council's position. As to whether the UDP conflicts with regional strategies, that is a matter to be looked at in relation to objections to specific proposals/policies.

Recommendation:

1.3.3. I recommend that the plan be modified by PC4.

1.4. Paragraphs 1.22 – 1.27**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2238	17432	Heesom	DEP	O	No
2106	18394	Countryside Council for Wales	PC	O	No
2238	18308	Heesom	PC	O	No

Summary of Objections:

Rep No	Summary
17432	UDP should deal with undeveloped community strategy/feasibility of alternative structures
18394	The community strategy does not deal with the environment satisfactorily
18308	Qualified support for PC5, but objects to the weight given to the community strategy

Key Issue

1.4.1. Whether the UDP should be concerned with developing and delivering the community strategy.

Conclusions:

1.4.2. The Council has a number of strategies which it produces to achieve its future vision for the County and these are set out in paras 1.22 -1.30. Whilst they essentially share a common underlying theme of sustainability, they are nevertheless separate, albeit complementary strategies. The UDP is one of these strategies which contributes to the overall objective through land use planning. The community strategy is a separate document produced under different legislation. It does not fall within the scope of the UDP process to dictate what will be in the community strategy nor what structures will be set up to ensure it is satisfactorily delivered.

1.4.3. It follows from this that I do not consider the plan should be modified as a result of 17432. I note that the situation has moved on since the deposit UDP was produced and I support PC5 which updates the factual position in relation to the

community strategy. However, it does not fall to the development plan process to address the failings of the community strategy nor to ascribe weight to it. These are matters which need to be addressed outside the development plan system.

Recommendation:

1.4.4. I recommend the plan be modified by PC5.

1.5. Paragraph 1.37

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2238	17430	Heesom	DEP	O	No

Summary of Objection:

Rep No	Summary
17430	Para 1.37 requires rethinking if it is to provide levels of certainty and application

Key Issue:

1.5.1. Whether changes need to be made to para 1.37.

Conclusions:

- 1.5.2. The objector does not suggest what changes need to be made to para 1.37 nor, given the brevity of the objection, am I clear what “rethinking” means in this context. With these circumstances it is difficult to comment on the objection.
- 1.5.3. However, I note that the paragraph and subsequent ones are concerned only with SA. A requirement of legislation, which came into force after the deposit plan was issued, is that plan making be subject to SEA. In order to comply - so far as is practicable, given the commencement date and progress of the UDP - with the *SEA Directive 2001/42/EC*, the Council undertook a combined SEA/SA. As this is a fundamental part of the plan making process, it seems to me that paras 1.37-1.41 should be factually updated to take account of the combined SEA/SA. I reach similar conclusions in respect of screening under Reg 48 of the *Conservation (Natural Habitats etc) Regulations 1994* which also took place in October 2006.

Recommendation:

1.5.4. I recommend that paras 1.37 - 1.41 be factually updated to take account of the combined SEA/SA and screening under Reg 48.

1.6. Paragraph 1.41

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2420	6032	RSPB Cymru	DEP	O	No

Summary of Objection:

Rep No	Summary
6032	SA has not been carried out for part 2 policies/allocations rolled forward from previous plans

Key Issue:

1.6.1. Whether the sustainability appraisal is satisfactory.

Conclusions:

- 1.6.2. This objection has to a certain extent been overtaken by events. In 2006 the Council undertook a combined SEA/SA in line with the requirements of the *Environmental Assessment of Plans and Programmes (Wales) Regulations 2004* which in effect updated/extended the scope of the SA referred to in paras 1.37 – 1.41 of the UDP. The findings of that assessment were advertised along with the proposed changes in November/December 2006. From the evidence available, it appears that the objector did not object despite it not looking at commitments carried forward from previous development plans.
- 1.6.3. I understand that neither WAG nor any of the statutory consultation bodies (CCW, EAW, Cadw) have fundamentally challenged the soundness of the SEA/SA or whether it meets the legal requirements. Essentially if the SEA/SA is flawed and open to challenge that is a matter for the courts to decide. From the representations I have seen and heard on this matter it appears to me that the UDP meets the spirit if not the letter of the law in this respect.

Recommendation:

- 1.6.4. I recommend no modification to the plan.
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2. The Strategy

2.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3264	Flintshire Green Party	DEP	O	No
59	3268	Flintshire Green Party	DEP	O	No
59	3270	Flintshire Green Party	DEP	O	No
59	3281	Flintshire Green Party	DEP	O	No
59	3283	Flintshire Green Party	DEP	O	No
2235	4160	Welsh Language Board	DEP	S	No
2411	5229	Home Builders Federation	DEP	O	No
2753	6607	Cheshire County Council	DEP	O	No
3267	8176	Denbighshire County Council	DEP	S	No
4699	12192	Parry	DEP	O	No

Summary of Objections:

Rep No	Summary
3264	The allocations are not in the most suitable/sustainable locations to avoid traffic impact
3268	The plan contains no overall traffic assessment to judge sustainability and traffic impact
3270	The plan has not been assessed in accord with the Habitats Directive and the BAP
3281	There should be a sequential release of land according to environmental sensitivity
3283	The strategy is not of a planning, predicting, monitoring approach
5229	The strategy does not set out clearly the problem areas and how they will be addressed
6607	The plan should ensure no social, economic, resource or environmental harm to Cheshire
12192	The plan is out of date, uncoordinated and ignores national policy

Key Issues:

2.1.1. Whether:-

- i) the allocations in the plan are in the most sustainable locations
- ii) assessment of impact on natural habitat and biodiversity is satisfactory
- iii) land should be released in order of environmental sensitivity
- iv) land should be provided by a plan, predict and monitor approach
- v) there would be harm to Cheshire County
- vi) the plan is out of date.

Conclusions:

- 2.1.2. Sustainable locations - I am satisfied that the Council in drawing up the plan and proposing site allocations has had regard to the sustainable principles enshrined in PPW and seeks to promote sustainable patterns of development. It will be evident from my conclusions in respect of some of the specific site allocations and the spatial strategy generally that I have a number of reservations about the plan meeting those principles on every count. However, I deal with these matters in detail elsewhere in this report.

- 2.1.3. Although I accept that the impact of planned development on transportation is a factor to be taken into account, it is only one of a number of matters which must be considered. I am told, and I have no reason to doubt, that all new allocations were looked at by the Council's highways officers to assess their highway impacts including cumulative effects. Transportation was also a key issue identified in the combined SEA/SA. Given these circumstances I see no reason why there needs to be further traffic assessment at this stage.
- 2.1.4. Habitat impacts and biodiversity – The objector does not give any details about how the plan is non compliant with the Habitats Directive and the BAP. As a consequence I can respond to the objection only in general terms.
- 2.1.5. One of the key objectives of national policy is the protection and improvement of the environment, the improvement of quality of life and the safeguarding of local and global ecosystems, avoiding irreversible harmful effects. In general terms the UDP seeks to do this through its policies. Environmental factors were a key issue identified in the SEA/SA.
- 2.1.6. In October 2006 the Council undertook a screening exercise under Reg 48 of the *Conservation (Natural Habitats etc) Regulations 1994*. That study concludes that the UDP *will not have any significant effects upon the integrity of any European Sites within its geographical scope, either alone or in combination with other plans or projects, and will therefore not require appropriate assessments*. The report draws on the findings of the combined SEA/SA and consultation with CCW. In addition I am told that close liaison also took place in the preparation of the UDP and the BAP. There is no detailed information before me which indicates otherwise. Consequently, in principle, I see no reason to challenge the findings of the screening exercise or question its compliance with the Habitats Directive and/or compatibility with the BAP.
- 2.1.7. Sequential land release – Although the environmental sensitivity of land is an important factor to take into account when assessing the suitability of land for development, it is not the only factor. To produce a search sequence which had this as the prime consideration could lead to the development of land in less accessible locations with perhaps an inadequate provision of land for homes and jobs. Nor is it promoted by national policy. It could cause conflict with one of the underlying principles of sustainable policy - of putting people and their quality of life now and in the future at the centre of decision making (PPW 2.2).
- 2.1.8. In ensuring that the best land possible is promoted for development there needs to be a balancing exercise. In producing its site allocations the Council has been mindful of the search sequence to be found in PPW (MIPPS 01/2006), in particular at para 9.2.8. Whilst this applies only to housing land, the objective of the approach is to encourage sustainable development. I see no reason why this should not provide a satisfactory starting point for site selection. It is evident that in producing its proposals the Council has had regard to environmental matters and weighed them in the balance. That a proportion of the population and/or businesses of the County do not consider the Council has put forward the best future development solutions is clear from the number of objections. However, it seems to me that in assessing the relative merits of sites there is nothing wrong with the sequential approach used by the Council and set out in national policy.
- 2.1.9. Plan, predict and monitor – I am not clear what the objection is seeking, be it a *predict and provide* or *plan, monitor and manage* method of housing supply

housing and/or development land. In relation to housing PPW (MIPPS 01/2006), at para 9.2.23, says that development plans should quantify the housing requirement and specify the mechanisms to be used to monitor the take up of housing land. The UDP does this. It provides for a housing land supply of 7400 and states in Chapter 20 that the Council will continuously monitor the effectiveness of policies in order to review and up date the plan. Policy HSG3 also seeks to restrict development over the plan period if there is conflict with the proposed housing supply.

- 2.1.10. Whilst this is not a plan, monitor and manage approach in the sense it is set out and required in England, it does nevertheless safeguard the overprovision of housing land and is in line with national policy. Moreover from a pragmatic point of view, given the recent scarcity of housing sites coming forward for development, attributable, at least in part, to the long gestation period of the plan; and the recent predictions of the number of houses required within the remaining plan period, I consider there will be little likelihood of an unnecessary release of housing land. In addition because of the problems, often unforeseen, inherent in developing brownfield sites, it is inevitable that the provision of houses on such sites may well come forward at a slower rate than anticipated.
- 2.1.11. It follows from this that I do not believe there should be any changes to the plan in respect of this objection.
- 2.1.12. The strategy – In general I do not consider Chapter 2 to be confusing. It sets out themes, an overriding vision and aims, and translates these into a spatial strategy, where necessary related to specific areas of the County and says how the strategic aims will be met. The chapter provides an overview and more detail is given in the later chapters dealing with specific matters. There is no reason to add further detail in this preliminary chapter or to state more explicitly what the problem areas are. As many of the aims and means of achieving them are on-going, it would be artificial to say where the Council expects to find itself at the end of the plan period. Monitoring and the production of the LDP will provide any adjustments necessary to meet the present aims or reflect changing ones.
- 2.1.13. Para 10 makes it clear that the spatial strategy adopted is one based on settlement capacity, incorporating elements of regeneration, having regard to public transport corridors and satisfying both market demand and social housing needs. It is a hybrid approach which encompasses elements of the alternative strategies considered.
- 2.1.14. It seems to me that the strategy does acknowledge that it will result in the slowing of growth in the area. As an example in para 11.18 it says the housing supply will reduce *...past trend levels which have been shown to produce unsustainable housing growth*. This does not equate with the failure of the plan to meet strategic aim (b) which seeks all local residents to have access to quality housing services.
- 2.1.15. I note PC2 seeks to relocate the key diagram as requested by the objector. I have no objection to its relocation as proposed, but agree with the Council that to add all the category B and C settlements would make for a cluttered map. It would add little of value to the plan.
- 2.1.16. Harm to Cheshire – The objection is a general one and does not stipulate how harm could arise. No change is sought. The UDP is informed by the SRSS and in principle I see no reason why harm should occur to the neighbouring county.

Other objections by Cheshire County are dealt with under site/policy specific areas.

- 2.1.17. **Out of date, uncoordinated plan** – It is inevitable that since the plan was first produced in 2003 there have been changes to national policy. Planning is a dynamic process. However, the Council proposes significant changes both in response to the initial consultation responses and emanating from the combined SEA/SA of October 2006. In general terms I am satisfied that the plan is reasonably up to date and reflects national planning policy. Where it does not these matters are addressed in response to specific objections. To withdraw the plan at this advanced stage and rely on more dated and/or out of date non statutory plans for a longer period whilst a LDP is produced is not a sound idea. It would perpetuate uncertainty.
- 2.1.18. Insofar as the objector is concerned about the lack of coordination between other authorities and services, I note that the plan is largely in line with the SRSS which, albeit a non statutory document, is a multi-authority, cross border collaboration and reflects many of the aims of the WSP and the UDP. The WSP looks at issues affecting Wales in a wider spatial sense and considers all manner of service providers. I am told that providers of other services such as local health boards were consulted on the UDP. However, the amount of funds available to a health board and the provision/distribution of its services are separate from and not within the control of the planning authority.

Recommendation:

- 2.1.19. I recommend that the plan be modified by PC2.

2.2. Paragraph 2.1

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	3871	Countryside Council for Wales	DEP	O	No
2238	17785	Heesom	DEP	O	No

Summary of Objections:

Rep No	Summary
3871	Clarify the need for more houses, jobs, infrastructure and facilities
17785	The priority given to growth issues should be emphasised

Key Issue:

- 2.2.1. Whether changes need to be made to the paragraph.

Conclusions:

- 2.2.2. Chapter 2 in general provides an overview of the plan's strategy. Clarifications of the statements made in the chapter are to be found in later chapters which deal with particular topics. There is no need for further explanation in para 2.1. Similarly it would be wrong to say the plan gives priority to growth. Whilst it recognises the need for growth it also seeks to balance this against environmental constraints. For para 2.1 to emphasise growth would be misleading and contrary to the plan's overriding vision set out in para 2.6.

Recommendation:

2.2.3. I recommend no modification to the plan.

2.3. Paragraph 2.6**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	3874	Countryside Council for Wales	DEP	O	No
3543	8986	Chester City Council	DEP	O	No
59	18024	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
3874	Wording of plan's overriding vision should be changed
8986	Overriding vision should include reference to sub region

Key Issue:

2.3.1. Whether changes should be made to the overriding vision.

Conclusions:

- 2.3.2. There is negligible difference in the wording suggested by CCW. It does not accord more fully with PPW para 2.1.4 and I see no reason to prefer it to that of the Council. The Council does however, propose the deletion of *long term* harm (PC6). This disposes of the apparent contradiction of improvement of the quality of life for existing people whilst only having regard to long term harm. It is a sensible change.
- 2.3.3. It would be unrealistic for the Council to put forward a vision for Flintshire for a wider geographical area which would be dependent on the actions of other planning authorities for success. Such a vision would be better suited to a document like the SRSS.

Recommendation:

2.3.4. I recommend the plan be modified by PC6.

2.4. Paragraph 2.7**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	3876	Countryside Council for Wales	DEP	O	No
59	18025	Envirowatch	PC	S	No
59	18026	Envirowatch	PC	S	No
2238	18309	Heesom	PC	O	No

Summary of Objections:

Rep No	Summary
3876	Needs new strategic aims for the proximity principle and environmental limits. Amend (h)

18309	Objects to inclusion of <i>respect for environmental limits</i> proposed by PC8
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Key Issue:

2.4.1. Whether additional strategic aims are necessary.

Conclusions:

- 2.4.2. By PC7 & PC8 the Council proposes changing the plan in the way suggested by CCW. The changes in PC8 reflect the principles set out in PPW (2.2.1) and it is appropriate they are included in the plan as strategic aims. All the matters set out in the strategic aims are dealt with in other parts of the plan. Duplication is not a good reason to delete *respect for environmental limits* as a strategic aim, particularly as it is so fundamental to achieving sustainable development.
- 2.4.3. PC7 amends criterion h by making reference to the *prudent* use of resources and *recycled* resources. The changes appear to meet the objection, strengthen the strategic aim and I support their inclusion in the plan.

Recommendation:

2.4.4. I recommend the plan be modified by PCs7 and 8.

2.5. Paragraph 2.8**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4370	Countryside Council for Wales	DEP	O	No
2420	5290	RSPB Cymru	DEP	S	No
2615	5935	Castlemead Homes Ltd	DEP	O	No
59	18027	Envirowatch	PC	S	No
2238	18310	Heesom	PC	S	No

Summary of Objections:

Rep No	Summary
4370	Needs clarification on capacity of settlements and strategy on <i>hazard</i> locations
5935	Approach to growth bands in settlements is too crude. Emphasise bands are indicative and will not prejudice evaluation of individual settlement capacity

Key Issues:

2.5.1. Whether:-

- i) there should be clarification of settlement capacity
- ii) there should be a strategy on *hazard* locations.

Conclusions:

- 2.5.2. Settlement capacity - Para 2.8 sets out in broad terms what factors will govern the location of development. Amongst them is the settlement strategy. The strategic chapter of the plan is not the place for clarifications about the capacity of settlements or explanations about indicative growth bands and the like. However, I do agree with these and other objectors that there is some need for clarification and explanation about such matters. The Council deal more fully with the settlement strategy in Chapter 11. My full comments on objections to it

are addressed in both Chapter 11 and under STR4 in Chapter 3 of this report and should be read in conjunction with my conclusions here. I note in general terms I have some reservations about the soundness of the settlement strategy.

- 2.5.3. **Hazard locations** - From the representations I am not entirely sure I understand what is sought by CCW. I am told that *hazard locations* refers to areas at risk of flooding and contaminated land. However, it is not clear if what is sought is a strategic aim which would seek to direct development away from such areas or merely to be aware of these factors as constraints. If it is the latter it is not necessary to embody this in a strategic aim. With regard to the former, TAN15 does not preclude development in areas at risk of flooding *per se*, and in line with this neither do the UDP policies. Similarly one of the UDP's strategic aims – 3 - gives priority to developing derelict/redundant land which is often contaminated. Therefore on the face of it a strategic aim seeking to preclude development in such areas would be contrary to the thrust of both national and UDP policy. Either way I do not consider it has been demonstrated that there is sound justification for making the suggested change to the plan.
- 2.5.4. I note PC9 is a minor change which would more accurately describe the theme of the paragraph.

Recommendation:

- 2.5.5. I recommend the plan be modified by PC9.

2.6. Paragraph 2.9

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2240	6031	RSPB Cymru	DEP	O	No

Summary of Objection:

Rep No	Summary
6031	Allocations and policies from old development plans need review before inclusion in the UDP because of changes to policy/planning good practice

Key Issue:

- 2.6.1. Whether the plan automatically rolls forward allocations/policies from previous plans.

Conclusions:

- 2.6.2. Para 2.9 does not say and the Council disputes that allocations and/or policies have automatically been rolled forward from existing plans. So far as I am aware all former policies and allocations in the old development plans have been re-examined in the light of current policy (at the time of scrutiny) and best planning practice. Those included in the plan have also been subjected to a combined SEA/SA. The objector does not justify the assertion by any particular examples and as a consequence it is difficult to comment further.

Recommendation:

- 2.6.3. I recommend no modification to the plan.

3. Part I - Policies

3.1. Introductory Section

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3299	Flintshire Green Party	DEP	O	No
2350	4902	Welsh Assembly Government	DEP	O	Yes
2420	6029	RSPB Cymru	DEP	O	No
3543	8985	Chester City Council	DEP	S	No

Summary of Objections:

Rep No	Summary
3299	Seeks an additional policy relating to the urban environment
4902	Seeks an additional policy relating to sport, recreation and leisure
6029	Part 1 of the plan should include targets

Key Issues:

3.1.1. Whether:-

- i) additional policies relating to the Habitats Directive and the protection of important urban landscapes, townscapes and buildings and sport, leisure and recreation should be included in Part 1 of the UDP
- ii) the IPPs should include specific targets.

Conclusions:

- 3.1.2. Policies - STR7 and STR8 provide the strategic basis for protecting the natural and built environment. These are supported by more detailed policies in Part 2 of the plan and as a consequence I do not consider an additional policy referring to the Habitats Directive is necessary. (See also conclusions on WB2).
- 3.1.3. It is a requirement of PPW that Part 1 of the UDP must set out a strategic approach to the provision and enhancement of well designed tourist, sport, recreation and leisure facilities. Whilst STR6 relates to tourism, the Council acknowledge there is no strategic policy dealing with sport, recreation and leisure. PC26 rectifies this omission. The objections relating to PC26 are dealt with under STR11 below.
- 3.1.4. IPPs - Specific targets are included in part 2 of the plan which also includes a chapter devoted to implementation and monitoring. These provide adequate opportunity to assess the effectiveness of the plan and it is not necessary for the IPPs to include specific targets.

Recommendation:

- 3.1.5. I recommend the plan be modified by PC26 (subject to my comments on STR11 below).

3.2. Policy STR1 New Development

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3286	Flintshire Green Party	DEP	O	No
1103	1466	NAW (Welsh Health Estates)	DEP	O	No
1712	3013	The Crown Estate	DEP	S	No
2106	4408	Countryside Council for Wales	DEP	O	No
2238	4180	Heesom	DEP	S	No
2239	4195	Clayton	DEP	S	No
2334	4859	WAG - Dept Economy & Transport	DEP	O	Yes
2350	4903	Welsh Assembly Government	DEP	O	Yes
3556	17646	British Land Company plc	DEP	O	Yes
3715	9540	Butterworth	DEP	O	No
4625	13682	Sargeant AM	DEP	O	No
5224	13492	Whittaker	DEP	O	No
5235	13537	Lewis	DEP	O	No
7411	18704	Development Securities plc	DEP	O	Yes
2619	18574	Ministry of Defence	PC	S	No
4110	18289	Peers	PC	O	No
7416	18607	Pochin Rosemound Ltd	PC	S	No

Summary of Objections:

Rep No	Summary
3286	Seeks amendments to the wording of criteria d, e and g
1466	Criterion a is unduly onerous and criterion g is a presumption against development
4408	Amend wording of criteria a and g. Needs criterion relating to natural heritage interests
4859 17646 18704	Policy should take account of development within allocated sites and Development Zones
4903	Criterion g should more accurately reflect a precautionary approach
13682 13492 13537	Criterion a is not applied consistently throughout the plan
9540	This objection is dealt with in Chapter 4 GEN2 Penyffordd & Penymynydd with 9533
18289	<i>Proper risk control measures</i> in amended criterion g should be defined

Key Issue:

- 3.2.1. Whether the policy and its criteria need to be changed in the light of the objections.

Conclusions:

- 3.2.2. The Council acknowledges the inconsistency between criterion a and Chapter 13 with regard to employment locations outside the settlement boundaries where development may be permitted. The Council seeks to address this in PC10. Whilst I accept that the change would go some way to addressing the point, the additional wording does not refer to suitable brownfield sites, as the Council states in para 4.3 of its submission. However, the Council does propose to include reference to suitable brownfield sites in STR3 (see below). PPW does not restrict the reuse of suitable brownfield sites to employment use. In view of national policy and the need for consistency within the plan I conclude that, in addition to the Council's proposed amended wording, reference should also be made to suitable brownfield sites.
- 3.2.3. PPW advises that new building in the open countryside away from existing settlements or areas allocated for development in UDPs must continue to be strictly controlled. Criterion a (as recommended) is in accordance with this

- advice. Bearing in mind that GEN3 relates to development outside settlement boundaries I do not consider the policy to be unduly restrictive.
- 3.2.4. Para 1.34 of the plan states that policies should not be considered in isolation. It is not necessary for criterion a to repeat this statement. The plan should be read as a whole.
- 3.2.5. The policy adequately addresses the issue of local distinctiveness in the various criteria and as a consequence it is not necessary to include the suggested additional wording in criterion d. However, I note FPC597 proposes minor changes to criteria d and e which make the wording more robust.
- 3.2.6. The Council states that criterion g is not intended to presume against development and acknowledges that it should be redrafted to better reflect a precautionary approach. PC11 addresses this objection. Whilst the Council states that the term proper risk control measures in the revised wording is commonly used it would be helpful to include a definition in the glossary of terms. As the appropriate measures will be determined in each particular case the provision of a list of possible examples may prove misleading for users of the plan.
- 3.2.7. No evidence or justification has been put forward regarding the need to refer to soil erosion within criterion g and I consider such detail in this strategic policy unnecessary.
- 3.2.8. Since STR7 relates to the natural environment I do not consider it necessary or appropriate to include an additional criterion relating to natural heritage interests.
- 3.2.9. Other matters - No evidence or justification is provided in support of the assertions that the policy is not applied consistently with other parts of the plan or how it should be changed. I cannot therefore make any meaningful conclusions on these objections.
- 3.2.10. In January 2008 MIPPS 01/2008 was issued. This indicates that good design should consider the impact of climate change and ensure that development contributes to tackling its causes. I consider that STR1 should be amended to reflect the greater emphasis now placed on this issue and that criterion b should be expanded to refer to these considerations. This reflects my findings with regard to the detailed policies in Chapter 5 Design. I would suggest in criterion b following *site and locality* add , *maximise the efficient use of resources, minimise the use of non-renewable resources and minimise the generation of waste and pollution.*

Recommendations:

3.2.11. I recommend the plan be modified by:-

- i) PC11 and FPC597
- ii) changes to criterion a to read *generally located within existing settlement boundaries, allocations, development zones, principal employment areas and suitable brownfield sites and will only be permitted outside these areas where it is essential to have an open countryside location;*
- iii) definition of risk control measures in the glossary of terms
- iv) in criterion b after *site and locality* adding , *maximise the efficient use of resources, minimise the use of non-renewable resources and minimise the generation of waste and pollution.*

3.3. Policy STR2 Transport and Communications

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1712	3014	The Crown Estate	DEP	S	No
2106	4409	Countryside Council for Wales	DEP	O	No
2236	4165	York	DEP	O	No
2238	4181	Heesom	DEP	S	No
2239	4196	Clayton	DEP	S	No
2239	4202	Clayton	DEP	S	No
2420	5295	RSPB Cymru	DEP	O	No
4625	13683	Sargeant AM	DEP	O	No
5224	13495	Whittaker	DEP	O	No
5235	13539	Lewis	DEP	O	No

Summary of Objections:

Rep No	Summary
4409	Seeks inclusion of reference to natural heritage interest in criterion e
5295	Seeks reference to demand management in criterion b
13683 13495 13539	Criteria a and d are not applied consistently throughout the plan
4165	This is dealt with in Chapter 17 CF2 with 4167

Key Issue:

3.3.1. Whether any changes need to be made to the criteria.

Conclusions:

- 3.3.2. The criteria - Not all the criteria listed will necessarily apply to each and every development. For example, a single dwelling is unlikely to have an impact on facilitating the transfer of freight from road to rail or water. The inclusion of the term *wherever practicable* in the policy provides the necessary flexibility to enable the relevant criteria to be applied when it is possible to do so. I do not consider this results in uncertainty and I conclude the policy should not be changed as suggested.
- 3.3.3. With regard to achieving a modal shift from private to public transport the objector does not indicate what the term *demand management* would encompass. PPW advises a precautionary approach to the introduction of road charging and/or workplace charging and more recent advice in TAN18 advises that road user charging and workplace charging will be addressed through RTPs. Demand management will require a much wider debate in the Flintshire, regional and national context and I consider it would not be appropriate to include this approach in the UDP.
- 3.3.4. The plan should be read as a whole. Environmental considerations are adequately covered by other strategic and detailed policies and it is not necessary for this policy to include reference to safeguarding the natural heritage. To do so could be seen as giving more weight to it than other considerations which would need to be taken into account in transferring freight from the roads.
- 3.3.5. Other matters - No evidence or justification is provided to support the assertions that the criteria are not applied consistently or suggest how the policy should be changed. It is difficult to comment further on these objections.

Recommendation:

3.3.6. I recommend no modification to the plan.

3.4. Policy STR3 Employment**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	246	Flintshire Green Party	DEP	O	No
59	3297	Flintshire Green Party	DEP	O	No
1712	3015	The Crown Estate	DEP	S	No
2106	4410	Countryside Council for Wales	DEP	O	No
2238	4182	Heesom	DEP	O	No
2239	4197	Clayton	DEP	O	No
2334	4862	WAG - Dept Economy & Transport	DEP	O	Yes
2753	6616	Cheshire County Council	DEP	O	Yes
3548	9024	Solitaire (Liverpool) Ltd	DEP	O	No
3556	9066	British Land Company plc	DEP	O	Yes
6718	15630	Brock Plc	DEP	O	No
7411	18686	Development Securities plc	DEP	O	Yes
2619	18575	Ministry of Defence	PC	S	No
4110	18290	Peers	PC	O	No
7416	18608	Pochin Rosemound Ltd	PC	S	No

Summary of Objections:

Rep No	Summary
246 4197	These objections are dealt with in Chapter 13 at EM2(1) with 77 and 4294
3297	Objects to oversupply of employment land, loss of high grade agricultural land and use of employment land for housing and speculative development
4182	Emphasis on employment in the eastern county and too little regard to pressures in the west
4410	Seeks reference to STR1 and other strategies and policies
4862 9066 18686	Criterion c should include land within allocated sites and Development Zones
6616	Seeks clarification of the level of employment land being provided
9024	Add criterion for tourism. (See also 9022 at Chapter 16 - the whole chapter)
15630	This objection is dealt with in Chapter 13 EM3 with 15631
18290	Seeks a definition of <i>suitable brownfield sites</i> in amended criterion c

Key Issues:

3.4.1. Whether:-

- i) the policy requires changes
- ii) there is undue emphasis on the eastern end of the County
- iii) there is an overprovision of employment land
- iv) employment allocations take up high grade agricultural land
- v) it is appropriate to use employment land for housing development.

Conclusions:

3.4.2. Policy changes - The plan should be read as a whole. Since environmental and tourism considerations are covered by other strategic/detailed policies, it is not necessary to include reference to these matters in STR3.

3.4.3. The Council proposes amending criterion c (PC12) to specify the areas where employment development will be permitted. Such an amendment

would be appropriate and would ensure consistency with the employment policies in Part 2 of the plan.

- 3.4.4. The proposed amended wording of this criterion includes reference to *suitable brownfield sites*. PPW (para 2.7.1) recognises that not all brownfield sites are suitable for development. The suitability or otherwise of a site will be determined on its particular circumstances. It would not therefore be possible to define *suitable* in this context.
- 3.4.5. Emphasis on eastern County - It seems to me that the strategic approach to employment is in line with the WSP and I do not consider there is an undue emphasis on the eastern end of the County. No substantive evidence has been put forward to support the assertion that there is too little acknowledgement of the pressures in the western end and the detailed employment policies in Part 2 include allocations throughout the County. However, out of the list of high quality sites in EM2, there is no indication why Warren Hall and St. David's Park are singled out for specific mention in criterion b. This may convey a misleading emphasis on particular sites and as a consequence it is not appropriate to refer to them in this policy.
- 3.4.6. Level of employment land provision - The Council acknowledges that the total allocation of employment land exceeds the target need. This is because the plan provides an element of flexibility to accommodate a range of type, size and location of site. As the demand for employment land is largely market driven, this is appropriate. The matter is dealt with in more detail in Chapter 13.
- 3.4.7. One of the strategic aims is to provide employment opportunities for local people. However, the UDP cannot control who takes up the jobs created, nor do I consider it is desirable that it should, particularly bearing in mind the County's position in the sub region. Flintshire cannot be treated in isolation. Both the WSP and the SRSS recognise the close relationship between North East Wales and Cheshire. The development of employment land on a speculative basis is a component part of the provision of job opportunities. I do not consider such development is necessarily unacceptable or results in an over allocation of land.
- 3.4.8. When the employment policies and associated text are read as a whole they provide sufficient guidance/justification on the employment land proposed. It is not appropriate for this strategic policy to include details relating to specific sites or types of employment.
- 3.4.9. Agricultural land - Many of the employment land allocations have been rolled over from existing development plans and I am told the impact on agricultural land will already have been assessed. The Council states that the vast majority of the land allocated for employment is not the best and most versatile and I have no reason to doubt this information. 3297 is not substantiated. It is difficult for me to comment further.
- 3.4.10. Housing development - The history of previous planning decisions is not a matter for this UDP Inquiry. However, PPW indicates that non housing allocations should be reviewed to consider whether land might be better used for other purposes, including housing. It is not clear to me the point the objector is making with regard to the example of Broncoed and references to unspecified sites in villages and it is difficult to comment further. Objections to specific sites are considered later in this report.
- 3.4.11. Other Matters – Part 2 of the plan indicates the amount of employment land that is allocated and its location. I do not consider further clarification is required.

Recommendations:

3.4.12. I recommend the plan be modified by

- i) PC12
- ii) the deletion of the text *including key strategic/high quality sites at Warren Hall and St. David's Park* in criterion b.

3.5. Policy STR4 Housing**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in Appendix A3			

Summary of Objections:

Rep No.	Summary of Representations
All	<p>Objections range from there being too high a supply of housing land to too little, with a number considering the figure of 7400 about right, but the supply not capable of providing that level of development.</p> <p>The need for 6500/7400 homes has not been demonstrated. Priority should be given to refurbishing existing housing stock and using brownfield land. The supply can be reduced by 30% if the young and elderly who do not purchase property are taken into account. Densities should be higher and more housing such as rented, warden controlled provided. The housing figure is based on providing houses for in-migration not the population of Flintshire. There is no need for a flexibility allowance, annual monitoring will indicate if additional dwellings are needed. The deposit plan demonstrates why 6500 dwellings are unsustainable. No more than this should be built.</p> <p>There are doubts about how the figure of 7400 was derived. There needs to be more clarification. There are also doubts about the availability of land which makes up the housing supply including physical/ownership constraints on land with planning permission/allocations. Small sites/conversions/windfalls are a diminishing resource. Large windfalls should not be included in the supply. No account is taken of demolitions. The supply of land should have been informed by a housing needs survey. There will not be a 5 year supply of land.</p> <p>The plan should provide for more than 7400 dwellings. Suggested figures include up to 9000. If not there will be an imbalance between economic and housing development. The housing figure does not recognise the level of demand and under estimates the low level of recent provision. The assumptions about in-migration are too low and do not reflect trends. Local people will be forced out/not be able to enter the housing market. A higher supply of houses will enable the provision of more affordable houses. The calculations do not use up to date information and there is no recognition of changing patterns of household growth. The housing supply figures include double counting.</p> <p>The calculations/policy do not accord with PPW. They do not use the most up to date household projection information. The life of the plan should be extended until 2023.</p> <p>The policy should state its support for brownfield land, the efficient and sustainable use of land and development within settlement boundaries. Criterion (b) should be deleted. It introduces a double hurdle of settlement growth and capacity. No sound justification has been provided for categorising settlements and limiting development within them. There is no sound assessment of settlement capacity. A greater proportion of the supply should come from the urban centres. Criteria (b) and (d) are too restrictive and not consistent.</p> <p>Criterion (d) should include reference to housing being controlled by a housing association and PC14 should be compatible with HSG10 and 11</p>

Background

3.5.1. Whilst the deposit plan identified a need for 7400 new homes within the plan period, it proposed a supply of only 6500. However, PC13 increases this to 7400. By putting forward a higher figure the Council accepts that 6500 is an insufficient level. As a consequence my conclusions are based on the 7400 figure.

- 3.5.2. Insofar as the objections criticise housing supply figures in the deposit draft plan, these figures were amended and/or updated when changes were made to the housing allocations proposed as part of the PCs and following the combined SEA/SA. Consequently whilst the generality of an objection is maintained I make no comment on the details. Further I understand many of the objections made at the deposit stage contain facts and figures from plans, documents and the like which are either now out of date or have been superseded. It would serve little purpose to comment in any detail on these figures.
- 3.5.3. Some objections to STR4 put forward alternative sites for housing development. My comments on the suitability of those sites are to be found in Chapter 11 of this report primarily under HSG1. The conclusions here deal only with housing at a strategic level, that is whether the number of new homes proposed within the plan period is satisfactory and whether in general terms the supply of land is capable of meeting that need.
- 3.5.4. I make no comment on the availability of particular allocated sites in my conclusions on STR4. In general terms I note a long planning history to a site does not necessarily mean it is incapable of development nor does the non development of allocated land in a previous plan. In the past there has not been the same emphasis on recycling urban land and greenfield sites were seen by some as an easier/cheaper/preferable option for development. Nevertheless I am mindful that the constraints on some sites, whether greenfield or previously developed, may mean that they may not be immediately available for development. Where doubts are cast about the availability of particular sites and/or their ability to be developed before the end of the plan period, these are dealt with under their specific policy numbers under HSG1 below. I am told all allocations have been assessed in terms of highway impacts.
- 3.5.5. I understand that within 6 months of the receipt of this report the Council will submit an outline of the LDP and I would expect that to be progressed quickly. The production of the new plan will be supported by assessments of urban/environmental capacity and local housing market assessment. It will be informed by up to date survey work in line with the latest national policy. It is within this context that my conclusions on both the housing supply and settlement strategy are reached.

Key issues

- 3.5.6. Whether:-
- i) the level of housing provision proposed is sufficient to ensure there is the opportunity for people to live in good quality affordable housing, taking into account matters such as the reliability of the household projections, in-migration, economic development and the like
 - ii) the settlement hierarchy forms the basis for an acceptable spatial strategy
 - iii) there should be changes to the policy/criteria.

Conclusions:

- 3.5.7. Housing requirement – The Council has not revised its estimated demand for new homes from 6500 to 7400. It is the supply of land which has been increased to meet the projected demand. 7400 is a global figure of the estimated housing needs of the County. It does not relate solely to market family housing, but encompasses different types of tenure and has regard to trends in household composition. I have neither read nor heard any

substantive evidence which supports the view that the supply could be reduced by 30% if the young and elderly are taken into account.

- 3.5.8. Similarly other policies within the plan such as HSG8 seek to make the most efficient use of land by maximising densities without compromising the quality of the environment; HSG9 ensures that new development is appropriate in terms of housing mix and type. Providing affordable homes to meet local needs is addressed by HSG10 (within settlements) and HSG11 (in rural areas). I appreciate that these factors, together with making the best use of the housing stock - STR4(e) - may limit the amount of land for new housing, but they do not affect the overall number of dwellings required. My conclusions on STR4 should be read alongside those for the above policies.
- 3.5.9. The housing policies in the plan complement the Council's Housing Strategy 2008-2013 which was developed in collaboration with key people, groups and organisations. Whilst produced after the UDP, the strategy promotes the common theme of mixed housing development in sustainable communities and recognises the need to ensure that sufficient land for new homes is allocated in the right location and is of the right type to meet the needs and aspirations of the County's existing and future residents. As such these documents accord with the objectives of PPW.
- 3.5.10. Turning now to the robustness of the 7400 figure. The Council used the Chelmer population and housing model to project housing demand. This is commonly acknowledged to be an appropriate way to undertake such studies. However, projecting future population changes and demand for new houses is not an exact science. It is of necessity based on a number of assumptions. There is no absolute right answer. It is a best *guesstimate*. In the case of Flintshire the work was carried out in the spring of 1999 using data from the 1990s. The Council has not updated the basic figures in the model, but in subsequent years more studies have been undertaken and/or projections produced.
- 3.5.11. Whilst the deposit draft plan may have proposed a figure of 6500 new dwellings to reflect capacity considerations, this is not the case of the 7400 proposed by PC13. The Council justifies 7400 on need, not capacity grounds. The objectors who consider 7400 and/or 6500 to be too high have not substantiated their views with empirical evidence, only assertions.
- 3.5.12. PPW advises that the starting point for assessing housing requirements should be the latest national and sub national household projections for Wales. I concur with the general consensus that in this case these are the 2003 based sub national projections, as the 2004 figures were not, at the time of the inquiry, disaggregated to sub regional level. In addition the Council has considered other comparative sources of projected housing demand including the North Wales Regional Apportionment Exercise (2007), the North Wales Planning Officers 2003 based projections and the SRSS 2006. There has therefore been regard to more up to date work both within Wales and cross border.
- 3.5.13. I acknowledge that the annual requirements in these various documents have different base dates/time periods from 2000 to 2026, nevertheless they produce figures of a similar order and the North Wales apportionment and the North Wales Planning Officers projections are similar at 480 and 490 respectively to the UDP figure of 490. At the inquiry the Council acknowledged that due to the low build rates in the early stages of the plan period the annual figure for the remainder of the plan will be in the region of 650 to deliver the requirement.

- 3.5.14. I have looked at the different rates of housing/population growth found in SDR 30/2006 which summarises the 2003 based population projections. In North Wales, it illustrates a slowing down of household formation rates after 2016. However, this document carries a health warning and says that the projections do not make allowances for the effects of local/national policies and are only an indication of what would happen if certain assumptions were made. Full details of those assumptions are not available to the inquiry and in the circumstances I do not consider that the bald figures demonstrate *per se* that a higher number of new homes is justified within the period to 2015.
- 3.5.15. Flintshire is not a self contained unit and there is an inter-dependence between it and neighbouring areas in terms of housing and employment markets. This is recognised in the WSP. The 7400 figure is arrived at by including assumptions about migration which were agreed by the then Welsh Office. In my view it would not be reasonable to ignore migration given Flintshire's attractive border location and relative economic prosperity. To do so could well result in a level of provision which could lead to increased competition, rising prices and the exclusion of more households from the housing market. I am not aware of any planning means which could successfully ensure that all new homes within the district were purchased by local people or indeed that the evidence demonstrates that this is necessary. In any event, even if such a means could be found, it would not preclude migration as only a small proportion of the property market consists of new homes. In Flintshire it is not sensible for housing need to exclude in-migration. I note here that HSG10 and HSG11 seek to provide affordable housing where there is a need.
- 3.5.16. Given the past trends/projections in migration, coupled with the need to encourage employment generation whilst at the same time protecting the environment, I do not consider the allowance of 200 persons a year to be unreasonable. The figure equates to the most up to date ONS information. From the evidence before me I am not persuaded that the figures quoted from other sources would be more robust and/or appropriate. I have been mindful that there is a need to have regard to changing patterns of in-migration from EU countries. However, this is something of an unknown factor. I would expect more information about this matter to be available to inform the LDP process.
- 3.5.17. I do not consider past completion rates should be used to guide future housing need. They are unreliable and the rates can differ widely depending on the period chosen. This is particularly true of Flintshire where the rates were high immediately before the UDP process began, but have become increasingly lower as the process has progressed. I acknowledge that there is a relationship between the provision of new employment and housing. The likelihood is that new industry brings with it new workers who have a variety of housing needs/demands. However, I do not consider there is a direct correlation between the amount of housing and employment land. This is because the supply of housing land is primarily needs driven, whilst there is far less certainty about employment land requirements, the take up of which is essentially market driven. Therefore I do not believe the level of employment land proposed is a good reason to increase the supply of housing land.
- 3.5.18. The plan has no phasing policy which means the allocated sites can come forward at any time and there is likely to be a significant increase in building rates once the uncertainty of the housing allocations disappears. There is also likely to be less cross border pressure for houses if the supply of land is

increased within Cheshire. Therefore I do not consider these factors justify making more land available for development.

- 3.5.19. Housing supply - At the time the proposed changes were produced the Council took the opportunity to review the housing balance sheet. The figures presented to the inquiry are based on the April 2006 Joint Housing Land Availability Study and it is these figures I use in reaching conclusions on supply. This study was coordinated and published by WAG. It is an agreed collaboration between WAG, FCC, housing associations, EAW, DCWW, HBF and local developers.
- 3.5.20. The numbers of completions since the start date are a fact. However, objectors have cast doubt about other elements of the identified supply. In particular there is some double counting of supply in respect of small sites and this is now acknowledged by the Council. Under the heading *sites with pp and in adopted plans* the figure of 2203 includes 750 dwellings which is a small sites allowance for 2006-2011 derived from the 2006 JHLAS. 750 is the figure confirmed acceptable by WAG as lately as April 2007, as a consequence the Council has adjusted the table by deleting 5 years of the 60 pa allowance to reflect this. Leaving a residual amount to come from the allowance of 240 dwellings. Although this may not be the standard way of assessing supply I consider it is an appropriate way of progressing because it has regard to recent trends and is likely to prove a more robust figure than the theoretical one set in the late 1990's.
- 3.5.21. I note here that despite claims to the contrary there does not appear to have been a drying up of small/windfall sites as suggested. The allowances set for both small and large sites were significantly less than for the period immediately preceding the start date of the plan. In fact both small sites and windfalls have come forward in greater numbers than the allowances.
- 3.5.22. I acknowledge that it seems likely that once the plan is adopted there is likely to be less pressure on developers to identify windfall sites as allocations become available for development. However, I do not accept that the windfall allowance for large sites should be deleted from the supply figures. Such sites occur as a result of changing circumstances which it is not possible to identify in advance. There is no way they can be allocated for development with any reliability. That being said I acknowledge the Council has, in a number of instances, included land within settlements where, in principle, it would not object to development, but believes constraints may preclude development within the plan period. If these sites come forward they would be appropriately classified as windfalls.
- 3.5.23. If large windfalls were only added at completion stage it would negate a source of supply until the units were actually built. This would produce distorted figures. I see no reason why windfalls should be treated any differently to small sites. They are a legitimate source of supply which once planning permission is granted become a commitment. As far as I can see the windfall allowance does not result in double counting. Neither do I find it untoward that site yields are based on density assumptions. This method may not be 100% accurate, but it does result in a consistency of approach in the treatment of sites from whatever component of supply.
- 3.5.24. Of the other 2 categories of *the commitment and allowances* part of the supply, *sites in unadopted plans* account for only 40 units and these together with the *sites with planning permission and sites in adopted plans* have been scrutinised, as part of the production of the 2006 JHLAS, before they were included in the housing land supply. They may not all fall within the 5 year supply, but that does not mean they cannot be developed within the plan

period. The JHLAS identified land in accord with the categories set out in TAN1 and has been agreed with the HBF and local developers. It is not an arbitrary exercise carried out by the Council. In general terms I have seen no substantive evidence which seriously causes me to question their inclusion within the identified supply.

- 3.5.25. Using figures from the 2006 JHLAS, the current supply of land from completions, commitments and allowances is only 3.67 years. And I do not find this surprising in the light of the diminishing supply available because of the continuing uncertainty of the UDP allocations. The Council's stance towards sites subject to objection means this is unlikely to change until adoption of the plan. However, when adding the present UDP allocations to the supply this rises to 8.77 years. The revised allocations as recommended would increase this.
- 3.5.26. I am mindful that 7400 is not an absolute figure and the supply includes a flexibility allowance. Given that any combination of unknown factors can affect the development of land it is prudent that such an allowance is available. It does not to my mind equate to an oversupply which will result in unsustainable development. I have seen no substantive evidence which indicates that clearance and demolitions will make more than a negligible impact on supply.
- 3.5.27. In looking at the objections to the allocated sites, considering the relative merits of alternative land, taking account of changing circumstances and density of development, my recommendations mean that there have been changes to the allocations which has a knock on effect on the supply. I note here that in general terms increasing the density of development to 30 per ha in category B settlements and for allocations has not demonstrated that the number of allocations can be reduced as suggested by some objectors.
- 3.5.28. From the comparison table set out below, it is evident that if my recommendations are accepted there will be sufficient land allocated to ensure the delivery of 7400 new homes within the plan period, a 5 year supply of land, and a healthy flexibility allowance of about 14% to ensure that if there is slippage the housing industry will still have the potential to deliver sufficient homes to ensure people have the opportunity to live in good quality affordable homes.
- 3.5.29. It should be noted that in the table below the figure of 3521 for new allocations is largely based on densities recommended in Chapter 11 at HSG8. As a number of my recommendations recognise the necessity for further work on site capacity, the precise figure may be subject to change. I accept also that constraints on some sites may result in reduced capacities whilst in other locations and on other sites densities may be higher. From all the information available to the inquiry, I am however satisfied that a figure of 3521 or thereabouts is a reasonable one for the purposes of the calculation of housing supply. If necessary the figure can be fine tuned at the modification stage.
- 3.5.30. This leads me to the overall conclusion that 7400 new homes is an appropriate level to provide within the plan period and the proposed supply is capable of ensuring its delivery.

UDP HOUSING REQUIREMENT BALANCE SHEET

	April 2000	April 2006*	April 2006**	April 2006***
Requirement (2001 - 2015)	6500	7400	7400	7400
Less completions:				
2000-2001		474	474	474
2001-2002		239	239	239
2002-2004		621	621	621
2004-2005		347	347	347
2005-2006		318	318	318
Revised requirement:	6500	5401	5401	5401
Less commitments & allowances:				
Sites with pp & in adopted plans	1055	2203	2203	2203
Allocated sites in unadopted plans	1024	40	40	40
Small sites (9 or less) 60 pa	900	540	240	240
Windfall allowance (10+) 50pa	750	450	450	450
	3729	3233	2933	2933
Residual requirement:	2771	2168	2468	2468
New allocations in UDP:	3102	3060	3060	3521
Over allocation;	331	892	592	1040
For which 10% flexibility would account	650	740	740	740
Further flexibility:	-319	152	-148	313
* small sites allowance double counted ** small sites allowance adjusted for double counting *** allocations in plan adjusted to reflect inspectors' recommendations				

- 3.5.31. The categorisation of settlements is derived from the Clwyd Structure Plan and the Council says that in the past it has proved a useful tool to broadly identify the likely acceptable levels of development within different types of settlements. In principle I am satisfied that the spatial distribution of growth should be based on a hierarchy of settlements with more growth taking place in the larger settlements. This is in line with both national and the plan's underlying sustainable objectives. However, I have some reservations and share some, but not all, objectors' concerns about the particulars of the strategy.
- 3.5.32. The Council acknowledge that the strategy is not based on a thorough and consistent assessment of the capacity of settlements and that whilst it sought to provide 65% of development within the category A settlements, it does not deliver this.
- 3.5.33. Despite its response to objections, I am not entirely clear about the Council's justification for selecting the actual percentages of the growth bands. The nearest I have come to an explanation is in Topic Paper 2, where at para 3.8 it says *Having been ranked, the settlements were categorised intogrowth bands, reflecting an evaluation of their growth potential based on capacity,* but there is no further information about the capacity of individual settlements to justify the levels set.

- 3.5.34. However, the figures set out in the plan, the allocations and assumptions about windfall sites and the like demonstrate that broadly growth within these bands would meet the housing requirement. It is made clear that the settlement growth bands are indicative. They are not prescriptive and there is the acknowledgement that some settlements will be able to accommodate more/less growth than the indicative bands. Therefore I find the actual percentages set to be reasonable.
- 3.5.35. In principle there is nothing wrong with a settlement policy which is based on the historic settlement pattern. However, that settlement pattern was developed when there was less personal mobility and significantly different social/economic conditions. These factors meant people tended to work, rest and play close to home and communities were relatively independent. The ever decreasing facilities and services within the rural settlements is evidence that things have changed significantly.
- 3.5.36. As a consequence I do not consider it acceptable that development *per se* should be encouraged in the category C settlements where the strategy is permissive of up to 10% development. By definition these scattered villages are not in sustainable locations and have extremely limited facilities. To promote the expansion of such settlements is not in accord with the underlying sustainable principles of the plan. That being said I do recognise there may be occasions where there is a local (by which I do not mean a personal) need for one or more houses. It may be for low cost housing or to accommodate rural workers. In such circumstances small scale development of up to 10% could well be acceptable and I recommend in Chapter 11 HSG3 that the settlement strategy is rewritten to reflect this.
- 3.5.37. Turning to boundary definition. In some instances settlements which were once separate entities now form part of a continuous built up area and share facilities. However, they are allocated in the plan as different settlements and can be within different categories such as Mynydd Isa and Buckley. This is illogical and backward rather than forward looking. A settlement boundary on a plan does not define the identity or cohesion of a community, that will remain, despite the boundaries drawn.
- 3.5.38. In principle with such circumstances I consider it would be better if the spatial strategy had regard to built up areas as well as historic settlements. This would get rid of apparent inconsistencies where what appears to be accessible land in close proximity to facilities and services is excluded from settlements and protected by countryside/green barriers/open space policies. I do not find the argument that an accessible area which has recently been the subject of significant development needs a period of respite, to be a good reason to prevent development if the infrastructure is or can readily be made available. Accommodating growth inevitably brings change.
- 3.5.39. That being said, so far as I am aware, the information is not available to fundamentally review the settlement boundaries. For all the survey work to be undertaken and changes made to the plan would take a significant period of time. The long gestation period has led to an unacceptable period of uncertainty about future development which should not be perpetuated. It has led to low house building rates and an inadequate supply of land. It is not satisfactory for the people, businesses or investors in the County.
- 3.5.40. I am mindful that once the plan is adopted, it is likely to have little more than 5 years to run. Therefore whilst I have some misgivings about the settlement strategy, I believe with the modifications I have suggested, it would represent an acceptable way forward to address present problems in

a sustainable way and would guide development until the LDP comes forward. Rather than extend the life of the plan – as suggested by some objectors - it seems sensible for the Council to press on as soon as is practicable with the LDP. This is intended to be a far speedier process and will be based on up to date information including a thorough examination of settlement capacity. For the spatial distribution of growth it should also consider what should constitute a settlement/built up area.

- 3.5.41. Finally turning to the specific points raised about the wording of the policy and criteria. STR1a sets out the need for development to be within settlement boundaries, STR10a the preference for the use of brownfield land and STR10b making the most efficient and practical use of land. It is not necessary to repeat these matters in STR4. I note in any event that STR4e refers to making the most effective and efficient use of existing housing stock and as part of its function as a housing authority the Council operate an Empty Homes scheme.
- 3.5.42. If criterion b were to go, the alternatives would be to firstly permit unrestricted growth within the defined settlements. This could lead to a mismatch between services/employment which would amongst other things encourage car journeys and be contrary to the underlying sustainable objectives of the plan. And secondly to delay adoption of the plan for a significant period whilst the matter was re-examined in depth which would perpetuate the problems associated with the long gestation period of the plan. Either would be totally unsatisfactory.
- 3.5.43. It follows that I do not consider criterion b should be deleted in its entirety. It is sensible and in line with national advice for the distribution of new houses to be guided by a spatial policy. However, the Council accepts that there has not been a consistent assessment of the capacity of the identified settlements and I have reservations about the definition of some. Given these circumstances I do not consider there is a sound basis on which the assessment of capacity of a settlement can be undertaken in a rigorous way in response to development applications. Further as written the criterion refers to both the settlement hierarchy and the capacity of each settlement. As the hierarchy is based partly on capacity I find it confusing to also refer to capacity, as if it were separate and in addition to the hierarchy.
- 3.5.44. These matters lead me to conclude that the criterion should end after *small villages*. The changes I recommend to the settlement strategy (above and at HSG3) together with other policies in the plan will ensure development is in line with sustainable principles.
- 3.5.45. The objectors who consider criteria b and d are too restrictive and inconsistent do not say why. Nor does the objector who regards PC14 to be incompatible with HSG11. I do not share these objectors' sentiments, but with the lack of reasons behind the assertions it is difficult to comment further.
- 3.5.46. PC14 adds *where there is a demonstrable need* to the end of criterion d. I support the change which makes the criterion consistent with HSG10. I see no useful purpose in criterion d of this strategic policy making specific reference to who should be the provider of affordable and/or special needs housing. HSG10 and HSG11, dealing with affordable housing, appropriately go into more detail.

Recommendations:

- 3.5.47. I recommend the plan be modified by:-
- i) PCs13 and 14

- ii) deletion of *and on the capacity of each settlement to accommodate further growth* from criterion b.

3.6. Policy STR5 Shopping Centres and Commercial Development

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3300	Flintshire Green Party	DEP	O	No
2239	4199	Clayton	DEP	S	No
2350	4907	Welsh Assembly Government	DEP	O	Yes
3543	8987	Chester City Council	DEP	O	No
4823	12550	Tesco Stores Ltd	DEP	S	No
4838	12591	Goldrock Investments Ltd	DEP	S	No
5191	13424	Somerfield Stores	DEP	O	No

Summary of Objections:

Rep No	Summary
3300	Add <i>increased car trips</i> to criterion b, <i>art features and plaza type amenities</i> to criterion c and delete <i>Broughton</i> from criterion d
4907	Expand criterion b to include reference to the <i>attractiveness</i> of centres
13424	Clarify categorisation of town, district and local centres; put local centres on proposals map. Include Ffordd Llanarth shopping centre
8987	Exclude the derelict warehouse site from the Saltney district centre

Key Issues:

3.6.1. Whether:-

- i) the policy should be changed in line with the objections
- ii) the extent of the Saltney District Centre should be amended
- iii) local centres should be defined
- iv) the shopping hierarchy is adequately defined.

Conclusions:

3.6.2. In my consideration of issues in Chapter 12, I raise concerns about terminology and lack of definition of words which, where relevant, apply equally to STR5. Whilst I do not repeat them in any detail here, I note in particular that *commercial development* is used throughout the plan and it is not clear if it is always intended to have the same meaning. For instance in STR5, S3 and EM4.

3.6.3. Policy – I do not consider it necessary to refer to additional car trips in criterion b as STR2 sets out strategic transport policy which will relate to all types of development. To be consistent with one of the main objectives of national policy set out in para 10.1.1 of PPW (MIPPS 02/2005) it would however, be appropriate to add *attractiveness* to this criterion. The Council proposes this by PC15 which I support. I am not sure why the criterion is qualified by *particularly outside defined centres* as this implies the weight to be given to harm from a development within a centre is less. It would be better deleted.

3.6.4. Public art and plaza type developments will be details of individual schemes. Such features, if appropriate, could be required under criterion f. I see no need for them to be specifically mentioned in criterion c. It is perhaps my misunderstanding of the terminology in criterion c, but it seems to me it

would be clearer if *given the scale and nature of the proposal and were to be deleted and replaced by commensurate with.*

- 3.6.5. The reference to Broughton in criterion d is misleading since it could be taken to refer to Broughton itself rather than Broughton Retail Park. My conclusions in respect of Broughton Retail Park are to be found at S1(10) in Chapter 12 and I do not repeat them here. The consequence of those conclusions and changes since 2003 means that, to avoid confusion, the list should refer to Broughton Retail Park. The list is essentially derived from the table in S1 in Chapter 12. My conclusions to those allocations mean that to be consistent, there will need to be some other modifications to criterion d.
- 3.6.6. Saltney – Events have overtaken the objection. There is now planning permission for a supermarket on the site which it is intended will serve the needs of the local community and as a consequence I consider it is appropriately located within the defined district centre.
- 3.6.7. Local centres - One of the objectives of national planning policy is to promote established town, district, local and village centres. Whilst STR5 and a number of the policies in Chapter 12 refer to local centres these locations are not defined or listed anywhere in the plan. Given the varied nature and scale of local centres I accept that it would be time consuming and difficult to define their boundaries precisely, but it could be done relatively easily by a symbol. Not identifying them results in a lack of certainty about where the policies will apply. On balance I consider that the local centres to which the policy applies should be identified on a list and on the proposals map.
- 3.6.8. I note here that the Council does not mention village centres, but I have assumed that local centres are meant to encompass them. No doubt the adopted version of the UDP will reflect this and identify centres on the proposals map.
- 3.6.9. I deal with S1(7) in Chapter 12 and can usefully add no more in response to 13424, except to say that with its range of existing and proposed facilities I consider it would be extremely unlikely that the Llanarth Shopping Centre would be excluded from a list of identified centres.
- 3.6.10. Shopping hierarchy – The Council says that the hierarchy has evolved from previous development plans and that the differentiation between types of centre is based on the size, character and level of facilities in each centre. Whilst there is no substantive evidence to justify this assertion, it has not been seriously challenged by the objector or any other party and I do not consider the plan would be improved if an explanation was to be included as part of a strategic policy or in Chapter 12. I note that the hierarchy of centres is partially set out under S1 and if the local centres are added to it as I recommend, this will provide a firm context for STR5 and policies in Chapter 12.
- 3.6.11. Finally I would draw the Council's attention to what I consider to be inconsistencies within the policy itself, between STR5 and both PPW and other policies in the plan, which it seems to me it would be prudent to address at the modification stage. Firstly the preamble to the policy includes local centres, but these are specifically excluded from criteria a and c. It is not evident why this should be so. Secondly criterion a adopts a sequential approach which is not in accord with either PPW (MIPPS 02/2005) or, for example, S6. There is no explanation of why this should be so. It will be confusing for users of the plan if these inconsistencies were to remain.

Recommendations:

3.6.12. I recommend the plan be modified by:-

- i) reviewing the search sequence in criterion a and if it is to remain different to that to be found in PPW and S6, providing a full justification for the divergence in Chapter 12
- ii) deleting criterion b and replacing it with *resisting development which would be harmful to the vitality, attractiveness and viability of nearby centres*
- iii) deleting criterion c and replacing it with *facilitating a wide range of appropriate shopping, commercial, entertainment, transport, leisure, community and cultural facilities within identified centres commensurate with their size and character*
- iv) amending the list in criterion d to reflect the recommendations in Chapter 12 for the sites allocated under S1 and after *Broughton* adding *Retail Park*
- v) identifying the local centres to which STR5 and the more detailed policies in Chapter 12 will apply on the proposals map and under S1 together with town and district centres.

3.7. Policy STR6 Tourism**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3302	Flintshire Green Party	DEP	O	No
2239	4200	Clayton	DEP	S	No

Summary of Objection:

Rep No	Summary
3302	FCC has no policy on tourism, replace STR6 with the Green Party's policy

Key Issue:

3.7.1. Whether the policy should be replaced as suggested.

Conclusions:

3.7.2. It is not clear to me why the objector states that Flintshire does not have a policy on tourism when the plan includes strategic and detailed tourism policies. In the absence of details regarding the perceived deficiencies in the wording of this strategic policy I cannot comment further.

Recommendation:

3.7.3. I recommend no modification to policy STR6.

3.8. Policy STR7 Natural Environment**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3303	Flintshire Green Party	DEP	O	No
1712	3017	The Crown Estate	DEP	O	Yes
2106	4411	Countryside Council for Wales	DEP	O	No

2239	4201	Clayton	DEP	S	No
2420	5297	RSPB Cymru	DEP	O	Yes
4625	13686	Sargeant AM	DEP	O	No
5224	13498	Whittaker	DEP	O	No
5235	13541	Lewis	DEP	O	No
59	18028	Envirowatch	PC	S	No
59	18029	Envirowatch	PC	S	No
2106	18396	Countryside Council for Wales	PC	O	No
2238	18313	Heesom	PC	O	No

Summary of Objections:

Rep No	Summary
3303	Refer/recognise the importance of BAP, the integration of development within its parameters and the community action plan
3017	Seeks positive management of nature conservation sites
4411	Clarify how undeveloped coastline is defined. Add criterion to place national/international sites in context
5297	Refer to the enhancement of open countryside and undeveloped coastline
13498 13541 13686	Criterion a is not applied consistently throughout the plan
18313	Object to PC16 <i>enhancing</i> is not compatible with <i>undeveloped</i> coastline
18396	Consider <i>quantity</i> in criterion g (PC20)

Key Issue:

3.8.1. Whether the policy and its criteria should be changed in the ways suggested.

Conclusions:

- 3.8.2. The policy - The management of land is not a matter for the UDP and it would not be appropriate to refer to it in this policy. As a result of PC16 I note that this objection is conditionally withdrawn. The amendment strengthens the wording of the policy and I support the change.
- 3.8.3. Chapter 1 indicates that other plans and strategies are taken into consideration. As a consequence it is not necessary to make specific reference to the BAP or to community action plans in STR7. The policy relates to the broad framework of the natural environment and to mention selective types of environment, such as wetlands, could be seen as giving priority to them.
- 3.8.4. STR7 relates to the natural environment as a whole. Part 2 of the plan includes detailed policies that relate to sites of international and national importance. It would add nothing to refer specifically to nationally and internationally designated sites in this policy.
- 3.8.5. The criteria - No evidence is provided to support the assertion that criterion a is not applied consistently throughout the UDP or to say how the policy should be changed. I cannot therefore reach any meaningful conclusions.
- 3.8.6. With regard to *the undeveloped coastline* in criterion b I consider it is more appropriate for the area to be defined in L6 than in a strategic policy. My conclusions to L6 in Chapter 7 refer to the need to clarify whether *coast* and *coastline* have the same meaning to ensure the appropriate terminology is used. The terminology used in this policy should be amended accordingly.
- 3.8.7. UDP policies should aim to protect and enhance the character and landscape of the undeveloped coastline PPW (para 5.7.4). Protecting and maintaining the undeveloped coastline may result in the area being enhanced and I do not consider the amended wording in criterion b would necessarily be contradictory. It follows that I do not support the objection to PC16.

- 3.8.8. PC17 amends the wording of criterion c. It would result in greater clarity and address the relevant objection.
- 3.8.9. Other matters – I note that in the light of the SEA/SA the Council seeks to include two additional criteria relating to the water environment (PC19) and land, soil and air (PC20). These are important elements of the environment and it is appropriate to include them in the policy. However, I do not consider it appropriate to include reference to quantity in criterion g since these land, sea and air are fixed resources. In the light of these two additional criteria I support the editorial adjustment to the text (PC18).

Recommendation:

- 3.8.10. I recommend the plan be modified by PCs16, 17, 18, 19 and 20.

3.9. Policy STR8 Built Environment

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3717	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4412	Countryside Council for Wales	DEP	O	No
2420	5298	RSPB Cymru	DEP	O	Yes
59	18030	Envirowatch	PC	S	No
2238	18314	Heesom	PC	S	No

Summary of Objections:

Rep No	Summary
4412	Rename policy <i>The Historic Environment</i> ; criterion a should refer to landscapes
5298	Criterion b should acknowledge brownfield land can have nature conservation interest

Key Issue:

- 3.9.1. Whether the policy title or criteria should be changed.

Conclusions:

- 3.9.2. The policy refers to the built environment as a whole and I consider the title properly reflects the subject matter.
- 3.9.3. The Council proposes the amendment of criterion a to include reference to historic landscapes (PC21). Although the proposed amendment differs from the wording sought by the objector, it would maintain consistency with other policies in the plan and, bearing in mind the context of this policy, I consider it to be appropriate.
- 3.9.4. The Assembly Government recognises that not all brownfield land is suitable for development (PPW para 2.7.1). The Council proposes to amend criterion b (PC22) and I note that the objection was conditionally withdrawn as a result of this proposed change. Whilst I accept the need to qualify the type of brownfield land, I note that in making similar changes elsewhere in the plan the Council has used the term *suitable* brownfield land rather than *appropriate* brownfield land. This terminology is also in line with that used in PPW and in order to provide clarity and consistency I conclude that criterion b should be amended by inserting *suitable* between *of* and *brownfield*.

Recommendations:

- 3.9.5. I recommend the plan be modified by:-
- PC21

- ii) the insertion of *suitable* between *of* and *brownfield* in criterion b.

3.10. Policy STR9 Welsh Language and Culture

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2235	4162	Welsh Language Board	DEP	S	No
2239	4203	Clayton	DEP	O	No

Summary of Objection:

Rep No	Summary
4203	Concerned about the possibility of discrimination and the effect on human rights

Key Issue:

3.10.1. Whether the policy is discriminatory and would affect human rights.

Conclusions:

3.10.2. The policy is in accordance with PPW. The objector has provided no details to substantiate the assertions made and as a consequence it is difficult to comment further.

Recommendation:

3.10.3. I recommend no modification to the plan.

3.11. Policy STR10 Resources

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3304	Flintshire Green Party	DEP	O	Yes
1690	2590	D P Williams Holdings Ltd	DEP	O	No
1712	3016	The Crown Estate	DEP	S	No
1712	3018	The Crown Estate	DEP	O	No
1713	3048	Tarmac Central Ltd	DEP	O	No
2106	4413	Countryside Council for Wales	DEP	O	No
2239	4204	Clayton	DEP	S	No
2420	5300	RSPB Cymru	DEP	O	Yes
2753	6643	Cheshire County Council	DEP	O	No
2753	6651	Cheshire County Council	DEP	O	No
3206	7950	Environment Agency Wales	DEP	O	Yes
4625	13687	Sargeant AM	DEP	O	No
5118	13294	RMC Group Plc	DEP	O	No
5224	13499	Whittaker	DEP	O	No
5235	13542	Lewis	DEP	O	No
59	18032	Envirowatch	PC	S	No
1712	18636	The Crown Estate	PC	O	No
2238	18315	Heesom	PC	S	No
4110	18291	Peers	PC	O	No

Summary of Objections:

Rep No	Summary
2590	"c" should reflect government guidance; economics of development not a planning matter
5300	clarify criteria a and b; add criterion about sustainable use/safeguarding of water resources
4413	

6643	Seeks guidance/certainty about the assessment of need for and location of minerals
7950	Add criterion relating to the importance of water as a resource
13687 13499 13542	Brownfield sites are not fully utilised consistently across the plan
13294	Criterion c does not define <i>adequate</i> and the policies make no reference to a <i>landbank</i>
3018 3048	Define <i>adequate landbank</i> ; economics of a development is not a matter for FCC
3304	Include <i>use of reclaimed materials</i> in criterion b and <i>the proximity principle</i> in criterion d
6651	Objects to the policy as no sites/areas suitable for waste facilities have been identified
18291	Define <i>proximity principle</i>
18636	Supply of mineral (particularly limestone) in NW England should be taken into account

Key Issues:

3.11.1. Whether:-

- i) the policy requires amendment
- ii) there is sufficient guidance and certainty regarding the future need and location of mineral development
- iii) the policy facilitates a planned approach to waste management
- iv) the policy, as it applies to brownfield sites, is applied consistently.

Conclusions:

- 3.11.2. Policy changes - For reasons of clarity and consistency with other policies I consider that the wording of criterion a should be amended by referring to *suitable* brownfield land.
- 3.11.3. Criterion b relates to the use of land and buildings rather than materials and it is inappropriate to refer to reclaimed material in this criterion. I comment below on an additional criterion dealing with secondary and recycled materials.
- 3.11.4. The Council proposes replacing the wording of criterion c (PC23) to acknowledge the County's contribution to regional and national demand. All reference to land bank would be deleted. I support the revised wording which reflects national guidance and addresses the relevant objections, including the mineral needs of the North West of England.
- 3.11.5. Criterion d is to be amended to include reference to the proximity principle (PC24). The plan includes a glossary of terms which explains what is meant by *the proximity principle*. Consequently I do not consider it is necessary to include a definition in the policy.
- 3.11.6. Additional criteria relating to water resources and secondary and recycled materials are proposed (PC25). These criteria would ensure that new development is undertaken in a sustainable manner in terms of resource usage. The changes would also be consistent with other parts of the plan. I consider these amendments are necessary and appropriate and would satisfy the relevant objections.
- 3.11.7. Need for/location of minerals - Bearing in mind the limitations of the information that is currently available, the Council acknowledges that the policy cannot be more specific in terms of the need for and location of mineral developments. Nevertheless when read as whole I consider the relevant policies (as amended) provide sufficient guidance on this matter. This matter can be considered through the LDP if further information becomes available.
- 3.11.8. Waste management - This strategic policy provides appropriate guidance on the underlying principles for waste management, and together with the detailed policies the plan overall facilitates a planned approach to waste

management. I do not consider any changes to STR10 are necessary in this respect.

- 3.11.9. Brownfield sites - No evidence is provided in support of the assertion that criteria a is not applied consistently throughout the UDP or to say how the policy should be changed. I cannot therefore reach any meaningful conclusions.

Recommendations:

3.11.10. I recommend the plan be modified by:-

- i) PCs23, 24 and 25
- ii) amending criterion a by inserting *suitable* before *brownfield land*.

3.12. Policy STR11 Sport, Leisure and Recreation

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	18130	Envirowatch	PC	O	No
1413	18233	Clwydian Range Joint Advisory Committee	PC	O	No
2106	18398	Countryside Council for Wales	PC	O	No
2238	18316	Heesom	PC	S	No
4110	18292	Peers	PC	O	No

Summary of Objections:

Rep No	Summary
18130	Criterion b is gobbledegook; criterion d should include informal open areas
18292	Should indicate how sites for outdoor play areas will be selected
18233	Should include protection/enhancement of recreation value of the Clwydian Range
18398	c should be truncated after <i>retained</i> ; g should seek to improve existing rights of way; h should be truncated after <i>lines</i> ; a new criterion should protect common land and village greens with a commitment to ensure their accessibility (they should be on the proposal maps); there should be reference to CROW Act 2000; a new criterion for parks/country parks/local nature reserves and their declaration should be added

Key issue:

3.12.1. Whether the policy and its criteria should be changed.

Conclusion:

- 3.12.2. As I indicate at the start of this chapter, STR11 is inserted by PC26. I have already accepted the need for the policy in principle. These comments relate to the objections to its wording.
- 3.12.3. Bearing in mind that the primary objective of designating an AONB is the conservation and enhancement of its natural beauty and the context of this policy I do not consider that including reference to the Clwydian Range AONB is appropriate.
- 3.12.4. I find the wording of criterion b to be clear and precise. In the absence of any clarification I reject the objector's criticism of the wording.
- 3.12.5. The amendment to criterion c sought by CCW would result in a presumption against development. This would be overly restrictive and inflexible and conflict with the relevant detailed policies in Part 2.
- 3.12.6. I do not consider that criteria d and e should include details of the scale, evaluation and allocation of the facilities. These are matters for the more detailed policies in Part 2.

- 3.12.7. In its statement the Council indicates that criterion d should be further amended to include informal open space. However, in Chapter 15 I conclude that SR5 should refer to *outdoor playing space* and recommend accordingly for the reasons given. Including a reference to *informal open space* within this criterion would only lead to further confusion of terminology. It follows that I do not support the objection or the suggested amendment to this criterion.
- 3.12.8. Other strategic policies seek to enhance various elements and I see no reason why such an approach cannot apply to public rights of way. TAN18 seeks to promote walking as the main mode of transport for shorter trips. Furthermore, such routes may also have a recreational value. The amendment would not conflict with the detailed policies in Part 2 or with the role of the local planning authority. I conclude that criterion g should be amended as suggested by CCW.
- 3.12.9. Criterion h, relates to AC7 and to those disused former railway lines where there is a realistic prospect of securing alternative transport related or recreational uses. It is evident from my conclusions on AC7 that I have some reservations about its robustness because once such lines have been *lost* they are unlikely to ever be recovered. However, if planning applications are accompanied by a sound assessment of whether there are reasonable prospects of reuse I consider it unnecessary to curtail this criterion as suggested by the objector.
- 3.12.10. Common land and village greens are the subject of a detailed policy in Part 2 of the plan as are sites of wildlife importance and recreational open space. Given the context of this strategic policy I do not consider it is appropriate or necessary to include an additional criterion relating to these matters or to refer to the CROW Act. Since registered common land and village green designations can vary over time it is not appropriate to show these areas on a plan.

Recommendations:

3.12.11. I recommend that the plan be modified by:-

- i) PC26
 - ii) amending criterion g by inserting *and improving after protecting*.
-

4. General Development Considerations

4.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
395	494	Rowlands	DEP	S	No
397	499	Murray	DEP	S	No
398	505	Jones	DEP	S	No
750	1000	Cooper	DEP	S	No
2235	4164	Welsh Language Board	DEP	O	No
3543	8988	Chester City Council	DEP	S	No

Summary of Objection:

Rep No	Summary
4164	Should refer to the effect of signage and advertisements on linguistic characteristics

Key Issue:

- 4.1.1. Whether reference should be made to the effect of signs and advertisements on the linguistic characteristics of a locality.

Conclusions:

- 4.1.2. TAN20 states that signs are one method of promoting the distinctive culture of Wales. Whilst the planning regime does not regulate the subject matter of any advertisement, policies in UDPs may promote the provision of bilingual signs.
- 4.1.3. GEN7 sets out a general requirement to safeguard and reinforce the Welsh language and culture. However, signs and advertisements are matters of detail rather than general development considerations and I do not believe it is appropriate to refer to such matters in this chapter. That being said, D8 in Chapter 5 relates to outdoor advertisements. In support of that policy PC78 inserts additional text to encourage the provision of bilingual signage. The additional text reflects national guidance and I support the proposed change.

Recommendation:

- 4.1.4. I recommend the plan be modified by PC78.

4.2. Policy Objectives

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4414	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4414	Policy Objective a should refer to principles of sustainable development

Key Issue:

4.2.1. Whether the wording of the policy objective should be changed.

Conclusions:

4.2.2. WAG places sustainability at the heart of its decision making processes (PPW para 2.1.3). I consider that the title of Policy Objective a should be amended to reflect the emphasis that is placed on promoting sustainable development. The planning process will have determined that development is appropriate and it is not necessary to include this term within the heading. Since the text that follows this heading refers to development being carried out in the most sustainable manner, and bearing in mind the change I recommend, I do not consider the suggested amended wording would add to, or strengthen, the interpretation of the policy objective.

Recommendation:

4.2.3. I recommend the plan be modified by the replacement of APPROPRIATE in the heading of Policy Objective a with SUSTAINABLE.

4.3. Indicators of Policy Performance**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
4110	18293	Peers	PC	O	No

Summary of Objection:

Rep No	Summary
18293	The proposed additional IPP should be deleted

Key Issue:

4.3.1. Whether the additional IPP is relevant to general development considerations.

Conclusions:

4.3.2. PC27 adds an indicator to monitor the Welsh language. Section 2.10 of PPW indicates that the land use planning system should take account of the needs and interests of the Welsh language. Promoting and supporting a diverse local culture and the protection and development of the Welsh language is one of the plan's strategic aims and is the basis for GEN7. It is reasonable to monitor the changes in the number of Welsh speakers in order to assess how the policies in the plan interact with this issue. I support the additional indicator.

4.3.3. I note that PC27 should be numbered 6. This is a minor matter which can be addressed as part of the final editorial check.

Recommendation:

4.3.4. I recommend the plan be modified by PC27.

4.4. GEN1 General Requirements for Development**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3305	Flintshire Green Party	DEP	O	No
1690	2591	D P Williams Holdings Ltd	DEP	O	No
1713	3049	Tarmac Central Ltd	DEP	O	No
2043	3720	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4415	Countryside Council for Wales	DEP	O	No
2239	4205	Clayton	DEP	S	No
2350	4921	Welsh Assembly Government	DEP	O	Yes
2411	5232	Home Builders Federation	DEP	O	No
2420	5312	RSPB Cymru	DEP	O	No
2420	6028	RSPB Cymru	DEP	O	No
2616	6041	J S Bloor (Services) Ltd	DEP	O	No
2618	6060	Pantasaph Conservation Group	DEP	O	No
3540	8960	Alan's Skip Hire	DEP	O	No
3541	8976	C W Whitcliffe & Co	DEP	O	No
3703	9493	Quarry Products Association	DEP	O	No
4625	13688	Sargeant AM	DEP	O	No
5118	13298	RMC Group Plc	DEP	O	No
5224	13500	Whittaker	DEP	O	No
5235	13543	Lewis	DEP	O	No
59	18033	Envirowatch	PC	S	No
2238	18317	Heesom	PC	O	No
4110	18294	Peers	PC	O	No

Summary of Objections:

Rep No	Summary
2591 3049 9493 13298	Amend (k) to refer to the <i>permanent</i> loss of the <i>best and most versatile</i> agricultural land. 13298 also questions relevance of the criterion
4415	This is dealt with in Chapter 21 – Appendix 1
4921	Replace <i>does</i> with <i>should</i> in criterion d
5232	Criteria duplicate other policies in the plan and are likely to lead to confusion
5312	Remove the qualifying phrase from criterion g
6028	Replace <i>unacceptable</i> with <i>significant</i> in criterion c
6041	Add wording to criterion d relating to mitigation measures
6060	Should be an explicit presumption against development in the open countryside
8960 8976	Too many criteria that could be dealt with under other policies; each proposal should be determined on its own merits
13500 13543 13688	Criteria e, g and i are not applied consistently
3305	Add reference to cycleways in criterion e; to water systems in criterion i; to agricultural land grades in criterion k
18317	Strongly objects (unspecified) to the deletion of criterion k (PC30)
18294	Questions the adequacy of the wording of amended criterion d (PC29)

Key Issues:

4.4.1. Whether:-

- i) the policy duplicates others in the plan
- ii) there should be a presumption against development in the open countryside
- iii) various criteria should be amended or new ones added
- iv) the criteria are applied consistently.

Conclusions:

- 4.4.2. Duplication - The objectors do not identify the policies which the criteria duplicate and from my reading of the plan, I do not consider GEN1 does duplicate other policies or lead to confusion. A generic policy such as this avoids the need to repeatedly list criteria in various policies that may apply to a particular development. It is unclear to me on what basis 8960 asserts that the policy fails to recognise the needs of business to expand, contract or relocate. Whilst various criteria will be applicable to such situations, all the policy does is establish criteria which will be taken into consideration when determining the merits of a proposal. It does not seek to impede development. Furthermore, the plan should be read as a whole and there are other policies that relate to employment and commercial developments. The policy does not relate to settlement boundaries as indicated by 8960 and 8976.
- 4.4.3. The open countryside - New building in the open countryside away from existing settlements or areas allocated for development in UDPs must continue to be strictly controlled (PPW para 2.5.7). Since a presumption against development in the countryside *per se* would be contrary to national policy I do not support this objection.
- 4.4.4. The criteria - There is concern that criterion a may be perpetuating unsustainable low densities by seeking to harmonise development with its surroundings in terms of use of space. However, it does not necessarily follow that a development of higher density would not harmonise with its surroundings, or that the use of space is purely related to density. It is a matter of design and context. Furthermore, the plan should be read as a whole and the spatial strategy includes encouraging the efficient use of land through higher densities. The term *use of space* should not be deleted in this criterion.
- 4.4.5. PC28 amends the wording of criterion c to improve clarity. Although amending the wording to *a significant adverse impact* is not the same as that suggested by the RSPB I consider the amendment addresses the nature of the objection. In the light of the findings of the SEA I also support the inclusion of the reference to *species* to ensure consistency with other policies in the plan. In its statement the Council seeks to bring the wording of criterion d in line with the revised wording of criterion c. This would strengthen the criterion.
- 4.4.6. PC29 replaces *does* with *should* in criterion d. This proposed change is itself the subject of an objection. The amended wording would be consistent with other criteria in this policy and the objector does not indicate why the wording should differ from the others. I consider it would be confusing and inappropriate to use different terminology and I support PC29.
- 4.4.7. Whilst cycleways may provide safe and convenient access for cyclists in some situations I am not convinced that it is necessary to refer specifically to such

provision within criterion e. It would introduce an unnecessary and inappropriate level of detail and imply that greater emphasis is given to this group of users. I conclude it would not be appropriate to include the suggested amendment.

- 4.4.8. I do not consider it appropriate to add a reference to *satisfactory mitigation measures* in criterion d. It seems to me that the need for and adequacy of such measures would be taken into account in assessing whether or not a development would be acceptable. I conclude that the suggested text would not add to or improve the criterion.
- 4.4.9. Criterion g applies to all developments regardless of size and it would not be appropriate to remove the qualifying phrase as sought by 5312.
- 4.4.10. Criterion i relates to the impact a development would have on the specified factors and vice versa. The suggested modification would result in a presumption against locating development near to water systems. I do not consider this would be justified bearing in mind that other policies in the plan safeguard water systems.
- 4.4.11. PC30 deletes criterion k on the basis that the protection of agricultural land is not applicable to all forms of development and the matter is covered in RE1. The Council argues that the criteria in GEN1 are intended to cover fairly common issues which are likely to arise in the assessment of most development proposals. However, I can find no such qualification in the plan to support this and I do not consider this is a valid argument to justify the deletion of criterion k. PPW says that considerable weight should be given to protecting the best and most versatile agricultural land from development. I consider it is appropriate to include this as a general development consideration. RE1 considers the matter in greater detail and does not in my mind obviate the need for this criterion. However, I consider the wording of the criterion should be amended to reflect national advice on this matter.
- 4.4.12. Consistency - No evidence or justification is provided in support of the assertions that criteria e, g and i are not applied consistently or to suggest how the policy should be changed. As a consequence it is difficult to comment further on these objections.

Recommendations:

- 4.4.13. I recommend the plan be modified by:-
 - i) PC28
 - ii) amending criterion d to read *the development should not have a significant adverse impact on the safety and amenity of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, noise, dust, vibration, hazard, or the adverse effects of pollution*
 - iii) amending criterion k to read *the development should not result in the permanent loss of the best and most versatile agricultural land where either suitable previously developed land or land in lower agricultural grades is available.*

4.5. GEN2 Development inside Settlement Boundaries

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4416	Countryside Council for Wales	DEP	O	No
2159	3965	Simpson & Cowley	DEP	S	No
2618	6061	Pantasaph Conservation Group	DEP	O	No
4625	13689	Sargeant AM	DEP	O	No
5224	13502	Whittaker	DEP	O	No
5235	13544	Lewis	DEP	O	No
2604	18005	Jones	PC	S	No
2606	18007	Thomas	PC	S	No
7381	18377	Lewis	PC	S	No

Summary of Representations:

Rep No.	Summary
4416	Remove <i>usually</i> from policy or cross reference with GEN3
6061	Policy suggests development will occur within settlement boundaries
13689 13502 13544	Development in settlement boundaries (paras 4.8-4.9) – not applied consistently

Key Issues:

4.5.1. Whether:-

- i) there needs to be cross reference to GEN3
- ii) *usually* should be deleted from the policy.

Conclusions:

- 4.5.2. Cross reference - S38 of the 2004 Act says that decisions should be made in accordance with the development plan unless material considerations indicate otherwise and GEN2 is primarily a development control policy intended to concentrate development in the built up areas. Insofar as the main issue is concerned, I see no reason why there should be cross reference to GEN3. The 2 policies deal with distinctive and separate policy areas.
- 4.5.3. Policy change - PC31 proposes the replacement of *usually be located* with *normally be permitted*. The terminology is better in that it says how the Council will treat applications within settlement boundaries. In a strategic policy, such as GEN2, it would be too categorical and even misleading, to say *will be permitted* in a plan which is meant to be read as a whole and where other detailed policies could mitigate against approval of proposals. Such an instance is HSG3 where I recommend there be limitations on housing growth in some settlements. In this instance therefore whilst I support the substitution of *usually* with *normally*, I do not support the deletion of a qualification altogether.
- 4.5.4. 6061 appears to be only a statement of fact. It needs no response. In respect of 13689, 13502 and 13544 no reasons are given as to why these objectors consider the policy is not applied consistently. As a consequence it is difficult to comment further. Objections to Sealand not having a settlement boundary are dealt with below at GEN2 – Sealand and Sealand Manor.

- 4.5.5. As a result of my conclusions on other objections regarding settlement hierarchy/boundaries in Chapters 3 and 11, it is unnecessary for paragraphs 4.7 to 4.9 to be so extensive. To my mind they could be condensed to read.
- Settlement boundaries are designed to set clear limits to towns, villages and urban areas. In planning terms they define the extent of the urban areas where in principle new development will be permitted subject to policies in the plan and material planning considerations. In the case of housing there are limitations imposed by HSG3.*
- The boundaries are shown on the proposals maps. Not all groups of houses have a settlement boundary defined for them as they are considered to be of insufficient size and/or have insufficient capacity to accommodate future growth in a satisfactory manner.*

Recommendations:

- 4.5.6. I recommend the plan be modified by:-
- i) PC31
 - ii) the deletion of paras 4.7 to 4.9 and their replacement with the words set out in 4.5.5 above.

4.6. GEN2 - Alltami

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
926	1212	Iball	DEP	O	No

Summary of Representation:

Rep No.	Summary
1212	Include Taylor's Pottery/adjacent land within the settlement. It would enhance a heritage site, tidy land, provide energy efficient houses and be within the 10% growth band

Key Issue:

- 4.6.1. Whether the site should be included within the settlement boundary.

Conclusions:

- 4.6.2. Alltami is a category C settlement where the Council's intention is that growth should be limited to an indicative rate of up to 10% during the plan period. However, since the start date of the plan 6 dwellings have been built, there is planning permission for another 8 and as recently as December 2007 the Council resolved to grant permission for a further 8 on a brownfield site within the settlement boundary. I accept that on the face of it, this is contrary to the general thrust of the settlement strategy, but is a *fait accompli*. It cannot be changed by the development plan process. What it does mean though is that the growth rate will potentially be over 40%. Significantly more than the indicative rate.
- 4.6.3. For reasons given elsewhere, my recommendations are that new houses should only be permitted in category C settlements where there is a local need. In this case I have seen no substantive evidence on either general or local

housing need to justify the extension of the settlement boundary to permit further development.

- 4.6.4. If the objection site were to be included within the settlement boundary, it would mean that, in principle, development on it at a higher density than that proposed by the objector would be acceptable. I understand the present day intentions of the objector in this respect, but intentions can change. A planning authority cannot arbitrarily impose a legally binding restriction on land to cover this matter. Even if it could, it would be perverse to require a development which would be clearly at odds with the development plan.
- 4.6.5. Part of the site is a SAM which comprises the buried remains of a traditional Buckley Pottery. It is said probably the only one where the remains of the complete economic unit survive. CPAT has strong objections to development which could potentially damage remains associated with the main pottery site. I am not aware of the full details of development which has already been permitted, but even if it could damage the ancient monument, it is not a good reason to enable further development which could cause further damage.
- 4.6.6. The objector says, as part of any building, he will give consideration to enhancing the heritage site as a benefit to the local community, but that may not prove feasible, if the historic remains are widespread over the objection site. The site appears to have naturally regenerated and is seen, albeit somewhat unkempt, as part of the open countryside which completely surrounds and provides a rural setting for Alltami.
- 4.6.7. Whilst the Council refer to growth in Buckley this has not influenced my conclusions. In this case the matter at issue is fundamentally one of principle. The factors which could be addressed at planning application stage are only secondary. Overall I conclude that the site should not be included within the settlement boundary.

Recommendation:

- 4.6.8. I recommend no modification to the plan.

4.7. GEN2 - Bagillt

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
375	464	Dean	DEP	O	No
770	1039	Eden	DEP	O	No
1465	2028	Williams	DEP	O	No
2030	3690	Badhams	DEP	O	No
2615	6022	Castlemead Homes Ltd	DEP	O	No
4841	12610	Dept of Enterprise, Innovation and Networks	DEP	O	No

Summary of Objections:

Rep No	Summary
464	Objects to boundary of HSG1 (23) including part of garden of adjacent property
1039	Include land to the south of Victoria Park to enable the land to be allocated for housing
2028	Include area of land adjacent to Iselfryn for one dwelling for a member of the family
3690	Include land south of the A5026 to facilitate future housing
6022	No satisfactory case has been made to exclude land between Nant-y-Glyn and Gladys Lane which was included within the settlement in the Draft North Flintshire Plan

12610	Include land off Station Road to allow consideration of a wide range of development options; denies the historic form of the settlement
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Key Issue:

4.7.1. Whether the settlement boundary should be amended.

Conclusions:

- 4.7.2. 464 – In Chapter 11 I recommend the deletion of HSG1(23) and the redrawing of the settlement boundary accordingly. Settlement boundaries should follow clearly defined features on the ground and the watercourse is such a feature. However, the extract from the Land Registry suggests that the alignment of the water course is different to that shown on the OS map used as the base for the UDP. If that is the case the settlement boundary should be redrawn to follow the actual alignment of the watercourse.
- 4.7.3. 1039 – I do not support the allocation of this land for housing for the reasons given in HSG1 – Bagillt in Chapter 11 and at HSG1(23) I also recommend the settlement boundary be redrawn to exclude Victoria Park and allocation HSG1(23). This means the land would not be adjacent to the settlement boundary and there would be no logical basis on which to extend the boundary to exclude the objection site.
- 4.7.4. 2028 – Settlement boundaries have been generally based upon recognisable features on the ground and whether or not the land relates more closely to the built up area or the countryside. The settlement boundary as drawn follows the rear boundaries of the properties which are clearly defined. The suggested amended alignment would cross a field and does not follow a defined feature on the ground. The area in question is part of the open countryside rather than the adjoining built up area. It is not appropriate to include this area within the settlement boundary.
- 4.7.5. 3690 – This is a visually prominent area of undeveloped land which relates more closely to the open countryside in terms of its character, appearance and function than the built up area. Amending the settlement boundary as suggested would result in a large area of unannotated land which in principle could be developed for housing. It could accommodate some 50 dwellings. I am satisfied that adequate provision has been made to enable an appropriate amount of growth in Bagillt (see HSG1(24) Chapter 11) and it is not necessary to make provision to accommodate further growth in the plan period. I do not consider there is sufficient justification to amend the settlement boundary to include this land.
- 4.7.6. 6022 – Settlement boundaries have been reviewed as part of the UDP process. The location of settlement boundaries has ramifications in terms of the amount, distribution and location of development and the protection of the built and natural environment. Given the natural characteristics and topography of this area and the provision for development elsewhere in Bagillt I do not consider it is appropriate to include it within the settlement boundary.
- 4.7.7. 12610 – The A548 is a strong physical boundary to define the extent of the settlement. This area is within a C1 Flood Risk Zone and TAN15 para 10.5 indicates that allocations should only be made in such areas if it can be justified that the development/use has to be located there. There is no indication that this is the case. Furthermore, a settlement boundary is a planning tool to guide

development and it is not necessary to reflect the historic form of a settlement. I do not support the objection.

Recommendation:

- 4.7.8. I recommend the plan be modified by amending the settlement boundary to exclude HSG1(23) and Victoria Park and follow the alignment of the watercourse.

4.8. GEN2 - Bretton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1427	1982	Mitchell	DEP	O	No
2293	4625	Griffin Design	DEP	O	No

Summary of Objections:

Rep No	Summary
1982	Include land to the rear of The Bungalows and Digby Cottage for retirement dwelling
4625	Include land at Bretton Court Mews within settlement to enable growth and development

Key Issue:

- 4.8.1. Whether the settlement boundary should be amended.

Conclusions:

- 4.8.2. 1982 – The settlement boundary is tightly drawn to prevent further encroachment into the paddocks and open countryside to the east which forms part of the green barrier. The personal circumstances of the objector do not justify amending the settlement boundary. Furthermore, I note that a portion of the objection land, including the likely access to the site, is within a C1 Flood Risk Zone and is thus an area where new development should be restricted. This further reinforces my objection to amending the settlement boundary.
- 4.8.3. 4625 – Bretton Court Mews is within a rural setting and is separated from the settlement by this open undeveloped area of land. Extending the settlement boundary and development on the land would consolidate the built form resulting in inappropriate ribbon development. There are limited areas within the existing settlement boundary to accommodate future growth at a scale that would be in keeping with this settlement. The settlement boundary follows clearly defined and defensible features on the ground and I do not find the amendment sought is appropriate.
- 4.8.4. My conclusions in HSG1 – Bretton in Chapter 11 are also relevant.

Recommendation:

- 4.8.5. I recommend no modification to the plan.

4.9. GEN2 - Broughton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
477	619	Hawarden Estate	DEP	O	No
3556	9076	British Land Company plc	DEP	O	Yes
7411	18695	Development Securities Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
619	Include land north of Main Road within the settlement boundary and allocate for housing
9076 18695	Broughton Shopping Park should be included within the settlement boundary

Key Issue:

4.9.1. Whether the settlement boundary should be amended.

Conclusions:

- 4.9.2. 619 – Main Road forms a clearly defined and logical limit to this part of the settlement. Extending the settlement boundary to include the fields to the north would potentially result in development intruding into an area that forms part of open, largely undeveloped countryside. I do not consider the amendment sought is justified. My conclusions regarding the allocation of the area for housing are to be found in HSG1 - Broughton in Chapter 11.
- 4.9.3. 9076, 18695 - My conclusions on this matter have to be seen in the light of my recommendation to allocate land to the west of the Retail Park for housing development in HSG1 Broughton. On the basis of that recommendation I consider the settlement boundary should be amended to include land known as the compound site.
- 4.9.4. With regard to the remainder of the Retail Park. UDP para 4.7 indicates that settlement boundaries are designed to set clear limits to towns and villages in planning terms. They do not simply define a built up area. If that were the case then it could be argued that the large complex of factory units on the opposite side of Chester Road should also be within the settlement boundary. The Retail Park is a built up area in its own right and in my opinion it does not necessarily follow that it has to be included within the Broughton settlement boundary. Inclusion of an area within a settlement boundary confers a presumption in favour of the principle of further development. Given the nature of the development in the Retail Park and the possible knock on effects further development could have on the viability and vitality of the town, district and local centres which the plan seeks to support through its shopping policies, I consider there are sound planning reasons why the area should not be included within the settlement boundary. With the exception of the compound site I do not support amending the settlement boundary to include the Retail Park.

Recommendation:

- 4.9.5. I recommend the plan be modified by extending the settlement boundary to include the compound site to the west of the Retail Park.

4.10. GEN2 - Brynford

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
148	182	Woods	DEP	O	No
172	210	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
182	Site could provide up to 21 houses including affordable units. It would be a modest extension to the village, could be suitably landscaped and would meet UDP objectives
210	Boundary should be the same as in the Delyn Local Plan and extended to include the objection site which is brownfield. It forms an intrinsic part of the character of Brynford and a dwelling on it would not set a precedent

Key Issue:

- 4.10.1. Whether land should be included within the settlement boundary and/or allocated for housing.

Conclusions:

- 4.10.2. The UDP has made sufficient provision to meet a housing requirement of 7400 without the need for further allocations. Brynford is a category C settlement with an indicative growth band of up to 10%. In general in such locations I recommend at HSG3 that development should be limited to local needs only because of the level of services/facilities and/or locations of such settlements. Since 2000 I am told that there has been 4% growth in Brynford. My recommendation to delete HSG1(54) makes it clear that I have serious concerns about and do not support further planned growth in the village. Turning now to site specifics.
- 4.10.3. 182 - Land behind Delfryn, B5121 Brynford Road – For the purposes of the UDP, the Council has identified a settlement's size as those properties which are included within the defined boundary and it would be inconsistent to use a different area in the case of Brynford. The objection site lies behind ribbon development on the western side of the B5121 north of the crossroads with Brynford Road. Whilst its character and appearance varies it is cohesive in that it is largely undeveloped. In this location the boundary excludes land behind the frontage properties which has the function of protecting the linear form of the settlement and preventing development in depth. The boundaries are to my mind appropriately drawn.
- 4.10.4. I appreciate part is arguably brownfield, however PPW recognises that not all previously developed sites will be suitable for development. The location of the objection site in a category C settlement and behind frontage property together with the lack of need to identify more houses to meet the housing requirement militates against both the sites inclusion within the settlement and its allocation for housing.
- 4.10.5. 210 - land adjacent to Bryn Eithin, Gamfa Gerris – I do not agree that there are sound reasons for reinstating and extending the settlement boundary for this outlier of Brynford. Both national and local policies seek to foster sustainable

development by concentrating new development within the built up areas where there is access to a wide range of services and facilities, whilst at the same time protecting the countryside.

- 4.10.6. The settlement boundary in the UDP in line with PPW (9.3 MIPPS 01/2006) has been drawn to avoid a fragmented pattern of development. To reinstate the Delyn Local Plan boundary would be contrary to that objective. It would create a presumption of development within a small cluster of properties remote from even the limited facilities in Brynford. Moreover to include the objection site which relates well to the open countryside would result in an illogical boundary.
- 4.10.7. Because of the site's location, even if it were to be concluded that the site was brownfield (which from the limited information before me is inconclusive) it would not be a high priority for development. I appreciate the objector's concerns about other properties being built since the local plan was produced, but I have no details of those decisions which were made against a different policy background.

Recommendation:

- 4.10.8. I recommend no modification to the plan.

4.11. GEN2 - Buckley

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1240	1705	Elson	DEP	S	No
1241	1707	Williams	DEP	S	No
2615	6021	Castlemead Homes Ltd	DEP	O	No
3566	9096	Sampson	DEP	O	No
4015	10341	Hopwood	DEP	O	No
5442	13964	Roberts	DEP	O	No
59	17887	Flintshire Green Party	PC	S	No
2106	18400	Countryside Council for Wales	PC	O	No
4110	18295	Peers	PC	O	No

Summary of Objections:

Rep No	Summary
6021	Site was in boundary in Alyn & Deeside Plan. No reason for its exclusion
9096	Extend boundary to include properties along the eastern side of Little Mountain Road. Affordable infill development for family members will not break the building line. The area is reclaimed industrial land
13964	There is housing on 2 sides and it would round off the settlement, mirroring development to the north east. Site has clearly defined boundaries and would not set a precedent. It is a sustainable location and too small to be farmed
10341	Include land at Old Cross Keys Farm within the settlement boundary. There is population growth and all the services are available. It is convenient for commuting by road and rail. It could be used for housing or light industrial
18295	The revised settlement boundary is too close to that of Drury and Burntwood
18400	Seeks clarification of the meaning of <i>important</i> in the context of brownfield sites and the number and location of others

Key Issue:

- 4.11.1. Whether the settlement boundary should be changed.

Conclusions:

- 4.11.2. Settlement boundaries are defined firstly to set clear limits to urban/built up areas and establish the general principle that development will be permitted subject to other policies and material planning considerations: and secondly to prevent development in the open countryside.
- 4.11.3. 9096 – The extension to the settlement would encompass sporadic frontage development and other open land along the eastern side of Little Mountain Road. I saw no obvious evidence of previous industrial use which would make the land brownfield in terms of Fig 2.1 of PPW. The eastern side of the road is more rural in appearance than built up and different in character to the higher density development to the west. The road provides a distinct character break. In parts the proposed boundary is not defined on the ground and would provide an illogical artificial edge to the settlement contrary to the plan's objectives (para 4.8) of drawing boundaries which follow recognisable features which are designed to encourage consistent urban form and which avoid the creation/perpetuation of ribbon development. I consider the site is appropriately located outside the settlement and to change it as requested would compromise those objectives.
- 4.11.4. Whilst I appreciate the objector's personal circumstances for wanting the land included within the settlement boundary, such arguments are not unusual and within the context of the UDP have been repeated in many other areas. Including such land within settlements would carry with it a presumption in favour of building which would be likely to result in the consolidation of development within countryside and green barrier locations contrary to both national and local policies which seek to resist development in such locations.
- 4.11.5. 13964 – The land measures about 0.4ha and abuts the settlement boundary on the south western side of Bannel Lane. It is a small paddock of which there are several between the sporadic development on this side of the lane. By its character and appearance the site has more in common with the open countryside than the built up area and is included within the strategic green barrier which protects the rural area to the south of Buckley. Historically there may be ribbon development to the north east of the lane which has been included within the settlement but that is not a good reason to perpetuate a type of development which PPW(MIPPS 01/2006) says should be avoided (para 9.3.1). My conclusions on STR4 indicate that there is sufficient land allocated and/or within settlements.
- 4.11.6. 10341 – The site lies on the north east quadrant of the cross roads of Drury New Road and Chester Road. The settlement boundary follows its southern and western boundaries. My conclusions on STR4 indicate that there is sufficient land allocated and/or within settlements for housing development and in Chapter 13 I conclude there is also sufficient employment land available. There is therefore no need for this essentially greenfield site to be developed. By its character and appearance the site relates better to the open countryside and is included within the green barrier which separates Buckley from Dobshill and Drury. Including the land within the settlement would result in an illogical

boundary as no other land on the eastern side of the road, apart from the developed area at the northern end in Drury, is included within the settlement.

- 4.11.7. 6021 – Circumstances have changed since the objection was made. Planning permission has been granted on the Lane End brickworks site for residential development including reclamation works, open space and nature conservation mitigation measures. As a result of this the Council proposes changing the settlement boundary to include the objection site (PC33). This is a sensible change which recognises that development can take place.
- 4.11.8. 18295 – I can add little more in response to this objection than to 6021. Suffice it to say wherever the settlement boundary is drawn in the UDP, development at Lane End Brickworks is permitted within the gap between Buckley and Drury and Burntwood. I note that the SAC will continue to provide an open area which despite its narrowness provides a significant strip of dense vegetation between the 2 settlements.
- 4.11.9. 18400 – Matters of clarification as sought by the objector need to be the subject of discussion with the Council. No change to the plan is sought and consequently I recommend none.

Recommendation:

- 4.11.10. I recommend the plan be modified by PC33.

4.12. GEN2 - Carmel

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
984	1387	George Wimpey Strategic Land	DEP	O	No
984	1388	George Wimpey Strategic Land	DEP	O	No
1338	1859	Powell	DEP	O	No
1382	1928	Wright Manley	DEP	O	No
1744	3156	Whitford Community Council	DEP	O	No
1744	3157	Whitford Community Council	DEP	O	No

Summary of Objections:

Rep No	Summary
1387 1388	Include land west of Carmel Hill within the settlement boundary to give it better definition
3156	Settlement boundary should follow the rear of the 4 properties rather than the gardens
3157	Exclude the ex-Autosales site from the settlement boundary
1859	Include land at Pen y Parc Cottage, Windsor Park, which has a history of residential occupation and is suitable for residential development, within the settlement boundary
1928	Include land west of Holway Court within the settlement boundary

Key Issue:

- 4.12.1. Whether the settlement boundary should be adjusted.

Conclusions:

- 4.12.2. 1387, 1388 - For the reasons given in HSG1 - Carmel, I do not support the submissions that seek to allocate this land for housing development and there is no need to amend the settlement boundary accordingly. The existing

boundary follows clearly defined features and its definition would not be improved by the suggested amendment.

- 4.12.3. 3156 – rear of Celyn Farm – The fence line of these properties is a clearly defined physical feature and the rear garden areas are more closely related to the built up area than the adjoining open countryside. The line of the boundary is in accordance with the principles for their establishment. I support the location of the existing boundary. No reasons are given to indicate why the boundary should be amended and I am unable to comment further.
- 4.12.4. 3157- eastern end of Carmel – Since the objection was made this land has been developed. The edge of the public highway provides a clearly defined physical feature for the settlement boundary. The developed site forms part of the built up area and it would be illogical to exclude it as suggested. No reasons are given to indicate why the boundary should be amended and I am unable to comment further on this matter.
- 4.12.5. 1859 – Neither a history of residential occupation nor the address of an area of land is sufficient to justify including a site in a settlement boundary. I do not consider any useful planning purpose would be served by amending the boundary as suggested. The detailed aspects of the submissions put forward by the objector are matters for the development control process rather than the development plan.
- 4.12.6. 1928 – My conclusions are based on the site shown in the objection plan rather than the area shown in the Council's submissions. The settlement boundaries define the present and future built up areas in planning terms. The boundary in this part of Carmel follows the main road which is a clear and strongly defined physical feature. I do not consider any useful planning purpose would be served by amending the settlement boundary to include this site which is on the opposite side of the road to the built up area.

Recommendation:

- 4.12.7. I recommend no modification to the plan.

4.13. GEN2 - Cilcain

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3769	9695	Davies	DEP	O	No

Summary of Objection:

Rep No	Summary
9695	Settlement boundary does not include garden of Fron Haul

Key Issue:

- 4.13.1. Whether the settlement boundary should be amended.

Conclusions:

- 4.13.2. Settlement boundaries are a planning tool which seek to set clear limits to towns and villages and include only land which is either developed or suitable

for development during the plan period. They are not fixed by land ownership or use and in numerous locations plots have been divided by settlement boundaries. Cilcain is within the Clwydian Range AONB where priority is given to conserving the landscape. Whilst part of a garden, the objection site is essentially undeveloped land and its wooded appearance contributes towards the landscape setting of the village. As such it is appropriate to afford it protection from development by locating it outside the defined village limits. I note a previous inspector reached similar conclusions when considering a comparable objection at the Delyn Local Plan inquiry.

Recommendation:

4.13.3. I recommend no modification to the plan.

4.14. GEN2 – Coed Talon

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2419	5281	Richardson	DEP	O	No
2419	17611	Richardson	DEP	O	No
2615	5954	Castlemead Homes Ltd	DEP	O	No
2615	5956	Castlemead Homes Ltd	DEP	O	No
3579	9128	S P A Davies & Sons	DEP	O	No

Summary of Objections:

Rep No	Summary
5954	No case has been made for deletion of the site from settlement boundary
5956	This objection is dealt with in Chapter 11 HSG1 Coed Talon & Pontybodkin with 5957
9128	Constraints significantly reduce the developable area of the allocation. Include more land in HSG1(55) as it is part of existing employment use. Otherwise there will be conflict between uses. Also include further land within settlement boundary to provide a dry escape from the developable area
17611 5281	Land was included in settlement boundary in Alyn & Deeside Local Plan and forms part of brownfield site

Key Issue:

4.14.1. Whether land should be included within the settlement boundary and/or allocated for housing.

Conclusions:

- 4.14.2. 5954 – The objection site is next to Corwen Road at the south western end of the village. It was formerly part of a railway route and track bed. Now it is part of a significant belt of woodland which stretches to the south of Coed Talon and an integral part of the countryside setting of the settlement. I do not know why it was included in the settlement boundary in the Alyn & Deeside Local Plan, but the above factors lead me to conclude that it is appropriately located outside the settlement in the UDP.
- 4.14.3. 9128, 17611, 5281 – In principle I see no reason to extend HSG1(55) to accommodate more houses. Coed Talon is a category C settlement where because of windfalls growth together with HSG1(55) will amount to over 50%. Because of the special circumstances of the site I conclude in Chapter

11 that this is acceptable. I agree with the Council that to permit more development on greenfield land would be unacceptable.

- 4.14.4. That being said a site inspection confirmed that HSG1(55) does not encompass the whole of the developed area. The Council does not say that any of the additional area in use is occupied unlawfully and as a consequence it would be illogical and potentially lead to problems for the new houses if a part of the employment site was to be left to operate because it was excluded from the allocation. It would negate the stated benefits of the allocation. I shall therefore recommend that the allocation is modified to include all of the scrap yard which is in use. To my mind it is not appropriate to include the tree belt on the western slope of the objection site as this is an attractive feature which is better related to the countryside beyond. It will provide a firm defensible boundary.

- 4.14.5. 9128 – The second limb of this objection refers to the route of the former railway to the north of HSG1(55) which links the allocation to Ffordd y Bont to the north. At the moment it is undeveloped, and although it did contain parked trailers/containers, it is clearly part of the former railway route in cutting and relates poorly to the built up area and the larger bulk of the scrap yard. To include it within the settlement boundary would bring with it a presumption in favour of development and create tension with AC7 which seeks to protect disused railway lines. If this land is required for an emergency access at some point in the future to enable development, then it can be considered at the appropriate time against UDP policies as part of the development control process. To include the land solely for this purpose is to my mind neither necessary nor appropriate.

Recommendation:

- 4.14.6. I recommend the plan be modified by the extension of HSG1(55) and the settlement boundary to include all the developed area of the scrap yard, but excluding the tree lined slope on the western edge of the site and the line of the former railway to the north of the bulk of the site.

4.15. GEN2 – Connah's Quay

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
329	429	Hooson	DEP	O	No
2315	4751	Powergen plc	DEP	O	No
2315	17600	Powergen plc	DEP	O	No
2604	5886	Jones	DEP	O	No
2605	5892	Thomas	DEP	O	No
2606	5898	Thomas	DEP	O	No
2611	5911	Kelsterton Estate	DEP	O	No
2612	5914	Williams	DEP	O	No
3550	9030	Connah's Quay Town Council	DEP	O	No
7417	18609	George Wimpey North West Ltd	PC	S	No

Summary of Objections:

Rep No	Summary
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429	This objection is dealt with in Chapter 11 HSG1 Connah's Quay with 402
4751 17600	Extend settlement boundary to include Connah's Quay Power Station. Site is largely brownfield in a sustainable location and would provide an extended employment site complementary to EM1(8) which should also be in the settlement boundary
5886 5892 5898	Extend settlement boundary up to Golftyn Lane to provide more housing. Land is of little agricultural use. Development would round off the settlement in a sustainable location. There are no constraints
5911	Kelsterton farmhouse, buildings and paddock are vacant and old fashioned. They are suitable for conversion
5914	Extend settlement boundary westwards from HSG1(8) to bridleway. It would round off the settlement. Land is of little agricultural use. Development would round off the settlement in a sustainable location. There are no constraints
9030	The expanded settlement boundary leaves little green barrier between neighbouring built up areas

Key Issue:

4.15.1. Whether the settlement boundary should be changed.

Conclusions:

- 4.15.2. 9030 – Insofar as the objection is linked to allocated housing sites in Connah's Quay my conclusions are to be found in Chapter 11. In the light of those conclusions it will be evident that I support the allocations remaining in the plan. And in general terms I find the defined areas of green barrier around Connah's Quay sufficient to fulfil the purposes of designation without compromising the strategic nature of the protected open land. As no specific areas, apart from the allocations are mentioned, I can add little further in respect of the settlement and green barrier boundaries.
- 4.15.3. 5911 – The site is located to the south of the B5129/A548 interchange on the western outskirts of Connah's Quay. The buildings are separated from the built up area of the town by an open field. Inclusion of the site within the settlement would be an incursion into the countryside and would be poorly related to the settlement pattern. My conclusions below to 5886, 5892 and 5898 make it clear that there is no necessity to identify additional housing land and I reach similar conclusions in respect of employment land in Chapter 13. In short I find no justification for the settlement boundary to include an area of countryside which forms part of the green barrier. Should the objector wish to come forward with a conversion scheme, that would be tested against green barrier, countryside, rural enterprise policies and the like. Reuse of the buildings would not automatically be precluded by the site's location outside the settlement.
- 4.15.4. 5886, 5892, 5898 – My conclusions on the supply of housing land to be found in Chapter 3 under STR4 indicate that I am generally satisfied that there is a reasonable supply of housing land available without allocating more sites; and that the spatial strategy adequately provides for the distribution of that growth. Whilst the level of planned growth in Connah's Quay is at the lower end of the indicative band for a category A settlement, allocations elsewhere are sufficient to prevent the release of further greenfield sites, especially those within the green barrier.
- 4.15.5. As presently drawn the settlement/green barrier boundary is marked by the western limits of allocation HSG1(6) which follow a mature hedgerow and trees. Whilst Golftyn Lane would also provide a firm boundary, there is not the need for this additional land to be released for housing. It would result in

a pronounced westward extension into the countryside. In the light of the lack of need for additional housing, the lack of constraints referred to by the objectors are of less account.

- 4.15.6. 5914 – The generality of my objections to the inclusion of site 5886, 5892 and 5898 apply equally to this land which would extend HSG1(8) westwards and include a further 2ha of countryside within the settlement boundary. The existing boundary is well defined by roads and hedges. I do not believe the bridleway would be any more defensible than the boundary in the plan. I note that this land on the urban fringe has little agricultural use and is open to trespass, but such arguments have been advanced in many other locations within the County. They are not to my mind determinative in the release of greenfield countryside sites for development.
- 4.15.7. 4751, 17600 – So far as I am able to tell the objection seeks to include both EM1(8) within in the settlement together with a far more extensive area to the west. Insofar as EM1(8) is concerned an employment allocation means that land can be developed for employment purposes, the site's location outside a settlement would not preclude this. From the representations it appears that the objector seeks only employment generating uses. Inclusion within the settlement would be, in principle, permissive of a wider range of development such as housing which could inhibit future industrial growth.
- 4.15.8. The larger site, apart from EM1(8), is developed with the power station. By its nature and location to the north of the railway it is poorly related in character to the built form of Connah's Quay. It would serve little practical purpose if it was to be included within the settlement, except perhaps to create pressure for residential development which could be problematical in such an industrialised location.
- 4.15.9. A related objection, 4752, is concerned that limiting employment areas to B1, 2 and 8 uses would preclude energy related uses. However, as there are no specific proposals it seems sensible that such development is judged on its merits if/when individual schemes come forward. The Council's statement makes it clear that there is flexibility to consider such schemes. As a consequence I see no necessity for other uses to be enshrined in policy.

Recommendation:

- 4.15.10. I recommend no modification to the plan.

4.16. GEN2 – Cymau

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
193	236	Jones	DEP	O	Yes
1342	1866	Jefferies	DEP	O	No
59	17891	Envirowatch	PC	S	No
193	17861	Jones	PC	S	Yes

Summary of Objections:

Rep No	Summary
236	Settlement boundary should follow rear of existing development at Tan y Ffordd

1866	Settlement boundary should include Bryn Teg
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Key Issue:

4.16.1. Whether the settlement boundary should be amended.

Conclusions:

- 4.16.2. Cymau is a category C settlement where the Council's intention is that growth should be limited to an indicative band of 0-10% during the plan period (2000-2015). This equates to 12 additional dwellings.
- 4.16.3. 236 – At the rear of the Tan y Ffordd properties the defined settlement boundary cuts across an open field. It does not follow a physical or recognisable feature on the ground. The Council acknowledges that this is an arbitrary line and PC35 amends the settlement boundary so that it follows the rear boundaries of the Tan y Ffordd properties. This is a clearly defined and logical line and I note is supported by the objector. I support this change.
- 4.16.4. 1866 – Bryn Teg is some 300m to the west of Cymau and is separated from it by undeveloped countryside. It is one of a number of sporadic dwellings set along this hillside. Due to its visual and physical separation from the settlement it would be illogical to extend the settlement boundary to include this property. The objector puts forward detailed arguments relating to the development of this site. However, the matter at issue is fundamentally one of principle. I conclude that the site should not be included within the Cymau settlement boundary.

Recommendation:

4.16.5. I recommend the plan be modified by PC35.

4.17. GEN2 - Dobshill**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
81	104	Messrs G P & G T Shone	DEP	S	No
477	642	Hawarden Estate	DEP	O	No
3560	9091	MPH Construction Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
642	This objection is dealt with in Chapter 11 HSG1 - Dobshill with 637
9091	Include land east of Mile House Farm within the settlement boundary

Key Issue:

4.17.1. Whether the settlement boundary should be amended.

Conclusions:

- 4.17.2. Dobshill is a category C settlement with an indicative growth band of 0–10%. In general in such settlements I recommend at HSG3 that development should be limited to local needs only because of the level of services/facilities and/or locations of such settlements. Development of allocation HSG1(56) would

result in growth of 30% which is well in excess of the indicative band. For the reasons given in HSG1(56) I do not support that allocation.

- 4.17.3. The site is part of an open field adjacent to the settlement boundary which follows clearly defined features. The proposed amended line would cut across an open field and would not follow a defensible physical feature on the ground. Including this area within the boundary would result in ribbon development extending along the A549 encroaching into the green barrier designation. There is a large gap between the development in Dobshill and the nearest property along the A549 and I do not consider the site can be described as infill. I do not support the objection.

Recommendation:

- 4.17.4. I recommend no modification to the plan.

4.18. GEN2 – Drury and Burntwood

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
400	510	Bellis	DEP	S	No
2472	5497	Thompson	DEP	O	No
2472	5499	Thompson	DEP	O	No
2615	6003	Castlemead Homes Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
5497 5499	These objections are dealt with Chapter 11 HSG1 - Drury with 5496 and 5500
6003	The land at Drury New Road was included in the settlement boundary in the Alyn and Deeside Plan. No case has been made for its exclusion. Include within settlement boundary

Key Issue:

- 4.18.1. Whether the site should be included within the settlement boundary

Conclusions:

- 4.18.2. The site is the same as 5500 and my conclusions on that objection are to be found in Chapter 11 HSG1 - Drury and Burntwood. For the reasons I give in Chapter 11 and Chapter 4 GEN5:17, I am satisfied that the boundaries are appropriately located.

Recommendation:

- 4.18.3. I recommend no modification to the plan.

4.19. GEN2 – Ewloe

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
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477	668	Hawarden Estate	DEP	O	No
477	697	Hawarden Estate	DEP	O	No
477	708	Hawarden Estate	DEP	O	No
912	1194	Penney	DEP	O	No
913	1195	Penney	DEP	O	No
2401	17602	Egerton Lodge Property Ventures Ltd	DEP	O	No
3571	9113	Williams	DEP	O	No
4828	12561	Trustee of Late John Evans	DEP	O	No

Summary of Objections:

Rep No	Summary
668	This objection is dealt with in Chapter 11 HSG1 - Ewloe with 660
697	This objection is dealt with in Chapter 11 HSG1 - Ewloe with 695
708	This objection is dealt with in Chapter 11 HSG1 - Ewloe with 705
1194 1195	Include in settlement boundary. 1 dwelling would enable maintenance of fields and care for elderly parents. It would not harm countryside and would reflect recent development
17602	This objection is dealt with in Chapter 11 HSG1 - Ewloe with 5167
9113	Site forms a logical rounding off of the settlement. It would add to choice of housing
12561	This objection is dealt with in Chapter 11 HSG1 - Ewloe with 12570

Key Issue:

4.19.1. Whether the sites should be included within the settlement boundary.

Conclusions:

- 4.19.2. 1194, 1195 - land adjacent to Castle House – The objection site is to the west of Shotton Lane and although it contains a couple of dwellings the appearance of the site is to my mind more akin to the countryside which abuts it on 3 sides than the more closely knit housing to the east. Shotton Lane provides a firm defensible settlement boundary and the site is appropriately located within the countryside. Whilst I appreciate the reasons for the objectors requesting the change, such personal circumstances are not good reasons to provide a framework to enable development when the planning merits indicate the land should be excluded from the settlement.
- 4.19.3. In further representations reference is made to other locations where land has been included within a settlement, but because of its location and appearance, I am satisfied that in the case of the objection site, it is appropriately located in the countryside. I comment on objections to HSG1(35) in Chapter 11.
- 4.19.4. 9113 – south of Moorhead – This site forms a part, albeit a small part, of objection sites 5167 and 5289 which are dealt with under HSG1 - Ewloe in Chapter 11 and my conclusions apply equally to it. It is open, undeveloped land which is an intrinsic part of the countryside. To my mind it is appropriately located in the rural area and I do not support its inclusion in the settlement. I have seen no substantive evidence in relation to this objection which indicates that there is a need for further variety of houses/sites in Ewloe.

Recommendation:

4.19.5. I recommend no modification to the plan.

4.20. GEN2 – Ewloe Green

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
358	436	Robson	DEP	O	No
1282	1777	Feather	DEP	O	No

Summary of Objections:

Rep No	Summary
436	Include plot of land adjacent to The Brambles, Green Lane within settlement boundary to enable erection of a single dwelling. Building would not lead to the coalescence of settlement and not undermine the green barrier
1777	This objection is dealt with in Chapter 11 HSG1 - Ewloe with 1776

Key Issue:

4.20.1. Whether the site should be included within a settlement boundary.

Conclusions:

- 4.20.2. The site is adjacent to a small group of houses along Old Liverpool Road that are in the countryside. This group is separated from the Ewloe settlement boundary by open land. It would not be appropriate to include the objection site within that settlement boundary since this would result in an illogical extension. The small group of dwellings, together with the objection site, do not satisfy the criteria for establishing a separate settlement boundary.
- 4.20.3. The land is part of a wider area designated as green barrier and it would not be appropriate to draw back the green barrier to exclude the site. Whilst a single dwelling would have a minimal impact in terms of coalescence of settlements it would nevertheless result in encroachment into the countryside. This would undermine one of the functions of this green barrier.
- 4.20.4. My conclusions regarding Policy EWP16 in Chapter 19 are also relevant.

Recommendation:

4.20.5. I recommend no modification to the plan.

4.21. GEN2 – Ffrith

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
911	1226	Broomhall	DEP	O	No
1068	1417	Gilkes	DEP	O	No
3800	9764	Evans	DEP	O	No
3843	9881	Berdouk	DEP	S	No
3848	9889	Suckley	DEP	S	No
4793	12443	Best Construction Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
1226	Include Ffrith Hall Cottage/land to round off Ffrith and help ensure survival of village

1417	Extend boundary to allow housing and accommodate an economically active Welsh family
9764	Rock Cottage and land is intrinsic part of village. Include in settlement boundary
12443	Extend boundary to allow rounding off of Swallowfields development

Key Issue

4.21.1. Whether the sites should be included within the settlement boundary.

Conclusions:

- 4.21.2. The settlement - Ffrith is a small nucleated village centred on High St, but with a couple of more modern developments to the east and west of the main street. In accord with the settlement strategy, the village boundary is tightly defined around existing properties and contains only 90 dwellings. It has few facilities and because of this and its size it is classified as a category C settlement. The underlying sustainable principles of the plan seek to concentrate development in the main urban centres with their opportunities for employment, shopping, services and access to good public transport with only limited growth in the smaller settlements like Ffrith. As a consequence the Council does not allocate or include land within the settlement for the purpose of growth.
- 4.21.3. 1226 – This objection site lies to the south of the main body of the village and is separated from it by open fields. Visually it forms part of the pleasant rural approach to the village from the south. It does not appear as part of the built up fabric of the settlement. The site in isolation would represent an outlier of the main village and if the intervening land to the north were included to provide a link, the built up area would be extended into the countryside. This would detract from the rural appearance and character of the locality.
- 4.21.4. The objector wishes to ensure the village's survival and says there is a demand for houses. Whilst I do not doubt her commitment to the village, I am not satisfied that a development of the scale proposed would make a difference to the survival of Ffrith's facilities. Moreover the Council point out that there has already been over 20% growth since 2000 which is significantly more than the 0-10% envisaged in the settlement strategy. Further it must be noted that demand is not the same as need. It is evident from other representations that there is demand for growth in most of the smaller more attractive settlements. If there is a need for development then that can be addressed either by policy HSG11 or considered as an exception to policy as part of the development control process.
- 4.21.5. The site was considered as part of the 1995 Alyn and Deeside Local Plan Inquiry and essentially nothing has changed since. I share the previous inspector's views that the site should not be included within the settlement.
- 4.21.6. 1417 – The plan supplied by the Council indicates that the objection site encompasses 1226 and also includes land to the north and the south. My comments above apply equally to this larger area. Whilst I appreciate the personal circumstances of the objector, they do not provide a good reason to significantly extend the settlement boundary into an attractive rural area. I can add little more.
- 4.21.7. 9764 – Rock Cottage lies to the north of Cymau Lane within an area of woodland. It is on higher ground than the village centre to the south and because of the road and changing levels appears separate from the bulk of the built up area. Apart from Carmel Villas about 100m to the west there are no other dwellings to the north of the lane. The boundary runs along Cymau Lane

and even though historically the properties are associated with the village, to my mind their elevated landscaped setting means visually they relate better to the rural surroundings. I believe the lane provides a logical and defensible boundary. Including the objection site within the boundary would not round off but extend the settlement limits. I note that my conclusions accord with those of the inspector who heard a similar objection as part of the Alyn and Deeside Local Plan inquiry in 1995.

- 4.21.8. 12443 – Contrary to the assertion of the objector the settlement boundary is delineated in this location by a fence and the rough ground to the south of the Swallowfields' access. The land is at a different height and character to the field. It relates to the road and the housing development, not the open countryside.
- 4.21.9. There is no need for additional development in Ffrith. Since 2000 there has already been 23% growth which is substantially more than the 0-10% envisaged in the settlement strategy. Nor have I seen any substantive evidence which indicates there is a proven local need for more housing. The objection site does not have the characteristics of the built up area. It is part of a field in the open countryside. To extend the settlement boundary would result in pressure to develop the land and this would be contrary to the plan's sustainable objectives.
- 4.21.10. The land which is undeveloped within the settlement boundary may be small in area and awkwardly shaped, but such sites are often found as landscaped areas as part of a development. I find nothing illogical in the location of the boundary. A strong landscape belt could be provided on land outside the settlement. It is not a good reason to enable further housing growth.

Recommendation:

- 4.21.11. I recommend no modification to the plan.

4.22. GEN2 – Ffynnongroyw

Objections:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3172	Flintshire Green Party	DEP	O	No

Summary of Objections:

Rep No.	Summary
3172	Objects to white land within settlement which could result in overdevelopment

Key Issue:

- 4.22.1. Whether including *white land* within the settlement boundary could lead to overdevelopment.

Conclusions:

- 4.22.2. I do not find the term *white land* to be helpful. There are no policies relating to it and no definition of it within the UDP. GEN2 treats all land within settlement boundaries the same whether it be developed or undeveloped. It is permissive

of development within settlement boundaries, but this is provided it conforms with other policies within the plan.

- 4.22.3. That being said in general terms I share some of the fears of the objector that the development of unallocated land within some settlements could lead to a level of growth which would be contrary to the underlying sustainable principles enshrined in the plan. I address these matters in response to objections to HSG3 and para 11.12 (amongst other places) where I seek to impose safeguards.
- 4.22.4. Turning now to Ffynnongroyw. The objector does not say which *white land* is referred to. My conclusions can therefore only be general. There are no allocations for development of any kind within the settlement. However, the defined boundary is a generous one in that it includes a number of sites which are either undeveloped, unused or underused. As such there is the potential for a level of growth which could compromise the indicative 8-15% housing growth band in this category B settlement. That being said the plan is meant to be read as a whole and in addition to GEN2 other policies will need to be taken into account.
- 4.22.5. The whole of the settlement is identified as an area at risk of flooding and the vast majority is within a conservation area. There are therefore stringent policies in respect of the scale, nature and type of development which will be permitted. Together with my suggested changes to HSG3 and the spatial strategy, I consider there is sufficient control to ensure that the location of the settlement boundary will not *per se* result in overdevelopment.
- 4.22.6. Albeit a generous one, the boundary is to my mind logical and the majority of sites which have potential for development do not have characteristics of and/or are not contiguous with the open countryside. To the south are the well defined backs of properties along the principle road through the village and to the north the A548 coast road. I accept that land outside the settlements does not necessarily need to have the characteristics of open land, but in this case for the reasons given above I see no reason to change the settlement boundary.

Recommendation:

- 4.22.7. I recommend no modification to the plan.

4.23. GEN2 – Flint

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2615	17811	Castlemead Homes Ltd	DEP	O	No

Summary of Objection:

Rep No	Summary
17811	This objection is dealt with in Chapter 11 HSG1 – Flint with 6004

4.24. GEN2 – Flint Mountain

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2608	5905	Bryn Edwin Estate	DEP	O	No
2608	5906	Bryn Edwin Estate	DEP	O	No
2608	5907	Bryn Edwin Estate	DEP	O	No
7436	18706	Mrs J. Collins(Landore Estates Ltd)	DEP	O	No

Summary of Objections:

Rep No	Summary
5907 18706	Include The Wellfield within boundary. It would round off the settlement; prevent invasion into the green barrier; contribute to housing needs. Existing highway would be improved
5905	Include Pentre Hill within boundary. It would round off the settlement; prevent invasion into the green barrier; contribute to housing needs of Flint Mountain
5906	Include School Field within boundary. It would round off the settlement; prevent invasion into the green barrier; contribute to housing needs of Flint Mountain. Provide additional car parking/amenity area at the school

Key Issue:

4.24.1. Whether the settlement boundary should be amended.

Conclusions:

- 4.24.2. Although the objections refer to STR1(a) they relate to this policy.
- 4.24.3. My conclusions on STR4 indicate that there is no need to find more sites to meet housing need on a Countywide basis. Flint Mountain is a category C settlement with an indicative growth band of 0–10%. Completions and commitments within the settlement boundary since 2000 will result in growth of 24% which is far in excess of the indicative band. On this basis there is no need to extend the settlement boundary as suggested.
- 4.24.4. My visits to the area confirmed that in character and appearance the sites are better related to the countryside than the built up area. Including them within the village limits and providing a framework for development on them would not round off but would encroach into the open area which provides the setting for Flint Mountain. Furthermore, the plan seeks to minimise the release of greenfield sites for development in accordance with national policy. Including these sites would lead to unnecessary and unsustainable development. I have considered the arguments put forward for each individual site but none of them justify amending the settlement boundary.

Recommendation:

4.24.5. I recommend no modification to the plan.

4.25. GEN2 – Gorsedd

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3177	Flintshire Green Party	DEP	O	No

Summary of Objections:

Rep No	Summary
3177	The SAM should not be within the settlement boundary

Key Issue:

- 4.25.1. Whether the settlement boundary should exclude the SAMs to safeguard them from potential development.

Conclusions:

- 4.25.2. There are two SAM sites within the defined settlement. I note that the notation for one of these was omitted from the proposals map in error and is rectified by PC241.
- 4.25.3. The settlement boundary in the vicinity of the SAMs follows the rear gardens of properties. This is a clear physical and defensible line. The objector argues that the site within which the SAMs lie should be open countryside. However, the property in which they are located is part of the built up area and it would be illogical to exclude it from the settlement. HE6 safeguards SAMs regardless of their location relative to defined settlement boundaries. It is not necessary to amend the boundary as suggested.

Recommendation:

- 4.25.4. I recommend no modification to the plan.

4.26. GEN2 – Greenfield**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
984	1384	George Wimpey Strategic Land	DEP	O	No
2615	6018	Castlemead Homes Ltd	DEP	O	No
5687	14298	Moffat	DEP	O	No
931	1219	Henley	DEP	S	No

Summary of Objections:

Rep No	Summary
1384	Extend settlement boundary to include HSG1(37), L3(51) and other land to north and west
6018	Include Bryn Celyn within settlement boundary. It has had a boundary in previous plans
14298	Delete HSG1(37) from the settlement boundary

Key Issue:

- 4.26.1. Whether the settlement boundary should be extended.

Conclusions:

- 4.26.2. My conclusions in respect of Greenfield in Chapter 11 indicate that there is no need for additional allocations to be made to accommodate growth during the plan period. It is therefore unnecessary to change the boundaries to meet housing need.
- 4.26.3. In the UDP the settlement boundaries have been tightly drawn and set clear limits for urban areas. In planning terms they define the extent of the present

and proposed built up areas. Therefore should the boundary be extended and the areas suggested be included within the settlement, there would be a presumption in favour of development in accord with GEN2. This could potentially lead to large scale development and growth in a category B settlement which has relatively limited facilities. To change the boundary would also confirm that should more development be required the locations put forward would be best suited to accommodate it, when there has, so far as I am aware, been no comprehensive study to indicate either the need for or location of future settlement growth.

- 4.26.4. In addition to the above conclusions which weigh against changes to the boundary, my comments below indicate why individual sites should not be included within the settlement.
- 4.26.5. 1384 – land adjacent to Tan y Felin allocation – This is an extensive area and the evidence before me does not demonstrate that development on the scale which could potentially occur could be successfully integrated into the settlement.
- 4.26.6. 6018 – Bryn Celyn is characterised by sporadic development and is seen as a loose scattering of properties in the open countryside. It has little in common with the higher density urban housing estates to the north. Extending the boundary as suggested would necessitate including undeveloped land within Greenfield's limits which would doubtless come under pressure for development as illustrated by 6017. The change requested would potentially change the nature and appearance of this locality which provides part of the attractive setting of Greenfield. It is now over 15 years since the Delyn Local Plan was adopted and Bryn Celyn had a defined settlement boundary. In that time the policy context has changed significantly. And in any event the settlement boundaries were never contiguous.
- 4.26.7. Turning finally to 14298. In Chapter 11 I conclude that HSG1(37) should be deleted as an allocation and recommend the settlement boundary be redrawn to exclude the allocation. The objection is met.

Recommendation:

- 4.26.8. I recommend no modification to the plan.

4.27. GEN2 – Gronant

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
445	576	Williams	DEP	O	No
1243	1714	Jones	DEP	S	No

Summary of Objection:

Rep No.	Summary
576	Enclose garden at The Elms within the settlement boundary

Key Issue:

- 4.27.1. Whether the objection site should be included within the settlement boundary.

Conclusions:

- 4.27.2. The Elms is a stone cottage set close to the road. Its garden extends behind it to the west and to the south along Pentre Lane. The settlement boundary runs close to the rear of the house. It then turns and follows a low stone wall which runs parallel with its southern elevation. This means that not only most of the garden with its domestic paraphernalia, but also the parking area (used for storage at the time of my visit) is located outside the settlement. I find this to be illogical given the characteristics of the house and garden. It is not dissimilar to other houses in the vicinity which are set on large plots and included within the settlement.
- 4.27.3. Whilst I agree with the Council that there is a character change at The Elms it seems to me that both the house and the garden relate to the built up area and not the open countryside. It is appropriate for them to be located within the settlement. The resultant boundary, marked by a change in level, would be firm and defensible. I have taken account of the Council's fears that there may be pressure for development on the land, but if such a proposal was considered to compromise the character and appearance of the locality, it could be refused planning permission. A location within a settlement does not automatically mean permission will be forthcoming if it would result in material harm and be contrary to UDP policies.

Recommendation:

- 4.27.4. I recommend that the plan be modified by the inclusion of the objection site within the settlement boundary.

4.28. GEN2 – Gwaenysgor**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2609	5909	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary of Representations
5909	There is no housing allocation. Including site will contribute to housing needs. It is of little agricultural use and suffers from trespass. Services are available

Key Issue:

- 4.28.1. Whether the site should be included within the settlement boundary.

Conclusions:

- 4.28.2. The settlement boundaries have been tightly drawn to include only that land which is within the built up limits of a village and/or land which is considered suitable to accommodate development within the plan period. My conclusions to STR4 in Chapter 3 indicate that there is a sufficient supply of land to meet the housing requirement without further allocations being made. Gwaenysgor is a category C settlement. In response to objections to HSG3 in Chapter 11 I recommend in order to make the spatial strategy more sustainable, growth in such villages should be limited to that required to meet proven local need. No

such arguments have been put forward in this case. Developed at the recommended densities, the site could produce over 50% growth of the settlement.

- 4.28.3. The site, east of Village Road, is within the Clwydian Range AONB, open and undeveloped in nature and clearly a part of the attractive countryside surrounding the settlement which for the most part is a conservation area. The land may be of little use to the present owners, but ownership and use can change over the years. Such arguments are not good reasons for providing a framework to enable growth. Similarly matters such as the availability of services/unspecified highway improvements should be not determinative of an allocation. They could result in the development of all manner of inappropriately located sites.

Recommendation:

- 4.28.4. I recommend no modification to the plan.

4.29. GEN2 – Gwernaffield

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2239	4206	Clayton	DEP	O	No
3455	8715	Gwernaffield Community Council	DEP	S	No

Summary of Objections:

Rep No	Summary of Representations
4206	Boundary to rear of Bwlch y Ddeufryn should reflect planning permission 02/626

Key Issue:

- 4.29.1. Whether the boundary should be changed to include the objection site.

Conclusions:

- 4.29.2. The Council accepts that the boundary does not recognise the actual situation on the ground and PC37 proposes the inclusion of the extended garden within the defined village area. This will provide a defensible boundary. It is a logical change which addresses an anomaly.

Recommendation:

- 4.29.3. I recommend the plan be modified by PC37.

4.30. GEN2 – Gwernymynydd

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3179	Flintshire Green Party	DEP	O	No
1344	1869	Gwernymynydd Community Council	DEP	O	No
1344	10492	Gwernymynydd Community Council	DEP	O	No

1344	10496	Gwernymynydd Community Council	DEP	O	No
2615	6019	Castlemead Homes Ltd	DEP	O	No
3966	10197	Cocker	DEP	O	No
3966	10204	Cocker	DEP	O	No
3966	10209	Cocker	DEP	O	No
4064	10481	Perkins	DEP	O	No
4064	10484	Perkins	DEP	O	No
4064	10487	Perkins	DEP	O	No
4070	10502	Francis	DEP	O	No
4070	10507	Francis	DEP	O	No
4070	10511	Francis	DEP	O	No
4077	10527	Hughes	DEP	O	No
4077	10555	Hughes	DEP	O	No
4077	10562	Hughes	DEP	O	No
4093	10569	Rosedale	DEP	O	No
4093	10573	Rosedale	DEP	O	No
4093	10574	Rosedale	DEP	O	No
4097	10581	Norman	DEP	O	No
4097	10585	Norman	DEP	O	No
4097	10607	Norman	DEP	O	No

Summary of Objections:

Rep No	Summary
3179	Objects to white land within boundary at Siglen Uchaf, Llys Newydd and Rainbow Inn. Should be open countryside
Objections to inclusion of Siglen Uchaf within the settlement boundary	
1869 10197 10481 10502 10527 10569 10581	Adequate land available for infill housing in the village. A steep hillside; hazardous access and egress on/off A494. Open space enhances the character of the village and provides a haven for wildlife. Loss of village identity - previous developments not in keeping with the style of the village. The village will become part of Mold
Objections to inclusion of land adj to war memorial (Llys Newydd) within boundary	
10492 10204 10484 10507 10555 10573 10585	Adequate land available for infill housing in the village; inadequate sewerage and drainage; access/egress on/off A494 hazardous; limited village facilities; flooding problems. Open space enhances the character of the village and provides a haven for wildlife. Development would overlook adjacent property and restrict views (10585). Loss of village identity - previous developments not in keeping with the style of the village. The village will become part of Mold
Objections to inclusion of land adj to the Rainbow Inn within boundary	
10496 10209 10487 10511 10562 10574 10607	Adequate land available for infill housing in the village. Hazardous access and egress on/off A494. Open space enhances the character of the village and provides a haven for wildlife. Loss of village identity - previous developments not in keeping with the style of the village. The village will become part of Mold
6019	Extend settlement boundary to include land adjacent to Siglen Uchaf. A more logical boundary extending to the AONB designation.

Key Issue:

4.30.1. Whether the settlement boundary should be amended.

Conclusions:

4.30.2. This is a category B settlement with an indicative growth band of 8-15%.
Although many of the objectors assert the facilities in the village are inadequate

to cater for further growth I find the range of education, community and social facilities are such that further development is appropriate provided that suitable sites can be identified. Completions and commitments since the base date of the plan will result in growth of some 2.5% which is well below the indicative growth band.

- 4.30.3. Many of the objections raise issues that relate to all three sites. They state there is adequate land available for infill housing in the village. However, no sites are identified, and I have been given no details of them in terms of location, availability or capacity. Bearing in mind that this is a category B settlement I do not consider it is appropriate to rely upon them to provide growth. Turning to the implications of development on highway safety along the trunk road, provided that satisfactory access can be achieved, the volume of additional traffic movements themselves will not be so great that they will compromise highway safety. Whether previous developments are in keeping with the style of the village is a subjective matter. It does not justify an embargo on any further development. The land between Gwernymynydd and Mold is designated a green barrier in order to prevent the coalescence of the two settlements. None of the sites I consider below would result in the village becoming part of Mold. It is on this basis that I consider the following objections.
- 4.30.4. Siglen Uchaf – The open nature of the area and its contribution to wildlife are not of such significance that they justify excluding this land from the defined settlement. Although undeveloped, given its location adjoining development, the land has more in character with the built up area of the village than the open countryside. Development on it would relate well to the existing built up area and would not be a prominent encroachment into the open countryside. As a consequence it is appropriately located within the settlement.
- 4.30.5. At the time the plan was issued there was uncertainty whether direct access onto the trunk road could be achieved for a development of 10 or more dwellings. Only development above that threshold would warrant a specific housing allocation. However, things have moved on and it appears that, subject to appropriate works being carried out, a development of 24 dwellings would not compromise highway safety. It would also appear that concerns regarding drainage and sewerage are likely to be resolved within the lifetime of the plan.
- 4.30.6. On this basis it seems likely, that the land could come forward for housing during the plan period. 24 dwellings would result in additional growth of some 7% which, when combined with completions and commitments would be within the indicative band. However, because there are some residual doubts I consider the most appropriate way forward would be to leave the land within the settlement boundary to enable it to be developed as a windfall should all the constraints be overcome.
- 4.30.7. War Memorial (Llys Newydd) – There is no indication from the responsible bodies of known flooding issues or likely difficulties with regard to sewerage and drainage of this land. However, there are doubts as to whether satisfactory access can be achieved. Until it is known whether these highway constraints can be resolved and what area is capable of being developed the land should be excluded from the settlement boundary. If this issue can be resolved the site can be progressed as part of the LDP if it is determined that more growth should take place in Gwernymynydd at that time.

- 4.30.8. Rainbow Inn – Many of the objections are based on concerns that the inclusion of the land within the settlement boundary would lead to it being developed for housing. However, the development that has since taken place may well have changed the situation. The area includes the overspill car park adjacent to the Rainbow Inn and land to the rear of the Rainbow garage that has recently been developed for commercial use. The area does not provide an open space that enhances the village or provide a haven for wildlife. I consider the settlement boundary follows clearly defined features and is a logical demarcation of the built up area in this part of the settlement. There is no indication that the area is to be used for housing development but if that were the case at some stage in the future the development control process would ensure that it had a satisfactory access onto the trunk road. Bearing in mind the development that has taken place it would be illogical to designate the area as open countryside.
- 4.30.9. 6019 – This land forms a plateau on the hillside and is part of the transition between the urban and rural area. Given the amount of land that has been included within the settlement boundary I do not consider there is a need to include more. The settlement boundary follows clearly defined physical features and provides a logical alignment at present. It is not necessary for it to extend up the AONB and the inclusion of this land would not serve any useful planning purpose.

Recommendation:

- 4.30.10. I recommend the plan be modified by excluding the War Memorial (Llys Newydd) site, as identified in Appendix 1 of the Council's submission, from the settlement boundary.

4.31. GEN2 – Gwespyr

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2333	4830	C G Gethin & Associates Ltd	DEP	O	No
2333	17616	C G Gethin & Associates Ltd	DEP	O	No
4019	10351	Roberts	DEP	O	No
4040	10407	Johnson Estates	DEP	O	No
5095	13156	Haigh	DEP	O	No

Summary of Objections:

Rep No	Summary of Representations
4830	Include Rose Gardens and adjacent properties within a settlement boundary to enable infill development at Rose Gardens
17616	Site is within village and should be included in defined boundary
10351	Include land within settlement boundary
10407	Settlement boundary is too tightly drawn. 3 areas could potentially be included in the settlement boundary and 2 could accommodate affordable housing

Key Issue:

- 4.31.1. Whether the sites should be included within a settlement boundary.

Conclusions:

- 4.31.2. There is a degree of overlap to the objections and my comments on them. To avoid unnecessary repetition my conclusions below should therefore be read as a whole.
- 4.31.3. Gwespyr is a category C settlement. A category C settlement is one which has few facilities/services and relatively poor accessibility by public transport. I have concluded at HSG3 that development in such settlements should be restricted to that which is required to meet local needs. In general I do not therefore support allocating land or including sites within settlement boundaries where they could potentially be developed. To do so would undermine the sustainable principles of the UDP.
- 4.31.4. The settlement strategy sets an indicative level of up to 10% growth in category C villages. At the base date of the plan there were 145 houses within the defined area of Gwespyr. Since 2000 there have been 16 new dwellings built and there is permission for a further 11. Together these add up to 19% growth which is significantly above the indicative level.
- 4.31.5. The purpose of the settlement boundaries in the UDP is to set clear limits to villages. They have been drawn to define the built form and also identify land where development would be acceptable in principle. Objections site 4830/17616 is not adjacent to the defined built up area of Gwespyr. It lies within the green barrier whose function in this locality is to protect the coastline from encroachment. It is separated from the village boundary by the A548, woods and changing levels. To my mind it does not appear as an integral part of the settlement. If included within the Gwespyr village boundary, it would affect more land than the identified objection site. The policy base would change and any proposals for development would be considered under GEN2. It would also be inconsistent with the treatment of other ribbons of development around Gwespyr and elsewhere in the County. Including open land/sporadic pockets of development within village boundaries would weaken the underlying sustainable principles of the plan which seek to locate development in the larger settlements.
- 4.31.6. I reach similar conclusions for 10407 (land opposite Cartref/Talfryn). Although not in the green barrier it is adjacent to a small cluster of houses outside and clearly separate from development within the defined limits of Gwespyr. Its appearance and nature mean that it is seen as an integral part of the countryside and not the built up area.
- 4.31.7. Before houses were assigned a settlement boundary in the plan, they were assessed against a number of criteria. With only 10 houses, a garage/shop, no village name, sense of place or the like, it is difficult to see how the properties within the area suggested by 4830 could reasonably be regarded as a settlement. I appreciate 17616 is concerned about the deteriorating nature of the property, but the condition of land is not a good reason to allocate sporadic parcels of land for development. The state of the premises could change with a different ownership or alternative use. If the objector wishes to provide affordable houses on the site, HSG11 is permissive of such proposals provided certain criteria are met. Matters such as access and impact on visual amenity are of secondary importance given the reasons for excluding the land from a settlement boundary.

- 4.31.8. Objection site 10351, land between Tanrallt Road and New Road, may be regarded by some as part of the village, but visually I find its open, undeveloped nature means that it is seen as an integral part of the open countryside which surrounds the settlement.
- 4.31.9. The 3 diagrammatic areas indicated in 13156 (land off Berllan Lane) form part of the wider landscape setting of the village and are mentioned in the draft conservation area appraisal as important views out of the settlement. I do not agree that the boundaries of Gwespyr are too tightly drawn. The distribution of development, with which I broadly agree, seeks to concentrate residential development in the main built up areas where a variety of facilities, services, education and employment opportunities are available and can be accessed by public transport.
- 4.31.10. To reflect this the settlement strategy introduces a hierarchy. A category C settlement is at the bottom of that hierarchy. If comparatively large sites are to be put forward for development, I consider they should only be supported if in accord with a Countywide spatial strategy or if there is some other compelling justification. To do otherwise would result in an inconsistent plan and a fundamental conflict between the strategic policies and the allocations/settlement boundaries. The objectors do not say why development in Gwespyr should be preferable to other more sustainable settlements, consequently it follows from the foregoing that I do not support including any of the objection sites within the village boundary in either visual or policy terms.

Recommendation:

- 4.31.11. I recommend no modification to the plan.

4.32. GEN2 – Halkyn

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
506	651	Price	DEP	O	No
1077	1428	Oldfield	DEP	O	No
3604	9205	Williams	DEP	O	No

Summary of Objections:

Rep No	Summary
651	Land behind Ty Coch would accommodate a bungalow. Other properties have been built in the past 20 years. There are no highway objections and would be no overlooking
1428	Include 1.6 ha site in settlement for one house to replace a previous dwelling
9205	Site is very close to settlement boundary and previously had a cottage on it. Other properties have been built recently

Key Issue:

- 4.32.1. Whether the sites should be included within the settlement boundary.

Conclusions:

- 4.32.2. 651 – The settlement boundary of Halkyn has been tightly drawn to reflect the extent of the built up area and identify those areas where in principle development will be acceptable. Because of the rural character and relatively

low density of development, land on the periphery of Halkyn where housing is more sporadic has been excluded. This is in line with the spatial strategy which seeks to keep development within the plan period to under 10% in category C settlements where there are few services.

- 4.32.3. The objection site is a small field off a rough unadopted lane and apart from Ty Coch, all land to the west of the lane is excluded from the settlement. The lane provides a firm defensible boundary and to my mind because of its nature and location it is appropriate for the land to be within the countryside and not the defined settlement.
- 4.32.4. I appreciate that over the years development has been permitted in the village, but I have no details of those properties nor what policy background prevailed at the time. Further whilst I understand the personal reasons for the objector wanting to build on the site, planning decisions such as boundary definition must be based on sound planning, not personal reasons.
- 4.32.5. 1428 – If the whole of the site adjacent to Hill House were to be included within the settlement boundary, it could potentially accommodate up to 40 dwellings and that level of development in a category C settlement would be unacceptable and contrary to the sustainable objectives of the plan. I deal with a similar, but smaller area in Chapter 11 HSG1 - Halkyn and my conclusions there apply equally to this site.
- 4.32.6. As the objector seeks only one dwelling and the use of the remainder of the site as a small holding I have looked at including a lesser area fronting the lane within the boundary. Whilst in the past that site may have accommodated a dwelling, apart from what now appear to be retaining walls on the land, there is little left of the former occupation. I understand the dwelling was demolished in the 70's. Settlement patterns evolve over time and in this case I do not find the former residential occupation of the site to be determinative of the settlement boundary. I conclude similarly in respect of the problems of cultivating the land if there is no dwelling near at hand to prevent trespass and vandalism, as such arguments are only theoretical.
- 4.32.7. As the smaller objection site is next to 651 my conclusions to it are also relevant. Overall I consider the objection site relates better to the open countryside and changing the boundary as proposed would extend and not round off the settlement.
- 4.32.8. 9205 – land at Four Clovers – As the objector points out the site is detached from the settlement boundary. Whilst it may have had a house on it in the past, at present it forms part of open land in and around the village limits. It contributes to the rural character of Halkyn. Its inclusion within the limits would result in either an awkward extension to the boundary or additional land with the potential for development. The village has grown and changed over the years with both houses being demolished and new ones being built. However, it has retained its rural character and with a current policy background which seeks to concentrate development within the larger built up areas, in principle settlement extensions cannot be supported without sound planning reasons. I appreciate that on its own the boundary change would have very little impact, but similar arguments have been put forward in many other villages. Incrementally the impact of even small boundary changes would undermine the sustainable principles of the plan.

Recommendation:

4.32.9. I recommend no modification to the plan.

4.33. GEN2 – Hawarden

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in Appendix A4			

Summary of Objections:

Rep No	Summary
3180	Areas of white land within the settlement limit should be open countryside
5504	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 5503
730	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 727
745	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 743
758	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 756
785	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 783
797	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 795
1550	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 1549
4698	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 4701
5237	Include land south of Groomsdale Lane for development; would be a logical rounding off of mainly brownfield land; no encroachment into open countryside; including the existing developments gives a better definition of the settlement
5955	Include land at the station within the settlement. No satisfactory case for its exclusion
6012	No satisfactory case for exclusion of land at Glynne Way from the settlement boundary
Objections to PC40	
	Loss of open countryside and change in the character of the land. Inspector at ADLP Inquiry considered the land fulfilled a green barrier function – site is only being promoted to enable development. It was considered at a 2004 Inquiry and was dismissed because of highways and drainage issues. The highways are not sufficient to accommodate significant increases in traffic and the junctions onto Gladstone Way are inadequate. Foul and surface water drainage systems are overloaded - no water supply to serve the development. Insufficient facilities and infrastructure to support development in Hawarden - in particular doctors, schools and dentists. Access to the open countryside will be limited for recreational purposes. Loss of wildlife/habitat. Quality of life diminished particularly for elderly residents

Key Issue:

4.33.1. Whether the settlement boundary should be amended.

Conclusions:

- 4.33.2. Background - Settlement boundaries are a planning tool to enclose the existing built form and proposed sustainable extensions to settlements. Given its strategic location Hawarden, a category B settlement with an indicative growth band of 8–15%, is a sustainable location for further growth. The settlement boundary is tightly drawn and consequently there are very few opportunities for further housing development. Growth amounting to just below 5% is catered for by the completions and commitments since the base date of the plan. This is well below the indicative growth band.
- 4.33.3. Overlea Drive - PC40 amends the settlement boundary to include land adjacent to Overlea Drive and amends the green barrier accordingly. The reason given is *The site represents a logical rounding off of the settlement wherein possible*

development would not harm the adjacent open countryside which is designated as green barrier, subject to access constraints being overcome. The settlement boundary change will allow a reasonable growth for Hawarden over the plan period.

- 4.33.4. The site lies between a railway line and a large area of established housing. The land is not subject to nature conservation or landscape designations. Although part of the land is seen in views from the west, I do not consider the site as a whole is so visually prominent, or its contribution to the historic setting of Hawarden to be significant enough to preclude its inclusion within the boundary. In view of its relationship to the built up area I consider it is a suitable location for further development to round off this part of the settlement.
- 4.33.5. A large number of objections relate to the land being developed for housing as a consequence of PC40. I have been referred to a 2004 appeal decision for residential development which objectors assert indicates the land is not suitable for development. My remit is to consider the principle of amending the settlement boundary rather than the more detailed aspects of a specific proposal. The inspector concluded that the traffic generated by the proposal would not materially harm highway safety or the free flow of traffic on the approach roads to the site; the rate of surface water discharge could be controlled; existing foul sewerage deficiencies could be addressed; development would be unlikely to have a detrimental effect on the local badger colony; that the appeal could not be dismissed on ecological grounds and that the shortfall in school capacity was not sufficient reason to dismiss the appeal. I am not aware of any changes in circumstances with regard to these matters.
- 4.33.6. The appeal was dismissed on the basis that the substandard visibility at the junctions of Blackbrook Avenue and Fieldside with Gladstone Way would cause material harm to highway safety. In March 2007 the Welsh Assembly Government issued TAN18, which revised the visibility standards. The Blackbrook Avenue/Gladstone Way junction satisfies the revised standards. I understand the visibility at the Fieldside/Gladstone Way junction could now be improved to comply with current standards.
- 4.33.7. On this basis it appears that the technical impediments to the development of the site have been addressed and it is appropriate to amend the settlement boundary to include this land.
- 4.33.8. With regard to the further submissions by 4091, it seems to me that the correspondence reflects the findings of the inspector in that the deficiencies in the system could be resolved through the appropriate statutory process. DCWW do not object to the principle of the land being identified for development. Their objection is to ensure development does not take place prior to improvements being made to the public sewerage. Furthermore, any development would have to satisfy GEN1 and EWP16. Given that the potential capacity of the sewerage system has been addressed and there is no indication that the costs of resolving the matter would prohibit development I do not consider there is conflict/inconsistency with the criteria in para 9.2.9 PPW (MIPPS 01/2006).
- 4.33.9. Neither the local education authority nor the local health board objected to PC40 and there is no indication from the relevant bodies that water cannot be supplied. In the absence of evidence before me to support the assertion that the quality of life, particularly of the elderly, will be diminished I cannot

comment further on this issue. The land is in private ownership and, apart from the public footpath, is not open to public access. Including the area within the settlement boundary will not impact on the public right of way. These issues, together with wildlife interests, are detailed matters that will be subject to numerous policies in the plan including GEN1, WB1 and AC2.

- 4.33.10. On the basis of the information that is before me I do not find the objections justify excluding the area from the settlement boundary. Its development would enable overall growth of 9.5%, which is acceptable, bearing in mind the significant restrictions on development elsewhere in Hawarden.
- 4.33.11. Turning to the impact on the green barrier. Much has changed in terms of national and local policies since the inspector considered the situation as part of the Alyn and Deeside Local Plan Inquiry in the mid 1990's. My considerations take into account the current advice and policies with regard to the functions of the green barrier. At the 2004 inquiry the inspector stated *..the UDP process is the proper place to consider whether or not the site fulfils any green barrier function and it would be inappropriate for me to comment further.*
- 4.33.12. Green barriers are to protect only key areas of land where it is essential to retain its open character and appearance. I do not find that this land constitutes such a key area. Its removal does not reduce the gap of open land between Hawarden and the built up area to the north west. I find the green barrier has been drawn wider than is necessary to prevent the coalescence of these two settlements. For these reasons I also conclude that it is appropriate to amend the green barrier.
- 4.33.13. My conclusions in HSG1 – Hawarden in Chapter 11 with regard to whether the land should be allocated for housing are also relevant.
- 4.33.14. 3180 – I understand the objection relates to land at Trueman's Hill and St Deiniol's woodland but there are no details giving the boundaries of the areas or why the sites should be removed from the settlement boundary.
- 4.33.15. With regard to Trueman's Hill, the boundary follows a well defined feature and is logical. It is a SAM and any development proposals would have to take this into account including HE6. PC148 designates the site as green space under L3 which will further safeguard the land from harmful development.
- 4.33.16. With regard to St Deiniol's woodland, Cross Tree Lane provides a clear, defensible and logical line for the settlement boundary. The area referred to is within the conservation area, and includes several listed buildings including the Grade 1 library. I consider the relevant policies dealing with these matters provide adequate safeguards.
- 4.33.17. 5237 – I note that in further submissions the objection includes a plan showing a different suggested alignment for the settlement boundary and also refers to that area being allocated for housing. However, the written submissions relate to the wider area that was shown on a plan attached to the original objection. There is no indication that these changes are part of the duly made objection and I shall deal with it as originally made. Topic Paper 2 para 4.4 indicates that settlement boundaries are a planning land use tool for the control of development. They are not intended to define absolutely what constitutes a settlement. The objection seeks to include a significant area of land within the boundary and reference to the golf club buildings, car park and curtilage of Groomsdale House being brownfield land suggests that an extensive area would potentially contribute to further housing development. It does not

necessarily follow that all brownfield land is suitable for allocation. The area would extend the urban form into the surrounding countryside and I do not consider it would amount to a rounding off of this part of Hawarden. My conclusions regarding the effect on the green barrier are to be found in GEN5:17 below.

- 4.33.18. 5955 – The UDP provides an opportunity to review policies, proposals and designations and it is understandable that there may be changes as a result. This heavily wooded area has greater affinity with the rural rather than the built up area. I do not consider including it within the settlement boundary would serve any useful planning purpose.
- 4.33.19. 6012 – This heavily wooded area provides a distinctive approach to the settlement from the east. It is more closely related in character and appearance to the countryside than the built up area. Extending the settlement boundary to include it would result in unacceptable encroachment into the countryside. I do not consider including this land within the settlement boundary would serve any useful planning purpose. The site is within the green barrier and this further reinforces my conclusions.

Recommendation:

- 4.33.20. I recommend the plan be modified by PC40.

4.34. GEN2 – Hendre

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
52	68	Tomos	DEP	O	No

Summary of Objection:

Rep No	Summary
68	Include land in plan to provide affordable homes for young local people. It has no agricultural value and is surrounded by roads/houses. It would reinvigorate the village

Key Issue:

- 4.34.1. Whether Hendre should be classified as a settlement and land allocated for affordable housing.

Conclusions:

- 4.34.2. In line with the objectives of PPW (9.2.5 MIPPS 01/2006) the Council seeks to distribute growth through a settlement strategy which, although I have some reservations, I consider to be satisfactory to guide development within the plan period. In the UDP there are 3 levels of settlement and the boundaries are defined only as a planning tool to delineate those areas which are regarded as built up and/or those locations where development in principle would be acceptable before 2015. Therefore the boundaries defined do not necessarily reflect what local people would regard as a settlement. Such is the case of Hendre. Whilst surrounding the public house there are a few scattered dwellings and the letters accompanying the objection indicate a level of

community spirit, essentially the locality is devoid of the facilities associated with villages. Hendre is at some distance from the nearest defined settlements of Nannerch to the west and Rhydymwyn to the east. In terms of the spatial strategy it is not a sustainable location being no more than a loose scattering of houses in the wider countryside separated from the cluster of housing to the east, which forms another part of Hendre, by tracts of open land.

- 4.34.3. I note that Hendre was not a defined settlement in the Delyn Local Plan and nor do I consider it should be in the UDP. To define a settlement boundary would provide a policy framework to enable not only affordable housing but also general development which because of its location and lack of facilities is an unsustainable location to accommodate growth. The lack of suitability of the land for agricultural use is not a factor which carries weight in identifying land for development. If it was so it could lead to development in all manner of unsuitable and/or unsustainable locations.
- 4.34.4. I have taken into account the improvement of the facilities on offer at the public house which could flow from enabling development, but this is a personal circumstance. Ownerships and the use of premises are liable to change. Moreover in this case there is no substantive evidence that such improvements are either necessary or could only be funded by residential development.
- 4.34.5. That being said the plan does recognise the need for affordable housing and HSG11 is a policy which provides a framework for such housing outside identified settlement boundaries. Whilst the Council does not consider the objection site would be suitable for this type housing, there is nothing to prevent an application coming forward as part of the development control process to be tested against the criteria in HSG11.

Recommendation:

- 4.34.6. I recommend no modification to the plan.

4.35. GEN2 – Higher Kinnerton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
121	226	Guy	DEP	O	No
328	400	Hill	DEP	S	No
635	848	Collins	DEP	S	No
739	985	MacMaster	DEP	S	No
905	1180	Atkin	DEP	S	No
919	1205	Davenport	DEP	S	No
932	1221	Atkin	DEP	S	No
936	1230	Caldow	DEP	S	No
948	1246	Taylor	DEP	S	No
949	1247	Taylor	DEP	S	No
1016	1321	Faulkner	DEP	S	No
1123	1544	Linden Homes Developments Ltd	DEP	O	No
1180	1633	Cadwallader	DEP	S	No
1213	17392	Mackin	DEP	S	No
1363	1891	Goodfellow	DEP	S	No
1365	1894	Lease	DEP	S	No
1632	2360	Davies	DEP	S	No

1715	3077	Huxley	DEP	S	No
3872	9937	Morgan	DEP	S	No
5748	14380	Wainwright	DEP	S	No
5749	14381	Brookes	DEP	S	No
5763	14397	Turner	DEP	S	No
6724	15654	Wynne	DEP	S	No

Summary of Objections:

Rep No	Summary
226	It would seem likely that there are a number of small fields that could be suitable for development as an alternative to HSG1(57)
Others	The objections and supports are dealt with in Chapter 11 HSG1 - Higher Kinnerton

Issue:

- 4.35.1. Whether land should be included in the settlement boundary for housing development.

Conclusions:

- 4.35.2. As 226 does not specify any particular sites. I can make no meaningful response.

Recommendation:

- 4.35.3. I recommend no modification to the plan.

4.36. GEN2 – Holywell

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
117	17302	Barber-Riley	DEP	S	No
2334	4864	Dept of Enterprise, Innovation and Networks	DEP	O	Yes
2334	17822	Dept of Enterprise, Innovation and Networks	DEP	O	No
2343	4872	W Hall & Sons (Holywell) Ltd	DEP	O	No
2419	17612	Richardson	DEP	O	No
3545	8999	Brix Investments	DEP	O	No
4047	10423	Roberts	DEP	O	No
4047	10424	Roberts	DEP	O	No
4841	12661	Dept of Enterprise, Innovation and Networks	DEP	O	No

Summary of Objections:

Rep No	Summary
4864 12661 17822	Designation of former Holywell Textile Mill site under T9 is inappropriate. Include as unallocated land in settlement to enable redevelopment and regeneration of site
4872	This objection is dealt with in Chapter 11 HSG1 - Holywell with 17630
8999	This objection is dealt with in Chapter 11 HSG1 - Holywell with 8897
10423 10424	Include part of farmyard/shippen and/or larger area including part of 2 fields at Bryn Derwen Farm within settlement boundary
17612	This objection is dealt with at HSG1 - Holywell with 5285

Key Issue:

- 4.36.1. Whether the sites should be included within the settlement boundary.

Conclusions:

- 4.36.2. 4864, 12661, 17822 – Since the objections were made the Council has proposed PC341 which incorporates HSG2B - mixed use development of the former textile mill site - into the plan. My conclusions below in Chapter 11 indicate that I support that change and do not consider the T9 designation of the land would be incompatible with the regeneration proposals. The location of HSG2B and its relationship to the defined settlement boundaries of Holywell and Greenfield mean that to include the site within either boundary would take in additional land and/or result in contrived boundaries. As HSG2B stands as an allocation in its own right I see no necessity for any changes to either settlement boundary.
- 4.36.3. 10423, 10424 – By their character and appearance both sites relate better to the rural area. The smaller site is mostly separated from the house by hedgerows and the buildings are agricultural in nature/appearance. If the request for a change to the boundary is made purely on the grounds of seeking conversion of existing buildings to residential, then such a use is permissible in principle if the criteria in HSG7 can be met. A location in the countryside would not necessarily prevent such a development.
- 4.36.4. In addition the larger area consists of steeply sloping north facing fields to the rear of houses fronting Holway Road. It is an intrinsic part of the open countryside. Its southern boundary is not defined on site and the southern portion of the site lies within the Holywell Common and Halkyn Mountain Landscape of Historic Interest. By its character and appearance it relates better to the countryside than the built up area to the north. The objector does not say why the land should be included within the settlement and as a consequence I can take the objection no further.

Recommendation:

- 4.36.5. I recommend no modification to the plan.

4.37. GEN2 – Hope, Caergwrle, Abermorddu & Cefn y Bedd**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1339	1860	Williams	DEP	O	No
1367	2045	Green	DEP	S	No
1502	2100	Hughes	DEP	O	No
2285	4588	Wolverhampton & Dudley Breweries Plc	DEP	O	No
2615	5975	Castlemead Homes Ltd	DEP	O	No
2615	5984	Castlemead Homes Ltd	DEP	O	No
2615	5989	Castlemead Homes Ltd	DEP	O	No
2615	17810	Castlemead Homes Ltd	DEP	O	No
5732	14349	Parrish	DEP	O	No
5736	14354	Arden	DEP	S	No
5738	14356	Worrall	DEP	S	No
5739	14358	Williams	DEP	S	No
5740	14360	Castell Alun High School	DEP	S	No
5741	14361	Davies	DEP	O	No
5745	14368	Hope Community Council	DEP	O	No
5750	14382	Griffiths	DEP	S	No

5751	14384	Bell	DEP	O	No
59	17892	Envirowatch	PC	O	Yes
2106	18401	Countryside Council For Wales	PC	O	No
2238	18318	Heesom	PC	O	No
5712	18425	Edwards	PC	O	No

Summary of Objections:

Rep No	Summary
1860	Include land at end of Alyn Fields within the settlement boundary
2100	Include land at Berwynfa within the settlement boundary
4588	This objection is dealt with in Chapter 11 HSG1 – Hope et al with 4589
5975	Include land south of Fagl Lane (cemetery/associated land) within the settlement boundary
5984	Include land south east of Bryn Tirion farm within the settlement boundary
5989	Include land east of railway line at Abermorddu/Cefn y Bedd within the settlement boundary
17810	Include land south of Fellows Lane Caergwrle within the settlement boundary
14349	This objection is dealt with in Chapter 11 HSG1 – Hope et al with 14348
14361	This objection is dealt with in Chapter 11 HSG1 – Hope et al with 14362
14368	Include area bounded by safeguarded route to east of Hope within the settlement boundary
14384	This objection is dealt with in Chapter 11 HSG1 – Hope et al with 9921
Objections to PC38	
17892	School playing fields should be open countryside
18401	Concerns regarding possible impact on wildlife site
18318	Object

Key Issues:

4.37.1. Whether:-

- i) additional land should be included within the settlement boundary,
- ii) PC38 should be deleted.

Conclusions:

- 4.37.2. Hope, Caergwrle, Abermorddu & Cefn y Bedd are defined as a category B settlement with an indicative growth band of 8–15%. I consider the various housing allocations and omission sites for this settlement in the relevant sections of Chapter 11 where I conclude that adequate provision is made to accommodate an appropriate level of growth. I have taken those conclusions into account in considering the following objections.
- 4.37.3. 1860 – The settlement boundary does not follow a defined physical feature for a short length at the end of Alyn Fields. However, I do not consider this justifies amending the settlement boundary to include the whole of this land enclosed by the hedge. This open field has stronger physical and visual relationship with the adjoining countryside than the urban fabric of this part of the settlement.
- 4.37.4. I understand that part of the objection site is within a zone C2 flood risk area where only less vulnerable development, which does not include housing, should be considered. When looking at all the submissions put forward by the objector I nevertheless find that no useful planning purpose would be served by including the objection site within the settlement boundary. My conclusions regarding the green barrier to be found below in GEN5:18 Hope Caergwrle are also relevant.
- 4.37.5. 2100 – A small part of the objection site is already included within the settlement boundary to reflect the development that is already in place. Extending the settlement boundary to include this further extensive area of

undeveloped land would result in unnecessary encroachment into the open countryside.

- 4.37.6. 5975, 5984, 5989 & 17810 – 5975 relates to a large area of open land, part of which is a cemetery. The other sites are generally undeveloped. The objections are made by the same objector purely on the basis that these areas were within the settlement boundary in the Alyn and Deeside Local Plan. It does not automatically follow that an area that was included within the settlement boundary in a previous plan should be carried over into its successor. Neither is it required to indicate changes from previous development plans. To do so would add unnecessary bulk to the plan. Topic Paper 2 indicates the factors taken into account in reviewing the settlement boundaries established in previous development plans as part of the UDP process and the objection sites do not meet those factors. I find no useful planning purpose would be served by including these areas within the settlement boundary.
- 4.37.7. 14368 – The safeguarded route for the bypass is an indicative line and does not follow physical features on the ground. It is neither necessary nor appropriate to extend the settlement boundary to include such a large area of mostly undeveloped land at this stage. The revision of the settlement boundary can be considered when the route has been properly defined and an indication given that the scheme will proceed. This is a matter for consideration as part of the LDP process.
- 4.37.8. PC38 - As a result of the allocation of the land to the north of the school playing fields (HSG1(41a)), PC38 amends the settlement boundary to include the Abermorddu CP schools grounds. The inclusion of this land within the settlement boundary would have no impact on the wildlife site which is some distance away. School playing fields are subject to SR4 and including the grounds within the settlement boundary would not increase the chance of the grounds being developed. Regard must be given to the setting of school playing fields to determine whether they should be regarded as being within open countryside. In this case development of HSG1(41a) would result in the school grounds being within an urban setting and it would not be appropriate to regard the site as open countryside. In the absence of any reasons to indicate the basis of 18318 I cannot comment further. I conclude it is appropriate to include the school playing field within the settlement boundary.

Recommendation:

- 4.37.9. I recommend the plan be modified by PC38.

4.38. GEN2 – Leeswood

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
184	223	Coleman	DEP	O	No
3866	9929	Turley	DEP	O	No

Summary of Objections:

Rep No	Summary
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223	Land to the rear of Marlynn should be included within the settlement boundary
9929	Land west of Oaklands should be included within the settlement boundary

Key Issue:

4.38.1. Whether the settlement boundary should be amended.

Conclusions:

- 4.38.2. 223 - I am satisfied that adequate provision is made for additional development in Leeswood. No reasons are given to justify why this land should be included within the settlement boundary. The existing boundary is contiguous with the limits of the built up area in this part of the settlement and the inclusion of the objection site would result in an illogical extension into the open countryside.
- 4.38.3. 9929 - The land adjacent to Oaklands is amongst a scattering of properties along Stryt-Cae-Rhedyn and is some 400m outside the proposed settlement boundary. The development in this part of Stryt-Cae-Rhedyn is physically and visually separate from the main part of Leeswood. It has a greater affinity with the surrounding countryside than the built up area within the settlement core. Extending the boundary to include this site would result in an illogical intrusion into the countryside and weaken the plan's underlying sustainability principles.
- 4.38.4. For the above reasons I do not consider the settlement boundary should be amended.

Recommendation:

4.38.5. I recommend no modification to the plan.

4.39. GEN2 – Lixwm**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
376	467	Davies	DEP	O	Yes

Summary of Objections:

Rep No	Summary
467	Land to north of Hillbank has an access point and could accommodate 3 dwellings. It would have less impact than land which requires a new access

Key Issue:

4.39.1. Whether the land should be included within the settlement boundary.

Conclusions:

- 4.39.2. The settlement boundaries have been tightly drawn to include only that land which is within the built up limits of a village and/or land which is considered suitable to accommodate development within the plan period. I do not consider the objection site meets those criteria. Although the site has a narrow access onto Ffordd Walwen it is essentially an irregular shaped, undeveloped backland site which forms part of the wider area of countryside. Even though unkempt, by its undeveloped appearance and location it relates better to the rural area rather than the built up limits of the village.

- 4.39.3. The Council's representations indicate that since the start date of the plan there has or will be through extant planning permissions over 16% growth in the village which is significantly above the indicative growth band of 0-10%. This is in addition to the 25 affordable units which have been approved nearby. As there is no shortage of land to meet the Countywide requirement of 7400 new units, development is not justified in terms of housing need. These factors lead me to conclude that the site should not be included within the settlement boundary.

Recommendation:

- 4.39.4. I recommend no modification to the plan.

4.40. GEN2 – Llanasa

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
765	1017	Roberts	DEP	O	No

Summary of Objection:

Rep No	Summary
1017	Extend settlement boundary to allow development

Key Issue:

- 4.40.1. Whether land should be included within the settlement boundary.

Conclusions:

- 4.40.2. The eastern settlement boundary of Llanasa next to Calderstones is firm and defensible along its side garden. To its west is the built up area of the village and to the east open countryside. The objection site is a long narrow strip, part of a field and included within the Clwydian Range AONB. The remainder of the field is not within the AONB although there is no demarcation on the ground to distinguish its limits. Because of its character and appearance it would be illogical to extend the settlement boundary to include land which is clearly part of the rural area.
- 4.40.3. The objector says that the settlement extension is required for an access to enable development within the settlement boundary. And the Council produces reasons why an access track in this location would be unacceptable. However, there are no proposals and in any event such considerations are more properly the concern of the development control process if or when a scheme is put forward for development. It follows I do not consider a new access to be a good reason to extend the settlement boundary. Such a proposal could be considered on its merits as a planning application in the light of GEN3.

Recommendation:

- 4.40.4. I recommend no modification to the plan.

4.41. GEN2 – Llanfynydd

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1333	1854	Westaway	DEP	O	Yes
3570	9108	Hanaby	DEP	O	No
3570	18380	Hanaby	PC	O	No

Summary of Objections:

Rep No	Summary
1854	Include Nant-y-Glyn and its garden within settlement boundary
9108	Include within settlement. Part of site is within boundary in Alyn & Deeside LP
18380	Objects to PC41 as may damage an ancient monument and circumstances of 9108 site are similar, but that site is not included in boundary

Key Issue:

4.41.1. Whether the sites should be included within the settlement boundary

Conclusions:

- 4.41.2. 1854 - The Council accepts that the boundary in the vicinity of Nant-y-Glyn does not recognise the actual situation on the ground and PC41 proposes including all, and not just part, of the property within the defined settlement boundary. This will provide a defensible boundary. It is a logical change to make which I support.
- 4.41.3. 18380 – I explain below why I consider land next to Fair Acre should not be included within the settlement boundary. It is in a different location and has a different character to objection site 1854. There is no substantive evidence to indicate how the change in boundary would, of itself, result in the degradation of an ancient monument. Any application for planning permission would need to have regard to HE6 which seeks to protect archaeologically important sites.
- 4.41.4. 9108 - land adjacent to Fair Acre – Llanfynydd is a small rural village with few facilities which is classified as category C in the settlement strategy. The indicative growth band for such settlements is up to 10%. The Council says, and it is not disputed, that there has already been 15% growth. There does not therefore appear to be a residual need for housing growth. To include more land within the settlement boundary and encourage further development would be contrary to the plan's underlying sustainable principles which seek to give priority to growth in the larger built up areas which have good public transport and offer access to a wide range of services and facilities.
- 4.41.5. The objection site is a field. It forms part of the wider rural area which provides an attractive setting for Llanfynydd. The majority of the site, closest to the road, is known to contain remains of Offa's Dyke. I am told that the CPAT consider development on the frontage part of the site would be harmful to Offa's Dyke which is an Ancient Monument. Together these reasons lead me to conclude that the site should not be included within the settlement.
- 4.41.6. In later correspondence the objector refers to a smaller site which would permit the erection of one dwelling. However, despite the exclusion of the frontage land, it has a somewhat tenuous relationship with the settlement boundary and

is awkwardly shaped. My general comments on the large site apply equally to it and I do not support its inclusion within the boundary.

- 4.41.7. I acknowledge there has been a change in the boundary from that in the Alyn and Deeside Local Plan. Nevertheless given the circumstances I am satisfied that as currently proposed the boundary is logical, firm and defensible.

Recommendation:

- 4.41.8. I recommend the plan be modified by PC41.

4.42. GEN2 – Lloc

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
169	205	Evans	DEP	O	No

Summary of Objection:

Rep No	Summary
205	Seeks a settlement boundary for Lloc and the inclusion of land within that boundary

Key Issue:

- 4.42.1. Whether there should be a settlement boundary and if so should the objection land be included within that boundary.

Conclusions:

- 4.42.2. The Council makes it clear in Topic Paper 2 para 4.4 that settlement boundaries are a planning land use tool for the control of development. They are not intended to define absolutely what constitutes a village or settlement and it is not therefore surprising that they do not always correlate with local perceptions. The UDP does not identify Lloc as a settlement in planning policy terms.
- 4.42.3. Lloc is a loose scattering of houses set in an area of largely undeveloped countryside. It has no readily identifiable core and lacks the facilities and characteristics defined in Topic Paper 2 para 4.7 to justify defining a settlement boundary. Housing development in such an area would undermine the underlying principles for the location and distribution of housing development in the plan.
- 4.42.4. On this basis I do not consider that a settlement boundary should be defined for Lloc. It follows neither do I support the arguments put forward to justify the housing development that is sought for the particular site.

Recommendation:

- 4.42.5. I recommend no modification to the plan.

4.43. GEN2 – Mancot

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
5	6	Johnson	DEP	O	No
16	17	West	DEP	O	No
477	826	Hawarden Estate	DEP	O	No
477	861	Hawarden Estate	DEP	O	No
477	867	Hawarden Estate	DEP	O	No
1314	1833	NatWest	DEP	O	No

Summary of Objections:

Rep No	Summary
6 17	Delete site from green barrier and include in settlement boundary
861	This objection is dealt with in Chapter 11 HSG1 - Mancot with 860
867	This objection is dealt with in Chapter 11 HSG1 - Mancot with 866
826	This objection is dealt with in Chapter 11 HSG1 - Mancot with 825
1833	This objection is dealt with in Chapter 11 HSG1 - Mancot with 1832

Key Issue:

4.43.1. Whether the site should be included within the settlement boundary.

Conclusions:

- 4.43.2. The objection site is a small area of overgrown land at the rear of properties fronting Chester Road, Leaches Lane and Earles Crescent. There is a natural visual break of trees and hedgerows on the eastern side where it abuts open countryside and the Council is of the view that it does not relate well to the countryside which is in the green barrier. As a consequence PC59 proposes the deletion of the green barrier designation. I agree with that change as in my view the land does not fulfil a green barrier function. However, by its location and appearance the site forms an integral part of the settlement, and I would go further and recommend that it be included within the settlement boundary. The ensuing green barrier boundary would be firm and defensible.
- 4.43.3. I am aware that the objectors would wish to see some development potential from the site and if issues such as flooding, access and the like can be overcome I consider there are no sound reasons why it should not be regarded as a windfall site and developed within the plan period.

Recommendation:

- 4.43.4. I recommend the plan be modified by deleting the green barrier designation and including the site within the settlement boundary.

4.44. GEN2 – Manor Lane ‘Armed Forces’

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
477	816	Hawarden Estate	DEP	O	No

Summary of Objection:

Rep No	Summary
816	This objection is dealt with in Chapter 11 HSG1 - Manor Lane with 812

4.45. GEN2 – Mold**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1022	1348	Mold Town Council	DEP	O	Yes
1166	1613	Cattermoul	DEP	O	No
1166	4137	Cattermoul	DEP	O	No
1505	2106	Thomas	DEP	S	No
2305	4737	Kingmead Ltd	DEP	O	No
2615	6006	Castlemead Homes Ltd	DEP	O	No
4925	12815	Jackson	DEP	O	No
7419	18622	Eatonfield Holdings Ltd	DEP	O	No
59	17899	Flintshire Green Party	PC	S	No

Summary of Objections:

Rep No	Summary
1348 1613 4737	Plas Aney is within Mold and the kitchen garden is redundant since the site has been developed. Include former kitchen garden wall and/or all of Plas Aney site within settlement to enable completion of development on site
4137 12815	Include Old Gaol within settlement boundary to enable development to fund repair and/or maintenance of the decaying listed walls
6006	This objection is dealt with in Chapter 11 HSG1 - Mold with 6005
18622	This objection is dealt with in Chapter 11 HSG1 - Mold with 18621

Key Issue:

4.45.1. Whether the settlement boundary should be changed.

Conclusions:

- 4.45.2. 1348, 1613, 4737 – In the UDP settlement boundaries are a planning tool to define the existing built form, identify sustainable extensions to settlements and prevent development in the countryside. Plas Aney is a former nursing home set in extensive grounds which has been converted into residential units. The site consists of 2 other dwellings and a walled garden. Although it is adjacent to housing development to the north east, the site is of a different character to these more closely knit estate type houses. Despite its residential use its appearance relates better to the rural rather than the urban area. Whilst providing a framework to enable development in the former walled garden would no doubt tidy the site, I do not consider this to be a good reason to change settlement boundaries. The present settlement boundary which is contiguous with development to the north is to my mind appropriately defined.
- 4.45.3. Because of the size of the site I accept that its deletion from the green barrier would have only a negligible impact on its strategic function, but it would nevertheless provide a policy framework for the consolidation of existing development in what at present is a relatively open area compared to the built form to the north. It would enable growth poorly related to the prevailing

pattern of development within the settlement. It follows I do not support the modifications to the plan suggested.

- 4.45.4. 4137, 12815 – The objection site consists of The Haven, a house, which is set within the walls of the former Gaol and extends to some 1.5ha. Apart from a narrow access onto Upper Bryn Coch it is separate from the settlement boundary which to the north follows the boundary of existing housing in Ffordd Newydd and to the east the Mold Business Park. It lies within and with its mature perimeter trees forms an integral part of a wider area of countryside which is a narrow neck of prominent open land separating Mold and Gwernymynydd designated as green barrier. To include the site within the settlement even if a more than tenuous link were to be made would result in an illogical boundary encompassing a significant area of land which in character and appearance is poorly related to the built form. It would also severely compromise the strategic purpose of the green barrier to the north of the bypass.
- 4.45.5. Whilst I appreciate the objectors' reasons for wanting the change, I do not consider these personal circumstances to be good reasons to provide a policy framework which would enable a substantial amount of development. Personal circumstances, land ownerships and uses of land are all liable to change. Moreover in this case there is not the evidence to substantiate the assertion that without the proposed change the grade II listed walls cannot be maintained and/or will fall into decay. As a consequence I do not support the change to the boundary suggested.

Recommendation:

- 4.45.6. I recommend no modification to the plan.

4.46. GEN2 – Mostyn

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2398	17633	Muller Property Holdings Ltd	DEP	O	No
4623	12029	Allen	DEP	O	No

Summary of Objections:

Rep No	Summary
17633	This objection is dealt with in Chapter 11 HSG1 - Mostyn with 5214
12029	Extend settlement boundary to include land at Gors Cottage to enable a new dwelling

Key Issue:

- 4.46.1. Whether the settlement boundary should encompass Gors Cottage and land.

Conclusions:

- 4.46.2. In the UDP settlement boundaries have been tightly drawn to reflect only the extent of built up areas and that land where development is considered acceptable in principle within the plan period. In line with national policy to be found in PPW (9.3.1 MIPPS 01/2006) this will avoid fragmented patterns of

development and ensure new building is well integrated with the existing settlement pattern.

- 4.46.3. Gors Cottage does not abut the settlement boundary, it is one of a number of scattered properties on the hillside between the A548 and the defined area of Mostyn. To extend the boundary to include the objection site would result in an illogical extension inconsistent with the rationale of settlement definition. It would provide a policy framework which would perpetuate and consolidate the fragmented pattern of development in this area of countryside.
- 4.46.4. Whilst I appreciate the objector's personal reasons for wanting the designation of the land changed, my consideration of such matters as boundary definition must be guided by the planning merits of the objection.

Recommendation:

- 4.46.5. I recommend no modification to the plan.

4.47. GEN2 – Mynydd Isa

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1191	1646	Potter	DEP	O	No
1366	17423	Argoed Community Council	DEP	O	No
3546	9007	Leason Homes	DEP	O	No
59	17897	Envirowatch	PC	O	No
2106	18429	Countryside Council For Wales	PC	O	No
4465	18563	B.R.A.N.D	PC	O	No
7259	17904	Dixon	PC	O	No
7260	17905	Moore	PC	O	No
7275	17975	Cork	PC	O	No
7276	17974	Powell	PC	O	No
7281	17984	Jee	PC	O	No
7289	18009	Lloyd	PC	O	No
7290	18020	Shaw	PC	O	No
7300	18121	Shaw	PC	O	No
7303	18155	Espley	PC	O	No
7342	18264	Thomas	PC	O	No
7343	18265	Walker	PC	O	No
7344	18266	Mitchell	PC	O	No
7348	18272	Walsh	PC	O	No
7349	18274	Ridler	PC	O	No
7350	18275	Hughes	PC	O	No
7351	18276	Davies	PC	O	No
7352	18277	Ridler	PC	O	No
7353	18278	Pendleton	PC	O	No
7354	18279	Davies	PC	O	No
7355	18280	Wilcox	PC	O	No
7356	18281	Lally	PC	O	No
7357	18282	Lally	PC	O	No
7358	18283	Bell	PC	O	No
7359	18284	Bell	PC	O	No
7391	18491	Mole	PC	O	No
7409	18538	Davies	PC	O	No
7420	18639	Parry	PC	O	No
7428	18653	Espley	PC	O	No

7429	18654	Espley	PC	O	No
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Summary of Objections:

Rep No	Summary
1646	Keep Highfield Farm in settlement boundary. The buildings are divorced from the farm land, in a state of disrepair. It would eliminate animal odours
17423	Extend settlement boundary to include Argoed Sports Association premises and designate as green space
9007	This is dealt with in Chapter 11 at HSG1 - Mynydd Isa with 9008
18429	Site at Rose Lane needs a development brief to safeguard landscape and nature conservation interests
Objections to PC42	
All	There is no need for more housing. Levels of growth in Mynydd Isa have not been justified. The site was a former landfill tip. There are concerns about schools and the already inadequate drainage being able to cope with more development. The site floods and is water retaining. It is open countryside and has landscape and wildlife value. There are problems with providing an access and there will be additional traffic on Clwyd Avenue and Rose Lane. It would be harmful to neighbours living conditions. Do not include site in settlement

Key Issue:

- 4.47.1. Whether the sites should be included within the settlement boundary and/or allocated for housing.

Conclusions:

- 4.47.2. 1646 – The farmhouse and associated buildings are on the south side of Bryn Road and separated from the settlement boundary by Argoed High School. Whilst a proposed change to the draft North Flintshire Local Plan may have included the site within the settlement boundary, that proposal was never tested at inquiry or adopted.
- 4.47.3. As proposed by the UDP, the settlement boundary follows the clearly defined line of the rear of houses in Berwyn Close and Snowdon Avenue. It excludes the school which is set in extensive grounds and the farm complex which by its character and appearance has more in common with the rural area than the more dense residential development within the settlement and to the north of the road. Therefore because of the nature and character of development to the south of the road, I do not find the site to be well related to the settlement pattern and do not support its inclusion within Mynydd Isa. In reaching this conclusion I have considered the problems which the objector experiences because of the separation of the farmstead from the farmland, but it seems to me that when there is no need to identify more land for building, this personal situation is not a good reason to provide an enabling policy framework for development which would encroach unnecessarily into the countryside.
- 4.47.4. 17423 – By its nature the objection site consists of a small proportion of building compared to an extensive area of playing fields and other recreational open space. It has a similar open character to the school to the north which is excluded from the settlement boundary and as such I consider it to be appropriately located outside the settlement and subject to countryside policies. The Council has generally only designated green spaces within settlements where the presumption in favour of development could bring pressure to develop green space. In a location where the restrictive countryside policies would apply I see no necessity for such a designation.

- 4.47.5. PC42 proposes the inclusion of about 2ha of land between Rose Lane, Clwyd Avenue, Overdale Avenue and Mold Road within the settlement boundary. Since proposing the change the Council has accepted that a satisfactory access to the site via a mini roundabout arrangement on Mold Road can be provided. In the light of this the Council's position is that it has no objection to the site being included within the settlement boundary and allocated for housing within the plan period.
- 4.47.6. Both national and UDP policy recognise that the priority should be for the development of brownfield land, but when that is not available it is inevitable that greenfield sites must be developed. The combination of constraints and/or location of brownfield sites in Flintshire together with the spatial strategy which seeks to provide a spread of housing development through the settlements means that in some locations such as Mynydd Isa, for development to take place it must be on greenfield land. (I deal with the settlement strategy generally in Chapters 3 & 11 of this report and do not repeat my conclusions here.)
- 4.47.7. Mynydd Isa is a large settlement (about 2000 dwellings) of relatively new housing with a range of facilities to serve its population. It lies between the category A settlements of Mold and Buckley with public transport links to the 2 giving access to their services and facilities. In principle it is a suitable location for some growth.
- 4.47.8. The settlement strategy identifies Mynydd Isa as category B with an indicative growth band of 8-15%. In the first 5 years of the plan, growth has amounted to about 3% which I do not regard as overdevelopment of the settlement. My conclusions on HSG1(46) and the several omission sites mean that I do not consider other land put forward would prove suitable for development within the plan period. They are either constrained by green barrier designations or within a wider more strategic area which is likely to be considered for development as part of the LDP process. Whilst I accept that growth levels should not be prescriptive, it seems to me where a suitable prospect for growth arises that opportunity should be taken. Such is the case I believe with the area of PC42.
- 4.47.9. The site presently forms a finger of countryside which is bordered by housing on 3 sides. Its development would have only a low impact on the wider area of countryside to be found to the south and because of this I do not consider the setting of the settlement would be significantly impaired or that the site fulfils any of the strategic purposes of the green barrier. In the locality the green barrier designation extends eastwards only as far as the western side of Rose Lane. Development on the site would be well related to the existing built form.
- 4.47.10. Residents are understandably concerned about the impact on wildlife, but the land is not recognised for its wildlife value at international, national or local level. Further investigation as part of the development control process would confirm whether the nature conservation value of the site is such that development would need to include mitigation measures. Similarly my site visit confirmed that the landscape of the site has little intrinsic value and any proposals for development could include measures for protecting hedgerows, trees and the like. This would be in line with the comments of CCW.

- 4.47.11. As part of the preparation of the plan, several rounds of consultation were undertaken and no objections were made by either statutory or non statutory service providers about the adequacy of services to serve more development.
- 4.47.12. Drainage is not only troublesome in the Overdale Avenue area, it is also a perennial problem in Mynydd Isa generally. However, there is no outstanding objection from DCWW and there are policies in the UDP which will ensure that development does not worsen and would potentially improve current conditions. If properly applied, and there is no reason to believe a responsible body like the Council would do otherwise, policies such as GEN1(h), EWP15(c)(d) would ensure development *has regard to the adequacy of existing public services, would enhance the existing water treatment and supply and would have access to adequate sewerage and sewage treatment facilities*. The provisions of a SUDS would also ensure potential flooding is taken into account.
- 4.47.13. The latest information on schools illustrates that where there are issues about school capacity the local education authority consider the matter can be adequately addressed by a financial obligation. This is not an unusual circumstance. Similarly whilst I appreciate there are concerns about access to doctors and dentists and the like, such problems are not confined to Mynydd Isa or even the County.
- 4.47.14. Extensive consultations have taken place with the Council about providing an access to the site. The evidence submitted to the inquiry indicates that this can be satisfactorily achieved by providing a mini roundabout on Mold Road. Access directly from Mold Road to the site would not result in either increased vehicular movements on Clywd Avenue, Overdale Avenue and Rose Lane or the use of sub standard junctions.
- 4.47.15. The evidence is inconclusive on the landfill issue. The Council and EAWs records indicate a small landfill site adjacent to the site on land which is now occupied by 6&8 Clywd Avenue and 41 Overdale Avenue. The recollection of neighbours is different and they refer to landfill on the site itself. Whatever the reality, I have seen nothing which indicates that past landfill would necessarily preclude development. It seems to me that this matter can be suitably addressed as part of the development control process.
- 4.47.16. Allocation of and eventual development of the site would inevitably bring change to neighbours, but it is a function of the development control process to ensure that the living conditions of present and future occupiers are not materially harmed by development. Nothing I have seen, heard or read convinces me that such matters would prevent development.
- 4.47.17. The above findings lead me to conclude overall that PC42 should be incorporated into the plan and the land allocated for housing.

Recommendation:

- 4.47.18. I recommend PC42 be incorporated into the plan and the land be allocated for housing development.
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4.48. GEN2 – Nannerch

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2317	4756	Williams & Eden	DEP	O	No
2610	5910	Lloyd	DEP	O	No

Summary of Objections:

Rep No	Summary
4756	Boundary is arbitrary site has same characteristics and levels as land in settlement
5910	Inclusion of site within boundary would provide a windfall site to enable up to 10% growth

Key Issue:

4.48.1. Whether the sites should be included within the settlement boundary.

Conclusions:

- 4.48.2. 4756 – The objection had been withdrawn in part and the site is now a small triangle of land close to Ffordd-y-Waen.
- 4.48.3. To my mind the site has more in common with the built up area. It shares the same levels as land within the defined settlement and at present the village limits dissect a somewhat haphazard storage/yard area and exclude the site. Including the whole of the yard area would provide a firm defensible boundary and it would be logical to include the site within the village. Correspondence received after the hearing session confirms the land will be excluded from the Nannerch Memorial Hall RIG because it has no geological/geomorphological interest.
- 4.48.4. I appreciate the Council's concerns about land within settlements being developed. However, the safeguards I have recommended in HSG3 together with normal development control considerations would mean that any application for development would have to demonstrate genuine local need and take full account of the duties imposed on decision makers in respect of development in AONBs, in conservation areas and near listed buildings. These interests would be protected. Inclusion within the village boundary would not therefore *per se* result in harmful development.
- 4.48.5. 5910 – Pen Llan - Nannerch is a category C settlement. The levels of growth in the settlement strategy are indicative only and it is evident from my conclusions on HSG3 that I consider the strategy needs to be more robust to achieve the plan's sustainable objectives. As a consequence I recommend that growth in such settlements should be restricted to that required for local needs. Moreover with (according to the Council) a site area of approximately three quarters of a hectare, for the site to be developed in accord with HSG8, it could accommodate some 17 dwellings which would equate to about 20% growth. This is more in line with the indicative level of growth envisaged in the most accessible category A settlements.
- 4.48.6. In the light of these conclusions such matters as availability of services and access are of secondary account. Impact on neighbours is a matter which is normally addressed at the planning application stage. In this particular case the objection site is part of the open countryside which is protected for its natural beauty by its AONB designation. Development would unnecessarily

extend the built up limits in a prominent location on the northern approaches to the village. Whilst the objector refers to medium value and affordable housing to meet local needs, there is no substantive evidence which demonstrates the need for such development. And even if it did, such matters could be addressed by HSG11.

- 4.48.7. It follows I do not support the inclusion of the site within the settlement boundary.

Recommendation:

- 4.48.8. I recommend the plan be modified by including land outlined on plan 1 (numbered 4543/1 and dated 4.11.03) and attached to the Quadrant letter of the 17 August 2007 (Inquiry doc R1-2317-4756-1) within the settlement boundary.

4.49. GEN2 – Nercwys

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
7200	17331	Nercwys Community Council	DEP	O	No

Summary of Objections:

Rep No	Summary
17331	Settlement boundary too constrained to enable sufficient infill sites

Key Issue:

- 4.49.1. Whether the settlement boundary should be extended.

Conclusions:

- 4.49.2. Nercwys is a category C village with an indicative growth band of 0-10%. Completions and commitments since the base date of the plan will result in growth of 8% which is close to the upper end of the indicative growth band. To encourage more than minimal growth in such a settlement would be contrary to the sustainable objectives of the plan which include concentrating development in the urban areas thereby reducing the need to travel. For reasons given under HSG3 in Chapter 11, my recommendations are that new houses should only be permitted in category C settlements where there is a local need.
- 4.49.3. Nercwys has developed in a linear manner with groups of houses fronting onto Ffordd y Pentre. There are areas of undeveloped land between these groups and the settlement boundary is tightly drawn to reflect this characteristic. There are opportunities for further development within the defined settlement boundary and I consider these are sufficient for the plan period. I have seen no substantive evidence on either general or local housing need to justify extending the settlement boundary to permit further development. HSG11 provides for the development of affordable housing schemes in rural areas outside settlement boundaries if certain criteria can be met. This further reinforces my view that it is not necessary to extend the settlement boundary in order to accommodate development.

Recommendation:

4.49.4. I recommend no modification to the plan.

4.50. GEN2 – New Brighton**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1366	17422	Argoed Community Council	DEP	O	No

Summary of Objections:

Rep No	Summary
17422	Include community sports centre field in settlement boundary

Key Issue:

4.50.1. Whether the sports field should be included in the boundary.

Conclusions:

4.50.2. At present the boundary is contiguous with the limits of the built up area. Both the sports field and the children's play area are excluded from it. Although offering facilities to serve the community, by their nature these uses are open in character and to my mind there is no necessity for them to be located within the settlement boundary. It would not change their use or function. Moreover being within the green barrier they are safeguarded from development pressure and their openness protected. The objector does not say why the boundary should be moved and as a consequence it is difficult to comment further.

Recommendation:

4.50.3. I recommend no modification to the plan.

4.51. GEN2 – Northop**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
218	270	Wood	DEP	S	No
3578	9123	Wynne-Williams	DEP	O	No

Summary of Objection:

Rep No	Summary
9123	Part of site was allocated for residential uses in Delyn Local Plan. It is clearly part of built up frontage. Include all objection site including backland, which is used incidentally to the domestic use, within the settlement boundary and delete the green barrier designation. It would compensate for reduced capacity at HSG1(49)

Key Issue:

4.51.1. Whether the site at The Bays should be included within the settlement boundary and deleted from the green barrier.

Conclusions:

- 4.51.2. As proposed by the Council the boundary marking the western limits of the village finishes at the rear of properties fronting Bryn Rhyd. This provides a firm defensible boundary. To the east of this the housing is relatively tightly knit in character and is seen as an integral part of the settlement. To the west are The Bays, Ty Carreg and Belgrave House. These 3 properties are different in character and relate better to the open land to the west than the built up area. Similarly to the north of the road the school surrounded by open land is also excluded from the settlement boundary. Given the change in character I consider the boundary is appropriately located.
- 4.51.3. The land between the boundary and Maes Celyn/the horticultural college is protected by a green barrier designation which in this location serves to prevent the coalescence of the developed areas and is an appropriate designation given the open nature of the land on which objections to the UDP indicate there is pressure to develop.
- 4.51.4. The frontage of the objection site may have been included within the settlement boundary in the Delyn Local Plan, but green barrier boundaries were reviewed as part of the production of the UDP and for the reasons given above I consider a countryside/green barrier designation is now appropriate. I note the reduction in the capacity of HSG1(49) is as a result of part of the site being developed, it does not justify additional housing in Northop where development will result in over 20% growth.

Recommendation:

- 4.51.5. I recommend no modification to the plan.

4.52.GEN2 – Northop Hall**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2294	8994	Morris Developments (North) Ltd	DEP	O	No
4752	12312	Whale	DEP	O	No
59	17901	Flintshire Green Party	PC	S	No

Summary of Objections:

Rep No	Summary
8994	This objection is dealt with in Chapter 11 HSG1 - Northop Hall with 4633
12312	This objection is dealt with in Chapter 11 HSG1 - Northop Hall with 12313

4.53. GEN2 – Padeswood**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1471	2037	Brown	DEP	O	No
1471	2038	Brown	DEP	O	No

Summary of Objections:

Rep No	Summary
2037 2038	Seeks to have settlement boundary reinstated and to include land east of Smithy Farm

Key Issues:

4.53.1. Whether:-

- i) Padeswood should be included within a settlement boundary; and if so,
- ii) the site included within that boundary.

Conclusions:

- 4.53.2. The categorisation of settlements in previous development plans has been reviewed and the UDP explains in para 4.9 that not all groups of houses will have a settlement boundary if they are not of sufficient size and do not have suitable capacity to accommodate further growth and development. Topic Paper 2 *Settlement Strategy and Site Selection* indicates the criteria used in the review. Padeswood is described as *A small group of houses associated with the Castle Cement works, and with a commercial garage. Despite possible employment opportunities there are no supporting facilities or real identifiable character to support growth.* Since the inquiry opened the small shop associated with the commercial garage has closed. Schools and shops are a considerable distance away along a busy road that lacks a footway for most of its length. I do not consider facilities generally associated with day to day activities to be within safe walking distance. The playing field provision at Padeswood is not sufficient justification for a settlement boundary.
- 4.53.3. Further housing development in locations such as Padeswood would undermine the sustainability objectives of the plan and its spatial strategy which seeks to direct most new development to the main urban areas.
- 4.53.4. Since I do not consider it is appropriate to establish a settlement boundary in Padeswood it follows that I do not support the remainder of the objection with regard to an area of land east of Smithy Farm.

Recommendation:

- 4.53.5. I recommend no modification to the plan.

4.54. GEN2 – Pantasaph**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1462	2023	David McLean	DEP	O	No

Summary of Objections:

Rep No	Summary
2023	Define a boundary for Pantasaph which contains residential, institutional and commercial uses

Key Issue:

- 4.54.1. Whether Pantasaph should have a settlement boundary.

Conclusions:

- 4.54.2. Pantasaph does not satisfy many of the criteria that the Council has used to identify villages and define their boundaries. Historically it is based on a number of religious institutions along Monastery Road which are included in an extensive conservation area. Other development is scattered in nature, there is no real community focus and few facilities. I reach this conclusion taking account of the residential development at the former St Clare's convent.
- 4.54.3. The suggested village limits put forward by the objector include extensive tracts of open land between the scattered buildings. To include such large areas within a settlement, in a plan where in principle new development would be permitted within the defined area would be inconsistent with other settlement boundaries. It would also be contrary to the underlying sustainable principles which seek to locate development in the main urban areas such as nearby Holywell which is a focus for facilities and services.

Recommendation:

- 4.54.4. I recommend no modification to the plan.

4.55. GEN2 – Pantymwyn**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
53	69	Bickerton	DEP	O	No
901	1174	Faulkner	DEP	O/S	No
1306	1820	Kenwright	DEP	O	No
1372	1906	Howes	DEP	O	No
2239	17584	Clayton	DEP	S	No
2615	5966	Castlemead Homes Ltd	DEP	O	No
3455	8719	Gwernaffield Community Council	DEP	S	No
3926	10093	Davies	DEP	O	No
3930	10103	Jeffcott	DEP	S	No
3936	10121	Hibbert	DEP	S	No
3939	10125	Jones	DEP	O/S	No

Summary of Objections:

Rep No	Summary
69	Include objection site in settlement boundary as in Delyn Local Plan to enable the building of a small bungalow. No explanation has been given for the change
5966	
1174	Designate land behind Appin as green space
1820	This objection is dealt with in Chapter 11 HSG1 - Pantymwyn with 1819
1906	Include Cae Isa Farm and land between it and Pen y Fron Road within the settlement
10093	Land was within settlement boundary and a previous application was refused only on details. It contains significant buildings
10125	Designate land behind Rockavon as green space

Key Issues:

- 4.55.1. Whether land should be:-
- included within the settlement boundary
 - designated as green space.

Conclusions:

- 4.55.2. 69, 5966 – The settlement boundary as proposed in the UDP excludes Fellside and surrounding land. In order to protect the landscape setting and character of a settlement, I share the Council's view that properties on the periphery of built up areas can reasonably be excluded from village limits, especially when they are located within an AONB. Fellside, set in spacious grounds, is poorly related to the built up area. In effect it turns its back on the settlement and access is via a narrow track. It relates better to the countryside. I am aware there is planning permission for a house on part of the site, but no details of a development are available. And this to my mind makes no significant difference to the settlement boundary as the potential development would still relate poorly to the village.
- 4.55.3. I note that the Council says the site is not within the SSSI, but the proposals map inset 47 clearly shows it as within that designated area. I would advise that this inconsistency is investigated at the modification stage.
- 4.55.4. 1906 – In order to strictly control development and reflect the thrust of the spatial strategy, settlement boundaries have been tightly drawn to include only the built up areas and those locations where development would be acceptable in principle. My conclusions in the housing chapter indicate I broadly support the settlement strategy. Cae Isa Farm and land to its east lies at the northern end of the defined village limits. The farmhouse is set back from the road and the land in front of it is undeveloped and rural in appearance. To my mind the site marks the start of the open countryside surrounding the settlement and the farmhouse is seen as a rural building within it. Moreover given that there is no need to identify more land to meet housing need, it would be contrary to the plan's sustainable principles to provide a framework to enable unnecessary development on a greenfield site adjacent to a category C village.
- 4.55.5. 10093 - In order to strictly control development and reflect the thrust of the spatial strategy, settlement boundaries have been tightly drawn to include only the built up areas and those locations where development would be acceptable in principle. My conclusions in the housing chapter indicate I broadly support the settlement strategy. The objection site forms part of a woodland which is protected by a TPO and is an intrinsic part of the rural setting for Pantymwyn. It is not well related to the built up area in either character or appearance. The Barracks is only a small part of the objection site and use for ramblers' accommodation, is one that is often found in the rural areas. The planning use does not justify its inclusion within the settlement boundary.
- 4.55.6. Moreover given that there is no need to identify more land to meet housing need, it would be contrary to the plan's sustainable principles to provide a framework to enable unnecessary development on a largely greenfield site adjacent to a category C village.
- 4.55.7. 10125, 1174 – The land which is the subject of the objections lies outside the settlement boundary and is an intrinsic part of the open countryside. It is protected by countryside, landscape and wildlife policies which will ensure its special interests and natural beauty are maintained. In these circumstances not only would it be inconsistent with other areas where land outside settlements is not designated as green space, it would also serve little purpose, even if designation did comply with the criteria in para 7.12 of the UDP.

Recommendation:

4.55.8. I recommend no modification to the plan.

4.56. GEN2 – Pentre**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
477	873	Hawarden Estate	DEP	O	No
477	893	Hawarden Estate	DEP	O	No

Summary of Objections:

Rep No	Summary
873	This objection is dealt with in Chapter 11 HSG1 - Pentre with 872
893	This objection is dealt with in Chapter 11 HSG1 - Pentre with 888

4.57. GEN2 – Pentre Halkyn**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1301	1808	Griffin Homes Ltd	DEP	O	Yes
2311	4746	Wynne-Jones	DEP	O	No
2467	5451	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
1808	Wish to include more land behind development to extend gardens
4746	Boundary excludes garden of Halkyn Hall
5451	This objection is dealt with in Chapter 11 at HSG1 Pentre Halkyn with 5453

Key Issue:

4.57.1. Whether the sites should be included in the settlement boundary.

Conclusions:

- 4.57.2. 1808- between Bryn Awel and Oak Cottage – I am told the objection has been conditionally withdrawn, although the Council proposes no changes to the plan. I can only assume circumstances have changed and make no further comment.
- 4.57.3. 4746 – I agree with the objector that it is illogical to exclude the garden of Halkyn Hall from the defined built up area and this view is shared by the Council who propose changing the plan by FPC598. The garden is triangular shaped and the 2 long sides abut built development leaving only a short frontage onto the road and the countryside beyond. Whilst in other locations the nature of the gardens would justify their location outside the settlement, in this particular case the surroundings indicate otherwise.

Recommendation:

4.57.4. I recommend the plan be modified by FPC598.

4.58. GEN2 – Pen-y-ffordd

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
927	1214	Wright	DEP	O	No
1244	17412	Grocott	DEP	O	No
1305	1816	Pearson-Jones	DEP	O	No
3574	9117	Roberts	DEP	S	No

Summary of Objections:

Rep No	Summary
1214	This objection is dealt with in Chapter 11 HSG1 - Pen-y-ffordd with 1213
17412	This objection is dealt with in Chapter 11 HSG1 - Pen-y-ffordd with 1716
1816	This objection is dealt with in Chapter 11 HSG1 - Pen-y-ffordd with 1814

4.59. GEN2 – Penyffordd & Penymynydd

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
767	1029	Hewitt	DEP	O	No
1382	1925	Wright Manley	DEP	O	No
3567	9101	Roberts Homes	DEP	O	No
3715	9533	Butterworth	DEP	O	No
3869	9935	McHardy	DEP	O	No
4010	10331	Jones	DEP	O	No
4727	12266	Clutton Agricultural Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
1029	Include land north of Wood Lane. Bypass forms a logical boundary more clearly visible; allow the balance of Wood Lane Farm to be brought forward for development
1925	This is dealt with in Chapter 11 HSG1 - Penyffordd & Penymynydd with 1924
9101	This is dealt with in Chapter 11 HSG1 - Penyffordd & Penymynydd with 9102
9533	Include a group of dwellings on the eastern side of Wrexham Road which are physically and visually part of the village within the boundary
9935	This is dealt with in Chapter 11 HSG1 - Penyffordd & Penymynydd with 9933
10331	Was previously a dwelling in the rear garden of 83 Hawarden Road. Inclusion within the boundary would enable construction of a retirement dwelling
12266	Include caravan site within the boundary. Illogical to exclude a permanent residential use. The land adjacent to the Millstone pub is almost surrounded by development

Key Issue:

4.59.1. Whether the settlement boundary should be amended.

Conclusions:

4.59.2. 1029 – This farmland forms part of the countryside around the edge of the settlement. The current boundary follows the existing lane and is a firm and defensible feature. It is not clear to me why the suggested boundary would be more logical or clearly visible. No useful planning purpose would be achieved

by including this substantial area of land, indeed the indication that such an amendment would bring forward further land for development, in a settlement that is already well provided for, reinforces the justification for not amending the settlement boundary.

- 4.59.3. 9533 – The group of houses are interspersed with areas of undeveloped land and are some distance away from the centre of the settlement. The road provides a firm and defensible boundary to the built up area in this part of the settlement. Whilst I do not question that these houses are part of the village, in planning terms, that does not justify including the area within the settlement boundary.
- 4.59.4. 10331 – The existing settlement boundary follows well defined features on the ground and is logical and defensible. Amending the settlement boundary as suggested would extend built development into the adjoining area which is open in character and has more in common with the adjacent rural landscape than the built up area. The personal desires of the objector to erect a retirement dwelling are not sufficient reasons to justify the amendment that is sought.
- 4.59.5. 12266 – The objection did not include a plan to indicate the area to be included within the settlement boundary. If the objection only relates to the caravan park it would result in an illogical settlement boundary merely to include a ribbon of development. It is not uncommon for settlement boundaries to exclude residential properties on the fringes of villages and the permanent occupation of the caravan site does not of itself justify its inclusion within the boundary.
- 4.59.6. If the objection also includes the land adjacent to the Millstone pub it encompasses a large area including recreational/playground use. A settlement boundary is a planning tool to indicate where further development would be considered acceptable. Such a substantial extension of the settlement boundary would provide a framework to enable a significant level of development in this category B settlement contrary to the plan's sustainable principles. It would serve no useful planning purpose and I do not support this objection.

Recommendation:

- 4.59.7. I recommend no modification to the plan.

4.60. GEN2 – Pontblyddyn

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1	1	Percy	DEP	O	No
1144	1585	Milne	DEP	O	No

Summary of Objections:

Rep No	Summary
1	Seeks to include land at Alyn Bank Farm in the Plan.
1585	Seeks to include an area in the vicinity of the church within a settlement boundary.

Key Issue:

4.60.1. Whether the settlement boundary should be amended to include these areas.

Conclusions:

- 4.60.2. Pontblyddyn is a category C settlement. The plan envisages limited growth in this category of settlement. Provision is made for 9% growth during the plan period within the currently defined settlement boundary. I consider this level of growth to be adequate for a settlement with such limited facilities.
- 4.60.3. I have concluded under HSG3 in Chapter 11 that development in such settlements should be restricted to that which is required to meet local needs. In general I do not therefore support extending boundaries simply to include land which could potentially be developed. To do so would undermine the sustainable principles of the plan.
- 4.60.4. The boundary of 1 is not defined on a plan but my comments relate equally to that area between Alyn Bank Farm and Fairbanks and the whole of the field. This site is some 900m away from the defined boundary when measured along the A541 and has no physical or visual connection with the main part of the settlement. To extend the village limits to include this land would result in the inclusion of several areas of undeveloped land which would then come under pressure for development. This would weaken the plan's underlying sustainability principles.
- 4.60.5. I note that the Council does not consider this site meets the requirements of HSG5 which deals with infill development. Given the detailed nature of such considerations this matter is best dealt with through the development control process. It is not appropriate for me to consider such submissions as part of this report.
- 4.60.6. The area that is the subject of 1585 is separated from the main body of the settlement by several parcels of undeveloped land. The loose scattering of properties has a more rural character than the urban form of the main part of the village.
- 4.60.7. A settlement boundary is a planning tool to define areas where further development should take place. To extend the settlement boundary as proposed would result in pressure to develop these large tracts of land. This would not only result in the settlement being overdeveloped but would also extend ribbon development along the main road. I do not consider there is any justification to extend the existing settlement boundary or to establish a separate settlement boundary for this area.

Recommendation:

4.60.8. I recommend no modification to the plan.

4.61. GEN2 - Rhes-y-Cae**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
354	432	Reece	DEP	O	No
2	17867	Prosser	PC	S	No

2	17940	Prosser	PC	S	No
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Summary of Objections:

Rep No	Summary of Representations
432	Lack of development has caused loss of PO and village shop. There is public transport and a school. Include site for development to help revive community

Key Issues:

4.61.1. Whether:-

- i) the objection site should be allocated for development
- ii) the plan should be modified by PC45.

Conclusions:

- 4.61.2. Looking first at the principles of planned growth. The Council's settlement strategy classifies Rhes-y-Cae a category C village where new housing development should not, in general, exceed 10% growth within the plan period. This is because of its small size, rural location and limited facilities and services to meet the populations needs. I conclude under HSG3 in Chapter 11 that the settlement strategy is not robust enough in respect of C settlements as it encourages development in unsustainable locations which is contrary to the underlying principles of the plan and I recommend that development in the smaller settlements should be confined to those instances where there is a proven local need. In principle therefore I find objection to allocating land for general housing purposes within C settlements.
- 4.61.3. The Council says that at the base date of the plan there were 70 dwellings in the defined settlement. 14 new dwellings have been built and there are commitments for a further 2. This equates to 23% growth which is significantly more than the indicative 10%. This is a cogent reason not to allocate land to encourage more growth. I appreciate that the objector would like to see the village community revived, but it seems to me that, given the changing patterns of working, shopping and entertainment, together with rising house prices, it will take far more than additional housing to make a significant difference to the vitality of the village. The loss of facilities and village vitality is a common problem facing smaller communities not only in Flintshire, but the rest of the country.
- 4.61.4. Turning now to the site specifics. Whilst there is housing along the northern side of the road which forms the northern boundary of the site, to the south there are open fields and only the occasional property. The site is open countryside and to my mind poorly related to the bulk of the settlement. Given these circumstances I do not consider, even if I were persuaded that the settlement should accept more houses, the objection site would be the optimum location to accommodate such growth.
- 4.61.5. In response to objection 2 (now withdrawn), the Council proposes (PC45), that is, redrawing the boundary to include land to the rear of the former bakery in the settlement. The reason given is that the site is well related to the village and is of sufficiently small scale to allow growth compatible with this very small village. I do not support this change because the site by its appearance relates better to the countryside than the built up area. Moreover to include land and encourage growth in this category C settlement which has already experienced over 20% growth would to my mind be inconsistent with both the plan's

sustainable principles and the Council's position in respect of other apparently similar objection sites close to small settlements which have comparable facilities and accessibility.

Recommendation:

4.61.6. I recommend no modification to the plan.

4.62. GEN2 – Rhewl Mostyn and Mostyn Port

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
324	396	Newell	DEP	O	No

Summary of Objection:

Rep No	Summary
396	Boundary bisects property. Revert to Delyn LP boundary and exclude Swn-Y-Mor

Key Issue:

4.62.1. Whether the settlement boundary should be changed.

Conclusions:

4.62.2. I support, in part, the settlement boundary proposed by the Council. However, in addition to the formal garden of the property which is virtually flat, it also includes a steeply sloping piece of land which falls to the north. This area is overgrown and in appearance has more in common with the open countryside than the built up area. As a consequence I do not consider it should be included within the settlement boundary.

Recommendation:

4.62.3. I recommend the plan be modified by the deletion of the overgrown slope to the north of the formal garden of Swn-Y-Mor from the settlement boundary.

4.63. GEN2 – Rhosesmor

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3568	9105	Roberts	DEP	O	No
3569	9106	Williams	DEP	O	No
3761	9668	Evans	DEP	O	No

Summary of Objections:

Rep No	Summary
9105	There are no allocations/opportunities for growth in a village with facilities, employment and public transport. Site can be serviced and would provide affordable housing. Include all or part in settlement boundary and allocate all or part for housing
9106	Site is a haulage contractors depot and part of the fabric of the village. Include within the settlement boundary

9668	Plot of land fits between 2 properties and would accommodate a dwelling
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Key Issue:

- 4.63.1. Whether the sites should be included within the settlement boundary and/or allocated for housing.

Conclusions:

- 4.63.2. My conclusions under STR4 in Chapter 3 indicate that there is adequate land to meet a housing requirement of 7400 and provide a degree of flexibility. The distribution of that growth is to be achieved by the spatial strategy which seeks to concentrate development in the larger towns and villages which have easier access to more facilities/services and are likely to be served by better public transport. To do this it ranks settlements into 3 broad categories with the smallest/those with least facilities having potential growth bands of 0-10%. I note that because of the disparate nature of settlements and their surroundings, the bands are only indicative and growth will inevitably vary between towns and villages in the same bands. Consequently the plan does not provide planned growth in every settlement.
- 4.63.3. Rhosesmor is a category C settlement and even though there is no housing allocation, growth since 2000 has been about 13% which is commensurate with its size and facilities, albeit slightly above the indicative band. To complement the spatial distribution of growth the settlement boundaries have been tightly drawn to include only the built up areas and those sites which it is considered are suitable for development. In principle this is a sensible approach which will prevent growth in the least sustainable locations. To make the strategy more robust I further recommend at HSG3 in Chapter 11 that growth in category C settlements should be limited to that which is required to meet proven local needs.
- 4.63.4. 9105 – land at Caerfallwch Farm - The objection site is a large one to the east of the B5123. It consists of fields which are an intrinsic part of the open countryside. Development on it could potentially result in over 200 houses which would more than double the settlement's size. In a situation where there is no need to allocate more land to meet housing needs, the unnecessary development of a greenfield site would be unsustainable. I appreciate that the objector believes the site could deliver some affordable housing, but HSG11 is permissive of such housing if certain criteria can be met. It does not require a change to a settlement boundary or a housing allocation. I note that the objector considers a lesser area may prove more appropriate, but no actual area has been identified to comment on and because of my conclusions above it would make no difference to the principle of an allocation or settlement extension.
- 4.63.5. 9106 – land at Greenside Cottage – The situation has changed since the objection was made, planning permission has been granted on part of the site for residential development. The Council therefore accepts that the settlement boundary should be redrawn to include the extent of development permitted. This is a sensible change. Beyond the limits of the permitted development the objection site is open in nature. As such it relates better to the countryside and I do not consider the village boundary should be extended further to include this land.

- 4.63.6. 9668 – adjacent to Tub House – The plot of land lies amongst a loose group of houses in the open countryside at some distance from any defined settlement. PPW (9.3 MIPPS 01/2006) advises that fragmented patterns of development should be avoided. To provide a policy framework which would enable the consolidation of this group would therefore be contrary to the objectives of national policy and also the underlying sustainable principles of both national and UDP policies.
- 4.63.7. It is not for me to comment on advice given by the planning department. My conclusions are based, as they must be, on the planning merits of the objection and for the reasons given above I do not believe the plan should be modified to meet the objection.

Recommendation:

- 4.63.8. I recommend the plan be modified by redrawing the settlement boundary to include the extent of the planning permission at Greenbank Cottage.

4.64. GEN2 – Rhydymwyn

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1313	1831	Longman Homes	DEP	O	No
2615	5983	Castlemead Homes Ltd	DEP	O	No
3341	8396	Cilcain Community Council	DEP	O	No
59	17907	Envirowatch	PC	O	YES

Summary of Objections:

Rep No	Summary
1831 8396	Include the former Nu-Image Packing Site, within the settlement boundary
5983	Include land at Dolfechlas-Isaf within the settlement boundary
17907	Object to PC47. No reason to extend the settlement boundary

Key Issue:

- 4.64.1. Whether the settlement boundary should be amended.

Conclusions:

- 4.64.2. 1831, 8396 – PC46 amends the settlement boundary to include this land on the basis that it is a logical and sustainable brownfield site abutting the village and concerns regarding flood risk have been addressed. I support this amendment.
- 4.64.3. 17907 - The reason given in PC47 to amend the settlement boundary to include land and built development at Dolfechlas-Isaf is *to ensure a logical and defensible boundary*. The existing settlement boundary follows clearly defined physical features whereas the proposed amendment would result in the boundary following an arbitrary line across the grounds of Dolfechlas-Isaf. Whilst this property abuts the built up area of Rhydymwyn it is accessed directly from the A541 some distance to the north. Not all existing development need necessarily be included within a settlement boundary. The existing boundary is a more logical and defensible than proposed by PC47 and I do not consider the change serves a useful planning purpose. It is not clear to me on

what basis this objection has been conditionally withdrawn, but I agree that there is no reason to extend the settlement boundary.

- 4.64.4. 5983 – This objection seeks to extend the settlement boundary at Dolfechlas-Isaf to the field boundaries. Whilst I accept this would follow clearly defined physical features, it would also substantially increase the area of land that could potentially be developed. Given the provision that has been made within the existing settlement boundary (as amended by PC46) to ensure an adequate availability of land to enable growth appropriate for this category C settlement, together with the access constraints associated with this objection site I do not consider that any useful planning purpose would be served by extending the settlement boundary as suggested.

Recommendation:

- 4.64.5. I recommend the plan be modified by PC46.

4.65. GEN2 – Sealand and Sealand Manor

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1167	1614	Griffiths	DEP	O	No
1492	2080	Sealand Community Council	DEP	O	No
1492	2081	Sealand Community Council	DEP	O	No
4625	13705	Sargeant AM	DEP	O	No
5224	13528	Whittaker	DEP	O	No
5235	13573	Lewis	DEP	O	No

Summary of Objections:

Rep No	Summary of Representations
1614	Objects to removal of settlement boundaries for Sealand village, Sealand Manor and Sealand Road. Sealand is an historic village with an identifiable character, leisure facilities, church, street lighting and post box. It is on a bus route and has access to a cycle route. Settlement should be on the proposals map. Allocate (1.5ha) site for housing
2080 2081	Objects to removal of settlement boundaries for Sealand, Sealand Manor and Sealand Road. There should be allocations for residential developments
13705 13528 13573	Sealand was a defined settlement in Alyn & Deeside LP. It should be taken out of green belt and given a new boundary including 2 housing/mixed use sites. The village has an identifiable character and is well connected by public transport and cycling to nearby employment areas. There are no problems with flood risk. The 2 sites would provide an ideal location for development and would bring forward additional facilities. The Council has been inconsistent in its treatment of settlement boundaries

Key Issue:

- 4.65.1. Whether Sealand, Sealand Manor and Sealand Road should have settlement boundaries.

Conclusions:

- 4.65.2. The spatial strategy seeks to locate development in the larger settlements which are more accessible and have a wider range of facilities, services and employment. The purpose of settlement definition is to define where in principle development will be acceptable. In drawing up the UDP the Council

reviewed the settlement hierarchies and boundaries from previous plans. This was broadly based on the size and character of a settlement together with the level of services. Inevitably this led to change, most notably the replacement of the 5 tier hierarchy in the Alyn and Deeside Local Plan with a 3 tier system. Where boundaries are defined they are tightly drawn and generally reflect the extent of the existing built up area. In some locations, mainly in the larger settlements, they also allow for some outward expansion to enable housing needs to be met. I broadly support the general principles of this spatial distribution of development which accords with PPW (para 2.5).

- 4.65.3. In the Alyn and Deeside Local Plan Sealand had a tightly drawn boundary and was a category D settlement which was permissive of infill and conversion of/replacement buildings. The LP did not envisage any large scale development.
- 4.65.4. Although it has an identifiable character, Sealand is only a small loose group of houses (about 25) scattered around St Bartholemew's Church. I accept that the High Grove development has increased the number of houses in the locality, but that lies to the north of the former railway and is visually separated from the other houses by topography and open fields. Whilst at one time there may have been a commercial garage fronting the A548 it has been demolished and planning permission granted for houses on the site. Although the leisure facilities referred to can be used by local people they are not ones which cater for residents' daily needs in the same way a shop or school would. The number of houses and the paucity of facilities are such that I do not consider it would be appropriate for Sealand, as existing, to have a settlement boundary. I appreciate that growth could provide its own facilities but that is an argument which could be used in any location. Whilst the cycleway and bus services offer an alternative to travelling by private car, that is only one of the matters to be taken into account and given the other factors I do not find it to be decisive in this instance.
- 4.65.5. Some objectors consider that not only should there be a boundary, but that it should include land (up to about 15ha) to permit additional development in the form of both housing and other uses. However, a significant part of the area is classified high grade agricultural land which the plan seeks to protect from development. Whilst it is said that part of it is brownfield I do not agree. The *brownfield* site was apparently last used for agriculture and my inspection confirmed that the remains of the previous use have blended into the landscape and can be considered as part of the natural surroundings. It is not therefore previously developed land within the meaning of PPW.
- 4.65.6. The scale of development suggested would represent a significant level of growth and be tantamount to a new settlement. Such a proposal would not accord with the settlement strategy which seeks to concentrate development in the existing main towns and villages. There is within the plan a large mixed use allocation at Garden City to the west of the A494(T) which will produce more houses in close proximity to the Deeside employment areas. The proposed housing supply is sufficient to obviate the need for new settlements. And in any event I am not satisfied that should such a housing need arise the proposed sites would necessarily provide the best land/location for growth. There are many other objectors in a multitude of locations seeking to promote their land for development. HSG2 development at Croes Atti is different in that it recognises a commitment brought forward from an existing plan. It is not a

new proposal. I acknowledge that flood risk may not prevent development *per se*, but the evidence I have seen is not conclusive.

- 4.65.7. Sealand Manor has about 110 dwellings. However, it is little more than a housing estate and has little in the way of services/facilities. It also lies within the flood plain. Given these characteristics I do not believe it falls within the general scope of a settlement to be identified in the UDP. I reach similar conclusions in respect of Sealand Road which is a collection of houses, mainly fronting the A548 and Manor Road. Apart from a garden centre, there are no facilities. It is separated from Sealand Manor by open fields. To amalgamate the two groups of houses and also incorporate an extensive area of agricultural land as suggested would potentially lead to the provision of over 400 new houses in a locality where there are no facilities/services to sustain that growth. It would compromise the underlying sustainable principles of the plan.
- 4.65.8. It follows that if there is no defined settlement there is nothing to include on the proposals map. It is merely the coincidence of their location that means proposals map 15 includes Sealand Manor and Sealand Road. It does not confer on them any development status.
- 4.65.9. It is not for me to comment on the process of drawing up settlement boundaries, only if the lack of a settlement boundary is appropriate. Insofar as parts of the objections relate to the formulation of the UDP this must be pursued outside the inquiry. I would only add that it is not unusual for Councils to define settlement boundaries as part of the plan making process. The consultation period following the publishing of the deposit draft plan is the time when members of the public can make representations on those boundaries (or lack of them).
- 4.65.10. There is mention of the criteria used to identify settlements being inconsistently applied, in such settlements as Afonwen, Alltami etc. However, there is no substantive evidence to demonstrate what those inconsistencies are. Insofar as the Sealand settlements are concerned I give my reasons above why I agree with the Council's view in respect of settlement boundaries.

Recommendation:

- 4.65.11. I recommend no modification to the plan.

4.66. GEN2 – Shotton and Aston

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3549	9029	CORUS	DEP	O	No
3565	9095	Wilshaw	DEP	O	No
3572	9115	Taylor	DEP	O	No
4028	10371	Hancock	DEP	O	No

Summary of Objections:

Rep No	Summary
9029	Include the playing fields in the settlement boundary to enable them to be considered for comprehensive development as part of the wider Corus proposals
9095	Extend settlement to include Aston Hall Nursing Home and the garden of Aston Hall Farm

	linking back to 43 Aston Hall Lane in recognition of development which has taken place
9115	This objection is dealt with in Chapter 11 HSG1 - Shotton & Aston with 9114
10371	Change settlement boundary to reflect residential use and brownfield nature of land adjoining Aston Hall Lane. It is preferable to development of greenfield sites. Green barrier is inconsistent with open cast mining and road proposals

Key Issue:

4.66.1. Whether the sites should be included within the settlement boundary.

Conclusions:

- 4.66.2. 9029 – I do not agree that the playing fields form part of the built up area of Shotton. They lie in a more extensive area of open land to the south of the Dee and north of the Crewe-Holyhead railway which forms an important visual break between the built up area to the south and existing development/HSG2A to the north. The railway is a firm, logical and defensible boundary marking the northern limits of the settlement. The size, shape and location mean the site is poorly related to existing development to the south of the railway. It is also bisected in a north/south direction by the Wrexham-Bidston railway and to the west of this the suggested settlement extension would leave awkwardly shaped areas between it and the SAC.
- 4.66.3. Both national and UDP policy seek to safeguard existing playing fields unless a number of criteria can be met. The objector has made no case which would in principle justify the loss of the playing fields from a recreational point of view. The Council says, and it has not been disputed by the objector, that the objection site is valuable to the community and makes an important contribution to sports facilities in Shotton. The above factors are to my mind sufficient to justify the exclusion of the site from the settlement boundary.
- 4.66.4. 9095 – The objection site is within the green barrier. In this location it safeguards the countryside from encroachment and prevents the merging of Shotton/Aston and Hawarden. In doing so it protects the countryside setting of the settlements and is particularly important because the strategic gap is relatively narrow between the built up areas.
- 4.66.5. The objection site abuts the southernmost extremity of Aston to the east of the A494. Whilst the site does encompass some buildings, a significant part of it is open land associated with the properties and as such their spacious setting relates better to the surrounding countryside than to the more tightly knit housing within the settlement. At present the green barrier boundary is clearly defined and I see no reason to change it. In reaching this conclusion I have taken account of the extension to the nursing home.
- 4.66.6. 10371 – This is a larger site abutting and overlapping part of 9095 and my conclusions to 9095 apply equally to it. The site envelops the Coach House, Aston Hall Residential Home and land to the east. Whilst part of the land to the east has been used for industrial purposes, the former use is no longer evident and the site is open in nature and an intrinsic part of the countryside. Even if it were to be found to be previously developed land, PPW (2.7.1) recognises that the location of such sites may mean that they are not suitable for development. Such is the case here where the development/allocation for housing would both consolidate and extend the built form and be a significant incursion into an area of open countryside which forms part of a strategic gap preventing the coalescence of built up areas.

4.66.7. As I have been supplied with no details, I cannot make any meaningful comments on the road and mining proposals referred to.

Recommendation:

4.66.8. I recommend no modification to the plan.

4.67. GEN2 – Sychdyn

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
894	1166	Hodgkinson	DEP	O	Yes

Summary of Objection:

Rep No	Summary
1166	Add field OS 6856 to allocation HSG1(53)

Key Issue:

4.67.1. Whether the site should be allocated for housing.

Conclusions:

- 4.67.2. PC334 proposes the inclusion of land at Lilac Cottage into HSG1(53). The reason given is that it would facilitate access into the allocation site. However, the land falls into 2 distinct parts. Lilac Cottage and its garden and a small field which is used for assorted storage. Whilst I accept that the incorporation of Lilac Cottage and its garden provide an alternative access to and improvement of Ffordd Eldon, the same cannot be said of the field. It is triangular shaped with one border contiguous with the open countryside/objection site 4813, another with HSG1(53) and the third shares a boundary with the rear of Lilac and The Vownog Cottages with a frontage onto Vownog Newydd. Inclusion of this land into the allocation would enable development into the countryside along the northern side of Vownog Newydd and be poorly related to the settlement pattern.
- 4.67.3. I have been given no explanation of how the field would facilitate an improved access and it follows from the above that I only partially support PC334.

Recommendation:

4.67.4. I recommend the plan be modified by the inclusion of Lilac Cottage and garden in HSG1(53).

4.68. GEN2 – Trelawnyd

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2341	4851	Evans	DEP	O	No

Summary of Representation:

Rep No	Summary
4851	Site has permission for commercial uses and should be included within the settlement to allow for redevelopment

Key Issue:

4.68.1. Whether the site should be included within the settlement boundary.

Conclusions:

- 4.68.2. The objection site is not contiguous with the settlement boundary but separated from it by a field. At present the boundary is well defined by the Parc Offa development. To link the objection site into the boundary would include, at least part, of the field. It would result in an awkward extension of the settlement along the A5151 which would be poorly related to the nucleated form of the village and because GEN2 is in principle permissive of development within settlement boundaries, it would be likely (at some time in the future) to result in pressure for ribbon development. There is demand in both this and other areas of the County to sanction unconnected satellites of village boundaries. In principle I find this to be unacceptable as it would consolidate a fragmented pattern of development in the countryside contrary to the objective of concentrating the bulk of development within the main urban areas.
- 4.68.3. Planning permission has been granted for the change of use of the premises for employment purposes without the need for the site to be included in the settlement boundary. In the policy context of the UDP, I see no reason in principle, why future applications for improvements or even some form of redevelopment should necessarily be refused.
- 4.68.4. For the above reasons I do not consider the objection site should be included within the settlement boundary.

Recommendation:

4.68.5. I recommend no modification to the plan.

4.69. GEN2 – Trelogan and Berthengam**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1196	1651	Roberts	DEP	O	No
3732	9583	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
1651	Home and 7 other properties are not included in village boundary. Land is close to village centre, has good access, services and buildings on 4 sides. Without use/maintenance it could become an eyesore and costly to maintain. It would accommodate 1 dwelling
9583	Site is brownfield, in the centre of a group of properties. Include in settlement to enable it to be incorporated into garden of Cartref 2001

Key Issue:

4.69.1. Whether the sites should be included within the settlement boundary.

Conclusions:

- 4.69.2. As part of the production of the UDP, settlement boundaries were reviewed and drawn up to enclose the existing built form together with those areas where in principle development would be acceptable. The boundaries are therefore a planning tool to regulate development and do not always reflect what local people regard as a village's limits. In the case of Trelogan and Berthengam, I generally support the boundaries shown which follow firm defensible boundaries and seek to prevent significant expansion of this category C village.
- 4.69.3. 1651- land adjoining Pwll Mawr – I conclude in Chapter 11 HSG1 - Trelogan and Berthengam that a larger area encompassing the present objection site should not be included within the settlement boundary. As the larger area includes land between the objection site and the settlement boundary my conclusions apply equally to the smaller site. I would add that it is not the use/lack of use or visibility of land which determines whether a site is suitable for inclusion within a settlement boundary but its character and relationship to the settlement. The settlement boundary of Trelogan and Berthengam, correctly in my view, only encompasses the more tightly knit development.
- 4.69.4. The location of the objection site is within a scattering of houses on large plots which because of the open land surrounding and between them is more rural in appearance than the defined area to the west. Changing the settlement boundary would permit the consolidation, albeit in a small way, of that loose group. I do not therefore believe inclusion of the site within the village limits is supported by PPW (MIPPS 01/2006), as it is not infill, but additional sporadic development outside the identified village limits. To ignore growth in the village since 2000 would be to undermine the spatial strategy which seeks to concentrate development in or close to the larger towns with their better accessibility and wider range of services and facilities.
- 4.69.5. Moreover with a policy background which seeks to make the best use of land, 1 dwelling on a plot of about 0.3ha would not meet the objectives of HSG8. In a situation where there is no proven need to identify land for housing purposes either on a Countywide or village basis, enabling development on what appears to be greenfield land would be contrary to the plan's underlying sustainable principles. Whilst I appreciate the objector's personal circumstances, on planning grounds they do not justify the redrawing of the boundary.
- 4.69.6. 9583 – In this case the defined limits of Trelogan and Berthengam along the Tre Mostyn road encompass only the more tightly knit development to the west of and finish at Ty Carreg Serth. To the east of this the properties are more sporadic. The objection site lies at the eastern end of this loose ribbon of development behind Cartref 2001. Because of the appearance, setting and assorted nature of properties, this locality has a distinct rural character which countryside policies will safeguard. To my mind it and the properties to the south of the road are appropriately excluded from the settlement boundary.
- 4.69.7. If the objection site and all the land between it and the defined village were to be included within an extended boundary, there would be likely to be pressure to consolidate the loose assortment of properties including a substantial site not currently in residential use. Alternatively identification of a separate and

detached settlement boundary encompassing properties in this area would be inconsistent with the Council's definition of settlements elsewhere. Either way it would be contrary to the objectives of PPW (9.3 MIPPS 01/2006) which seeks to avoid creating ribbon and a fragmented pattern of development. Finally I would add that in principle, the restoration of the land to a safe and fertile condition could be achieved without changes to the settlement boundary. It is not a good reason to modify the plan.

Recommendation:

4.69.8. I recommend no modification to the plan.

4.70. GEN2 – Treuddyn

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2615	5992	Castlemead Homes Ltd	DEP	O	No
3866	9927	Turley	DEP	O	No

Summary of Objections:

Rep No	Summary
5992	Include land within settlement boundary as in Alyn and Deeside Plan
9927	This is dealt with in Chapter 11 HSG1 - Treuddyn with 9926

Key Issue:

4.70.1. Whether the sites should be included within the settlement boundary.

Conclusions:

4.70.2. 5992 – There is no reason why land within a settlement boundary should be maintained as such in successive plans. In the case of the objection site the Council explain that an appeal decision in 1990 concluded the driveway was unsuited to additional development and the land had *an attractive peacefulness and visual harmony* that should not be allowed to be disturbed by further development. Little has changed today, the land is an attractive transition between the built up area and open countryside. It provides part of the setting of the village. It is not uncommon for houses with large gardens to be separated by settlement boundaries and I support the boundary in this location.

Recommendation:

4.70.3. I recommend no modification to the plan

4.71. GEN2 – Warren Hall Court

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2301	4712	Lloyd & Parry	DEP	O	No

Summary of Objections:

Rep No	Summary
4712	Designate as a category C settlement and identify settlement boundary to enable development of vacant land for housing

Key Issue:

4.71.1. Whether a settlement boundary should be defined.

Conclusions:

- 4.71.2. The categorisation of settlements in previous development plans has been reviewed and the UDP explains in para 4.9 that not all groups of houses will have a settlement boundary if they are not of sufficient size and do not have suitable capacity to accommodate further growth and development. Topic Paper 2 *Settlement Strategy and Site Selection* indicates the criteria used in the review. Warren Hall Court is described *This is not a settlement in any sense and has no supporting facilities to consider allowing further growth.*
- 4.71.3. Since that review planning permission has been granted at the adjacent employment allocation EM2(1). Whilst development for employment will alter the character of the area, Warren Hall Court will remain a separate physical and visual entity. Apart from accessibility to employment opportunities, Warren Hall Court will still lack facilities to support normal day to day activities. Those facilities are to be found in the urban areas which are some distance away.
- 4.71.4. The objection seeks to encompass a substantial area of undeveloped land within the settlement boundary. This would potentially result in a significant number of additional dwellings. Further housing development in locations such as this would undermine the sustainability objectives of the plan and its spatial strategy which seeks to direct most new development to the main urban areas.
- 4.71.5. Whilst the objection compares the situation with Dobshill there are material differences in the provision of facilities.
- 4.71.6. My conclusions in HSG1 - Warren Hall Court in chapter 11 are also relevant.

Recommendation:

4.71.7. I recommend no modification to the plan.

4.72. GEN2 – Ysceifiog**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
67	88	Owens	DEP	O	No

Summary of Objections:

Rep No	Summary
88	Include land within the village boundary

Key Issue:

- 4.72.1. Whether the site to the rear of Tyddyn Llan should be included within the village boundary.

Conclusions:

4.72.2. GEN2 is a policy which sets clear limits for villages and defines the extent of built up areas where in principle new development will be permitted. Ysceifiog has less than 50 houses and no facilities. It is a category C settlement where, because of the unsustainable nature of such locations, I recommend that development be restricted to that required to meet local needs only. The objection site is part of a field and as such contributes to the countryside setting of the village which is important in establishing the character of the conservation area. To extend the village in the way suggested would result in a long narrow finger of land which if developed would be at odds with the village's nucleated form and consolidate the loose knit development on this approach to the village. In the light of these factors, even if it were to be demonstrated that there was a need for the village to expand, I am not satisfied, because of the location and shape of the objection site it would provide an acceptable option.

Recommendation:

4.72.3. I recommend no modification to the plan.

4.73. GEN3 Development outside Settlement Boundaries**Representations:**

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3306	Flintshire Green Party	DEP	O	Yes
1125	1559	Ward	DEP	O	Yes
1454	11054	Llanfynydd Community Council	DEP	S	No
1712	3019	The Crown Estate	DEP	S	No
1742	3146	Dee Estuary Conservation Group	DEP	S	No
2106	4417	Countryside Council for Wales	DEP	O	No
2238	17786	Heesom	DEP	O	No
2239	4207	Clayton	DEP	S	No
2334	4881	Dept of Enterprise, Innovation and Networks	DEP	O	Yes
2350	4922	Welsh Assembly Government	DEP	O	Yes
2409	12422	A D Waste Ltd	DEP	O	No
2411	5233	Home Builders Federation	DEP	O	No
2618	6062	Pantasaph Conservation Group	DEP	O	No
3540	8961	Alan's Skip Hire	DEP	O	No
3556	9067	British Land Company Plc	DEP	O	Yes
4625	13690	Sargeant AM	DEP	O	No
4744	12303	Thomas	DEP	S	No
4785	12411	SCA Hygiene Products UK Ltd	DEP	O	No
5224	13503	Whittaker	DEP	O	No
5235	13545	Lewis	DEP	O	No
6725	15658	Hitchen	DEP	S	No
7228	17605	Eaton	DEP	S	No
7411	18687	Development Securities plc	DEP	O	Yes
2238	18319	Heesom	PC	O	No
2238	18320	Heesom	PC	O	No
2301	18382	Lloyd & Parry	PC	O	No
2619	18578	Ministry of Defence	PC	S	No
4110	18296	Peers	PC	O	No
7416	18617	Pochin Rosemound Ltd	PC	S	No

Summary of Objections:

Rep No.	Summary
3306	Add to (b) <i>if it does not affect important views and character of townscape by infilling</i>
1559	This is dealt with in Chapter 11 at HSG1(37) and Chapter 7 with L3(51)
4417	Cross refer to GEN4 and chapters 5 – 8. Needs addition to para 4.12
17786	<i>Will not be permitted</i> should be replaced by <i>presumption against</i> . The criteria are too lax and personal circumstances will weaken policies
4881 9067 18687	To be consistent with other policies ie EM3/EM4, policy should also refer to allocated areas, development zones and principal employment areas.
4922	<i>it accords with other relevant policies in the plan</i> is superfluous in g as the plan will be read as a whole
12422	Include <i>waste management</i> in criterion g after <i>minerals extraction</i>
5233	Criterion b should refer to minor extensions to groups of houses as per PPW 9.3.2
6062	Policy should contain a presumption against development. It is too permissive of building in the open countryside
8961	Should be a criterion to permit development if there are special circumstances
13690 13503 13545	Criterion (e) and para 4.10 are not applied consistently
12411	To be consistent with EM5 needs a criterion to permit expansion of existing employment
18296	Criterion (i) (PC50) is too permissive it should be changed to <i>the expansion of industrial concerns (EM5), provided that no alternative is available and that the proposal accords with EM5(f)</i>
18319	PC48 is not appropriate and superfluous if criterion (i) is added by PC51
18320	Object to deletion in g of <i>it accords with other relevant policies in the plan and in</i> (PC49)
18382	PC52 is at odds with (b) because it does not refer to infill housing as <i>appropriate</i>

Key Issues:

4.73.1. Whether:-

- i) as well as *development outside settlement boundaries* the policy should also refer to *allocations, development zones and principal employment areas*
- ii) the policy should refer to a *presumption against* development
- iii) the criteria should be changed and/or added to
- iv) there needs to be cross reference with GEN4 and other chapters
- v) PC52 should include reference to infill housing.

Conclusions:

- 4.73.2. Allocations, Development Zones and Principal Employment areas - PC48 changes the preamble to the criteria to *Development proposals outside settlement boundaries, allocations, Development Zones and Principal Employment Areas will not be permitted except for:* I support this change which more properly reflects the scope of the policy by including those areas where various employment developments will be permitted outside settlement boundaries. It adds consistency to the plan. Because PC48 refers to areas (EM3/4) and PC50 (amendment to criterion i) to a type of development, that is expansion of existing premises, I find no overlap between PC48 and criterion i).
- 4.73.3. A presumption against - The intention of the policy is to restrict development outside settlements. This is made clear by the words *Developmentwill not be permitted*. I do not consider changing that wording to a *presumption against* development would be any clearer.

- 4.73.4. The criteria - The objector does not say why the criteria are too lax. It is therefore difficult to make any detailed response to the objection. Subject to my comments below I consider that they are in the main appropriate to guide development outside settlement boundaries and consistent with other policies in the plan.
- 4.73.5. Criterion b refers to small scale infill development. It is HSG5, referred to in b, which requires that infill development meet certain criteria. I see no need for them to be repeated, either in full or partially, in GEN3. Whilst PPW (9.3.2 MIPPS 01/2006) refers to minor extensions to groups, that does not mean such development has to be included within a development plan policy. In this case the Council considers it would be inappropriate for the policy to permit such development and given the character of the County with its scattered pattern of houses within the open countryside, together with the thrust of policies which seek to concentrate development within urban locations, I agree that minor extensions to groups of houses should not, by policy, be permitted within the open countryside. To do otherwise could result in significant incremental growth in unsustainable locations.
- 4.73.6. 13690, 13503, 13545 do not say how criterion e and para 4.10 are inconsistently applied. I cannot therefore comment further.
- 4.73.7. In criterion g, PC49 deletes the need to comply with other policies in the plan. As the plan is intended to be read as a whole I consider the words to be superfluous and support PC49. However, I do not consider the criterion should include waste management facilities. This is because the revised waste policies in the plan, which I generally support, seek to direct new waste management predominately to industrial areas. It would therefore conflict with that strategy.
- 4.73.8. I accept that there may be locations where waste management may be appropriate in the open countryside, for instance in combination with landfill in former quarries. However, this does not justify a policy which is generally supportive of waste management in the open countryside. To my mind this type of potential use is better addressed by criterion j (introduced by PC51) which refers to development which needs a countryside location.
- 4.73.9. I accept that there may be benefits in a business relocating in terms of the environment and the like. However, it does not necessarily follow that this would justify a criterion to permit development in the countryside in special circumstances. S38 of the 2004 Act says that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. Special circumstances are capable of being a material consideration which could be weighed against the development plan and as a consequence would be taken into account whether or not there was a specific criterion. I note here that given the varying nature of circumstances a criterion could not realistically determine which ones were sufficient to be described as *special*. Moreover there are in any event other policies within the plan which relate to business in the open countryside, such as criterion i), proposed by PC50.
- 4.73.10. Criterion i is permissive of the expansion of employment development if it is in accord with EM5 and its listed criteria. It does not therefore permit detriment to the surroundings, whether open countryside or not. Consequently I do not believe there needs to be any reference to specific criteria in i as it would be

unnecessary duplication. With respect to the need to consider alternatives, I accept that there are persuasive arguments on both sides and find the matter to be finely balanced. However, there could, in any number of cases, be alternatives which for various reasons such as viability, workforce and the like would not be realistic. The criteria in EM5 are already stringent and criterion i relates only to existing not new developments. I conclude that whilst I support PC50, as it provides consistency within the plan, reference to alternatives should not be included within it.

- 4.73.11. GEN4 cross reference - For reasons given below, I support the deletion of GEN4 and para 4.12, therefore there can be no amendment to 4.12 or cross reference between it and GEN3. Moreover I am satisfied that there is sufficient reference in the criteria to other policies to aid consistency and to avoid confusion. The objector does not say why the policy needs to be cross referenced to other chapters and it seems to me that it would serve little purpose and add unnecessary bulk to a document which is meant to be read as a whole.
- 4.73.12. PC52 introduces a new paragraph of text which seeks to explain what is meant by open countryside and appropriate development within it. Insofar as the objection is concerned I do not agree that excluding reference to infill housing implies such development is not appropriate. The text merely sets out examples and is not exclusive. There is no reason for infill housing to be specifically mentioned.
- 4.73.13. Having said that, neither proposed changes to GEN3 itself nor PC52 set out clearly how *allocations, Development Zones and Principal Employment Areas* fit in with the terms *development outside settlement boundaries* and *open countryside*. Allocations, development zones and principal employment areas are not normally regarded as open countryside. It would make it clearer for users of the plan and ensure consistency with other policies if this was to be defined in either the policy itself, para 4.10 or a revamped PC52. The definition should be consistent with the one in the glossary of terms. It follows from this that whilst I support the intention of PC52 I do not consider in its present form it is satisfactory.

Recommendations:

- 4.73.14. I recommend the plan be modified by:-
- i) PCs48, 49, 50 and 51
 - ii) Explaining/defining the relationship between the terms *development outside settlement boundaries, open countryside* and *allocations, Development Zones and Principal Employment Areas* and ensuring it is consistent with other policies and the definition in the glossary of terms.

4.74. GEN4 Open Countryside

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
477	919	Hawarden Estate	DEP	O	No
1712	3020	The Crown Estate	DEP	O	Yes
2238	17787	Heesom	DEP	O	No

2239	4208	Clayton	DEP	S	No
2350	4926	Welsh Assembly Government	DEP	O	Yes
2409	12423	A D Waste Ltd	DEP	O	No
2411	5234	Home Builders Federation	DEP	O	No
2618	6063	Pantasaph Conservation Group	DEP	O	No
3540	8962	Alan's Skip Hire	DEP	O	No
4785	12410	SCA Hygiene Products UK Ltd	DEP	O	No
5118	13305	RMC Group Plc	DEP	O	No

Summary of Objections:

Rep No	Summary
919	This is dealt with in Chapter 13 at EM1(26A) with 916
3020	Conflicts with GEN3 with regard to mineral and other development
4926	Questions the need for this policy
5234 12410 12423	Duplicates GEN3
6063	Confusion as to the differences between this policy and GEN3
8962	There may be special circumstances that justify development in the open countryside
13305	Should refer to minerals
17787	Methodology of assessing proposals outside settlement boundaries

Key Issue:

4.74.1. Whether the policy duplicates GEN3.

Conclusions:

- 4.74.2. The Council acknowledges that this policy duplicates GEN3 and PC53 deletes it. My recommendations above support changes to GEN3 including the incorporation of the salient parts of GEN4. Since GEN4 serves no useful purpose I agree it should be deleted. Furthermore, in view of changes to the text supporting GEN3 there is no need to retain paragraph 4.12.
- 4.74.3. In my judgement the deletion of this policy also addresses the objections relating to minerals since this matter is included in GEN3.
- 4.74.4. I have already commented on the need to accommodate special circumstances for development at GEN3 above. Those comments apply equally here and it is not necessary to repeat them.
- 4.74.5. The assessment of agricultural grounds for applications for development outside settlement boundaries is not a matter for this plan. This is a procedural matter for the authority.

Recommendations:

- 4.74.6. I recommend the plan be modified by:-
- i) PC53.
 - ii) deleting paragraph 4.12.

4.75. GEN5 Green Barriers

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
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359	441	TCC (Together Creating Communities)	DEP	O	No
364	451	Wrexham County Borough	DEP	S	No
1108	1476	Nercwys and District Rural Association	DEP	O	No
1119	1487	Anwyl Construction Company Ltd	DEP	O	No
1375	1911	Campaign to Protect Rural England	DEP	O	No
1496	2086	Bourne Leisure	DEP	O	No
1690	2592	D P Williams Holdings Ltd	DEP	O	No
1713	3050	Tarmac Central Ltd	DEP	O	No
1744	3152	Whitford Community Council	DEP	O	No
2350	4927	Welsh Assembly Government	DEP	O	Yes
2409	12429	A D Waste Ltd	DEP	S	No
2411	5236	Home Builders Federation	DEP	O	No
2420	5314	RSPB Cymru	DEP	O	No
3703	9502	Quarry Products Association	DEP	O	No
3852	9906	Hird	DEP	S	No
4048	10425	Day	DEP	S	No
4625	13691	Sargeant AM	DEP	O	No
5118	13310	RMC Group Plc	DEP	O	No
5224	13504	Whittaker	DEP	O	No
5235	13548	Lewis	DEP	O	No
59	18034	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
441	Green barriers do not provide the same protection as green belts and are being eroded over time; should make more use of brownfield sites
1476	Retain green barrier policy in the Draft North Flintshire Local Plan
1487	Green barriers should not have permanence of green belts; should not survive beyond the plan period
1911	Should be green belt rather than green barrier west of Chester; lack of permanence a weakness of green barriers
2086	Seeks additional criteria for limited extension of static holiday and touring unit parks
3050 2592 9502 13310	Should include reference to mineral extraction
3152	Opposes the reduction in the number and extent of green barriers
4927	Green barriers should be given reference numbers and identified on the proposals map
5236	Not demonstrated the need for green barrier designation
5314	Policy should permit development that protects or enhances conservation interests
13691 13504 13548	Criteria d and i and specified paragraphs are applied inconsistently and inappropriately

Key Issues:

4.75.1. Whether:-

- i) green belts, rather than green barriers, would be more appropriate
- ii) the number and extent of green barriers is appropriate and justified
- iii) the green barriers should be numbered and identified on the proposals map
- iv) the existing criteria should be amended or additional criteria added as suggested.

Conclusions:

- 4.75.2. In referring to local designations to manage urban form PPW uses the term green wedges but acknowledges there are other terms for such designations. I accept that green barriers has the same meaning as green wedges for the purposes of the advice given in PPW.
- 4.75.3. Green belt or green barrier - Local planning authorities in areas which are subject to significant pressures are required to consider the need for green belts (PPW para 2.6.4). Following a review the Council takes the view that it is not appropriate to designate green belts preferring instead to continue to designate green barriers. The Council argues that they are an appropriate policy tool to protect strategic tracts of land where normal protection policies are inadequate. It indicates that green barriers in previous development plans have been effective in controlling development. The green barriers concentrate on relatively small tracts of strategic land between a number of separate settlements. Having regard to the submission made in Topic Paper No. 3 Green Barriers I accept the Council's arguments in favour of the green barrier approach.
- 4.75.4. Green barriers perform the same basic function as green belts but without the level of permanence. I do not consider that compelling arguments have been put forward to justify a greater degree of permanence than that which is proposed. PPW (para 2.6.12) states green wedge policies should be reviewed as part of the UDP review process. The Council indicates that, in seeking a more strategic approach, the green barriers are intended to survive generally beyond the plan period. Whilst it may well be that it is intended that they have a longer term function they should, however, be subject to review. And I find it appropriate given my reservations about the settlement strategy and boundary definition. The authority has indicated that the green barriers will be subject to review as part of the preparation of the LDP under the new system. This requires an authority to make an annual monitoring report on its LDP.
- 4.75.5. Number and extent - Green barriers are one of the key elements in the UDP's spatial strategy. The Council carried out a strategic review of the purpose, number and extent of the existing green barriers. It resulted in some of the existing designations not being carried through into this UDP because the Council considered that normal planning and development control policies provided the necessary protection. Others have been reduced in size because they were considered to be too extensive for their purpose or provision needed to be made for development. This exercise has been seen by some as eroding or weakening the principle of green barriers. However, only land that is strictly necessary to fulfil the purpose of the green barrier should be included. The justification for the green barriers that are designated in the UDP is in line with the advice given in PPW. Whilst I conclude in principle they are appropriate in number and justified in their extent, I deal with site specific objections below.
- 4.75.6. Proposals Maps - The Council acknowledges that it would help plan users if the green barriers were numbered and shown on the proposals maps (PC54). However, it is unclear whether this change includes the main proposals map. At present the main proposals map does not show those parts of the green barriers that fall within the settlement inset maps. I consider it would be helpful to plan users if the full extent of the green barriers was also shown on the main proposals map.

- 4.75.7. The criteria – The policy does not preclude proposals relating to the protection or enhancement of acknowledged nature conservation interests. Proposals will be considered on their merits through the development control process. As a consequence I am not convinced that criterion a should be amended as suggested.
- 4.75.8. PPW does not identify static holiday and touring unit caravan parks or mineral extraction as appropriate development in a green wedge. Given the impact such developments could have on the open character of green barriers I do not consider these uses should be added to the list of developments which may be permitted in the criteria.
- 4.75.9. Developments that are not considered to be appropriate in green barriers should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would have on the green barrier. The Council's submission indicates that such proposals would be treated as departures from the plan. This approach would be in accordance with the advice in PPW (2.6.15).
- 4.75.10. With regard to the Gronant – Talacre – Gwespyr - Ffynnongroyw green barrier I consider it serves a strategic purpose in safeguarding the open character of the area and preventing coalescence of settlements. The arguments put forward to enable the possible expansion to Presthaven Sands are not sufficient to outweigh the strategic purpose of this designation.
- 4.75.11. No evidence or justification is provided in support of the assertions that the named criteria and paragraphs are not applied consistently or appropriately. It is difficult to comment further on these objections. However, my recommendation on HSG5 is that infill development should be limited to cases where there is a local need and to be consistent the same needs to apply to GEN5.
- 4.75.12. Other Matters – It is not clear how 441 relates to GEN5. I am unable to respond other than to note that the UDP is supportive of the principle of using suitable brownfield sites.
- 4.75.13. I note PCs 55 and 60 propose minor changes to the table in GEN5 and para 4.15 respectively which add clarity to the plan.

Recommendation:

- 4.75.14. I recommend the plan be modified by:-
- i) PCs54, 55 and 60
 - ii) including the full extent of green barriers on the main proposals map
 - iii) changing criterion d to read:- *limited housing infill development to meet proven local housing need or affordable housing exception schemes.*

4.76. GEN5:1 Gronant - Talacre - Gwespyr - Ffynnongroyw

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3508	Ramblers Association Wales	DEP	O	No

Summary of Objections:

Rep No	Summary
3508	The gas terminal should not be located in the green barrier

Key Issue:

4.76.1. Whether the gas terminal should be washed over by the green barrier.

Conclusions:

4.76.2. The gas terminal has a temporary planning permission, albeit for 40 years. On cessation of the use, conditions attached to the permission require the restoration of the objection site. The site is located on the Dee estuary between a SPA/Ramsar/candidate SAC and Talacre a popular tourist area with its beaches and holiday caravans. These diverse interests mean that the open coastal character is particularly vulnerable and I consider a green barrier designation is justified in order to protect the locality from insensitive development pressure.

Recommendation:

4.76.3. I recommend no modification to the plan.

4.77. GEN5:4 Flint - Connah's Quay**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in Appendix A4			

Summary of Objections:

Rep No	Summary
17638	This objection is dealt with at GEN2 Connah's Quay with 5914
All others	Land west of the paper mill Oakenholt should be retained as green barrier in order to maintain the natural break between the built up areas

Key Issue:

4.77.1. Whether the land should be designated green barrier.

Conclusions:

4.77.2. The plan allocates this land for employment EM1(15). However, for the reasons given in EM1(15) in Chapter 13, I recommend that the designation be deleted. Topic Paper 3 indicates the function of the green barrier between Flint and Connah's Quay is to safeguard the strategic gap between these two settlements. This land is between the large buildings at the paper mill and the ribbon development along Leadbrook Drive and is visually and physically separated from the large tract of undeveloped countryside to the east within the green barrier. Bearing in mind that green barriers should not be drawn wider than is necessary to achieve their aims I do not consider it appropriate or necessary to include this land within the green barrier.

Recommendation:

4.77.3. I recommend no modification to the plan.

4.78. GEN5:5 Flint - Flint Mountain**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found at appendix A 4			

Summary of Objections:

Rep No	Summary
Objections relating to Flint Mountain	
17635	Exclude land at Pentre Hill, Flint Mountain from the green barrier
17636 18707	Exclude land at The Wellfield, Flint Mountain from the green barrier
Objections relating to Flint	
All	Object to loss of green barrier adjacent to Northop Road Flint. Does not accord with Target 1 of the UDP or GEN5. The green barrier should be reinstated as a result of PC322

Key Issue:

4.78.1. Whether the green barrier should be amended.

Conclusions:

- 4.78.2. Flint Mountain. – The basis for the exclusion of the two sites from the green barrier is that they should be within the settlement boundary. In GEN2 - Flint Mountain above I indicate that I do not consider there is any need to amend the settlement boundary. It follows that I do not consider the exclusion of these areas from the green barrier, which serves to safeguard the countryside from encroachment, is justified.
- 4.78.3. Flint - The green barrier designations in previous plans have been scrutinised so that new designations are consistent and in line with the objectives of PPW. GEN5 establishes those green barriers that are now considered appropriate. Target 1 relates to the green barriers in the UDP and not those in previous development plans. As a consequence I do not find there is conflict between the Target and the Council's review of green barrier.
- 4.78.4. The objections relate to HSG1(11). My conclusions on that matter are to be found at HSG1(11) in Chapter 11 and I do not repeat them in detail here. Briefly, I support the deletion of the allocation between Halkyn Road and Northop Road.
- 4.78.5. In order to introduce a degree of permanence to the identified green barriers and ensure that they will not fundamentally change again; and in the knowledge that the LDP preparation will inevitably bring about some changes, the areas where it is considered there may be potential for further development have not been included within the green barrier. I consider this is a sensible approach which will ensure a level of consistency with future plans. In this case the Council does not discount the possibility that the area may be

considered appropriate for development in the future and on that basis does not designate it a green barrier.

- 4.78.6. I do not find the function of the green barrier between Flint and Flint Mountain is diminished if this area is not included or that its exclusion is contrary to GEN5. The land is outside the settlement boundary and development would be subject to policies designed to safeguard the countryside. Because of its location and surroundings, I do not consider the arguments that have been put forward justify the inclusion of this area within the green barrier.

Recommendation:

- 4.78.7. I recommend no modification to the plan.

4.79. GEN5:6 Flint Mountain - Northop

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found at Appendix A4			

Summary of Objections:

Rep No	Summary
8989	The site is suitable for a high quality regional garden centre which could be developed in partnership with the horticultural college
9122	This objection is dealt with at GEN2 Northop with 9123
1642	There has been planning permission on the site in the past. Development of land would enhance opportunities for education and training, generate employment and is the only land available at college for development. Delete from green barrier
18707	This objection is dealt with at GEN2 - Flint Mountain with 18706
1682	This objection is dealt with at HSG1 - Northop with 1680
1709	This objection is dealt with at HSG1 - Northop with 1380
17596	This objection is dealt with at HSG1 - Northop with 4739

Key Issue:

- 4.79.1. Whether the green barrier should be amended.

Conclusions:

- 4.79.2. 1642, 8989 – My conclusions in Chapter 12 to S1 are also relevant to these objections. The land is open and an intrinsic part of the countryside. Visually and physically it is separated from the built up areas/college campus by roads and the wider rural area. The green barrier is fully justified in this location. It safeguards the countryside from encroachment and protects the junction from visually intrusive development. I do not agree that the designation as green barrier would seriously compromise the development of educational/economic opportunities. The information available to the inquiry indicates that other land within the campus, but outside the green barrier has not been investigated as possible alternatives. Whether such land would be suitable is not before me.
- 4.79.3. The previous planning permission for a technology business park was not implemented and has now expired. In the present national planning policy climate, it is unlikely that such a development would be permitted in a rural

location, albeit next to a major road. To my mind the planning history does not justify the exclusion of this area from the green barrier.

- 4.79.4. As an alternative it has been suggested that part of the green barrier on the south western (campus) side of the A55 should be deleted to accommodate expansion. However, bearing in mind that locations outside the green barrier have not been investigated and that the function of this part of the green barrier is to prevent coalescence with the village, I do not support the suggested change.

Recommendation:

- 4.79.5. I recommend no modification to the plan.

4.80. GEN5:7 Gwernaffield - Pantymwyn

Representation:

Personal ID	Representation Number	Objector	Stage of Plan	Object or Support	Conditional Withdrawal
2239	4209	Clayton	DEP	O	No

Summary of Objection:

Rep No	Summary
4209	Green barrier should extend to north and south

Key Issue:

- 4.80.1. Whether the green barrier should be extended.

Conclusions:

- 4.80.2. The objector does not say why the green barrier should be extended. I can therefore only comment generally.
- 4.80.3. In producing the UDP the Council undertook a strategic review of the green barriers and sought to protect land which was considered most sensitive and where development would be particularly harmful. As proposed by the Council the green barrier is focussed on the narrow gap between Gwernaffield and Pantymwyn and prevents the coalescence of settlements. Whilst it is smaller than the designated area in the Delyn LP, it does nevertheless protect the most vulnerable land to the north and south of Cilcain Road.
- 4.80.4. There is no evidence to suggest that land beyond the green barrier is subject to particular development pressure and given that it is subject to GEN2, which protects the open countryside from unnecessary development, I do not consider the green barrier needs to be extended in this location.

Recommendation:

- 4.80.5. I recommend no modification to the plan.

4.81. GEN5:8 Holywell - Carmel

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1744	3151	Whitford Community Council	DEP	S	No
2334	4846	WAG - Dept Economy & Transport	DEP	O	No
4794	12455	Costain Group plc	DEP	O	No

Summary of Objections:

Rep No	Summary
4846	Delete part of green barrier; Holywell and Carmel already effectively joined
12455	Exclude land from green barrier, not essential to retain this land to prevent coalescence of Holywell and Carmel; include description of the purpose function of each green barrier

Key Issues:

4.81.1. Whether:-

- i) the green barrier designation should be deleted either in whole or in part
- ii) the purpose and function served by each green barrier should be specified.

Conclusions:

- 4.81.2. Green barrier - Whilst the development south of the A5026 has effectively resulted in the two settlements merging this is not the case to the north of the road. The substantial tract of undeveloped land separating Carmel and the Holway area of Holywell forms part of the open countryside to the north of the settlements. The green barrier prevents the neighbouring settlements from merging and safeguards the countryside from encroachment. It accords with the principles for their establishment.
- 4.81.3. Both objections relate to substantial portions of this green barrier and either one would significantly reduce the separation between the two settlements thereby compromising the strategic function of the designation. It follows I do not support the reduction or deletion of this green barrier.
- 4.81.4. Purpose and function - The supporting text to the policy indicates the reasons why green barriers have been designated. I do not consider the plan would be improved if a description of the purpose and function of each green barrier were to be included. It would add unnecessarily to the bulk of the plan.

Recommendation:

- 4.81.5. I recommend no modification to the plan.

4.82. GEN5:9 Holywell - Greenfield - Bagillt

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
770	1040	Eden	DEP	O	No
1153	1597	Corbett	DEP	O	No
1717	3085	Holywell Town Council	DEP	O	No

2678	6270	North East Wales Wildlife Trust	DEP	O	No
5687	14299	Moffat	DEP	O	No
5746	14379	Roberts	DEP	O	No
7202	17354	Hayes	DEP	O	No

Summary of Objections:

Rep No	Summary
1040	Delete land to the south of Victoria Park from the green barrier to enable allocation for housing
1597	This objection is dealt with at HSG1 Holywell in Chapter 11 with 1598
3085	This objection is dealt with in Chapter 11 HSG1(23)
6270	Include reference to Bagillt in the title of this green barrier
14299 14379 17354	Removal of fields from green barrier to north west of Greenfield will cause a loss of green space in the area

Key Issue:

4.82.1. Whether the green barrier should be amended.

Conclusions:

- 4.82.2. 1597, 14299, 14379, 17354 - The objections are partly dealt with in Chapters 7 L3(51) and 11 HSG1(37) where I recommend that HSG1(37) is deleted and the land included within the open countryside and that L3(51) is deleted and the land remain in the open countryside. I would only add that the green barrier to the west of Greenfield has not been brought forward from the Delyn Local Plan. Its deletion is, I believe, in line with PPW 2.6.12 which advises that only land which is strictly necessary to fulfil the purposes of designation should be included. In this location there is no likelihood of the coalescence of Mostyn and Greenfield and the robust countryside, landscape and wildlife policies of the UDP will ensure that the area is protected from unnecessary development and the green nature of the land retained. A similar objection is considered at GEN5: land to the west of greenfield below.
- 4.82.3. 1040 – I recommend that the land should not be allocated for housing development for the reasons given in HSG1 – Bagillt in Chapter 11. It follows that I do not support the exclusion of this area from the green barrier since to do so would undermine its function in maintaining a separation between Bagillt and Holywell.
- 4.82.4. 6270 – PC55 amends the title and addresses this objection. I support this change since it brings greater clarity to the plan.

Recommendation:

4.82.5. I recommend the plan be modified by PC55.

4.83. GEN5:10 Mold - Gwernymynydd**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found at Appendix A4			

Summary of Objections:

Rep No	Summary
4663 6007	These objections are dealt with in Chapter 11 HSG1 Mold with 1500 and 6005
2090	This objection is dealt with in Chapter 11 HSG1 Mold with 2135
4738	This objection is dealt with above under GEN2 Mold with 4737
All others	These objections are dealt with in Chapter 11 under HSG1(17)

4.84. GEN5:11 Mold - Mynydd Isa - Sychdyn - New Brighton**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
229	285	Richards	DEP	S	No
293	357	Cooper	DEP	S	No
320	392	Roberts	DEP	S	No
1022	1347	Mold Town Council	DEP	S	Yes
1361	1889	Davies	DEP	S	No
2332	17615	Griffiths	DEP	O	No
2334	4834	WAG - Dept Economy & Transport	DEP	O	No
2396	5102	Gower Homes	DEP	O	No
2396	5103	Gower Homes	DEP	O	No
2397	5128	North Wales Estate and Development Co	DEP	O	No
2403	5171	Hatherton Trust	DEP	O	No
2615	6011	Castlemead Homes Ltd	DEP	O	No
2615	17805	Castlemead Homes Ltd	DEP	O	No
3721	9554	Hird	DEP	S	No
4048	10426	Day	DEP	O	No
7228	17606	Eaton	DEP	S	No

Summary of Objections:

Rep No	Summary
17615	This objection is dealt with in Chapter 11 HSG1 - Mold with 4829
4834	This objection is dealt with in Chapter 11 HSG1 - Mold with 4831
5102	This objection is dealt with at HSG1 - New Brighton in Chapter 11 with 5119
5103	Include land to east of Argoed View at New Brighton in green barrier
5128	This objection is dealt with at HSG1(46) Chapter 11
5171	This objection is dealt with in Chapter 11 HSG1 - Sychdyn with 5170
6011	This objection is dealt with in Chapter 11 HSG1 - Mold with 6010
17805	This objection is dealt with in Chapter 11 at HSG1 - Mynydd Isa with 5959
10426	This objection is dealt with at GEN5.17 below

Key Issue:

4.84.1. Whether the site should be included in the green barrier.

Conclusions:

4.84.2. In order to introduce a degree of permanence to the identified green barriers and ensure that they will not fundamentally change again; and in the knowledge that the LDP preparation will inevitably bring about some changes, the areas where it is considered there may be potential for further development have been excluded from settlements, but not included within the green barrier. I consider this is a sensible approach which will ensure a level of consistency with future plans.

- 4.84.3. The objection land is one such site. However, the lack of green barrier protection for this land should not be seen as in any way sanctioning development. It is a matter which must be fully explored as part of the LDP. In the interim the site forms part of the open countryside and is subject to the restrictive policies of GEN3 which would not permit further growth on this undeveloped land. In these circumstances the site's lack of green barrier recognition should not be seen as a precedent for development.

Recommendation:

- 4.84.4. I recommend no modification to the plan.

4.85. GEN5:12 Connah's Quay - Northop Hall - Ewloe - Shotton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3134	Flintshire Green Party	DEP	O	No
358	522	Robson	DEP	O	No
477	710	Hawarden Estate	DEP	O	No
1119	1489	Anwyl Construction Company Limited	DEP	O	No
2106	4419	Countryside Council For Wales	DEP	O	No
2294	4630	Morris Developments (North) Ltd	DEP	O	No
3550	9031	Connahs Quay Town Council	DEP	O	No
3565	17648	Wilshaw	DEP	O	No

Summary of Objections:

Rep No	Summary
522	This objection is dealt with in GEN2 Ewloe Green with 436
4630	This objection is dealt with in Chapter 11 HSG1 - Northop Hall with 4633
9031	This objection is dealt at GEN2 - Connah's Quay with 9030
710	This objection is dealt with in Chapter 11 HSG1 - Ewloe with 705
1489	Remove land west of Aston Hill from the green barrier
3134 4419	Land at Wepre Lane between settlement boundary and green barrier should be included in green barrier. They provide a buffer and habitat for nearby SSSI/SAC
17648	This objection is dealt with at GEN2 - Shotton and Aston with 9095

Key Issue:

- 4.85.1. Whether more land should be included in the green barrier.

Conclusions:

- 4.85.2. 1489 – This objection relates to a substantial area of land on the edge of Ewloe. Removing this area from the green barrier would significantly weaken its function of safeguarding the countryside from encroachment and preventing neighbouring settlements from merging into one another.
- 4.85.3. 3134, 4419 – The Council has taken a hybrid approach to green barriers in recognition of local circumstances which I accept is not strictly in accord with PPW (2.6.1). The designations in previous plans have been thoroughly scrutinised and this has resulted in their reduction so that new designations are consistent and in line with the objectives of PPW. However, it is the intention to review them again as part of the preparation of the LDP. And given my

reservations about aspects of the spatial strategy/settlement definition, I support this further review.

- 4.85.4. That being said, in order to introduce a degree of permanence to the identified green barriers and ensure that they will not fundamentally change again; and in the knowledge that the LDP preparation will inevitably bring about some change, the areas where it is considered there may be potential for further development have not been included within the green barrier, such is the case with the objection site which lies to the south east of the settlement boundary and south of Wepre Lane. I consider this is a sensible approach which will ensure a level of consistency with future plans. However, the lack of protection for the land should not be seen as in any way sanctioning development in this area. Similarly inclusion in the green barrier now does not automatically mean that land will remain protected in the future. It will depend on the circumstances prevalent when the review takes place.
- 4.85.5. Given the Council's intention to review the development potential of the site, it follows I do not consider it should be included in the green barrier. In the interim, until the plan is reviewed, I consider sufficient protection will be given to the land and its wildlife by UDP policies.

Recommendation:

- 4.85.6. I recommend no modification to the plan.

4.86. GEN5:13 Shotton - Mancot - Hawarden - Ewloe

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
104	132	Standing	DEP	S	No
105	133	Brooke-Jones	DEP	S	No
140	172	Watson	DEP	S	No
176	5505	Diocese of Wrexham	DEP	O	No
192	235	Hughes	DEP	S	No
205	253	Mansell	DEP	S	No
206	254	Stretch	DEP	S	No
230	286	Jones	DEP	S	No
477	699	Hawarden Estate	DEP	O	No
477	734	Hawarden Estate	DEP	O	No
477	747	Hawarden Estate	DEP	O	No
477	760	Hawarden Estate	DEP	O	No
477	827	Hawarden Estate	DEP	O	No
477	874	Hawarden Estate	DEP	O	No
477	897	Hawarden Estate	DEP	O	No
1119	1488	Anwyl Construction Company Limited	DEP	O	No
1119	1491	Anwyl Construction Company Limited	DEP	O	No
1119	1492	Anwyl Construction Company Limited	DEP	O	No
1119	1494	Anwyl Construction Company Limited	DEP	O	No
1190	1645	Rowlands	DEP	S	No
1299	1805	Lawrence	DEP	O	No
1314	7512	NatWest	DEP	O	No
1735	3129	Ault	DEP	S	No
1736	3131	Dillon	DEP	S	No
1739	3138	Hughes	DEP	S	No

2194	17279	White	PC	S	No
2250	17280	Williams	DEP	S	No
2297	4682	Redrow Homes	DEP	O	No
3565	17648	Wilshaw	DEP	O	No
4257	11056	Williams	DEP	S	No
4258	11057	Armstrong	DEP	S	No
4259	11058	Adams	DEP	S	No
4260	11059	Nurton	DEP	S	No
4261	11060	Owen	DEP	S	No
4262	11061	Griffiths	DEP	S	No
4263	11062	Mottram	DEP	S	No
4264	11063	Richardson	DEP	S	No
4265	11064	Nicklas	DEP	S	No
4266	11065	Snowden	DEP	S	No
4828	12572	Trustee of Late John Evans	DEP	S	No

Summary of Objections:

Rep No	Summary
699	This objection is dealt with in Chapter 11 HSG1 - Ewloe with 695
734	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 727
747	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 743
760	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 756
827	This objection is dealt with in Chapter 11 HSG1 - Mancot with 825
874	This objection is dealt with in Chapter 11 HSG1 - Pentre with 872
897	This objection is dealt with in Chapter 11 HSG1 - Pentre with 888
1491	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 1516
1492	Green barrier around Mancot is too tightly drawn. Exclude land at Cottage Lane
1494	Green barrier around Mancot is too tightly drawn. Exclude land at Mancot Lane
1805	This objection is dealt with in Chapter 11 HSG1(34)
7512	This objection is dealt with in Chapter 11 HSG1 - Mancot with 1832
5505	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 5503
1488	This objection is dealt with in Chapter 11 HSG1 – Ewloe with 1513
4682	This objection is dealt with in GEN2 - Hawarden above
17648	This objection is dealt with at GEN2 - Shotton and Aston with 9095

Key Issue:

4.86.1. Whether land should be excluded from the green barrier.

Conclusions:

- 4.86.2. The Council has taken a hybrid approach to green barriers in recognition of local circumstances which I accept is not strictly in accord with PPW (2.6.1). The designations in previous plans have been thoroughly scrutinised and this has resulted in their reduction so that new designations are consistent and in line with the objectives of PPW. However, it is the intention to review them again as part of the preparation of the LDP. And given my reservations about aspects of the spatial strategy/settlement definition, I support this further review.
- 4.86.3. That being said, in order to introduce a degree of permanence to the identified green barriers and ensure that they will not fundamentally change again; and in the knowledge that the LDP preparation will inevitably bring about some change, the areas where it is considered there may be potential for further development have not been included within the green barrier. I consider this is a sensible approach which will ensure a level of consistency with future plans. However, the lack of protection for some land should not be seen as in any way

sanctioning development in those areas. And similarly inclusion in the green barrier now does not automatically mean that land will remain in the designated area. It will depend on the circumstances prevalent when the review takes place. Such a review would also be an appropriate time to determine whether settlements which have contiguous boundaries should be treated as one built up area.

- 4.86.4. As part of the UDP, green barriers have been designated in areas where there is significant development pressure and where standard countryside policies are not considered robust enough to protect the countryside/open land. There is a green barrier around and between the defined settlements which seeks to protect the open setting and prevent the coalescence of built up areas such as Pentre, Mancot, Ewloe and Queensferry. There is no overriding need to identify more land to meet the housing requirement and in principle I support a green barrier in this location which seeks to retain the balance between developed and open land within the wider Deeside area.
- 4.86.5. 1492 – This site is similar in extent to 825 which I deal with at HSG1 – Mancot in Chapter 11. It differs in that it excludes the triangle of land which would link the site to the boundary of Queensferry, but includes Daleside Garden Centre. The site is generally open in character with a couple of houses, paddocks, a touring caravan site and the garden centre. Its uses are generally associated with countryside and/or urban fringe locations and it forms part of the wider open area between Mancot/Hawarden and Queensferry.
- 4.86.6. Exclusion of this land would leave only a nominal gap between the green barrier to the north and south. It would severely compromise its strategic function at a time when there is no evidence base to suggest the land would ever need to be developed. I accept that the garden centre is already excluded from the green barrier and forms an awkward green barrier boundary. This to my mind also compromises the strategic function of the designated area and implies that the land will be considered for development at some time in the future. For the reasons given in response to objections in GEN5:16 below I recommend this land is also washed over by the green barrier.
- 4.86.7. 1494 – The site lies to the south of Chester Road and includes all the open land between the built up areas of Mancot and Pentre as far south as Marnel Drive. All but a small part of it are put forward for development in 860,872 and 1832 which I deal with in Chapter 11 under HSG1 Mancot/Pentre. The green barrier in this location has clear defensible boundaries and the land forms a strategic gap which separates Mancot and Pentre. Further than that I can add nothing useful to my general conclusions above and those in respect of the HSG1 objections.

Recommendation:

- 4.86.8. I recommend the plan be modified by the inclusion of the Daleside Garden Centre on Gladstone Way within the green barrier.
-

4.87. GEN5:14 Hawarden - Mancot - Hawarden Airport - Saltney (S of the Dee)

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found at Appendix A4			

Summary of Objections:

Rep No	Summary
862	This objection is dealt with in Chapter 11 at HSG1 – Mancot with 860
868	This objection is dealt with in Chapter 11 at HSG1 – Mancot with 866
908	Would not result in coalescence of settlements. Remove from green barrier
1493	Green barrier around Mancot is too tightly drawn. Exclude land at Woodville
1551	This objection is dealt with in Chapter 11 HSG1 – Hawarden with 1549
3186	Add white land between the Saltney boundary and the green barrier to the green barrier
4842	This objection is dealt with in Chapter 11 at HSG1 – Mancot with 4839
6013	This objection is dealt with at GEN2 - Hawarden with 6012
17832	This objection is dealt with above at GEN2 - Mancot with objections 6 and 17

Key Issue:

4.87.1. Whether land should be retained as green barrier.

Conclusions:

- 4.87.2. 908 – This relates to land to the east of Sandycroft between Chester Road and the Dee. It is an area of largely undeveloped land that has the character and appearance of open countryside. This part of the green barrier serves to prevent development encroaching into the countryside around Sandycroft. It also prevents coalescence with the built up area around Hawarden airport which is itself part of the outer periphery of Broughton. Development in this area would result in encroachment into the countryside. Incorporating blocks of landscaping within any development would not prevent coalescence. This objection is linked with a submission that the land should be allocated for employment use. My conclusions on that matter are to be found in Chapter 13 EM1 - Land east of Sandycroft.
- 4.87.3. 1493 – This site is virtually the same as 4839, but excludes land to the east of Ash Lane. My conclusions at HSG1 - Mancot in Chapter 11 make it clear that whilst I do not consider the site in its entirety should be developed, I find a smaller area – extending no further south than existing development - would be appropriate to develop during the plan period. I can add no more in respect of this objection.
- 4.87.4. 3186 – I support PC392 which allocates the land to the east of Saltney Ferry Road for general employment for the reasons given in EM1(26A) in Chapter 13. It follows that I do not support the inclusion of the area in the green barrier.
- 4.87.5. Turning to the land to the west of Saltney Ferry Road. The area of housing and the scrap yard on the southern side of the railway have a distinctly different character to the open countryside that is within the green barrier. The small pocket of land south west of the railway bridge is separated from the green barrier by Saltney Ferry Road. No reasons are given why these areas should be included in the green barrier. Their inclusion would not satisfy the criteria in

the plan for the establishment of green barriers and would add nothing to this designation.

Recommendation:

4.87.6. I recommend no modification to the plan.

4.88. GEN5:15 Broughton - Hawarden Airport - Saltney - Cheshire Border

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3089	Flintshire Green Party	DEP	O	No
59	3205	Flintshire Green Party	DEP	O	No
59	3211	Flintshire Green Party	DEP	O	No
59	15656	Flintshire Green Party	DEP	O	No
276	17329	Lawrence	DEP	O	No
321	17342	Mycock	DEP	O	No
325	17345	Mycock	DEP	O	No
338	17349	Willis	DEP	O	Yes
340	17351	Davies	DEP	O	No
351	17355	Willis	DEP	O	No
507	653	Evans	DEP	O	No
746	1033	Pryce	DEP	O	No
1115	1483	Joinson	DEP	O	No
2473	5508	Rowlands	DEP	O	No
3540	8963	Alan's Skip Hire	DEP	O	No
3554	9054	Handley	DEP	O	No
3883	11951	Mack	DEP	O	No
3885	9993	Freeman	DEP	O	No

Summary of Objections:

Rep No	Summary
3089	White land adjacent to Bretton should be designated green barrier
3205	Re designate commercial allocation north of Retail Park, Broughton as green barrier
3211	This objection is dealt with in Chapter 13 at EM2(1)
15656	This objection is dealt with in Chapter 13 at EM1(2)
Land south of the Retail Park Broughton HSG1(25)	
All	Should remain green barrier to retain its open character and remain free of development. Target 1 states there should be no loss of green barrier. Council has responsibility to protect public from complete loss of rights to open space
9054	Remove land west of Bretton Lane from green barrier – not offend the principles of designating green barriers
5508	This is dealt with in Chapter 10 at AC19 with 5506 and AC20 with 5507
8963	Redraw green barrier to allow for expansion of industrial uses to the east of Broughton Mills Road and other locations across the plan area

Key Issue:

4.88.1. Whether land should be added to or deleted from the green barrier.

Conclusions:

4.88.2. Bretton – The objection does not indicate why this area should be included within the green barrier. Policies relating to development in the countryside are sufficient to protect it.

- 4.88.3. South of Retail Park Broughton - Green barriers designated in previous plans have been reviewed. Only land that is strictly necessary to fulfil the purposes of such a designation have been included and they follow clearly defensible physical boundaries. It is appropriate to designate a green barrier to maintain the key strategic gap to the Cheshire border. The A55 provides a firm defensible boundary between the development to the north and the open land up to the Cheshire border to the south. This area of land is separated both visually and physically from the green barrier to the east by the elevated slip road off the A55. The integrity of the green barrier would not be strengthened by the inclusion of this land. It is not open to public access and it is not clear to me what is meant mean by *rights to open space* or what bearing this has on its designation. Target 1 relates to the green barriers designated in this UDP. The removal of this land from the green barrier and its allocation for housing is not in conflict with the target. My conclusions regarding the allocation for housing are to be found in Chapter 11 at HSG1(25).
- 4.88.4. North of Retail Park Broughton – Since this objection was made planning permission has been granted to extend the retail park. The permission includes a significant part of the green space designation to the north and west of S1(10) as well as part of the allocation itself. As a consequence, those areas have been deleted from their respective designations. I support those changes for the reasons given in L3(5) in Chapter 7 and S1(10) in Chapter 12. The permission is a *fait accompli* and it would not be appropriate to designate that part of the area as green barrier. Furthermore the remaining land, not covered by the permission, does not satisfy the criteria for establishing green barriers. It follows I do not support the objection.
- 4.88.5. Land west of Bretton Lane – The need for additional land to be allocated for future development beyond the lifetime of the plan is a matter for future development plans. I accept that is appropriate to prevent coalescence of Broughton and Bretton since the 2 settlements are quite different in character. The removal of this area from the green barrier would significantly weaken the gap between these two settlements. It follows that I do not support objection 9054.
- 4.88.6. Broughton Mills Road – The boundary between the green barrier and the development to the east of Broughton Mills Road is a clearly identifiable physical feature which establishes a defensible boundary. No indication is given of an alternative clearly defined physical feature for a realigned boundary line. The reduction of this green barrier would weaken the strategic gap between Hawarden airport and Saltney. My conclusions regarding the expansion of the adjacent PEA are to be found in EM3 in Chapter 13.
- 4.88.7. Since 8963 does not indicate the *other locations across the plan area* I am unable to comment further on this element of the objection.

Recommendation:

- 4.88.8. I recommend no modification to the plan.
-

4.89. GEN5:16 Sealand - Cheshire Border (North of River Dee)

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3189	Flintshire Green Party	DEP	O	Yes
914	1196	Burton Residents Association	DEP	O	Yes
1017	1322	Ellesmere Port & Neston BC	DEP	O	No
1043	1654	Bennett	DEP	O	No
1167	1615	Griffiths	DEP	O	No
1274	1761	Bennett	DEP	O	No
1375	1922	Campaign to Protect Rural England	DEP	O	No
2302	4728	Realty Estates	DEP	O	No
2334	4868	WAG - Dept Economy & Transport	DEP	O	No
2616	6043	J S Bloor (Services) Ltd	DEP	O	No
2753	6630	Cheshire County Council	DEP	O	Yes
3543	8990	Chester City Council	DEP	O	No
3638	9307	Jones Balers (Farms) Ltd	DEP	O	No
4625	13703	Sargeant AM	DEP	O	No
5224	13527	Whittaker	DEP	O	No
5235	13571	Lewis	DEP	O	No
59	17910	Envirowatch	PC	S	No
2238	18321	Heesom	PC	S	No

Summary of Objections:

Rep No	Summary
3189 1196 1922 6630 8990	Land north of Shotwick Road should be in green barrier/green belt and/or wildlife site. It has a different character and appearance to land to the south and has been rejected for development at appeal. Designation would complete the strategic green barrier along the border
1322	As above but objection site includes additional land to the west
1654 1761	These objections are dealt with in Chapter 11 HSG1 - Sealand with 1375 and 1762
4728	This objection is dealt with in Chapter 11 HSG1 - Sealand with 4730
4868	This objection is dealt with in Chapter 13 EM1 - Land south of Dara Sealand with 4866
6043	Green barrier should be removed from the <i>Watersmeet</i> site. The site does not reflect the criteria for such designation and is not appropriate as it may be needed for development in either the plan period or beyond
9307	This objection is dealt with in Chapter 13 EM1 - Land south of DARA Sealand with 9317
1615 13527 13571 13703	The green barrier serves no purpose, is excessive in size and should be reduced. The inspector at the Caxios appeal did not feel the coalescence with Saughall was a problem. There is inconsistency with other sites. Take some sites out and put others in

Key Issues:

4.89.1. Whether:-

- Sealand settlements should be washed over by the green barrier
- the green barrier should be amended.

Conclusions:

4.89.2. 3189, 1196, 1922, 6630, 8990, 1322 – My conclusions to GEN5 above indicate why I support green barriers as opposed to green belts and I can usefully add nothing more. In order to ensure a consistent approach to green barrier designation along the boundary with Cheshire the Council proposes by PC58

adding land to the north of Shotwick Road to the green barrier. Given its location, character and appearance I consider this would be an appropriate change to make.

- 4.89.3. However, the land to the west (suggested by 1322) is of a different character to the area of the PC. It has an estuarine location and appearance which do not fulfil the same green barrier functions as land to the east. As a consequence I do not support the designation of the land to the west of the railway. It is not a function of the UDP to designate wildlife sites that is a matter which must be pursued outside the UDP process.
- 4.89.4. 13527, 13571, 13703 - The Sealand area, adjacent to the Cheshire border, is characterised by its flat, essentially open character. To the north of the Dee, the A494(T)/A550 forms a firm defensible boundary for the green barrier and acts as a distinct break between the urban/industrial areas to the west, sensibly excluding the RAF/DARA site (which is allocated for B1 uses under EM2(2)) and the adjacent RAF Sealand. I do not find it inconsistent that the housing area is not washed over by the green barrier as it is next to the substantial DARA site. It is not an island or awkward finger of unallocated land as the other Sealand settlements and the smaller individual premises mentioned by the objectors such as kennels/catteries, development at Green Lane would be. To exclude a myriad of smaller scale sites would create a patchwork effect to the green barrier and weaken its strategic purposes. The exclusion of larger areas in line with the suggested settlement boundaries would have similar, but more pronounced effects. Washing over the built areas by GEN5 will ensure the openness of the countryside is protected from development in a locality where there is significant pressure to build from both England and Wales.
- 4.89.5. I cannot agree with the Council that the situation is different at Daleside Garden Centre. The Council says it is an existing significant development with industrial scale buildings within a well defined physical boundary which has a close relationship with the built up area of Hawarden. Whilst there is a substantial amount of building on the site, in the main it does not appear to be of a permanent construction. It has the appearance of poly tunnels and/or open sided structures. Moreover it is not unusual to find garden centres/nurseries in the open countryside or in urban fringe locations. By its nature and appearance I consider it would be more appropriate for the site to be washed over by the green barrier.
- 4.89.6. The other notable exclusion from the green barrier is an area to the south east of the A494/A548 junction. The planning permission for the hotel on this site has now expired. The Council says it is landlocked following improvements to the A494 and has no recognisable southern and eastern boundaries. It seems to me that this site relates better to the open land to the east of the main road than the built up area to the west and given these factors I consider it should be included in the green barrier and I shall recommend accordingly.
- 4.89.7. I have concluded earlier in this chapter that it is not appropriate for the Sealand settlements to have an identified boundary, it seems to me logical that they be washed over by the green barrier designation. To do otherwise would leave clusters of buildings where development could take place to consolidate the built form and compromise the openness of the green barrier.
- 4.89.8. A very similar objection site was considered at the Alyn and Deeside Local Plan Inquiry in 1995. At that time the inspector supported the green barrier

designation at this location. He found it had 3 functions, that is to prevent development into the open countryside, to contain the outward growth of Chester and to prevent the coalescence of Sealand and Saughall. I have seen nothing in the evidence before me which causes me to reach a different opinion. I share his view that all of these functions would be compromised if land at Sealand was to be excluded from the green barrier. The largely rural open landscape between Chester and Garden City/Deeside would be materially altered. In reaching this conclusion I have taken account of the Caxios appeal.

- 4.89.9. 1615 – I reach similar conclusions in respect of this objection. It is evident from the number and extent of objections to the green barrier in this locality that there is ongoing pressure for development in this fundamentally open area which separates the settlements in Flintshire and Cheshire.
- 4.89.10. 6043 – This objection relates to some 170ha of land to the south east of Ferry Lane extending to the canalised River Dee on its southern and eastern boundaries and the urban edge of the Sealand Industrial Estate area to the north. The area forms the south eastern end of an extensive green barrier between the River Dee and the Cheshire border.
- 4.89.11. Green barriers have been designated in areas where there is significant development pressure and where standard countryside policies are not considered robust enough to protect the countryside/open land. From Appendix 5 in Topic Paper 3 it is clear that this green barrier takes into account the Cheshire green belt and the level of development pressure in and around Chester. PPW acknowledges that there is often a need to protect open land around towns and cities. Whilst in this case, the city in question is in England, it does not lessen the need to protect land in Flintshire and safeguard it from further encroachment. I find the green barrier is in line with the objectives of PPW.
- 4.89.12. I note that to be included in the green barrier land does not need to be of intrinsic landscape or nature conservation value. Furthermore factors such as the appearance and impact of development are not determinative of the extent of green barriers, they are matters of detail to be considered as part of the development control process once the principle of development has been established. Since I conclude in the relevant chapters that the plan makes adequate and appropriate provision for the predicted housing and employment needs I do not consider there is convincing evidence that the green barrier should be drawn back or the site designated *safeguarded land* to enable development during the plan period. Any changes in circumstances would be reviewed as part of the LDP which will replace the UDP.
- 4.89.13. The objection also argues in favour of the site being identified as a suitable candidate site for major mixed use development in the post plan period. However, whilst the plan provides both the strategic and detailed framework for land use planning up to 2015, it does not look beyond this timescale. Many of the matters put forward in support of the development of this area beyond 2015 are premature. Bearing in mind the processes associated with the LDP there is adequate provision in place to ensure such matters will be considered in future reviews.
- 4.89.14. PPW states that green barriers should be reviewed as part of the UDP process. The Council's review has resulted in the identification of green barriers which

are intended to survive beyond the plan period. This will introduce a degree of permanence. However, it is acknowledged that LDP preparation will inevitably bring about some changes, and the areas where it is considered there may be potential for further development have not been included in the green barrier. This does not mean that land within the green barrier will automatically be precluded from development. Much will depend on the circumstances which prevail when the review takes place. In the light of these factors I am satisfied the processes involved would enable account to be taken of any changes and I do not consider that the green barrier should be drawn back at this stage because the land may be required to be developed after the lifetime of the UDP.

4.89.15. The objector points out the green barrier has been drawn back in the Northop Road area of Flint. In that case the Council does not discount the possibility that the area may be considered appropriate for development in the future. Such is not the case at *Watersmeet* where at present the possibility of development in the future is more remote. In my conclusions on the Northop Road situation at GEN5:5 above, I conclude the function of the green barrier is not weakened by drawing it back. In the case of *Watersmeet* the land is a significant and important part of the green barrier. Furthermore, because of its scale and location, the implications of developing it are of sub regional significance. Given the implications of releasing land for development in this part of Flintshire I do not consider it should be done in an arbitrary way in response to a UDP objection. It is a matter which requires cross border co-operation. The existing SRSS 2006-2021 makes no mention of any longer term development requirements in the locality of the objection site. There are therefore material differences between the two situations.

Recommendations:

4.89.16. I recommend the plan be modified by:-

- i) the inclusion of land to the east of the A494 at Drome Corner within the green barrier
- ii) the inclusion of the Daleside Garden Centre on Gladstone Way within the green barrier
- iii) PC58.

4.90. GEN5:17 Buckley - Little Mountain – Dobshill - Drury - Hawarden - Ewloe

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3112	Flintshire Green Party	DEP	O	Yes
307	374	Carter	DEP	S	No
477	787	Hawarden Estate	DEP	O	No
477	800	Hawarden Estate	DEP	O	No
1119	1490	Anwyl Construction Company Limited	DEP	O	No
1147	1589	Scarfo & Son	DEP	O	No
1240	1706	Elson	DEP	S	No
1241	1708	Williams	DEP	S	No
2106	4418	Countryside Council For Wales	DEP	O	No

2106	4420	Countryside Council For Wales	DEP	O	No
2299	4699	Mills	DEP	O	No
2324	4795	Povey	DEP	O	No
2397	5134	North Wales Estate and Development Co	DEP	O	No
2400	5162	Northern Regional Properties	DEP	O	No
2413	17620	Storarr	DEP	O	No
2615	5999	Castlemead Homes Ltd	DEP	O	No
2615	6002	Castlemead Homes Ltd	DEP	O	No
2678	6271	North East Wales Wildlife	DEP	O	No
2750	6574	Clwyd Badger Group	DEP	O	No
3566	9098	Sampson	DEP	O	No
3695	9476	Davies	DEP	O	No
3923	17644	Williams	DEP	O	No
4048	10426	Day	DEP	O	No
4698	17795	Hinds	DEP	O	No
5465	14002	Atherton	DEP	S	No
59	17908	Envirowatch	PC	S	No
2106	18430	Countryside Council For Wales	PC	S	No
2472	17929	Thompson	PC	O	No
4110	18298	Peers	PC	O	No

Summary of Objections:

Rep No	Summary
787	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 783
800	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 795
1490	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 1514
4669	This objection is dealt with in Chapter 11 HSG1 - Hawarden with 4701
17620	Delete from green barrier and include land south of Groomsdale Lane within the settlement
4795	Including The Bannel Golf Driving Range within the green barrier will compromise its future
1589	Land opposite the Old Bridge Inn, Padeswood – nature of objection not specified
17644	This objection is dealt with in Chapter 11 HSG1 - Dobshill with 10085
9098 17795	These objections are dealt with in Chapter 11 HSG1 - Buckley and at GEN2 with 9099 and 9096
9476	Delete green barrier and include land in settlement for housing development
6002	This objection is dealt with in Chapter 11 HSG1 - Buckley with 6001
5162 5999	These objections are dealt with in Chapter 11 HSG1 - Buckley with 5161 and 5998
9476	This objection is dealt with in Chapter 11 HSG1 - Buckley with 9471
3112	Objects to exclusion of white land to north and east of Buckley from green barrier
5134 6271	Land between Mynydd Isa and Buckley/Alltami plays an important strategic role in separating communities and preventing coalescence. Including it in the green barrier would also assist urban regeneration. It is under significant development pressure. The UDP gives a higher degree of permanence to green barriers than PPW
10426	More land should be included in the green barriers to prevent coalescence between Mynydd Isa and Buckley (Argoed playing fields, Pren Farm), between Buckley and Ewloe (Standard landfill to A55), between Buckley and Burntwood/Drury (Knowle Hill)
6574	General concern about low number and size of green space and green barrier designations eg centred around SJ267-643
4418 4420	Criteria a and b in para 4.17 do not appear to be adhered to. Buckley, Mynydd Isa, Ewloe, Drury and Burntwood appear to be in danger of coalescing. All white land outside the boundaries should be green barrier. It would protect great crested newts and their habitats
17929	PC56 is not necessary to prevent the merging of Buckley and Drury. There is already inter-visibility between the 2 settlements and the redevelopment of the brickworks site and the SSSI will prevent physical coalescence. Area does not serve purposes of green barrier and designation would remove flexibility for LDP preparation
18298	Support PC56 but draw back green barrier next to Mornington Crescent to allow development close to centre of village/facilities. PC33 makes a narrow gap between Buckley and Drury. Previous inspector only dealt with employment. Gap will be narrowed by EM1.6

Key Issue:

4.90.1. Whether the green barrier boundary should be amended.

Conclusions:

- 4.90.2. 1589 – This site is not within a proposed green barrier and I can comment no further on the matter.
- 4.90.3. Background – The Council has taken a hybrid approach to green barriers in recognition of local circumstances which I accept is not strictly in accord with PPW (2.6.1). The designations in previous plans have been thoroughly scrutinised and this has resulted in their reduction so that new designations are consistent and in line with the objectives of PPW. However, it is the intention to review them again as part of the preparation of the LDP. And given my reservations about aspects of the spatial strategy/settlement definition, I support this further review.
- 4.90.4. That being said, in order to introduce a degree of permanence to the identified green barriers and ensure that they will not fundamentally change again; and in the knowledge that the LDP preparation will inevitably bring about some changes, the areas where it is considered there may be potential for further development have not been included within the green barrier. I consider this is a sensible approach which will ensure a level of consistency with future plans. However, the lack of protection for some land should not be seen as in any way sanctioning development in those areas. That is a matter which must be fully explored as part of the LDP.
- 4.90.5. Green barriers have been designated in areas where there is significant development pressure and where standard countryside policies are not considered robust enough to protect the countryside/open land. There is a green barrier to the south and east of Buckley/Drury and Burntwood. The inspector at the Alyn & Deeside Local Plan inquiry supported the green barrier in this location which in his view prevented coalescence between settlements and/or the encroachment of development into the rural areas. From the information I have seen, in principle, I see no reason to differ from that view. The number of objection sites put forward for development in this area indicates the level of pressure.
- 4.90.6. It is in the context of the above paragraphs that my comments below should be read.
- Green barrier generally
- 4.90.7. 4418, 4420 - Whilst green barriers can maintain landscape and wildlife interest such matters are not material factors in determining whether land should be included within them. PPW (2.6.11) makes it clear that green barriers should only be established where other policies cannot provide the necessary protection to keep land open. The extensive SSSI and SAC areas are in my view sufficiently protected by legislation and UDP policies. I do not consider green barrier designation is necessary as well to either prevent the coalescence of settlements or manage the urban form. I now turn to the specific sites.
- Land to the south of Hawarden
- 4.90.8. 17620 – The area between the southern side of Hawarden; the A55 to the south; Ewloe to the west and the A556 to the east has an open landscape.

Whilst some of the area that is the subject of this objection has been developed it still retains a generally open character that has more in common with the adjacent countryside than the urban area of Hawarden. Removing this area from the green barrier would weaken its function of safeguarding the countryside from encroachment.

Land to the north and east of Buckley

- 4.90.9. 3112 – I am told the objection has been conditionally withdrawn. I make no further comment on it, although I note there are outstanding objections to the same areas which I consider below.
- 4.90.10. 10426 – The northern settlement boundary of Buckley follows Globe Way and where there is undeveloped land within this locality it is, in the main, afforded protection by L3. Similarly outside the settlement boundary there is an extensive area of land which is designated as a SSSI/SAC and afforded protection by legislation and UDP policies. The Council says that there is no particular pressure to develop this land and this is confirmed by a lack of objection sites in the locality. In these circumstances I do not believe the extension of the green barrier is justified.
- 4.90.11. The land between Drury and Buckley essentially has 3 elements. The former brickworks site on which there is an extant planning permission and where in recognition of this I support its inclusion within the settlement boundary; the SAC/SSSI where robust policies which seek to safeguard nature conservation interests will prevent most development; and open fields to the west of Drury New Road which I deal with below in relation to PC56 and conclude it should not be included within the green barrier. These factors together illustrate why I do not consider the green barrier should be extended to include this objection site.

Land between Mynydd Isa and Buckley

- 4.90.12. 6574 – I am not sure I understand the totality of this objection for which no reasons are given. However, I deal with the land excluded from both the green barrier and the settlement in between Buckley and Mynydd Isa in response to 5134 below.
- 4.90.13. 5134, 6271, 10426 – It cannot be disputed that designation of this land would prevent the coalescence of settlements and in restricting development assist urban regeneration. However, the land was not designated as green barrier in previous plans and in the longer term, development potential of the site has not been discounted by the Council. It could possibly be a strategic option for future growth. As such leaving the site subject to countryside, wildlife, landscape policies and the like would be consistent with the objectives of PPW (2.6.13) which requires Councils to ensure that a sufficient range of suitably located development land is available.
- 4.90.14. I note with regard to a green barrier designation to the north of Bryn Road between Mynydd Isa, Buckley and Alltami that, firstly given the characteristics and size of Alltami, there are unlikely to be levels of growth which would result in coalescence; and secondly constraints such as common land and the SAC would also restrict development.

Land to the south of Buckley

- 4.90.15. The green barrier along the southern edge of Buckley protects the open countryside which rises up from the A5118. The A road forms its southern boundary.
- 4.90.16. 4795 – The driving range lies within a rectangular parcel of land surrounded on 3 sides by Bannel Lane, the A5118 and the link lane between the 2, whilst on the fourth is the Wrexham-Bidston railway. It is close to both Penymynydd and the southern tip of the settlement boundary around Little Mountain. It is essentially open in nature and forms an integral part of the countryside. To exclude it from the green barrier would result in an illogical boundary which apart from existing built up areas follows the A5118. The objector does not say how GEN5 would compromise future development. However, I note that under GEN5 essential facilities for outdoor sport and recreation would be permitted if they did not contribute to coalescence or harm the open character/appearance of the protected area.
- 4.90.17. 17929, 18298 - PC56 extends the green barrier up to the settlement boundary along the southern edge of Drury and the northern edge of the SAC. The reason given for this proposed change is to prevent the coalescence of and protect the open gap between the two settlements in the light of significant development pressure. However, whilst there is no need to extend the settlement boundary to accommodate growth within the plan period, it seems to me that if due regard is paid to constraints, particularly nature conservation interests, the locality could potentially accommodate growth in the longer term. It is a sustainable location. I agree with 17929 that, because of the SAC and former brickworks development, an effective gap could still be maintained between settlements. To preclude the site before a review of strategy takes place as part of the LDP would to my mind unnecessarily limit the options for future growth.
- 4.90.18. These conclusions should be read in conjunction with those to HSG1 - Drury and Burntwood.

Recommendation:

- 4.90.19. I recommend no modification to the plan.

4.91. GEN5:18 Hope - Caergwrle

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1042	1374	Murray	DEP	O	No
1339	1861	Williams	DEP	O	No
1367	2044	Green	DEP	S	No
1459	2020	Burt	DEP	S	No
2615	5974	Castlemead Homes Ltd	DEP	O	No
2615	5991	Castlemead Homes Ltd	DEP	O	No
3801	9766	Parsonage	DEP	O	No
5742	14363	Roberts	DEP	S	No
5745	14369	Hope Community Council	DEP	S	No
5750	14383	Griffiths	DEP	S	No

Summary of Objections:

Rep No	Summary
1374	Remove land off Bryn Alyn, Fagl Lane from the green barrier; land is suitable for housing
1861	Remove land at Alyn Fields from the green barrier
5974	Delete the land south of Fagl Lane (cemetery and associated land) from the green barrier
5991	Delete land off Fellows Lane from the green barrier
9766	Wildlife corridor south of Caergwrle Castle should be protected as a green barrier to minimise merging of Caergwrle and Abermorddu

Key Issue:

4.91.1. Whether the sites should be removed from, or added to, the green barrier.

Conclusions:

- 4.91.2. Topic Paper 3 indicates the functions of this green barrier are to protect the open character of the Alyn valley and prevent the coalescence of Hope and Caergwrle.
- 4.91.3. 1374, 1861 – These relate to the same area of land. This field forms part of a larger open area of generally undeveloped land. The removal of it from the green barrier would undermine the functions I refer to above. I note that 1374 refers to the potential for housing development. This further reinforces the need for this green barrier. My conclusions about the settlement boundary to found in GEN2 - Hope, Caergwrle, Abermorddu & Cefn y Bedd above are also relevant.
- 4.91.4. 5974 – The field and cemetery are part of a larger area of open countryside. 5991 is rural in character and forms part of the attractive rural edge to this part of the settlement. The removal of these areas from the green barrier would undermine the functions I refer to above.
- 4.91.5. 9766 – The plan indicates that green barriers have not been designated where other policies would be sufficient to prevent a settlement's expansion. In this case the land is outside the settlement boundary and development proposals would be subject to the policies that apply to open countryside. Furthermore, the land is identified as an area of historic and nature conservation importance and would be subject to other policies including HE6 and WB4. Whilst I do not doubt the area forms part of a wildlife corridor that is not one of the functions of a green barrier. For these reasons I conclude it would not be appropriate to designate this area as green barrier.

Recommendation:

4.91.6. I recommend no modification to the plan.

4.92. GEN5: Land to east of Bryn Teg, Cymau**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1342	1867	Jefferies	DEP	O	No

Summary of Objections:

Rep No	Summary
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1867	Objecting to a site east of Bryn Teg being within a green barrier
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Key Issue:

4.92.1. Whether the site is within a green barrier.

Conclusions:

4.92.2. The site is not within a green barrier and GEN5 does not apply to this land. My conclusions in GEN2 – Cymau above are also relevant to this site.

Recommendation:

4.92.3. I recommend no modification to the plan.

4.93. GEN5: Land to east/south of the Poplars, Ewloe**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2295	4650	Bowey Homes Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
4650	This objection is dealt with in Chapter 11 HSG1 - Ewloe with 4646

4.94. GEN5: White land in Ewloe**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3147	Flintshire Green Party	DEP	O	No

Summary of Objections:

Rep No	Summary
3147	The site should be included within the green barrier

Key Issue:

4.94.1. Whether the site should be included in the green barrier.

Conclusions:

4.94.2. This green barrier seeks to protect the countryside from further encroachment. The objection site is a school playing field adjacent to built development. Due to its setting it forms part of the urban landscape rather than the countryside. I do not consider the site satisfies the criteria for inclusion within the green barrier.

Recommendation:

4.94.3. I recommend no modification to the plan

4.95. GEN5: Land to West of Greenfield

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1552	2196	Ward	DEP	O	No

Summary of Objection:

Rep No	Summary
2196	Designate a green barrier to the west of Greenfield. It would prevent encroachment into the countryside and loss of natural habitat

Key Issue:

4.95.1. Whether there should be a green barrier to the west of Greenfield.

Conclusions:

4.95.2. Essentially the additional protection afforded by green barrier designation over and above that inherent in GEN3, is that it seeks to prevent, otherwise acceptable development, if it would contribute to the coalescence of settlements or unacceptably harm the open character of the green barrier. Whilst a green barrier in the location proposed would undoubtedly safeguard the countryside from encroachment, it is accepted by both the Council and objector it is not necessary to prevent towns merging. Neither does there appear to be any argument put forward that suggests the need to safeguard the openness of the area over and above the protection already provided by the robust UDP countryside policies. The main reason for requiring designation under GEN5 seems to be the protection of nature conservation interests. However, such interests are already protected by GEN3 and policies in Chapter 8. A GEN5 designation would not add to that. As a consequence it follows I do not consider a change is justified.

4.95.3. A similar objection is considered at GEN5:9 above

Recommendation:

4.95.4. I recommend no modification to the plan.

4.96. GEN5: White land in Holywell

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3181	Flintshire Green Party	DEP	O	No

Summary of Objections:

Rep No	Summary
3181	Designate 2 sites outside the settlement boundary as green barrier

Key Issue:

4.96.1. Whether the sites should be included in the green barrier.

Conclusions:

- 4.96.2. The Council has taken a hybrid approach to green barriers in the recognition of local circumstances which I accept is not strictly in accord with PPW (2.6.1). The designations in previous plans have been thoroughly scrutinised and this has resulted in their reduction so that new designations are consistent and in line with the objectives of PPW. However, it is the intention to review them again as part of the preparation of the LDP. And given my reservations about aspects of the spatial strategy/settlement definition, I support this further review.
- 4.96.3. That being said, in order to introduce a degree of permanence to the identified green barriers and ensure that they will not fundamentally change again; and in the knowledge that the LDP preparation will inevitably bring about some change, the areas where it is considered there may be potential for further development or where land does not contribute to their strategic nature, has not been included within the green barrier, such is the case with the objection sites which lie to the west of the settlement by Holway Court and to the east by Long Chase Farm next to Sundawn Avenue/Pen-y-Maes Gardens. I consider this is a sensible approach which will ensure a level of consistency with future plans. However, the lack of protection for the land should not be seen as in any way sanctioning development these areas. It will depend on the circumstances prevalent when the review takes place.
- 4.96.4. I have been given no details about the development potential of the eastern site. However, it is surrounded on 3 sides by the built up area and if it were free from constraints and if there was a need to identify greenfield extensions to Holywell, development on it would potentially round off the settlement. Given the Council's intention to review the development potential of the western site and my view that the development potential of the eastern site should also be reviewed, it follows I do not consider they should be included in the green barrier. In the interim, until the LDP is produced, I consider sufficient protection will be given to the land by other UDP policies.

Recommendation:

- 4.96.5. I recommend no modification to the plan.

4.97. GEN5: Penyffordd & Penymynydd**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
112	143	Hewitt	DEP	O	No

Summary of Objections:

Rep No	Summary
143	Plan does not include a green belt for Penyffordd & Penymynydd

Key Issue:

- 4.97.1. Whether a green belt/green barrier should be designated.

Conclusions:

- 4.97.2. The plan does not allocate green belts but designates green barriers instead. For the reasons given in GEN5 above I accept the Council's arguments in favour of this approach.
- 4.97.3. Only land that is strictly necessary to fulfil a green barrier function should be so designated. The objection does not put forward any reasons for a designation. Topic Paper 3 indicates why the green barrier between Buckley and Penyffordd & Penymynydd designated in the Alyn & Deeside Local Plan was reduced. I accept these reasons and do not support the objection.

Recommendation:

- 4.97.4. I recommend no modification to the plan.

4.98. GEN6 Environmental Assessment**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1712	3021	The Crown Estate	DEP	S	No
2106	4421	Countryside Council for Wales	DEP	O	No
2239	4210	Clayton	DEP	S	No
2350	4931	Welsh Assembly Government	DEP	O	Yes
2350	4947	Welsh Assembly Government	DEP	O	Yes
2616	6044	J S Bloor (Services) Ltd	DEP	O	No

Summary of Objections:

Rep No.	Summary
4421	Should refer to appropriate assessment under the Habitats Etc Regulations
4931	Para 4.21 should refer to <i>significant</i> environmental effects
4947	Para 4.22 should refer to likely significant effects of types of development
6044	Policy is not necessary as EIA is controlled by different legislation

Key Issues:

- 4.98.1. Whether:-
- i) the policy should be deleted or changed
 - ii) paras 4.21 and 4.22 should be altered.

Conclusions:

- 4.98.2. The policy - The Council accepts that criterion a of GEN6 refers to development proposals which, irrespective of the policy, will require the submission of an environmental statement under other legislation. It is therefore unnecessary to repeat that requirement in a UDP policy. It will happen in any event. I reach the same conclusion for similar reasons with regard to development which would require appropriate assessment under the Conservation (Natural Habitats etc) Regulations 1994. It is an unnecessary repetition.
- 4.98.3. However, criterion b deals with other occasions where development could have significant impacts which are not covered by legislation. It is appropriate and in my view necessary for such a policy to ensure that satisfactory assessment of

the potential environmental impacts of development can be made. I therefore support its retention in the plan.

- 4.98.4. Paras 4.21 and 4.22 - PC61 and FPC599 which amend paras 4.21 and 4.22 in the ways suggested by the objector more accurately reflect the terminology to be found in the Town and Country Planning (Environmental Impact Assessment) Regulations and Welsh Office Circular 11/99. It is therefore appropriate that these changes be included in the plan.
- 4.98.5. I have considered, because of the changes I propose to the policy, whether it would be appropriate to refer specifically to the Conservation (Natural Habitats etc) Regulations 1994. However, these regulations are concerned only with the effects on a European site of nature conservation importance. They do not relate to the wider environmental effects covered by GEN6. They are in any event dealt with in WB2 and I see no benefit in repeating the information in Chapter 4.

Recommendations:

- 4.98.6. I recommend that the plan be modified by:-
- deleting the wording of GEN6 and its replacement with *Development proposals that are likely to have a significant impact on the environment and do not require formal assessment under other legislation must be accompanied by suitable supporting environmental impact information*
 - PC61 and FPC599.

4.99. GEN7 Welsh Language and Culture

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2235	4161	Welsh Language Board	DEP	O	No
2239	4211	Clayton	DEP	O	No
2350	4951	Welsh Assembly Government	DEP	O	Yes
2411	5238	Home Builders Federation	DEP	O	No
4110	18299	Peers	PC	O	No

Summary of Objections:

Rep No	Summary
4161	The linguistic situation should be based on the 2001 Census
4211	Concerned about the possibility of discrimination and the effects on human rights
4951	Need to consider how demonstrable harm will be assessed
5238	The areas to which this policy will apply should be identified
18299	Should define what is meant by local people in amended para 4.24

Key Issues:

- 4.99.1. Whether:-
- the 2001 Census data should be used
 - the policy is discriminatory and would affect human rights
 - the policy is clear and precise.

Conclusions:

- 4.99.2. The Council acknowledges that the figures in para 4.25 should reflect the results in the 2001 Census (PC62). I support the use of the most recently available data. The reference to *local people* in the amended text is ambiguous. For reasons of clarity the text should be amended to refer to the population of Flintshire.
- 4.99.3. The policy is in accordance with PPW. 4211 has provided no details to substantiate the assertions made and as a consequence it is difficult to comment further.
- 4.99.4. The supporting text indicates that the Welsh language is more prevalent in the rural areas. I do not consider identifying the areas in greater detail is appropriate or necessary. The linguistic characteristic of an area is a fluid situation and it would not be appropriate to seek such a level of precision.

Recommendations:

- 4.99.5. I recommend the plan be modified by deleting para 4.24 and replacing it with :
The Welsh language is part of the social and cultural fabric of Wales. At the time of the 2001 Census some 21.4% of the population of Flintshire possessed at least one Welsh language skill compared with a Welsh average of 28.4% and a North Wales average of 40%. However, the language is more prevalent in certain parts of the County and the impact that development can potentially have on communities must therefore be taken into account in the UDP.
-

5. Design

In addressing objections to this chapter I note that since the production of the deposit draft plan, national policy/guidance on design has increasingly recognised that design is a fundamental component of sustainable development and that to create sustainable development, design must go beyond aesthetics and include social, environmental and economic aspects of a development, including its construction, operation and management as well as its relationship with its surroundings. At the time of writing this report national policy is being reviewed with legislation on design statements, the issuing of a revised TAN12 and the consolidation of the MIPPS into a new PPW. The timing of this work is likely to overlap with the production of the report and my conclusions below will need to be read in the light of new national policy and guidance should it become available at or before the modification stage.

5.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1713	17554	Tarmac Central Ltd	DEP	O	No
3543	9021	Chester City Council	DEP	S	No

Summary of Objection:

Rep No.	Summary
17554	Should say not related to minerals development

Key Issue:

- 5.1.1. Whether minerals development should be explicitly excluded from design considerations.

Conclusions:

- 5.1.2. MIPPS 01/2008 revises para 2.9 of PPW. It says that design is the relationship between all elements of the natural and built environment (2.9.1) and that meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals (2.9.2). It sets out no exception for particular types of development and if the UDP were to exclude minerals development it would be contrary to national guidance. The objector has put forward no reasons why minerals development should be exempted and given the above factors I do not consider the change should be included in the plan.

Recommendation:

- 5.1.3. I recommend no modification to the plan

5.2. Relevant Strategic Aims

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2420	5319	RSPB Cymru	DEP	O	No
2106	4423	Countryside Council for Wales	DEP	O	No

Summary of Objections:

Rep No.	Summary
5319	<i>Large and sensitive</i> in IPP6 should be defined
4423	Amend IPP6 to % applications on large and sensitive sites that have design statements approved

Key Issue:

5.2.1. Whether IPP6 requires definition or amendment.

Conclusions:

- 5.2.2. IPP6 is the percentage of applications on large/sensitive sites that submit a design statement. There is no definition of what is meant by *large/sensitive* and this means there is a lack of clarity which could lead to inconsistencies. In the normal course of events I would recommend that to assist users of the plan this omission should be addressed at the modification stage either by way of explanation in the glossary of terms or in the body of the text in Chapter 5. However, circumstances are likely to change with design statements for certain if not all developments becoming mandatory nationally. It is conceivable that the IPP could be at odds with legislative requirements, if the IPP were to be retained in its present form.
- 5.2.3. That being said it would be sensible to have some kind of monitoring of good design and PPW (MIPPS 01/2008) makes it clear that good design should apply to all development. It is after all a fundamental component of sustainable development. I believe the way this could be done is to change the IPP to read *% of applications that have design statements approved*.

Recommendation:

- 5.2.4. I recommend IPP6 be deleted and replaced with *% of applications that have design statements approved*.

5.3. Policy objectives

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4422	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No.	Summary
4422	Policy objective b should include <i>landscape identity and distinctiveness</i>

Key Issue:

5.3.1. Whether the change should be made to the objective.

Conclusions:

5.3.2. In a plan which is meant to be read as a whole, I agree with the Council that the inclusion of the additional wording in the objective would be an unnecessary duplication of objective c in the Landscape Chapter and objective a in the Historic Environment Chapter.

Recommendation:

5.3.3. I recommend no modification to the plan.

5.4. Targets**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4424	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No.	Summary
4424	The plan's commitment to design should be supported through targets and goals. Para 5.8 should be cross referenced to GEN6 and refer to EWP2

Key Issues:

5.4.1. Whether:-

- i) design targets are required
- ii) para 5.8 should be cross referenced with GEN6 and EWP2.

Conclusions:

- 5.4.2. Targets - The objector does not say what targets would strengthen the plan. The Council does not consider any are necessary. It is difficult in these circumstances to reach any meaningful conclusion on the objection. In brief, my view is that, irrespective of what targets are set, it is the robustness and application of the policies which will achieve good design.
- 5.4.3. Cross reference - As recommended to be modified GEN6 is a policy which sets out when environmental assessment will be required. Para 5.8 deals with development briefs which are a different matter. I see no reason for them to be cross referenced. I do though support PC65 which proposes a change to para 5.8 and makes the Council's position clearer in relation to development briefs.
- 5.4.4. Given the interrelationship of good design and sustainability I consider para 5.8 should state explicitly that planning and development briefs will be used to outline sustainable design requirements. This would be in line with PPW (MIPPS 01/2008).
- 5.4.5. PC69 inserts EWP2 Energy Efficiency in New Development under the heading *Other key policies* following D2. As energy efficiency is an integral component of good design, I support this cross reference.

Recommendations:

5.4.6. I recommend that the plan be modified by:-

- i) PCs65 and 69
- ii) adding at the end of para 5.8 *development briefs will be used to outline sustainable design requirements.*

5.5. Paragraph 5.2

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2420	5326	RSPB Cymru	DEP	O	No

Summary of Objection:

Rep No.	Summary
5326	Insert new bullet point in para 5.2 - <i>the degree to which good design can contribute to the amelioration of local and global environmental problems, e.g. global climate change</i>

Key Issue:

5.5.1. Whether there should be a new bullet point in para 5.2.

Conclusions:

5.5.2. I agree with the objector insofar as it is important that design addresses climate change through energy efficient design and the like. However, para 5.2 merely recites para 2.1 of TAN12 which defines design. It does not make any value judgement about what constitutes good design. It is not therefore appropriate for the further bullet point suggested by the objector to be added to para 5.2.

Recommendation:

5.5.3. I recommend no modification to the plan.

5.6. Policy D1 Design Quality

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3394	Flintshire Green Party	DEP	S	No
2239	4212	Clayton	DEP	S	No
2350	4956	Welsh Assembly Government	DEP	O	Yes
2411	5239	Home Builders Federation	DEP	O	No
2420	5409	RSPB Cymru	DEP	O	Yes
2615	5948	Castlemead Homes Ltd	DEP	O	No
2616	6045	J S Bloor (Services) Ltd	DEP	O	No
3206	7953	Environment Agency Wales	DEP	O	Yes
59	18036	Envirowatch	PC	S	No
59	18038	Envirowatch	PC	S	No

Summary of Objections:

Rep No.	Summary
4956	Delete <i>to the satisfaction of the County Council</i> from the policy
5239	Policy is too vague/subjective. Delete and add criterion to D2 requiring design statements
5409	Plan should specify quantifiable criteria to assess the need for a development brief
5948	May be occasions when economic constraints limit the scope of design flexibility
6045	Policy is too vague/subjective. Delete
7953	Policy should demonstrate how natural features will be incorporated into design

Key Issues:

5.6.1. Whether:-

- i) the policy should be deleted or modified
- ii) the need for a development brief should be quantified
- iii) viability should be a consideration in achieving good design.

Conclusions:

- 5.6.2. Policy changes - PC63 requires, what is in effect, a design statement. In principle I support explanation/justification as part of a planning application as design is an intrinsic component of sustainability and should address things such as energy efficiency, use of resources and the like. As I have said earlier it is likely that design statements are likely to become mandatory. At the time of writing this report it is not however, clear to what type and scale of development they will relate or the extent of material that should be included in them. It is therefore necessary for the objectives of D1 to be incorporated into the plan.
- 5.6.3. That being said I consider as written D1 is largely repetitious of D2 and adds little of value to the plan. Without PC63 it requires in a general way the best possible standards of design and with PC63, apart from design statements, it sets out matters which are in any event largely subject to criteria in D2. The 2 policies should be amalgamated under the heading *Design Quality, Location and Layout*, with a preliminary sentence to read *All development must incorporate good standards of design* and a new criterion to read *it is accompanied by design information commensurate with the scale and type of development proposed*. In this way the policy will contain sufficient detail to guide development, but will avoid excessive detail which can be left to SPG. The explanatory text of D1 can be incorporated under the new D2.
- 5.6.4. I note here that D2c, D3b and D4 as proposed for amendment by PC74 contain criteria relating to the natural environment.
- 5.6.5. I do not agree with the objector that outline applications should be excluded from the need to produce design information. TAN12 makes it very clear (3.4) that early consideration of design issues is essential and central to good planning. This is consistent with establishing, as part of an outline application, broad design principles which can be incorporated into later more detailed plans.
- 5.6.6. Development brief - I accept the need for a development brief should be qualified, but agree with the Council that it would be difficult to do this in a quantifiable way as matters such as the sensitivity of the surroundings can affect the impact even a relatively small development can have. It seems to me that the policy is clearer by the incorporation of PC65 in para 5.8 which refers

to major and significant sites and environmental impact. I support this addition to the plan.

- 5.6.7. **Viability** - The thrust of national policy is that all development should be of a good standard and UDP policies should reflect this. Whilst viability is a consideration in any form of building, the objector is relating standard of design directly to cost. Good design should be achievable on a scheme whatever its cost. It follows I do not support the suggested change to the plan.
- 5.6.8. The Council proposes PC64 which adds explanatory text to para 5.4. However, it seems to me that it is repetitious of other parts of the chapter and adds nothing useful. I see no good reason for its addition.

Recommendations:

- 5.6.9. I recommend the plan be modified by:-
- the deletion of D1
 - D2 to be renamed *Design Quality, Location and Layout* and the insertion of *All development must incorporate good standards of design* at the beginning of the policy
 - where appropriate incorporating the explanatory text/other key policies of D1 under the new D2
 - a new criterion to read *it is accompanied by design information commensurate with the scale and type of development proposed*
 - PC65.

5.7. Policy D2 Location and Layout

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3395	Flintshire Green Party	DEP	S	No
2043	3722	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4425	Countryside Council For Wales	DEP	O	No
2239	4213	Clayton	DEP	S	No
2420	5417	RSPB Cymru	DEP	O	Yes
2616	6046	J S Bloor (Services) Ltd	DEP	O	No
59	18039	Envirowatch	PC	S	No

Summary of Objections:

Rep No.	Summary
3722	Criteria should make reference to the historic environment
4425	Should be cross reference & mention of sequential approach to sites (PPW 2.5). Para 5.13 should recognise best practice in terms of sustainability
5417	Delete <i>setting</i> in criterion b. Insert criterion for renewable energy/solar heating. Low densities in the countryside will not make the best use of land
6064	The policy is too vague/subjective

Key Issues:

- 5.7.1. Whether:-
- changes and/or additions should be made to the policy
 - any changes are needed to paras 5.12 and 5.13.

Conclusions:

- 5.7.2. My conclusions and recommendations to D1 above are in addition to those below in respect of D2.
- 5.7.3. Policy changes - The plan should be read as a whole. Chapter 9 contains policies for the protection of the historic environment. It is not necessary for such matters to be specifically mentioned in D2. It would be unnecessary duplication. The matter is in any event mentioned in para 5.9.
- 5.7.4. Good design needs to consider the impact of climate change. As written I do not consider the design chapter fully recognises this or the thrust of recent national policy. Its roots are more grounded in the traditional view of aesthetic and visual impacts rather than the sustainability of good design and its contribution to reducing irreversible environmental impacts.
- 5.7.5. However, that being said there is within the plan recognition that climate change/energy efficiency have a vital role to play in guiding all new development for example EWP2 and EWP3 (as changed by PC528 and FPC637). Because of this I consider it would serve little purpose for the whole chapter to be rewritten. It would prolong its gestation period. Nevertheless I would expect the matter to be rectified as part of the production of the LDP. In the meantime it would assist users of the plan if a short paragraph was included in the chapter to reflect national policy and indicate that good design needs to consider the impact of climate change. In the light of the above comments it would be compatible with EWP2 and EWP3 and assist users of the plan if there was a specific criterion in D2 related to energy efficiency and climate change.
- 5.7.6. To improve clarity I do however, support PC69 which includes cross reference to EWP2 under *Other key policies*.
- 5.7.7. D2 is one of detail. It sets out criteria for the assessment of individual proposals whatever the location, be it sensitive or not. It is the strategic policies in Part 1 and specific use type policies in Part 2 which set out the search sequence for different types of development in line with para 2.5 of PPW. I see no reason for them to be repeated in or cross referenced to this design focussed policy. It would add unnecessary bulk to the plan.
- 5.7.8. The criteria within the policy - as amended by PCs66, 67 and 68 – set out cogently the matters which will be addressed in considering development. I do not find them, as asserted by the objector, to be too vague. As the policy relates to all development there needs to be flexibility about density and the like. The criteria cannot be too prescriptive and it is inevitable that consideration of the criteria will be subjective, but that subjectivity will be based in a framework set by other policies in the plan.
- 5.7.9. In respect of criterion b - it is appropriate to take account of the setting of development in considering the density of development. On its own it does not mean that densities would necessarily be low. Good design can successfully integrate high density schemes into low density areas. Different densities do not mean a development would be inappropriate in its setting.
- 5.7.10. Paras 5.12-5.13 - That being said I agree with the objector that in para 5.12 there is a tension between the desire to make the best use of land whilst promoting lower densities in the open countryside, if that is indeed what the paragraph means. Para 5.12 does not refer to low densities but lower intensity uses and I am not sure I understand what is meant by that. The paragraph is

unclear and could well be open to varying interpretations. It seems to me that if it is intended to relate solely to density then the paragraph should end after *bus stops*. This would bring the policy more in line with others in the plan such as HSG8 and its accompanying text.

- 5.7.11. Under the heading 5.13, the objector refers to seeking best practice in terms of sustainability. Firstly I am at a loss to know which policy is referred to and secondly there is no explanation of what is considered good practice. Para 5.13 refers to the use of indigenous construction techniques and materials, but I do not know in what context the objector considers the availability, suitability and sustainability of such materials should be investigated and clarified. As a consequence I can reach no meaningful conclusion on this objection.

Recommendations:

- 5.7.12. I recommend the plan be modified by:-

- i) PCs66, 67, 68 and 69
- ii) deleting *whilst lower intensity uses will be more appropriate in the open countryside* from the end of para 5.12
- iii) adding a new criterion f to read *maximises the efficient use of resources, minimises the use of non renewable resources and minimises the generation of waste and pollution*
- iv) adding a new paragraph to indicate that good design should consider the impact of climate change.

5.8. Policy D3 Building Design

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3396	Flintshire Green Party	DEP	S	No
2043	3723	Clwyd Powys Archaeological Trust	DEP	O	No
2239	4214	Clayton	DEP	S	No
2350	4959	Welsh Assembly Government	DEP	O	Yes
59	18040	Envirowatch	PC	S	No
59	18132	Envirowatch	PC	O	No

Summary of Objections:

Rep No.	Summary
18132	Objects to PC71 which changes <i>high</i> for <i>good</i>
3723	Should be explicit reference to the historic environment
4959	<i>High</i> should be replaced by <i>good</i> in criterion a to reflect TAN12

Key Issue:

- 5.8.1. Whether there should be changes to the criteria.

Conclusions:

- 5.8.2. The plan should be read as a whole. Chapter 9 contains policies for the protection of the historic environment. I do not consider it is necessary for such matters to be specifically mentioned in D3. It would be unnecessary duplication. The matter is in any event mentioned in para 5.9.

- 5.8.3. PC71 proposes the changes suggested by the objector which I support. It reflects the terminology in TAN12. I cannot envisage the situation where *good* could be taken to promote *poor* design. Individuals may disagree with a decision maker's idea of good when looking at a particular design, but that is a different matter.

Recommendation:

- 5.8.4. I recommend the plan be modified by PC71.

5.9. Policy D4 Landscaping

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3308	Flintshire Green Party	DEP	S	No
2043	3724	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4426	Countryside Council for Wales	DEP	O	No
2239	4215	Clayton	DEP	O	No
2350	4963	Welsh Assembly Government	DEP	O	No
59	18041	Envirowatch	PC	S	No
4110	18300	Peers	PC	O	No

Summary of Objections:

Rep No.	Summary
3724	Should be explicit reference to the historic environment
4215	<i>Landscaping</i> is omitted from criterion a
4426	Cross reference with other WB, L, TWH, HE and RE policies in the plan. In para 5.19 landscaping schemes should deliver actions in BAPs
4963	Implies permission will be given if landscaping is satisfactory. Para 5.20 should recognise the scope for biodiversity in restoration schemes and safeguard agricultural land
18300	Para 5.15 & PC75 - change <i>may</i> to <i>must</i> ; insert at end <i>unless deemed unnecessary depending on the site being developed</i>

Key Issue:

- 5.9.1. Whether there needs to be changes to the policy, criteria or accompanying text.

Conclusions:

- 5.9.2. PC74 deletes and replaces D4. It sets out clear criteria which will be taken into account in respect of landscape proposals which are submitted as part of a development. The implication that an acceptable landscape scheme equates to a satisfactory development is gone. I support its inclusion in the plan.
- 5.9.3. The plan should be read as a whole. Chapter 9 contains policies for the protection of the historic environment. I do not consider it is necessary for such matters to be specifically mentioned in D4 (as replaced). It would be unnecessary duplication. The matter is in any event mentioned in para 5.19. I reach similar conclusions in respect of 4426 as many of the matters contained in the policies are now to be found in D4's new criteria.
- 5.9.4. The Council also proposes a number of other changes to meet the objections. PCs75 & 76 and FPC600 relate landscape and restoration schemes to BAPs. They add clarity and consistency to the plan.

- 5.9.5. PC75 also refers to the submission of strategic landscape assessments and detailed site appraisals and sets out a number of factors that might require consideration. The list needs to be flexible because the relevant matters will be different depending on the details of a particular development. I do not find the terminology to be ambiguous and see no particular benefit in substituting the objector's alternative wording.

Recommendation:

- 5.9.6. I recommend that the plan be modified by PCs74, 75, 76 and FPC600.

5.10. Policy D5 Outdoor Lighting

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3310	Flintshire Green Party	DEP	O	No
1098	1455	Trelawnyd & Gwaenysgor C.C.	DEP	O	No
2106	4427	Countryside Council for Wales	DEP	S	No
2238	4184	Heesom	DEP	O	No
2239	4216	Clayton	DEP	S	No

Summary of Objections:

Rep No.	Summary
1455	All housing applications should have full cut off housings for street lighting
4184	Needs strong policy to limit light pollution
3310	Delete excessive from criterion c

Key Issue:

- 5.10.1. Whether the policy needs to be strengthened or changed.

Conclusions:

- 5.10.2. I agree with the Council that it is not practicable to prevent all glare from lighting. Much will depend on circumstances and people's perception. It is therefore appropriate that *glare* in criterion c should be qualified.
- 5.10.3. D5 as written seeks to minimise outdoor lighting and together with EWP12 prevent pollution from this potential source. The policies can be enforced by either refusing or imposing conditions on planning permissions. 4184 says that a strong policy is needed but suggests no alternative wording and/or policy. Together I consider EWP12 and D5 are robust enough to achieve their objectives.
- 5.10.4. 1455 does not say why the provision of full cut off housings for street lighting in new developments should be compulsory. What is suggested is a particular solution to a perceived problem. I have seen no evidence to justify why this should be necessary throughout the County or indeed any information which demonstrates that it is the best solution. Moreover I note that the policies from other local plans which accompany the objection do not prescribe a particular form of lighting. In content the policies are similar to D5. It follows from the above I do not consider any changes are needed to the policy or its justification.

Recommendation:

5.10.5. I recommend no modification to the plan.

5.11. Policy D7 Public Art**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3398	Flintshire Green Party	DEP	S	No
2238	17790	Heesom	DEP	O	No
2239	4218	Clayton	DEP	S	No

Summary of Objection:

Rep No	Summary
17790	Account should be taken of the County's emerging arts strategy

Key Issue:

5.11.1. Whether account is taken of the arts strategy.

Conclusions:

5.11.2. Para 5.27 makes reference to the arts strategy and ties it into the policy. The objector makes no suggestion about what other additions should be made to meet the objection. I do not believe the policy or its accompanying text needs to be changed.

Recommendation:

5.11.3. I recommend no modification to the plan.

5.12. Policy D8 Outdoor Advertisements**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3313	Flintshire Green Party	DEP	O	No
59	3399	Flintshire Green Party	DEP	S	No
2239	4219	Clayton	DEP	S	No

Summary of Objection:

Rep No.	Summary
3313	There should be a new criterion to prevent light pollution

Key Issue:

5.12.1. Whether there needs to be reference to light pollution.

Conclusions:

5.12.2. Para 5.29 already refers to illumination as one of the matters to be considered in assessing advert applications. Accepting the thrust of the objection, the Council suggests (PC79) that under *Other key policies*, following para 5.31 D5

and EWP12 should also be listed. This is a satisfactory way of ensuring users of the plan are aware of the concerns about potential light pollution with illuminated advertisements.

Recommendation:

5.12.3. I recommend the plan be modified by PC79.

6. Trees, Woodlands and Hedgerows

6.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4429	Countryside Council for Wales	DEP	O	No
2420	6027	RSPB Cymru	DEP	O	Yes

Summary of Objections:

Rep No.	Summary
4429	Targets/goals would stress commitment to enhancement of trees, woodland and hedgerows. Needs reference to reg 37 of Habitats etc Regulations 1994
6027	Ancient semi natural and planted ancient woodlands should have their own policy

Key Issues:

6.1.1. Whether:-

- i) there should be targets and goals
- ii) there needs to be an additional policy for ancient woodlands.

Conclusions:

- 6.1.2. Targets and goals - Although the chapter contains no targets it does contain a number of IPPs through which the effectiveness of the policies will be monitored. Moreover the Council says, and it is not disputed, that other documents such as the BAP and countryside strategy set targets. I see no reason why these should be duplicated in the UDP which is complementary to these other documents. It is difficult to comment further as the objector does not suggest any specific targets.
- 6.1.3. Whilst there is no specific mention of Reg 37 in Chapter 6, its requirements are met by the plan, in particular there are references in paras 8.3 and 8.13. There is no reason for additional references in a plan which is meant to be read as a whole. It would be unnecessary repetition.
- 6.1.4. Ancient woodlands - TWH2 safeguards woodlands whether ancient or not. They do not require a separate policy. However, PPW recognises the importance of ancient woodlands and it would be in line with national policy (5.2.8) for this to be recognised in the UDP. In its statement the Council proposes a new paragraph to read
- The Council will place particular importance on the protection of ancient semi-natural woodlands and planted ancient woodland sites as they are irreplaceable habitats of high biodiversity value.*
- 6.1.5. To complement this text the Council proposes PC80, a new IPP - 13A - to read *Loss of ancient/semi-natural woodlands to development*. Together these 2 changes give recognition to the special value of such woodland and propose a means of assessing the robustness of the policies. They are appropriate for inclusion in the plan. 6027 has been conditionally withdrawn.

Recommendations:

6.1.6. I recommend the plan be modified by:-

- i) PC80
- ii) inserting a new paragraph to read - *The Council will place particular importance on the protection of ancient semi-natural woodlands and planted ancient woodland sites as they are irreplaceable habitats of high biodiversity value.*

6.2. Relevant strategic aims**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4428	Countryside Council for Wales	DEP	O	No
2420	5421	RSPB Cymru	DEP	O	Yes
2420	6033	RSPB Cymru	DEP	O	Yes
59	18047	Envirowatch	PC	S	No

Summary of Objections:

Rep No.	Summary
4428	Targets/goals would stress commitment to enhancement of trees, woodland and hedgerows
5421	Loss of ancient woodland should be monitored
6033	Seeks new IPP seeking no loss of ancient woodland because it is irreplaceable

Key Issue:

6.2.1. Whether ancient woodland should be protected.

Conclusions:

- 6.2.2. My conclusions on 4428 and 5421 are generally the same as those above at paras 6.1 and I do not repeat them here.
- 6.2.3. In respect of 6033, despite the request for a new IPP, the RSPB appear to be seeking a new policy to prevent the loss of ancient woodland. I do not consider this to be necessary for the reasons also given at 6.1 above.

Recommendation:

6.2.4. I recommend no modification to the plan.

6.3. Policy TWH1 Tree and Woodland Protection**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3315	Flintshire Green Party	DEP	S	No
1712	3022	The Crown Estate	DEP	S	No
1885	3528	Ramblers Association Wales	DEP	S	No
2106	4430	Countryside Council For Wales	DEP	O	No
2239	4220	Clayton	DEP	S	No
2350	4968	Welsh Assembly Government	DEP	O	Yes
2411	5240	Home Builders Federation	DEP	O	No

2616	6047	J S Bloor (Services) Ltd	DEP	O	No
5118	13314	RMC Group Plc	DEP	O	No
5186	13418	The Parish of Holywell	DEP	O	No
59	18123	Envirowatch	PC	S	No

Summary of Objections:

Rep No.	Summary
4430	Policy needs a proactive approach to tree protection. <i>Pruning</i> in 6.5 needs to be amplified
4968	Policy contains only administrative arrangements and statements of intention
5240	Too long and duplicates TWH2
6047	Delete policy as covered by other legislation
13314	Reword policy to encourage cooperative approach to incorporate trees in new development
13418	Reword policy. It needs clarification about <i>inappropriate</i>

Key Issue:

6.3.1. Whether the policy should be reworded or deleted.

Conclusions:

6.3.2. The Council proposes the deletion of TWH1 and paras 6.5 and 6.6 by PC81. The first para of TWH1 sets out how trees are protected, the second and third explain why TPOs will be made. Similarly para 6.5 explains TPO applications and conservation area notifications whilst 6.6 refers to Forestry Commission powers. As written the policy and text serve little purpose and add negligible value to the plan. I support their deletion. There have been no objections to the proposed change. The proactive approach referred to by 4430 is, it seems to me, catered for by the other TWH policies.

Recommendation:

6.3.3. I recommend the plan be modified by PC81.

6.4. Policy TWH2 Development Affecting Trees and Woodlands**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1713	3051	Tarmac Central Ltd	DEP	O	No
2106	4431	Countryside Council for Wales	DEP	O	No
2411	5241	Home Builders Federation	DEP	O	No
5118	13317	RMC Group plc	DEP	O	No
59	18048	Envirowatch	PC	S	No
1712	3023	The Crown Estate	DEP	S	No
1885	3530	Ramblers Association Wales	DEP	S	No
2239	4221	Clayton	DEP	S	No

Summary of Objections:

Rep No.	Summary
3051	Too restrictive of minerals development. <i>Important</i> should equate to TPO trees. Amend (c)
4431	Clarify <i>important</i> . Cross reference with WB1
5241	Implied s38 status on SPG – Trees on Development Sites. Delete SPG from (b)
13317	Policy too restrictive. Add <i>unless there is an overriding need for development</i>

Key Issues:

6.4.1. Whether:-

- i) there needs to be a definition of *important*
- ii) the policy should be changed
- iii) there should be cross reference with WB1.

Conclusions:

- 6.4.2. Important - PC82 makes it clear that the policy protects trees which are *important local landscape, townscape and wildlife features*. It also introduces a new paragraph which explains the objective of the policy in more detail, that is, the protection of trees, woodlands and hedgerows that are attractive features making a significant contribution to the landscape, wildlife and people. In principle I consider this change is a necessary one which adds clarity.
- 6.4.3. Policy changes - A policy which deals only with TPO trees would add little to the plan and would duplicate other legislation. It would also result in no protection for landscape features which are of value, but not protected by other means.
- 6.4.4. The policy is intended to apply to all development and is supported by PPW (5.2.8). It is general in its application and sets a useful benchmark against which to test development. The objector does not say why it is too restrictive on minerals development and as a consequence it is difficult to appreciate the basis of the assertion. From the information before me I do not consider it is too restrictive on minerals development *per se*. If there were to be a conflict between the need for minerals and the protection of the landscape, it would be for the decision maker to assess where the balance lay in the light of the circumstances of the case. I do not consider such a balance should be enshrined in policy.
- 6.4.5. The preamble to the criteria says that they apply to development which is considered acceptable in principle. That would include the determination as to whether there was an overriding need for development. There does not therefore need to be explicit reference to overriding need in criterion c. As written criterion c is flexible, in that if the removal of a tree was necessary to enable a development, it would be up to a decision maker to determine whether its removal were *acceptable* and I consider that is an appropriate test. For the policy to refer to *where necessary* would be to say that the need for the development automatically outweighs the protection of trees. It would change the tenor of the policy, be contrary to national policy and in my view be unacceptable.
- 6.4.6. Cross reference - TWH2 and its accompanying text refer to wildlife. In a plan which is meant to be read as a whole I see no reason for there to be cross reference to WB1.
- 6.4.7. Other matters -The Council does not have SPG for the Protection of Trees on Development Sites. Therefore irrespective of whether it would confer s38 status on the SPG, it seems to me that it would be illogical for the policy to refer to a document that does not exist. I shall recommend its deletion from criterion b.
- 6.4.8. PC83 recognises the issue of a new British Standard since the plan was produced and is a factual update.

Recommendations:

6.4.9. I recommend the plan be modified by:-

- i) PCs82 and 83
- ii) the deletion of reference to the SPG in criterion b.

6.5. Policy TWH3 Protection of Hedgerows**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3320	Flintshire Green Party	DEP	O	No
1712	3024	The Crown Estate	DEP	S	No
1885	3532	Ramblers Association Wales	DEP	S	No
2043	3726	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4432	Countryside Council for Wales	DEP	O	No
2239	4222	Clayton	DEP	S	No
2678	6272	North East Wales Wildlife Trust	DEP	O	No
3540	8964	Alan's Skip Hire	DEP	O	No
5118	13322	RMC Group Plc	DEP	O	No
2106	18431	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No.	Summary
3320	Policy should include wording from article 10 of Habitats Directive
4432	Policy should recognise native and important non native hedgerows. Cross refer to WB5&6
6272	Needs policy for protection of hedgerows on development sites
8964	Should recognise need to remove some hedgerows and acceptable mitigation measures
13322	Add <i>unless there is an overriding need to policy</i>
18431	Why has <i>native</i> not been removed from the whole policy

Key Issue:

6.5.1. Whether the policy and its accompanying text should be changed.

Conclusions:

- 6.5.2. I agree with the Council that there is no need for the policy to incorporate the text of existing regulations. They will apply irrespective of the wording of the policy. In any event the theme of article 10 of the Habitats Directive is addressed at various places within the UDP.
- 6.5.3. PCs84 and 85 propose the deletion of *native* at the beginning of TWH2 and para 6.8. However, elsewhere in the policy and its reasoned justification there remains mention of *native* hedgerows. This is illogical and misleading. These references should be removed to add consistency to the plan.
- 6.5.4. The policy applies to all hedgerows and I see no reason why its wording is not robust enough to deal with those to be found on building sites. It is implicit within the policy that where they are to be retained they may need protection and it is usual to do this through suitable planning conditions.
- 6.5.5. Para 6.9 recognises that in some instances hedgerows may need to be removed and replaced. However, a proviso to this effect enshrined in TWH3 would weaken the policy. Such instances should be the exception rather than the rule.

6.5.6. It is the Council's practice throughout the UDP to only cross reference policies if there are specific reasons for doing so. The objector does not give any reasons. As a consequence I see no necessity for cross referencing.

Recommendations:

6.5.7. I recommend that the plan be modified by :-

- i) PCs84 and 85
- ii) deleting *native* from the 4th line of the policy and the penultimate line in para 6.10.

6.6. Policy TWH4 Woodland Planting and Management

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1712	3025	The Crown Estate	DEP	S	No
1885	3533	Ramblers Association Wales	DEP	S	No
1885	3610	Ramblers Association Wales	DEP	O	No
1885	3617	Ramblers Association Wales	DEP	O	No
1885	3632	Ramblers Association Wales	DEP	O	No
1885	3645	Ramblers Association Wales	DEP	O	No
1885	3665	Ramblers Association Wales	DEP	O	No
2043	3728	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4433	Countryside Council for Wales	DEP	O	No
2239	4223	Clayton	DEP	S	No

Summary of Objections:

Rep No.	Summary
3610	Site at Knowle Hill, Buckley should be designated a community wood
3617	Land at Old Bank Lane, Buckley should be tidied up
3632	Woodland north west of Cadole should be considered as a community forest
3645	The conversion of the former open cast site at Coed Talon to a community wood should be shown under TWH4
3665	Woodland at Prices Hill Wood should be considered for a community woodland
4433	Redraft criterion e

Key Issues:

6.6.1. Whether :-

- i) criterion e needs redrafting
- ii) community woodlands should be created and/or shown under TWH4.

Conclusions:

- 6.6.2. Criterion e - The Council agrees with the objector and I share the view that if reference to managing woodlands in a sustainable way (PC87) is added to criterion d then criterion e can be deleted (PC88). PC86 is a negligible change to criterion d as a consequence of PCs87 and 88.
- 6.6.3. Community woodlands - The designation of community woodlands is not part of the development plan process and must be pursued outside the UDP inquiry.
- 6.6.4. TWH4 is a criteria based policy. It sets out what matters will be taken into account for any woodland management and planting scheme that requires

permission from the Council. It is concerned with the detail of a proposal not the principle of whether particular areas should come forward.

- 6.6.5. I have considered whether community woodlands should be the subject of a separate policy, but it seems to me that they are sufficient general policies within the plan to ensure that such areas are protected from harmful development. Because they are not the subject of a particular policy it would serve little purpose for their areas to be delineated on the proposals maps.

Recommendation:

- 6.6.6. I recommend the plan be modified by PCs86, 87 and 88.
-

7. Landscapes

7.1. Relevant Strategic Aims

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4434	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4434	It would encourage a proactive approach if aims and objections were supported by targets and goals. Replace Clwydian <i>Hills</i> with <i>Range</i> and AONB Management <i>Strategy</i> with <i>Plan</i>

Key Issues:

7.1.1. Whether:-

- i) there should be goals and targets
- ii) there is a lack of consistency in terminology.

Conclusions:

- 7.1.2. Goals – I consider the IPPs will satisfactorily show whether the policy objectives are being achieved. The UDP is a complementary document to others, such as the Countryside Strategy, and I see no necessity for it to duplicate the type of targets and goals to be found in those documents.
- 7.1.3. Terminology – The Council accepts the need for consistency of terminology and PCs90 and 91 address the matters raised by the objector.

Recommendation:

- 7.1.4. I recommend the plan be modified by PCs90 and 91.

7.2. Paragraph 7.1

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1413	1960	Clwydian Range Joint Advisory Committee	DEP	O	Yes

Summary of Objection:

Rep No	Summary
1960	To be consistent change Clwydian <i>Hills</i> to <i>Range</i>

- 7.2.1. The objection is the same as 4434 which I deal with above and recommend the change required.

7.3. Paragraph 7.4

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
5118	13324	RMC Group plc	DEP	O	No

Summary of Objection:

Rep No	Summary
13324	Para 7.4 does not say when LANDMAP will supersede the Landscape Strategy

Key Issue:

7.3.1. Whether the text should be changed to meet the objection.

Conclusions:

7.3.2. According to the Council's statement it is not yet known when LANDMAP will supersede the Landscape Strategy. Consequently the change requested by the objector cannot be incorporated into the text.

Recommendation:

7.3.3. I recommend no modification to the plan.

7.4. Paragraph 7.6

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1413	1961	Clwydian Range Joint Advisory Committee	DEP	O	Yes

Summary of Objection:

Rep No	Summary
1961	To be consistent with CROW Act replace AONB Management <i>Strategy</i> with <i>Plan</i>

7.4.1. The objection is the same as 4434 which I deal with above and recommend the change required.

7.5. L1 Landscape Character

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1712	3026	The Crown Estate	DEP	S	No
1885	3538	Ramblers Association Wales	DEP	S	No
2106	4435	Countryside Council for Wales	DEP	O	No
2239	4224	Clayton	DEP	S	No
4110	10635	Peers	DEP	S	No
4785	12412	SCA Hygiene Products UK Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
4435	Clarify the meaning of <i>landscape is a non renewable resource</i> – para 7.7
12412	Policy is onerous. Reword to read <i>new development must be designed to respect the character of the wider landscape</i>

Key Issue:

7.5.1. Whether the policy or para 7.7 or should be changed.

Conclusions:

- 7.5.2. Policy – I do not consider the policy as written is unduly onerous or that a change brought about by development would necessarily be contrary to it. It seems to me that, rather than preclude change, what the policy seeks to do is ensure that the quality and identity of the landscape is preserved by the form and location of new development. PPW para 5.5.1 makes it clear that where development is concerned all reasonable steps should be taken to safeguard or enhance the environmental quality of land. The policy as proposed by the Council does this.
- 7.5.3. Para 7.7 - The Council accepts that the opening of para 7.7 could be improved and suggests PC92. I support this minor change which adds clarity.

Recommendation:

7.5.4. I recommend the plan be modified by PC92.

7.6. Paragraph 7.7 – 7.9**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4436	Countryside Council for Wales	DEP	O	No
2411	5242	Home Builders Federation	DEP	O	No

Summary of Objections:

Rep No	Summary
4436	Would welcome a timetable for the adoption of LANDMAP
5242	PPW does not say <i>that all landscapes are potentially of equal importance</i> para 7.7

Key Issues:

- 7.6.1. Whether:-
- a timetable should be given for the introduction of LANDMAP
 - para 7.7 should be changed.

Conclusions:

- 7.6.2. LANDMAP – My conclusions to this objection are the same as those to be found to para 7.4 above.
- 7.6.3. Para 7.7 – The Council agrees that as written the second sentence of para 7.7 could be misleading. PC93 proposes a change to ensure that it is clear the policy relates to all landscapes whether protected by statutory designations or

not. There are other policies such as L2, L3 and L6 which contain additional criteria which development in those areas must meet. The PC adds clarity and does not to my mind place unnecessary constraints on development. I consider it is in line with the objectives of PPW in this respect.

Recommendation:

7.6.4. I recommend the plan be modified by PC93.

7.7. L2 Area of Outstanding Natural Beauty

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1690	2593	D P Williams Holdings Ltd	DEP	O	No
1712	3028	The Crown Estate	DEP	O	Yes
1713	3052	Tarmac Central Ltd	DEP	O	No
1885	3539	Ramblers Association Wales	DEP	S	No
2029	3696	National Trust	DEP	O	Yes
2106	4437	Countryside Council for Wales	DEP	O	No
2239	4225	Clayton	DEP	S	No
2350	4976	Welsh Assembly Government	DEP	O	Yes
2409	12424	A D Waste Ltd	DEP	O	No
1413	18230	Clwydian Range Joint Advisory Committee	PC	O	No

Summary of Objections:

Rep No	Summary
2593	<i>Affects in policy is vague/open to interpretation. Para 7.11 should relate to adverse effects</i>
3696	<i>Policy needs to be strengthened to reflect statutory purpose and national planning policy</i>
4437	<i>Strengthen policy by referring to AONB purposes. Amend proposals map to reflect correct AONB boundary. Changes are needed to references to Management Strategy in para 7.10. Reword start of para 7.11</i>
4976	<i>PPW 5.5.6 does not qualify the type of major development</i>
12424	<i>No definition of development affecting the AONB or major industrial and commercial development</i>
3028	<i>Affects in policy is open to interpretation. To meet PPW clarify that major industrial and commercial development does not include minerals development</i>
3052	<i>To meet PPW clarify that major industrial and commercial development does not include minerals development</i>
18230	<i>Needs to explain that AONBs landscape is equivalent to National Parks</i>

Key Issue:

7.7.1. Whether the policy and/or its reasoned justification should be changed.

Conclusions:

7.7.2. Policy – PPW at para 5.3.7 makes it clear that the duty to have regard to AONB purposes applies not only to activities in but also those affecting designated areas. It is appropriate that L2 should reflect this. As written it relates to development *within or affecting* an AONB and is satisfactory. What development affects the AONB will vary depending on its scale, nature and location. Inevitably applying the policy will require a degree of judgement, but this is not unusual in planning policies. As development is defined in the Planning Act, I see no reason for it to be defined in the UDP. Only if it was

different would I expect an alternative definition to be provided and this is clearly not the case.

- 7.7.3. The Council accepts that the wording of the policy should be strengthened and proposes PC94 which does this. Although the wording is different to that suggested in 4437, it does nevertheless provide a policy which meets the aims of the objection.
- 7.7.4. To more closely reflect the wording in PPW (5.5.6), PC95 deletes reference to *industrial and commercial* from the policy. As proposed L2 would relate to all major developments. Whilst national planning advice on minerals is contained in MPPW and not PPW, the 2 documents are nevertheless compatible in respect of AONBs. In the UDP MIN2 deals with minerals development in the AONB and that policy is already cross referenced with L2. However, to make it absolutely clear PC100 proposes specific cross reference to MIN2. This will assist users of the plan. I deal with objections to MIN2 in Chapter 18 of this report.
- 7.7.5. Justification – In order to make the primary purpose of the AONB and L2 clearer the Council proposes PC96 which changes the wording of the second sentence of 7.10. Whilst this is something of a cosmetic change, it does nevertheless result in an improvement, particularly when FPC602 (explaining the relative status of AONBs) is added. Also in para 7.10, PCs97 and 98 more accurately reflect the title of the management plan and its purpose and are to be supported.
- 7.7.6. The Council accepts that in para 7.11 there is need to qualify the type of *impacts*. This is a necessary change and I support PC99. However, I see little benefit in changing the wording at the beginning of the paragraph as suggested. Its intent would remain the same and it would be change for changes sake.
- 7.7.7. I note that the Council will seek to provide an accurate digitalised definitive boundary of the AONB for the adopted version of the plan.

Recommendation:

- 7.7.8. I recommend the plan be modified by PCs94-100 and FPC602.

7.8. Paragraph 7.10

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1413	1962	Clwydian Range Joint Advisory Committee	DEP	O	Yes

Summary of Objection:

Rep No	Summary
1962	In para 7.10 replace management <i>strategy</i> with <i>plan</i> and explain status

- 7.8.1. My conclusions on this objection are the same as those listed under L2 above where I recommend the plan be modified by PCs97 and 98.

7.9. L3 Green Spaces

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3541	Ramblers Association Wales	DEP	S	No
2106	4438	Countryside Council for Wales	DEP	O	No
2350	4984	Welsh Assembly Government	DEP	O	Yes
2411	5243	Home Builders Federation	DEP	O	No
2615	5936	Castlemead Homes Ltd	DEP	O	No
2678	6276	North East Wales Wildlife Trust	DEP	O	No
3721	9558	Hird	DEP	O	No
59	17913	Envirowatch	PC	S	No
2106	18432	Countryside Council for Wales	PC	S	No

Summary of Objections:

Rep No	Summary
4438	No consistency in selection of green spaces. Should distinguish which are common land/registered village greens. Policy should take account of Standards for Accessible Natural Green Space in Towns and Cities. Cross reference with WB4, L4 etc and BAP. Wildlife interests should take precedence in future management
4984	New areas cannot be identified during the plan period without a formal review
5243	A policy which seeks to change the designation of land arbitrarily is contrary to PPW 9.2.10
6276	Designations should be split. List those with wildlife value under WB4 or WB5
9558	Support L3 and paras 7.12/13. Buckley Common is being eroded by developments
5936	Policy should not permit change of designations during plan period. It creates uncertainty

Key Issues:

7.9.1. Whether:-

- i) the identification of green spaces is comprehensive and/or consistent
- ii) the policy should be changed
- iii) there should be cross reference with other policies.

Conclusions:

- 7.9.2. Identification of sites – As part of the analysis of objections the Council reviewed its approach to the identification of green spaces and found it to be inconsistent and not comprehensive. As a result it is proposed to designate 162 sites as opposed to the original 104 (PC180 changes the number of sites). Whether these are appropriate or more should be added I address when looking at objections to individual sites below. I note however, that to be consistent with my conclusions on other policies I only comment on those additions which emanate from a duly made objection or which are themselves subject to objection. As a consequence I do not recommend PC180 be incorporated into the plan. The final number of green spaces will need to be determined at the modification stage.
- 7.9.3. I can take 4438 no further as the Council does not elaborate on why only some recreational open land is included and the objector does not say where these inconsistencies occur.
- 7.9.4. The Council acknowledges that it has not reconsidered the green space designations in the context of CCW's Standards for Accessible Natural Green Space etc. Given the advanced stage of the UDP and its long period of gestation, I do not consider it appropriate for it to be further delayed whilst this

takes place. It is a matter which, if considered necessary by the Council, can be addressed as part of the production of the LDP.

- 7.9.5. **Policy** - As any new areas of green space will need to be identified as part of a formal review of the plan, it is inappropriate for the words *...or any areas identified during the plan period...* to remain in the policy. PC179 addresses this matter.
- 7.9.6. The primary purpose of green spaces is not the protection of the natural environment. The purpose of L3 is to identify green spaces of value to the local community and they can be important for many reasons, only one of which is for their nature conservation interests. It would not be appropriate nor is it necessary for L3 sites to be split into 2 categories - those with and those without nature conservation interests. If development was to be proposed on a green space where there are nature conservation issues, there are relevant policies such as WB5 which would be taken into account to protect those interests. The national and international nature conservation areas are already depicted on the proposals map. However, for additional sites which are important at only local level, such as community nature reserves, woodlands and the like to also be listed/shown, would provide a level of detail which to my mind would be of little benefit to users of the plan.
- 7.9.7. It would be inconsistent with PPW and policies in Chapter 8 if all nature conservation interests were to be afforded overriding weight when development was considered on green spaces. The maintenance of green spaces is a matter which falls to be considered outside the UDP inquiry process. It follows from this I do not support the suggested changes to policy.
- 7.9.8. **Cross reference** – Whilst I appreciate that the designations under L3 are varied, overall it seems to me that the link between it and other policies, such as those in Chapter 8, are not strong enough to justify a direct cross reference in a plan which is meant to be read as a whole.
- 7.9.9. Separate from the UDP, the Council keeps a register of common land and village greens. It would serve little purpose for its details to be repeated in the UDP. L4 makes it clear what development will be permitted on common land and its explanatory text para 7.14 gives details of the register. That to my mind is sufficient to inform users of the plan. I do not consider there needs to be a specific cross reference to particular L3 sites and common land where policies overlap.
- 7.9.10. Although 9558 is classed as an objection by the Council, it is essentially support for L3 and its accompanying paragraphs and no change to the plan is suggested. I can comment no further.
- 7.9.11. Apart from deleting reference to *new areas identified during the plan period* from the policy, PC179 replaces *undermine* with *unacceptably harm* and precludes development which would threaten the value of green spaces to the community. These changes comply with the findings of the SEA/SA and make the policy more robust.

Recommendation:

- 7.9.12. I recommend the plan be modified by PC179.
-

7.10. L3 (1) Alltami**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4696	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4696	Both these areas are common land

Key Issue:

7.10.1. Whether the proposals map should identify the land as common land.

Conclusions:

7.10.2. I conclude above under L3 that it is not necessary for areas of green space which are also common land to be depicted as such on the proposals maps. I can usefully add nothing further in respect of this site specific objection.

Recommendation:

7.10.3. I recommend no modification to the plan.

7.11. L3 (3) Adj. St. Mary's Church, Bagillt**Representations:**

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4700	Countryside Council for Wales	DEP	O	No
2614	5928	Representative Body of the Church in Wales	DEP	O	No

Summary of Objections:

Rep No	Summary
4700	Area should be managed to retain the semi natural habitats
5928	This objection is dealt with in Chapter 11 at HSG1 Bagillt with 17642

Key Issue:

7.11.1. Whether the policy should include measures for the management of the site.

Conclusions:

7.11.2. The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

Recommendation:

7.11.3. I recommend no modification to the plan.

7.12. L3 (5) Broughton Park landscape buffer, Bretton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3203	Flintshire Green Party	DEP	O	No
501	641	Broughton & Bretton Community Council	DEP	S	No
1119	1495	Anwyl Construction Company Limited	DEP	O	No
2106	4702	Countryside Council for Wales	DEP	O	No
2678	6282	North East Wales Wildlife Trust	DEP	O	No
3556	9083	British Land Company plc	DEP	O	Yes
7411	18700	Development Securities plc	DEP	O	No
3556	18558	British Land Company plc	PC	O	No
7411	18559	Development Securities plc	PC	O	No

Summary of Objections:

Rep No	Summary
3203	Seeks inclusion of S1(10) within green space designation
1495	Delete land to west of retail park from green space; serves no useful purpose as green space; private ownership
4702	Northern part needs to be appropriately managed to maintain great crested newt interest
6282	Area is set aside for the benefit of great crested newts
9083 18700	Delete designation to west (compound site); north (vicinity of S1(10)); south of retail park
18558 18559	Align accurately with boundary of retail park following grant of planning permission; revised boundary does not coincide with the area granted planning permission to the south of the existing southern service road

Key Issues:

7.12.1. Whether:-

- i) the policy should incorporate measures for the management of the site
- ii) wildlife interest should be recognised under L3
- iii) the designation should be amended.

Conclusions:

7.12.2. Management - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

7.12.3. Wildlife - I accept that the site has wildlife interests which need to be protected. However, in response to objections to L3 above I give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not. I can add nothing further to this site specific objection.

7.12.4. S1(10) land – PC106 amends L3(5) in the light of a planning permission to extend the retail park. The permission is a *fait accompli* and it is not appropriate to retain the L3 designation on the areas included in the application site.

However, PC106 also includes a narrow strip of land fronting Chester Road to the north of S1(10). From the evidence before me this strip does not appear to be subject to the planning permission. It is too small an area to satisfy the reasons for designating green spaces set out in L3 and I support its removal from L3(5). I give further consideration to the narrow strip in my conclusions relating to S1(10) in Chapter 12 where I also recommend a triangular area of land to the east of S1(10) should be incorporated into the allocation. As a consequence the triangular site should be deleted from L3(5).

- 7.12.5. I do not support the redesignation of the S1(10) land as green space as sought in 3203. It is not publically accessible land and it does not form part of an amenity/leisure area as stated. I am informed that the permanent amphibian fencing installed to prevent newts from the adjacent reserve encroaching onto S1(10) may have been breached. However, I am satisfied that the development control process could ensure appropriate mitigation measures. As I have indicated above, planning permission has been granted to develop part of the area. An alternative designation would not override that permission. As regards the remainder of the S1(10) area I do not consider any of the perceived constraints/attributes of the land are sufficient to justify its designation as green space.
- 7.12.6. South of the retail park – PC106 also amends the green space designation to the south of the petrol station in the light of the planning permission. 18558 does not consider this realignment accurately reflects the area included in the permission. However, if further, and what appear to be minor adjustments are required to this area of green space it would not undermine the reasons for the designation. It is a detailed matter which can be addressed through the development control process and does not justify further modification to L3(5).
- 7.12.7. Compound site – 1495 relates to a slightly larger area than the compound area referred to in 9083 & 18700. The deletion of parts of the green space around the retail park as a result of PC106 reduces the open setting of that development and weakens the network of open spaces in the area. As a consequence I do not consider it is necessary to retain this area of green space as part of the network of green space around the retail park. No evidence has been given to indicate why the buffer between the retail park and the housing to the west needs to be so extensive. The green space to the south of the compound is much narrower and there are no indications it does not provide an appropriate buffer. The area that is the subject of these objections has no value as a character feature in the locality or inherent landscape quality. Neither does it provide a link to open countryside. Its deletion from L3(5) would not undermine the remaining areas. These conclusions reinforce those to be found in HSG1 - Broughton in Chapter 11 where I recommend that the land should be allocated for housing development.
- 7.12.8. Finally I note the ownership of land is not a justification for the designation or deletion of green space and my conclusions are not based on this consideration.

Recommendations:

- 7.12.9. I recommend the plan be modified by;
- i) PC106
 - ii) deleting the triangular area of land to the east of S1(10) from the green space designation.

- iii) deleting the compound site from the designation.

7.13. L3 (7) Areas around Broughton Hall Road underpass, Broughton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4703	Countryside Council for Wales	DEP	O	No
2678	6285	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4703 6285	Should be managed as a community nature reserve for its woodland/grassland/ponds to maintain amphibian interest

Key Issues:

7.13.1. Whether:-

- i) the policy should incorporate measures for the management of the site
- ii) wildlife interests should be recognised under L3.

Conclusions:

7.13.2. Management - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

7.13.3. Recognition - I accept that the site has wildlife interests which need to be protected. However, in response to objections to L3 above I give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not. I can add nothing further to this site specific objection.

Recommendation:

7.13.4. I recommend no modification to the plan.

7.14. L3 (9) Adj. St Michael's Church, Brynford

Representation:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2614	5927	Representative Body of the Church in Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
5927	This objection is dealt with in Chapter 11 HSG1 - Brynford with 17641

7.15. L3 (10) Land adj. Brynford Special School, Brynford**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
5677	18469	Doyle	PC	O	No
5678	18529	Harrison	PC	O	No

Summary of Objections:

Rep No	Summary
18469	L3(10) is not private property. It is an appropriate L3 designation
18529	Designation is a wooded copse and should be protected by L3

Key Issue:

7.15.1. Whether the designation should be deleted.

Conclusions:

7.15.2. The site appears overgrown and unkempt and as such it does not meet the criteria for designation as a green space. However, it is undeveloped land and because of my recommendation for HSG1(54), I consider it would be logical for it to be excluded from the settlement boundary along with HSG1(54). The unmade track to the north of the site would provide a firm, defensible boundary. Exclusion from the settlement will reduce the pressure to develop the land.

Recommendation:

7.15.3. I recommend the plan be modified by the deletion of L3(10) and the redrawing of the settlement boundary to exclude the site.

7.16. L3 (11) Mount Pool, Buckley**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4704	Countryside Council for Wales	DEP	O	No
2348	17204	Shone	DEP	O	No
2349	4893	Wilson & Hutchinson	DEP	O	No
2678	6288	North East Wales Wildlife Trust	DEP	O	No
2106	18433	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep NO	Summary
4704 6288	Extend boundary up to EM1(4)
4893 17204	The designations are unnecessary/unsustainable. Without support from residential use Mount Pool will continue to remain derelict
18433	Object to deletion of green space and inclusion in housing allocation HSG1(1)

Key Issue:

7.16.1. Whether the L3 designation should be deleted and/or extended.

Conclusions:

- 7.16.2. L3(11) is a well defined physical feature of landscape, conservation and amenity value. As such it meets the criteria for designating green spaces. It is also recognised as a non statutory wildlife site which acts as a corridor between parts of the SAC. There is no formal access to it from public rights of way although it is visible from surrounding land, particularly the Buckley Heritage Trail which follows footpath No.17. Whilst not formal open space and somewhat overgrown, I do not consider the site to be derelict. Its wildlife value emanates from its natural vegetation and relative inaccessibility.
- 7.16.3. The land between L3(11) and EM1(4) is different in character to the green space. I am told it comprises a series of paddocks beyond which there is rough scrubland and this has not been disputed by the objector. As such I do not consider it meets the criteria in para 7.12.
- 7.16.4. In Chapter 11 I conclude that PC314 is a sensible change which amongst other things recognises the extant planning permission and the negligible wildlife value of the land which comprises the proposed extension to HSG1(1). As a consequence PC108 is necessary to amend the green space designation.

Recommendation:

- 7.16.5. I recommend the plan be modified by PC108.

7.17. L3 (12) West of Elfed Park, Buckley**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4706	Countryside Council for Wales	DEP	O	No
2615	5953	Castlemead Homes Ltd	DEP	O	No
2678	6295	North East Wales Wildlife Trust	DEP	O	No
59	17915	Envirowatch	PC	O	Yes
2106	18434	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No	Summary
4706	Extend to include great crested newt breeding pond and habitat to west
5953	Amend boundary to reflect proposed nature reserve and great crested newt breeding ponds
6295	Include Southdown spoil heap in designation
18434	PC109 boundary is not consistent with planning application boundary and has a poor relationship with L3(12)
17915	Extend PC109 to allow a wider link between the 2 areas

Key Issue:

- 7.17.1. Whether the designation should be extended.

Conclusions:

- 7.17.2. The Council agreed the designation should be extended and proposed PC109. However, the defined area does not reflect that set aside for a nature reserve in the planning permission. Consequently FPC603 proposes a further alteration to rectify the matter. I support this change which recognises the permitted situation

on the ground and provides a stronger link between the original and extended area.

Recommendation:

7.17.3. I recommend the plan be modified by FPC603.

7.18. L3 (13) North of Woodhouse Hotel, Buckley

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4707	Countryside Council for Wales	DEP	O	No
2678	6297	North East Wales Wildlife Trust	DEP	O	No
2106	18435	Countryside Council for Wales	PC	O	No
4110	18301	Peers	PC	O	No

Summary of Objections:

Rep No	Summary
4707	Manage site to maintain its existing wildlife interest
6297	Manage for wildlife interest under WB4 or WB5 and include on a new list for local or undesignated wildlife sites
18301	Planning permission supersedes allocation. Concern about how this happened
18435	Disappointed at the deletion of allocation

Key Issues:

7.18.1. Whether the policy should incorporate measures for the management of the site.

Conclusions:

- 7.18.2. The UDP sets out land use policies which seek to control development. Essentially, policies such as L3, WB4 and WB5 seek to prevent development that would materially harm the function/value of green spaces and wildlife/their habitats, are reactive. They cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.
- 7.18.3. That being said, since the publication of the draft deposit plan, planning permission has been granted and housing is in course of construction. To update the plan in recognition of this change in circumstance I support the deletion of L3(13) proposed by PC113.
- 7.18.4. So far as 18301 is concerned it is not for me to comment on whether the Council acted appropriately in granting planning permission on the site. So far as the UDP is concerned I note only that it would be illogical for a designation to protect an amenity that no longer exists.

Recommendation:

7.18.5. I recommend the plan be modified by PC113.

7.19. L3 (14) East of The Beeches, Buckley

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4708	Countryside Council for Wales	DEP	O	No
2678	6306	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4708 6306	Extend allocation to south

Key Issue:

7.19.1. Whether L3(14) should be extended to the south.

Conclusions:

7.19.2. The land to the south of the designation is outside the settlement boundary and protected by the UDP's restrictive countryside policies. It forms an integral part of the wider rural area and I see no necessity for it to be recognised and protected as a green space.

Recommendation:

7.19.3. I recommend no modification to the plan.

7.20. L3 (15) Buckley

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4709	Countryside Council for Wales	DEP	O	No
2678	6310	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4709 6310	Extend to include all remaining open common land, particularly Buckley Lower Common

Key Issue:

7.20.1. Whether the designation should be extended.

Conclusions:

7.20.2. In general L3(15) includes all the common land within the settlement boundary, apart from the common lake. I regard this as an omission, as it is a key landscape feature which is worthy of inclusion in the L3 designation. It follows I support PC110. Insofar as common land outside the settlement boundary is concerned countryside and wildlife policies offer sufficient protection.

Recommendation:

7.20.3. I recommend the plan be modified by PC110.

7.21. L3 (16) Etna Park, Buckley**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2678	6318	North East Wales Wildlife Trust	DEP	O	No

Summary of Objection:

Rep No	Summary
6318	Site is in SSSI and important for woodland, grassland, ponds and amphibian populations

Key Issue:

7.21.1. Whether the site should also be protected as a wildlife site.

Conclusions:

7.21.2. I accept that the site has wildlife interests which need to be protected. However, in response to objections to L3 above I give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not. I can add nothing further to this site specific objection.

Recommendation:

7.21.3. I recommend no modification to the plan.

7.22. L3 (17) Land adjacent to Daulwyn Road, Drury and Burntwood**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
4110	10662	Peers	DEP	O	No

Summary of Objection:

Rep No	Summary
10662	Objects to extent of L3(17) as part is brownfield land and should be allocated for housing to reduce housing allocations in the open countryside

Key Issue:

7.22.1. Whether L3(17) should be reduced in size and part allocated for housing.

Conclusions:

7.22.2. L3(17) is a large area of open land which wraps around Drury Lane Industrial Estate. Despite previous uses it continues to naturally regenerate and appears as an integral part of a more extensive area of open land which forms a swathe of open space between Drury and Buckley. Its present condition is such that I do not consider it falls within the definition of brownfield land to be found in PPW

Fig 2.1. Although not part of the SAC it forms a green link between constituent parts of it and is used for informal recreational activities. These factors lead me to conclude it is appropriately designated green space.

- 7.22.3. My conclusions in relation to housing supply both in Flintshire generally and in Drury are that it is not necessary to identify more land for housing purposes. The location of the site may be arguably closer to some of the facilities in Drury than the allocated site. However, it is greenfield in a relatively narrow gap between Drury and Buckley which is already under pressure from the extant planning permissions on HSG1(1) and the former Lane End Brickworks. To promote development to the north of Drury Lane and to the east of Mount Pleasant Road would effectively close that gap and be likely to compromise the wildlife corridor. These factors lead me to conclude that the objection site should not be allocated for housing.
- 7.22.4. The allocations in the Alyn & Deeside Local Plan were made some time ago against a different policy background. I see no inconsistency in the Council now wishing to protect the open area of land.

Recommendation:

- 7.22.5. I recommend no modification to the plan.

7.23. L3 (18) Land between Burntwood Road and Meadow Avenue, Drury and Burntwood

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
7424	18647	Jeffries	PC	O	No

Summary of Objections:

Rep No	Summary
18647	Delete south eastern part of allocation

Key Issue:

- 7.23.1. Whether the designation should be reduced in extent.

Conclusions:

- 7.23.2. I agree with both the objector and the Council that the objection site should be deleted from L3(18). It is overgrown private land enclosed by a chain link fence. I do not consider it fulfils any of the reasons for designating green space and its deletion would not affect the use of the remaining green space or undermine its function. It follows I support FPC605.

Recommendation:

- 7.23.3. I recommend the plan be modified by FPC605.

7.24. L3 (19) Adj. to St Michael's Church, Caerwys**Representation:**

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2614	5925	Representative Body of the Church in Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
5925	Suitable for high quality residential development without harm to the church and its setting

Key Issue:

7.24.1. Whether the designation should be deleted from the plan.

Conclusions:

- 7.24.2. I consider the arguments relating to the allocation of the land for housing in Chapter 11 HSG1 - Caerwys.
- 7.24.3. L3(19) relates to two separate areas of land to the south and east of the church. The objector submitted a plan indicating a further area of land to the east of the church, which forms part of the cemetery. That land has not been designated green space in the UDP. The land that has been designated as part of L3(19) is adjacent to this area and these comments relate to the allocated land only.
- 7.24.4. Although the two designated areas are physically and visually separate they make a significant contribution to the open character of the area in the vicinity of the church and the churchyard. In view of their contribution to the character of this part of Caerwys I do not accept the arguments put forward for their deletion.

Recommendation:

7.24.5. I recommend no modification to the plan.

7.25. L3 (20) Adj. Celyn Farm, Carmel**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4710	Countryside Council for Wales	DEP	O	No
2678	6324	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4710 6324	Designation has wildlife interest. It should be extended to the north and considered as a Flintshire wildlife site

Key Issue:

7.25.1. Whether more land should be added to the designation.

Conclusions:

- 7.25.2. The inclusion of the land as a wildlife site does not fall within the remit of the UDP. If it is considered to be of value for its wildlife, this must be pursued

outside the UDP process. However, the Council agrees that land to the north of L3(20) should be added to the designation and proposes PC123 to meet this limb of the objections. From my site visit I see no reason to disagree. It is well related to L3(20) and links into the wider footpath network.

Recommendation:

7.25.3. I recommend the plan be modified by PC123.

7.26. L3 (22) Former Prince's Tip, Connah's Quay

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2678	6326	North East Wales Wildlife Trust	DEP	O	No

Summary of Objection:

Rep No	Summary
6326	Site has been developed to be a community woodland

Key Issue:

7.26.1. Whether the site should also be recognised as a community woodland site.

Conclusions:

7.26.2. I accept that the site is a community woodland which needs to be protected. However, in response to objections to L3 above, I give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have nature conservation interests and sites which do not. I can add nothing further to this site specific objection.

Recommendation:

7.26.3. I recommend no modification to the plan.

7.27. L3 (23) Land to rear of Ffordd Llanarth/Maengwyn Avenue, Connah's Quay

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4715	Countryside Council for Wales	DEP	O	No
2232	4153	MacFarlane	DEP	O	No
2678	6330	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4715 6330	Extend designation to include adjacent marshy ground. Consider for inclusion as a wildlife site. It needs to be managed appropriately
4153	Could be developed as a community woodland and meet demand for present and future outdoor play

Key Issues:

7.27.1. Whether the designation should be:-

- i) extended or
- ii) protected under other UDP policies.

Conclusions:

7.27.2. Extension – The extension of the designation sought by objectors lies outside the settlement boundary within an area of countryside protected by a green barrier designation. As a consequence it would serve little practical purpose and be inconsistent with the Council's treatment of other sites if the designation was extended as requested. I note it does not fall within the remit of the UDP to designate land as of wildlife value, that is done under separate legislation.

7.27.3. Sports and recreation policies – The nature of the designated area means it is compatible with some of the reasons for designating green space set out in para 7.12 and to my mind appropriately safeguarded by L3. Such a designation is not incompatible with play areas which could be developed on the site if they did not threaten the natural, open character of the land.

7.27.4. In 2002 outline planning permission was granted for a community centre on part of the site and the Council proposed PC127 which seeks the deletion of the application site. However, the permission has not been implemented and I have no evidence which suggests there is an extant permission on the site. As a result I do not support the PC.

Recommendation:

7.27.5. I recommend no modification to the plan.

7.28. L3 (25) North of Church Close, Connah's Quay**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
176	403	Diocese of Wrexham	DEP	O	No

Summary of Objection:

Rep No	Summary
403	The land is leased temporarily to the Council for recreational purposes. It does not fulfil any of the main reasons for designation under L3. Allocate part for housing and part for open space. The description of the site is misleading and the vast number of additional areas of green space added as PCs devalue the policy

Key Issue:

7.28.1. Whether the allocation should be modified.

Conclusions:

7.28.2. I deal with a related objection, 214 in Chapter 11 HSG1 - Connah's Quay.

7.28.3. It is not the ownership but the use and appearance of the land at Barmouth Close which makes it suitable for inclusion as a green space under L3. It is open land crossed by a number of footpaths used for informal recreation. The

tree cover on parts of the site contributions to the important visual break which the land makes in a heavily developed area. As such its designation is in accord with the purposes of designating green space set out in para 7.12 and I do not consider it should be reduced in extent as suggested.

- 7.28.4. By PC128 the Council proposes changing the description of the location of the site. This makes it easier to identify and I support the change. In general I do not agree with the criticism of the number of sites proposed for L3 designation. They were added after a thorough review of open spaces and it is appropriate that their designation is made on a consistent basis. That being said my conclusions on individual allocations make it clear that I do not always agree with the Council, but that is because of site specific reasons.

Recommendation:

- 7.28.5. I recommend the plan be modified by PC128.

7.29. L3 (28) Parkland between business park and housing, Ewloe

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4717	Countryside Council for Wales	DEP	O	No
2678	6334	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4717 6334	The boundary between L3(28) and HSG1(30) should be redefined to reflect the natural habitats. L3(28) should be extended to include disused railway along side HSG1(30)

Key Issue:

- 7.29.1. Whether the designated area should be modified.

Conclusions:

- 7.29.2. Events have moved on since the allocations were made and HSG1(30) has been developed for housing. In respect of the former railway line to the east of HSG1(30) there are no traces of the former track and all that remains is a narrow corridor of scrub and trees to which there is no public access. In these circumstances I do not believe the strip warrants designation under L3. However, to the north of this the corridor of greenery is more pronounced and provides an effective visual break in a densely developed area. It would be appropriate for this land to be designated under L3 and the Council propose it be included in the plan by PC136.

Recommendation:

- 7.29.3. I recommend the plan be modified by PC136.

7.30. L3 (31) West of Level Road, Ewloe**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4718	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4718	Allocation should be maintained as unimproved grassland

Key Issue:

7.30.1. Whether the policy should incorporate measures for the management of the site.

Conclusions:

7.30.2. The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

Recommendation:

7.30.3. I recommend no modification to the plan.

7.31. L3 (33) South of Bronte Grove, Ewloe**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4719	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4719	Land should be managed to enhance the woodland present

Key Issue:

7.31.1. Whether measures to manage the site should be incorporated into the policy.

Conclusions:

7.31.2. The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

Recommendation:

7.31.3. I recommend no modification to the plan.

7.32. L3 (36) Swinchiard Brook, Flint**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1219	1678	Flint Evangelical Church	DEP	O	No
2106	4720	Countryside Council for Wales	DEP	O	No
2678	6335	North East Wales Wildlife Trust	DEP	O	No

Summary of Objection:

Rep No	Summary
1678	Land does not merit inclusion in green space as it is an overflow car park, not publicly accessible and different in character to remainder of designated area
4720	Site should be managed to maintain wildlife interest, especially next to Swinchiard Brook
6335	Corridor of Swinchiard Brook is important for wildlife interest

Key Issues:

7.32.1. Whether:-

- i) part of designation should be deleted
- ii) measures to manage the site should be incorporated into the policy
- iii) the wildlife interest should be recognised under L3.

Conclusions:

7.32.2. Deletion – I agree with the objector that the objection site should be deleted from L3(36). It is an integral part of the grounds of the church similar in appearance to other garden land in front of the premises. It is illogical to treat similar parts of the garden differently. Moreover the objection site is of a different character to and fenced off from the adjacent L3(36) land. If as the Council says it wishes to maintain the connectivity of the green space it would make sense to include the footpath between the objection site and the house to the east within L3.

7.32.3. Management - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

7.32.4. Recognition - I accept that the site has wildlife interests which need to be protected. However, in response to objections to L3 above I give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not. I can add nothing further to this site specific objection.

Recommendation:

7.32.5. I recommend the plan be modified by the deletion of L3(36) from objection site 1678.

7.33. L3 (44) Croes Atti, Flint**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4721	Countryside Council for Wales	DEP	O	No
2678	6338	North East Wales Wildlife Trust	DEP	O	No
7329	18245	Yorke	PC	O	No

Summary of Objections:

Rep No	Summary
4721	Site should be managed to maintain semi natural vegetation
6338	Site is pond, rank vegetation and scrub of wildlife value
18245	Designation should be Croes Atti <i>Lane</i> and not <i>land</i>

Key Issues:

7.33.1. Whether:-

- i) measures to manage the site should be incorporated into the policy
- ii) the wildlife value of the site should be recognised under L3.

Conclusions:

7.33.2. Management - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

7.33.3. Recognition - I accept that the site has wildlife interests which need to be protected. However, in response to objections to L3 above I give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not. I can add nothing further to this site specific objection.

7.33.4. The Council acknowledges the typographical error in the table of L3 designations and I support FPC606 which addresses the matter.

Recommendation:

7.33.5. I recommend the plan be modified by FPC606.

7.34. L3 (47) Adj. Vicarage, Gorsedd**Representations:**

Personal	Representation	Individual or Organisation	Stage	Object or	Conditional
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ID	Number		of Plan	Support	Withdrawal
2617	6042	Church In Wales	DEP	O	No

Summary of Objections:

Rep No	Summary
6042	Designation includes part of site with permission for a bungalow. It is in private ownership and of no wildlife, recreational or landscape value

Key Issue:

7.34.1. Whether the allocation should be deleted in whole or in part.

Conclusions:

- 7.34.2. To be of value green space does not have to be publicly accessible or be of wildlife or recreational value. In this case L3(47) is an area of green open land which makes a positive contribution to the character of the village, the conservation area and the Grade II listed St Paul's Church. As such it is appropriately designated green space and protected by L3.
- 7.34.3. That being said a new vicarage has been built and it is sensible to amend L3(47) insofar as there is an overlap between the vicarage and open space designation. In addition I am told that a permission (37196) granted in March 2005 permits parking and overspill parking on part of L3(46). However, I have been given scant details, but if it is the stoned area I saw at my visit I consider the land continues to have the same value as green space. It is not just the open nature of the land but the combination of openness and greenery which makes the designation of value and worthy of protection. On this basis I recommend only that the area of the new vicarage be deleted from the designation.

Recommendation:

- 7.34.4. On the basis that the parking permission has been implemented I recommend the plan be modified by the deletion of the extent of the new vicarage from L3(47).

7.35. L3 (51) Tan y Felin, Greenfield**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
984	1385	George Wimpey Strategic Land	DEP	O	No
1717	3083	Holywell Town Council	DEP	S	No
2106	4722	Countryside Council for Wales	DEP	O	No
2237	4173	Wilkes	DEP	S	No
5662	14239	Jones	DEP	O	No
5746	17266	Roberts	DEP	O	No

Summary of Objections:

Rep No	Summary
1385	L3(51) should be considered as part of an extended HSG1(37) allocation. The location of green space could then vary. L3(51) will not go ahead without HSG1(37)
4722	Site should be managed to maintain semi natural vegetation
14239	L3(51) is inadequate as a wildlife space. Reinstate green barrier
17266	Designate L3(51) as open countryside

Key Issues:

7.35.1. Whether:-

- i) the allocation should be deleted
- ii) measures to manage the site should be incorporated
- iii) the green barrier should be reinstated and include L3(51).

Conclusions:

7.35.2. I deal with HSG1(37) and the potential designation of a wider area in Chapter 11.

7.35.3. Deletion - The Council says that the purpose of L3(51) is to protect a sensitive area of land which contains an area of woodland where wildlife should be safeguarded. I accept that it is not unprecedented for land outside settlement boundaries to be allocated as green space. However, I have recommended that HSG1(37) is deleted and adjacent land is not included within the settlement boundary for development. It is therefore unlikely that there will be new development in the locality which would put pressure on L3(51) or harm its function/value as green space. The objection site will continue to be an intrinsic part of the open countryside where policies in Chapters 6, 7 and 8 will apply and protect these interests of acknowledged importance. A designation would not add to the level of protection. The allocation has no especial landscape quality or character value when compared to the surrounding countryside and I see no necessity for it to be treated any differently. I support the deletion of L3(51).

7.35.4. I note here that whilst 984 believes the designation would be a benefit emanating from HSG1(37) which would provide publicly accessible open space, an L3 allocation seeks only to protect existing spaces not create new ones and it is not necessary for it to be accessible to the public.

7.35.5. Management - The UDP sets out land use policies to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

7.35.6. Green barrier – The green barrier has not been brought forward from the Delyn Local Plan. Its deletion is in line with PPW 2.6.12 which advises that only land which is strictly necessary to fulfil the purposes of designation should be included. In this location there is no likelihood of the coalescence of Mostyn and Greenfield and the robust countryside, landscape and wildlife policies will ensure that natural conservation interests are protected in this rural location on the fringes of Greenfield.

Recommendation:

7.35.7. I recommend the plan be modified by the deletion of L3(51).

7.36. L3 (53) East of Gronant Hill, Gronant**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4723	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4723	Site should be managed to retain its tree cover

Key Issue:

7.36.1. Whether the policy should incorporate measures to manage the site.

Conclusions:

7.36.2. The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

Recommendation:

7.36.3. I recommend no modification to the plan.

7.37. L3 (54) Bethesda Street, Gronant**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4724	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4724	Site should be managed to retain its tree cover

Key Issue:

7.37.1. Whether the policy should incorporate measures for the management of the site.

Conclusions:

7.37.2. The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

Recommendation:

7.37.3. I recommend no modification to the plan.

7.38. L3 (55) Land adj. To St. Mary's Church, Gwaenysgor**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4725	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4725	Site is registered common land

Key Issue:

7.38.1. Whether the proposals map should identify the site as common land.

Conclusions:

7.38.2. I conclude above under L3 that it is not necessary for areas of green space which are also common land to be depicted as such on the proposals maps. I can usefully add nothing further in respect of this objection.

Recommendation:

7.38.3. I recommend no modification to the plan.

7.39. L3 (57) Village Centre, Halkyn**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4726	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4726	Site is registered common land

Key Issue:

7.39.1. Whether the proposals map should identify the site as common land.

Conclusions:

7.39.2. I conclude above under L3 that it is not necessary for areas of green space which are also common land to be depicted as such on the proposals maps. I can usefully add nothing further in respect of this objection.

Recommendation:

7.39.3. I recommend no modification to the plan.

7.40. L3 (60) North of the Beeches, Holywell**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4727	Countryside Council for Wales	DEP	O	No
2678	6343	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4727	Site should be managed to retain its tree/woodland cover
6343	Area of woodland of wildlife and local value

Key Issues:**7.40.1. Whether:-**

- i) the policy should incorporate measures for the management of the site
- ii) the policy should recognise the wildlife value of the site.

Conclusions:

- 7.40.2. Management - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.
- 7.40.3. Recognition - I accept that the site has wildlife interests which need to be protected. However, in response to objections to L3 above I give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not. I can add nothing further to this site specific objection.

Recommendation:

7.40.4. I recommend no modification to the plan.

7.41. L3 (66) Adj. Capel y Berthan, Lixwm**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1275	1763	Williams	DEP	S	No
2106	4729	Countryside Council for Wales	DEP	O	No
2678	6345	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4729	Designation is registered common land and grassland of UK BAP priority habitat important.
6345	It should be managed sympathetically and should not be included under CF2iii

Key Issues:

7.41.1. Whether

- i) CF2iii designation should be deleted
- ii) the policy should incorporate measures for the management of the site.

Conclusions:

7.41.2. CF2iii - Insofar as the objections refer to CF2iii my conclusions are to be found in Chapter 17 under CF2iii together with 17820. I can add nothing more.

7.41.3. Management - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

Recommendation:

7.41.4. I recommend no modification to the plan.

7.42. L3 (73) Alyn Meadow, Mold**Representation:**

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2614	5921	Representative Body of the Church in Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
5921	This objection is dealt with in Chapter 11 HSG1 - Mold with 17639

7.43. L3 (76) Adj. to Maes Bodlonfa, Mold**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	18050	Flintshire Green Party	PC	S	No
7288	18004	Holywell	PC	O	No
7345	18268	Catherall	PC	O	No
7346	18270	Ellis	PC	O	No
7347	18271	Venn	PC	O	No
7360	18285	Anderson	PC	O	No

Summary of Objection:

Rep No	Summary
All	Object to designation which lumps together areas of formal activities with public open space in order to locate formal activities or other developments on that green space

Key Issue:

7.43.1. Whether PC156 should be incorporated into the plan.

Conclusions:

7.43.2. In essence what L3 seeks to do is to protect the designated areas from development which would undermine their function, value as green space and value to the community. The addition to L3(76) proposed by PC156 does not affect the existing designation or protection afforded to land already identified as L3(76). The tennis courts and bowling green are obviously of value to the locality and are complementary to the adjacent recreational uses. I consider it is appropriate to designate them green space.

Recommendation:

7.43.3. I recommend the plan be modified by PC156.

7.44. L3 (77) West of Ffordd Dolgoed, Mold**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4731	Countryside Council for Wales	DEP	O	No
1022	1338	Mold Town Council	DEP	O	Yes

Summary of Objection:

Rep No	Summary
4731	Site should be managed to maintain semi natural habitat
1338	L3 sites such as 77 should be transferred to the Council to ensure regular maintenance

Key Issue:

7.44.1. Whether the policy should incorporate measures to manage the site.

Conclusions:

7.44.2. The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy as does controlling the ownership of land. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

Recommendation:

7.44.3. I recommend no modification to the plan.

7.45. L3 (78) Upper Bryn Coch Lane, Mold**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4732	Countryside Council for Wales	DEP	O	No
2106	4792	Countryside Council for Wales	DEP	O	No
4928	12820	Anderton	DEP	O	No

Summary of Objections:

Rep No	Summary
4732	Site should be managed to maintain the semi natural habitat
4792	Extend green space to include land between HSG1(19) and EM2(4)
12820	Designation should be extended to include land behind Ffordd Hengoed

Key Issues:**7.45.1. Whether:-**

- i) the policy should incorporate measures to manage the site
- ii) the designation should be extended.

Conclusions:

7.45.2. Management - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

7.45.3. Extension to allocation – The Council agrees with 4792/12820 and proposes PC157 and FPC607 as additions to L3(78). Given the nature and location of these additional areas I consider it appropriate that they are protected by L3 and I support the changes.

Recommendation:

7.45.4. I recommend the plan be modified by PC157 and FPC607.

7.46. L3 (79) Land between Lllys y Foel & Bromfield Ind. Estate, Mold**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1045	1377	Williams	DEP	S	No
1187	1641	Morgan	DEP	S	No
1711	3012	Ellis	DEP	S	No
2106	4733	Countryside Council for Wales	DEP	O	No
2678	6348	North East Wales Wildlife Trust	DEP	O	No
5320	13743	Drake	DEP	S	No
7219	17390	The Occupier	DEP	S	No

Summary of Objections:

Rep No	Summary
4733	Wooded strip on former railway should be retained and appropriately managed
6348	Wooded strip of former railway is of wildlife value and requires appropriate management

Key Issues:

7.46.1. Whether:-

- i) the policy should incorporate measures to manage the site
- ii) the policy should recognise the wildlife value of the site.

Conclusions:

7.46.2. Management - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

7.46.3. Recognition - I accept that the site has wildlife interests which need to be protected. However, in response to objections to L3 above I give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not. I can add nothing further to this site specific objection.

Recommendation:

7.46.4. I recommend no modification to the plan.

7.47. L3 (80) East of Synthite, Mold**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4734	Countryside Council for Wales	DEP	O	No
2678	6349	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4734	Site needs to be appropriately managed and enhanced as a community nature reserve
6349	Site is a community nature reserve

Key Issues:

7.47.1. Whether:-

- i) the site should be recognised as a community nature reserve
- ii) the policy should include measures to manage the site.

Conclusions:

7.47.2. Recognition - I accept that the site has wildlife interests which need to be protected. However, in response to objections to L3 above I give reasons why I

consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not. I can add nothing further to this site specific objection.

- 7.47.3. **Management** - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

Recommendation:

- 7.47.4. I recommend no modification to the plan.

7.48. L3 (81) Maes Gwern, Mold

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4754	Countryside Council for Wales	DEP	O	No
2106	18438	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No	Summary
4754	Extend onto EM1(21) to include semi natural woodland, all wildlife site 26SW09, land between HSG1(19) and EM2(4) and land to south east of EM2(4)
18438	Based on information from a local resident PC157 may need further revision

Key Issue:

- 7.48.1. Whether additional land should be identified under L3.

Conclusions:

- 7.48.2. Insofar as EM1(21) is concerned the Council acknowledges the land has nature conservation, landscape and amenity value. A development brief for the employment allocation excludes the objection area from development and seeks positive management for nature conservation. I consider this approach provides the effective protection that the objector seeks and it is not necessary to designate this land under L3.
- 7.48.3. In respect of the other sites the Council agrees that the wildlife site, land between EM2(4) and L3(81) are appropriate for and should be afforded protection by L3. From the information before me I see no reason to differ. The land between EM2(4) and HSG1(19) is dealt with above at L3(78).
- 7.48.4. My conclusions on HSG1(19) make it clear that PC157 and FPC607 will be sufficient to protect nature conservation interests if indeed this is the land 18438 refers to. The matter is not clear as CCW did not object to allocation HSG1(19).

Recommendation:

- 7.48.5. I recommend the plan be modified by PC157 and FPC607.

7.49. L3 (82) County Hall, Mold**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4755	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4755	Site provides an opportunity for County Council to demonstrate commitment to biodiversity

Key Issue:

7.49.1. Whether the site should be used by the Council to demonstrate its commitment to biodiversity.

Conclusions:

7.49.2. Whether the site should be used by Flintshire to demonstrate its commitment to biodiversity is a matter for the Council to decide outside the UDP inquiry process. I would note however, that the protection afforded by L3 means that this option remains a possibility for the future.

Recommendation:

7.49.3. I recommend no modification to the plan.

7.50. L3 (84) Ffordd Ysgubor, Mostyn**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4757	Countryside Council for Wales	DEP	O	No
2398	5215	Muller Property Holdings Ltd	DEP	O	No
2678	6352	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4757	At least the northern most part of the site should be managed to retain its woodland interest
5215	This objection is dealt with in Chapter 11 HSG1 - Mostyn with 5214
6352	Woodland requires management

Key Issue:

7.50.1. Whether the policy should include measures for the management of the site.

Conclusions:

7.50.2. The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

Recommendation:

7.50.3. I recommend no modification to the plan.

7.51. L3 (85) North of Bryn Road, Mynydd Isa**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4758	Countryside Council for Wales	DEP	O	No
2678	6354	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4758	Village green should be managed as a community nature reserve
6354	Village green with potential to develop and manage as a local nature reserve

Key Issues:

7.51.1. Whether:-

- i) the policy should include measures to manage the site
- ii) the site should be recognised for its nature conservation potential.

Conclusions:

7.51.2. Management - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

7.51.3. Recognition - I accept that the site has wildlife interests which need to be protected. However, in response to objections to L3 above, I give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not. I can add nothing further to this site specific objection. Its potential to be developed as a local nature reserve can be progressed outside the UDP process.

Recommendation:

7.51.4. I recommend no modification to the plan.

7.52. L3 (91) South of Moel Gron, Mynydd Isa**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4759	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4759	Site should be managed to retain its woodland interest

Key Issue:

7.52.1. Whether policy should include measures to manage the site.

Conclusions:

7.52.2. The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

Recommendation:

7.52.3. I recommend no modification to the plan.

7.53. L3 (94) Llys Ben, Northop Hall**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4760	Countryside Council for Wales	DEP	O	No
2294	4632	Morris Developments (North) Ltd	DEP	O	No
2678	6355	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4760	Site needs to be managed to enhance its developing wildlife interest
4632	Site does not meet criteria in 7.12. Settlement is not deficient in recreational provision. Delete
6355	Wildlife value should be recognised and site managed

Key Issues:

7.53.1. Whether:-

- i) the allocation should be deleted
- ii) the policy should include measures to manage the site
- iii) the policy should recognise the wildlife value of the site.

Conclusions:

7.53.2. Deletion – Although L3(94) does have the attributes of a green space designation, in that it is a well used local character feature used informally for walking and children's play, I do not consider it should be designated as green space. 4612 and related objections to be found in Chapter 11 may indicate development pressure, but the designation lies outside the settlement where green barrier, countryside, landscape and wildlife policies will safeguard its attributes. In these circumstances it would be inconsistent with the Council's treatment of other sites and serve little practical purpose for L3(94) to remain in

the plan. Its status as private open land and lack of legal public access may in the future change the extent of its public use, but that would also be the case if the site were to be designated green space. A UDP designation does not supersede a landowner's rights.

- 7.53.3. Management - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.
- 7.53.4. Recognition - I accept that the site has wildlife interests which need to be protected. However, in response to objections to L3 above I give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not. I can add nothing further to this site specific objection.

Recommendation:

7.53.5. I recommend the plan be modified by the deletion of L3(94).

7.54. L3 (96) Adj. Ebenezer Chapel, Rhes-y-cae

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4761	Countryside Council for Wales	DEP	O	No
2678	6357	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4761 6357	Site is a registered village green

Key Issue:

7.54.1. Whether the proposals map should identify the site as common land.

Conclusions:

7.54.2. I conclude above under L3 that it is not necessary for areas of green space which are also common land to be depicted as such on the proposals maps. I can usefully add nothing further in respect of these site specific objections.

Recommendation:

7.54.3. I recommend no modification to the plan.

7.55. L3 (97) South of School House, Rhes-y-cae**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4763	Countryside Council for Wales	DEP	O	No
2678	6360	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4763 6360	Site is common land which forms part of Halkyn Commons and Holywell Grasslands SSSI. There may be more appropriate areas to designate under L3

Key Issues:**7.55.1. Whether:-**

- i) the site should be recognised for its wildlife value
- ii) alternative land be designated under L3.

Conclusions:

7.55.2. Wildlife - I conclude above under L3 that it is not necessary for areas of green space which are also common land to be depicted as such on the proposals maps. In response to objections to L3 above I also give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not.

7.55.3. Alternative land - Green space designations have generally only been made where there is pressure to develop land such as within settlement boundaries. The suggested alternative site is located outside the settlement boundary. Because of its location it is subject to open countryside, landscape, wildlife policies and the like. Given the high level of protection these policies afford, I see no reason for an L3 designation.

Recommendation:

7.55.4. I recommend no modification to the plan.

7.56. L3 (98) East of Mold Road, Rhosesmor**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4764	Countryside Council for Wales	DEP	O	No
2678	6361	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4764 6361	Site is registered common land

Key Issue:

7.56.1. Whether the proposals map should identify the site as common land and/or be recognised for its wildlife potential.

Conclusions:

7.56.2. I conclude above under L3 that it is not necessary for areas of green space which are also common land to be depicted as such on the proposals maps. In response to objections to L3 above I also give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not. I can usefully add nothing further in respect of these site specific objections.

Recommendation:

7.56.3. I recommend no modification to the plan.

7.57. L3 (101) Factory Road, Sandycroft**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4716	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4716	Extend designation to include all semi natural woodland and manage as single woodland unit

Key Issue:

7.57.1. Whether the designation should be extended and managed as a woodland unit.

Conclusions:

7.57.2. Extension - The objector did not provide a plan to indicate which additional land should be included within the site. It appears that conditions may have changed since the objection was made. However, from my visit to the locality I am satisfied that L3(101) as proposed by the Council generally reflects the land which is suitable for designation under L3.

7.57.3. Management - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

Recommendation:

7.57.4. I recommend no modification to the plan.

7.58. L3 – Afonwen

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3586	Ramblers Association Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
3586	Designate former railway line under L3. It would make part of a useful cycling/walking route

Key Issue:

7.58.1. Whether the objection land should be designated under L3.

Conclusions:

7.58.2. Green space designations have generally only been made where there is pressure to develop land such as within settlement boundaries. The site is located outside the settlement boundary of Afonwen and because of its location is subject to open countryside, landscape, wildlife policies and the like. Given the high level of protection these policies afford, I see no reason for an L3 designation. Whilst the creation of a long distance footpath/cycleway is a matter which must be pursued outside the UDP process, AC7 will ensure that any proposals put forward are considered in the light of the need to protect disused railway lines.

Recommendation:

7.58.3. I recommend no modification to the plan.

7.59. L3 – Bagillt

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1266	1751	Rush	DEP	O	No
1267	1752	Ponzini	DEP	O	No
1885	3591	Ramblers Association Wales	DEP	O	No
171	17870	Bagillt Community Council	PC	S	No
171	17871	Bagillt Community Council	PC	S	No
171	17872	Bagillt Community Council	PC	S	No

Summary of Objections:

Rep No	Summary
1751 1752	The Merlyn school playing field should be designated as green space to give it protection
3591	Bettisfield Colliery and the Clinks have been landfilled and should be designated under L3

Key Issue:

7.59.1. Whether more land should be designated under L3.

Conclusions:

- 7.59.2. 1751/1752 – Whilst the Merilyn School playing field lies within the settlement boundary, because of its use it is afforded protection by SR4. As a consequence I agree with the Council that it is not necessary to designate it under L3 as well. To treat the site differently would lead to inconsistency with the way other school playing fields have been treated in the plan.
- 7.59.3. 3591 – The Council has taken a consistent approach to designating green spaces. They have generally only been made where there is pressure to develop land such as within settlement boundaries. The site is located outside the settlement boundary of Bagillt and because of its location is subject to open countryside, landscape, wildlife policies and the like. Given the high level of protection these policies afford, I see no reason for an L3 designation.

Recommendation:

- 7.59.4. I recommend no modification to the plan.

7.60. L3 - Broughton**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3203	Flintshire Green Party	DEP	O	No

Summary of Objection:

Rep No	Summary
3203	This objection is dealt with above at L3(5)

7.61. L3 – Buckley**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3594	Ramblers Association Wales	DEP	O	No
1885	3599	Ramblers Association Wales	DEP	O	No
1885	3606	Ramblers Association Wales	DEP	O	No
1885	3613	Ramblers Association Wales	DEP	O	No
2678	6321	North East Wales Wildlife Trust	DEP	O	No
4110	17669	Peers	DEP	O	No
2106	18436	Countryside Council for Wales	PC	O	No
2106	18437	Countryside Council for Wales	PC	O	No
4110	18302	Peers	PC	O	No
7388	18472	Flintshire Local Health Board	PC	O	No
7388	18473	Flintshire Local Health Board	PC	O	No

Summary of Objections:

Rep No	Summary
3594	Add Brookhill landfill sites to L3 allocations when restored to open space
3599	The Brookhill newt ponds/area near Catheralls estate are not allocated as green space
3606	Knowle Wood and former mineral workings should be green space and community wood
3613	Area at the bottom of Old Bank Lane should be allocated under L3

6321	Recognise area at Buckley railway station for its community woodland/wildlife
17669	Delete EM1(6) and designate under L3
18302	Allocate only part of PC118 as open space and use remainder for car parking
18436	Extend PC119 to include land to the north to link with SAC
18437	Extend PC120 to include land to the north to link with SAC
18472	PC112 has been identified as a potential site for a primary care resource centre
18473	PC117 has been identified as a potential site for a primary care resource centre

Key Issue:

7.61.1. Whether additional land should be designated under L3.

Conclusions:

- 7.61.2. Following the deposit stage, the Council undertook a comprehensive survey of green spaces using a consistent set of criteria. This exercise reviewed existing designations and identified new ones. The proposed additions to and deletions to L3 were advertised as proposed changes.
- 7.61.3. PCs119 and 120 – These sites were added at the proposed changes stage following their identification in the County Open Space Survey. The first is an attractive central space which complements the surrounding houses and the second provides a welcome break in an area of relatively closely spaced houses. Both enhance the quality of the environment. There is no obvious link from PC119 to the SAC to the north as the former open area has been built on. However, to the north of PC120 is a pedestrian link to open land in the SSSI/SAC and FPC604 proposes the addition of this link and also the footpath along the eastern edge to the L3 designation. I support these changes which seek to protect the amenity value of the land and provide a wildlife corridor.
- 7.61.4. 18472, 18473 – The site at Mill Lane (PC112) is a well established open area of recreational land in a prominent position which is part of the network of green spaces in Buckley. The cricket ground (PC117) at Jubilee Drive is also prominent and the most significant open land in the locality. As such both these sites are suitable for protection under L3.
- 7.61.5. The objections were made some time ago when no decision had been made on a site for a new medical facility. I understand, from the Council's responses to other objections in Buckley, that it is now likely to go on a site in the town centre. If this is the case the objector's fears are academic, if not then should a proposal on either of the sites be forthcoming its particular merits would have to be balanced against development plan policy.
- 7.61.6. 17669 – My conclusions on EM1(6) in Chapter 13 make it clear that I support that allocation. As a consequence it follows I do not consider the site should be designated under L3.
- 7.61.7. 18302 - At present Coronation Gardens are a small formal seating/garden area at the side of the main road. They form a welcome break in the built up area. Whilst there is no doubt support for a car park from some quarters, the evidence does not indicate that this is yet a firm proposal or indeed if it is feasible. As a consequence I see no reason for PC118 to be reduced in size. Should a proposal for car parking come along during the course of the plan period, the material considerations of the case would need to be balanced against the importance of the green space. The change requested would not necessarily preclude the provision of a car park.

- 7.61.8. 3594, 3599, 6321 – All these sites are located outside the settlement boundaries where the Council does not consider areas of green space need the protection of L3. Because of the location of the objection sites they are subject to open countryside, landscape, wildlife policies and the like. Given the high level of protection these policies afford, I see no reason for an L3 designation.
- 7.61.9. 3606 - The situation is different at Knowle Hill clay pit (the former Lane End brickworks) where planning permission has been granted for housing. As a consequence of the permission the Council proposes and I support the inclusion of this land within the settlement boundary. I understand that the outline permission includes the creation of public open space including a new managed country park. However, I saw that so far only preliminary works have taken place and there is no open space to protect. Given these circumstances it would be premature to allocate any part of the site under L3. No doubt the Council will review the situation as part of the LDP process.
- 7.61.10. 3613 – In order to afford this site protection the Council proposes excluding it from the settlement boundary. It is undeveloped and as such it relates far better to the rural area to the south than the built up area to the north. I support PC32. Outside the settlement boundary it is afforded protection from development by countryside, wildlife policies and the like and no additional benefit would accrue from including the land under L3. Such an approach would be a departure from the identification and designation of other green spaces in the plan.

Recommendation:

- 7.61.11. I recommend the plan be modified by PCs32, 112, 117, 118, 119, 120 and FPC604,

7.62. L3 – Cadole

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3631	Ramblers Association Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
3631	Designate woods to north and west of Cadole as green space to reflect their landscape importance and footpaths. Consider site as a community woodland

Key Issue:

- 7.62.1. Whether the land should be designated under L3 and managed as a community woodland.

Conclusions:

- 7.62.2. The Council has taken a consistent approach to designating green spaces. They have generally only been made where there is pressure to develop land such as within settlement boundaries. The site is located outside the settlement boundary of Cadole and because of its location is subject to open countryside, landscape, wildlife policies and the like. Given the high level of protection these policies afford, I see no reason for an L3 designation.

7.62.3. The management of the land does not fall within the remit of the UDP and is a matter which must be pursued with the Council outside the UDP process.

Recommendation:

7.62.4. I recommend no modification to the plan.

7.63. L3 – Carmel

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in Appendix A7			

Summary of Objections:

Rep No	Summary
All	Land known as the former cricket pitch should be designated as green space or private land of value to the local community

Key Issue:

7.63.1. Whether the land should be designated under L3.

Conclusions:

7.63.2. I note the land is allocated for housing (HSG1(27)). However, for the reasons given in Chapter 11 I recommend the deletion of that allocation.

7.63.3. Although the site is commonly referred to as the former cricket pitch it is not in recreational use. It is a field and forms part of the adjoining farm. Whilst the local community may consider the open character of the land is of value, it does not have an inherent landscape quality and is not a character feature in the locality. It does not provide a visual break in a developed area; act as a buffer between incompatible uses or form part of a network of existing or proposed open areas. It is part of the countryside and does not fulfil any of the reasons given in the plan for designating green spaces. It follows that I do not support the designation of this field as green space.

7.63.4. It seems to me that the countryside, wildlife and landscape policies are robust enough to offer the site sufficient protection from development and I do not consider it is necessary to designate the land as green barrier.

Recommendation:

7.63.5. I recommend no modification to the plan.

7.64. L3 – Coed Talon

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3640	Ramblers Association Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
3640	Safeguard former track bed through HSG1(55) as a walkway and wildlife/landscape strip

Key Issue:

7.64.1. Whether the land should be designated under L3.

Conclusions:

7.64.2. The former track bed does not yet exist as a walkway. Therefore it would be inappropriate to protect it as green space. As part of the development control process the Council intends to make sure the continuity of the former railway is safeguarded. Its protection at that stage can be ensured and the objection does not necessitate any change to the plan.

Recommendation:

7.64.3. I recommend no modification to the plan.

7.65. L3 – Connah's Quay**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3251	Flintshire Green Party	DEP	O	Yes
985	1289	Lambert	DEP	O	No
986	1290	Jones	DEP	O	No
987	1291	Evanson	DEP	O	No
988	1292	Riddell	DEP	O	No
989	1293	Williams	DEP	O	No
990	1294	Cutler	DEP	O	No
991	1295	Haylock	DEP	O	No
992	1296	Allsop	DEP	O	No
993	1297	Bagby	DEP	O	No
994	1298	Bagby	DEP	O	No
995	1299	Roberts	DEP	O	No
996	1300	Eason	DEP	O	No
997	1301	Cook	DEP	O	No
998	1302	Piper	DEP	O	Yes
999	1303	Jones	DEP	O	No
1000	1304	Gilliland	DEP	O	No
1001	1305	Cappiello	DEP	O	No
1002	1306	White	DEP	O	No
1003	1307	Maguire	DEP	O	No
1004	1308	Lawton	DEP	O	No
1005	1309	Evans	DEP	O	No
1006	1310	Jones	DEP	O	No
1007	1311	Williams	DEP	O	No
1008	1312	Taylor	DEP	O	No
1009	1313	Boyens	DEP	O	No
1010	1314	Hall	DEP	O	No
1011	1315	Spencer	DEP	O	Yes
1012	1316	Clemment	DEP	O	No
1013	1317	Griffiths	DEP	O	No
1014	1318	Ellis	DEP	O	No

1015	1319	Rogers	DEP	O	Yes
1885	3647	Ramblers Association Wales	DEP	O	No
1885	3649	Ramblers Association Wales	DEP	O	No
2678	6362	North East Wales Wildlife Trust	DEP	O	No
3550	9032	Connahs Quay Town Council	DEP	O	No
3550	9033	Connahs Quay Town Council	DEP	O	No
3550	9034	Connahs Quay Town Council	DEP	O	No
3550	9035	Connahs Quay Town Council	DEP	O	No
3550	9036	Connahs Quay Town Council	DEP	O	No
3550	9037	Connahs Quay Town Council	DEP	O	No
3550	9042	Connahs Quay Town Council	DEP	O	No
3550	9043	Connahs Quay Town Council	DEP	O	No
4625	12057	Sargeant AM	DEP	O	No
5663	14240	Hill	DEP	O	No

Summary of Objections:

Rep No	Summary
3647	Wepre Park is not shown as a green space
3649	There is no L3 designation in the area around the Badgers Walk estate
9032 6362	Show Connah's Quay Park as L3 designation
3649 9033	Show land in vicinity of Badgers Walk area including field to rear of Normanby Drive as L3 designation
9035 3647	Include field rear of middle area of Wepre Lane – golf course – including wooded area as L3
9036	Include land adj. to Bryn Road cemetery as L3 designation
9037	Include land around Deeside College and Connah's Quay High School as L3
9042	Include verges on both sides of Mold Road as L3 designation
9043	Include the allotments at Mill Lane
All others	The disused reservoir and surrounding land at Granby Court should be classified as green space. It is valued and used by residents, provides a green lung and contributes to the character of the built up area. It also should be designated as of wildlife value

Key Issue:

7.65.1. Whether additional designations in Connah's Quay should be made under L3.

Conclusions:

- 7.65.2. The Council agrees that a number of sites should be protected under L3 and for similar reasons to those given by the Council I share those views. I therefore support L3 designations proposed by PC126 for land at Granby Court (all objections not individually listed above); by PC129 for Central Park (6362, 9032); and by PC131 for land adjacent to Bryn Road cemetery (9036). I note in relation to some of the objections to Granby Court that it does not fall within the remit of the UDP to designate land as of wildlife value, that is done under separate legislation.
- 7.65.3. Green space designations have generally only been made where there is pressure to develop land such as within settlement boundaries. Land at Wepre Lane (3647, 9035) is located outside the settlement boundary where I share the view of the Council that green spaces do not need the protection of L3. Because of its location it is subject to open countryside, landscape, wildlife policies and the like.
- 7.65.4. 3649, 9033 – For the most part the land in the Badgers Walk area and to the south of Normanby Drive is within both a SAC and SSSI. Such wildlife sites bring with them protectionist policies not only at local, but also at national and

international level. A designation under L3 would therefore serve little practical purpose. The same cannot be said for the land at the northern end of the objection site which I am told is also open in nature and used for recreation and play. It provides a facility in a built up area and to my mind is suitable for an L3 designation. I support PC130.

- 7.65.5. 9037 – The land around the college and high school provides a range of sports facilities. By its nature it is afforded protection by SR4 and part of it lies outside the settlement boundary. I do not believe it is necessary for it to be designated under L3.
- 7.65.6. 9042 – Whilst the areas of greenery alongside Mold Road are a pleasant feature of this approach to the town centre they are no more than highway verges similar to ones to be found in other locations which are not protected by L3. In this particular location I do not consider the contribution they make to the character of the locality is sufficient to justify their inclusion as an L3 designation. To do so would to my mind lead to inconsistency with other locations.
- 7.65.7. 9043 – National legislation, as well as SR6, affords protection to allotments and it is not necessary for them to be also designated as green spaces under L3. I deal with proposed changes to SR6 in Chapter 15.

Recommendation:

- 7.65.8. I recommend the plan be modified by PCs126, 129, 130 and 131.

7.66. L3 – Dobshill

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3661	Ramblers Association Wales	DEP	O	No
1885	3664	Ramblers Association Wales	DEP	O	No

Summary of Objections:

Rep No	Summary
3661	Allocate land within HSG1(56) as green space
3664	Designate Prices Hill Wood under L3; a significant feature with well used footpaths

Key Issue:

- 7.66.1. Whether the sites should be allocated as green space under L3.

Conclusions:

- 7.66.2. 3661 – I recommend that HSG1(56) be deleted for the reasons given in Chapter 11. If despite the recommendation the allocation is retained, matters such as landscaping and footpath links are detailed issues for the development control process. It would not be appropriate to allocate an area as green space when it does not currently fulfil that function.
- 7.66.3. 3664 – Green spaces have generally only been designated where there is pressure to develop land. There is nothing before me to indicate that this area of extensive woodland is under pressure. The fact that the woodland is a significant feature in the landscape is not a good reason to designate it a green

space. The site is outside the settlement boundary and because of its location is subject to countryside, landscape, wildlife policies and the like. Given the high level of protection these policies afford, I see no reason for an L3 designation.

Recommendation:

7.66.4. I recommend no modification to the plan.

7.67. L3 – Drury and Burntwood

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3597	Ramblers Association Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
3597	Add Standard landfill site to L3 when restored to open space

Key Issue:

7.67.1. Whether the site should be allocated as green space under L3.

Conclusions:

7.67.2. The site is located outside the settlement boundary where the Council does not consider areas of green space need the protection of L3. Because of the location of the objection site, it is subject to open countryside, landscape, wildlife policies and the like. Given the high level of protection these policies afford, I share the view of the Council and see no reason for an L3 designation.

Recommendation:

7.67.3. I recommend no modification to the plan.

7.68. L3 – Ewloe

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
330	17347	Winter	DEP	O	No
1885	3673	Ramblers Association Wales	DEP	O	No

Summary of Objections:

Rep No	Summary
17347	This objection is dealt with in Chapter 12 under S1(8) with 404
3673	This objection is dealt with above under L3(28)

7.69. L3 – Flint

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3676	Ramblers Association Wales	DEP	O	No
1885	3680	Ramblers Association Wales	DEP	O	No
1885	3685	Ramblers Association Wales	DEP	O	No

Summary of Objections:

Rep No	Summary
3676	Former landfill site at Flint dock is being restored allocate under L3 together with adjacent area of coast and access from coastal footpath
3680	Red Pitt Wood is a community wood and should be safeguarded
3685	Protect wood to south of HSG1(11) under L3 for its landscape value

Key Issue:

7.69.1. Whether more land should be designated under L3.

Conclusions:

7.69.2. The objection sites are located outside the settlement boundary of Flint where the Council does not consider areas of green space need the protection of L3. Because of the location of the sites, they are subject to open countryside, landscape, wildlife policies and the like. Given the high level of protection these policies afford, I share the view of the Council and see no reason for an L3 designation. It would serve little purpose. Advancement of a coastal footpath is a matter which does not fall within the remit of the UDP process and a designation under L3 is not necessary to progress this matter. I note in relation to 3685 that I recommend part of HSG1(11) next to the objection site be deleted from the plan.

Recommendation:

7.69.3. I recommend no modification to the plan.

7.70. L3 – Hawarden

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3435	Ramblers Association Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
3435	The open space around the original motte should be designated under L3 and either excluded from village boundary or included in green barrier

Key Issue:

7.70.1. Whether the objection site should be designated under L3.

Conclusions:

7.70.2. The Council agrees with the objector and PC148 proposes the designation of the site under L3. This is an appropriate change which protects an attractive, historic green space which is used for recreation and contributes positively to the character of the locality. It is not necessary to change either the settlement or green barrier boundary to afford additional protection.

Recommendation:

7.70.3. I recommend the plan be modified by PC148.

7.71. L3 – Higher Kinnerton**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3440	Ramblers Association Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
3440	Disused railway at rear of HSG1(57) could be retained as a walking and landscaping belt

Key Issue:

7.71.1. Whether the land should be designated under L3.

Conclusions:

7.71.2. The Council has taken a consistent approach and only made L3 designations in areas where open space is in an area of development pressure. The former railway line lies outside the settlement boundary and by its former use is protected by both AC7 and countryside policies. I see no benefit in designating the land under L3. I have not been told of any plans to form a walkway and such proposals would have to be progressed outside the UDP system.

Recommendation:

7.71.3. I recommend no modification to the plan.

7.72. L3 – Hope, Caergwrlle, Abermorddu & Cefn y Bedd**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3448	Ramblers Association Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
3448	Route of Wat's Dyke should be protected as a long distance walking route. Include a 50m strip within/alongside allocation HSG1(40)

Key Issue:

7.72.1. Whether the objection site should be protected under L3.

Conclusions:

7.72.2. My conclusions to HSG1(40) indicate that I support the deletion of the allocation and its exclusion from the settlement boundary. Given this situation the Dyke will not come under pressure from nearby development, will be outside the settlement boundary and I see no reason for it to be protected by L3. Countryside, landscape, historic policies and the like will safeguard the integrity of the Dyke. The creation of a long distance walking route is not a matter which falls within the remit of the UDP. It must be progressed outside the UDP process.

Recommendation:

7.72.3. I recommend no modification to the plan.

7.73. L3 – Mold**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3455	Ramblers Association Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
3455	Include railway line and adjacent river Alyn Meadows under L3 to protect land from development and retain linear transport route

Key Issue:

7.73.1. Whether the line of the former railway/adjacent land should be protected by L3.

Conclusions:

7.73.2. The Council partially accepts the objector's suggestion and PC161 proposes the inclusion of the former track within the settlement boundary as an L3 designation. However, outside the settlement the former track will be protected by green barrier, countryside, wildlife, landscape policies and the like and in such circumstances I agree with the Council that it would be both inconsistent with the treatment of other objection sites outside settlements and unnecessary to designate the remainder of the site under L3.

7.73.3. That being said it appears that the map accompanying PC161 includes part of the former railway outside the settlement within the L3 designation. Because of the apparent discrepancy between the map and text I shall not recommend PC161 be incorporated into the plan.

Recommendation:

7.73.4. I recommend the plan be modified by designating that part the former railway which lies within the settlement boundary under L3.

7.74. L3 – Mynydd Isa

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1366	2150	Argoed Community Council	DEP	O	No
1366	17425	Argoed Community Council	DEP	O	No

Summary of Objections:

Rep No	Summary
2150	Designate The Bonc and Heol Fammau Park as green spaces
17425	This is dealt with in Chapter 4 GEN2 Mynydd Isa with 17423

Key Issue:

7.74.1. Whether the sites should be designated green space.

Conclusions:

- 7.74.2. Heol Fammau Park is an attractive open space characterised by mature trees and affords a pedestrian link to different parts of the estate. It provides a visual break in an otherwise built up area. I agree with the objector and the Council that it should be designated under L3 and as a consequence support PC163.
- 7.74.3. The Bonc play area on the other hand lies to the south of Mold Road outside the settlement boundary and is designated green barrier. As such it is afforded significant protection by UDP policies. It would serve no practical purpose for it to be also designated as green space under L3.

Recommendation:

7.74.4. I recommend the plan be modified by PC163.

7.75. L3 – New Brighton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1366	1895	Argoed Community Council	DEP	O	No
1885	3467	Ramblers Association Wales	DEP	O	No
3619	9261	New Brighton Bowling Club	DEP	O	No

Summary of Objections:

Rep No	Summary
1895	Allocate the sports field and children's play area as green space
3467	Protect green space in front of hotel under L3
9261	Allocate the bowling green, sports field and children's play area as green space

Key Issue:

7.75.1. Whether the objection sites should be protected by L3.

Conclusions:

- 7.75.2. Insofar as the community council is concerned about the settlement boundary. This objection is addressed at GEN2 New Brighton where I conclude the sports

field and playing area are appropriately located in and protected by the green barrier designation (GEN5). As a consequence there is unlikely to be development pressure. Therefore whilst I acknowledge the sites are publicly accessible open space of value to the community, I see no practical purpose for them to be subject to L3 as well.

- 7.75.3. The bowling green is located within the settlement. It is a formal built recreational facility with a covered spectator stand and storage shed surrounded by a hedge/chain link fencing. As such I do not consider it meets the reasons for designating green space set out in para 7.12 of the UDP. It follows I do not support the objections.
- 7.75.4. 3467 relates to areas of green space outside the settlement boundary but within the curtilage of the Beaufort Hotel. Whilst I accept that being within the hotel grounds could lead to development pressure, it seems to me that the protection afforded by HE6 which will safeguard the SAM and its setting; and countryside policies generally will be sufficient to ensure protection for the remainder of the green space. Moreover as with the bowling green above I do not consider the space meets the reasons for designating green space set out in para 7.12 of the UDP.

Recommendation:

- 7.75.5. I recommend no modification to the plan

7.76. L3 – Northop Hall

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3491	Ramblers Association Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
3491	The old railway line Connah's Quay to Northop Hall should be safeguarded and the field to the west of Wepre Park designated under L3. It would provide a valuable landscape/wildlife link

Key Issue:

- 7.76.1. Whether additional land should be designated under L3.

Conclusions:

- 7.76.2. The Council has taken a consistent approach and only made L3 designations in areas where open space is in an area of development pressure. The objection land lies outside the settlement boundary and by its former use (as a railway line) is protected partly by AC7 and wholly by green barrier, countryside, wildlife policies and the like. I see no benefit in designating the land under L3.

Recommendation:

- 7.76.3. I recommend no modification to the plan.

7.77. L3 – Pentre Halkyn**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2467	5458	Jones	DEP	O	No

Summary of Objection:

Rep No	Summary
5457	If settlement boundary is to be extended then playing field and playground should be designated as green space to protect from development

Key Issue:

7.77.1. Whether the playing field and playground should be designated under L3.

Conclusions:

7.77.2. As I do not support the objection site on Brynford Road for either a housing allocation or incorporation into the settlement boundary, the playground and playing fields will remain subject to countryside policies and together with SR policies be offered sufficient protection without designation under L3.

Recommendation:

7.77.3. I recommend no modification to the plan.

7.78. L3 – Penyffordd & Penymynydd**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1369	1900	Jones	DEP	O	No
1369	1901	Jones	DEP	O	No
1885	3493	Ramblers Association Wales	DEP	O	No
1885	3497	Ramblers Association Wales	DEP	O	No
4675	17716	Penyffordd Community Council	DEP	O	No
4710	12216	Penyffordd Junior Football Club	DEP	O	No

Summary of Objections:

Rep No	Summary
1900 17716	Designate the land at the Memorial Institute as green space due to its value to the local community for recreation, its importance and high level of use
1901 17716 12216	Designate the playing fields adjacent to the Millstone pub as green space due value to local community, importance and high level of use. It is the only play area in Penyffordd where children can play ball games and has been used by local organisations for more than 25 years
3493	Allocate the boundary hedges and ponds within HSG1(51) as green space
3497	Allocate the boundary hedges, the path and pond within HSG1(52) as green space

Key Issue:

7.78.1. Whether the sites should be designated as green spaces.

Conclusions:

- 7.78.2. The Council has taken a consistent approach and only made L3 designations in areas where open space is in an area of development pressure.
- 7.78.3. As recreational open spaces the land at the Memorial Institute and the Millstone Playing Fields will be safeguarded by SR4. Furthermore, the Millstone Playing Fields lie outside the settlement boundary and are protected by the policies that relate to the open countryside. I see no benefit in designating either of these areas under L3.
- 7.78.4. 3493, 3479 – These objections relate to matters of detail that can only be addressed as part of the development control process when proposed site layouts are available.

Recommendation:

- 7.78.5. I recommend no modification to the plan.

7.79. L3 – Rhydymwyn**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3501	Ramblers Association Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
3501	The former track bed north of the village is a landscape/wildlife feature. It would provide a walking/cycling route.

Key Issue:

- 7.79.1. Whether more land should be designated under L3.

Conclusions:

- 7.79.2. The Council has taken a consistent approach and only made L3 designations in areas where open space is in an area of development pressure. The former railway line lies outside the settlement boundary and by its former use is protected by AC7 and countryside, wildlife policies and the like. I see no benefit in designating the land under L3. A walking and/or cycling route could be progressed outside the UDP process.

Recommendation:

- 7.79.3. I recommend no modification to the plan.

7.80. L3 – Saltney**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	18439	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No	Summary
18439	PC170 should extend further north to link to the Dee

Key Issue:

7.80.1. Whether PC170 should be extended.

Conclusions:

7.80.2. Balderton Brook to the north of PC170 is a tidal creek/stagnant water which is not publicly accessible. Whilst it provides a link between the green space to the south and the Dee it has little to offer as green space and I do not support an extension of PC170.

Recommendation:

7.80.3. I recommend the plan be modified by PC170.

7.81. L3 – Shotton**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	15659	Flintshire Green Party	DEP	O	No
2678	6363	North East Wales Wildlife Trust	DEP	O	No
3381	8522	Shotton Town Council	DEP	O	No

Summary of Objections:

Rep No	Summary
15659	Objects to route of Plough Lane link road because site is a wildlife corridor and of amenity value. Land should be designated a green space
6363	Include Taliesin former landfill site and adjacent areas as a green space
8522	This objection is dealt with in Chapter 11 HSG1(21)

Key Issue:

7.81.1. Whether the sites should be designated as green space.

Conclusions:

7.81.2. 15659 – The objector has not defined an area of concern, my conclusions are therefore made on the basis of the general locality identified by the Council. The Plough Lane link road is in the LTP and PPW (8.1.4) says that such proposals should appear as a policy in the UDP. The link road is to be found at AC17(b).

7.81.3. The land is open and forms an intrinsic part of the wider countryside area. In general areas of green space located outside settlement boundaries are not designated under L3. This is because such land is safeguarded by other policies. In this case the objection site is subject to green barrier, landscape, wildlife policies and the like and any planning proposals for a road would be tested against them. In these circumstances in order to be consistent with the designation of sites in the County generally and given the high level of protection already afforded by other policies I do not consider an L3 designation to be appropriate.

7.81.4. 6363 – Again the objector has not identified the precise area and I have considered the area outlined by the Council. This site includes 15659, is part of the green barrier and an intrinsic part of the countryside. My conclusions to 15659 above apply equally to it. I can usefully add no more.

Recommendation:

7.81.5. I recommend no modification to the plan.

7.82. L3 – Sychdyn

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3504	Ramblers Association Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
3504	Allocate 50m landscape strip along line of Wat's Dyke where it is contiguous with HSG1(53)

Key Issue:

7.82.1. Whether the line of the dyke should be allocated as green space.

Conclusions:

7.82.2. It is not necessary to allocate the site as green space in order to protect the line of the dyke. In both the countryside and within settlement boundaries HE6 seeks to safeguard nationally important archaeological sites. Similarly the footpath is afforded protection by AC2. Given that the nature of the surroundings of the dyke vary significantly in this locality, I do not consider all the line of the dyke would meet the reasons for designating land under L3. As a consequence it would be inappropriate for the land to be recognised as green space under L3. I consider this matter further in relation to HSG1(53) in Chapter 11 below.

Recommendation:

7.82.3. I recommend no modification to the plan.

7.83. L3 – Talacre

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3510	Ramblers Association Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
3510	Rather than green barrier the gas terminal, dunes, sea wall, coastal strip, lagoon area and the restored colliery site should be allocated under L3

Key Issue:

7.83.1. Whether the green barrier should be deleted and replaced by an L3 designation.

Conclusions:

7.83.2. The Council has taken a consistent approach to designating green spaces. They are generally only selected where a designation would satisfy the green space criteria set out in para 7.12 and where there is pressure to develop, such as within a settlement boundary. The objection site is outside any settlement boundary and is afforded protection by a number of policies including GEN5, WB3 and L6. There is no evidence to demonstrate why this land should be treated any differently to other areas of recreational, wildlife and landscape value outside settlements. It follows I do not support an L3 designation either instead of or as well as GEN5.

Recommendation:

7.83.3. I recommend no modification to the plan.

7.84. L3 – Various non specified sites**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4765	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4765	A number of communities do not have green spaces allocated. This needs to be remedied. In some settlements white land could be allocated as green space

Key Issue:

7.84.1. Whether more sites should be designated under L3.

Conclusions:

7.84.2. It is a fact that some villages do not have any green space allocation, but L3 does not seek to protect/provide green space in every settlement and the objector does not say why each settlement should have a designation. The Council points out that green space has only been identified where it meets the criteria in para 7.12 and where the space is located in an area of development pressure. The policy seeks to protect open space that has amenity and/or recreational value and as such is consistent with PPW (11.2.3). In the light of this I accept the Council's reasoning and in principle see no need for there to be green space allocations under L3 in each settlement.

7.84.3. However, as a result of objections to the deposit draft plan it was accepted that the designations under L3 were inconsistent and the list was not comprehensive. As a consequence an open space survey was undertaken which identified all open spaces in the County and it is proposed, where appropriate, to incorporate the findings into the UDP through proposed changes.

7.84.4. As part of this objection, the objector does not put forward any sites within the named settlements which are considered suitable for green space allocation, nor identify which areas of white land should be allocated in Trelogan and Pen-y-ffordd. Consequently I can take the objection no further. However, I deal with individual omission sites which have been raised under other objections above.

Recommendation:

7.84.5. I recommend no modification to the plan.

7.85. L4 Common Land

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1712	3029	The Crown Estate	DEP	O	Yes
1713	3053	Tarmac Central Ltd	DEP	O	No
1885	3542	Ramblers Association Wales	DEP	S	No
2043	3729	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4440	Countryside Council for Wales	DEP	O	No
2239	4227	Clayton	DEP	S	No
2616	6048	J S Bloor (Services) Ltd	DEP	O	No
4844	12663	Trustees of the Fourth Duke of Westminster	DEP	O	No
5118	13326	RMC Group plc	DEP	O	No
5744	14367	Halkyn Graziers & Commoner Assoc	DEP	O	No

Summary of Objections:

Rep No	Summary
3029 3053	Halkyn Common has a long history of quarrying/mining. To be consistent with MIN1/MIN8, policy should exclude mineral operations or acknowledge they play a role in L4a
4440	Development on common land is subject to other legislation and this should be referred to. L4 should resist development if it is not for the better enjoyment of the land. The Council should proactively manage their s9 commons. Criterion b should recognise that public will have access to all land on foot within plan period. Para 7.14 is inaccurate when it says public access is unrestricted
6048	Controls on common land are outside planning legislation. Delete L4
12663	L4 should not restrict future mineral development on Holywell and Halkyn Commons
13326	Policy prohibits future planning permissions for mineral workings on Halkyn Common
14367	Include principle purpose of grazing

Key Issues:

7.85.1. Whether:-

- i) the policy should exclude minerals operations
- ii) other legislation/characteristics of common land should be referred to.

Conclusions:

7.85.2. Insofar as 4440 relates to CF2iii, this matter is dealt with in Chapter 17.

7.85.3. Mineral operations – I do not consider mineral operations should be specifically excluded from L4. The MSAs clearly overlap with common land and minerals development should to my mind have regard to common land. I see no inconsistency between MIN1/MIN8 and L4. The minerals policies in Chapter 18 do not accord primacy to minerals development whatever the circumstances.

MIN2 makes it quite clear that mineral operations will need to be assessed against several criteria including the impact of such development on Holywell Common/Halkyn Mountain and sites of nature conservation, landscape and heritage importance. This is consistent with PPW (5.2.10) which recognises that common land is a finite resource which should not be developed unnecessarily.

- 7.85.4. In the case of Holywell Common/Halkyn Mountain I note that the parties make it clear that CCW recognise the effect mineral extraction has had on this area and no doubt it is a matter which will be taken into account when future minerals applications are brought forward.
- 7.85.5. Legislation/commons characteristics – The Council accepts many of the suggestions put forward in objections to L4 and para 7.14. PCs181, 182, 183 and 184 propose extensive changes to para 7.14 and add clarity to the plan. In combination they explain the pertinent legislation, correct inaccuracies and set the policy in the context of common land. In the light of these changes I do not consider the objections necessitate any further modification to the policy which identifies the matters which will be taken into account when a planning application is submitted (that is subject to my comments below on criterion c). Other legislation addresses matters such as the enjoyment of the land for the benefit of the neighbourhood. The management by the Council of its s9 commons does not fall within the scope of the UDP. It is a matter which the objector can take up outside the inquiry process.
- 7.85.6. Although there are other acts concerned with development on common land, the requirements of that legislation are in addition to the need to apply for planning permission and not instead of. Common land has particular characteristics which it is important to protect and it is appropriate that there should be a policy in the plan dealing with it.
- 7.85.7. Other matters - Whilst there has been no direct objection to criterion c, I have concerns about its appropriateness. On occasions, it seeks to permit development only where a scheme includes future management whether of the common land or the new development is not entirely clear. I note that PPW (5.2.10) refers to management of common land, but it goes no further than seeking to *encourage*. In general terms the management regime of land and/or buildings is not something which can be controlled by a planning authority through planning conditions. This appears to be accepted by the Council in some of its responses to L3 objections. I would suggest that this is a matter which is revisited at the modification stage.

Recommendation:

7.85.8. I recommend the plan be modified by:-

- i) PCs181, 182, 183 and 184
- ii) reviewing criterion c in the light of PPW (5.2.10).

7.86. Paragraph 7.14

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3556	Ramblers Association Wales	DEP	O	No

2350	4987	Welsh Assembly Government	DEP	O	Yes
4844	12664	Trustees of the 4 th Duke of Westminster	DEP	O	No
2106	18440	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No	Summary
3556	Para is inaccurate in relation to public access to commons
4987	Para should refer to agriculture. Clarify or delete reference to Law of Property Act 1925
18440	Object to PC183 as it may still be inaccurate
12664	Para should not refer to County Council as the guardian of common land in Flintshire

Key Issues:

7.86.1. Whether PC183 is accurate.

Conclusions:

7.86.2. Insofar as most of the objections to para 7.14 are concerned I would refer to my conclusions and recommendations above in response to objections to L4.

7.86.3. In respect of PC183, the objector does not say how it is inaccurate. The Council are satisfied it is not and in these circumstances I see no reason to recommend any changes to PC183.

Recommendation:

7.86.4. I recommend no modification to the plan.

7.87. L5 Environmental Improvement Schemes**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3608	Ramblers Association Wales	DEP	O	No
1885	3615	Ramblers Association Wales	DEP	O	No
1885	3677	Ramblers Association Wales	DEP	O	No
1885	3681	Ramblers Association Wales	DEP	O	No
2350	4990	Welsh Assembly Government	DEP	O	Yes
1885	3544	Ramblers Association Wales	DEP	S	No
2043	3730	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4443	Countryside Council for Wales	DEP	S	No
2239	4228	Clayton	DEP	S	No

Summary of Objections:

Rep No	Summary
3608	The area of Knowle Wood and former mineral workings, Buckley should be a green space and a community wood to provide a wildlife habitat.
3615	Land at bottom of Bank Lane Buckley should be tidied up and allocated as green space
3677	Flint dock area is being restored. Show it as landscape area with access from coastal path
3681	Red Pit Wood Flint is a community wood which should be safeguarded
4990	Policy is a statement of intention. Delete or redraft

Key Issues:

7.87.1. Whether:-

- i) land should be allocated for improvement schemes

- ii) the policy should be changed.

Conclusions:

- 7.87.2. Insofar as 3608/3615 seek allocations as green space these are dealt with above at L3 Buckley and 3677/3681 L3 Flint.
- 7.87.3. Improvement schemes - The Ramblers Association suggest various sites for environmental improvement schemes. However, L5 is not a policy which identifies land in need of improvement. It is a reactive policy and sets out criteria against which schemes coming forward can be tested. It is not therefore appropriate to designate any of the sites under L5. If it were I note that in the case of 3608 it appears that some improvements will take place anyway as part of a housing development, although I have not been provided with details.
- 7.87.4. Whilst the Council does not appear to be against some type of improvement scheme at Bank Lane, it is pointed out that there is no scheme which is capable of being implemented during the plan period. Consequently it would be contrary to *Unitary Development Plans Wales* to allocate this site under L5.. However, that being said should a scheme come along L5 would provide a policy background to assess the merits of the proposal.
- 7.87.5. As the Flint docks site appears to have undergone improvements, it would be of little benefit for the area to be recognised under L5. Similarly Red Pit Wood is already a community wood which I am told is actively managed by the community. It would serve little purpose for it to be listed under L5. I note however, that both these sites lie outside the settlement boundary and as such are afforded substantial protection from development by countryside policies in the plan.
- 7.87.6. Policy wording - The Council agrees that as written the policy is only a statement of intent and as a consequence propose PC185 to replace *encouraged* with *permitted*. I support this change which resulted in the conditional withdrawal of the objection.

Recommendation:

- 7.87.7. I recommend the plan be modified by PC185.

7.88. L6 The Coast

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3546	Ramblers Association Wales	DEP	S	No
1885	3678	Ramblers Association Wales	DEP	O	No
1885	3682	Ramblers Association Wales	DEP	O	No
2029	3695	National Trust	DEP	O	No
2106	4446	Countryside Council for Wales	DEP	O	No
2239	4229	Clayton	DEP	S	No
2350	4994	Welsh Assembly Government	DEP	O	Yes
3206	7973	Environment Agency Wales	DEP	O	Yes
59	18051	Envirowatch	PC	S	No
2106	18441	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No	Summary
3678	Flint dock area is being restored. Show it as landscape area with access from coastal path
3682	Red Pit Wood Flint is a community wood which should be safeguarded
3695	Add criterion to clarify relationship with GEN4 and distinguish between developed and undeveloped coast
4446	Policy/text should refer to TAN15, seascape assessments, climate change and Cell 11 Shoreline Management Plan
4994	As part of recognising EUs recommendation on Integrated Coastal Zone Management cross references should be noted under <i>other key policies</i> . Add undeveloped coast to IPP15
7973	Criterion e should have due regard to the risk of flooding. Cross reference with EWP16
18441	Hoped recommendation regarding possible future development from the SMP1 could have been safeguarded as part of the UDP process

Key Issues:**7.88.1. Whether:-**

- i) the scope of the policy requires clarification
- ii) there should be changes to the policy and its accompanying text
- iii) sites should be allocated under L6
- iv) there should be changes to the IPPs.

Conclusions:

- 7.88.2. Scope of policy – PPW (5.7.2) distinguishes between the undeveloped and the developed coast and I consider L6 should make it clear if it relates to either or both of these areas. Although the Council says L6 seeks to protect the special qualities of the undeveloped coast, as written I do not consider it achieves this objective. There is a lack of clarity in the use of terminology in the policy/explanatory paragraphs which is confusing. The title of L6 is *The Coast* and the preamble to the criteria says *outside settlement boundaries and allocated sites development on the coast...* Para 7.17 defines the coast as the *...land on the estuarine side of the A548*. However, whilst this area is largely undeveloped it also includes relatively large industrial areas which are not. Furthermore whilst the policy refers consistently to the coast PCs188 and 189 do not. They refer to the *undeveloped coast*.
- 7.88.3. I consider this ambiguity should be addressed at the modification stage by changing the title and wording of the policy to make sure that it relates only to the undeveloped coast. To complement this the undeveloped coast should either be depicted on the proposals map or definitions given within the explanatory text to distinguish clearly between developed and undeveloped coast. I note here that this may also necessitate a change to STR7b. If the *undeveloped coastline* mentioned in that policy is the same as *undeveloped coast* then the same terminology should be used or the difference explained.
- 7.88.4. If these clarifications and changes are made, I do not consider there needs to be an additional criterion as suggested.
- 7.88.5. Policy changes – Given the potential for flooding in the coastal area, I consider there should be specific mention of this matter in both the policy and the text. In line with this the Council propose PC187 which replaces criterion e and PC188 which makes reference to TAN15 at the end of para 7.17. Similarly PC189 draws attention to other requirements/documents which may be pertinent to a

decision maker as material considerations. This will assist users of the plan and I support the PCs.

- 7.88.6. 4994 does not say which policies should be cross referenced with L6. I have concluded elsewhere in this report that in a plan which is meant to be read as a whole only those policies which have a strong link should be cross referenced. To do otherwise would devalue the process. In this case the Council proposes (PC190) cross reference with EWP16 which is sensible given the coastal focus of L6. In addition the Council refer to the strong link between L6 and SR8. However, whilst there is a link from SR8 to L6, there is not one in reverse and this I consider to be an omission. As L6 and SR8 relate to overlapping, but not the same areas, I consider the link should be explicitly specified.
- 7.88.7. There is a lack of detail supplied with the objection made as a result of the proposed changes. As I do not know which recommendations are being referred to or the likelihood of future redevelopment within the Dee estuary, it is not possible to reach any meaningful conclusions.
- 7.88.8. Allocations - The Ramblers Association suggest 2 sites should be protected by L6. However, L6, like L5 is not a policy which has allocations, it restricts development in a specific geographical area and sets out the criteria which will be taken into consideration when development is proposed in that area.
- 7.88.9. In the case of the Flint dock area, it appears that a landscape scheme has now been implemented and any developments which come forward will be tested against the criteria in L6. There is no necessity for additional protection and there would be little benefit in making a specific allocation under L6. Insofar as Red Pit Wood is concerned that area lies to the south of the A548 and so is not subject to L6. It would therefore be illogical to make an allocation under L6.
- 7.88.10. The IPPs – It would make the IPPs more comprehensive if the *undeveloped coast* were added to IPP15 and IPP17. It follows I support PC89.
- 7.88.11. Other matters - My conclusions above are drawn from the duly made objections as are my recommendations below. However, there is one further point which I would draw to the Council's attention and that is the consistency between the criteria in SR8 and L6. Both the draft deposit and PCs versions of the policies apply similar but not the same criteria to development within 2 areas which are largely contiguous. It should perhaps be questioned whether both policies are required and if it is determined they are, then it would be of benefit to future users of the plan and decision makers alike, if there was consistency between the 2 policies. This is perhaps a matter the Council would wish to explore at the modification stage.
- 7.88.12. I support PC186 which deletes and replaces criterion c to give it more focus.

Recommendations:

7.88.13. I recommend the plan be modified by:-

- i) changing the policy title to *The undeveloped coast*
- ii) deleting the preamble to the criteria and replacing it with *within the undeveloped coast development will only be permitted where:-*
- iii) depicting the undeveloped coast on the proposals map and/or defining the term undeveloped coast in the explanatory text and/or in the glossary of terms

- iv) reviewing the terminology in STR7 to make it consistent with L6 or explaining the differences
 - v) PCs89 and 186-190
 - vi) listing SR8 The Dee Estuary Corridor under the heading Other key policies proposed by PC190.
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8. Wildlife and Biodiversity

8.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3273	Flintshire Green Party	DEP	O	No
59	3277	Flintshire Green Party	DEP	O	No
2420	6026	RSPB Cymru	DEP	O	No
3543	9023	Chester City Council	DEP	S	No
4844	12656	Trustees of the Fourth Duke of Westminster	DEP	O	No

Summary of Objections:

Rep No.	Summary
3273	Needs new policy for management of minor landscape features of wildlife importance
3277	Needs policy to prevent development fragmenting the natural environment
6026	Needs a policy to protect semi-natural habitats
12656	The cSAC and SSSI on Holywell and Halkyn Commons are not properly identified

Key Issues:

8.1.1. Whether:-

- i) there should be new policies to encourage the management of landscape features which are important wildlife features; prevent fragmentation of the natural environment; protect semi-natural habitats
- ii) the cSAC and SSSI on Holywell and Halkyn Commons are properly identified.

Conclusions:

- 8.1.2. New policies – PPW para 5.4.3 says that UDPs should encourage the appropriate management of features of the landscape which are of major importance for wildlife and fauna and para 5.4.4 goes on to say that adequate protection should be given to non statutory designations. In the round I believe Chapter 8 policies and their accompanying text do this in relation to development which needs planning permission.
- 8.1.3. I note in any event the UDP is a complementary document to the BAP, which the Council in line with PPW (5.4.2), intend to adopt as SPG. The function of that document is different. Amongst other things, it is a tool for involving local communities in the development and management of habitat networks. As a consequence it is able to go much further in respect of positive, as opposed to reactive, management of the features referred to by the objector.
- 8.1.4. Whilst the existing policies do not specifically mention *stepping stones* or *wildlife corridors*, this does not mean that they are not afforded protection by policies, the explanatory text at 8.3 and 8.20 explains their importance. The objector does not suggest how an additional policy could be worded. From my comments above I do not consider one to be necessary either in the interests of wildlife or to meet the objectives of national policy.

- 8.1.5. Chapters 6, 7 and 8 all seek to protect the natural environment from the unacceptable adverse effects of development. The objector does not suggest why or how an additional policy should or could go further than this. In general terms, as will be evident from my conclusions on those chapters, I am satisfied that they provide adequate protection for the natural environment.
- 8.1.6. WB1-5 afford protection to habitats of international, national, regional and local importance whether statutory or not. They do not differentiate between different types or exclude certain types of habitat such as those suggested by the objector. I understand that WB5 introduces the concept of local importance. However, for it to relate to all habitats whether worthy of protection or not would be unreasonable. Neither would it reflect the objectives of PPW. As a consequence I do not consider a new policy to prevent material harm to semi-natural habitats should be included in the UDP. I note that hedgerows are dealt with in Chapter 6.
- 8.1.7. Holywell and Halkyn Commons - The objection in respect of the second issue is a bald statement. It does not say how or why the areas are improperly identified. So far as I am aware they are properly depicted on the main proposals map and inset maps 6, 30, 33, 49, 52 and 54.

Recommendation:

- 8.1.8. I recommend no modification to the plan.

8.2. Relevant Strategic Aims

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2420	6036	RSPB Cymru	DEP	O	No
59	18052	Envirowatch	PC	S	No

Summary of Objection:

Rep No.	Summary
6036	Add species action plans to IPP24. Insert new IPP for loss of farmland bird habitat

Key Issue:

- 8.2.1. Whether there needs to be a new/amended IPP or target for bird species.

Conclusions:

- 8.2.2. The Council confirms that IPP22 and 24 are intended to refer to habitats and species which have been identified in the BAP's action plans. In the interests of clarity, the IPPs need to be reworded to reflect the terminology in the BAP. If this is done then it would meet part of the objector's concerns. I shall recommend accordingly.
- 8.2.3. Chapter 8 deals with wildlife and biodiversity generally it does not differentiate between different types of species nor particular habitats, only the level of protection afforded by various legislation. This is reflected in the IPPs generally and target 3. To introduce an IPP/target dealing with a particular habitat would imply some kind of priority for it which may not be supported by the BAP – a complementary document which identifies local priorities for action. This would

be, at best confusing and at worst misleading for users of the plan. My conclusions above do not mean that the matter could not be pursued outside the development plan process. The objector suggests ways in which monitoring could be achieved. However, that would be a matter for the objector to debate with the Council in a different forum.

- 8.2.4. PC191 adds reference to *geology* to Target 3 and reflects the importance of geodiversity in the planning process.

Recommendations:

- 8.2.5. I recommend the plan be modified by:-

- i) Deleting IPP22 and replacing it with *Area of each Habitat Action Area Plan in the BAP*
- ii) deleting IPP24 of *protected species in LBAP* and replacing it with *species identified in Species Action Plans in the BAP*
- iii) PC191.

8.3. Policy Objectives

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4450	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4450	Clarify key species and habitats in policy objective (a)

Key Issue:

- 8.3.1. Whether it is necessary to make the clarification required by the objector.

Conclusions:

- 8.3.2. In general within Chapter 8 there is scant reference to key species and habitats which can be referred back to policy objective (a). The word which is used throughout the policies is *important* whether referring to international, national, regional or local sites. It seems to me that if *key* were substituted by *important*, this would provide the clarification sought by the objector. I shall recommend accordingly.

Recommendation:

- 8.3.3. I recommend the modification of the plan by the substitution of *important* for *key* in policy objective (a).

8.4. Paragraph 8.1

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
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2106	4454	Countryside Council for Wales	DEP	O	No
2420	5965	RSPB Cymru	DEP	O	Yes
59	18053	Envirowatch	PC	S	No

Summary of Objections:

Rep No.	Summary
4454	Needs reference to geodiversity in para 8.1
5965	Needs to set out Flintshire's strategic environmental reserves

Key Issue:

8.4.1. Whether there should be specific reference to *geodiversity* and the *County's strategic environmental reserves*.

Conclusions:

- 8.4.2. The Council agrees with the objector that there should be reference to geodiversity and suggest PC192. I support this change which reflects the importance of geodiversity in the planning process and Target 3.
- 8.4.3. PC193 proposes, as an addition to para 8.4, reference to the varying habitat types and nature conservation designations within Flintshire and the strategic importance of the Dee estuary and floodplain. I also support this change which helps set the scene for the policies which follow. The objection has now been conditionally withdrawn.

Recommendation:

8.4.4. I recommend the plan be modified by PCs192 and 193.

8.5. Paragraph 8.2**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4457	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No.	Summary
4457	Needs reference to geology and landforms to reflect PPW 5.1.2

Key Issue:

8.5.1. Whether the change should be included in the paragraph.

Conclusions:

- 8.5.2. Para 8.2 of the plan accurately quotes PPW (5.1.2). It is PPW (5.1.1) which refers to such matters as geology and landform. These matters are now recognised by the Council in PCs191 and 192. I see no need to make further reference to them or quote further from PPW. It would add little to the plan.

Recommendation:

8.5.3. I recommend no modification to the plan.

8.6. Paragraph 8.3

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4459	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No.	Summary
4459	Refer to geology and landform to reflect PPW

Key Issue:

8.6.1. Whether there needs to be specific reference to *geology* and *landform*.

Conclusion:

8.6.2. PPW (5.1.1) is concerned with the natural heritage of Wales. Chapter 8 is not the only place in the UDP which is concerned with the natural heritage of the County. Chapter 7 in particular also deals with this matter. To repeat verbatim the wording of national policy guidance would be unnecessary repetition. I see no reason, nor has the objector said why *geology* and *landform* need to be specifically mentioned in succeeding paragraphs of Chapter 8. Together with other chapters, and as proposed to be changed, I consider the introductory paragraphs adequately reflect national policy without this amendment.

Recommendation:

8.6.3. I recommend no modification to the plan.

8.7. Paragraphs 8.4 – 8.6

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4466	Countryside Council for Wales	DEP	O	No
2420	5978	RSPB Cymru	DEP	O	Yes
59	18054	Envirowatch	PC	S	No

Summary of Objections:

Rep No.	Summary
4466	Refer to geology and landform to reflect PPW
5978	Insert reference to enhancement of nature conservation interests

Key Issue:

8.7.1. Whether there needs to be specific reference to *geology* and *landform* and/or *enhancement of nature conservation interests*.

Conclusions:

- 8.7.2. Insofar as 4466 is concerned I would refer to my conclusions at 8.5 and 8.6 in response to 4457 and 4459 respectively.
- 8.7.3. Whilst paragraph 8.4 only refers to protection, enhancement is nevertheless referred to elsewhere, such as 8.1, 8.5 and 8.6. There can be no doubt that the plan and its policies seek the protection and enhancement of nature conservation interests. I see no necessity to make the change proposed by the objector. I note 5978 has been conditionally withdrawn, even though the Council has made not made the suggested change.
- 8.7.4. PC194 proposes the deletion of *finally* at the beginning of para 8.6. This minor change helps the sense of the paragraph.

Recommendation:

- 8.7.5. I recommend the plan be modified by PC194.

8.8. WB1 Protected Species**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3323	Flintshire Green Party	DEP	O	No
1712	3030	The Crown Estate	DEP	O	No
1885	3547	Ramblers Association Wales	DEP	S	No
2106	4469	Countryside Council for Wales	DEP	O	No
2239	4230	Clayton	DEP	S	No
2350	4996	Welsh Assembly Government	DEP	O	Yes
2420	5967	RSPB Cymru	DEP	O	Yes
4844	12666	Trustees of the Fourth Duke of Westminster	DEP	O	No
2106	18442	Countryside Council for Wales	PC	O	No
2106	18443	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No.	Summary
3030	Plan should recognise role of CCW and habitat created as a result of development
3323	Add to end of policy <i>and there are no alternatives</i>
4469	Clarify whether policy relates to protected species and/or species/habitats in BAP and make consequent changes to para 8.7
18442	Support PC195 but object to policy referring to habitats
4996 5967	Confusion between <i>protected</i> and <i>important</i> in policy and para 8.7
12666	WB1 and para 8.7 should refer to existing planning permissions
18443	PC197 clarify <i>important</i> . Take NERC changes into account

Key Issues:

- 8.8.1. Whether:-
- the policy should require the investigation of alternative sites
 - there should be additional text to recognise the role of CCW and the link between development and habitat creation
 - the policy and para 8.7 require clarification/alteration.

Conclusions:

- 8.8.2. Alternative sites - As written (and proposed for amendment by PC196) the policy would prevent development if significant adverse effects could not be mitigated in such a way as to secure the long term protection and viability of important species and their habitat. The policy safeguards species, their habitats and biodiversity and is in line with PPW.
- 8.8.3. The UDP and its policies must be read alongside other legislation which offers statutory protection for species. It does not override any statutory requirements for protection contained in either Acts of Parliament or through European law. As a consequence there is additional protection enshrined in other legislation. I do not therefore consider it necessary to require potential developers to explore alternative sites as a matter of UDP policy.
- 8.8.4. CCW - Whilst there is an interrelationship between the CCW and the planning authority, the same could be said of a multitude of organisations. It would serve little purpose and add to the bulk of the plan if the role of the CCW was to be explained in a document which seeks to guide development within the planning system. Each organisation has its own powers under different legislation.
- 8.8.5. Similarly I do not consider a chapter which seeks to set parameters for development in relation to the protection of species and important habitats would be assisted by a description of how some of those habitats came about. It would be superfluous text in a forward looking plan. The assessment of any application for mining and quarrying would include consideration of such matters as impact on biodiversity and restoration. It follows from the above I do not support the additional text suggested by the objector.
- 8.8.6. Policy changes - The Council proposes (PC195) changing the policy title to species protection and substituting *important* for *protected* in para 8.7 (PC197). This follows the suggestion of objectors. As a result para 8.7 explains that important species and their habitats are not just those protected by law. Damage to a *habitat* can threaten a species therefore it is appropriately included in the policy. Because the policy refers to more than protected species the objector believes that there should be specific mention of biodiversity listed species and biodiversity listed habitats, the CROW Act 2000 and the BAP. I do not agree. To include such matters in a policy would make it unwieldy. I find the explanatory text gives sufficient background to the policy without mention of the CROW Act and the development of the BAP.
- 8.8.7. Turning now specifically to para 8.7. The paragraph explains what constitutes *important* species and habitats. The Councils intends changing a typo and refer to the *amended* Wildlife and Countryside Act. Consultation procedures with CCW are clearly set out in TAN5. They are part of the development control process and there is no need to duplicate them in the UDP. Similarly the possible need for an ecological survey is a part of the development control process. I see no need to include reference to it in the development plan.
- 8.8.8. Neither do I see merit in either the policy or its explanation referring to existing planning permissions. Whatever the merits of those permissions, they are a *fait accompli* and are not affected by a policy which seeks to guide future development. The objector refers only to the recent development by the Natural Environment Research Council, but does not say what it is or why it should be included in the policy. It is therefore not possible to reach a meaningful conclusion on the matter.

8.8.9. PC196 complies with the findings of the SEA/SA and refines the policy. Without the qualification *significant* it could be argued that any development would have an adverse effect. It adds necessary precision to the policy.

Recommendation:

8.8.10. I recommend the plan be modified by PCs195, 196 and 197.

8.9. WB2 Sites of International Importance

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
329	430	Hooson	DEP	O	No
1712	3031	The Crown Estate	DEP	O	No
1713	3054	Tarmac Central Ltd	DEP	O	No
1742	3145	Dee Estuary Conservation Group	DEP	O	No
1885	3549	Ramblers Association Wales	DEP	S	No
2106	4472	Countryside Council for Wales	DEP	O	No
2239	4231	Clayton	DEP	S	No
2350	4997	Welsh Assembly Government	DEP	O	No
2420	5994	RSPB Cymru	DEP	O	No
2753	6627	Cheshire County Council	DEP	S	No
59	18055	Envirowatch	PC	S	No
2350	18344	Welsh Assembly Government	PC	O	No
2753	18015	Cheshire County Council	PC	S	No
4844	18389	Trustees of the Fourth Duke of Westminster	PC	O	No
2106	18444	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No.	Summary
430	This objection is dealt with in chapter 11 HSG1 – Connah's Quay
3031	This objection is addressed at 8.8 above
3054	WB2-5 don't recognise differences between international, national and local sites
3145	No development should be allowed within the Dee Estuary SPA/SSSI
4472	Refer to appropriate assessment and EIA in para 8.12. Policy should refer to classified and potential/candidate international sites. Policy/text should clarify permitted development procedures. Proposals maps should show up to date boundaries
4997	Justification should refer to TAN5 (page 3)
5994	Policy should refer to sites which contain priority natural habitats/species, listed Ramsar sites, cumulative impacts, works necessary for management of sites, use of conditions. Delete first sentence in para 8.13. Second sentence should refer to priority habitat types and species in European sites. Delete environmental statement and replace with appropriate statement in para 8.12 and indicate a full environmental statement is <i>likely to be required</i>
18344	Delete <i>or possible</i> from PC198
18389	Insert into PC198 <i>adverse effect, which cannot be mitigated</i> in line 2 after <i>significant</i>
18444	Add sentence to para 8.13 about a compensation/compensatory mechanism

Key Issues:

8.9.1. Whether:-

- i) policies WB2 – 5 differentiate sufficiently between international, national and local sites
- ii) all development should be precluded in the Dee estuary

- iii) there need to be clarifications made to WB2 and its explanatory paragraphs.

Conclusions:

- 8.9.2. Policies WB2-5 - The Council proposes a number of changes (PCs and FPCs) to policies WB2-5 and my comments here should be read in conjunction with my detailed comments on those changes.
- 8.9.3. WB2-5 each have clear headings saying which sites they relate to. How development proposals in them will be treated is expanded in the accompanying text. They are similar in that they seek to prevent significant adverse effects, but that is inevitable in policies which seek to protect nature conservation interests. The objector does not say what national guidance wording would be an improvement and without more information I cannot comment further.
- 8.9.4. Dee estuary - The designation as an SPA, SAC or SSSI does not automatically mean that there should be a total ban on all development. For UDP policy to do so would be contrary to national policy. There may be instances where development is necessary for site management and the like and it seems to me that TAN5 succinctly sets out the procedure for determining planning applications in such areas. Without a total ban on development there is satisfactory protection in policy at all levels to protect these areas.
- 8.9.5. Policy changes - I agree with CCW that there should be reference to *appropriate assessment* in the text accompanying the policy. It is specifically mentioned in the policy (as proposed to be changed PC198), but not defined or explained elsewhere such as the glossary of terms. It would add clarity to the plan if it were and reflect the provisions of Reg48(1)(b) of the Habitats Regulations. I reach a different conclusion in respect of environmental assessment as that is the subject of a separate policy (GEN6) and explanation. It is also defined in the glossary.
- 8.9.6. As proposed to be changed by PC198, WB2 refers to potential SPAs and candidate SACs. This is in line with PPW (5.3.10). WB2 is essentially concerned with development which requires planning permission, consequently I do not consider it necessary for the plan to contain the administrative arrangements for permitted development or the WAG's call in procedure. These can, in any event, be found in TAN5. It is important that when the plan is adopted the proposals map shows the up to date boundaries for the nature conservation sites. I understand this will be done as part of the final checking process carried out by the Council.
- 8.9.7. The table on page 3 of TAN5 sets out a useful guide to the considerations affecting proposals in SPAs and SACs and the likelihood of development being permitted. A short reference to the table would set WB2 in context and thereby assist users of the plan. It contains information in addition to that set out in para 8.8. It would meet in part the objection by RSPB Cymru.
- 8.9.8. The objections by RSPB Cymru were made to the draft deposit version of WB2. The tenor of proposed replacement policy (PC198) is in my view more acceptable and reflective of national policy. However, in the interests of clarity, I consider it should be reworded to say :-
Development will not be permitted unless :-

- a) *it is demonstrated that it will not have a significant adverse effect on any Ramsar site or Natura 2000 site (including SPAs, potential SPAs, SACs, candidate SACs); or*
- b) *it is demonstrated, following appropriate assessment, that it will not adversely affect the integrity of any Ramsar or Natura 2000 site.*

- 8.9.9. It would be contrary to PPW (5.3.10) to include *possible* SACs in the amended policy. As rewritten the policy gives firm protection for international sites. Para 8.13 acknowledges that in certain circumstances planning conditions and/or obligations can be used to overcome adverse effects. It is unnecessary and would weaken the policy for the proviso - *adverse effects which cannot be mitigated* - requested by the objector to be included in the policy.
- 8.9.10. The revised wording to WB2 together with reference to TAN5 will clarify how applications will be treated without adding the extra text to the policy as suggested by RSPB. The role planning conditions and obligations will play in the context of WB2 is addressed in the reasoned justification 8.13. I do not consider it should be included in the policy as well. From my reading of the first sentence in para 8.13 I do not believe there is the suggestion that the onus is not *on the developer to show no adverse impacts will arise before considering the use of mitigation measures*. However, the reference to TAN5 will I believe clarify any potential misunderstanding. The Council is proposing minor changes to the end of para 8.13 (PC199) which will clarify its meaning and as a consequence I see no conflict with Reg 49(2) of the Habitats Regulations.
- 8.9.11. The suggested rewording of para 8.12 does not to my mind improve clarity. There is little to choose between *will be required in certain circumstances* and *is likely to be required*. I do however, find the paragraph to be unclear in respect of the references to *environmental statement* and *a full environmental assessment*. The glossary defines only environmental statement which is the document which is produced as a result of an environmental impact assessment. Para 8.12 introduces the concept of an environmental assessment suggesting there can be different levels of them. This is not defined and I am not sure what the Council mean by it. If it is an environmental impact assessment produced under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, it need not be qualified by the word *full*. If it is something else then it needs to be explained. I would suggest that the terminology should be the same as that used in GEN6.
- 8.9.12. FPC609 includes a sentence at the end of para 8.13 which accords with and explains the requirement to provide compensation/compensatory measures to protect SPAs and SACs. It adds clarity. The Council also by FPC610 propose a list of *Other key policies* HSG1, HSG2A, EM1 and EM3. This emphasises the need for proposals to take full account of sites of international importance.

Recommendations:

8.9.13. I recommend the plan be modified by:-

- i) including an explanation of *appropriate assessment* and its derivation in paras 8.10-8.13 and also by providing a definition in the glossary of terms
- ii) including reference to the table on page 3 of TAN5 in paras 8.10-8.13
- iii) updating the proposals maps to include current boundaries of nature conservation sites at time of adoption

- iv) deleting WB2 and substituting it with:-
Development will not be permitted unless :-
- a) *it is demonstrated that it will not have a significant adverse effect on any Ramsar site or Natura 2000 site (including SPAs, potential SPAs, SACs, candidate SACs); or*
 - b) *it is demonstrated, following appropriate assessment, that it will not adversely affect the integrity of any Ramsar or Natura 2000 site.*
- v) clarifying the terms environmental statement and full environmental assessment in para 8.12
- vi) PC199, FPCs609 and 610.

8.10. WB3 Statutory Sites of National Importance

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
329	431	Hooson	DEP	O	No
1375	1910	Campaign to Protect Rural England	DEP	O	No
1712	3032	The Crown Estate	DEP	O	No
1713	3055	Tarmac Central Ltd	DEP	O	No
1742	17570	Dee Estuary Conservation Group	DEP	O	No
1885	3551	Ramblers Association Wales	DEP	S	No
2239	4232	Clayton	DEP	S	No
2350	4998	Welsh Assembly Government	DEP	O	Yes
2420	6000	RSPB Cymru	DEP	O	No
3703	9506	Quarry Products Association	DEP	O	No
4844	12671	Trustees of the Fourth Duke of Westminster	DEP	O	No
5118	13332	RMC Group plc	DEP	O	No
59	18056	Envirowatch	PC	S	No
4844	18390	Trustees of the Fourth Duke of Westminster	PC	O	No

Summary of Objections:

Rep No.	Summary
431	This objection is dealt with in Chapter 11 HSG1 – Connah's Quay
1910	Include land north of Shotwick Road in SSSI
3032	This objection is addressed at 8.8 above
3055	This objection is addressed above at 8.9
17570	No development should be allowed within the Dee Estuary SPA/SSSI
4998	Redraft WB3 to reflect PPW 5.5.8
6000	Para 8.14 implies only international SSSIs will be shown on the proposals map
9506	Policy should refer to exceptional circumstances
12671	Policy places unnecessary constraints on development. Revise in line with PPW
13332	Add <i>unless there is an overriding need for the development</i> to the policy
18390	<i>In the vicinity of the site</i> introduced by PC200 is vague. Add <i>which cannot be mitigated</i>

Key Issues:

8.10.1. Whether:-

- i) land to the north of Shotwick Road should be included within the SSSI
- ii) any changes need to be made to the policy and its reasoned justification
- iii) any changes need to be made to PC200.

Conclusions:

- 8.10.2. My comments in respect of 17570 are essentially the same as those in response to 3145 at 8.9 above and I do not repeat them here.
- 8.10.3. Shotwick Road - It is not within the remit of the Council through the UDP process to change a SSSI designation. Such designations and changes to them are made by other bodies under different legislation. Irrespective of the merits of the objection I can take it no further.
- 8.10.4. Policy changes - PC200 rewords the policy as suggested by WAG. It is now consistent with PPW (5.5.8). I support the change. Similarly the Council accept the criticism about the wording of para 8.14 and put forward PC201. This change gets rid of any ambiguity.
- 8.10.5. PC changes - As reworded the policy no longer contains a blanket restriction on all development which would have an adverse effect on a SSSI. It contains a presumption against development which reflects national policy. To include the provisos suggested by the objectors would weaken the policy. Should there be exceptional circumstances/an overriding need in a particular case these matters would be treated as material considerations in the normal way and weighed against the policy and the duty imposed by the Wildlife and Countryside Act (as amended). It follows I do not consider they should be enshrined in policy. I reach similar conclusions in respect of adverse effects which *cannot be mitigated*.
- 8.10.6. PPW (5.5.8) acknowledges that SSSIs can be damaged by developments both adjacent to and at some distance away from their boundaries. It is this situation which the words *in the vicinity of the site* seek in PC200 to address. Given that the nature of SSSIs and the scale/type of developments can vary enormously it would be difficult for the policy to be more precise. It will depend on the particular circumstances. Within this context I do not find the words to be too vague.

Recommendation:

- 8.10.7. I recommend the plan be modified by PCs200 and 201.

8.11. Paragraphs 8.15**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4473	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No.	Summary
4473	Needs clarification/references to explain which government guidance

Key Issue:

- 8.11.1. Whether *government guidance* needs clarification.

Conclusions:

8.11.2. The UDP is intended to guide development within Flintshire. Its policies are based on national policy, particularly in PPW. This is made clear at the beginning of the chapter. Whilst, as is evident from my conclusions above, I consider there may be some instances when a direct reference to government policy and guidance would be helpful, I do not consider that is the case in para 8.15. In my view it would be an unnecessary addition to the UDP.

Recommendation:

8.11.3. I recommend no modification to the plan

8.12. WB4 Local Sites of Wildlife and Geological Importance**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3324	Flintshire Green Party	DEP	S	No
1713	3056	Tarmac Central Ltd	DEP	O	No
1885	3495	Ramblers Association Wales	DEP	O	No
1885	3553	Ramblers Association Wales	DEP	S	No
1885	3603	Ramblers Association Wales	DEP	O	No
1885	3611	Ramblers Association Wales	DEP	O	No
1885	3618	Ramblers Association Wales	DEP	O	No
1885	3653	Ramblers Association Wales	DEP	O	No
2106	4480	Countryside Council for Wales	DEP	O	No
2238	4185	Heesom	DEP	O	No
2239	4233	Clayton	DEP	S	No
2350	5001	Welsh Assembly Government	DEP	O	Yes
2420	6023	RSPB Cymru	DEP	S	No
4844	12676	Trustees of the 4th Duke of Westminster	DEP	O	No
5118	13336	RMC Group Plc	DEP	O	No
59	18057	Envirowatch	PC	S	No
4844	18391	Trustees of the 4th Duke of Westminster	PC	O	No

Summary of Objections:

Rep No.	Summary
3056	This objection is addressed above at 8.9
3495	Allocate path, hedge and pond to south of former White Lion pub HSG1(51) under WB4
3603	Allocate Brookhill newt ponds and rear of Catheralls estate under WB4
3611	Allocate Knowle Hill and former mineral workings under WB4
3618	Allocate land at Old Bank Lane under WB4
3653	Allocate old railway lines, landscape areas and Wepre Park Connah's Quay under WB4
4480	Include LBAPs within policy. Para 8.17 add <i>and geodiversity</i> to end of 1 st sentence. Para 8.18 needs to recognise cumulative damage
4185	Policy makes protection for non statutory sites more weighty than PPW
5001	WB4 gives more protection to non statutory sites than international/national ones
12676	Policy places unnecessary constraints on development. Revise in line with PPW
13336	WB4 gives more protection to non statutory sites than international/national ones
18391	PC202 policy should refer to adverse effects <i>which cannot be mitigated</i>

Key Issues:

8.12.1. Whether:-

- i) various sites should be allocated as local wildlife sites
- ii) there need to be changes to either the policy or its accompanying text.

Conclusions:

- 8.12.2. Wildlife sites - I am told local wildlife sites are identified by the Council in consultation with various local bodies including the North Wales Wildlife Trust. The identification of such sites is not part of the development plan process. And even if it was there is no substantive evidence available to the inquiry which justifies the land to the south of the former White Lion PH becoming a designated site. WB4 seeks only to protect sites which are already designated and on the register. If the objector wishes to pursue the matter it can only be outside the UDP process. I reach similar conclusions in respect of 3618.
- 8.12.3. The Council points out that the land at Connah's Quay (3653) is a SSSI and a cSAC. These designations are of national and international importance. WB2 and 3 afford them significant protection. Similarly Brookhill Newt Ponds and land to the rear of Catheralls Industrial Estate are part of the Buckley Clay Pits and Commons SSSI and the Deeside and Buckley cSAC.
- 8.12.4. The objector does not define an area in respect of 3611, but looking at the map produced by the Council (and to which there was no objection) it appears that part of the land is a SSSI and cSAC. My conclusions at 8.12.2 and 8.12.3 therefore also apply to this site.
- 8.12.5. Policy changes - I am not entirely clear what CCW seek. I would however, comment that WB1 deals with priority species and habitats identified in Flintshire's BAP whereas WB4 relates to a separate register of non-statutory local sites. I am not certain what information is not covered by policy. To have two policies dealing with the same areas would be confusing for users of the plan.
- 8.12.6. I support CCW's suggestion that *geodiversity* be added to the end of the first sentence in para 8.17. The policy deals specifically with sites of geological importance and it is appropriate that its accompanying text refers to geodiversity. However, I do not believe it would be appropriate for the integration of features and habitats of value to be considered for all developments. Minor developments such as domestic extensions and the like would be unlikely to have an impact.
- 8.12.7. In order to address the degree of protection given to non statutory sites and bring it in line with national policy (PPW 5.4.4), the Council proposes changes to the policy and its accompanying text. Firstly by substituting *have a significant adverse affect on* for *destroy or seriously affect* in the policy (PC202) and secondly by deleting reference to *a significant* consideration and referring to the balancing act in para 8.18 whereby it is recognised that some considerations can overcome nature conservation interests (PC203). These changes mean the policy and its text now more accurately reflect national policy and have resulted in the conditional withdrawal of WAG's objection. As the policy is intended to be read alongside its justification I see no need for further change to the policy to refer to overriding need or the like.

Recommendations:

- 8.12.8. I recommend the plan be modified by:-
- i) the insertion of *and geodiversity* at the end of the first sentence in para 8.17

- ii) PCs202 and 203.

8.13. WB5 Undesignated Wildlife Habitats, Flora and Fauna

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1713	17555	Tarmac Central Ltd	DEP	O	No
1885	3554	Ramblers Association Wales	DEP	S	No
2106	4481	Countryside Council for Wales	DEP	O	No
2239	4234	Clayton	DEP	S	No
2350	5005	Welsh Assembly Government	DEP	O	Yes
2420	6025	RSPB Cymru	DEP	O	Yes
2616	6049	J S Bloor (Services) Ltd	DEP	O	No
4844	12680	Trustees of the Fourth Duke of Westminster	DEP	O	No
5118	13340	RMC Group Plc	DEP	O	No
59	18058	Envirowatch	PC	S	No

Summary of Objections:

Rep No.	Summary
17555	This objection is addressed above at 8.9
4481	BAP sites and species should be included in policy. Refer to Reg 37 of Habitats Regs
5005	Delete <i>to the satisfaction</i> from the policy. WB5 gives more protection to non statutory sites than international/national ones
6025	Overlap between WB4 and 5 in respect of <i>sites of local importance</i> . Policy should reflect Reg 37 and there should be a new policy for semi-natural habitats
6049	Change policy to say features should be retained where possible alongside development
12680	WB5 will place unnecessary constraints on development. Revise in accord with PPW
13340	Policy is more restrictive than for international/national sites

Key Issue:

8.13.1. Whether the policy and its accompanying text should be modified.

Conclusions:

- 8.13.2. WB1 is related to habitats and species in the BAP. I see no reason for this to be duplicated in WB5. I agree with WAG that the wording of the policy requires changing and support PC205 and, in principle, also PC208 which replaces para 8.21. These changes add clarity to the policy, establish the place of undesignated sites within the hierarchy and reflect national policy. Whilst different to the objector's suggested policy the outcome is the same. The policy does not place unnecessary restraints on development, but seeks to protect nature conservation interests in line with national policy.
- 8.13.3. WB5 is a policy which essentially seeks to protect undesignated wildlife habitats not enable development. The explanatory text – PC208 - does nevertheless recognise that planning permission will not be refused if material considerations outweigh nature conservation interests. However, PC208 also deletes reference to conditions or agreements. I consider this wording should be reinstated as such measures can ensure harm to nature conservation interests is minimised.
- 8.13.4. WB4 and WB5 relate to different sites. WB4 is concerned with those sites which are identified as being of local importance and placed on a register, whilst WB5

protects those sites which may be of importance but aren't included on the register.

- 8.13.5. Whilst Reg 37 of the Habitats Regulations is not specifically mentioned the importance of semi-natural habitats, linear corridors and features are clearly recognised in the text accompanying the policy. I do not consider it would aid clarity to mention specific legislation or introduce a further policy.
- 8.13.6. To aid clarity the Council proposed deleting *flora and fauna* from the policy heading (PC204) substitute *sites* for *features* in the first lines of Paras 8.19 (PC206) and 8.20 (PC207). These changes more accurately reflect the content of the policy.

Recommendations:

8.13.7. I recommend the plan be modified by:-

- i) PCs204, 205, 206 and 207
- ii) deleting para 8.21 and replacing it with:-
However, planning permission will not be refused, where in accordance with national policy guidance, other material factors are sufficient to override nature conservation interests. Conditions and agreements will be used to mitigate any harmful effects to nature conservation interests.

8.14. WB6 Enhancement of Nature Conservation Interests

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1712	3033	The Crown Estate	DEP	S	No
1885	3555	Ramblers Association Wales	DEP	S	No
2106	4482	Countryside Council for Wales	DEP	O	No
2350	5008	Welsh Assembly Government	DEP	O	Yes

Summary of Objections:

Rep No.	Summary
4482	Policy should refer to monitoring, para 8.22 to geodiversity and para 8.23 to protecting rock exposure/landforms
5008	Policy reads as a statement of intent

Key Issue:

8.14.1. Whether the policy and its accompanying text should be changed.

Conclusions:

- 8.14.2. It is not necessary to include reference to post development monitoring in the policy. It is addressed in Chapter 20. IMP3 applies to all policies within the plan. I accept that *sensitive landscaping* may at times include protecting rock exposures/landforms and integrating new ones into the landscape. However, it is only one of a number of considerations, will vary according to the site and the development and I see no reason why it should be mentioned specifically. It follows I do not consider it appropriate to include the additional text in para 8.23. I support CCW's suggestion of including *geodiversity* into para 8.22. It ties the

policy into geodiversity and links back to para 8.1 where it is first mentioned. It is a logical addition to the plan.

8.14.3. I agree with WAG that as written the policy reads as a statement of intent rather than a means to control development. I support PC209.

Recommendations:

8.14.4. I recommend the plan be modified by:-

- i) The insertion of *and geodiversity* in the third line of para 8.22 after *biodiversity* and before *within*
 - ii) PC209.
-

9. Historic Environment

9.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3279	Flintshire Green Party	DEP	O	No
2043	3743	Clwyd Powys Archaeological Trust	DEP	O	No
2043	3744	Clwyd Powys Archaeological Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
3279	Needs policy for protection/improvement of urban environment (para 5 1 206/7 EU Habitats Directive 1984)
3743	Needs policy for long term management of historic environment in large scale development
3744	Needs policy to protect corridors and landscape settings of Offa's and Wat's Dykes

Key Issue:

9.1.1. Whether there should be additional policies.

Conclusions:

- 9.1.2. Urban environment – Within the plan there are a multitude of policies which seek to protect the urban environment and which development proposals will have to satisfy. I am not aware of any particular omissions in those policies and 3279 does not specify what an additional policy should say. Given these circumstances I can comment no further. I note here the Council has not commented on para 5 1 206/7 EU Habitats Directive 1984 and I have not taken it into account as I have not been able to trace the reference. However, both national and international legislation have provided the background for my consideration of objections to the plan.
- 9.1.3. Management – IMP1 sets out the Council's position with regard to planning conditions and obligations. In a plan which is meant to be read as a whole, it is in my view sufficient to cover the matters raised in 3743 and obviates the need for a specific policy requiring appropriate planning conditions and/or obligations to prevent long term harm to the historic environment. Whether schemes require such provisions will depend on the individual proposals which come forward as part of the development control process.
- 9.1.4. Offa's/Wat's Dykes – It is acknowledged in 3744 that the protection of Offa's and Wat's Dykes could be addressed by SPG. The Council accepts this and PC595 proposes additional SPG in relation to archaeology. It is a matter to which the objector will no doubt have an input. However, I do not believe a specific UDP policy to be necessary. It seems to me that HE6 provides a suitable background to assess any application which would potentially impact on the dykes where they are scheduled as ancient monuments and HE7 would do the same for those stretches of the dykes or their corridors which are not formally designated.

Recommendation:

9.1.5. I recommend the plan be modified by PC595.

9.2. Policy Objectives**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4486	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4486	Add to objective a <i>management and maintenance, maintenance</i> to c and cross reference d to WB1. Should also be reference to historic landscapes

Key Issue:

9.2.1. Whether the policy objectives should be added to.

Conclusions:

9.2.2. The Council accepts two of the suggestions put forward by the objector and PC210 adds reference to *management* and *historic landscape* to objective a. These changes make the preservation objective more comprehensive and I support PC210. It would not be appropriate for any of the policy objectives to require maintenance of facets of the historic environment as this is beyond the scope of the UDP. The policy objectives in Chapter 8 relate specifically to species protection and I see no benefit in cross referencing objective d with WB1.

Recommendation:

9.2.3. I recommend the plan be modified by PC210.

Paragraph 9.6**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5009	Welsh Assembly Government	DEP	O	Yes

Summary of Objection:

Rep No	Summary
5009	The reference to <i>County</i> in para 9.6 should be replaced by <i>the Courts</i>

Key Issue:

9.2.4. Whether para 9.6 should be modified.

Conclusions:

- 9.2.5. The Council acknowledges the typographical error in para 9.6 and proposes PC211 to rectify the matter. This has resulted in the conditional withdrawal of the objection.

Recommendation:

- 9.2.6. I recommend the plan be modified by PC211.

9.3. Paragraphs 9.7 & 9.10**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5011	Welsh Assembly Government	DEP	O	Yes
2350	5012	Welsh Assembly Government	DEP	O	Yes

Summary of Objection:

Rep No	Summary
5011 5012	Redraft paras 9.7 and 9.10 to reflect PPW 6.5.15 which refers to <i>preserve or enhance</i>

Key Issue:

- 9.3.1. Whether paragraphs 9.7 and 9.10 should be modified.

Conclusions:

- 9.3.2. The Council accepts the misquote in both paragraphs although PC213 only deals with para 9.10. This is acknowledged to be an omission by the Council and I consider both paragraphs need to be modified. However, to reflect the wording of s72 of the 1990 Act and the terminology in HE1, the words *the character and appearance of which it is desirable to preserve and enhance* should be replaced by *the character or appearance of which it is desirable to preserve or enhance*.

Recommendations:

- 9.3.3. I recommend the plan be modified by:-
- replacing the words *the character and appearance of which it is desirable to preserve and enhance* in para 9.7 with *the character or appearance of which it is desirable to preserve or enhance*
 - PC213.

9.4. Paragraph 9.9**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5013	Welsh Assembly Government	DEP	O	Yes
2618	6068	Pantasaph Conservation Group	DEP	O	No

Summary of Objections:

Rep No	Summary
5013	The GDO 1988 has been replaced by the General Permitted Development Order 1995
6068	Review of conservation areas should be used to strengthen protection of buildings and communities against inappropriate development

Key Issue:

9.4.1. Whether the paragraph should be changed.

Conclusions:

- 9.4.2. PC212 is a factual change which replaces reference to the 1988 Order with the current 1995 General Permitted Development Order. The change has resulted in the conditional withdrawal of 5013.
- 9.4.3. Para 9.9 sets out what action the Council intends to take in relation to conservation areas in general. How that action will affect individual conservation areas, such as Pantasaph, is beyond the scope of the UDP. 6068 proposes no changes to para 9.9 and I consider none are necessary.

Recommendation:

9.4.4. I recommend the plan be modified by PC212.

9.5. Paragraph 9.13**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3731	Clwyd Powys Archaeological Trust	DEP	O	No
2350	5014	Welsh Assembly Government	DEP	O	Yes

Summary of Objections:

Rep No	Summary
3731	The figure of 370 listed buildings in Flintshire is wrong
5014	Update reference to Cadw. The wording of the para should more accurately reflect the 1990 Act. It should be made clear that not all curtilage buildings are protected by listing

Key Issue:

9.5.1. Whether changes need to be made to the paragraph.

Conclusions:

- 9.5.2. The Council has checked its records which show that there are 868 buildings listed as being of architectural or historic interest in the County and recognises that the number of listings can change over time. PC214, amongst other things, rectifies this mistake.
- 9.5.3. PC214 also addresses the criticisms of the wording. The changes update the information in the paragraph and make it clearer and more in line with the 1990 Act.

Recommendation:

9.5.4. I recommend the plan be modified by PC214.

9.6. Paragraph 9.14

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3732	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4494	Countryside Council for Wales	DEP	O	No
2350	5018	Welsh Assembly Government	DEP	O	Yes

Summary of Objections:

Rep No	Summary
3732	Inaccuracies in the references to the register of and the classification of Holywell Common
4494	The title of the register is wrong. Holywell Common/Halkyn Mountain is a part 2.1 designation. Redraft last sentence to include management
5018	Inaccuracies in the references to the register and the classification of Holywell Common

Key Issue:

9.6.1. Whether there are inaccuracies which need to be rectified.

Conclusions:

9.6.2. The Council accepts that there were mistakes, as outlined by the objectors, in the paragraph as originally drafted and propose to rectify them by PCs215-217. I note that the number of historic parks and gardens is different to those suggested by the objectors, but as the PCs have attracted no further objections I assume the figure put forward by the Council is now accurate.

Recommendation:

9.6.3. I recommend the plan be modified by PCs215, 216 and 217.

9.7. HE1 Development Affecting Conservation Areas

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3400	Flintshire Green Party	DEP	S	No
1108	1685	Nercwys and District Rural Association	DEP	O	No
1885	3557	Ramblers Association Wales	DEP	S	No
2043	3733	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4498	Countryside Council for Wales	DEP	S	No
2239	4235	Clayton	DEP	S	No
2350	5019	Welsh Assembly Government	DEP	O	Yes
5736	14355	Arden	DEP	S	No
5738	14357	Worrall	DEP	S	No
5739	14359	Williams	DEP	S	No
5745	14370	Hope Community Council	DEP	S	No
59	18062	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
1685	The Nercwys Conservation Area boundary has been changed

5019	Amend para 9.22 to reflect provisions of 1990 Act. Para 9.23 does not accurately reflect the notification procedure. Update to reflect the SOSs powers are vested in the Assembly and clarify position with regard to Article 4 Directions
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Key Issues:

9.7.1. Whether:-

- i) changes need to be made to the proposals map for Nercwys
- ii) changes need to be made to the policy and its accompanying paragraphs.

Conclusions:

- 9.7.2. Nercwys - The Council says in response to the objection that the boundary of the conservation area has not changed since it was depicted on the Delyn Local Plan and that it is accurately represented on the proposals map. I would note however, that it does not fall within the scope of the UDP to either designate or change conservation areas, that is the remit of different legislation. If the conservation area is as designated on the proposals map then no change can be made to the boundary, irrespective of whether its boundaries are logical or not.
- 9.7.3. Changes to policy – The Council accepts all WAGs objections and proposes a number of PCs219-221. I support these changes which correct inaccuracies and update the plan. I am however, somewhat puzzled by the last sentence in para 9.25. It is not clear what is meant by development in *PD classes 1 and 2* as these classes do not appear to emanate from the 1995 General Permitted Development Order. This matter will require clarification at the modification stage.
- 9.7.4. As development can include changes of use I see no necessity for PC218 to be added to the policy. If a change of use is permitted development and not subject to an Article 4 Direction it would not fall within the scope of the policy. In the light of these factors I consider PC218 to be superfluous.
- 9.7.5. PC222 – This is an update of the Holywell Inset map to reflect the changes to the Holywell Conservation Area.

Recommendations:

9.7.6. I recommend the plan be modified by:-

- i) PCs219-222
- ii) redrafting the final sentence in para 9.25 to reflect the provisions of the 1995 Town and Country Planning (General Permitted Development) Order.

9.8. HE2 Alteration, Extension and Change of Use of Listed Buildings**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3401	Flintshire Green Party	DEP	S	No
1885	3558	Ramblers Association Wales	DEP	S	No
2029	3705	National Trust	DEP	O	No
2043	3734	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4500	Countryside Council for Wales	DEP	O	No
2350	5023	Welsh Assembly Government	DEP	O	Yes

59	18124	Envirowatch	PC	S	No
59	18125	Envirowatch	PC	S	No
59	18126	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
3705	Widen scope of policy to reflect impact can be on setting. Change title/preamble to policy
4500	There should be cross reference to WB1
5023	Delete from para 9.27 reference to Circular 60/96 which deals with archaeology

Key Issues:

9.8.1. Whether:-

- i) the policy should include the setting of listed buildings
- ii) there should be cross reference to WB1
- iii) para 9.27 should be modified.

Conclusions:

9.8.2. My conclusions to objections to HE2 should be read along side those to HE3 below.

9.8.3. The setting - The Council accepts it is an omission that the policy does not include the setting of listed buildings. PCs223 and 224 rectify this matter and reflect para 6.5.7 of PPW.

9.8.4. WB1 – In line with my conclusions elsewhere in this report I do not consider the link between listed buildings and protected species to be sufficiently strong enough to justify cross reference in a plan which is meant to be read as a whole. It is unnecessary.

9.8.5. Para 9.27 – I agree that reference in para 9.27 to Circular 60/96 is superfluous and as a consequence support PC225.

Recommendation:

9.8.6. I recommend the plan be modified by PCs223, 224 and 225.

9.9. HE3 Demolition of Listed Buildings/Buildings in Conservation Areas**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3403	Flintshire Green Party	DEP	S	No
1166	4138	Cattermoul	DEP	O	No
1885	3559	Ramblers Association Wales	DEP	S	No
2043	3735	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4502	Countryside Council for Wales	DEP	O	No
2239	4236	Clayton	DEP	O	No
2239	4237	Clayton	DEP	S	No
2350	5027	Welsh Assembly Government	DEP	O	Yes
5186	13419	The Parish of Holywell	DEP	O	No

Summary of Objections:

Rep No	Summary
3735	Should be reference to appropriate recording of buildings before demolition (PPW 6.5.11)

4138	Needs a policy to provide a solution to problem of maintaining the Old Gaol wall Mold
4236	There are spelling mistakes in HE3(a) and the last para of the policy
4502	Policy should include structures within curtilage of a listed building and those which contribute to integrity of conservation area. Cross reference with WB1
5027	Change <i>reasonable</i> to <i>realistic</i> price. Partial demolition does not require CAC. Not all buildings need to be retained. Policy needs quality test. Redraft 9.33 to reflect the Act
13419	HE3 should refer to other policies in the plan. It should reflect national guidance to <i>preserve or enhance</i> or recognise there can be benefits to the demolition of some buildings. Criterion b is unreasonable. Criterion c can be dealt with at application stage. Delete final paragraph

Key Issues:

9.9.1. Whether:-

- i) there should be a specific policy for the Old Gaol wall
- ii) there should be reference to the recording of buildings before demolition
- iii) the policy should relate to more structures in conservation areas
- iv) there should be cross reference with WB1.

Conclusions:

- 9.9.2. The Old Gaol – I appreciate that there may be problems with the walls. However, whilst the solution to the problem may be addressed through the planning system, it is a site specific matter about which I have only sketchy details and consequently I do not have the justification to recommend a policy to deal with the matter. That being said any proposals which were to be put forward could be assessed against the relevant policies in the UDP including those in Chapter 9. Even if a proposal was contrary to those policies it could still be approved by the Council if the material considerations of the case were sufficient to outweigh development plan policies. The inclusion of the Haven within the settlement boundary is dealt with in Chapter 4 GEN2 - Mold.
- 9.9.3. Recording of buildings – Proposed changes to HE2 and its explanatory paragraphs make provision for the recording of listed buildings before their demolition. As proposed to be changed (PCs227 and 228) HE3 now requires the demolition of buildings in conservation areas to preserve or enhance and HE8 ensures the recording of historic features. I consider these measures are satisfactory to provide for the adequate recording of buildings to be demolished in conservation areas.
- 9.9.4. Policy/text changes – The Council proposes a fundamental redrafting of HE3 and its accompanying text which also affects HE2. PCs227 and 228 mean that HE3 now refers to buildings generally in conservation areas and is more in line with national policy in that it introduces the test of preserve or enhance. In addition the changes to HE2 mean that it now specifically relates to listed buildings and their settings. Together with PC231 which provides an explanation for the new policy and PCs229 and 230 which amend, combine and move paras 9.30 and 9.31 to HE2, I consider the policies become clearer and more comprehensive and are to be supported. The PCs attracted no counter objections. The revised wording of HE3 also means the spelling mistakes are eradicated and there is no need to substitute *realistic*.
- 9.9.5. The remainder of 5027 is addressed by PCs232 and 226 which add clarity to the text. The objection has been conditionally withdrawn as a consequence.
- 9.9.6. WB1 – In line with my conclusions elsewhere in this report I do not consider the link between the demolition of buildings in conservation areas and protected

species to be sufficiently strong to justify cross reference in a plan which is meant to be read as a whole. It is unnecessary.

- 9.9.7. As there is no amplification in 13419 about which policies should be cross referenced with HE3, I can take the objection no further in this respect.

Recommendation:

- 9.9.8. I recommend the plan be modified by PCs226 – 232.

9.10. HE4 Buildings of Local Interest

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3405	Flintshire Green Party	DEP	S	No
1885	3560	Ramblers Association Wales	DEP	S	No
2043	3736	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4503	Countryside Council for Wales	DEP	O	No
2239	4238	Clayton	DEP	S	No
2350	5029	Welsh Assembly Government	DEP	O	Yes
2411	5245	Home Builders Federation	DEP	O	No
3540	8965	Alan's Skip Hire	DEP	O	No
3541	8977	C W Whitcliffe & Co	DEP	O	No

Summary of Objections:

Rep No	Summary
3736	Object to omission of recording of buildings prior to demolition
4503	Extend policy to structures such as sheep folds, milestones etc. Cross reference with WB1
5029	Remit of policy control in para 9.36 needs clarification. Typo in preamble to policy
5245	Permission is not required for demolition. Difficult to see how policy can be implemented
8965	The retention of buildings covered by HE4 could prevent the delivery of comprehensive redevelopment and/or make schemes unviable
8977	Boundary Lane Saltney contains a building of local interest, the retention of which could affect viability and impede comprehensive redevelopment

Key Issues:

9.10.1. Whether:-

- i) changes need to be made to the policy/text
- ii) there should be cross reference with WB1.

Conclusions:

- 9.10.2. Policy - Given the provisions of HE8 which require the recording of historic features I see no need for similar provisions within HE4. Furthermore I agree with the Council that there are sufficient other policies in the plan such as STR7 and GEN1c to protect structures. The Council acknowledges the typo in the preamble to the policy. This is addressed by PC233, whilst 234 explains the extent of control in the policy and adds clarity. The policy serves a useful purpose in that it sets out clearly the Council's position in relation to buildings of local interest.

- 9.10.3. If a redevelopment scheme came forward which affected a building of local interest, it would be tested against HE4 and other relevant policies in the plan,

taking account of any material considerations. Should there be persuasive arguments for the demolition of a locally listed building then permission could be granted as an exception to policy. The circumstances when this could occur could vary widely and would be difficult to include in a robust policy. It would moreover be contrary to the objectives of and weaken the policy for it to include instances where demolition was considered to be acceptable.

- 9.10.4. Insofar as 8977 is concerned the objection is somewhat academic as planning permission has been granted for the redevelopment of the site.
- 9.10.5. WB1 – In line with my conclusions elsewhere in this report I do not consider the link between buildings of local interest and protected species to be sufficiently strong to justify cross reference in a plan which is meant to be read as a whole. It is unnecessary.

Recommendation:

- 9.10.6. I recommend the plan be modified by PCs233 and 234.

9.11. HE5 Protection of Landscapes, Parks and Gardens of Special Historic Interest

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3407	Flintshire Green Party	DEP	S	No
1166	4139	Cattermoul	DEP	O	No
1885	3561	Ramblers Association Wales	DEP	S	No
2029	3702	National Trust	DEP	S	No
2043	3737	Clwyd Powys Archaeological Trust	DEP	O	No
2043	17237	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4504	Countryside Council for Wales	DEP	O	No
2239	4239	Clayton	DEP	S	No
2350	5038	Welsh Assembly Government	DEP	O	No
3703	9509	Quarry Products Association	DEP	O	No
2350	18347	Welsh Assembly Government	PC	O	No

Summary of Objections:

Rep No	Summary
3737 17237	The policy appears to relate only to part 2.2 of the register. Should be mention of Good Practice Guide and work on Holywell Common and Halkyn Mountain historic landscape. Welcome reference in MIN2 but consideration should be given to highlighting it as a registered landscape
4139	This is dealt with at HE3 with 4138
4504	Policy needs amendment to strengthen protection for Holywell Common and Halkyn Mountain Landscape of Outstanding Historic Interest. Refer to ASIDOHL exercise. Cross reference with other relevant policies
5038	Policy and reasoned justification should recognise difference between impacts on parks/gardens and landscapes and scale of development (PPW6.5.23). Add <i>Significant Views</i> to policy
9509	Clarification is needed of <i>zones of essential setting</i>
18347	PCs235 and 6 do not fully address 4504

Key Issue:

- 9.11.1. Whether the policy and its accompanying text should be changed.

Conclusions:

- 9.11.2. The policy is concerned with all land in the register and as a consequence PC235 changes the wording to reflect this. I am told it also refers to *Significant Views* which reflects its terminology. These changes add consistency and clarity.
- 9.11.3. Further I accept the objections insofar as it is necessary to differentiate between parks/gardens and landscapes. To accord with PPW (6.5.23) it should be made clear that when small developments are proposed, their impacts may only be local and not affect the whole of a registered landscape. It would further clarify the position if it said explicitly that the level of significance of impacts should be in accordance with the Assessment of Significance of the Impact of Development on Historic Landscape. PC236 and FPC611 propose these changes. As the policy and its accompanying text are meant to be read together I do not consider there needs to be further changes to the policy itself.
- 9.11.4. *Zone of Essential Setting* is not defined in either the register or the UDP. However, para 9.38 says explicitly that the *Zone of Essential Setting* emanates directly from the register. This is clear and unambiguous and I see no need for further clarification.
- 9.11.5. Para 9.14 (PC216) highlights the fact that the Holywell Common and Halkyn Mountain area is a registered historic landscape and MIN2 has a criterion referring specifically to it. It is not necessary to add further references.
- 9.11.6. In line with my conclusions to many other objections I do not believe the link between other policies such as L4 is strong enough to justify specific cross reference in a plan which is meant to be read as a whole.

Recommendation:

- 9.11.7. I recommend the plan be modified by PCs235, 236 and FPC611.

9.12. Paragraph 9.38**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	18445	Countryside Council for Wales	PC	O	No

Summary of Objection:

Rep No	Summary
18445	This is dealt with at HE5 with 4504

9.13. Paragraph 9.38 - 9.40**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3738	Clwyd Powys Archaeological Trust	DEP	No	

Summary of Objection:

Rep No	Summary
3738	This is dealt with at HE5 with 3737

9.14. HE6 Scheduled Ancient Monuments and Other Nationally Important Archaeological Sites**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3409	Flintshire Green Party	DEP	S	No
1713	3058	Tarmac Central Ltd	DEP	O	No
1885	3466	Ramblers Association Wales	DEP	O	No
1885	3503	Ramblers Association Wales	DEP	O	No
1885	3562	Ramblers Association Wales	DEP	S	No
2043	3739	Clwyd Powys Archaeological Trust	DEP	S	No
2043	3815	Clwyd Powys Archaeological Trust	DEP	O	No
2043	3818	Clwyd Powys Archaeological Trust	DEP	O	No
2043	3859	Clwyd Powys Archaeological Trust	DEP	O	No
2043	3860	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4505	Countryside Council for Wales	DEP	O	No
2239	4240	Clayton	DEP	S	No

Summary of Objections:

Rep No	Summary
3058	HE6 is too prescriptive and inconsistent with final point in 9.42
3466	SAM Wat's Dyke at New Brighton not on the proposals map
3503	Wat's Dyke at Sychdyn has been omitted from the proposals map
3815	SAM FI164b has been omitted from the proposals map
3818	SAM FI167 has been omitted from the proposals map
3859	SAM FI086 has been omitted from the proposals map
3860	SAM FI085 has been omitted from the proposals map
4505	Cross reference with WB1. There may be occasions where the management/maintenance of archaeological sites conflicts with protected wildlife species

Key Issues:**9.14.1. Whether:-**

- i) the policy and its accompanying text should be changed
- ii) there should be cross reference with WB1.

Conclusions:

9.14.2. The policy - I do not consider the policy which seeks to protect sites of national importance to be too prescriptive. For it to contain exceptions to the protection afforded would make it less robust and could seriously compromise the integrity of nationally important archaeological remains. The Council addresses the inconsistency between HE6 and para 9.42 by PCs237 and 238 which make it clear that it will only be in exceptional circumstances that the necessity for preservation not *in situ* will occur.

9.14.3. The Council accepts that SAMs – FI085 (Wat's Dyke, New Brighton), FI086 (Wat's Dyke, Mynydd Isa), FI164b (Ffrith), FI167 (Gorsedd) have been omitted from the proposals maps and PCs239 - 242 rectify the matter. However, in

respect of 3503 I understand that the particular line of Wat's Dyke referred to at Sychdyn is not a scheduled ancient monument and as a consequence it will be afforded protection by HE7. Sites which fall to be considered under HE7 are not shown on the proposals maps and to be consistent I do not consider the objection site should be either.

- 9.14.4. Cross reference - Whilst there may be occasions where the management and/or maintenance of a scheduled ancient monument could have a potential impact on wildlife interests, this is a matter which can be addressed as part of the development control process. Moreover there will not always be conflict and I consider the link between the two not sufficiently strong to justify a specific reference in a plan which will be read as a whole.

Recommendation:

- 9.14.5. I recommend the plan be modified by PCs237-242.

9.15. Paragraph 9.41 - 9.48

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3742	Clwyd Powys Archaeological Trust	DEP	O	No

Summary of Objection:

Rep No	Summary
3742	There could be a fuller explanation of the role of the Sites and Monuments Record and the benefit of early consultation

Key Issue:

- 9.15.1. Whether paras 9.41 - 9.48 need to be added to.

Conclusions:

- 9.15.2. In the light of my conclusions to policies HE6-HE8 and the PCs put forward by the Council I consider it would add little of value to provide a fuller explanation of the role of the Sites and Monuments Record and note that PC245 deals with the concept of early consultation.

Recommendation:

- 9.15.3. I recommend no modification to the plan.

9.16. HE7 Other Sites of Lesser Archaeological Significance

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3411	Flintshire Green Party	DEP	S	No
1885	3563	Ramblers Association Wales	DEP	S	No
2029	3700	National Trust	DEP	O	No
2043	3740	Clwyd Powys Archaeological Trust	DEP	O	No

2106	4506	Countryside Council for Wales	DEP	O	No
2239	4241	Clayton	DEP	S	No
2350	5039	Welsh Assembly Government	DEP	O	Yes
2616	6050	J S Bloor (Services) Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
3700	Policy should include setting of sites. Needs of archaeology and development can both be met through layout and construction. Add new criterion or add <i>feasibility</i> to policy
3740	Policy should include settings of sites
4506	Policy should reflect sites of local and regional significance. Cross reference with WB1
6050	Criterion b should recognise development may be possible with remains <i>in situ</i> . Add new sentence to para 9.46
5039	Para 9.46 should refer to the National Assembly and not the Secretary of State

Key Issue:

9.16.1. Whether the policy and its accompanying text should be changed.

Conclusions:

- 9.16.2. The Council accepts that it is an omission that the setting of a site of archaeological interest is not included within HE7 and in order to reflect PPW (6.4.2) propose PC243. However, whilst PPW advises that there should be a presumption in favour of the preservation *in situ* of nationally important remains, and I acknowledge that it is also desirable with other remains, there is no similar presumption in respect of regional or local sites. Indeed PPW (6.5.3) sets out what should happen on those occasions where a Council considers preservation is not justified. In this respect HE7 and its accompanying text largely reflect national guidance and given these circumstances I see no need for a new criterion or the introduction of a feasibility test into the policy. I note that para 9.46 makes it clear that the preferred option is *in situ* preservation and this is explained further by PC245.
- 9.16.3. The title of the policy reflects PPW (6.5.1) where it refers to *lesser archaeological remains*. However, the Council accepts that more clarification could be provided and propose to add this to the plan by PCs243 and 244 (as amended by FPC612). I agree with 18409 that PC244 as originally proposed was confusing as both HE6 and HE7 appear to relate to nationally important but unscheduled sites. FPC612 corrects the ambiguity. These changes in total clarify the scope of the policies for users of the plan.
- 9.16.4. The other part of PC245 (changes to para 9.46) partly updates the plan by replacing *Secretary of State* with *WAG*.
- 9.16.5. In line with my conclusions to many other objections I do not believe the link with WB1 is strong enough to justify specific cross reference in a plan which is meant to be read as a whole.

Recommendations:

- 9.16.6. I recommend the plan be modified by:-
- PCs243, 244 (as amended by FPC612) and 245
 - before the first sentence in para 9.43 adding *This policy seeks to protect other archaeological remains that are of less than national importance, but which are nevertheless of significance.*

- iii) adding at the end of the former first sentence of para 9.43....*to determine whether the remains are of local or regional importance.*

9.17. Paragraph 9.43

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2029	18409	National Trust	PC	O	Yes

Summary of Objection:

Rep No	Summary
18409	This objection is dealt with at HE7

9.18. HE8 Recording of Historic Features

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3413	Flintshire Green Party	DEP	S	No
1166	4140	Cattermoul	DEP	O	No
1885	3564	Ramblers Association Wales	DEP	S	No
2043	3741	Clwyd Powys Archaeological Trust	DEP	S	No
2239	4242	Clayton	DEP	S	No

Summary of Objection:

Rep No	Summary
4140	This objection is dealt with at HE3 with 4137

10. Access and Communications

10.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
359	437	TCC (Together Creating Communities)	DEP	O	No
2350	5071	Welsh Assembly Government	DEP	O	Yes
2420	5888	RSPB Cymru	DEP	O	No
2638	6132	General Aviation Awareness Council	DEP	O	No
3543	8992	Chester City Council	DEP	S	No
2238	17789	Heesom	DEP	O	No

Summary of Objections:

Rep No	Summary
437	Plan should encourage rail travel. Open disused railway stations and ensure they are safe. Address problems along the coast road
5071	Refer to potential/existing transport hubs/interchanges and impact of expansion of Mostyn Docks on off shore historic environment
5888	Needs a policy on demand management
6132	Needs a general aviation policy
17789	Plan should take account of WAGs trunking of A548

Key Issues:

10.1.1. Whether the plan:-

- i) encourages rail travel and security of passengers
- ii) addresses the problems along the coast road
- iii) needs a policy for potential/existing transport hubs/interchanges and trunking of A548
- iv) should mention potential off shore impacts to the historic environment
- v) should include a policy on demand management
- vi) should include a policy on general aviation.

Conclusions:

10.1.2. Rail travel – Given the limitations of a land use based planning document, I am satisfied that the plan encourages rail travel, as far as is practicable. Improving public transport and minimising the need to travel by private car is one of its underlying objectives. To achieve this, STR2 sets out broad principles and there are more detailed policies in Chapter 10, in particular AC7 (as recommended for modification) relates to disused railway lines. That being said, it is not within the remit of the Council to reopen stations and/or railway lines, that power rests elsewhere. UDP Wales (1.23) makes it clear that a UDP should only include proposals that are likely to be implemented during the plan period. So far as I am aware, there are no firm plans to reopen any stations. Therefore no proposals can be included in the plan.

- 10.1.3. It is also clear from GEN1(b) that personal and community safety are matters to be taken into account when new development is considered. However, ensuring safety at existing stations is the responsibility of the relevant rail authority, service operator and/or police not the Council.
- 10.1.4. Problems along the coast road – Apart from reference to Queensferry (which is dealt with at AC15/16) the objector does not say which areas are affected nor what the problems are. It is not therefore possible to comment in detail on the objection.
- 10.1.5. Transport Interchanges – In the introductory paragraphs to the chapter, PC247 proposes an addition to para 10.12 detailing the key transport interchanges; whilst PC281 refers to WAG's intention to trunk/improve the A548 which links Mostyn Docks and the Deeside Industrial Park Interchange. In my view these changes add sufficient clarity for users of the plan.
- 10.1.6. AC17a safeguards the A548 stage I improvements Greenfield-Ffynnongroyw. However, there are no dates for the *trunking* of the A548 and no firm plans to indicate what the land use implications would be. In the light of these factors it is difficult to envisage how a specific policy could practically guide development.
- 10.1.7. I acknowledge that PPW (8.3.2) refers to UDPs identifying the need for additional interchange sites and improvements to existing ones. However, it is the role of the LTP to review transport provision, propose improvements and identify future investment priorities. The proposals in the UDP flow from the provisions of the LTP in this respect. Neither the Council nor the objector refer to any schemes for the provision of/improvements to such facilities in the LTP. As a consequence none can be shown in the plan. Given these circumstances a policy could only be criteria based and I am not satisfied that one is necessary in the light of the provisions of AC16.
- 10.1.8. Off shore impacts – AC10 deals specifically with Mostyn Docks. In response to this and other objections, the Council proposes rewriting criterion c to make it more encompassing (PC269/FPC615) and including specific reference to landscape and historic interests in para 10.44 (PC270). These changes add clarity to the plan and the Council's written representations indicate the objection has been conditionally withdrawn. My recommendations on these changes are to be found at AC10.
- 10.1.9. Demand management – Whilst I agree with the sentiments of the objection, PPW advises a precautionary approach to the introduction of demand management measures such as road and/or workplace charging. More recent advice in TAN18 advises that such measures should be addressed through RTPs. There are no specific measures for such provision in the NWRPG or the LTP. It seems to me that demand management still needs a much wider debate at local, regional and national level and as a consequence I do not consider it would be appropriate to include this approach in the UDP. No doubt it will be addressed in more detail as part of the LDP process. In the interim AC4 requires travel plans for major traffic generating developments.
- 10.1.10. Aviation – Flintshire has 2 airfields at Broughton and at RAF Sealand. AC12 safeguards their safe and efficient operation. Neither the Council nor the objector refer to any other existing or proposed general aviation aerodromes. Whilst TAN18 gives guidance on various aspects of airport development and advises planning authorities to consider aviation issues when preparing plans, there is no requirement for plans to contain a specific policy. Given the local circumstances in Flintshire I do not consider such a policy is necessary. Should aviation development be proposed, the general environmental and transport policies in the

UDP together with national guidance would provide a sound background to consider any proposals.

Recommendation:

10.1.11. I recommend the plan be modified by PCs247 and FPC615.

10.2. Policy objectives

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4507	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4507	Add <i>and sustainable</i> to policy objective (a)

Key Issue:

10.2.1. Whether the change to policy objective (a) is necessary.

Conclusions:

10.2.2. It seems to me that it is implicit that for the distribution of land uses to be environmentally efficient they must be sustainable. I see no reason for the additional words to be included in the policy.

Recommendation:

10.2.3. I recommend no modification to the plan.

10.3. Relevant Strategic Aims

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2420	6035	RSPB Cymru	DEP	O	No
4110	18303	Peers	PC	O	No

Summary of Objections:

Rep No	Summary
6035	IPPs should have targets - IPP32 no increase, IPP33 10% increase by 2010, IPP34 100%, IPP35 100%, IPP36 50% increase by 2010, IPP40 50% increase by 2015, IPP43 safe routes to schools for all schools and green transport plans for all major employment applications. IPP37 should indicate it seeks to minimize number of parking spaces. IPP35 needs to define major
18303	Delete <i>maximum</i> from PC246

Key Issues:

10.3.1. Whether:-

- i) the IPPs should have targets and/or be changed

- ii) PC246 requires amendment.

Conclusions:

- 10.3.2. The indicators of policy performance are just that. They are intended to demonstrate in quantifiable terms what changes there have been in specific subject areas. The Council will be able to identify trends and if necessary make adjustments to any policies which are seen to be underperforming as part of the evolving LDP process. In principle there is no necessity for them to indicate the Council's aspirations as to whether a trend should be up or down, that is evident from the policies themselves.
- 10.3.3. In the particular realm of access and communications, even though the Council, as planning authority, can influence modes of transport and the like through its development plan policies, it cannot make development come forward, it cannot override the policies of other responsible bodies such as highway, education authorities etc, nor can it place restrictions on existing development. Apart from the location of development, there are also other factors which affect people's travel patterns including economic prosperity and purchasing power, changes in public transport service routes and providers. In these circumstances, it seems to me that the IPPs need to be seen as a useful, but not precise, approach to monitoring the effectiveness of the plan.
- 10.3.4. Turning now to *targets*. It would serve little purpose just to pluck targets out of the air. To have credence any target must be achievable and have a solid evidence base. They need to be distinguishable from aspirations. In this case the objector does not produce any information to substantiate the targets put forward and for a combination of the reasons given above I do not support their inclusion in the UDP. Altogether, given the multitude of influences which could sway the rate/level of change, it seems sensible that the targets in the plan should be restricted to those which are within the control of the planning authority.
- 10.3.5. I am somewhat confused by the use of the term *major applications* in IPP35. The Council refer back to policy AC4, but that concerns *major traffic generating developments*. These need not be the same. It would be helpful and clearer for users of the plan if the same terms were used for both the policy and the IPP. I shall recommend accordingly. The objector also points to a lack of clarity in IPP37 which the Council seeks to remedy by PC246, together with the merging of IPP45 and 46. These are sensible changes to make.
- 10.3.6. PC246 – By proposing maximum parking standards PC246 reflects PPW (8.4.2) where it says that minimum parking standards are no longer appropriate. It also ties into AC18 which is clear and unequivocal in referring to the Council's maximum parking standards. These are set out in a table proposed by PC284.

Recommendations:

- 10.3.7. I recommend the plan be modified by:-
 - i) making the terminology in IPP35 and AC4 compatible
 - ii) PC246.
-

10.4. Paragraph 10.17

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2616	6051	J S Bloor (Services) Ltd	DEP	O	No

Summary of Objection:

Rep No	Summary
6051	The potential of the CWRR and CDTS should be recognised

Key Issue:

10.4.1. Whether the plan recognises the potential of the CWRR and the CDTS.

Conclusions:

10.4.2. Insofar as the objection relates to the CDTS, its line is protected by AC7, even though the concept of a guided bus system is no longer being pursued.

10.4.3. The evidence does not indicate that the CWRR forms part of any LTP. Moreover whilst promoted by Chester City Council, Flintshire has grave concerns about both the environmental impact of such a proposal and the development of a scheme without complementary public transport proposals. No evidence has been put forward to address these concerns. Adopting the precautionary approach it would be illogical to include such a proposal in the UDP when all the ramifications of road construction, route etc are not available and do not appear to have been rigorously tested.

Recommendation:

10.4.4. I recommend no modification to the plan.

10.5. AC2 Pedestrian Provision and Public Rights of Way

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3327	Flintshire Green Party	DEP	S	No
1885	3444	Ramblers Association Wales	DEP	O	No
1885	3457	Ramblers Association Wales	DEP	O	No
1885	3494	Ramblers Association Wales	DEP	O	No
1885	3498	Ramblers Association Wales	DEP	O	No
1885	3502	Ramblers Association Wales	DEP	O	No
1885	3512	Ramblers Association Wales	DEP	O	No
1885	3514	Ramblers Association Wales	DEP	S	No
1885	3671	Ramblers Association Wales	DEP	O	No
2106	4508	Countryside Council for Wales	DEP	O	No
2239	4244	Clayton	DEP	S	No
2615	5947	Castlemead Homes Ltd	DEP	O	No
2678	6368	North East Wales Wildlife Trust	DEP	S	No
3852	9904	Hird	DEP	S	No
59	18063	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
3444	Delete a 50m strip from HSG1(40) to protect proposed long distance path and Offa's Dyke
3457	The old road near the roundabout to the west of Mold should be used as a cycle/walkway
3494	Protect PROW within HSG1(51) from development
3498	Protect PROW within HSG1(52) from development
3502	Delete a 50m strip from HSG1(53) to protect proposed long distance path Wat's Dyke Way
3512	A coastal path should be allocated across the former colliery site at Point of Ayr
3671	Create a footpath along the south eastern edge of HSG1(30) to link with L3.28
4508	Strengthen policy to include PROW in rural areas. Make 10.22 more proactive
5947	Object to <i>discrete</i> in criterion a

Key Issues:

10.5.1. Whether:-

- i) the policy needs to be changed
- ii) various sites need to be safeguarded from development by AC2 or allocated as PROW.

Conclusions:

- 10.5.2. Policy – As it stands AC2(c) refers to PROWs in all locations. It would not be strengthened by specific reference to particular areas. Given that the purpose of the plan is to provide a framework for new development and that it is not within its remit to deal with the maintenance of PROWs, the UDP is not the appropriate place to include the type of references sought. They would be more fitting in the Council's Walking Strategy and PROW Improvement Plan.
- 10.5.3. The Council agrees with 5947. PC248 proposes the deletion of *discrete* in criterion a. This is in line with national policy (TAN18 para 5.10) which recognises that shared surfaces can be acceptable in places, so long as they are safe, direct and overlooked. I support the change.
- 10.5.4. Specific locations - 3444 – I support the deletion of HSG1(40) for the reasons given in Chapter 11. I am satisfied that the provisions of AC2(c) offer enough protection for the PROW in the vicinity of Offa's Dyke at Hope, to not fragment or compromise the integrity of any proposed long distance footpath. Given this conclusion it follows I do not consider it necessary to designate the PROW and adjacent land a green space under L3 or that it would serve any additional purpose for the PROW to be depicted as subject to AC2 on the proposals map.
- 10.5.5. 3457 – It is not within the remit of the UDP to designate PROW, that lies with other legislation and should be pursued outside the UDP process. That being said I note that the land lies within an area of green barrier where it is highly unlikely that any development would be permitted given its designation. Consequently I see no need for any additional safeguarding under AC2 or AC3.
- 10.5.6. 3494, 3498 - I am satisfied that the PROWs within HSG1(51) and HSG(52) can be adequately protected by the provisions of AC2(c). Should development go ahead, details of links into adjacent development and assessment of particular landscape features would need to be addressed at the planning application stage in the light of UDP policies such as AC2 and TWH2. I see no added benefit in adding PROWs to the proposals map or protecting parts of the housing allocations by L3.
- 10.5.7. 3502 – I reach similar conclusions in respect of the footpath and housing allocation HSG1(53) at Sychdyn as I do to objections in Hope, Penyffordd and Penymynydd.

I can only add that, even without designation as an ancient monument, Wat's Dyke in this location is protected by HE7.

- 10.5.8. 3512 – The Council's representations indicate that a PROW already crosses the colliery site and that it is part of the long distance North Wales Coastal Path. In the light of the protection to this route by virtue of AC2(c) it would serve little purpose for it be included on the proposals map. Moreover given the myriad of public footpaths within the County I share the Council's view that to do so would create clutter and hinder legibility for users of the plan.
- 10.5.9. 3671 – Circumstances have changed since the objection was first made. There is development on HSG1(30) and a walkway at the rear of the Unilever building which links into development to the south. The objection appears to have been met in part and in the light of the built development it would serve little purpose to consider the planning merits of the objection further.

Recommendation:

10.5.10. I recommend the plan be modified by PC248.

10.6. Paragraph 10.23

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
4110	18304	Peers	PC	O	No

Summary of Objection:

Rep No	Summary
18304	Replace <i>should</i> with <i>must</i> in PC249

Key Issue:

10.6.1. Whether the wording of PC249 should be changed.

Conclusions:

- 10.6.2. PC249 gives additional information in para 10.23 about the Council's attitude to the protection of rights of way. It adds clarity for users of the plan. However, there is little to choose between *should* and *must* in terms of degrees of compulsion. PC249 as proposed by the Council reflects the wording of the policy to which there has been no objection. Consequently I do not consider it necessary to substitute the wording suggested by the objector.

Recommendation:

10.6.3. I recommend the plan be modified by PC249.

10.7. AC3 Cycling Provision

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1017	1325	Ellesmere Port & Neston Borough Council	DEP	O	No

1504	2102	The Sports Council for Wales	DEP	S	No
1885	3458	Ramblers Association Wales	DEP	O	No
2106	4512	Countryside Council for Wales	DEP	O	No
2239	4245	Clayton	DEP	S	No
2350	5049	Welsh Assembly Government	DEP	O	Yes
2411	5247	Home Builders Federation	DEP	O	No
2678	6369	North East Wales Wildlife Trust	DEP	S	No
4625	13692	Sargeant AM	DEP	O	No
5224	13506	Whittaker	DEP	O	No
5235	13551	Lewis	DEP	O	No

Summary of Objections:

Rep No	Summary
1325	The UDP does not show provision for the continuation of the Dee Coastal Path/cycleway
3458	This objection is dealt with together with 3457 at AC2 above
4512	Bullet point 3 in para 10.26 needs explanation. Plan should promote safe/off road cycling/walking routes to schools
5049	Criterion a should only apply to <i>appropriate</i> and not all development
5247	The reasoned justification contains matters which should be criteria. Major developments are 50+ houses
13692 13506 13551	Criterion a and para 10.26 are not applied consistently throughout the plan

Key Issues:

10.7.1. Whether

- i) the Dee Coastal Path should be shown on the proposals map
- ii) para 10.26 needs explanation
- iii) the plan should promote off road cycling routes to schools
- iv) the policy should be changed/added to.

Conclusions:

- 10.7.2. Dee Coastal Path - The Council does not show any footpaths or cycleways on the proposals map. They are nevertheless protected by AC2 and AC3. I understand the Council are actively progressing the Dee Coastal Path which also forms part of the national cycle network. There is consequently sufficient protection for the route without its depiction on the map.
- 10.7.3. Para 10.26 – The Council acknowledges the lack of clarity in para 10.25 and proposes PC255 to address the matter. The bullet point is now clear in its intention and I support the PC.
- 10.7.4. Safe cycling school routes – The UDP is a land use based plan which seeks to guide future development and as such its remit is limited. It cannot promote the provision of safe/off road routes to school in the way suggested by the objector. However, where new development is proposed AC3(b) (as changed by PC252) will address the matter.
- 10.7.5. The policy - The Council agrees with the objector that cycling provision, because of the varying type and scale of development will not apply to all schemes. It proposes PC250 which changes the first sentence of the policy to *...New development proposals will be required, where appropriate, to provide:* This is a sensible change which acknowledges the varying nature of development.

- 10.7.6. 5247 does not say what details would be better included in the policy. However, I am satisfied that AC3 contains a level of detail which will appropriately guide development and that the SPG referred to in para 10.25 would be a reasonable way to amplify those matters. In the light of a bald assertion, with no justification put forward, for an increase in size of housing site, I accept the Council's explanation why housing developments of over 30 units is an appropriate level.
- 10.7.7. 13506, 13551 and 13692 are no more than assertion. Without reasons why these views are held and with no suggestions about how or why the plan should be changed, I cannot take them further.
- 10.7.8. In connection with AC3 and its reasoned justification the Council proposes a number of further changes. PCs251, 253 and 254 are either minor alterations to the wording or provide necessary clarity.

Recommendation:

- 10.7.9. I recommend the plan be modified by PCs250 – 255.

10.8. AC4 Major Traffic Generating Developments

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4515	Countryside Council for Wales	DEP	S	No
2239	4246	Clayton	DEP	O	No
2334	4873	Welsh Assembly Government - Dept of Enterprise, Innovation and Networks	DEP	O	Yes
2350	5053	Welsh Assembly Government	DEP	O	No
2678	6371	North East Wales Wildlife Trust	DEP	S	No
3556	9070	British Land Company plc	DEP	O	Yes
4625	13693	Sargeant AM	DEP	O	No
5224	13507	Whittaker	DEP	O	No
2350	18349	Welsh Assembly Government	PC	O	No
7411	18690	Development Securities plc	DEP	O	Yes

Summary of Objections:

Rep No	Summary
4246	Wording should be stronger. Replace <i>provided that</i> with <i>only where</i>
4873 18690	Policy does not conform to PPW. Meaningful travel plans cannot be produced at outline stage or in respect of speculative development. The accompanying text should explain the scope, operation and means of securing travel plans
5053	Wording should be stronger. A <i>substantial number of trips</i> needs definition. Needs to be reference to legal agreements
9070	Policy is incompatible with PPW. It does not recognise speculative developments
13693 13507	Policy is not practicable
18349	Maintain objection that a <i>substantial number of trips</i> needs definition

Key Issue:

- 10.8.1. Whether the policy or its reasoned justification should be changed

Conclusions:

- 10.8.2. The policy - The Council agrees that the policy wording needs to be stronger and proposes PC257 which inserts *only* in the second line and recognises that travel

plans need not necessarily be submitted at the outline stage or for speculative developments provided that their future means of production is secured at a later stage by either condition or legal agreement. I support this change which makes the policy more robust and is in line with PPW (para 8.7.1).

- 10.8.3. The reasoned justification – PC260 proposes a new paragraph which amplifies the changes set out in PC257. It is complementary to PC257 and aids clarity. I understand the Council's difficulty in providing a figure that equates to *a substantial number of trips*. It could vary depending on the type, location and scale of development proposed. With these variables an absolute figure would not be sensible or helpful. However, in order to assist users of the plan the Council proposes PC258 which explains that the policy is concerned with developments which would be likely to generate unsustainable car based travel. Whilst I appreciate that this too is open to interpretation it does set out the underlying purpose of the policy and I support its inclusion in the plan.
- 10.8.4. The Council also proposes a number of other changes to the policy and its reasoned justification. PC256 changes the title of the plan and PC259 deals with the content of travel plans. They add clarity and definition.

Recommendation:

- 10.8.5. I recommend the plan be modified by PCs256-260.

10.9. AC5/paragraphs 10.31/10.32 New/Improvements to Public Transport Facilities

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1017	1323	Ellesmere Port & Neston Borough Council	DEP	O	No
2106	4517	Countryside Council for Wales	DEP	S	No
2239	4247	Clayton	DEP	S	No
2470	5466	Wirral Rail Users	DEP	O	No
2470	5467	Wirral Rail Users	DEP	O	No
2470	5468	Wirral Rail Users	DEP	O	No
2470	5469	Wirral Rail Users	DEP	O	No
2470	5470	Wirral Rail Users	DEP	O	No
2470	5471	Wirral Rail Users	DEP	O	No
2470	5472	Wirral Rail Users	DEP	O	No
2470	5473	Wirral Rail Users	DEP	O	No
2470	5474	Wirral Rail Users	DEP	O	No
2470	5475	Wirral Rail Users	DEP	O	No
2470	5476	Wirral Rail Users	DEP	O	No
2470	5477	Wirral Rail Users	DEP	O	No
2470	5478	Wirral Rail Users	DEP	O	No
2470	5479	Wirral Rail Users	DEP	O	No

Summary of Objections:

Rep No	Summary
1323	UDP should include a statement supporting/requiring a study for a railway station in the Deeside Development Zone
5466 5467	Request improved feasibility study for improving services on Birkenhead-Wrexham line
5468	No mention of feasibility study for new railway station at Deeside Industrial Park

5469	
5470	No mention of electrification of Wrexham to Birkenhead railway line
5471	
5472	UDP does not mention improving stopping train services at Hawarden Bridge station
5473	
5474	Include reference to reopening/replacing old Queensferry station
5475	
5476	Poor access for disabled people and prams at Shotton Station
5477	
5478	UDP doesn't recognise change in train operating company
5479	

Key Issues:

10.9.1. Whether the plan should refer to:-

- i) a new station at Deeside
- ii) improvements to the existing train services/facilities.

Conclusions:

10.9.2. New railway station at Deeside – The Council's representations make it clear that there has already been a feasibility study into reopening/replacing the Queensferry old railway station and that it found in the short term other forms of public transport, such as a Deeside shuttle would be better. There is therefore no proposal to safeguard or indication that one would come forward during the plan period. The responsibility for building, replacing, re-opening railway stations is not the responsibility of the planning authority. However, as part of HSG2A there is the possibility of enhanced public transport provision. Whether that would result in a station is not known at present, but it seems to me, given the complementary nature of the LTP/emerging RTP that the matter can be effectively pursued outside the UDP process and, if it comes to fruition, incorporated into a LDP at some future date.

10.9.3. Improvements to services/facilities - Whilst I appreciate the concerns of Wirral Rail Users which are based on sound sustainable principles, they are, in the main, not ones which fall within the remit of the UDP, for instance the level of service is an operational matter which needs to be pursued with the service operators in the context of strategies and forward looking documents such as the LTP and the emerging RTP. The situation is similar in respect of the electrification of lines. With regard to these particular objections, nothing I have read indicates that there would be any land use implications within the plan period that would be prejudiced by UDP policies.

10.9.4. In respect of disabled access I can only reiterate that this appears to be more appropriate to be addressed under the LTP. Policies such as AC1, AC5 and AC6 will ensure that new development proposals pay due regard to this matter.

10.9.5. It is not necessary for the plan to specify the transport services providers. It would serve little useful purpose, add to the bulk of the plan and they could change.

Recommendation:

10.9.6. I recommend no modification to the plan.

10.10. AC6 Railway Stations

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4519	Countryside Council for Wales	DEP	S	No
2239	4248	Clayton	DEP	S	No
2350	5056	Welsh Assembly Government	DEP	O	Yes
2753	6639	Cheshire County Council	DEP	O	No
3852	9897	Hird	DEP	S	No
59	18127	Envirowatch	PC	S	No
59	18128	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
5056	Policy is negative. Needs to consider enhancement of stations
6639	Amend policy to support improvements to Crewe-Chester-Holyhead line

Key Issue:

10.10.1. Whether the policy requires amendment.

Conclusions:

10.10.2. 5056 has been conditionally withdrawn on the basis that PCs261 and 262 are included in the plan. PC261 introduces a positive element into the policy, whilst PC262 explains this change in an accompanying paragraph. The changes reinforce the principle of improving public transport to bring about sustainable development which I support. FPC613 makes a slight typographical change to PC261 which does not alter its substance.

10.10.3. I am told that there is no scheme in existence for improvements to the Crewe-Chester-Holyhead line. Therefore it would be contrary to national advice to include such a proposal in the UDP when para 1.23 of *Unitary Development Plans Wales* makes it quite clear that a plan should only include proposals which are realistic and likely to be implemented during the plan period. I have seen no such indications in this case.

Recommendation:

10.10.4. I recommend the plan be modified by PCs261(as changed by FPC613) and 262.

10.11. AC7 Protection of Disused Railway Lines

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3127	Flintshire Green Party	DEP	O	No
59	3328	Flintshire Green Party	DEP	S	No
1375	1923	Campaign to Protect Rural England	DEP	S	No
1885	3438	Ramblers Association Wales	DEP	O	No
1885	3450	Ramblers Association Wales	DEP	O	No
1885	3453	Ramblers Association Wales	DEP	O	No
1885	3463	Ramblers Association Wales	DEP	O	No
1885	3490	Ramblers Association Wales	DEP	O	No

1885	3499	Ramblers Association Wales	DEP	O	No
1885	3500	Ramblers Association Wales	DEP	O	No
1885	3520	Ramblers Association Wales	DEP	O	No
1885	3582	Ramblers Association Wales	DEP	O	No
1885	3593	Ramblers Association Wales	DEP	O	No
1885	3642	Ramblers Association Wales	DEP	O	No
1885	3646	Ramblers Association Wales	DEP	O	No
1885	3655	Ramblers Association Wales	DEP	O	No
1885	3666	Ramblers Association Wales	DEP	O	No
1885	3674	Ramblers Association Wales	DEP	O	No
2106	4522	Countryside Council for Wales	DEP	O	No
2239	4249	Clayton	DEP	S	No
2411	5248	Home Builders Federation	DEP	O	No
2615	5937	Castlemead Homes Ltd	DEP	O	No
2678	6382	North East Wales Wildlife Trust	DEP	O	No
2753	6634	Cheshire County Council	DEP	S	No
3543	8993	Chester City Council	DEP	S	No
3721	9575	Hird	DEP	S	No
3852	9901	Hird	DEP	S	No
4625	13694	Sargeant AM	DEP	O	No
5224	13509	Whittaker	DEP	O	No
5235	13560	Lewis	DEP	O	No
2753	18017	Cheshire County Council	PC	S	No

Summary of Objections:

Rep No	Summary
3127	This objection is dealt with in Chapter 11 HSG1(55)
3438	Include land adjacent to HSG1(57) as a landscape belt and walking route
3450	Old track bed could be used as a Wheeler valley path
3453	Land should be protected for walking trails (Alyn Meadows)
3463	The parts of the railway not absorbed into gardens should be protected by AC7 (Llanfynydd)
3490	Safeguard former railway from Northop Hall to Connah's Quay
3655	
3499	HSG1(52) protect line of east-west railway High Street under AC7
3500	North of the village the track bed would provide an alternative walking/cycling route. And a link to Mold could be provided south of the village
3520	Amend (c) to include the use/reclamation of a line as a walking, cycling or horse riding route
3582	Safeguard Wheeler valley railway line as walking and/or cycling route
3593	The former line to the north of Liverpool Road should be protected by AC7
3642	Protect the line of the railway to the north of Coed Talon
3646	Old railway near Dee estuary is a national cycle trail and is not shown on proposals map
3666	The line to the NE of Ewloe would make a spine path for the St David's Park development
3674	Safeguard former railway at Ffrith under AC7
4522	Amend (b) to clarify that transport corridors are for walking, cycling, riding, wildlife etc
5248	Policy should identify which lines are protected for future reopening
5937	Policy should relate only to corridors with a realistic prospect of reuse. Criterion c and d are not appropriate objectives of the policy
6382	The line of the Dee Marsh and Mickle Trafford railway is a cycle route and should be safeguarded. Reference to the Deeside-Chester transport link should be removed
13694 13509 13560	Para 10.35 is not fully implemented

Key Issues:

10.11.1. Whether:-

- i) the policy, the criteria or the reasoned justification should be changed
- ii) various disused railways should be safeguarded as recreational routes.

Conclusions:

- 10.11.2. The policy – PPW (para 8.5.4) makes it clear that disused railways should be safeguarded from development where there is a realistic prospect for their future use for transport purposes. In the interim it says that it may be appropriate to use them as open space corridors. As originally written the policy sought to protect all disused railway lines which is incompatible with national policy. As a result the Council proposes PC263 which introduces the proviso that there must be a *reasonable prospect* of the reuse of rail corridors. This is a sensible way forward as it envisages the reuse for not only rail traffic, but also for walking, cycling, parkland and wildlife purposes.
- 10.11.3. However, that being said *reasonable prospect* could be interpreted in a multitude of ways and it needs some definition in the plan as I am conscious that once a line has been *lost* as a resource it is unlikely that it will ever be recovered. It needs to be made clear that any application for development which would compromise the integrity of a disused railway should be accompanied by a rigorous assessment which considers the prospects of the uses set out in AC7 coming forward both within and beyond the plan period. This would ensure that proper regard could be had to the provisions of AC7 in determining applications. A suitable modification would include a new sentence in the policy and an explanatory paragraph in the accompanying text.
- 10.11.4. The final sentence in the policy refers to the development of a Deeside-Chester transport link. It does not specify any particular type of transport and there is no reason why it should exclude or prejudice cycling. Given that the route could accommodate various types of transport modes, I do not consider it should be safeguarded purely for cycling purposes.
- 10.11.5. The criteria – In respect of criterion c the Council accepts the principle that there may be circumstances whereby the reuse as a walkway, cycling or horse riding route would be sufficient rather than the creation of a linear park and proposes an amendment (PC264), but to criterion b not c. PC264 specifies the use of the line of a transport corridor for walking, cycling and riding. The outcome is similar to that requested. I support its inclusion as it clarifies one of the purposes of the policy and is compatible with STR11(h). I note that criterion d already deals with wildlife corridors, and PC264 gets rid of the ambiguity whereby a transport corridor could have been taken as reference to new roads.
- 10.11.6. I do not agree that criteria c and d are inappropriate as PPW recognises the potential for such uses.
- 10.11.7. The reasoned justification – Para 10.35 does no more than set out the possibilities for the reuse of a disused railway, the line of which is safeguarded in AC7 and which the Council considers may be implemented. In the absence of any justification for 13560, 13509 and 13694 I cannot sensibly comment on them.
- 10.11.8. Higher Kinnerton - Site 3438 lies outside the village boundary and as such is unlikely to be subject to any development pressure. There are currently no proposals to establish a footpath along it. As a consequence, I do not consider it needs to be safeguarded under AC7 on the proposals map. I note however, that because it is a disused railway line should any development proposals come forward they would automatically be considered in the criteria which, amongst other things, requires that there be no reasonable prospect of prejudice to the use of the line for walking, cycling or horse riding. I reach similar conclusions in respect of Rhydymwyn (3500) and Ffrith (3674).

- 10.11.9. Nannerch – Although a different location, my conclusions above apply equally to 3450. I would add that should any footpath schemes come forward during the plan period they would be considered as part of the development control process against the UDP policy framework. The location of the land within the Clwydian Range AONB makes it unlikely there will be any significant development proposals in the locality. I reach similar conclusions in respect of Afonwen (3582).
- 10.11.10. Whilst the majority of the land at Alyn Meadows, Mold (3453) is within the green barrier which affords a high degree of protection, the Council says that the section to the rear of Synthite works is operational land which would prevent a westerly through route. The recreational role of the track therefore appears to be restricted. The circumstances do not justify the protection of this route on the proposals map.
- 10.11.11. Llanfynydd - 3463 has been partly met by the Council's purchase and works on the former railway to the north of the village which will become a formal bridleway. However, as the objector points out, built development precludes a through route through the settlement, although the Council point to a possible future detour along the village road. Given these circumstances it is difficult to envisage what additional benefits would flow from safeguarding on the proposals map.
- 10.11.12. I am told that the section of track between Northop Hall and Connah's Quay (3490, 3655) is already in recreational use. It is within open countryside designated as green barrier and either a SAC or a SSSI. In the light of these factors it is unlikely that safeguarding the track on the proposals map under AC7 would afford any additional protection. The circumstances at site 3593 Buckley are similar insofar as the former railway runs through a SSSI and SAC and at site 3642 Coed Talon which is within a wildlife site. These lines, for which there are currently no proposals, are therefore protected by wildlife and countryside designations as well as AC7.
- 10.11.13. Penyffordd (3499) - Insofar as the east west railway line is concerned. It appears to have been built on or incorporated into gardens within the village limits. There is therefore no line to protect under AC7. If the objector seeks to influence the form of development as part of any subsequent building operations on HSG1(52) that should be pursued as part of the development control and not the development plan process.
- 10.11.14. Dee Estuary, Connah's Quay (3646) - The track in question is, as the objector says, part of the National Cycle Network and the Council add that it is actively progressing the Dee Coastal Path along the line of the former track bed. AC2 and AC7 therefore offer adequate protection for the former railway in this location.
- 10.11.15. In respect of Ewloe (3666) - HSG1(30) has now been developed and I refer to my conclusions at 10.5 above.

Recommendations:

10.11.16. I recommend the plan be modified by:-

- i) a new sentence after criterion (d) of the policy to read *Any planning application for development which would compromise the integrity of a disused railway line should be accompanied by an assessment which demonstrates there is no reasonable prospect of the uses in (a) to (d) coming forward*
- ii) a new paragraph explaining the purposes of (i)
- iii) PCs263 and 264.

10.12. AC8 Buses

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4524	Countryside Council for Wales	DEP	S	No
2239	4250	Clayton	DEP	S	No
2350	5058	Welsh Assembly Government	DEP	O	Yes

Summary of Objection:

Rep No	Summary
5058	The application of the policy requires a threshold

Key Issue:

10.12.1. Whether the policy requires changing.

Conclusions:

10.12.2. The Council accepts that the policy is unclear about the level and type of development it covers. PCs265 and 266 contain changes to both the policy and its explanation. These objections meet the principles of the objection which has been conditionally withdrawn. I support the changes which clarify the scope of the policy for users of the plan.

Recommendation:

10.12.3. I recommend the plan be modified by PCs265 and 266.

10.13. AC9 Provision of New Railfreight Facilities

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4526	Countryside Council for Wales	DEP	O	No
2239	4251	Clayton	DEP	S	No
2350	5062	Welsh Assembly Government	DEP	O	No
3549	9039	CORUS	DEP	O	No
2350	18350	Welsh Assembly Government	PC	O	No
3549	18364	CORUS	PC	O	No

Summary of Objections:

Rep No	Summary
4526	Cross reference policy to GEN6 and historic environment/natural heritage policies
5062	Policy would only permit new/improved sidings on brownfield land
9039	Object to safeguarding of east-north rail chord as no detailed plans, no approach to landowners and no indication of funding
18364	PC268 - there is still no justification for the development of recreational land
18350	PC267 does not promote the positive promotion of rail freight facilities

Key Issues:

10.13.1. Whether:-

- i) the policy should be cross referenced to others
- ii) the policy should relate only to brownfield land
- iii) the east-north rail chord should be safeguarded
- iv) the policy should contain justification for the development of recreational land.

Conclusions:

- 10.13.2. Cross reference – Paragraph 1.34 in the introduction to the plan sets out the Council's position to cross referencing policies and stresses that policies should not be read in isolation and that the plan should be read as a whole. The objector does not suggest any particular reason why this policy should refer to a plethora of other policies. That being said what the objection does highlight is that the policy does not have regard to these matters. To rectify this omission the Council proposes a new criterion d (PC268). This change makes the policy more comprehensive.
- 10.13.3. Brownfield land – The Council accepts the merit of this criticism and PC267 introduces the concept of giving priority to brownfield sites whilst recognising the utilisation of such land may not always be possible. I support PC267 which is in line with the sustainable principles underlying both the UDP and national policy. To introduce the concept of merely *encouraging* the use of brownfield land would lead to a weakened policy. However, I accept that in the introductory sentence the words *will be permitted only where* could be read as negative. The suggested alternative (FPC614) of *will be permitted provided that* is more positive.
- 10.13.4. East – north rail chord – The Shotton rail chord is included in the LTP annual progress reports (2003-2005) as a medium term scheme for action between 2010 and 2015. As a consequence of this the scheme is recognised under AC9 and an indicative route shown on the proposals map. The Council says that a 2002 feasibility study indicates a chord is technically and physically possible but that investigations of the operational and economic feasibility are not yet available. Given these factors it is difficult to see how the UDP could do more.
- 10.13.5. As to discussions with the objector, there is reference to a 2004 planning brief by GVA Grimley which indicates that the objector is willing to talk about the rail chord and its wider implications for Corus. It appears that the situation has therefore progressed, at least in some areas, since the original objection was made in 2003. Although I note that the 2006 and 2007 letters from GVA Grimley indicate there has been no contact from the Council about purchase of the land to deliver the proposal. However, this is not surprising given the on-going investigations. From all I have seen and read there is nothing definite to say the chord cannot go ahead within the plan period and it is appropriate for an indicative route to be safeguarded. If the objector wishes for more information discussions can always take place outside the UDP process with the Council's transportation section and/or the rail authorities.
- 10.13.6. Recreational land – SR4 provides the basis for the assessment of the acceptability of playing fields. I see no reason for the matter to be duplicated in AC9. Insofar as the safeguarded route of the rail chord passes over recreational land, the precise route of the chord is not yet known and the acceptability of the effects of any detailed proposals will need to be assessed against the UDP policies as a whole at a later stage.

Recommendation:

10.13.7. I recommend the plan be modified by PCs267, 268 and FPC614.

10.14. AC10 Mostyn Docks**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2029	3711	National Trust	DEP	O	Yes
2043	3745	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4528	Countryside Council for Wales	DEP	O	No
2238	4186	Heesom	DEP	O	No
2239	17586	Clayton	DEP	S	No
2420	5887	RSPB Cymru	DEP	O	No
59	18064	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
3711	Regard should be had to visual and landscape impacts, including from across the estuary
3745	Policy should include reference to historic fabric and archaeological context of area
4528	It is unclear how the cumulative impact of development will be controlled. Para 10.44 should refer to advice on the Dee Estuary European Marine Site, to the SPA, Ramsar and SAC sites and the requirements of the Habitats Regulations
4186	Criterion c is unique in the plan. The issues are adequately addressed elsewhere
5887	Criterion c should specifically mention the floodplain

Key Issues:

10.14.1. Whether:-

- i) criterion c should be changed
- ii) the policy disregards cumulative impacts
- iii) there should be specific mention of sites of international importance.

Conclusions:

10.14.2. Criterion c – The Council accepts the criticisms from the National Trust and CPAT and proposes PC269 which deletes criterion c and replaces it with a more comprehensive list of factors to be taken into account including landscape, historic and recreational integrity. This is complemented by PC270 which incorporates these factors into para 10.44. Given the nature and value of the estuary on so many different levels these are reasonable matters to highlight and take into account when considering development proposals.

10.14.3. However, as written PC269 refers to development not *harming*. It seems to me that this needs to be qualified as it could be said that most changes would result in a degree of harm. A more appropriate test is whether the harm would be unacceptable. I shall recommend accordingly. The RSPB would also like to see specific mention of the floodplain, but the Dee estuary is a generic geographical term which would encompass the floodplain. This is emphasised by the proposal (PC271) to add EWP16 to the list of *Other key policies*. I see no need for further amendment. There are detailed criteria on the matters included under criterion c elsewhere in the plan and the reasons given above explain why I consider a modified criterion c is appropriate.

- 10.14.4. The SEA/SA report recommends that reference to *air* (FPC615) be added to modified criterion c and given the nature of development which can take place at docks together with the estuary location I consider it is appropriate to add this.
- 10.14.5. Cumulative impacts – The policy is silent on cumulative impacts. However, I am satisfied that as written criteria a and b are sufficient to ensure this matter can be adequately addressed in the consideration of development proposals. The UDP only safeguards Stage 1 improvements to the A548 from Greenfield to Ffynnongroyw, although WAG plans indicate that the road is likely to become a trunk route before 2015. Whether this would involve any consequent road improvements/bypasses is not currently known, but it is a matter which will be pursued outside the development plan process. There is nothing in AC10 which would influence the situation one way or another. It is no more than a policy which is intended to guide development at the docks.
- 10.14.6. Sites of international importance – The Council clearly recognises the ecological importance of the estuary by cross referencing AC10 to other key policies such as L6, WB2 and SR8. It would serve little purpose for these interests of acknowledged importance to be explained again under AC10, for administrative arrangements to be detailed or for reference made to unpublished documents. Such a level of detail would add unnecessary bulk to the plan.

Recommendations:

10.14.7. I recommend the plan be modified by:-

- i) deleting criterion c and replacing it with *the development does not unacceptably harm the ecological, landscape, historic, recreational integrity and water and air quality of the Dee estuary*
- ii) PCs270 and 271.

10.15. AC11/para 10.45 Other Docks/Jetties

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	18065	Envirowatch	PC	S	No
59	18066	Envirowatch	PC	S	No
59	18067	Envirowatch	PC	S	No
2043	3746	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4529	Countryside Council for Wales	DEP	O	No
2106	18446	Countryside Council for Wales	PC	O	No
2239	4252	Clayton	DEP	S	No
2238	18323	Heesom	PC	O	No

Summary of Objections:

Rep No	Summary
3746	Needs explicit reference to historic environment
4529	Criterion b should refer to international nature conservation designations
18446	PC273 does not include all migratory fish
18323	PC273 – cSAC is not a designation supported by government policy

Key Issue:

10.15.1. Whether the policy and its justification require changing.

Conclusions:

- 10.15.2. The Council accepts the need for the explanatory text to refer specifically to the historic environment and nature conservation interests and addresses these matters by PCs272, 273 and 274. I support these changes which give clarification for and certainty to plan users.
- 10.15.3. I do not however, consider it necessary to mention appropriate and/or environmental assessment as these matters are dealt with at GEN6 and WB2.
- 10.15.4. PC273 recognises the importance of the river Dee for migratory fish in general. There is no reason for all the species to be spelt out. PPW (para 5.3.10) says that for land use planning purposes candidate SACs should be treated in the same way as designated SACs. It is therefore appropriate for PC273 to refer to the Dee Estuary cSAC.
- 10.15.5. FPC616 proposes that reference to *air* be added to modified criterion b. I support this changes which is consistent with FPC615.

Recommendation:

- 10.15.6. I recommend the plan be modified by PCs272, 273, 274 and FPC616.

10.16. AC12 Airport Safeguarding Zone**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2239	4253	Clayton	DEP	S	No
2619	6069	Ministry of Defence	DEP	O	No
2638	6131	General Aviation Awareness Council	DEP	S	No
3703	9512	Quarry Products Association	DEP	O	No

Summary of Objections:

Rep No	Summary
6069	Mention Plan A safeguarding map and need for consultation with MOD at Sealand
9512	AC12 should say development will only be permitted after consultation with airport operators

Key Issue:

- 10.16.1. Whether the policy and its explanatory paragraphs needs changing.

Conclusions:

- 10.16.2. The Council accepts the criticism in respect of RAF Sealand and proposes PC275. I support the PC which rectifies an omission. However, as written AC12 is clear and unambiguous. I see no reason for it to refer to administrative matters.

Recommendation:

- 10.16.3. I recommend the plan be modified by PC275.

10.17. AC13 Access and Traffic Impact

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4531	Countryside Council for Wales	DEP	S	No
2239	4254	Clayton	DEP	S	No
2678	6374	North East Wales Wildlife Trust	DEP	S	No
4625	13695	Sargeant AM	DEP	O	No
5224	13510	Whittaker	DEP	O	No
5235	13562	Lewis	DEP	O	No

Summary of Objections:

Rep No	Summary
13510 13562 13695	Criterion a is inconsistent and ignored when convenient

Key Issue:

10.17.1. Whether criterion a is inconsistent.

Conclusions:

10.17.2. The objector does not say how or with what criterion a is inconsistent. I see no obvious inconsistencies with other policies in the plan. It covers matters which are suitable for inclusion in the plan and is clear in its wording. The application of a policy is part of the development control and not the development plan process. It is not for me to comment on.

Recommendation:

10.17.3. I recommend no modification to the plan.

10.18. AC14 Traffic Calming

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
359	508	TCC (Together Creating Communities)	DEP	O	No
2106	4534	Countryside Council for Wales	DEP	O	No
2239	4255	Clayton	DEP	S	No
2350	5063	Welsh Assembly Government	DEP	O	Yes
3543	8996	Chester City Council	DEP	O	No
3991	10270	Flintshire Friends of the Earth	DEP	O	No
5118	13344	RMC Group plc	DEP	O	No

Summary of Objections:

Rep No	Summary
508	Traffic calming can cause problems including congestion. Shotton is an example
4534	Reference should be made to <i>quiet lanes</i>
5063	<i>Significant increases in the number of journeys</i> needs definition
8996	Plan should refer to potential traffic calming in River Lane/Saltney area
10270	Suggest homes zones, 20mph zones etc as a means of achieving traffic calming by ancient monuments, schools, Holywell inner relief road etc

13344	Policy is not applicable to all types of development
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Key Issue:

10.18.1. Whether the policy and its accompanying text should be changed.

Conclusions:

- 10.18.2. The Council acknowledges that as written AC14 refers to larger developments, but now considers that the need for traffic calming should be more properly based, not on size, but on problems relating to pedestrian and vehicular conflict which give rise to safety concerns, congestion and environmental problems. This approach (proposed by PC276) is more appropriate as it means the policy is related directly to the potential problems of a development, irrespective of its scale. As a consequence it is not necessary to define *significant increases in the number of journeys*. Similarly as any type of development could raise potential road safety issues, in principle I do not consider specific uses should be exempt.
- 10.18.3. The policy (as changed by PC276) recognises the importance of traffic calming measures where road safety is an issue. It sets out the requirements of the Council. If traffic calming measures are satisfactorily designed they should not of themselves create problems. However, the Council recognises the importance of bringing forward appropriate schemes which would not cause problems and proposes additional explanatory text to cover the matter. This sets the policy in context.
- 10.18.4. The policy does not mention any specific locations and to refer only to the Saltney area would imply some kind of priority to that locality which has not been justified by the objector. If, at present, a scheme causes problems, it would need to be progressed outside the development plan process. It does not fall within the remit of the UDP to address such matters.
- 10.18.5. The Council accepts that *quiet lanes* might be appropriate in rural areas and proposes PC277 as an addition to para 10.50 to address the matter. This adds clarity to the plan.
- 10.18.6. Whilst I agree in principle that 20mph areas can be an effective way of improving road safety, the detailed and localised nature of such schemes is something which needs to be pursued outside the development plan process when communities and stakeholders can be fully engaged.

Recommendation:

10.18.7. I recommend the plan be modified by PCs276 and 277.

10.19. AC15 Traffic Management**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4535	Countryside Council for Wales	DEP	S	No
2239	4256	Clayton	DEP	S	No
2678	6375	North East Wales Wildlife Trust	DEP	S	No
5634	14205	Flynn	DEP	O	No

Summary of Objection:

Rep No	Summary
14205	Plan does not address congestion between Queensferry and Connah's Quay

Key Issue:

10.19.1. Whether the plan should bring forward proposals to address congestion in Queensferry/Connah's Quay.

Conclusions:

10.19.2. The LTP/emerging RTP have a complementary, but separate role to the UDP. It is the role of the LTP/RTP to identify and deliver new transport schemes which address matters such as road capacity and the like. When these schemes are identified they can be included within the UDP in order to safeguard any land required for the schemes. AC17 deals with such proposals in Flintshire. In this case I am told there are no specific plans for action between Queensferry and Connah's Quay, as a consequence there is nothing to be included in the UDP. However, given the dynamic nature of planning, it is inevitable that some schemes will come forward during the lifetime of the plan and AC15 together with AC16 provides a framework for the consideration of such proposals. Given the remit of the UDP it can do no more to address the objection.

Recommendation:

10.19.3. I recommend no modification to the plan.

10.20. AC16 Road Improvements/New Roads Design**Representations:**

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
359	507	TCC (Together Creating Communities)	DEP	O	No
1885	3522	Ramblers Association Wales	DEP	S	No
2106	4536	Countryside Council for Wales	DEP	O	No
2236	4166	York	DEP	O	No
2239	4257	Clayton	DEP	S	No
2334	4875	WAG - Dept of Enterprise, Innovation & Networks	DEP	O	No
2678	6378	North East Wales Wildlife Trust	DEP	S	No
3556	9069	British Land Company plc	DEP	O	No
5118	13348	RMC Group plc	DEP	O	No
7411	18689	Development Securities plc	DEP	O	No

Summary of Objections:

Rep No	Summary
3522	Support but a footbridge over the A55 should be provided to the north of Celyn College
507	Policy does not address problems at Queensferry
4536	(i) should refer to wildlife casualties; (ii) should mention the register of landscape, parks and gardens of historic interest in Wales and define <i>reinstate</i> ; (v) should include horse riders. Works should not affect migration/genetic exchange of flora and fauna. Surface water issues should be addressed
4166	Allocate land for community/amenity use and provide a new access road
4875	Amend policy to ... <i>management schemes are either not practicable or effective and must...</i>
9069 18689	Policy should read ... <i>management schemes are unlikely to be effective and must ...</i>

13348	Policy too restrictive add ... <i>unless there is an overriding need for the development...</i>
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Key Issue:

10.20.1. Whether the policy and/or its justification should be changed.

Conclusions:

- 10.20.2. 507 - AC16 is not a site specific policy but one which establishes the principles on which road improvements are to be addressed. Essentially my conclusions in respect of 507 are the same as to those at AC15 above and I do not repeat them here.
- 10.20.3. 4536 - As written I consider the policy criterion (i) adequately addresses wildlife interests. To go into more detail would make the policy cumbersome and perhaps more open to interpretation, if only some aspects of impact on the natural environment were listed. That being said wildlife casualties are a material factor in considering road proposals and ought to be recognised as such. As a consequence I support PC280 which inserts a new paragraph to address the issue. I reach similar conclusions in respect of surface water drainage (PC280) and horse riders (PC279). It is not necessary to specifically mention the register of landscapes, parks and gardens of special historic interest as this is dealt with at HE5. In order to explain what is meant by reinstate the Council proposes PC279 which adds clarification for users of the plan. An explanation of migration and genetic exchange would I believe be too detailed in what is fundamentally a transportation policy.
- 10.20.4. In criterion (ii) where historic landscapes are omitted from the list of considerations, the Council propose to rectify this omission by PC278.
- 10.20.5. 4166 - The objector suggests the objection site could provide a second access to this estate in Holywell. However, I have no evidence which indicates that such a scheme is proposed during the plan period or even deemed necessary by the Highway Authority. The Council are silent on the matter. However, it seems to me that should such a scheme be proposed within the life of the plan, then it could be considered against the policy background provided by AC16. The matter does not justify a modification to the plan. This objection is linked to ones in Chapter 17.
- 10.20.6. 4875, 9069, 13348, 18689 - Given the underlying sustainable principles of the plan, it seems appropriate that the thrust of AC16 should be that new road schemes should be considered as the last resort and only if traffic calming and/or traffic management prove to offer no satisfactory solution. As written the policy is robust in both its intention and its wording.
- 10.20.7. I do however, accept that there may be times when, for perfectly valid reasons, these measures although practicable would not be effective. In such circumstances it would be up to the promoter of the road/developer to demonstrate why there should be an exception to policy. S38 of the 2004 Act clearly recognises that there will be such occasions and it is proper that those instances should be seen as an exception to and not enshrined in policy.
- 10.20.8. I note that the matter of a footbridge over the A55 does not fall within the remit of the UDP. It must be pursued outside the UDP process.

Recommendation:

10.20.9. I recommend the plan be modified by PCs278, 279 and 280.

10.21. Paragraph 10.53

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	18447	Countryside Council for Wales	PC	O	No

Summary of Objection:

Rep No	Summary
18447	PC280 - SUDS should be considered in all new road schemes

Key Issue:

10.21.1. Whether there should be a change to PC280.

Conclusions:

10.21.2. The plan should be read as a whole. EWP17 and its accompanying paragraphs deal with flooding and drainage matters. Para 19.68 makes it clear that, where practicable, all development should consider the use of SUDS. This includes new roads. AC16 seeks to establish design principles for a range of road schemes whether improvements or new build. It is not necessary for AC16 to duplicate the provisions of Chapter 19, particularly as the 2 policies are complementary in this respect. It follows I see no need for additional changes to AC16 or its accompanying paragraphs.

Recommendation:

10.21.3. I recommend no modification to the plan.

10.22. AC17 Safeguarded Routes

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3137	Flintshire Green Party	DEP	O	No
1717	3091	Holywell Town Council	DEP	S	No
2106	4539	Countryside Council for Wales	DEP	O	No
2237	4176	Wilkes	DEP	S	No
2238	17788	Heesom	DEP	O	No
2239	4258	Clayton	DEP	S	No
2420	5951	RSPB Cymru	DEP	S	No
2420	5985	RSPB Cymru	DEP	O	No
2721	6481	UK Coal Mining Ltd	DEP	O	No
2750	6569	Clwyd Badger Group	DEP	O	No
2750	6570	Clwyd Badger Group	DEP	O	No
3543	8995	Chester City Council	DEP	O	No
3801	9767	Parsonage	DEP	O	No
3991	10295	Flintshire Friends Of the Earth	DEP	S	No
4036	10397	Jones	DEP	O	No
4791	12442	UK Coal Mining Ltd	DEP	O	No
5118	13351	RMC Group plc	DEP	O	No
5745	14371	Hope Community Council	DEP	S	No

5745	14372	Hope Community Council	DEP	O	No
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Summary of Objections:

Rep No	Summary
3137	Objects to (b). It is not necessary and in the green barrier. It should be allocated as a nature/leisure amenity site
4539	Safeguarded route (a) needs to provide adequate/replacement habitat for displaced birds; (b) crosses land which residents/wildlife groups want to develop as a nature reserve; (c) could potentially affect great crested newts, badgers, water voles and otters
17788	Make it clear that (a) is from Greenfield to the docks area in Mostyn
5985	Delete route from plan it could have adverse impacts on SPA/Ramsar site
6481	Include the A55/A494 Ewloe Interchange improvement under AC17
12442	
6569	The proposed route would cross a badger sett, would affect other wildlife including otters and there needs to be appropriate mitigation built in at design stage
6570	(e) Object if no mitigation for badger sett
8995	Plan should refer to CWRR
9767	Delete (c). Needs environmental assessment and is contrary to L1, HE6 AC16i, ii, iv, vi, vii
10397	Road (b) would open up a toxic landfill site, have an adverse impact on nature conservation interests and damage businesses due to loss of car parking
13351	Link from A55 to mineral resources at Halkyn Mountain should be included
14372	(c) would undermine green barrier, harm Wat's Dyke, conservation area, create pollution, be at risk of flooding, low lying area. TAN18 advises that only firm schemes be included in UDPs. Preferred route has been protected for 15 years+

Key Issue:

10.22.1. Whether the safeguarded routes should be deleted, changed or added to.

Conclusions:

- 10.22.2. Clarifications – 10295 is qualified by the supporters wish to see only *limited improvements* to the A548. No detailed proposals are yet available to clarify this, but I note there will need to be formal consultation once detailed proposals are drawn up.
- 10.22.3. It is the role of the LTP to deliver an integrated transport system through the co-ordination/improvement of all transport modes, identification of future investment priorities and the implementation of specific measures. Where any of these proposals have land use implications they must be included in the UDP either as policies or protected routes on proposals maps. As a consequence of this, the safeguarded routes in AC17 are not proposals made by the UDP, but emanate from the LTP. The purpose of AC17 is to safeguard routes which are identified in the LTP.
- 10.22.4. AC17a – 5985 does not specify which safeguarded route is objected to. The Council has responded to AC17(a). As the objector did not comment further on the Council's written representations I have done likewise.
- 10.22.5. The Stage 1 improvements of the A548 are in the LTP and consequently the route is safeguarded. I understand there is only a preferred route at present. This means that any potential impacts on the Ramsar site/SPA and habitat replacement/provision will not be known and cannot be appropriately assessed until detailed proposals are drawn up. This will take place in the normal way irrespective of AC17.
- 10.22.6. The LTP Fourth Annual Progress Report 2005 (which I understand is the most up to date document) indicates that the A548 Stage 2 improvements which will provide the link to the docks is a long term proposal – 2015/2025 - for which there is, as

yet, no adopted preferred route. Given these circumstances it would be contrary to national advice to safeguard the route. UDP Wales (1.23) advises that for proposals to be included in the UDP they need to be realistic and likely to be implemented during the plan period. Such is not the case with the Stage 2 A548 improvements.

- 10.22.7. However, traffic on the A548 is an acknowledged problem and in recognition of this the Council proposes PCs281 and 282 which give background information on potential changes to the route which are likely to take place at some stage in the future, that is, its potential *trunking* and the Stage 2 improvements. Given the stage of progress on future developments and the role of the UDP, it can do no more at the present time.
- 10.22.8. AC17b – Because the scheme appears within the LTP it is appropriately safeguarded in the UDP. However, as with (a) above the Plough Lane scheme is only a preferred route and the matters raised by objectors are ones which will need to be taken into account in formulating the detailed route. Because of its nature and location any scheme will need to take account of the criteria in AC16 and also be subjected to rigorous environmental assessment, which would include examination of contaminated land issues and nature conservation interests. Car parking is also another matter of detail which would need to be taken into account.
- 10.22.9. Insofar as 3137 refers to the designation as green space this is dealt with under L3.
- 10.22.10. AC17c – I appreciate the length of time that the bypass has been *proposed*, but nevertheless it still remains within the LTP for implementation within the plan period and as such it remains appropriate to safeguard it in the UDP. As with (a) and (b) above it is only a preferred route and the type of considerations raised by the objectors are matters which will be taken into account in detailed route design and as part of the assessment of a planning application.
- 10.22.11. AC17e – As I have concluded above the impact on wildlife and proposed mitigation measures are matters which need to be addressed as part of the detailed route design. And no doubt they did form part of the discussions which took place as part of a public inquiry into a scheme promoted by WAG which was dropped in March 2008. However, that was for a particular scheme, the principle of improvements to the A494/A550 between Drome corner and Ewloe are still in the LTP and I consider it is appropriate that they remain in the UDP, until it is either dropped completely or another scheme is developed.
- 10.22.12. Other schemes – Although the A55/A494 Ewloe Interchange Improvement is included within the 2004 Trunk Road Forward Programme Supplement and there was a consultation with WAG in 2006 there is as yet no indicative or preferred route to safeguard under AC17. However, because it may still come forward within the plan period the Council propose adding PC283 to the end of para 10.57. I support this PC which updates the position of the improvements for users of the plan.
- 10.22.13. I am told there is no known scheme for the inclusion of the road link suggested by the objector from Halkyn Mountain to the A55. Given the respective roles of the LTP and the UDP, this matter would need to be pursued and proposed through the LTP before it could be included in policy AC17.

Recommendation:

- 10.22.14. I recommend the plan be modified by PCs281, 282 and 283.

10.23. Paragraph 10.55

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	18448	Countryside Council for Wales	PC	O	No
2238	18324	Heesom	PC	S	No

Summary of Objection:

Rep No	Summary
18448	Clarification is needed about what is meant by stages 1 and 2

Key Issue:

10.23.1. Whether PC282 should clarify Stages 1 and 2.

Conclusions:

10.23.2. I consider PC282 adequately explains Stages 1 and 2 of A548 Greenfield – Ffynnongroyw improvements. Any further clarification can be gained outside the UDP process.

Recommendation:

10.23.3. I recommend no modification to the plan.

10.24. AC18 Parking Provision and New Development

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
767	1027	Hewitt	DEP	O	No
984	1393	George Wimpey Strategic Land	DEP	O	No
2239	4259	Clayton	DEP	S	No
2334	4877	WAG - Dept of Enterprise, Innovation & Networks	DEP	O	No
2350	5064	Welsh Assembly Government	DEP	O	Yes
2411	5249	Home Builders Federation	DEP	O	No
3555	9059	David McLean Homes Ltd	DEP	O	No
3556	9068	British Land Company plc	DEP	O	Yes
7411	18688	Development Securities plc	DEP	O	Yes

Summary of Objections:

Rep No	Summary
1027 1393	Policy/text is not clear about whether parking standards are an interim measure. Also whilst 10.59 refers to a review of standards appendix 3 refers to a parking strategy in preparation. The standards should be set out in the plan. It needs to be made clear that the reviewed standards will be subject to public consultation before they are adopted as SPG
4877	The current standards are inappropriate and inconsistent with national guidance. The policy should refer to standards <i>in accord with national guidance</i>
5064	PPW 3.1.3 says the standards should be in the plan and not a supplementary document
5249	Contributions need to be determined on a site specific basis taking account of the alternative transport provision in the area
9059	The current standards are inappropriate and inconsistent with national guidance. New

9068 18688	standards should be produced in advance of the UDP
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Key Issue:

10.24.1. Whether the policy and its accompanying text needs to be changed.

Conclusions:

10.24.2. Since the draft deposit plan the Council has produced a revised set of *maximum* parking standards in line with PPW (8.4.2) which is, I understand, separate from the much wider parking strategy for the County. PCs284 and 285 introduce these new standards into the plan and bring the policy into conformity with national guidance. They effectively meet the objections and did not themselves attract any objections. In addition PC286 deletes the now superfluous last sentence of para 10.59 and replaces it with the clarification requested by 5249. The standards together with details about their implementation are set out in a local planning guidance note. I support the policy as proposed to be modified as it is unambiguous and reflects national guidance.

Recommendation:

10.24.3. I recommend the plan be modified by PCs284, 285 and 286.

10.25. AC19 Lay-by and Picnic Areas**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1122	1540	Moore	DEP	O	No
2239	4260	Clayton	DEP	O	No
2473	5506	Rowlands	DEP	O	No

Summary of Objections:

Rep No	Summary
1540	Plan should regulate illicit use of lay-bys by traders on A55
4260	Criterion b is too restrictive. It should permit facilities on roads other than A55, A548 and A494
5506	The plan should be proactive and allocate sites for roadside services. Land between Lesters Lane and the A55 is partly brownfield, has no known constraints and would be suitable particularly once road improvements have taken place. There is an acknowledged need for a site to the east of Ewloe. Allocate site either under AC19 or AC20

Note: I have adopted the spelling of *Lesters* Lane as found on the street signs.

Key Issues:

10.25.1. Whether:-

- i) plan should include policies to control lay-by trading
- ii) criterion b should be changed
- iii) Lesters Lane land should be allocated under AC19.

Conclusions:

- 10.25.2. Lay-by trading – The problem the objector refers to is an existing one and its remedy is to take action against unlawful lay-by traders as part of the development control process. It is an enforcement issue either under the planning or highway acts. The purpose of the UDP is primarily to guide future development and AC19 is a policy against which proposed lay-by and picnic area developments can be tested. Any planning applications to enable trading in lay-bys could be considered by criteria based policies in the plan such as GEN1. It follows from the above I find no reason to make changes to the plan as a result of this objection.
- 10.25.3. Criterion b – The Council acknowledges the overly restrictive nature of criterion b and by PC287 proposes its deletion. Given the Leisure Drives within the County which follow a variety of roads and on which a need for stopping places may arise I agree that criterion b is too restrictive and support its deletion. Paras 10.62 and 10.63 continue to explain where such facilities are likely to be acceptable.
- 10.25.4. Lesters Lane - The Council says that the objection site does not sit comfortably within the intended purpose and context of the policy which is to place such facilities either along the Leisure Drives or close to attractions such as the Clwydian Range AONB. However, the policy is not qualified in this way and neither do I consider it should be. There are other localities where, in principle, such facilities would be acceptable and this is already recognised in paras 10.62 and 10.63 which refer to facilities for passing holiday traffic and even to the sensitive development of a gateway site. On the outskirts of the County, the location of the site could possibly qualify as a gateway site.
- 10.25.5. However, given the countryside location of the site in a narrow stretch of green barrier, it seems to me that before it could be positively allocated for such a use, much more information would need to be provided to demonstrate amongst other things, that it was necessary in that location and that there were no more suitable sites to be had. That evidence is not available to support the objection. These conclusions do not mean that the site would not be suitable to provide a picnic area and/or tourist information. I make no comments on the merits of such a proposal. I find it appropriate that any proposals coming forward should be tested against AC19 and other relevant UDP policies.

Recommendation:

- 10.25.6. I recommend the plan be modified by PC287.

10.26. AC20 Lorry Parks**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1099	1456	Coleclough	DEP	O	No
1099	17819	Coleclough	DEP	O	No
2239	4261	Clayton	DEP	S	No
2473	5507	Rowlands	DEP	O	No

Summary of Objections:

Rep No	Summary
1456	Policy not clear whether (a) is an option or not. Policy should not be confined to existing

17819	industrial estates. Allocate land at Nant as a lorry park. It has access to A55, is well screened, would not harm landscape or residential amenity
5507	The plan should be proactive and allocate sites for roadside services. Land between Lesters Lane and the A55 is partly brownfield, has no known constraints and would be suitable particularly once road improvements have taken place. There is an acknowledged need for a site to the east of Ewloe. Allocate site either under AC19 or AC20

Key Issues:

10.26.1. Whether:-

- i) criterion a should be amended
- ii) land at Lesters Lane should be allocated for roadside facilities
- iii) land at Nant should be allocated for a lorry park.

Conclusions:

10.26.2. Criterion a – The Council accepts that AC20 is badly worded and propose the addition of *or* to the end of both criteria a and b to indicate they are alternatives. I support PCs288 and 289 which introduce these clarifications to the plan.

10.26.3. Lesters Lane – I reach similar conclusions to the use of the site as a lorry park as I do to its use as a picnic area (AC19 above). Essentially there is not the information available to demonstrate that if provision for a lorry park was made the objection site would be the best option. This is particularly important given the strategic nature and potential scale of such facilities, the type of services provided and the level/type of traffic generated. I do not doubt that there is a lack of such facilities, however, with virtually no basic information, I consider a criteria based policy to test proposals against is appropriate for inclusion in the UDP.

10.26.4. Given these findings matters such as access, neighbours' amenity, appearance of development etc are ones which would need to be considered as part of a planning application. There are no details before the inquiry which demonstrate conclusively either way that these factors would preclude development. I do not have the information or remit to comment on the approach of a now defunct authority in proposing an allocation in its local plan. Duly made objections to Warren Hall Business Park are considered in Chapter 13.

10.26.5. Nant – The objection site is close to other services which provide facilities for travellers and in principle a lorry park would help consolidate those uses. However, my conclusions on this omission site are similar to those on Lesters Lane. Basically there is not the information available to demonstrate that the site is the best option available or that the perceived problems outlined by the Council can be adequately addressed. To allocate a site in these circumstances would be contrary to advice in PPW. In the light of these findings I again reach the conclusion that a criteria based policy will provide sufficient guidance for the development of such a facility.

Recommendation:

10.26.6. I recommend the plan be modified by PCs288 and 289.

10.27. AC22 Location of Installations

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3525	Ramblers Association Wales	DEP	S	No
2043	3747	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4541	Countryside Council for Wales	DEP	O	No
2239	4263	Clayton	DEP	S	No
2350	5076	Welsh Assembly Government	DEP	O	Yes
2106	18449	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No	Summary
4541	Replace SSSIs with <i>sites of international and national nature conservation importance</i>
5076	Policy is not consistent with TAN19 para 56
18449	Object to PC290

Key Issue:

10.27.1. Whether the policy should be changed.

Conclusions:

10.27.2. The Council accepts that as written AC22 does not conform with national guidance and is unduly onerous. It therefore proposes PC290 which deletes the need to demonstrate satisfactory alternatives except in AONBs. Although a number of the original supporters approve of the reference to wider areas and 18449 objects to PC290, no reasons are put forward why local circumstances should dictate a more rigorous policy than nationally. There are wildlife sites, listed buildings, conservation areas and the like throughout Wales. As a consequence of these factors I support PC290.

Recommendation:

10.27.3. I recommend the policy be modified by PC290.

10.28. AC23 New Development and Interference with Telecommunication Signals

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2239	4264	Clayton	DEP	S	No
2350	5079	Welsh Assembly Government	DEP	O	Yes

Summary of Objection:

Rep No	Summary
5079	The policy should qualify the level of interference

Key Issue:

10.28.1. Whether the policy should be changed.

Conclusions:

10.28.2. The Council agrees that the policy would benefit if the level of interference were to be qualified and suggest that *undue* should be added by PC291. Whilst I agree that, in the interests of clarity, some kind of qualification is necessary it seems to me that *unacceptable* would be more appropriate as it is consistent with other policies in the plan. I shall recommend accordingly.

Recommendation:

10.28.3. I recommend the plan be modified by the addition of *unacceptable* in AC23 after *causing* and before *interference*.

10.29. AC24 Cable Installation**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3748	Clwyd Powys Archaeological Trust	DEP	S	No
2239	4265	Clayton	DEP	S	No
2411	5250	Home Builders Federation	DEP	O	No

Summary of Objection:

Rep No	Summary
5250	The policy should be qualified by the addition of <i>where appropriate</i>

Key Issue:

10.29.1. Whether the policy should be changed.

Conclusions:

10.29.2. The Council accepts the addition suggested by the objector more accurately reflects the intention of the policy as set out in para 10.75. I see no reason to differ and support PC292.

Recommendation:

10.29.3. I recommend the plan be modified by PC292.

11. Housing

11.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in Appendix A11			

Summary of Objection:

Rep No	Summary
8998	Any future review of the plan should take account of the sub regional study

Key Issue:

- 11.1.1. Whether mention should be made/notice taken of the SRSS.

Conclusions:

- 11.1.2. Things have moved on since the objection was made. The West Cheshire North East Wales Sub Regional Spatial Strategy was published in 2006. A number of the Council's proposed changes make references to it. From the inquiry sessions it was evident that the UDP is in conformity with many of its strategies. Given these circumstances, the objection does not necessitate any further modification to the plan.

Recommendation:

- 11.1.3. I recommend no modification to the plan.

11.2. Relevant Strategic Aims

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2420	5889	RSPB Cymru	DEP	S	No
2420	6034	RSPB Cymru	DEP	O	No

Summary of Objection:

Rep No	Summary
6034	30 dwellings per ha is an unambitious target. Other guidance recommends 40-50 to help support public transport. IPP48 should be 60%

Key Issue:

- 11.2.1. Whether the plan should have a higher average density target and a 60% brownfield target for IPP48.

Conclusions:

- 11.2.2. Density – The Council says the figures of 30 dwellings per ha in category A settlements and 25 per ha in B and C settlements were devised in order to indicate the likely contribution of allocated sites to the supply of housing and act as a guide for development on windfall sites. The Council does not explain how these figures were arrived at.
- 11.2.3. There is no guidance in PPW about what levels of density would be appropriate in different areas. Within the UDP, HSG8 is a policy which is specifically designed to make the most efficient use of land. Its explanatory text indicates that the figures of 25 and 30 should be regarded as minimum figures. Without any substantive evidence which indicates that higher densities could reasonably be achieved, I accept that they are an effective starting point to guide development.
- 11.2.4. That being said, I recommend at HSG3/HSG4 that development in category C settlements and in the open countryside should generally be precluded unless there is a local need and at HSG8 that development in category B settlements should seek to achieve minimum densities of 30 per ha. Because of these factors and as the majority of allocations are in category A and B settlements, it seems to me that Target 6 requiring only an average of 30 houses per ha is not robust enough and the target should be a minimum of 30 houses per ha on all allocated sites. I appreciate that 3 of the allocated sites are within category C settlements, but because of the circumstances behind those allocations, I do not consider there is any particular tension with limiting development in other category C settlements to that required for local need at indicative densities of 25 per ha. Finally I note that for consistency in terminology the target should refer to dwellings (rather than houses) per hectare.
- 11.2.5. IPP – The indicators of policy performance are just that. They are a monitoring device and intended to demonstrate in quantifiable terms what changes/progress there have been in specific subject areas. It would be inappropriate for IPP48 to set a target level, particularly as in this case there is no evidence why it should be set at the level suggested.

Recommendation:

- 11.2.6. I recommend the plan be modified by changing Target 6 to read *Achieve a minimum of 30 dwellings/ha on all allocated sites.*

11.3. Indicators of Policy Performance**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5083	Welsh Assembly Government	DEP	O	Yes

Summary of Objection:

Rep No	Summary
5083	IPP55 is incompatible with PPW paragraphs 7.6.9 and 7.6.10

Key Issue:

11.3.1. Whether IPP55 should remain in the plan.

Conclusions:

11.3.2. The Council agrees with the objector and PC293 proposes the deletion of IPP55 and the apparent conflict with national policy. I support the change.

Recommendation:

11.3.3. I recommend the plan be modified by PC293.

11.4. Paragraphs 11.1 – 11.26**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3545	9002	Brix Investments	DEP	O	No

Summary of Objection:

Rep No	Summary
9002	This objection is dealt with below at HSG1 Holywell with 8999

11.5. Paragraph 11.1 – 11.27**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
767	1022	Hewitt	DEP	O	No
1123	17417	Linden Homes Ltd	DEP	O	No
2418	5278	Williams	DEP	O	No
7430	18656	Price	DEP	O	No
7431	18658	Robinson	DEP	O	No
7432	18660	Johnson	DEP	O	No

Summary of Objections:

Rep No	Summary
1022	The upper limit in the 3 settlement bands should not be hard and fast. Para 11.14 recognises it may need to be at the upper end. Table 2 is optimistic. The availability of allocated sites is questionable, the small sites allowance/windfall allowance should be reduced because of greenfield sites. Once the housing figures are updated they could indicate a need for an increased supply (up to 2000 more dwellings)
17417	There is a need for more housing and the supply is not adequate. A site at Higher Kinnerton would contribute to supply
5278	A housing supply of 7400 should be available otherwise the plan will be unsustainable. A site at Coed Talon/Pontybodkin is suggested for housing
18656	A housing supply of 7400 should be available otherwise the plan will be unsustainable. A site at Pontblyddyn is suggested for housing
18658	A housing supply of 7400 should be available otherwise the plan will be unsustainable. A site at Nannerch is suggested for housing
18660	A housing supply of 7400 should be available otherwise the plan will be unsustainable. A site at Holywell is suggested for housing

Key Issue:

- 11.5.1. Whether the limits of the settlement growth bands should be rigidly adhered to.

Conclusions:

- 11.5.2. Insofar as the objections relate to the housing requirement and the components of housing supply such as the availability of allocated sites, small site/windfall allowances and the like, these matters are dealt with in Chapter 3 STR4. Similarly where the inclusion of land within a settlement boundary or its allocation for housing is suggested, the objections are dealt with in full together with complementary objections in Chapter 4 (GEN2) and below at HSG1. I would note that planning permission has now been granted for development at Lane End Brickworks in Buckley. It is a commitment and it is not therefore necessary to allocate it for housing.
- 11.5.3. The Council makes it clear that the growth bands for its identified settlements are indicative only. Whilst I have some reservations about the identification of particular settlement boundaries and the level/type of growth in the smaller settlements, in general I am satisfied that the principle of a settlement hierarchy is a sound one and that to meet the plan's sustainable objectives more growth should take place in the larger settlements. However, given the varying nature and size, particularly of category B settlements, it would be too simplistic to say that growth should take place at the upper end and/or exceed/not exceed the growth band. This is especially so as the supply of housing is adequate. From the information I have been provided I believe it is reasonable for the growth bands to be indicative and for growth within settlements to vary according to the particular circumstances of that settlement.

Recommendation:

- 11.5.4. I recommend no modification to the plan.

11.6. Paragraph 11.2**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2411	5251	Home Builders Federation	DEP	O	No

Summary of Objection:

Rep No	Summary
5251	Referring to the provision of housing sites as <i>contentious</i> portrays a negative attitude

Key Issue:

- 11.6.1. Whether para 11.2 should be amended.

Conclusions:

- 11.6.2. I do not consider as written para 11.2 shows a negative attitude towards housing. It is merely factual. The numbers of representations made about proposed or omitted housing sites indicate that the matter is contentious.

Recommendation:

- 11.6.3. I recommend no modification to the plan.

11.7. Paragraph 11.4**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2396	5105	Gower Homes	DEP	O	No
2411	5261	Home Builders Federation	DEP	O	No

Summary of objections:

Rep No	Summary
5105	Supply of 6500 units is too low. It does not pay proper regard to migration. Increase to 7400
5261	Needs to be explained why it is not acceptable for growth to reach the upper limits of the bands

Key Issue:

- 11.7.1. Whether the reference to the unacceptability of maximum growth in settlements should be deleted.

Conclusions:

- 11.7.2. The wording referred to by the objector is to be found in para 11.14. It was incorporated into the plan because the Council did not consider it was able to provide a supply of 7400 houses to meet the predicted need. After a reassessment, that situation has now changed and PC299 proposes the deletion of the last sentence in para 11.14.
- 11.7.3. The preliminary paragraphs of Chapter 11 say quite explicitly that the settlement growth bands are indicative and not targets. They go on to indicate that differing circumstances and constraints mean that whilst some settlements may be able to sustainably accommodate more than the indicative growth levels, others can not. This is not surprising given the variations in settlements within individual bands. Subject to the incorporation of PCs296, 297 and 298, I consider the paragraphs are clear in relation to growth bands and there is no need for further explanation.
- 11.7.4. The matters covered by 5105 are addressed in Chapter 3 STR4.
- 11.7.5. In para 11.4 there is a reference to 6500 new homes. As the Council now proposes, and I support, a supply of 7400 dwellings the number should be modified to reflect this.

Recommendations:

- 11.7.6. I recommend the plan be modified by:-
- i) PCs296, 297, 298 and 299

- ii) The deletion of 6500 in the first bullet point of para 11.4 and its replacement with 7400.

11.8. Paragraph 11.9

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
359	520	TCC (Together Creating Communities)	DEP	O	No
910	1192	Woolley	DEP	O	No
1125	1562	Ward	DEP	O	No
1506	2125	Jimsul Ltd	DEP	O	No
2350	5084	Welsh Assembly Government	DEP	O	Yes
4823	12541	Tesco Stores Ltd	DEP	O	No
5746	14374	Roberts	DEP	O	No
7434	18665	Moore	DEP	O	No
7434	18670	Moore	DEP	O	No
7434	18675	Moore	DEP	O	No

Summary of Objections:

Rep No	Summary
520	Concern about whether housing requirement is for residents/workers of Flintshire. County could become a dormitory for Chester, Liverpool, Manchester
1192	A population increase of 6100 people does not appear to justify 6500 new homes
1562 14374	The population increase does not appear to justify 6500 new homes. Suitable types of housing need to be provided
2125	Increase the housing supply to 8500 dwellings
5084	There is no obvious indication of the plan's base date
12541	The base date information in para 11.9 is out of date in the light of the 2001 census. The figures and projections should be revised upwards
18665 18670 18675	Increase the housing supply to 9000 dwellings

Key Issues:

11.8.1. Whether:-

- the housing supply is to meet the needs of Flintshire or other locations as well
- the population increase justifies 7400 new homes
- the plan's base date should be specifically mentioned
- there is conflict with the 2001 Census figures.

Conclusions:

- 11.8.2. Insofar as 2125, 18665, 18670, and 18675 are concerned, my conclusions on housing supply/requirement are to be found under STR4 in Chapter 3 of this report; and the housing omission sites which they propose are dealt with under the appropriate settlement heading in HSG1 below.
- 11.8.3. Housing supply - Flintshire is not a self contained unit. There is an interdependence between it and neighbouring areas in terms of both housing and employment markets. This is recognised by the WSP. The figure of 7400 new homes is arrived at by including assumptions about migration

which were agreed with the then Welsh Office. In my view in migration cannot be ignored given Flintshire's attractive border location and relative economic prosperity. To do so could well result in a level of provision which could cause more competition for houses, rising prices and the exclusion of more households from the housing market. It follows from this I am satisfied that a housing requirement of 7400 new homes is a reasonable figure which ought to provide the people of Flintshire the opportunity to live in good quality affordable housing. My fuller conclusions on the housing requirement are to be found in response to objections to STR4.

- 11.8.4. Population increase – The rise in population is only one of the factors taken into account when predicting the need for new houses. Other matters such as changing size/composition of household have to be factored in. The Council in producing its estimated housing requirement used the Chelmer population and housing model which is commonly acknowledged to be an appropriate way to undertake such studies. From my conclusions in response to objections to STR4, it is evident that I am satisfied that 7400 is a realistic figure on which to base housing supply. I note that HSG9 requires an appropriate mix of housing to meet local needs.
- 11.8.5. Base date – PC295 proposes the inclusion of *at the base date of the plan* at the end of the first line of para 11.9. However, I consider this change to be superfluous in a document which from its front cover onwards makes it clear that the UDP is for the period 2000-2015.
- 11.8.6. 2001 Census – The Council has reviewed the situation since 12541 was made in 2003. It is evident from my conclusions on STR4 that I am satisfied that the figures produced by the Council are robust enough to guide housing provision until the end of the plan. As the objector does not say by how much the figures should be revised upwards it is difficult to comment further.

Recommendation:

- 11.8.7. I recommend no modification to the plan.

11.9. Paragraphs 11.9 – 11.20

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
4794	12536	Costain Group plc	DEP	O	No

Summary of Objection:

Rep No	Summary
12536	The plan should make provision for 7400 new homes

Key Issues:

- 11.9.1. Whether the plan should make provision for 7400 new homes.

Conclusions:

- 11.9.2. A review of the housing allocations in the plan resulted in the Council increasing the housing supply to 7400 (PC13). This effectively meets the

objection. I deal with this matter fully at STR4 where I recommend the plan be modified by PC13.

Recommendation:

11.9.3. I recommend no modification to the plan.

11.10. Paragraphs 11.9 – 11.21

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1505	2108	Thomas	DEP	O	No

Summary of Objection:

Rep No	Summary
2108	This objection is dealt with in Chapter 3 STR4 and HSG1 Pentre Halkyn below

Paragraphs 11.9 – 11.27

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
477	623	Hawarden Estate	DEP	O	No
2296	17614	Hanson Brick/Leason Homes	DEP	O	Yes

Summary of Objections:

Rep No	Summary
623	There is a serious under provision of housing land which does not meet identified need. The base figures used are old. There is no explanation of the settlement capacity exercise, the growth bands are arbitrary. There is an over reliance on unidentified sites and no allowance for clearance or slippage on allocated sites
17614	The growth bands are arbitrary and not justified. The settlement boundaries are too restrictive and inflexible and do not encourage sustainable development opportunities. As a consequence a site at Liverpool Road, Buckley should be allocated for housing. It is sequentially well placed and would contribute to the inadequate supply of housing land

Key Issue:

11.10.1. Whether more land needs to be released for housing.

Conclusions:

- 11.10.2. I deal with the substance of 623 at STR4 in Chapter 3 and in response to objections to paras 11.12 and 11.12-11.14 below and do not repeat my conclusions here. The objection was made when the Council supported a supply of only 6500 new homes. The Council's proposed changes provide for a supply to meet the 7400 requirement plus about 9% flexibility. As a result of the proposed modifications in this report the flexibility allowance will increase to 14%.
- 11.10.3. In further representations the objector remains concerned about slippage and sites not coming forward. Where doubts have been expressed about the

deliverability of individual sites I address the matter on a site specific basis. However, it seems to me, from the information about the number of allocated and committed sites available to the inquiry, plus the likely contribution from windfalls, that at around 14% the flexibility allowance is sufficient to ensure in principle there will be an adequate supply of land. The annual housing land availability study will serve as a means of monitoring supply.

- 11.10.4. PC13 resulted in the conditional withdrawal of 17614. The remaining objections to the omission site at Liverpool Road (4668 and 17613) are dealt with at HSG1 Buckley below and in Chapter 13 at EM1 Buckley.

Recommendation:

- 11.10.5. I recommend no modification to the plan.

11.11. Paragraph 11.10

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2396	5107	Gower Homes	DEP	O	No
2411	5260	Home Builders Federation	DEP	O	No
2615	5938	Castlemead Homes Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
5107	Reducing the projected housing need to 6500 is not justified
5260	The paragraph is incorrect. It should acknowledge that past trends need to be continued, regard should be had to the economy and there is the capacity to meet the level of development required
5938	There needs to be recognition of the cross border influences on housing and employment and redrafting of para 11.10 to reflect this

Key Issues:

- 11.11.1. Whether:-
- the housing supply should meet the projected 7400 new homes requirement
 - para 11.10 is misleading and/or needs redrafting.

Conclusions:

- 11.11.2. In a review of the plan the Council accept that 7400 new homes can and should be provided within the plan period. There are a number of PCs put forward to incorporate this figure into the plan. I support the figure of 7400 and deal with this matter in full under STR4 Chapter 3 of this report.
- 11.11.3. I agree with the objector that the paragraph is misleading. It gives reasons for not meeting the projected housing demand when in fact the Council now considers the County has the capacity for and makes provision for 7400 new homes. The paragraph needs redrafting to reflect the position.
- 11.11.4. Whilst not contained within para 11.10 there is in my view sufficient recognition in the plan of the sub regional context and interrelationship of North East Wales and West Cheshire, particularly with regard to housing and

employment markets. In the light of the PCs, which I support, I see no reason for further modification to meet these objections.

Recommendation:

- 11.11.5. I recommend para 11.10 be redrafted to reflect the fact that 7400 new homes will be provided within the plan period.

11.12. Paragraph 11.11

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
4110	18305	Peers	PC	O	No

Summary of Objection:

Rep No	Summary
18305	PC297 implies a guesswork approach to assessing settlement capacity

Key Issue:

- 11.12.1. Whether PC297 should be redrafted.

Conclusions:

- 11.12.2. PC297 changes the beginning of para 11.11 to read *a broad brush assessment has been undertaken* Given that the capacity study did not cover all the settlements and fell short of a formal capacity study for the rural areas, I consider *broad brush* is an apt description. It does not to my mind imply the assessment was not sound and I see no reason to either reject or redraft PC297.

Recommendation:

- 11.12.3. I recommend the plan be modified by PC297.

11.13. Paragraph 11.12

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1305	1817	Pearson-Jones	DEP	O	No
1306	1821	Kenwright	DEP	O	No
2396	5108	Gower Homes	DEP	O	No
2615	5941	Castlemead Homes Ltd	DEP	O	No

Summary of objections:

Rep No	Summary
1817	This objection is dealt with below at HSG1 Pen-y-fford with 1814
1821	This objection is dealt with below at HSG1 Pantymwyn with 1819
5108	The growth band for category B settlements regularly served by public transport and closely related to services/the urban area should be increased
5941	The banding of settlements is a crude approach which takes insufficient account of individual

	circumstances
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Key Issue:

- 11.13.1. Whether the banding of settlements is an appropriate approach to the spatial distribution of growth.

Conclusions:

- 11.13.2. In principle I see nothing wrong with categorising settlements to underpin the spatial distribution of growth. It is derived from the Clwyd Structure Plan and the Council says that in the past it has proved useful to broadly identify the likely acceptable levels of development within different types of settlement.
- 11.13.3. The preliminary paragraphs to Chapter 11 make it clear that the growth bands are not prescriptive, but indicative and that because of local circumstances on occasions the growth bands will be exceeded whilst at others there will not be the minimum level of growth. There is sufficient flexibility within the spatial strategy to accommodate variations.
- 11.13.4. 5108 does not explain what is meant by regular public transport or closely related to services/urban areas and does not identify any category B settlements. I cannot therefore respond to the objection in a meaningful way.

Recommendation:

- 11.13.5. I recommend no modification to the plan.

11.14. Paragraphs 11.12 – 11.14**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5085	Welsh Assembly Government	DEP	O	Yes

Summary of Objections:

Rep No	Summary
5085	Combine Table 1 and table in HSG1 to indicate the precise amount of growth in each settlement and provide justification about how levels of growth in each category have been derived. The final sentence of 11.14 undermines the growth bands

Key Issues:

- 11.14.1. Whether:-
- i) the tables should be combined
 - ii) there needs to be justification about how growth levels were derived
 - iii) the final sentence of para 11.14 should be explained or deleted.

Conclusions:

- 11.14.2. It would add little of value if the tables were to be combined, as paras 11.12 to 11.14 make it clear that the growth bands are indicative and not targets; that constraints in some settlements will mean that the minimum growth level will not be achieved; and, conditions in others may mean the maximum is exceeded.

- 11.14.3. I am not entirely clear about the Council's justification for selecting the actual percentage growth bands for settlements. The nearest I have come to an explanation is in Topic Paper 2 (which itself is part reproduction of the 2001 Housing Need Technical Paper). Para 3.8 says that *Having been ranked, the settlements were categorised intogrowth bands, reflecting an evaluation of their growth potential based on capacity*. But there is no further information about the capacity of individual settlements to justify the levels set. The main urban centres did not form part of the capacity exercise which itself fell short of a formal capacity study. Furthermore para 3.2 of Topic Paper 2 says the main towns do not have the capacity to accommodate 65% of new housing growth, which I assume, is based on the growth bands.
- 11.14.4. The robustness of a study which is based on a snapshot in time almost 10 years ago must be open to challenge in some localities, especially in the more remote settlements where services/facilities have generally declined over the past decade and also in the more urban ones which are now physically joined by development to category A settlements and share/have relatively easy access to their facilities and services. Finally there is an acknowledgement that growth will be variable within settlements within the same category. The growth bands are not prescriptive. They provide only indicative levels and as explained by the Council should only be regarded as a broad indication of acceptable levels of growth.
- 11.14.5. In the light of these factors, I consider it would be difficult to justify the percentages in more than a general way which would add little to the existing text. It would not be of particular help to users of the plan. However, by seeking to concentrate most growth in the larger settlements and least in the smaller, the spatial strategy is in line with the distribution of growth advocated by PPW. Moreover my recommendation to limit growth in the category C settlements and the open countryside to that required to satisfy local needs will strengthen the spatial strategy and underpin the sustainable objectives of the plan.
- 11.14.6. PC299 deletes the last sentence in para 11.14 and the apparent undermining of the growth bands referred to by the objector. The changes to the supply now proposed mean that it is factually incorrect and I support its deletion.

Recommendation:

- 11.14.7. I recommend the plan be modified by PC299.

11.15. Paragraphs 11.12 – 11.27

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found at appendix A11			

Summary of Objections:

Rep No	Summary
5486	Needs to be greater clarity about the Council's preference for 6500 and not 7400 dwellings
16018	The number of properties proposed in Flint should be reduced

All Others	Development in Flint exceeds the level defined as sustainable in the UDP. The projected growth figures do not tally with census information (in respect of divorce rates and local need). Services and facilities cannot cope with the growth. There is no phasing of development and rapid excessive growth will encourage in migration. The site between Northop Road and Halkyn Road is green barrier – development would not comply with GEN5. Object to the overall level of development in settlement
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Key Issue:

11.15.1. Whether the plan should be modified as a result of the objections.

Conclusions:

- 11.15.2. The majority of objections are linked to a housing allocation at Northop Road, Flint which is dealt with at HSG1(11) below. Similarly where the objections relate to the overall level of growth and assumptions made in proposing that level, my conclusions are primarily to be found in Chapter 3 under STR4.
- 11.15.3. The Council has reviewed the housing allocations and identified a supply of land to provide in excess of 7400 dwellings during the plan period which means the basis of objection 5486 has disappeared.

Recommendation:

11.15.4. I recommend no modification to the plan.

11.16. Paragraphs 11.12 – 11.32

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
4794	12525	Costain Group plc	DEP	O	No

Summary of Objection:

Rep No	Summary
12525	The relationship between the spatial strategy and the selection of housing sites is flawed. There is no explanation about how the growth bands were set. They appear arbitrary and could lead to the non selection of sustainable sites. If the bands aren't justified then the capacity of settlements needs to be reviewed. Neither is it explained if or to what extent the allocated sites satisfy the site search criteria. They should be reviewed against all the others suggested in the consultation process. As a consequence object to all allocated sites

Key Issue:

11.16.1. Whether the relationship between the spatial strategy and the selection of allocated sites is flawed.

Conclusion:

11.16.2. Whilst there is no explanation about how the figures were arrived at, it seems to me that given the background work carried out by the Council, the growth bands represent a reasonable range to accommodate the predicted growth within the capacity of the settlements and accord with the underlying principle of the concentration of development within the larger settlements (This view of course takes account of my conclusions on the settlement strategy generally). In the light of the variety of villages and restrictions on growth

within and around them, the bands must remain broad to cater for differing circumstances. Even so it is recognised that in some settlements growth may be either below or above the indicative band. The bands are not prescriptive in the way suggested by the objector.

- 11.16.3. The Council has chosen the sites it considers best suited to meet the strategic aims of the plan, that a significant number of organisations and individuals do not agree, is evident from the large number of objections to allocated sites and omission sites put forward. The Council has had the opportunity to review its position and made some changes in the light of the objections. It is the purpose of the UDP inquiry to consider the proposals put forward by both the Council and the outstanding objectors. Whilst it might not represent a criteria based approach as suggested by the objector, a review will therefore take place as part of this process.
- 11.16.4. I note in relation to UDP paras 11.28 to 11.30 that editorial changes will need to be made in the light of the modifications to allocations, densities etc recommended in this report.

Recommendation:

- 11.16.5. I recommend no modification to the plan.

11.17. Table 1

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1471	2037	Brown			
4625	13702	Sargeant AM	DEP	O	No
5224	13523	Whittaker	DEP	O	No
5235	13570	Lewis	DEP	O	No

Summary of Objections:

Rep No	Summary
2037	This objection is dealt with in Chapter 4 at GEN2 Padeswood
13702 13523 13570	These objections are dealt with in Chapter 4 at GEN2/GEN5 Sealand/Sealand Manor

- 11.17.1. Although there has been no objection, I consider the heading of Table 1 is misleading and does not properly reflect the content of paras 11.12 to 11.14. I suggest it would be more appropriate and less open to misinterpretation if target were omitted from the table heading.

11.18. Paragraph 11.14

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2615	5939	Castlemead Homes Ltd	DEP	O	No

Summary of Objection:

Rep No	Summary
5939	The Council does not justify why growth at the top of the bands would unsustainable

Key Issue:

- 11.18.1. Whether housing provision at the top of the growth bands would be acceptable.

Conclusions:

- 11.18.2. Given the predicted level of housing need in the County until 2015, that is 7400 new homes, it would be illogical for the plan to contain a settlement strategy which encourages the provision of up to 9400 new dwellings which would be the case if development were to be encouraged at the top of the growth bands. I have seen no substantive evidence which justifies the assertion that the upper limits of the growth bands are set to represent the maximum growth achievable without unacceptable environmental damage. The Council make it clear that the varying size and characteristics of the settlements means that the bands provide only an indicative guide for growth based on the plan's underlying sustainable principles.

Recommendation:

- 11.18.3. I recommend no modification to the plan.

11.19. Paragraphs 11.15 & 11.21**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
395	491	Rowlands	DEP	S	No
397	496	Murray	DEP	S	No
398	502	Jones	DEP	S	No
1272	1757	Fogerty	DEP	S	No
1506	2126	Jimsul Ltd	DEP	O	No
1506	2127	Jimsul Ltd	DEP	O	No
2210	4117	Sykes	DEP	S	No
2411	5252	Home Builders Federation	DEP	O	No
2615	5943	Castlemead Homes Ltd	DEP	O	No
7434	18666	Moore	DEP	O	No
7434	18667	Moore	DEP	O	No
7434	18671	Moore	DEP	O	No
7434	18672	Moore	DEP	O	No
7434	18676	Moore	DEP	O	No
7434	18678	Moore	DEP	O	No

Summary of Objections:

Rep No	Summary
2126 2127	Housing supply should be increased. A site at Spon Green Buckley would add to supply
5252	More housing sites could be found if the employment allocations are reviewed. If not there will be a severe housing shortage
18666 18667	Increase housing supply. A site at Birkdale Avenue, Southdown would add to supply

18671 18672	Housing supply should be increased. A site between Holywell Road and Green Lane Ewloe would add to supply
18676 18678	Housing supply should be increased. A site between Green Lane and Mold Road Ewloe would add to supply
5943	Delete para 11.15 as it is incorrect to conclude that the provision of 7400 new homes is unsustainable

Key Issue:

11.19.1. Whether more housing sites need to be found.

Conclusions:

11.19.2. As will be evident from my conclusions on the Employment Chapter I do not consider further review of the employment allocations are necessary at the present time. Similarly as proposed for modification I consider the overall supply of housing land is satisfactory and refer to my conclusions in Chapter 3 STR4 which I do not repeat here. Insofar as 2126/7 propose a development site at Spon Green Buckley, 18666/7 a site at Birkdale Avenue, Southdown, 18671/2 a site between Holywell Road and Green Lane Ewloe and 18676/8 a site between Green Lane and Mold Road Ewloe my conclusions are to be found at HSG1 below.

11.19.3. The Council proposes some changes to para 11.15 (PC300) which would delete the bullet points and the last sentence and change the fourth line to say that it would be *difficult* rather than *impossible* to achieve the projected requirement without significant damage. However, it seems to me that the paragraph as a whole is superfluous as the predicted housing requirement will be provided. The paragraph can be deleted in its entirety. It adds nothing useful to the plan and contains the implication that the County's environmental quality and settlement strategy may be compromised.

Recommendation:

11.19.4. I recommend that the plan be modified by the deletion of para 11.15.

11.20. Paragraphs 11.15 – 11.16**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2396	5111	Gower Homes	DEP	O	No

Summary of Objection:

Rep No	Summary
5111	There is no proper justification for the reduction in housing supply from 7400 to 6500

Key Issue:

11.20.1. Whether the housing supply should be reduced to 6500 new homes.

Conclusions:

- 11.20.2. My conclusions and recommendations at STR4 in Chapter 3 deal comprehensively with the housing requirement where I conclude that a supply of 7400 new homes would be appropriate.

Recommendation:

- 11.20.3. I recommend no modification to the plan.

11.21. Paragraphs 11.15 – 11.20**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3815	9802	Zachary	DEP	O	No
3815	18501	Zachary	PC	O	No

Summary of Objections:

Rep No	Summary
9802	The plan does not allocate sufficient land for housing
18501	7400 new homes is too low. It does not reflect level of demand and underestimates building rates in recent years

Key Issue:

- 11.21.1. Whether more land should be allocated for housing.

Conclusions:

- 11.21.2. Insofar as the objections are related to the overall supply of housing land I would refer the objector to my conclusions to STR4 in Chapter 3 which I do not repeat here. My conclusions on the site in Cymau are to be found at HSG1 below.

Recommendation:

- 11.21.3. I recommend no modification to the plan.

11.22. Paragraphs 11.15 – 11.27**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
7435	18680	David McLean Homes Ltd	PC	O	No

Summary of Representation:

Rep No	Summary
18680	The plan is unable to demonstrate 7400 dwellings can be provided and additional allocations are required

Key Issue:

- 11.22.1. Whether more land should be allocated for housing.

Conclusions:

- 11.22.2. My conclusions on strategic housing need and supply are to be found at STR4 in Chapter 3. Where additional sites are proposed these are considered primarily under HSG1 omission sites by settlement. In general terms it follows from those considerations that the objection does not justify any modification to the plan.

Recommendation:

- 11.22.3. I recommend no modification to the plan.

11.23. Paragraph 11.16

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2411	5254	Home Builders Federation	DEP	O	No
2615	5942	Castlemead Homes Ltd	DEP	O	No
59	18136	Envirowatch	PC	O	Yes

Summary of Objections:

Rep No	Summary
5254	Para 11.16 does not reflect the need for a balance between the supply of housing and employment land
5942	Need to recognise that employment and housing are linked. Desired employment growth is not achievable without a 7400 housing supply
18136	Objects to PC301 ...a reasonable amount of in-migration...

Key Issue:

- 11.23.1. Whether changes need to be made to para 11.16 or PC301.

Conclusions:

- 11.23.2. Para 11.16 - Whilst there does need to be a balance between the supply of housing and employment land, there is not a direct correlation between the exact amounts, as housing is needs driven whilst employment is market driven. My conclusions on the supply of both housing and employment land indicate that I am generally satisfied that the supply is about right.
- 11.23.3. That being said para 11.16 contains an error in that it refers to the *planned reduction* of employment land when in fact this was not the outcome of the review. To remedy this the Council propose PC301 which acknowledges that it was a reassessment of supply. I support this factual change. I also support the remainder of PC301 which reflects more accurately the provision of housing.
- 11.23.4. PC301 - Insofar as 18136 deals with in-migration as a component of the housing requirement, I deal with this matter in response to objections to STR4 in Chapter 3. It would be unreasonable to ignore it given the inter-relationship of the housing/employment markets in the North East Wales/West Cheshire sub region which crosses administrative and national boundaries.

Recommendation:

11.23.5. I recommend the plan be modified by PC301.

11.24. Paragraph 11.18**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1119	1497	Anwyl Construction Company Limited	DEP	O	No
2411	5255	Home Builders Federation	DEP	O	No
2615	5946	Castlemead Homes Ltd	DEP	O	No
5747	14376	Woodhouse	DEP	O	No
59	18137	Envirowatch	PC	O	No
2238	18325	Heesom	PC	O	No

Summary of Representations:

Rep No	Summary
1497	There is no justification to reduce the housing requirement below that allowed for by the growth bands
5255	Delete <i>past trends have been shown to produce unsustainable housing growth</i> . It is inconsistent with RPGNW
5946	6500 dwellings is too few and inconsistent with RPGNW
14376	Population and population growth are underestimated. Development of a site at Hope would contribute to the shortfall
18137	Objects to increase in housing requirement to 7400. Flintshire is using 400% more than its ecological footprint. The County has the worst CO2 emissions in Wales
18325	PC302. Support deletion of low figures – seek higher provision (subsequent changes in accordance)

Key Issues:

11.24.1. Whether:-

- i) there is inconsistency with RPGNW
- ii) PC302 needs to be changed
- iii) the increase in the housing requirement would result in an unacceptable ecological footprint.

Conclusions:

11.24.2. I deal with the predicted housing requirement at STR4 in Chapter 3 of this report where I conclude that in strategic terms a requirement of 7400 is justified and can be provided. Similarly the nature of the growth bands is dealt with in the paragraphs above. I cannot usefully add more in response to 1497. Insofar as 14376 proposes an additional site this is dealt with below at HSG1 – Hope, Caergwrle, Abermorddu & Cefn y Bedd.

11.24.3. 5255 and 5946 were made before the PCs. Following PC13 and with 7400 new homes proposed, I can see nothing inconsistent between RPGNW para 7.3 and UDP para 11.18. The Council seeks to meet the existing population's identified housing need and has had regard to migration trends in reaching that figure which include past levels of migration and local economic policy. If paras 11.16 to 11.20 (as changed by the PCs) are taken together I consider they satisfactorily explain the situation. I do not agree

that if past trends have produced unsustainable housing growth it follows that the settlements have no more capacity for growth. The one is not dependent on the other.

- 11.24.4. PC302 – I am not sure I understand 18325 which is reproduced in its entirety above. I have assumed that the objector wishes to see a greater amount of housing land supply. However, no justification is given for the assertion or indication as to what level is acceptable. In these circumstances I can add nothing to my conclusions at STR4 in Chapter 3 of this report. It follows I support PC302.
- 11.24.5. Ecological footprint - 18137 is only an assertion. There is no evidence to substantiate the statements made or explanation how the figures were arrived at. The Council's response throws no light on the matter. With the information before me I find it impossible to sensibly conclude on the issue and can take the objection no further. I would however refer the objector to my conclusions on housing land at STR4 in Chapter 3.

Recommendation:

- 11.24.6. I recommend the plan be modified by PC302.

11.25. Paragraph 11.19

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2411	5256	Home Builders Federation	DEP	O	No
59	18663	Envirowatch	PC	O	Yes
2301	18383	Lloyd & Parry	PC	O	No

Summary of Objections:

Rep No	Summary
5256	Should provide an adequate supply of housing land otherwise monitor and manage cannot work
18663	Delete PC303. Past housing requirements should not be added to the plan
18383	If Garden City HSG2A fails to come forward there will be a shortfall in supply and given this circumstance reference should be made to alternative sites

Key Issue:

- 11.25.1. Whether para 11.19 or PC303 should be modified.

Conclusions:

- 11.25.2. Para 11.19 – It is evident from my conclusions on STR4 that I am now satisfied that the plan provides a sufficient supply of land to meet identified housing need. By providing a supply to meet the 7400 requirement, the Council no longer follows a cautious approach to housing provision. It is not for me to comment on the performance of the Council in carrying out its duties.
- 11.25.3. PC303 - This is a factual updating of the plan. The housing requirement is for the whole period of the plan, that is 2000 to 2015, it follows that if in the early years the plan brings forward less land for development it must make up the shortfall in the later years. To do otherwise would lead to an under

provision and a failure to meet the County's needs. Whilst I support PC303 in principle, I note the Garden City site is only part brownfield and the text should be changed to reflect this.

- 11.25.4. Para 11.19 makes it clear that the Council's approach to housing provision is of the *plan, monitor and manage* method and that regular monitoring will identify trends and performance issues which can be addressed through review. Given this situation it is unnecessary to refer to alternative sites.

Recommendation:

- 11.25.5. I recommend the plan be modified by PC303 with the third sentence amended to read.... *Additional capacity has arisen in the form of a large mixed use, part brownfield site at Garden City....*

11.26. Paragraphs 11.21 – 11.24

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2420	5890	RSPB Cymru	DEP	O	No

Summary of Objection:

Rep No	Summary
5890	Allocations from old development plans should be re-examined in the light of up to date planning policy

Key Issue:

- 11.26.1. Whether allocations from previous plans need to be re-examined.

Conclusions:

- 11.26.2. The Council points out that sites carried over from existing plans have been reviewed and are monitored on an annual basis as part of the annual Housing Land Availability Study to assess their ability to contribute towards supply. It can do no more to meet the objection.

Recommendation:

- 11.26.3. I recommend no modification to the plan.

11.27. Paragraphs 11.21 – 11.27

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
4794	12531	Costain Group plc	DEP	O	No

Summary of Objection:

Rep No	Summary
12531	The housing balance sheet needs reviewing, particularly in respect of sites from previous plans and windfalls/small sites. There should be a supply of 7400+ a flexibility allowance

Key Issue:

11.27.1. Whether the housing balance sheet needs reviewing.

Conclusions:

11.27.2. My conclusions to STR4 deal with the housing supply which was reviewed to take account of, amongst other things, the 2005 Housing Land Availability Study. As a consequence PCs304, 305, 306, 307, 308, 309 and FPC617 propose extensive changes to paras 11.21-11.26 and Table 2. There is now sufficient land to provide 7400 new homes plus a flexibility allowance. I support those PCs which explain and up date the position in relation to housing supply. Where doubts have been cast on the deliverability of some of the sites which make up the supply, these objections are dealt with on a site specific basis. However, the opening sentences of para 11.26 which summarise the housing supply, will need further revision in the light of the changes I recommend to specific sites and the minimum density of development. Since PC309 does not necessarily reflect the final situation I do not support the amended wording.

Recommendations:

11.27.3. I recommend the plan be modified by:-

- i) PCs304, 305, 306, 307, 308 and FPC617
- ii) amending the opening two sentences of 11.26 to reflect the supply situation in the plan when it is adopted.

11.28. Paragraph 11.22**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1341	1864	Northop Community Council	DEP	O	No
1341	1865	Northop Community Council	DEP	O	No
2396	5114	Gower Homes	DEP	O	No
2615	5950	Castlemead Homes Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
1864	Object to 6500 new houses because of impact on Northop, particularly HSG1(49)
1865	HSG1(53) is contrary to para 11.17. There is a more suitable site
5114 5950	The housing balance table should be based on a requirement of 7400. There should be a full review of existing commitments to identify constraints or there should be a discount on the commitments carried forward. The windfall allowance is overstated

Key Issue:

11.28.1. Whether the housing supply is too much/adequate.

Conclusions:

11.28.2. I deal in detail with the supply of housing land at STR4 in Chapter 3 where, taking into account matters such as those raised in 5114 and 5950, I conclude that the housing supply is adequate to meet a requirement of 7400 new houses. I can usefully add no more.

- 11.28.3. It follows from the above that I consider 6500 to be an inadequate supply. The impact on a particular settlement is related to far more than the overall number of new houses planned for the County or even the category of settlement it finds itself in. The level of services/facilities, definition of boundaries and constraints both within and around a village have a marked effect on the level of growth proposed at individual settlements. So far as 1864 and 1865 are related to objections about the impact of specific housing allocations my conclusions are to be found at HSG1(49), HSG1(53) and HSG1 - Sychdyn below.

Recommendation:

- 11.28.4. I recommend no modification to the plan.

11.29. Table 2

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3332	Flintshire Green Party	DEP	O	No

Summary of Objection:

Rep No	Summary
3332	Objects to the lack of figures in Table 2 for subdivision and barn conversions

Key Issue:

- 11.29.1. Whether Table 2 should be amended to itemise barn conversions and property subdivision.

Conclusions:

- 11.29.2. Table 2 contains the components of supply under broad headings. The amount of that supply which would come from converted units, is essentially an unknown quantity in advance of firm proposals being put forward by developers and that is part of the development control, not the development plan process.

Recommendation:

- 11.29.3. I recommend no modification to the plan.

11.30. Paragraphs 11.23 – 11.27

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2411	5257	Home Builders Federation	DEP	O	No

Summary of Objection:

Rep No	Summary
5257	Not clear whether sites have been reassessed. There should be a 10% flexibility allowance

	and an allowance for demolitions
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Key Issue:

11.30.1. Whether the plan should be modified in the light of the objection.

Conclusions:

11.30.2. The objection was made at the deposit stage. Since then Table 2 and paras 11.23 to 11.27 have been subject to extensive changes which I support. It is now clear that the sites have been reassessed. I deal with the flexibility allowance and demolitions at STR4 in Chapter 3.

Recommendation:

11.30.3. I recommend no modification to the plan.

11.31. Paragraph 11.24**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
7383	18414	Yates	PC	O	No

Summary of Objection:

Rep No	Summary
18414	Housing allocations should have been reviewed in the light of the updated figures in Table 2. Providing more land for housing at Garden City could enable the removal of allocation HSG1(46)

Key Issue:

11.31.1. Whether the updated Table 2 justifies changes to the housing allocations.

Conclusions:

11.31.2. The SEA/SA which took place in 2006 looked at housing and employment allocations. This together with HSG2A coming forward resulted in changes to the allocations and an increase in housing supply. The Council therefore took advantage of the *windfall opportunity* presented to it. The policies and allocations now put forward are the ones the Council considers to be most sustainable and appropriate. Whilst the objector may disagree with the Council's proposals, it does not mean that they are flawed or have been arrived at in a way which ignores current national policy or changed circumstances since the plan's inception. There is merely a difference of opinion between the parties about the most appropriate allocations. Insofar as the objector is specifically concerned with individual sites such as HSG2A and HSG1(46), I deal with these matters below.

Recommendation:

11.31.3. I recommend no modification to the plan.

11.32. Paragraph 11.25**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3335	Flintshire Green Party	DEP	O	No

Summary of Objection:

Rep No	Summary
3335	If there has to be slippage, it should be put at the end of the plan

Key Issue:

11.32.1. Whether slippage should be put at the end of the plan.

Conclusions:

11.32.2. Provision for flexibility needs to be operated throughout the plan period as it is difficult, if not impossible to predict with any accuracy when sites might experience difficulties in coming forward and as a consequence when such an allowance would be needed.

Recommendation:

11.32.3. I recommend no modification to the plan.

11.33. Paragraph 11.26**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3555	9060	David McLean Homes Ltd	DEP	O	No
59	18139	Envirowatch	PC	O	No

Summary of Objections:

Rep No	Summary
9060	The approach to housing densities is flawed. It is crude and inflexible. The densities are not justified anywhere. They need to be amended to indicate the likely yield from each site. An example is Broughton where densities could be 30ph at HSG1(25)
18139	Delete 9% flexibility

Key Issues:

11.33.1. Whether:-

- i) the housing densities in the table in HSG1 should be revised/refined
- ii) the flexibility allowance should be deleted.

Conclusions:

11.33.2. Two almost identical objections to 9060 (9064 British Land Company plc and 18684 Development Securities plc) are dealt with at HSG1(25) below.

11.33.3. Densities – Para 11.26, as proposed to be modified, makes it clear that the capacities of sites in HSG1 are no more than working densities. They are not intended to represent exact numbers and give only broad brush figures.

Whilst I accept the method is somewhat crude and I do not support densities of 25dph in category B settlements, generally using an average density provides a useful tool to estimate the supply of land. I would not expect the densities to be treated as prescriptive and do not believe that they should be seen as encouraging lower densities on easily accessible sites. In line with national guidance, making the most efficient use of land through higher densities is one of the key aims of the spatial strategy.

11.33.4. I note that, whilst I agree para 11.26 needs to be updated, the figures in PC309 do not reflect my recommendations. I do not therefore support PC309 in its present form.

11.33.5. Flexibility - Given that any combination of unknown factors can affect development, it is prudent that a flexibility allowance is provided to cater for any slippage in sites coming forward.

Recommendation:

11.33.6. I recommend the first part of para 11.26 be updated to reflect the recommendations in this report.

11.34. HSG1 New Housing Development Proposals

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
364	449	Wrexham County Borough	DEP	S	No
1017	1324	Ellesmere Port and Neston Borough Council	DEP	O	No
1483	2061	Woods	DEP	S	No
1484	2064	Soutter	DEP	S	No
1485	2067	Roland	DEP	S	No
2106	4587	Countryside Council for Wales	DEP	O	No
2106	4804	Countryside Council for Wales	DEP	O	No
2238	4187	Heesom	DEP	O	No
2239	4266	Clayton	DEP	S	No
2334	4854	WAG - Dept of Enterprise, Innovation & Networks	DEP	O	No
2350	5086	Welsh Assembly Government	DEP	O	No
2396	5117	Gower Homes	DEP	O	No
2753	6613	Cheshire County Council	DEP	O	No
3540	8966	Alan's Skip Hire	DEP	O	No
4794	12524	Costain Group plc	DEP	O	No
5687	14297	Moffat	DEP	O	No

Summary of Objections:

Rep No	Summary
1324	Provision of housing appears high in relation to Cheshire's figures
4187	Object to sites in Mostyn. They have not met with local approval. Needs more work
4587	Re-examine housing allocations in the light of the flood hazard maps/TAN15 and cross reference with EWP16. Why do certain settlement boundaries include unallocated land
4804	Hedgerows and trees, PROWs on allocated sites should be protected
5086	Housing allocation is below requirement. There needs to be a 5 year supply of land
5117	Table should identify greenfield/brownfield/carry over sites. Question deliverability of carry over and brownfield sites. Delete questionable sites
6613	Object to supply below requirement of 7400. Could have implications for Cheshire
8966	Policy is flawed as no housing needs/urban capacity study. Categorisation of settlements does not allow for regeneration projects to be adequately delivered, particularly brownfield

	sites in accessible locations
12524	This is dealt with at para 11.12-11.32 above with 12525
4854	Concern over artificial capacity of settlements with less than 50% growth in major settlements eg 10% in Mold and 11% in Holywell. Table 4 of housing need technical paper over estimates level of allocations and some have constraints. Allocate new sites
14297	The population projection is not justified. Do not allocate more sites until more accurate/realistic estimates are made

Key Issue:

11.34.1. Whether the objections necessitate changes to the plan.

Conclusions:

- 11.34.2. I deal in full with objections to the level of housing provision in Flintshire in Chapter 3 of this report under STR4 and can usefully add nothing further in respect of 1324, 5086, 6613, 8966 and 14297. The capacity of settlements (4854) is also dealt with above and I would refer in particular to conclusions in response to objections to 11.12-11.32, 11.1-11.27 and 11.12-11.14. Additional sites requested for inclusion in the plan are referenced by settlement at HSG1 below. The impact of flooding on housing allocations in response to individual allocations are dealt with in this chapter whilst responses to objections to the flood risk areas and TAN15/EWP policies are to be found in Chapter 19 (4587). I would note that the flood maps have been replaced, TAN15 has been issued and extensive changes are proposed for EWP16. Para 4.7 in Chapter 4 of the UDP explains how all land within the settlement boundaries will be treated. I see no reason for further explanation. I am told that the *white land* at Trelogan and Berthengam is now developed.
- 11.34.3. In respect of the above, I do not repeat either my conclusions or recommendations here.
- 11.34.4. 4804 – The protection/treatment of trees/hedgerows and PROWs are matters which are addressed in Chapters 6 and 10 of the UDP respectively. When applications for development are submitted for approval, they will be considered against appropriate policies in these chapters. Given this situation I see no need for any changes to be made to Chapter 11 or HSG1.
- 11.34.5. I am not clear about whether 4187 seeks more, less or different allocations in Mostyn. I would note however that whilst the UDP and inquiry process is an opportunity for people to voice their comments on proposals in the plan, local opposition to a proposal does not always equate to an unsatisfactory proposal in planning terms. Without further details I can add no more.
- 11.34.6. There is not a particularly strong link between HSG1 allocations and flood risk. Cross reference to EWP16 is unnecessary in a plan which is meant to be read as a whole.
- 11.34.7. With regard to 5117, the Council proposes the identification of brownfield sites by PC335. I support this change which provides useful information in a succinct way. I deal in a general way with the deliverability of sites under STR4 and particular sites are addressed under their allocation numbers below.
- 11.34.8. Whilst 8966 says that the categorisation of settlements does not allow for regeneration projects to be adequately delivered, there is no evidence to substantiate this assertion or to define what is meant by a regeneration project. However, should a scheme come forward as part of the development

control process, it would be considered against UDP policies and any material circumstances relating to it. To my mind it does not automatically follow that the categorisation of settlements would preclude regeneration projects and I do not believe the objection justifies any changes to the plan on this basis.

- 11.34.9. Although the matter has not been raised by an objector, I consider additional policies should be added to the list of *Other Key Policies*. This would provide a comprehensive list.

Recommendation:

- 11.34.10. I recommend the plan be modified by:-

- i) PC335
- ii) adding the following to *Other Key Policies*
 - * HSG8 *Density of Development*
 - * HSG9 *Housing Mix and Type*
 - * HSG10 *Affordable Housing within Settlement Boundaries*.

11.35. HSG1(1) Mount Pool, Buckley

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3802	Clwyd Powys Archaeological Trust	DEP	O	No
2349	4891	Wilson & Hutchinson	DEP	O	No
2106	18454	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No	Summary
3802	May affect site of former brickworks and require archaeological investigation prior to building
18454	The larger allocation potentially impacts on the SAC
4891	Extend site. There are inadequate allocations in Buckley. Delete L3 designation

Key Issue:

- 11.35.1. Whether the allocation should be changed as a result of the objections.

Conclusions:

- 11.35.2. The concerns of the CPAT are matters which can be addressed as part of the development control process. They do not require any modification to the UDP.
- 11.35.3. In response to 4891, the Council proposes PC314 which extends the allocation, makes its shape more regular and reflects the extant planning permission on the site. I support the change which is a sensible approach to the changed circumstances. However, to extend the allocation further still as suggested by the objectors would to my mind affect the integrity of the green space by encroaching unacceptably on the non statutory wildlife site. There is no necessity for additional land to be allocated to meet housing need and in these circumstances I do not support the further extension of the allocation.

- 11.35.4. The extension of HSG1(1) proposed by PC314 is 0.2ha and represents only a marginal reduction in the distance between the SAC and the allocation. I am told that the extant permission has conditions which seek to protect and enhance wildlife interests. In these circumstances I do not consider further modification to the plan is justified.

Recommendation:

- 11.35.5. I recommend the plan be modified by PC314.

11.36. HSG1(2) Depot, Padeswood Road, Buckley

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
168	204	Edwards	DEP	O	No
174	212	Cooper	DEP	O	No
918	1202	Buckley Town Council	DEP	O	No
962	1262	Williams	DEP	O	No
1067	1416	Price	DEP	O	No
1183	1636	Roberts	DEP	O	No
1184	1637	Roberts	DEP	O	No
1354	1881	Shaw	DEP	O	No
1355	1882	Shaw	DEP	O	No
1429	1984	Price	DEP	O	No
1507	2134	Williams	DEP	O	No
1734	3126	Williams	DEP	O	No
2471	5481	Whitley Estates Ltd	DEP	S	No
3762	9669	Fawcett	DEP	O	No
4016	10343	Messham	DEP	O	No

Summary of Objections:

Rep No	Summary
All	2 public inquiries have already rejected development in the locality. Development of adjacent land is not a good reason for deleting green barrier. Existing boundary is firm and defensible. It would not round off but extend settlement with loss of landscape/greenery. More traffic, noise, pollution. Access from Megs Lane is onto a busy road on a bend. Access from Westbrook Drive is narrow with parked cars. Impact of Castle/Tunnel Cement development. Sufficient houses already committed. Cumulative impact on services and facilities. Not wanted by residents or land owner. Devalue property, loss of green aspect and views. Delete allocation or limit height/type of housing or develop alternative land

Key Issue:

- 11.36.1. Whether the allocation should be deleted.

Conclusions:

- 11.36.2. Whilst compared with larger centres such as Chester and Wrexham, Buckley is small in scale with limited facilities, in the Flintshire context it is one of the largest built up areas with more facilities than most of the other settlements. As a consequence it is identified as a category A settlement with an indicative growth band of 10 - 20%. The Council's evidence indicates that since the start date of the plan, commitments and completions have resulted in 13.2% growth. The growth rate including the allocations rises to just over 17%.

- 11.36.3. PPW (MIPPS 01/2006) sets out a search sequence for identifying sites. The priority for development is brownfield land. In Flintshire because of various constraints brownfield sites are in short supply. I appreciate that a large brownfield site (the former Lane End Brickworks) has been granted planning permission since the allocations were made, but uncertainties about the length of time it will take for housing to come forward mean that it does not form part of the identified supply. With doubts about delivery dates it seems to me that it is appropriate that any housing from this site is regarded as a windfall contribution to the supply. In any event even if all anticipated 300 new homes were to be built before the end of the plan, it would result in about 23% growth which I do not believe would be inappropriate in a settlement the size and nature of Buckley.
- 11.36.4. The site is green barrier in the Alyn & Deeside Local Plan. However, there is an extant planning permission for housing to its west. HSG1(2) would therefore be bordered on 3 sides by residential development. The southern boundary whilst abutting open countryside has a firm defensible boundary and the aerial picture supplied with 1881 demonstrates this. Because of the size/shape and location of the site I do not believe it would adversely affect the strategic function of the green barrier. The developments on adjacent land which have been rejected as part of either the development plan or development control process have all been of a different scale and/or nature to HSG1(2). I do not find any inconsistency in this respect.
- 11.36.5. The objectors raise various matters which are legitimate concerns such as access, overstretched services/facilities and the like. However, there is no evidence to substantiate these concerns. The Council's highways department is satisfied that a safe access can be provided and the local road network is capable of accommodating the traffic generated. The service providers have raised no objection to the additional houses and the site is within 1km of the town centre with public transport along both Megs Lane and Nant Mawr Road. There is no evidence of mine workings or particular wildlife interest on the site. As to pollution from the cement works, the proposed houses would be no more affected than the existing ones.
- 11.36.6. The alternative sites which have been raised are largely dealt with below under HSG1 - Buckley. In addition I would note only that the site to the west of the cricket ground is already shown on the plan as a commitment. HSG1(2) is therefore in addition to that site – which the representations indicate may not in any event now go ahead because of a recent planning permission for commercial development.
- 11.36.7. Matters such as devaluation of property and loss of views are not matters which carry weight when assessing the planning merits of the allocation. Similarly if the reasons for local residents not wanting the proposal are not based on sound planning principles they do not take precedence over making the allocation in the public interest. The support for the allocation from the landowner would seem to negate the assertion that there is a reluctance for the land to be developed.
- 11.36.8. I note the Council says that the allocation is listed as being of 1.6ha in extent and capable of accommodating 43 houses in the table in HSG1, but those are not the figures in my copy of the UDP. There is therefore no need to make any correction.

11.36.9. Overall I conclude that the allocation should remain in the plan.

Recommendation:

11.36.10. I recommend no modification to the plan.

11.37. HSG1(3) Well Street, Buckley

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in appendix A11			

Summary of Objections:

Rep No	Summary
All	Question need for more housing. Buckley and locality are already overdeveloped. Brownfield land or alternative sites should be developed in preference. The drainage system is inadequate and the development will make it worse with more flooding incidents. Erosion of green barrier and countryside between Buckley, Mold, Mynydd Isa, loss of wildlife habitats, agricultural land, recreational area, public right of way. Inadequate road system and danger to walkers/riders from extra traffic. Lack of/overstretched services/facilities including school places. Legacy of mining and land instability. Devaluation of property, loss of privacy. Significant local opposition

Key Issue:

11.37.1. Whether the allocation should be deleted.

Conclusions:

- 11.37.2. Whilst compared with larger centres such as Chester and Wrexham, Buckley is small in scale with limited facilities, in the Flintshire context it is one of the largest built up areas with more facilities than most of the other settlements. As a consequence it is identified as a category A settlement with an indicative growth band of 10 - 20%. The Council's evidence indicates that since the start date of the plan, commitments and completions have resulted in 13.2% growth. The growth rate including the allocations rises to just over 17%.
- 11.37.3. PPW (MIPPS 01/2006) sets out a search sequence for identifying sites. The priority for development is brownfield land. In Flintshire because of various constraints brownfield sites are in short supply. I appreciate that a large brownfield site (the former Lane End Brickworks) has been granted planning permission since the allocations were made, but uncertainties about the length of time it will take housing to come forward mean that it does not form part of the identified supply. With doubts about delivery dates it seems to me that it is appropriate that any housing from this site is regarded as a windfall contribution to the supply. In any event even if all anticipated 300 new homes were to be built before the end of the plan, it would result in about 23% growth which I do not believe would be inappropriate in a settlement the size and nature of Buckley.
- 11.37.4. Objectors say that Buckley has been overdeveloped, but it is the second largest town in Flintshire accessible by both bus and rail and as such it is, in principle, regarded as a sustainable location in terms of both national and

UDP policy. Development over the years may have expanded the settlement, but that does not equate to overdevelopment or harm if growth is planned and the requisite infrastructure and services are in place. The size of the site means it would be likely to be developed in phases allowing new residents to assimilate into the community. A number of residents point to a general lack of services and facilities but, as part of the plan's preparation, consultations took place with both statutory and non statutory service providers who did not oppose the allocations. Moreover the site is just over 1km from the town centre and there are frequent bus services to it. I appreciate that services such as doctors and dentists may be in short supply, but this is not just a local problem.

- 11.37.5. There is no doubt that the combined drainage system leads at times to flooding and surcharging sewers. It appears to be an ongoing problem which is a source of nuisance and distress to residents. However, it does not automatically follow that the proposed development would exacerbate the existing problem. DCWW have not objected to the allocation and there is the opportunity for the development to drain to the Buckley WWTW. Moreover policies within the plan such as GEN1(h) and EWP15(c)(d) will ensure that development *has regard to the adequacy of existing public services, would enhance the existing water treatment and supply and would have access to adequate sewerage and sewage treatment facilities*. The provision of a SUDS will also ensure potential flooding is taken into account and may even improve the existing situation.
- 11.37.6. Access/highways to the site is potentially from Daleside, a cul-de-sac serving semi-detached houses and/or Well Street, a through road serving houses at its northern end. To the south Well Street narrows and takes on the character of a country lane until it links in with Rose Lane, a similar road running between the A549 and the A5118. Both Daleside and Well Street to the north have junctions with Springfield Drive/Nant Mawr Road. There is no doubt that development at Well Street would add to existing traffic. However, there is the potential to design the Well Street access to discourage traffic travelling south. Unless the road is physically closed I acknowledge that not all traffic would be discouraged from travelling south, but it would nevertheless reduce the amount of traffic. The nature of Well Street and Rose Lane mean that walkers and riders already have to be vigilant when using the lanes. Whilst the development may add to the number of vehicles, it would not fundamentally change the rural character of the lane.
- 11.37.7. A consequence of discouraging southbound trips would inevitably mean more traffic travelling north and using the Springfield Drive/Nant Mawr Road junctions. Whilst because of their width, alignment, pavements and lighting these are better able to accommodate more traffic, conditions are not ideal and I accept that bends, parking and the like affect road conditions. However, the access review of August 2007 and the traffic survey of September 2007 indicate that conditions are not such that the road system could not satisfactorily accommodate the anticipated growth in traffic from the development.
- 11.37.8. It is inevitable that traffic flows will vary depending on the season, day and time. I visited the locality of the site at different times and saw varying traffic conditions. However, nothing I have seen, read or heard convinces me that the local road system cannot accommodate the additional traffic which would

be generated by the development. In this respect I have looked at the more distant junctions including with Mold Road. If there is an access from Daleside it will inevitably result in more vehicular movements, but it would only be domestic and traffic normally associated with housing areas. The situation would to my mind be no different to many other housing areas nor result in material harm to people's living conditions.

- 11.37.9. Schools – Contrary to the fears of objectors the Council's Schools Capacity Data 2007 which includes figures based on the WAG standard indicates that there is spare capacity at 2 of the 3 local primary schools and also at the secondary school. I am also told that there is nursery capacity at all 3 primary schools. So far as I am aware there has been no objection from the local education authority about either HSG1(3) in its own right or cumulatively with other allocation/new developments. From this information I must conclude that education facilities can be provided for the anticipated number of children living in a new development. Objectors say it is unsatisfactory if children have to be educated in mobile classrooms, but from the information before me neither that nor a new school entirely, is an inevitable consequence of the allocation.
- 11.37.10. Countryside – At present the site forms part of the open countryside and no doubt makes a contribution to people's enjoyment of the undeveloped rural area on the south western limits of Buckley. However, it forms part of a far more extensive area which would remain. The allocation is 2 flat virtually featureless fields with no inherent landscape value apart from the enclosing hedgerows which any development could retain. It is classified as grade 4 agricultural land and not therefore the best or most versatile land which national policy seeks to protect from development. Neither is there substantive evidence to indicate that the site is especially important for wildlife in its own right. It has no public access - I am told the footpath is outside the allocation which I note is and would be protected by AC2.
- 11.37.11. Because of the location of the site and existing development to the north and west, I do not consider it makes a significant contribution to the gap between Buckley and Mold. Similarly Mynydd Isa and Buckley are already linked by development to the north and south of the Mold Road, therefore whilst the allocation may consolidate the link, it would not compromise open land between the 2 – the existing development within the defined boundary of Mynydd Isa is all to the north of HSG1(3). Overall I believe the site is well related to the settlement with housing on 2 sides and would round off the built up area.
- 11.37.12. There is some anecdotal evidence of subsidence, but from the limited information before me, I consider this is a matter which could be addressed as part of the development control process. The information available does not suggest that this matter would preclude development *per se*. A number of objectors have suggested alternative sites and these are in the main dealt with below under HSG1. I would note briefly that Prenbrigog Farm is an extensive area and no particular part of it has been identified on which I can make comments; the same applies to Fishers Field (Megs Lane) which is extensive and in the green barrier; apart from HSG1(4) land to the rear of Somerfields is now unallocated and could potentially be developed for housing, although I understand it is the preferred option for a regional health

facility. With regard to Drury New Road whilst I consider that land has some potential, I do not consider it preferable to HSG1(3).

- 11.37.13. Matters such as devaluation of property and loss of views are not matters which carry weight when assessing the planning merits of the allocation. Similarly if the reasons for local residents objecting to the proposal are not based on sound planning principles they do not take precedence over making the allocation in the public interest.
- 11.37.14. The above matters lead me to conclude that whilst the allocation would inevitably lead to change in the locality the degree of change would not be sufficient to justify deletion of the allocation.

Recommendation:

- 11.37.15. I recommend no modification to the plan.

11.38. HSG1(5) Coal Wharf, High Street, Connah's Quay

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2314	4749	Edwards Homes	DEP	S	No
3550	17815	Connah's Quay Town Council	DEP	O	No
5669	14247	Henshaw	DEP	O	No
7240	17725	Dwr Cymru Welsh Water	DEP	O	Yes

Summary of Objections:

Rep No	Summary
17815	Delete allocation there is not the infrastructure to accommodate more housing. Connah's Quay will lose its identity
14247	Delete because of increased congestion and lack of facilities
17725	Concerns about surface and waste water drainage

Key Issue:

- 11.38.1. Whether the allocation should be deleted.

Conclusions:

- 11.38.2. Events have overtaken the objections and there is now development on the site. In these circumstances it would serve little purpose to comment on the objections and in recognition of the up to date situation I shall delete the allocation in line with PC317.

Recommendation:

- 11.38.3. I recommend the plan be modified by PC317.

11.39. HSG1(6) Highmere Drive, Connah's Quay

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
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1070	1420	Blackwell	DEP	O	No
1071	1421	Pugh	DEP	O	No
1119	1498	Anwyl Construction Company Limited	DEP	S	No
1432	1989	Francis	DEP	O	No
1724	3113	Pritchard	DEP	O	No
2043	3813	Clwyd Powys Archaeological Trust	DEP	O	No
2232	4148	MacFarlane	DEP	O	No
2658	6216	Campaign for the Protection of Rural Wales	DEP	O	No
3550	17812	Connah's Quay Town Council	DEP	O	No
3811	9794	Purcell	DEP	O	No
5642	14215	Ayers	DEP	O	No
5653	14229	Ellams	DEP	O	No
5656	14232	Douglas	DEP	O	No
5658	14234	Ellis	DEP	O	No
5669	14249	Henshaw	DEP	O	No
5676	14257	Turner	DEP	O	No

Summary of Objections:

Rep No	Summary
1989	Needs to be right type of housing and designed to ensure crime prevention
3113	Overstretch utilities. Social housing will devalue properties
3813	2 former wells may attract archaeological intervention
4148	Overstretch infrastructure, increase traffic, loss of amenity and encroachment onto green barrier will harm identity of town. Improve highways and provide more play areas
6216	The need for more houses is questionable. It will encourage commuting
9794	More houses will cause highway safety, crime and disorder problems
14215	Increase problems with water supply, highway safety, harm to wildlife. There is a shortage of local amenities and concerns about type of housing
14229	Concerns about infrastructure, services and type of housing
14234	Problems with access, overlooking, construction disturbance
14249	Increase congestion on town's roads, lack of facilities/services. Improvements needed before more houses
17812	The town does not have the infrastructure to cope with more housing. Its identity will be lost
All others	Highway safety issues with more traffic on Highmere Drive and estate roads

Key Issue:

11.39.1. Whether the allocation should be deleted.

Conclusions:

- 11.39.2. The plan provides for a satisfactory level of growth and the allocation is a component of housing supply. Connah's Quay is the largest settlement in Flintshire and is classified as category A in the spatial strategy with an indicative growth band of 10 - 20%. Planned growth will be about 10% which is at the lower end of the band. I do not therefore accept that there is no need for more houses and refer to my comments under STR4 in Chapter 3 where I deal with the principles of housing growth and the spatial strategy. Growth at the level planned would not significantly change the character or identity of Connah's Quay.
- 11.39.3. Although at present the site forms part of the countryside, the exclusion of it from the green barrier would not seriously compromise its purpose of contributing towards the strategic gap separating Connah's Quay and Flint. The site has firm defensible barriers and its topography means it relates well to the built up area. PPW recognises that where there are no available brownfield sites and where there is no available land within built up areas, it

may be necessary to accommodate growth in settlement extensions (9.2.8 MIPPS 01/2006). The nature conservation designations to the north and south and the narrowness of the gap between Connah's Quay and Shotton to the east mean that the western side of the built up area is in principle the most suitable to accommodate growth. The allocation is close to the local centre and bus routes.

- 11.39.4. A concern of many objectors is the lack of services, but Connah's Quay does have a retail district centre which has a wide range of facilities and several rounds of consultation with statutory and non statutory service providers did not result in objection from these organisations, either to the allocation on its own or cumulatively with others in Connah's Quay. I am told planning permission has been given for a new primary care health centre next to the town centre.
- 11.39.5. The Council's highways officer is satisfied that suitable access points can be provided and that the local highway network including the junctions can accommodate the level of traffic generated by the allocation. The information contained in the Council's statement has not been challenged by the objectors. There does not appear to be any overriding reasons why landscape and wildlife considerations should preclude development and in such circumstances these matters are usually addressed as part of the development control process. Appropriate policies in the wildlife and landscape chapters will safeguard these interests, as will EWP15 in respect of drainage concerns and HE7 with regard to the historic environment.
- 11.39.6. Measures to ameliorate overlooking and potential crime and disorder can be built into the detailed design. HSG9, in line with national policy in PPW, requires the provision of a mix of housing in terms of type and tenure and I have seen no convincing planning reasons why this should not be the case on the allocation site. The devaluation of property is not a planning matter.
- 11.39.7. In the light of the above I conclude the allocation should remain in the plan.

Recommendation:

- 11.39.8. I recommend no modification to the plan.

11.40. HSG1(7) Llwyni Drive, Connah's Quay

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in appendix A11			

Summary of objections:

Rep No	Summary
4773	Omit strip of land to west from allocation to provide a landscaped area
17918	Support PC318 but object to inclusion of land within settlement boundary. It is against PPW to include large amounts of white land in settlements. It would permit 100s of houses
18416	PC318 is based on a fairly general opinion
18530	Object to PC318 which deletes HSG1(7). Subject to improvements, the potential traffic from the site can be safely accommodated on the local highway network
All	The need for more houses is not apparent. It will result in commuting. Wepre Lane is

others	substandard. It and other local roads cannot cope with more traffic. Bus services are poor. Drainage is inadequate. Schools are full. There is only 1 small shop and 1 public house and no play areas. More doctors and dentists are needed. Connah's Quay has urban sprawl with few green spaces and inadequate facilities. Site is a habitat for the great crested newt and other wildlife including badgers. Scale of development will put pressure on open space and threaten long term survival of wildlife
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Key Issue:

- 11.40.1. Whether the allocation should be deleted and the land excluded from the settlement boundary.

Conclusions:

- 11.40.2. The Council originally put forward the allocation in the deposit draft plan. Subsequently as a result of highway concerns, PC318 proposed the deletion of the allocation, but left the land within the settlement boundary so should the highway problems be capable of resolution the site could be developed within the plan period. After this, ongoing discussions with an objector (18530) have demonstrated that highway concerns are capable of resolution, subject to off site highway works being undertaken. The situation is now that the Council no longer seeks to pursue PC318.
- 11.40.3. Allocation - The plan provides for a satisfactory level of growth and the allocation is a component of housing supply. Connah's Quay is the largest settlement in Flintshire and is classified as category A in the spatial strategy with an indicative growth band of 10 - 20%. Planned growth will be about 10% which is at the lower end of the band. I do not therefore accept that there is no need for more houses and refer to my comments under STR4 in Chapter 3 where I deal with the principles of housing growth and the spatial strategy. Growth at the level planned would not significantly change the character or identity of Connah's Quay.
- 11.40.4. A number of objectors suggest growth should be concentrated in what in effect would be a new town which could provide its own services and facilities, but that would negate the spatial strategy. I note that whilst the mixed use allocation at Garden City would provide a significant level of growth, that is in addition to, not instead of, growth in the existing settlements.
- 11.40.5. Objectors are concerned about recent growth in Connah's Quay and say that it does not have the facilities warranted in a town of its size. However, it is not just the size of the settlement which governs the level/range of facilities, other factors need to be taken into account. Proximity and relationship to neighbouring towns have a bearing on what facilities are available. For instance the retail offer is influenced by the sub regional shopping hierarchy and given the catchment of commercial leisure facilities I would not expect a settlement the size of Connah's Quay to have its own permanent cinema. In the case of Connah's Quay from the, albeit limited information before me, I do not consider the town has a dearth of facilities which would preclude further growth. The town does have a retail centre which has a reasonable range of facilities. I am told planning permission has been given for a new primary care health centre next to the town centre.
- 11.40.6. There may be few facilities in the immediate locality of the allocation, but this is not unusual in residential areas on the periphery of settlements. The most recent information I have been given says that there are no insurmountable

physical or environmental constraints to additional capacity being provided at local schools and this has not been disputed by objectors, whose objections on this ground were made some 5 years ago. There is now far more extensive information available about access to the site and the ability of the local highway network to cater for additional traffic. I have seen no substantive evidence which causes me to doubt that the works can be provided with the development and will be capable of providing a satisfactory solution to the identified highway problems.

- 11.40.7. Although at present the allocation (for the most part) forms part of the countryside, it was included within the settlement boundary in the Alyn and Deeside Local Plan. At that time the Inspector found that the site was well related to the settlement pattern and that it did not affect the objectives of landscape and countryside protection. I see little reason to differ from that view. The exclusion of the allocation from the green barrier does not seriously compromise the strategic gap between Connah's Quay and Northop Hall and the site has firm defensible barriers.
- 11.40.8. PPW recognises that where there are no available brownfield sites and where there is no available land within built up areas, it may be necessary to accommodate growth in settlement extensions (9.2.8 MIPPS 01/2006). The nature conservation designations to the north and south and the narrowness of the gap between Connah's Quay and Shotton to the east where there is development pressure mean that the western side of the built up area is in principle the most suitable to accommodate growth.
- 11.40.9. Since the local plan inquiry in the 1990's more information has become available about the wildlife issues in the locality and a management plan, agreed between CCW and the landowners of Pentre Farm has been implemented which seeks to protect and enhance the wildlife on the farm whilst at the same time introducing mitigation measures to compensate should residential development proceed at Llwyni Drive. I note that CCW has residual concerns about the westernmost strip of the allocation, but the details of design could ensure that development on this land did not harm wildlife interests.
- 11.40.10. Although there are general concerns about drainage and sewage infrastructure there is no outstanding objection from DCWW and I am satisfied that policies such as GEN1 and EWP15 will ensure that these matters are satisfactorily dealt with as part of the development control process. Similarly whilst concerns cover a whole range of services, consultation with the service providers did not result in objections.
- 11.40.11. Settlement boundary - It will be evident from my conclusions above that I consider the allocation should be retained. As a consequence it would be illogical to exclude it from the settlement boundary. In respect of the point made about *white land*, it seems to me that in general the settlement boundaries have been tightly drawn. I acknowledge that within such boundaries there is a presumption in favour of development, but that is only if all other relevant UDP policies can be satisfied, for instance in category B and C settlements there will be a threshold whereby more housing will need to be justified. In my view these measures together with the annual monitoring of the housing situation will ensure that a situation of unrestrained growth does not occur.

Recommendation:

11.40.12. I recommend no modification to the plan.

11.41. HSG1(8) Adj. Fairoaks Drive, Mold Road, Connah's Quay**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
316	388	McGilveray	DEP	O	No
350	425	Christmas-Dolan	DEP	O	No
355	433	Gardiner	DEP	O	No
971	1273	Lloyd	DEP	O	No
1051	1399	Firth	DEP	O	No
1092	1446	Smith	DEP	O	No
1467	2031	Woodworth	DEP	O	No
1487	2070	Roberts	DEP	O	No
2106	4776	Countryside Council for Wales	DEP	O	No
2232	4149	MacFarlane	DEP	O	No
2658	6219	Campaign for the Protection of Rural Wales	DEP	O	No
2678	6395	North East Wales Wildlife Trust	DEP	O	No
2750	6571	Clwyd Badger Group	DEP	O	No
3550	9048	Connah's Quay Town Council	DEP	O	No
5626	14197	Pearson	DEP	O	No
5632	14203	Davies	DEP	O	No
5647	14221	Robinson	DEP	O	No
5649	14223	Broadhurst	DEP	O	No
5652	14225	O'Rourke	DEP	O	No
5664	14241	Shurmer	DEP	O	No
5666	14243	Woods	DEP	O	No
5669	14251	Henshaw	DEP	O	No

Summary of Objections:

Rep No	Summary
All	The need for more housing is questionable. Allocation will change character of estate and devalue properties, result in a loss of privacy. Increased traffic will bring danger and pollution. There are not the services/facilities to sustain more development. Identity of Connah's Quay will be lost. Affordable housing is incompatible with existing dwellings, build at a lower density. Harm to wildlife, possible habitat for great crested newt and badgers, and loss of countryside. Health risks from building near power lines

Key Issue:

11.41.1. Whether the allocation should be deleted.

Conclusions:

11.41.2. The plan provides for a satisfactory level of growth and the allocation is a component of housing supply. Connah's Quay is the largest settlement in Flintshire and is classified as category A in the spatial strategy with an indicative growth band of 10 - 20%. Planned growth will be about 10% which is at the lower end of the band. I do not therefore accept that there is no need for more houses and refer to my comments under STR4 in Chapter 3 where I deal with the principles of housing growth and the spatial strategy. Whilst past growth may have changed the character and identity of Connah's Quay, growth at the level planned should not result in significant change.

- 11.41.3. Although at present the site forms part of the countryside, the exclusion of it from the green barrier would not to my mind seriously compromise its purpose of contributing towards the strategic gap separating Connah's Quay and Northop/Flint. The site has firm defensible barriers. And PPW recognises that where there are no available brownfield sites and where there is no available land within built up areas, it may be necessary to accommodate growth in settlement extensions (9.2.8 MIPPS 01/2006). The nature conservation designations to the north and south and the narrowness of the gap between Connah's Quay and Shotton to the east mean that the western side of the built up area is in principle the most suitable to accommodate growth. The allocation is relatively close to the local centre and bus routes.
- 11.41.4. A concern of many objectors is the lack of services but Connah's Quay does have a retail district centre which has a wide range of facilities and several rounds of consultation with statutory and non statutory service providers did not result in objection from these organisations, either to the allocation on its own or cumulatively with others in Connah's Quay. I am told planning permission has been given for a new primary care health centre next to the town centre. Policies within the UDP such as GEN1 and EWP15 will ensure that existing public utilities including electricity and sewerage are properly taken into account before development goes ahead. And I am satisfied that the scale of development proposed would not put undue pressure on those facilities.
- 11.41.5. The Council's highways officer is satisfied that a suitable access can be provided and that the local highway network including the junctions can accommodate the level of traffic generated by the allocation. His opinion is given on the basis of nationally accepted standards to be found in TAN18 and nothing I have seen or read causes me to think that local conditions would justify a departure from nationally accepted standards. There does not appear to be any overriding reasons why landscape and wildlife considerations should preclude development and in such circumstances these matters are usually addressed as part of the development control process. Appropriate policies in the wildlife and landscape chapters will safeguard these interests.
- 11.41.6. So far as I know scientific evidence is inconclusive as to the health effects of overhead power lines and the written representations do not indicate otherwise. Therefore whilst it is a matter which would need to be taken into account as part of a detailed design proposal it is not a factor which would prevent the allocation in principle.
- 11.41.7. Measures to ameliorate overlooking and potential crime and disorder problems can be built into the detail design and considered as part of the development control process. HSG8, in line with national policy in PPW, requires new housing development to make the most efficient use of available land and likewise HSG9 seeks the provision of a mix of housing in terms of type and tenure. I have seen no convincing planning reasons why lower densities or less mixed development should be supported on the allocation site. Good design at densities higher than existing can enhance the character of an area. The devaluation of property is not a planning matter.
- 11.41.8. In the light of the above I conclude the allocation should remain in the plan.

Recommendation:

11.41.9. I recommend no modification to the plan.

11.42. HSG1(9) Ffordd Llanarth, Connah's Quay**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1467	2032	Woodworth	DEP	O	No
1487	2071	Roberts	DEP	O	No
3550	17813	Connah's Quay Town Council	DEP	O	No
5653	14228	Ellams	DEP	O	No
5669	14252	Henshaw	DEP	O	No

Summary of Representations:

Rep No	Summary
All	Connah's Quay has poor access, is congested and has poor/services facilities. There should be no more housing until improvements are made. Low cost homes will change the character of the area

Key Issue:

11.42.1. Whether the allocation should be deleted.

Conclusions:

- 11.42.2. The objections are not about specific failings of the allocation but rather the impact development has had and will have on the infrastructure and facilities of Connah's Quay, I can therefore only respond in a general way.
- 11.42.3. The plan provides for a satisfactory level of growth and the allocation is a component of housing supply. Connah's Quay is the largest settlement in Flintshire and is classified as category A in the spatial strategy with an indicative growth band of 10 - 20%. Planned growth will be about 10% which is at the lower end of the band. I do not therefore accept that there is no need for more houses and refer to my comments under STR4 in Chapter 3 where I deal with the principles of housing growth and the spatial strategy. Whilst past growth may have changed the character and identity of Connah's Quay, growth at the level planned should not result in significant change.
- 11.42.4. PPW recognises that where there are no available brownfield sites and where there is no available land within built up areas, it may be necessary to accommodate growth in settlement extensions (9.2.8 MIPPS 01/2006). The nature conservation designations to the north and south and the narrowness of the gap between Connah's Quay and Shotton to the east mean that the western side of the built up area is in principle the most suitable to accommodate growth. The allocation is close to the local centre and bus routes.
- 11.42.5. Connah's Quay has a retail district centre which has a reasonable range of facilities. Several rounds of consultation with statutory and non statutory service providers did not result in objection from these organisations, either to the allocation on its own or cumulatively with others in Connah's Quay. I am told planning permission has been given for a new primary care health centre

next to the town centre. A multitude of policies within the UDP will ensure that infrastructure and services are properly taken into account when any detailed planning proposals are put forward. And from the information available to the inquiry I am satisfied that the scale of development proposed would not put undue pressure on those facilities.

11.42.6. In the light of the above I conclude the allocation should remain in the plan.

11.42.7. I note here that my conclusions in Chapter 12 to S1(7) indicate that HSG1(9) should be modified, but that is only to reflect the extent of the planning permission for retail use granted in April 2008. I am satisfied that in principle the allocation should remain in the plan.

Recommendation:

11.42.8. I recommend the allocation be modified to take account of the extant retail planning permission.

11.43. HSG1(10) East Of Cornist School, Flint

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
78	101	E E & J H Hughes	DEP	S	No
237	293	Winter	DEP	S	No
2106	4786	Countryside Council for Wales	DEP	O	No
2658	6225	Campaign for the Protection of Rural Wales	DEP	O	No
2678	6399	North East Wales Wildlife Trust	DEP	O	No
3855	17252	Marshall	DEP	O	No
3880	9977	Parry	DEP	O	No
7243	17806	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
4786 6399	Nearby ponds used by newts; development must include mitigation and conservation measures
6225	Adequate housing provision in Flint; increase pressure for infill housing; increase traffic; not accord with sustainable policy
9977	Too many houses proposed in Flint
17252	Highway inadequate; exacerbated by school traffic; compromises highway safety
17806	No further housing development until inadequacies in infrastructure are addressed

Key Issue:

11.43.1. Whether the allocation should be deleted.

Conclusions:

11.43.2. Since the objections were made the situation has changed. Outline planning permission for residential development has been granted for the site. Development can therefore go ahead irrespective of the allocation. In these circumstances it would serve little purpose in debating the merits of an allocation which is now in effect a *fait accompli*.

Recommendation:

11.43.3. I recommend no modification to the plan.

11.44. HSG1(11) Northop Road, Flint**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found at appendix A11			

Summary of Objections:

Rep No	Summary
Objections to allocation HSG1(11)	
	The level of development in Flint exceeds that defined as sustainable in the UDP. The basis for the projected growth rates is not correct. There is no method for controlling the pace of building or in-migration, this will make development unsustainable for the future generations. The allocation will lead to urban sprawl. There is already provision for over 300 houses in Flint; this is too much growth in a short time period. There is inadequate infrastructure and development will add to traffic congestion/increase air pollution. The loss of green barrier land is not in compliance with GEN5. Development would spoil countryside, green and open space, harm flora and fauna. The land is crossed by public paths. Lack of employment opportunities in Flint will increase commuting. Devaluation of properties and harm to residential amenity. Dilution of Welsh language/culture. There will be a lack of local needs housing. Brownfield sites should be used rather than greenfield
Objections to PC322 - the deletion of HSG1(11)	
18381 18374	Reinstate part of allocation (land fronting onto Greenbank Drive). Accommodate modest scale of growth; unlikely to prejudice implementation of the Croes Atti site; alternative choice to that site; suitable access onto Halkyn Road
18420	Unwise to delete the allocation given the availability of public transport; positive approach to economic migrants; employment infrastructure; and, enable provision of affordable housing
18568	Deletion is not appropriate and results in unacceptable level of growth in Flint. Risk of flooding precludes the development of Croes Atti site. Retain part of site for 24 dwellings
18239	Highway benefits of developing this area; enable reduced density at the Croes Atti development
18586 18681	Site remains an appropriate, sustainable location; necessary to contribute to overall housing requirement

Key Issue:

11.44.1. Whether the allocation should be deleted/amended.

Conclusions:

- 11.44.2. With regard to objections relating to the supply of housing land and in-migration as a component of the housing requirement I would refer to my conclusions to STR4 in Chapter 3. Briefly I find the plan provides a sufficient supply of land to meet the identified overall housing need. Given Flintshire's attractive border location and relative economic prosperity it would not be sensible for housing need to exclude in-migration.
- 11.44.3. Flint is a category A settlement with an indicative growth band of 10-20%. Since the plan was published, permission has been granted to develop the Croes Atti housing site. Its capacity is now estimated to be 637 dwellings - some 33% more than was originally envisaged. That site, together with other commitments and completions since the base date of the plan, but excluding

- HSG1(11), will result in growth of 15% in Flint. This is the mid point of the indicative growth band.
- 11.44.4. The Croes Atti site will provide a mixed use development to be phased over the duration of the plan. I consider the planning permission on that site to be a material change in circumstances that justifies the review of the allocations in Flint. Given its scale it is reasonable not to release a further substantial area of land in Flint until progress has been made on its development. It is for this reason that PC322 deletes HSG1(11) and amends the settlement boundary accordingly.
- 11.44.5. Since PC322 meets the large volume of objections made to the allocation I do not consider it is necessary for me to address the merits of the individual elements of those objections in detail. Where appropriate I address them in my conclusions to the counter objections that oppose the deletion of the allocation.
- 11.44.6. As part of the proposed changes in 2006, the Council made alternative allocations to address the loss of housing provision as a result of the deletion of a number of sites, including HSG1(11). That scale of allocation is therefore no longer needed to meet overall housing requirements. There is no evidence to support the assertion that risk of flooding precludes development at the Croes Atti site. Indeed the grant of planning permission indicates otherwise. The LDP will provide an opportunity to assess progress on the Croes Atti development, the appropriate scale of future growth and determine the location of development to meet the future needs of Flint beyond the life time of this plan.
- 11.44.7. The arguments put forward relating to the opportunity for a road link between Northop Road and Halkyn Road have not been subject to detailed examination and they do not justify the allocation. There is no indication that the existing road network is so unsatisfactory that an alternative means of access to the area is required or that such a scheme would be justified in terms of altered traffic flows. Measures to control the speed of traffic along Northop Road can be achieved regardless of whether or not this land is allocated.
- 11.44.8. Whilst HSG1(11) would bring the level of growth in Flint to some 20%, which is within, albeit at the top end of the indicative growth band, there is no necessity for growth at that level to be achieved in the circumstances I have described. This leads me to the conclusion that development of the scale proposed by HSG1(11) is not necessary in Flint.
- 11.44.9. 18239 does not substantiate why the density of development at the Croes Atti site should be reduced. Land should be developed efficiently and it would be unsustainable to retain HSG1(11) in order to reduce the density of development on another site.
- 11.44.10. 18374 & 18381 relate to a small part of the allocation that is separated from the main part of HSG1(11) by Halkyn Road. Whilst it is evident from the above that I support the arguments put forward by the Council to delete the site as a whole, I do not consider those arguments carry the same weight for this part of the allocation.
- 11.44.11. The smaller site would accommodate some 40 dwellings and the 1% increase in the growth in Flint would be well within the indicative growth band. The allocation of this smaller area would be unlikely to have a significant

impact on the Croes Atti development or compromise future phasing of development in Flint. There is no evidence before me to support the assertion that this land was allocated primarily to allow for highway improvements to facilitate a possible link with Northop Road. Retaining this part of the allocation would not preclude or compromise such a link road at some stage in the future. Whilst the area is undeveloped open land and is not enclosed by field boundaries these considerations did not prohibit its allocation in the first place or its inclusion within the settlement boundary. In my judgement it would be a reasonable rounding off of this part of Flint. I do not consider the arguments put forward justify the deletion of this part of the allocation.

- 11.44.12. 18568 – I do not consider it is appropriate to allocate the strip of land fronting onto Northop Road. It would lead to ribbon development and, given that the area as a whole may be considered for development in the future, it could compromise access provision to a wider area.
- 11.44.13. My findings with regard to the green barrier are at GEN5:5 Flint – Flint Mountain in Chapter 4.

Recommendation:

- 11.44.14. I recommend the plan be modified by deleting that part of allocation HSG1(11) between Halkyn Road and Northop Road and amending the settlement boundary accordingly.

11.45. HSG1(12) Lluesty Hospital, Holywell

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1500	2095	Welsh Health Estates	DEP	O	No
2106	4788	Countryside Council for Wales	DEP	O	No
2678	6401	North East Wales Wildlife Trust	DEP	O	No

Summary of Representations:

Rep No	Summary
2095	Site is 2.2ha. At 40 per ha it would accommodate 90 units
4788 6401	Study needed to establish ecological interest. Retain grassland/woodland to rear of site

Key Issue:

- 11.45.1. Whether the plan requires modification as a result of the objections.

Conclusions:

- 11.45.2. None of the representations object to the principle of the allocation. The number of units is only indicative and the site area is that part which the Council considers to be developable. An application which is current at the time of writing the report is for 69 units. No doubt the ecological interests referred to will be taken into account in the determination of the application as part of the development control process. I do not consider the objections require any modification to the plan.

Recommendation:

11.45.3. I recommend no modification to the plan.

11.46. HSG1(13) East of Halkyn Road, Holywell**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1717	3097	Holywell Town Council	DEP	O	No

Summary of Representation:

Rep No	Summary
3097	Allocation would result in loss of amenity land, detract from visual amenities, impact on community hospital and create highway problems

Key Issue:

11.46.1. Whether the allocation should be deleted.

Conclusions:

- 11.46.2. The allocation is a component of the housing supply which together with HSG1(12) will result in about 13% growth in this category A settlement. The green barrier and topographical constraints mean that opportunities for development in/adjacent to Holywell are limited.
- 11.46.3. Although greenfield and an extension of the built up area into the countryside, the site is well related to Holywell and is adjacent to development. Because of the topography it is not prominent in the landscape. The appearance of the site would change but this would not necessarily result in harm. As agricultural land it has no public amenity use and by their respective natures I do not consider housing next to a hospital would result in problems for either use. The Council's highways officer is satisfied that a safe access up to acceptable standards can be provided. It follows I consider the allocation should remain in the plan.

Recommendation:

11.46.4. I recommend no modification to the plan.

11.47. HSG1(14) Mold Alexandra Football Ground, Mold**Representations:**

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3418	Flintshire Green Party	DEP	O	Yes
82	105	Griffiths	DEP	O	No
2043	3856	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4790	Countryside Council for Wales	DEP	O	No
2334	17287	WAG - Dept of Economy & Transport	DEP	O	No
2678	6404	North East Wales Wildlife Trust	DEP	O	No
4915	17675	Synthite Ltd	DEP	S	No

Summary of Objections:

Rep No	Summary
105	Loss of recreational facility. Land is within a flood risk area. Drainage problems, increased traffic, site contamination
3418	Site is recreational facility which should not be developed unless surplus to requirements
3856	Site may overlap coal mining remains. Assessment needed before development
4790	Adjacent disused railway lines should be retained for nature conservation
6404	Flood risks
17287	Site is well used recreational facility unlikely to be genuinely available

Key Issue:

11.47.1. Whether the allocation should be deleted.

Conclusions:

- 11.47.2. The Council's response to the objections makes it clear that a replacement football ground needs to be identified and brought into use before the site can be developed. So far, over 5 years from the production of the draft deposit plan no suitable site has been identified. With this constraint and without evidence to the contrary, it seems to me that there must be serious doubt about a replacement being found in the plan period. As a consequence I consider the allocation should be deleted. Should a replacement be found there is no reason why the site should not come forward as a windfall. The site is within a category A settlement where there is a presumption in favour of development subject to other plan policies being satisfied.
- 11.47.3. I am told that the site lies outside the flood risk zone and there have been no objections to the principle of development from the EAW. Similarly the Council's highways officer is satisfied that a safe access can be provided and there would be no problems with the capacity of Denbigh Road from the potential traffic generated by development of the site. There is no outstanding objection to the allocation on drainage grounds and policies such as GEN1 and EWP15 will ensure that this matter receives proper consideration at the development control stage should an application be submitted. These matters do not therefore justify the deletion of the allocation.
- 11.47.4. The objection from CPAT does not object to the allocation in principle and there is no reason why an archaeological assessment should not take place as part of the development control process. Without evidence to the contrary, I reach similar conclusions in respect of potential contamination and potential pollution from nearby uses. As the former railway is outside the settlement boundary it will be the subject of countryside, wildlife and landscape policies which will ensure its nature conservation interests are safeguarded, irrespective of whether development takes place on HSG1(14).

Recommendation:

- 11.47.5. I recommend the plan be modified by the deletion of HSG1(14) and consequent changes made to para 11.32 to reflect the change.

11.48. HSG1(15) Taylor's Tiles, Mold**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3866	Clwyd Powys Archaeological Trust	DEP	O	No

Summary of Objection:

Rep No	Summary
3866	Site will need assessment in order to inform the planning process

Key Issue:

11.48.1. Whether the allocation should be deleted.

Conclusions:

11.48.2. Planning permissions given on the site ensure that assessment will take place as part of any development. The objection does not justify any changes to the plan.

Recommendation:

11.48.3. I recommend no modification to the plan.

11.49. HSG1(16) Morris's Garage, Mold**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
5019	13001	Jennings	DEP	O	No
2619	18590	Ministry of Defence	PC	S	No
7383	18421	Yates	PC	O	No
7416	18629	Pochin Rosemound Ltd	PC	S	No

Summary of Objections:

Rep No	Summary
13001	Stated density is too high
18421	Deletion of the allocation is based on opinion not fact. Site is appropriate for development

Key Issue:

11.49.1. Whether the allocation should be deleted.

Conclusions:

11.49.2. Updated guidance in the form of TAN15 means that the site is located in a C2 flood risk zone where allocations for highly vulnerable uses such as housing, should be precluded. On this particular site I am told that despite investigations no satisfactory solution to enable development on the site has been found. In these circumstances I agree with the Council (PC328) that the allocation should be deleted. Should the flooding constraint be overcome, development would in principle be acceptable in this category A

settlement. Matters such as the density of the development could then be addressed as part of the development control process.

Recommendation:

11.49.3. I recommend the plan be modified by PC328.

11.50. HSG1(17) Queens Park, Hendy Road, Mold

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of all representations is to be found in appendix A11			

Summary of Objections:

Rep No	Summary
1340	Access should be from Cilnant and Queen's Park
991 992	Industrial/development past of Flintshire has harmed ecology and wildlife. Abandon extended development proposal for Flintshire
1958	Object on highway grounds if new distributor road to the west of Mold is not built
All Others	Brownfield land should be released first. Extra traffic on local roads will cause congestion, highway safety problems and pollution. Lack of doctors, dentists school places. Retain existing green barrier to safeguard countryside, agricultural land and badgers foraging areas. Development will exacerbate/flooding drainage problems

Key Issue:

11.50.1. Whether the allocation should be deleted.

Conclusions:

- 11.50.2. The County needs to provide land to meet the future needs of its residents. The UDP seeks to do this in the most sustainable way. Although I have some reservations, I conclude at STR4 in Chapter 3 and earlier in this chapter that a housing supply of about 7400 and the distribution of that growth through the settlement strategy is an appropriate way to progress. It would be irresponsible to delete allocations in a wholesale manner as suggested by 991/992. I have seen no substantive evidence which indicates that should allocations go ahead in and around Mold they would result in unacceptable environmental impacts. I deal with HSG1(16) above and give reasons why it should be deleted as an allocation. I note that HSG1(16) is put forward as well as, and not as an alternative to, HSG1(17).
- 11.50.3. In seeking to make allocations the Council has considered various options including the location and availability of brownfield sites, but constraints mean that they are not always available/suitable for development. In these circumstances PPW recognises that it may be necessary to make extensions to settlements to accommodate growth. As a category A settlement Mold, within the Flintshire context, has a wide range of services and facilities and is an appropriate location to accept growth. The level of growth so far likely to take place from brownfield sites in Mold does not to my mind negate the provision of additional greenfield sites.

- 11.50.4. I appreciate objectors' concerns about the provision of infrastructure, but several rounds of consultations with statutory and non statutory service providers has not resulted in outstanding objections from these organisations, either to the allocation on its own or cumulatively with others in Mold. Access to doctor and dentists lists is unfortunately more than a local problem. Policies within the UDP such as GEN1 and EWP15 will ensure that existing public utilities are properly taken into account before development goes ahead. I have seen no substantive evidence which demonstrates why the scale of development proposed would put undue pressure on facilities and services.
- 11.50.5. There are a number of possible access points from which the site could be served and in principle the Council's highways officer is satisfied that appropriate access can be provided. Nothing I have seen or read causes me to differ from his view. For a new route to be safeguarded in the UDP it must first be included in the LTP. So far as I know there is no proposal for a western relief route in the LTP. Therefore irrespective of the merits of providing a new distributor road it cannot be shown on the plan. Should the objector (1958) wish to pursue the matter it must be done outside this UDP process.
- 11.50.6. At present the site is an inherent part of the countryside and consists of fields. However, it is adjacent to housing to the south and east and has well defined boundaries to the north and west. Because of its location, shape and topography it has a close relationship with the built form and development on the site would not be seen as a significant encroachment into the rural area. I understand that the land was designated as green barrier in the Delyn Local Plan, but a comprehensive review of green barriers, in line with advice in PPW, has resulted in the reduction in their number/locations. Not only the allocation but also other land to the west of Mold has been deleted from the green barrier. I agree with the Council that because of the distance between Mold and Gwernymynydd it is unlikely that the settlements will coalesce and that the countryside policies in the UDP are sufficient to limit development in the rural area to the west of the settlement.
- 11.50.7. Whilst the representations indicate the site is grade 3 agricultural land, it is not clear whether the land falls within 3A which is defined as *best and most versatile* and which both national and UDP policy seeks to protect from development. However, given that there has been no objection to the allocation from WAG on this ground, it seems on the balance of probability that it is 3B. I note in addition that because the town is surrounded by agricultural land, it is more than likely that expansion of the settlement will result in the loss of some agricultural land. The site is not subject to any national or local wildlife designations and other than the possibility of foraging ground for badgers I am not aware of any protected species. In these circumstances it seems to me that nature conservation issues would not preclude development *per se* and can be appropriately addressed as part of the development control process.
- 11.50.8. I acknowledge the issue of property ownership in Cae Hir, but this is a matter which must be pursued outside the UDP process.

Recommendation:

- 11.50.9. I recommend no modification to the plan.

11.51. HSG1(18) West of St. Mary's Park, Ruthin Road, Mold

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
15	15	Hillman	DEP	O	No
957	1257	Pilkington	DEP	O	No
1253	1727	Hoare	DEP	O	No
1348	1873	Day	DEP	O	No
1444	2003	Norton	DEP	O	No
1497	2092	Executors T C Tapp Deceased	DEP	O	No
2334	17288	WAG - Dept of Economy & Transport	DEP	O	No
4923	12812	Potter	DEP	O	No
4926	12817	Templeman	DEP	O	No
4937	12837	Thorburn	DEP	O	No
4940	12846	Edwards	DEP	O	No

Summary of Objections:

Rep No	Summary
17288	Lower grade agricultural land should be developed first
All others	Access/roads are inadequate. Take access from Ruthin Road. Development would compromise highway safety/result in congestion. Loss of quality of life and house values. Lack of infrastructure/services including drainage issues and encroachment into the countryside

Key Issue:

11.51.1. Whether the allocation should be deleted.

Conclusions:

- 11.51.2. The Council's highways officer is satisfied that an adequate access can be provided to accommodate the number of vehicles generated by the development. From my visits to the site and the surroundings I share that view. Whilst I appreciate that on street parking may restrict the width of the carriageway this is a common occurrence in residential areas. People's parking preferences do not equate to inadequate off street parking spaces. It follows from this that I do not consider access to be an overriding constraint to development. Moreover given the proximity of the site to the southern bypass, it is likely that this will provide an attractive alternative to avoid town centre congestion.
- 11.51.3. Whilst development on the allocation site may change living conditions for neighbours, the development control process can ensure that the submission of details are satisfactory and does not result in material harm to residents' amenity. Property values are not a planning matter.
- 11.51.4. I appreciate objectors' concerns about the provision of infrastructure, but several rounds of consultations with statutory and non statutory service providers did not result in objection from these organisations, either to the allocation on its own or cumulatively with others in Mold. Access to doctor and dentists lists is unfortunately more than a local problem. Similarly policies within the UDP such as GEN1 and EWP15 will ensure that existing public utilities are properly taken into account before development goes

ahead. There is no substantive evidence which demonstrates why the scale of development proposed would put undue pressure on facilities and services.

- 11.51.5. It is unclear whether the site is grade 3A agricultural land which should in principle be protected from development or Grade 3B where the same restrictions do not apply. No party has produced substantive evidence on this matter. From the evidence that is before me, including the need to identify greenfield sites to produce a reasonable level of growth in this category A settlement, together with the location of the site, its relationship to the built up area and its topography, I conclude that the agricultural classification of the land is not sufficient to justify deletion of the allocation.
- 11.51.6. Insofar as one objector is concerned about access to his garage after development, this is a private matter between landowners and does not fall within the remit of the UDP.

Recommendation:

- 11.51.7. I recommend no modification to the plan.

11.52. HSG1(19) Upper Bryn Coch Lane, Mold

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
187	229	Roberts	DEP	S	No
1022	1341	Mold Town Council	DEP	O	Yes
1318	1837	Edwards	DEP	O	Yes
2257	4406	Morris	DEP	O	No
4919	12806	Williams – Allan	DEP	O	No
4920	12807	Roberts	DEP	O	No
4921	12809	Collymore	DEP	O	No
4928	12819	Anderton	DEP	O	No
4929	12821	Lavery	DEP	O	No
4992	12945	Collet	DEP	O	No
4994	12952	Anderton	DEP	O	No
5027	13017	Collett	DEP	O	No
7225	17590	Morris	DEP	O	No
7226	17591	Morris	DEP	O	No
7227	17593	Morris	DEP	O	No

Summary of Objections:

Rep No	Summary
All	Site will need better access than Upper Bryn Coch. It will create highway dangers particularly for children. Wildlife habitat will be destroyed. There will be overlooking, loss of amenity and devaluation of properties. Brownfield sites should be developed first. No need for more development. Keep as a buffer between housing and industry perhaps reduce site for relocation of Mold Alex FC. Drainage problems. Lack of school places

Key Issue:

- 11.52.1. Whether the allocation should be deleted.

Conclusions:

- 11.52.2. In seeking to make allocations the Council has considered various options including the location and availability of brownfield sites, but constraints mean that there are doubts about the availability/suitability of some of them. In these circumstances PPW recognises that it may be necessary to make greenfield allocations to accommodate growth. As a category A settlement Mold, within the Flintshire context, offers a wide range of services and facilities and is an appropriate location to accept growth. The level of growth likely to take place from brownfield sites in Mold does not to my mind negate the provision of additional greenfield sites.
- 11.52.3. Whilst no details are available at this stage I am told that road improvement measures can be undertaken to ensure that a satisfactory access is provided which could include the retention of the narrow section of Upper Bryn Coch Lane as a pedestrian/cycling route. It therefore appears that this matter would not preclude development.
- 11.52.4. Insofar as landscape and biodiversity is concerned I note that CCW has not objected to the allocation and PC157 and FPC607 propose safeguarding the watercourse and adjacent land as a green space under L3. With these measures in place together with normal development control criteria I am satisfied that the allocation would not unduly harm these interests. Given the relationship of HSG1(19) with its surroundings, I saw nothing at my site visits to suggest that development *per se* would materially harm neighbours' living conditions. The nearby employment allocations EM1(21) and EM2(4) would have no more harmful effect on the allocation than existing housing areas which are equally as close as parts of the site.
- 11.52.5. I appreciate objectors' concerns about the provision of infrastructure, but several rounds of consultations with statutory and non statutory service providers such as the local education authority and local health board, did not result in objection from these organisations, either to the allocation on its own or cumulatively with others in Mold. Similarly policies within the UDP such as GEN1 and EWP15 will ensure that existing public utilities are properly taken into account before development goes ahead. There is no substantive evidence which demonstrates why the scale of development proposed would put undue pressure on facilities and services.
- 11.52.6. The Council are silent on the matter of the suitability of the site to provide an alternative ground for Mold Alex FC and with the lack of information available I can draw no meaningful conclusions. However, I note that adjacent to the site there are extensive areas of green space protected under L3.

Recommendation:

- 11.52.7. I recommend no modification to the plan.

11.53. HSG1(21) Aston Park Road, Shotton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3240	Flintshire Green Party	DEP	O	Yes

114	145	Mapp-Jones	DEP	O	No
267	326	Bennett	DEP	O	No
339	413	Durkin	DEP	O	No
343	417	Adams	DEP	O	No
379	471	Hardcastle	DEP	O	Yes
748	995	Evans	DEP	O	No
953	1251	Hughes	DEP	O	No
1129	1566	Liversage	DEP	O	No
2106	4777	Countryside Council for Wales	DEP	O	No
2678	6396	North East Wales Wildlife Trust	DEP	O	No
3381	8520	Shotton Town Council	DEP	O	No
3861	9919	Matthews	DEP	O	No
3864	9922	Dovey – Evans	DEP	O	No
4036	10396	Jones	DEP	O	No
7240	17731	Dwr Cymru Welsh Water	DEP	O	Yes
379	17854	Hardcastle	PC	S	Yes
2619	18591	Ministry of Defence	PC	S	No
4036	18468	Jones	PC	O	No
7416	18630	Pochin Rosemound Ltd	PC	S	No

Summary of Objections:

Rep No	Summary
17731	There is no foul sewer in the area
All others	There will be a problem with access and highway safety. Houses would result in a loss of privacy and devalue property. Delete allocation. Retain existing vegetation. It is a wildlife haven. Make site public open space

Key Issue:

- 11.53.1. Whether the housing allocation should be deleted and replaced by an L3 designation.

Conclusions:

- 11.53.2. The Council proposes the deletion of HSG1(21) by PC333 because it is unlikely to yield the minimum threshold of 10 units for an allocation. To ensure the plan is consistent this is a sensible change to make, particularly in the light of the planning permission for 2 bungalows. Moreover I saw at my visit that the permission has been implemented and it would serve no useful purpose to designate the area as green space.

Recommendation:

- 11.53.3. I recommend the plan be modified by PC333.

11.54. HSG1(22) Bedol Farm, Bagillt**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found at appendix A11			

Summary of Objections:

Rep No	Summary
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All	No need for the level of housing; does not meet the Community Needs as proposed in the UDP; more appropriate brownfield sites available; inadequate road network to deal with increased traffic; access would compromise road safety; facilities in the area are inadequate; increase in traffic and associated air and noise pollution; loss of high quality agricultural land; loss of green barrier; detrimental impact of public footpath across the site; land liable to flood and inadequate sewerage and drainage systems; ; site should remain to nurture wildlife; development would not accord with national sustainability principles; development would be visually harmful
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Key Issue:

- 11.54.1. Whether the allocation should be deleted and the settlement boundary amended accordingly.

Conclusions:

- 11.54.2. In view of the housing completions, commitments and other allocations elsewhere in the plan area I agree with the Council the need for this allocation no longer stands. It follows that I support PC 312 which deletes the allocation and amends the settlement boundary accordingly. Since that action addresses the points raised by the objections it is not necessary for me to address the submissions in detail.

Recommendation:

- 11.54.3. I recommend the plan be modified by PC312.

11.55. HSG1(23) Victoria Park, Bagillt

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found at appendix A11			

Summary of Objections:

Rep No	Summary
Objections to allocation HSG1(23)	
All	No need for the level of housing based on forecast in-migration; lack of infrastructure – drainage and sewerage problems and facilities for the local community. Object to the proposed accesses and effect of increased traffic on narrow roads and junctions. Adverse effect on wildlife and well used footpaths across the site. Landfill above the site could slip in the future. Land is very marshy. Was formerly part of the green barrier
Objection to deletion of allocation HSG1(23) – PC313	
17917	Land should be excluded from the settlement boundary

Key Issue:

- 11.55.1. Whether the allocation should be deleted and the settlement boundary amended accordingly.

Conclusions:

- 11.55.2. After the deposit plan was published it came to light that the land to the west of the site has been used for landfill. The landfill site will require extensive site investigations with regard to ground stability and gas emissions to

determine whether it is appropriate for housing development to take place on the allocated site. As a result of these uncertainties PC313 deletes the allocation but does not amend the settlement boundary. Since the UDP should only allocate land that has a reasonable certainty of coming forward for development during the plan period I agree that it is not appropriate to allocate the site.

- 11.55.3. Turning to the settlement boundary. A substantial portion of the land is within a C2 Flood Risk Area. Such areas are not generally considered suitable for residential development. This area would separate the main part of the settlement from the existing housing at Victoria Park and the area of undeveloped land that is not affected by the risk of flooding. Although 17919 does not state why the land should be excluded from the settlement boundary, in the light of the above situation, I agree that the boundary should be redrawn to exclude this allocation and the Victoria Park development. In the light of this change it would also be logical for the area that is excluded from the settlement boundary to be included within the green barrier.

Recommendation:

- 11.55.4. I recommend the plan be modified by deleting HSG1(23). As a result, the settlement boundary should be amended to exclude the allocation and the development at Victoria Park and the green barrier designation extended to include these areas.

11.56. HSG1(24) Wern Farm, Bagillt

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found at appendix A11			

Summary of Objections:

Rep No	Summary
5459	The allocation should be extended to include land to the south
All others	No need for the level of housing especially the in-migration forecast; detrimental effect on community identity. Inadequate road network to deal with increased traffic which would lead to congestion; access would compromise road safety. Schools, hospitals, police, health, youth, retail facilities are inadequate. Increase in pollution. Poor sewerage and drainage systems - development will exacerbate flooding problems in the High Street. Develop brownfield sites before agricultural land

Key Issue:

- 11.56.1. Whether the allocation should be deleted/extended.

Conclusions:

- 11.56.2. I conclude in my response to STR4 that the level of new housing in the plan is appropriate, taking into account all factors including in-migration. Bagillt is a category B settlement with an indicative growth band of 8 – 15% and I am satisfied that it is reasonable for this settlement to meet a proportion of the housing needs of the County. Completions, commitments and this allocation

for 46 dwellings would result in 12% growth which I consider to be reasonable. It is a modest allocation which would not have an unacceptable impact on the identity of the community.

- 11.56.3. Whilst I accept that the local highway network in Bagillt is restricted in many places I note that, with regard to this allocation, the Council's highways officer is satisfied that the highway access is acceptable and the surrounding road network is adequate for the levels of traffic that would be generated. I have seen no substantive evidence which causes me to disagree with that view. Moreover there is no evidence to justify the assertion that the limited number of dwellings that could be accommodated on this site would result in unacceptable increases in the levels of noise and air pollution.
- 11.56.4. With regard to community facilities I do not find that Bagillt is lacking in facilities for this type of settlement. There is a limited range of shops and the site is within walking distance of the local primary school. The information before me indicates there is adequate capacity in the local schools to deal with the likely additional number of pupils from this allocation. The provision of youth and medical facilities and the level of policing are outside the scope of the UDP.
- 11.56.5. Turning to sewerage and drainage issues the bodies responsible for overseeing these matters do not object to the allocation. The provision of appropriate facilities is a matter of detail to be taken into account as part of the development control process having regard to policies in the plan including GEN1 and EWP16.
- 11.56.6. The plan allocates brownfield sites where appropriate. However, because of various constraints such sites are in short supply in Flintshire. In Bagillt many are within areas at risk of flooding and it would not be appropriate to allocate such areas for housing development. There is no evidence to indicate that the site is the *best and most versatile agricultural land* which both national and UDP policy seeks to protect.
- 11.56.7. Adequate provision has been made elsewhere in the County for overall housing growth and as I indicate above, this allocation as it stands provides an appropriate level of growth in Bagillt. It follows that I do not consider the deletion of the Victoria Park and Bedol Farm allocations justify extending HSG1(24). Settlement boundaries should, wherever possible, follow clearly defined physical features on the ground. However, in this case the boundary has to cross an open field. The two points at which the settlement boundary meets the built up area provide logical and identifiable reference points. I find that is not the case with regard to the suggested amended alignment. Furthermore, the amendment would result in further intrusion into the adjoining countryside

Recommendation:

- 11.56.8. I recommend no modification to the plan.

11.57. HSG1(25) South of Retail Park, Broughton

Representations:

Personal	Representation	Individual or Organisation	Stage	Object or	Conditional
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ID	Number		of Plan	Support	Withdrawal
		A full list of representations is to be found in appendix A11			

Summary of Objections:

Rep No	Summary
639	In view of the substantial growth in Broughton further growth should be restrained
4769	Within 500m of ponds supporting great crested newts; sufficient land needed to provide delivery of effective mitigation and conservation benefit schemes
17289	If the application for mixed retail and employment use is successful then the site should be deleted from the housing allocation
6385	Within 500m of great crested newts/water voles. Need to provide adequate mitigation
9000	Traffic generation and landscaping impact should be adequately addressed
9064	Allocation should be at a higher density; should be a Category A settlement
18684	
18705	PC315 not accepted; incorrect site area; density should be minimum of 30d/ha
All others	Site is outside the settlement boundary and should remain green barrier. The Plan makes an overprovision of houses and allocation is not necessary. Overdevelopment would encourage in-migration and unsustainable patterns of commuting. Should allocate brownfield sites instead. Local roads suffer from high volume and speed of traffic; increased traffic and associated pollution problems; poor and dangerous links to school. Development would exacerbate existing infrastructure problems; drainage and water capacity problems. Loss of agricultural land. Need to protect environment; impact on wildlife. Sets a precedent for further development. Development would be intrusive from A55. Loss of view. The old railway line should remain open to enable re-purchase. If development proceeds an open space/landscaped buffer required. Should provide for a variety of housing needs including affordable houses and pensioners' bungalows; open space and planting within the development and take steps to address infrastructure, highway safety, traffic and light pollution. Development should be phased to lessen impact on the community. Should not lead to compulsory purchase of land or property

Key Issues:

11.57.1. Whether:-

- i) the allocation is appropriate
- ii) the density is appropriate
- iii) Broughton should be a Category A settlement.

Conclusions:

- 11.57.2. Although many objections state that the land is within a green barrier, this refers to the green barrier established in earlier plans. Those have been reviewed as part of the UDP process and this site is not within a proposed green barrier. My conclusions on that matter are to be found in GEN5 in Chapter 4.
- 11.57.3. Growth & Overdevelopment - The plan, as amended, incorporates a healthy flexibility allowance. I indicate in my responses to paras 11.9–11.27 above that this is reasonable to ensure there will be an adequate supply of land. Brownfield sites are allocated where appropriate. However, because of various constraints such sites are in short supply in Flintshire. The objectors have not identified an appropriate alternative brownfield site in Broughton.
- 11.57.4. Broughton is a Category B settlement with an indicative growth band of 8 – 15%. Taking into account completions, commitments and this allocation together with my recommendations regarding the minimum density at HSG8 below, Broughton would grow by some 17%. This will increase to 19% in the light of my recommendation to allocate land to the west of Broughton Retail

Park. This would exceed the indicative band for Broughton. However, bearing in mind that it is within a strategic area of growth as recognised in the WSP and the SRSS, together with the employment and shopping opportunities in the vicinity, I do not consider such growth over the plan period would be excessive. It does not automatically follow that past growth justifies a moratorium on further development and it is unclear to me what would be achieved by such action.

- 11.57.5. Infrastructure – The most recent information before me is that local schools have spare capacity to cater for any additional pupils from this allocation. I understand that part of the site could be made available for a medical centre if need be. No evidence has been submitted to substantiate the assertions made regarding drainage and water capacity problems. The relevant bodies have raised no objection to this allocation.
- 11.57.6. Traffic, Road Safety, Access and Pollution - The site is well placed with regard to the regional road network and I note that the Council's highways officer does not object to the allocation. There is no evidence before me to substantiate the assertions made regarding the existing volume and speed of traffic or that development would have an unacceptable impact on traffic movements or road safety. Whilst almost all development will impact on the levels of traffic pollution, the scale of development is unlikely to result in an increase that would justify rejecting this allocation. The design of the internal access roads, road junctions and pedestrian routes are matters of detail that are more appropriate for the development control process.
- 11.57.7. Agricultural land – The site is classified amongst the *best and most versatile* land agricultural land and should, wherever possible, be conserved. In the absence of previously developed land or land in lower agricultural grade in the area the need to provide for additional housing in Broughton outweighs the agricultural land considerations.
- 11.57.8. Wildlife & Habitat – The responsible bodies do not object to the principle of allocating this land but highlight the need for the development to incorporate appropriate mitigation measures. These are matters for the development control process. It has not been demonstrated that the general habitat of this arable farmland is so significant that it justifies the deletion of the allocation.
- 11.57.9. None of the above matters lead me to conclude that the allocation is inappropriate.
- 11.57.10. Density of development – Following publication of the plan, planning permission was granted for an upgrade of the interchange adjacent to this site. PC315 amends the boundary to reflect the reduced area that is available for housing development. This is a *fait accompli* and it is appropriate to amend the site area to 9.4ha.
- 11.57.11. It is reasonable to apply a notional density to allocated sites in order to estimate the housing supply. However, in HSG8 below I conclude the general minimum net housing density in category B settlements should be 30 dwellings per ha. Although the actual number of dwellings that the site can satisfactorily accommodate will be a detailed matter for the development control process, a development density of 30d/ha would result in a notional figure of about 280 dwellings. To that extent I do not support the amended estimate given for the number of units for this site.

- 11.57.12. **Settlement Category** – The settlement does not support the range of facilities that, in my opinion, would justify its designation as a category A settlement. That being said the basis for designating Broughton as a category A settlement put forward in 9064, 18684 & 18705 is primarily to increase the density of this allocation and as I indicate above I do not consider category A and B settlements should have different development densities.
- 11.57.13. **Other Matters** – Mitigating the visual impact of any resulting development and the mix and type of housing are matters of detail for the development control process. The loss of views is not a planning matter. Much of the route of the former railway line has been incorporated into the curtilages of existing housing. Furthermore, there is no evidence before me to indicate any proposals to re-establish this route. The site is bounded by existing development and roads and does not set a precedent for further development in the area. None of the above objections lead me to conclude that the allocation should be deleted.
- 11.57.14. The plan does not seek to phase development and I see no reason why this site should be subject to such measures. If it is considered necessary, this is a matter that could be considered as part of the development control process. Matters have moved on since 17289 was made and the planning application referred to was withdrawn. Whether a development requires the use of compulsory purchase powers is outside the scope of this inquiry.

Recommendations:

- 11.57.15. I recommend the plan be modified by:-
- PC315 insofar as it relates to the change to the site boundary on the Proposals Map
 - amending the site area shown in the Table accompanying HSG1 to 9.4ha and number of units to 280.

11.58. HSG1(26) Summerhill Farm, Drovers Lane, Caerwys

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
100	128	Bartley	DEP	O	No
500	638	Davies	DEP	S	No
1054	1403	Williams	DEP	O	No
1704	2956	Price	DEP	O	No
2339	17627	Jones	DEP	O	Yes
2658	6213	Campaign for the Protection of Rural Wales	DEP	O	No
3905	10038	Forkings	DEP	O	No
3907	10044	Forkings – Russell	DEP	O	No
2339	18412	Jones	PC	S	No

Summary of Objections:

Rep No	Summary
128	No need for more houses; should be developed to provide work for local community
1403	Two storey development would be detrimental to privacy
2956	A better alternative site
6213	Light commercial or tourist accommodation more appropriate

10038	Infrastructure already at or beyond capacity; no employment opportunities in Caerwys
10044	As 10038 plus B5122 overused and poor bus links
17627	Existing allocation renders existing unit unviable and not sufficient to fund relocation of the business. Seeks allocation of additional land to the north of HSG1 (26); site contiguous to settlement boundary; not form intrusion into countryside

Key Issues:

- 11.58.1. Whether the allocation should be deleted/extended.

Conclusions:

- 11.58.2. Caerwys is a category B settlement in which the indicative growth band is 8 - 15%. It has a range of services and community facilities. It is therefore in principle suitable for residential development.
- 11.58.3. There were 370 dwellings at the base date of the plan. One site (Summerhill Farm) has been allocated for housing development. That allocation, together with planning permissions that have been granted since 2000, will result in a growth rate of 15%, which is at the higher end on the indicative band.
- 11.58.4. Deletion - I am satisfied that it is reasonable for this settlement to meet a proportion of the housing needs of the County. The B5122 is capable of accommodating the additional traffic that would be generated and a safe and satisfactory access can be provided to the site itself. The provision of a road through the site linking North Street and Pen y Cefn Road would remove traffic pressure from the substandard Drovers Lane.
- 11.58.5. Whilst some objectors favour the use of the site for employment or commercial uses, there is no evidence to indicate that such development would be forthcoming. Land should only be allocated if there is a realistic expectation that it will be taken up during the lifetime of the plan and on this basis I do not support those submissions. Employment opportunities are available in nearby settlements and I do not consider the allocation should be deleted on the basis of lack of employment opportunities in the immediate locality.
- 11.58.6. The limitations of the bus service are not sufficient grounds to delete the allocation. There is spare capacity at the local school and policies in the plan ensure that appropriate surface and foul water infrastructure will be put in place to serve the new development and address existing problems in the locality. On the evidence that is before me the local infrastructure is not constrained.
- 11.58.7. A housing allocation means that in principle development can take place within the plan period, that is, that there are no technical or other constraints which would prevent development. Policies are in place to safeguard the amenities of existing residents. Overlooking and loss of privacy are matters of detail that are appropriately addressed as part of any planning application to develop this site.
- 11.58.8. 2956 argues that an alternative area of land should be allocated in its stead. I consider the merits of the alternative site in HSG1 - Caerwys below.
- 11.58.9. Extension to the Allocation - PC316 extends the housing allocation into part of the field to the north of the present allocation thereby increasing the number of dwellings from 31 to 46. The extended area would result in the removal of a number of agricultural buildings and structures and it is argued

this would result in environmental benefits. This increase would result in a growth of 18.1% which is above the indicative growth band. However, I accept that, bearing in mind the facilities available and the scale and character of Caerwys and that such growth would be acceptable. I note that 17627 seeking to include the whole of the field to the north of the allocation has now been conditionally withdrawn.

Recommendation:

11.58.10. I recommend the plan be modified by PC316.

11.59. HSG1(27) Former Cricket Pitch, Carmel

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in appendix A11			

Summary of Objections:

Rep No	Summary
All	Carmel serves a dormitory function and is not an appropriate location for further residential development. The site does not comply with the search sequence as it is not brownfield. This land is polluted by lead mining. Too many dwellings would urbanise Carmel, dilute local culture and cause inward migration. It would add to the heavy volume of traffic using the adjacent highway causing further pollution. Access will be problematic – Mertyn Lane is unsuitable as would be a new access directly onto the main road. Carmel has poor services, play area provision and drainage. The local school is at full capacity and the buildings are in a poor state of repair. The lack of a regular bus service would result in increased car journeys. There are no employment opportunities in the locality. The land is an important informal recreational space. Development would blight the adjacent farming enterprise, conflict with great crested newts in the farm pond; harm local beauty and obscure views. It would result in an illogical boundary and set a precedent for the coalescence of Carmel, Holway, Lloc and Whitford. Development would devalue properties. The allocation amplifies previous planning mistakes. It should be deleted and the land designated as green barrier, green space or private land of value to the local community

Key Issue:

11.59.1. Whether the allocation should be deleted and removed from the settlement boundary.

Conclusions:

11.59.2. Although the field is referred to locally as the former cricket pitch it is not a recreational facility. The land is in agricultural use and is a greenfield site. With the exception of the housing on Mertyn Lane and the sporadic dwellings north of the A5026, development in Carmel is to the south of the main road. This long straight road makes a strong physical demarcation between the built up area and the countryside. Although the area to the east of the field is urban in character that is not true of the land to the north and west. The adjacent farm complex is not so visually dominant that it separates the field from the adjacent countryside. Development on the allocated site would further consolidate the existing development to the north of the A5026 thereby extending the urban form into the countryside. This would

significantly alter the character of the surrounding area. Although the allocated land falls away to the north, the changes in level would not reduce the visual impact of development to a significant degree. Therefore I consider development would result in an unacceptable intrusion into the countryside which would be incongruous and poorly related to the built form of the settlement.

- 11.59.3. Carmel is a Category B settlement with an indicative growth band of 8-15%. The allocation would provide some 55 dwellings and, together with the completions and existing commitments, result in growth of some 13%. Completions and existing commitments alone result in a growth level of some 1% which I acknowledge is well below the indicative band. Whilst the anticipated increase in growth would not be excessive the plan's spatial strategy does not state that there must be growth in every settlement. The growth bands are not prescriptive and the strategy must be applied in a flexible way to recognise and cater for settlements where constraints exist which prevent sites from being identified. In my view such is the case in Carmel. It appears that the allocation is partly driven by the need to compensate for the anticipated shortfall in growth in Holywell. However, I note that whilst not within the defined settlement of Holywell, development of HSG2B is likely to provide additional growth in the locality.
- 11.59.4. I now turn to other matters raised by objectors. Whilst I accept that housing development adjacent to a working farm may lead to conflict, the two uses are not entirely incompatible provided appropriate measures such as adequate separation distances and screening are provided. Given the positioning of the various farm buildings relative to the allocated site, I consider these measures would be likely to result in a significant reduction in the area that could be developed with possible consequences for the number of houses that could be built.
- 11.59.5. I have seen no substantive evidence which challenges the Council's highways officer's view that a satisfactory access onto the main road could be achieved. The most recent information indicates that the school could cope with the numbers of pupils expected from the development. The presence of newts in the vicinity, drainage and possible ground contamination are all detailed matters that could be addressed through the development control process. I do not find these matters justify the deletion of this allocation.
- 11.59.6. I shall nevertheless delete the allocation and recommend the settlement boundary is redrawn to exclude the site and the existing development along Mertyn Lane since it appears to me that, if the allocation is deleted and the site is removed from within the settlement boundary, no planning purpose is served by retaining that area within the settlement boundary.
- 11.59.7. It would be illogical to include the site in the green barrier as it is separated from other designated land by either the A5026 or buildings and on the other boundary the land is designated only as open countryside. My conclusions regarding the green space representations are to be found in L3 – Carmel in Chapter 7.
- 11.59.8. Other Matters – My conclusions on other sites that have been put forward as being preferable alternative locations are to be found in HSG1 - Carmel below.

Recommendation:

- 11.59.9. I recommend HSG1(27) be deleted from the plan and, together with the development in the vicinity of Mertyn Lane, be excluded from the settlement boundary.

11.60. HSG1(28) South of Clydesdale Road, Drury and Burntwood**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
918	1204	Buckley Town Council	DEP	O	No
1423	1977	Woods	DEP	O	No
1719	3103	Woods	DEP	O	No
3557	16900	Belton	DEP	S	No
3890	10002	Van Delden	DEP	O	No
3892	10008	Millington	DEP	O	No
3894	10012	Anglesea	DEP	O	No
3896	10016	Coole	DEP	O	No
3898	10020	Sparks	DEP	O	No
3900	10025	Knight	DEP	O	No
3943	10135	Woods	DEP	O	No
4110	10668	Peers	DEP	O	No
7240	17777	Dwr Cymru Welsh Water	DEP	S	No
7224	17566	Petition	DEP	O	No

Summary of Objections:

Rep No	Summary
1204	Support allocation but at a lower density
All others	It would result in overdevelopment in Drury. Growth can be met by existing commitments, if not, brownfield and/or alternative sites should be developed first. Site could be developed for just 2 bungalows for landowner. Development would increase traffic and compromise highway safety, result in the loss of agricultural land/open countryside. There is a lack of facilities including drainage and concerns about proximity of power lines, loss of views, privacy and property values

Key Issue:

- 11.60.1. Whether the allocation should be deleted.

Conclusions:

- 11.60.2. Insofar as the objections refer to alternative sites my conclusions below should be read in conjunction with those to HSG1 - Drury and Burntwood.
- 11.60.3. The spatial strategy categorises Drury and Burntwood as a B settlement where the indicative growth is 8 - 15%. The defined settlement boundary includes some 505 dwellings. For the purposes of the UDP the housing balance sheet has been compiled using information from the 2005 Housing Land Availability Study. This indicates that, as at 2005 completions and commitments (without the allocation) amounted to about 11% growth and this rises to 19% if HSG1(28) is taken into account.
- 11.60.4. Drury and Burntwood may on its own be a small settlement with relatively few facilities, but it is not a remote village in a largely undeveloped part of the County. It is virtually contiguous with the built up areas of Ewloe and Buckley

and therefore close to their employment opportunities, services and other facilities. There are bus services which serve the village and Buckley station is not too far distant to the south. I have seen no substantive evidence which indicates there would be problems with infrastructure either physical or social. Neither does the evidence suggest that any international, national or local nature conservation interests recognised in the plan would be materially compromised by the allocation.

- 11.60.5. Development of the site would therefore meet the majority of the criteria in PPW (9.2.9 MIPPS 01/2006) and as a consequence growth in excess of the indicative level would not in my view seriously compromise the underlying sustainable principles of the plan.
- 11.60.6. Whilst I agree with a number of the objectors that the land contributes to the pleasant appearance of this part of the village, so far as I am aware it is private land with no public access. It is seen as part of a far more extensive undeveloped area which is protected by green barrier policies. Consequently even though development would change the approach I do not consider it would seriously harm the setting of the village. A number of trees are protected by TPO No.63. Others would be protected by TWH2. The site is Grade 4 agricultural land and not considered to be the *best and most versatile*. I understand that at the present scientific knowledge is inconclusive about the effects of overhead power lines. There is no evidence before me in this particular case to demonstrate that there would be any particular problem.
- 11.60.7. Detailed development control considerations would address such matters as access and overlooking of adjacent properties. There is no evidence which indicates that the level of traffic generated by the proposal could not be accommodated on local roads. Other matters such as loss of view, property values and restrictive covenants are not factors which affect the planning merits of the allocation. Similarly even though some objectors believe redrawing the settlement boundary to allow the building of one or two units for the land owner would be a good idea, there are no persuasive planning arguments which weigh in favour of this change to the boundary.
- 11.60.8. Both national and local policy gives priority to the reuse of brownfield land, but where that is not possible PPW (9.2.8 MIPPS 01/2006) recognises that settlement extensions can be acceptable. The alternative sites I have been referred to are also greenfield. In practical terms, given the relative distances from sites to facilities, bus services and the like, it seems to me that there is little to differentiate between the allocated and alternative sites. In relation to Dinghouse Wood it appears that there are other physical constraints inherent in its development. However, should that land come forward within the plan period it would be considered against all relevant UDP policies including HSG3 which, as recommended for modification, requires justification for development above the indicative level.
- 11.60.9. The surroundings of the site are such that I do not consider it is necessary to make an exception in this case and encourage development at a lower density than proposed by HSG8. I see no reason why a well designed scheme would, by dint of its density, harm the visual appearance or cohesion of the settlement.

- 11.60.10. I accept that the eastern boundary of the allocation is at present ill defined, but the shape of the site and its relationship to built development on 3 sides means that it would be a *rounding off* of development. It follows from all of the above that I support the principle of allocating the land to enable further growth.

Recommendation:

- 11.60.11. I recommend no modification to the plan.

11.61. HSG1(29) West of Ewloe Green Primary School, Ewloe

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
72	466	Walkden	DEP	O	No
73	465	Parry	DEP	O	No
83	106	Corkill	DEP	O	No
84	107	Deakin	DEP	O	No
225	278	Hawarden Community Council	DEP	O	No
241	298	Hewitt	DEP	O	No
1033	1361	Thompson	DEP	O	No
1439	1998	Price	DEP	O	No
59	17919	Envirowatch	PC	O	No
1439	17958	Price	PC	O	No
2297	17951	Redrow Homes	PC	O	No
2619	18582	Ministry of Defence	PC	S	No
7253	17879	Redrow Homes	PC	O	No
7383	18417	Yates	PC	O	No
7416	18623	Pochin Rosemound Ltd	PC	S	No

Summary of Objections:

Rep No	Summary
Objections to allocation HSG1(29)	
	The site is prone to flooding and development would increase traffic/congestion close to a school. The site has been filled and there are disused mines below. Development could affect foundations and result in a loss of privacy. There would be a loss of wildlife. The village is losing its character and schools are full. Delete allocation
Objections to PC319	
17919 17958	Site should be excluded from settlement boundary. If it was white land in the settlement, it would still permit growth
17951 17879	Retain allocation an access can be provided. The site is in a sustainable location and there are no overriding constraints which would preclude development
18417	Deletion of allocation is based on a single fairly general opinion and not a holistic view

Key Issue:

- 11.61.1. Whether the allocation should be deleted and the site excluded from the settlement boundary.

Conclusions:

- 11.61.2. Because of uncertainties about providing an access to the site, the Council proposed the deletion of the allocation by PC319. However, subsequent information has demonstrated to the Council's satisfaction that a satisfactory access can be provided and the proposed change is no longer sought.

- 11.61.3. Ewloe is a category B settlement where commitments and allocations will result in growth towards the upper end of the indicative band of 8 - 15%. However, given the settlement's facilities and location close to major centres of employment and population this level of growth would not be untoward. There have been no overriding objections from service providers such as the local health board, the local education authority or DCWW. The indications are that the services and facilities in the locality are sufficient to cater for the increased population. In reaching this conclusion I have taken account of Ewloe Green's location to the north of the A494/A55.
- 11.61.4. The objection site is at present part of the open countryside, However, it is next to the primary school, development would relate well to existing building and would round off the settlement without seriously intruding into the rural area. The level of growth that can be accommodated on the site would not materially change the character of the locality. Neither so far as I am aware are there any fundamental constraints. The Council's highways officer is satisfied that a safe access can be provided in accord with nationally recommended standards and there is no substantive evidence which indicates that the road network does not have the capacity to absorb the additional traffic which would be generated by a development. I appreciate that at the beginning and end of the school day there is likely to be congestion but this is relatively short lived and a common occurrence not only at Ewloe Green but nationwide.
- 11.61.5. The site was tipped until the late 1980s, but I am told it was inert, non toxic, non leachate wastes. The representations with 17951 indicate that a site investigation had been undertaken and concludes that tipping is not a barrier to development of the site. In addition to this the EAW would require full ground investigations as part of the development control process. Similarly in relation to flooding, a letter from the EAW dated July 2007 indicates that although the site lies within flood zone A (as defined by TAN15) because the area has been known to flood any development would have to be subject to a flood consequences assessment. Therefore whilst issues to be addressed, these matters would not provide insurmountable constraints to development.
- 11.61.6. The site is not recognised for any especial nature conservation value and UDP wildlife policies would ensure the protection of these interests. Other matters such as impact on individual properties are more properly the concern of the development control process when a scheme is brought forward for the site. The above leads me to conclude that the allocation should remain and that the objections do not justify any modification to the plan.
- 11.61.7. I would note on a general point that I do not accept the premise that unallocated land within settlement boundaries would automatically result in 100s of houses being built. Whilst there is a presumption in favour of development within settlements, that is only if other UDP policies can be met. Moreover within category B and C settlements my recommendations mean it would also be necessary to take into account the need for the development.

Recommendation:

- 11.61.8. I recommend no modification to the plan.
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11.62. HSG1(30) St David's Park, Ewloe**Representations:**

Personal ID	Representation Number	Objector	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4780	Countryside Council for Wales	DEP	O	No
2254	4401	Copas	DEP	O	No
2297	4673	Redrow Homes	DEP	S	No
2476	5512	M & B Building Co	DEP	S	No
2678	6397	North East Wales Wildlife	DEP	O	No
3832	17668	Colwell	DEP	O	No
5367	13837	Roberts	DEP	O	No
5400	13893	Statham	DEP	O	No

Summary of Objections:

Rep No	Summary
4780 6397	Amend boundary/delete allocation to minimise impacts on nature conservation interests
All others	Concern about impact on landscape, lack of local amenities, schools, doctors and the like. More development could give rise to social problems

Key issue:

11.62.1. Whether the allocation should be deleted.

Conclusions:

11.62.2. Events have moved on since the objections were made. The site has now been developed. It would therefore serve little purpose to comment on the details of the objections or for the allocation to remain in the plan. I therefore support PC320 which proposes its deletion.

Recommendation:

11.62.3. I recommend the plan be modified by PC320.

11.63. HSG1(31) & (32) St David's Park – Sheltered Accommodation, Ewloe**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
39	51	Smith	DEP	O	No
137	168	Coram	DEP	O	No
178	216	Maitland	DEP	S	No
381	474	Alexander-Vessey	DEP	O	No
381	475	Alexander-Vessey	DEP	O	No
2297	4679	Redrow Homes	DEP	O	No
3832	17666	Colwell	DEP	O	No
3832	17667	Colwell	DEP	O	No
6720	15645	Coram	DEP	O	No
6720	15647	Coram	DEP	O	No

Summary of Objections:

Rep No	Summary
51	Sheltered housing would devalue properties
168	The sites shouldn't be restricted to sheltered housing. They are too small to be allocations

15645 15647	and their location is poor in a private housing area. Delete reference to sheltered housing, increase capacities to 10 and 15 and delete last 2 sentences of 11.28
474	Hawarden and Ewloe need a health centre and dentist more than sheltered housing
4679	There is no need for HSG1(32) as HSG1(31) would provide sufficient sheltered housing. Allocate for market housing
17666 17667	Additional housing would increase load on local schools and could cause social problems

Key Issue:

11.63.1. Whether the allocations should be deleted.

Conclusions:

- 11.63.2. Insofar as HSG1(32) is concerned, the site has been developed. It would therefore serve little purpose to make detailed comments on the objections to it. Given this situation it is sensible to delete the allocation to reflect the up to date situation.
- 11.63.3. Turning now to HSG1(31). Planning permission was given in April 2008 for the erection of 22 units. From my site inspection it would appear that site works have commenced. Therefore irrespective of the objections development can go ahead. I would note only briefly in response to the outstanding objections that should there be an effect on property values, this would not be a planning matter and that the new shop and dental facilities means that these services are close at hand. It is the local health board's responsibility to provide health centres and I am told that none are planned for Ewloe. It would be unrealistic and contrary to PPW to make an allocation which could/would not be implemented. I note that sheltered housing would not create a demand for additional school places and the traffic generated from such a small scale proposal would be unlikely to make more than a negligible impact on flows.
- 11.63.4. As HSG1(31) has planning permission, in terms of housing supply it becomes a commitment, it is therefore appropriate to delete it as an allocation.

Recommendation:

11.63.5. I recommend the plan be modified by the deletion of HSG1(31) and (32).

11.64. HSG1(33) South of The Larches, Ewloe**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1119	1503	Anwyl Construction Company Limited	DEP	S	No
1371	1905	Brassey	DEP	O	No
1384	1929	Hamczyk	DEP	S	No
1517	2146	Hamczyk	DEP	S	No
5349	13801	Evans	DEP	O	No
5370	13844	Hutchinson	DEP	O	No

Summary of Objections:

Rep No	Summary
1905	Object if a new access realigns The Larches
13801	Road is unsuitable for more traffic. Local infrastructure cannot sustain more growth. No need

13844	for more houses. Lack of proper consultation
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Key Issue:

11.64.1. Whether the allocation should be deleted.

Conclusions:

- 11.64.2. The plan provides for a satisfactory level of growth and the allocation is a component of housing supply. Ewloe is a category B settlement where planned growth will be about 12-13% which sits comfortably within the indicative growth band of 8 – 15%. I do not therefore accept that there is no need for more houses and would refer to my comments under STR4 in Chapter 3 where I deal in detail with the principles of housing growth.
- 11.64.3. The objection site although part of the countryside has firm and defensible boundaries. To the north and west it abuts built development, to the south is the A55 and to the east it is a continuation of the well defined eastern limits of the settlement. Because of its location development on the site would round off the settlement without seriously intruding into the rural area.
- 11.64.4. Concerns have been raised about The Larches providing access to more houses, but the road is built to modern day standards and such roads successfully serve up to 25 houses without resulting in significant highway dangers. The standard of design of The Larches means it is capable of accommodating a further 14 units. My visits to the site and the anecdotal evidence before me do not convince me that the potential increase in flows would result in unacceptable highway dangers. The times when refuse vehicles and/or service vehicles visit the cul-de-sac are likely to be limited. All the properties have off road parking and in any event it is not unusual for vehicles to have to give way to passing cars when there is on street parking in residential areas.
- 11.64.5. There have been no overriding objections from service providers such as the local health board, the local education authority or DCWW. The indications are that the services and facilities in the locality are sufficient to cater for the increased population. And UDP policies will ensure that such matters as wildlife interests, footpath protection, flood risk and play space are adequately dealt with as part of the development control process. The above leads me to conclude that the allocation should remain in the plan.
- 11.64.6. It has been said that the Council has not consulted properly on the allocation, but it was confirmed at the closing of the inquiry that all outstanding objectors from the deposit stage were contacted and given the opportunity to comment on the Council's response to their objections. The Council has therefore fulfilled its obligations. It is not a requirement nor do I consider it appropriate that members of the public who are not objectors to the plan should be given an opportunity to comment on proposals at this late stage in the inquiry process. It is inevitable, especially given the length of time since the consultation process was undertaken, that a proportion of people will move into and out of an area.

Recommendation:

11.64.7. I recommend no modification to the plan.

11.65. HSG1(34) Greenhill Ave/Springdale, Ewloe**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found at appendix A11			

Summary of Objections:

Rep No	Summary
Objections to the allocation	
	Illogical allocation; the settlement has contributed more than its fair share of development in the past. Development would add to traffic congestion on the local road network. Infrastructure of the area already under pressure – local schools, medical facilities, power supply. Poor drainage, water and sewerage systems. Inadequate policing and increasing crime and disorder. Adverse impact on character of the area; noise, impact on the community. Loss of views and reduced property values. Loss of Grade 2 agricultural land and green barrier. Impact on landscape and habitats
Objections to the deletion of the allocation – PC321	
18083	Deletion is not justified taking into account the need to meet housing requirements in a sustainable manner
Objections to the failure to reinstate the green barrier as part of PC321	
	Land is currently green barrier and should be reinstated. Development would result in loss of wildlife habitat. Should preserve the gap between Ewloe and Hawarden

Key Issues:**11.65.1. Whether:-**

- i) the allocation should be deleted and the settlement boundary amended accordingly; and,
- ii) if so, whether the area should be included in the green barrier.

Conclusions:

- 11.65.2. PPW advises that land in Grades 1, 2 and 3a should only be developed if there is an overriding need for the development and either previously developed land or land in lower agricultural grades is unavailable. The Agricultural Land Classification Map indicates a substantial portion of the site as Grade 2 with the remainder being Grade 3. Whilst such grading is only intended as a broad guide I do not consider it should be dismissed lightly. It has been suggested that the land is of much poorer agricultural quality and should not be considered as being within the *best and most versatile* category. However, there is some doubt as to whether the report was prepared in accordance with the relevant guidelines and I do not consider those findings to be conclusive.
- 11.65.3. I am satisfied that sufficient land has been allocated elsewhere to accommodate the envisaged growth in the County and it follows there is no overriding need for this land to be allocated until this matter is resolved. If the agricultural land quality issue can be resolved the allocation could be considered again as part of the LDP.
- 11.65.4. The reason given in PC321 to delete this allocation is *In view of recent completions, commitments and other sequentially preferable allocations, there is no longer considered to be a need for this site.* The Council did not

delete the allocation on the basis of other issues raised in objections to the allocation.

- 11.65.5. I have considered the other objections made against the allocation. The UDP allocates land to accommodate the required growth in the plan period and given Ewloe's facilities and location close to major centres of employment and population, I consider it is an appropriate settlement for further development. This site would accommodate some 47 dwellings resulting in additional growth of some 2%. This would not be excessive. There have been no overriding objections to the allocation from service providers such as the local health board, the local education authority or DCWW. The indications are therefore that the services and facilities in the locality are sufficient to cater for the increased population.
- 11.65.6. From my visits to the area, and bearing in mind the scale of development, I consider the highway network is suitable and would not be overloaded or unacceptably congested by the development of this land. This site is within a well established residential area and is bordered with housing development on three sides. It would be a logical rounding off of development and would harm neither the character of the locality nor the integrity of the green barrier. Mitigation for wildlife interests could be addressed as part of the development control process. The effect of development on property values is not a planning matter.
- 11.65.7. Turning to the reason given by the Council for deleting the allocation. When the UDP was issued it was envisaged that the allocations and commitments would result in growth of 11%. This is the mid point of the indicative growth band of 8 – 15% for this category B settlement. However, completions and commitments in the first five years of the plan, when combined with the outstanding allocations would result in a growth rate of 15%. I do not consider that growth at the upper end of the indicative band would be untoward. The adjustments made to the allocations in Ewloe result in growth of 13%. Sites with planning permission and planning applications since 2005 would increase that slightly. However, bearing in mind the site's location within a residential area I do not consider the additional 2% growth that would result from this allocation would be unduly onerous and does not amount to sufficient justification to delete this allocation.
- 11.65.8. However, whilst I do not consider the above matters amount to sufficient justification to delete the allocation they are outweighed by the need to resolve the agricultural land classification issue.
- 11.65.9. Turning to 18083. In my conclusions to STR4 in Chapter 3, I find the plan provides a sufficient supply of land to meet the identified overall housing need. The objection refers to a number of other allocations. My conclusions on those are to found in the appropriate sections of this chapter and I do not repeat them in detail here. However, with regard to the Garden City site, briefly I conclude that, at this stage, there is no need for alternative housing locations. Should any shortfall of 5 year housing supply be identified as a result of annual monitoring, it can be addressed as part of the LDP process.
- 11.65.10. Whilst Ewloe may have experienced a significant level of growth in the past 10 years or so, I do not support the argument put to me that there is now a need for a *cooling off period*. Even if I were to accept such a stance, deleting

a site that would provide some 2% growth would not make a significant difference.

- 11.65.11. Whilst I accept the merits of many of the points made in favour of retaining this allocation they do not outweigh the need to resolve the agricultural land classification issue.
- 11.65.12. A number of objections argue that PC321 should go further and include the area in the green barrier. Although many objections state that the land is within a green barrier, this refers to the situation in earlier plans. Those designations have been reviewed as part of the UDP process.
- 11.65.13. The green barrier, as designated in the UDP, provides a firm defensible line to prevent the coalescence of Ewloe and Hawarden. The inclusion of this land would not improve its effectiveness. In order to introduce a degree of permanence to the identified green barriers and ensure that they will not fundamentally change again; and in the knowledge that the LDP preparation will inevitably bring about some changes, the areas where it is considered there may be potential for further development have been excluded from settlements, but not included within the green barrier. I consider this is a sensible approach which will ensure a level of consistency with future plans. Since this may be the case in this instance I do not consider it appropriate to designate the area as green barrier. The land will be subject to the national and local policies that relate to development in the open countryside which I consider to be appropriate for this area.

Recommendation:

- 11.65.14. I recommend the plan be modified by PC321.

11.66. HSG1(35) Rear of Bon Accord, Holywell Road, Ewloe

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
225	279	Hawarden Community Council	DEP	O	No
1089	1443	Shaftoe	DEP	S	No
2106	4783	Countryside Council for Wales	DEP	O	No
2297	4676	Redrow Homes	DEP	S	No
2678	6398	North East Wales Wildlife	DEP	O	No

Summary of Objections:

Rep No	Summary
279	There is no need for the allocation or loss of green barrier. Ewloe has had more than its fair share of housing on the past 10 years and development cannot be sustained by existing facilities and infrastructure
4783 6398	There is a great crested newt pond within 500m and development must include mitigation

Key Issue:

- 11.66.1. Whether the allocation should be deleted.

Conclusions:

- 11.66.2. The plan provides for a satisfactory level of growth and the allocation is a component of housing supply. Ewloe is a category B settlement where planned growth will be about 12-13% which sits comfortably within the indicative growth band of 8–15%. I do not therefore accept that there is no need for more houses and would refer to my comments under STR4 in Chapter 3 where I deal in detail with the principles of housing growth.
- 11.66.3. There may have been a significant level of growth within the past 10 years or so but Ewloe is a sustainable location, not only with its own facilities, some of which have been provided as part of that growth, but it is also relatively close to larger settlements with their range of services and employment areas. There have been no overriding objections to the allocation from service providers such as the local health board, the local education authority or DCWW. The indications are therefore that the services and facilities in the locality are sufficient to cater for the increased population.
- 11.66.4. The objection site although part of the countryside has firm and defensible boundaries. It lies behind development fronting Holywell Road and adjacent to properties in Crossway and Yowley Road. Its north western and eastern boundaries are marked by well defined hedgerow boundaries. Development would in my view be a small scale rounding off which would harm neither the character of the locality nor the integrity of the green barrier to the north. Mitigation for wildlife interests can be addressed as part of the development control process.
- 11.66.5. I am told by the Council that there is an extant planning permission for housing development, but have been given no details of the extent of the application site or the number of dwellings permitted. As I consider the site should be developed this is of less account, but it does mean I cannot recommend the allocation be deleted because it is a committed site. Perhaps this is something the Council could address at the modification stage.

Recommendation:

- 11.66.6. I recommend no modification to the plan.

11.67. HSG1(36) Greenfield School, Greenfield**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in appendix A11			

Summary of Objections:

Rep No	Summary
All	Concerned about poor facilities in Greenfield, especially for children. There should be no more houses until the services/facilities are improved. Retain school building and use for community purposes, sheltered housing or the like

Key Issue:

- 11.67.1. Whether the allocation should be deleted.

Conclusions:

- 11.67.2. Since the objections were made the situation has changed. The school has been demolished, planning permission has been granted for 14 apartments and 5 bungalows on the site. Development can therefore go ahead irrespective of the allocation. In these circumstances it would serve little purpose to debate the merits of an allocation which is now in effect a *fait accompli*.
- 11.67.3. I would note however that as a brownfield site close to facilities and services which appear to be commensurate with a settlement of the size of Greenfield, the site is one which PPW (MIPPS 01/2006) regards as eminently suitable for housing development. And the capacity of the site is such that its development would have no more than a negligible impact on existing facilities.
- 11.67.4. I deal with the appropriateness of the level of housing supply in Chapter 3 STR4 and the use of the site for community use in Chapter 17 where my conclusions are essentially the same as those above.

Recommendation:

- 11.67.5. I recommend no modification to the plan.

11.68. HSG1(37) Tan y Felin, Greenfield

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in appendix A11			

Summary of Objections:

Rep No	Summary
Objections to allocation HSG1(37)	
All	Allocation is unsustainable. Object to more traffic in long term and during construction, particularly on steep gradient estate roads; poor access onto the main road; harm to wildlife; loss of green space; drainage problems; poor public transport links and shops at some distance; precedent; loss of property value/views. Doctors, dentists, emergency services etc are insufficient to cater for more people. There are no proper facilities such as playing fields, shops, chemist and the like. Housing is not to meet local need. Impact on community spirit and increased crime. 6500 new homes are not necessary to cater for a 6100 population increase. Delete the allocation and/or substitute development on other greenfield land or a brownfield site such as the old woollen mill
Objection to deleting HSG1(37) - PC323	
18422	Reinstate HSG1(37) it is a logical extension of existing development in a sustainable location in a settlement which offers a full range of shopping, employment, recreation and other community facilities. Greenfield lies on a main road and rail transport corridor. The allocation would provide affordable housing and help meet housing requirements. It will enable the provision of green space L3(51)

Key Issue:

- 11.68.1. Whether the allocation should be deleted.

Conclusions:

- 11.68.2. I deal with the supply of new homes elsewhere in this report, primarily under STR4 where I conclude that the housing supply should be 7400. Whilst I do not repeat my conclusions here, I note that the calculation of housing need takes account of more factors than population increase, such as household types and new household formation. It would be unrealistic to exclude migration from the figures as it influences housing need and, even if it were to be desirable, cannot be controlled by planning legislation. 2196 is also dealt with in Chapter 4 GEN5: Land West of Greenfield.
- 11.68.3. PC323 proposes the deletion of HSG1(37). The reason given by the Council is the... *allocation is less sequentially preferable than the brownfield land at the former Holywell Textile Mill which has been allocated as a mixed use development.*
- 11.68.4. There is agreement between the Council and the supporters of HSG1(37) that there are no fundamental objections to the allocation on the grounds of access/highways, landscape, drainage or ecology. From my visits to the locality and the evidence before me which includes a transport assessment, a landscape strategy, a drainage assessment and an extended phase 1 habitat survey, I share those views. This does not mean that I negate the concerns of objectors, for instance I appreciate that the countryside in the locality is of value to residents and does contain diverse species and habitats, but the site does not appear to contain any protected species, nor is it recognised by any international, national or local designations which would preclude development. Similarly whilst the gradient of the access road is such that it can be dangerous, particularly in inclement weather, its configuration and capacity is such that in normal conditions it is capable of accommodating the additional houses. It would not be reasonable for the allocation to be rejected because abnormal conditions, such as brake failure/reckless driving, could occur.
- 11.68.5. Objectors complain about a lack of facilities but to my mind they are commensurate with the size of Greenfield. Difficulties with getting on a doctor's/dentist's lists is not confined to this area. There may be a dearth of public open space/playing fields in the settlement. However, Greenfield is relatively small and surrounded by countryside including the heritage park.
- 11.68.6. Matters such as loss of property values and views are not ones which can affect the planning merits of the allocation. Similarly the amelioration of congestion, lack of parking and dangerous highway conditions outside the local shops are existing problems which fall outside the scope of the UDP process.
- 11.68.7. When weighing all the above factors in the balance I do not consider that they carry sufficient weight to negate the allocation.
- 11.68.8. That being said I do not find that the development of the site would be necessary to meet housing needs or be the most sustainable option should it be determined that more housing is required in the locality. The supply of 7400 new homes in Flintshire can be achieved without the objection site. To accord with the spatial strategy, development in Greenfield would fall within the indicative growth limits without HSG1(37). The only other allocated site has planning permission, is a brownfield one and closer to all facilities. It is sequentially preferable.

- 11.68.9. It has been said that if a greenfield site is to be deleted, it should not be done until a comparison of all greenfield allocations in the locality has taken place, but as I have not been provided with the number of or relative merits of other sites it is not possible to undertake that exercise in responding to these objections.
- 11.68.10. The supporter of the allocation argues that the type of houses envisaged for the site would meet market demand, but demand for housing is not the same as need and I am not aware of any substantive evidence which indicates that there is an overriding need for housing of the type envisaged.
- 11.68.11. Whilst national policy says that greenfield sites should not be a priority for development, it is nevertheless recognised that settlement extensions can be a sustainable option. HSG1(37) is a greenfield site and an extension to the settlement. However, access to services and facilities involves either field footpaths or negotiating a steep hill. Therefore whilst the services in the settlement are within 1 km, access to them is not easy for all. I recognise that development would bring with it affordable housing and open space, but such benefits should to my mind be not determinative of the acceptability of an allocation.
- 11.68.12. The Council has linked the deletion of HSG1(37) to the opportunity provided by HSG2B, but for the reasons above, I consider the deletion is justified without HSG2B. I have nevertheless compared the relative merits of HSG1(37) and HSG2B. My conclusions are to be found at HSG2B below where I conclude that the development at the Holywell Textile Mill site would be preferable and would meet the underlying sustainable objectives enshrined in national and UDP policies.
- 11.68.13. Consequently even if it were to be determined that more housing was required, development of the Holywell Textile Mill site would be the preferred option. I appreciate that it would not be possible to bring forward development as speedily as at HSG1(37), however, I have seen no substantive evidence which suggests that housing on HSG2B is needed to contribute to the current 5 year housing supply. And in recognition that the delivery date of housing is as yet unknown, the Council has not included the potential 120 houses as an allocation, it will contribute as a windfall development as and when development comes forward.

Recommendation:

- 11.68.14. I recommend the plan be modified by PC323.

11.69. HSG1(38) East of Gronant Hill

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3724	9565	Parry	DEP	O	No

Summary of Objections:

Rep No	Summary
9565	On street parking on and dangerous access to site from Nant y Gro

Key Issue:

11.69.1. Whether a satisfactory access can be achieved.

Conclusions:

- 11.69.2. At my visit to the site I saw the problems associated with on street parking that the objector refers to. However, the Council's highways officer has looked at the site and believes that technically a safe access can be taken from Llys Iwan, if improvements are made to footways and if traffic calming measures are introduced. I am told there may also be the opportunity to provide additional parking facilities for existing properties. There is no substantive evidence to refute this.
- 11.69.3. A housing allocation means that in principle development can take place within the plan period, that is, that there are no technical or other constraints which would prevent development. In this case, whilst I understand the objector's highway safety concerns, they do not demonstrate that a satisfactory access cannot be provided. Given these circumstances I consider the allocation should remain in the plan.

Recommendation:

11.69.4. I recommend no modification to the plan.

11.70. HSG1(39) Bridge Farm, Fagl Lane, Hope

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
144	177	Magee	DEP	O	No
157	191	Parsonage	DEP	O	No
181	220	Thomas	DEP	O	No
240	296	Shaw	DEP	O	No
944	1241	Martin	DEP	O	No
1138	1575	Cadwalader	DEP	O	No
1250	1723	Roberts	DEP	O	No
1316	1835	Jones	DEP	O	No
1340	1862	Hope and District Branch Labour Party	DEP	O	No
1359	1886	Green	DEP	O	No
1692	2613	Tudor Court Residents	DEP	O	No
1730	3120	Roberts	DEP	O	No
2106	4789	Countryside Council for Wales	DEP	O	No
2285	17587	Wolverhampton & Dudley Breweries Plc	DEP	O	No
2298	4689	Hayes Homes	DEP	O	No
2678	6402	North East Wales Wildlife Trust	DEP	O	No
5728	14342	Tuohy	DEP	O	No
5730	14344	Stanley-Jones	DEP	O	No
5731	14346	Jones	DEP	O	No
5745	14373	Hope Community Council	DEP	O	No
1042	18573	Murray	PC	O	No
1316	18369	Jones	PC	O	No
1692	18117	Tudor Court Residents	PC	O	No
2106	18456	Countryside Council for Wales	PC	O	No
1042	1373	Murray	DEP	S	No
1459	2041	Burt	DEP	S	No

2297	4674	Redrow Homes	DEP	S	No
2298	4694	Hayes Homes	DEP	S	No

Summary of Objections:

Rep No	Summary
Objections to the allocation	
17587	This objection is dealt with in HSG1 – Hope, Caergwrle, Abermorddu & Cefn y Bedd with 4589
4689	Should increase the allocation to include a larger area of land. Will contribute to housing needs and growth would be appropriated to the settlement. No adverse impact on traffic
All others	Further housing is not needed. Loss of countryside and precedent for further development. School and surgeries are near or at capacity. Inadequate local highway network. Impact on wildlife, high quality agricultural land. Concerns regarding pollution from gravel works and methane gas from old refuse tip. Problems with drainage and sewerage infrastructure. Planning appeals have been dismissed in the past. Public footpath crosses the site
Objections to amending the allocation - PC324	
18573	Opposes the increase in the capacity of the site
18369	Questions the basis for relying on a dated Traffic Impact Assessment
18117	The number of units has simply been increased on a pro rata basis without awareness of the implications for traffic generation and highway safety
18456	Seeks clarification to the location of the extension

Key Issue:

11.70.1. Whether the allocation should be amended/deleted.

Conclusions:

- 11.70.2. Hope, Caergwrle, Abermorddu & Cefn y Bedd is a defined category B settlement with an indicative growth band of 8 – 15%. Completions, commitments and allocations will result in growth of some 13% assuming a capacity of 48 dwellings for HSG1(39). I understand the education and medical facilities are adequate to deal with the projected growth in the settlement. The bodies responsible for providing them have raised no objection. I consider the level of growth to be appropriate bearing in mind the range of facilities available.
- 11.70.3. The allocation – PC324 addresses a typographical error which recognises the site area is 1.9ha. Highway constraints restricted the site capacity to 25 dwellings. However, improvements to the A541/Fagl Lane junction, which have been agreed in principle, would overcome these constraints and PC324 also increases the site capacity to 48. The development control process could ensure that the junction improvements are in place to accommodate the additional traffic generated by this development and that there is appropriate drainage and sewerage provision.
- 11.70.4. The Agricultural Land Classification Maps indicate the land as being Grade 3 land but there is insufficient evidence before me to reject the allocation on the basis that it would be considered as amongst the *best and most versatile*. The safeguarding of wildlife and their habitats are matters of detail that can be addressed as part of the development control process and would be subject to other policies in the plan including GEN1 and WB1.
- 11.70.5. Whilst proposals to develop this land have been dismissed in the past the appeals are from a considerable time ago. I am considering the situation as it is now having regard to current national and local planning policies.

- 11.70.6. Reference has been made to traffic conditions/disruptions on Fagl Lane. However, any inconvenience associated with the school run and visits to the cemetery is over in a short time.
- 11.70.7. On the information that is before me I do not consider the above factors indicate the development of the land is unacceptable in principle and they do not justify the deletion of the allocation.
- 11.70.8. Extending the allocation – In my conclusions to STR4 in Chapter 3, I find the plan provides a sufficient supply of land to meet the identified overall housing need. The extended site would increase the capacity of the site by a further 100 dwellings and extend the urban form into the countryside to the detriment of its landscape and amenity value. It would also bring houses significantly closer to the gravel workings. Since the future of those workings has not been fully resolved this may have implications on the suitability of this land for housing.
- 11.70.9. Having considered the submissions made I do not find there are compelling reasons to justify enlarging the allocation.
- 11.70.10. I note it would not be appropriate for me to comment on matters raised in further submissions which do not relate to the duly made objection.

Recommendation:

- 11.70.11. I recommend the plan be modified by PC324.

11.71. HSG1(40) Pigeon House Lane, Hope
Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found at appendix A11			

Summary of Objections:

Rep No	Summary
Objecting to the allocation	
17588	This objection is dealt with in HSG1 – Hope, Caergwrle, Abermorddu & Cefn y Bedd with 4589
All others	Would result in the overdevelopment of Hope. Inadequate education facilities and access. Concerns regarding foul and surface water drainage. Encroach onto Watts Dyke. Disruption to wildlife
Objecting to the deletion of the allocation – PC325	
18405	Questions the basis for the deletion on highway grounds
18418	PC325 appears to be based on single fairly general opinion rather than taking a holistic view

Key Issue:

- 11.71.1. Whether the allocation should be deleted.

Conclusions:

- 11.71.2. PC325 deletes the allocation and removes most of the site (apart from a small area that can be served by the existing highway network) from the settlement boundary. The deletion is due to concerns regarding the adequacy of vehicular access. Since PC325 deletes the allocation it is not

necessary for me to address the merits of the separate elements of the objections. Where appropriate I address them in my conclusions to the counter objections that oppose the deletion of this allocation.

- 11.71.3. The existing estate road giving potential access to the site is not adopted. Furthermore, it would involve an overly long cul de sac and require a secondary means of access. However, due to the configuration and layout of the existing estate road and the intervening open countryside between the site and Wrexham Road it is not possible to provide the required secondary access. These are technical matters. They are not based on general opinion. A holistic view includes the implications on highway safety and does not justify allocating land with known access constraints. Regard has been given to the implications of deleting this allocation on the supply of housing land.
- 11.71.4. The basis of 18405 seems to relate in part to a *Pigeon House Lane* planning application. I do not have the details of that situation and I cannot comment further. Comparison is made with access provision made elsewhere but from the submissions that are before me there are material differences between those situations and this allocation. They do not justify retaining the allocation.

Recommendation:

- 11.71.5. I recommend the plan be modified by PC 325.

11.72. HSG1(41) West of Abermorddu School

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
74	96	McKinlay	DEP	O	No
106	134	Ledgard	DEP	O	No
141	173	Leaney	DEP	O	No
183	222	Jones	DEP	O	No
208	256	Kennedy	DEP	O	No
255	312	Povey	DEP	O	No
322	401	Stirrup	DEP	O	No
344	418	Pickering	DEP	O	No
345	419	Pickering	DEP	O	No
942	1238	Morrow	DEP	O	No
967	1267	Rhodes	DEP	O	No
1058	1407	Holden	DEP	O	No
1151	1595	Trustees of ES Clark Deceased	DEP	S	No
1182	1635	Jones	DEP	O	No
1194	1649	Holden	DEP	O	No
1211	1669	Barber	DEP	O	No
1328	1848	Hughes	DEP	O	No
1329	1849	Hughes	DEP	O	No
1330	1850	Hughes	DEP	O	No
1359	17419	Green	DEP	O	No
1393	1940	Fleetwood	DEP	O	No
1459	2042	Burt	DEP	S	No
1477	2053	Rowlands	DEP	O	No
2285	17589	Wolverhampton & Dudley Breweries Plc	DEP	O	No
2316	4753	Hughes	DEP	O	No

2419	5280	Richardson	DEP	O	No
5709	14318	Sutton	DEP	O	No
5710	14319	Tilston	DEP	O	No
5711	14320	Tilston	DEP	O	No
5712	14321	Edwards	DEP	O	No
5713	14322	Lloyd	DEP	O	No
7234	17695	Lloyd	DEP	O	No

Summary of Objections:

Rep No	Summary
17589	This objection is dealt with in HSG1 – Hope, Caergwrle, Abermorddu & Cefn y Bedd with 4589
1267	This objection is dealt with in HSG1 – Hope, Caergwrle, Abermorddu & Cefn y Bedd with 1268 & 1269
All others	Further housing is not needed. Lack of facilities to support more housing; Road is congested and access close to bends and school. Should not use greenfield land. Site extends development into countryside unrelated to the settlement pattern. Loss of school playing fields and green barrier. Land is high agricultural quality. Concerns about foul drainage. Loss of views from Cymau Road

Key Issue:

11.72.1. Whether the allocation should be deleted.

Conclusions:

- 11.72.2. In my conclusions to STR4 in Chapter 3, I find the plan provides a sufficient supply of land to meet the identified overall housing need. It is appropriate that Hope, Caergwrle, Abermorddu & Cefn y Bedd which is a category B settlement with an indicative growth band of 8 – 15% caters for some of those housing needs. Completions, commitments and allocations will result in growth of some 13%. I consider such a level of growth to be appropriate for this settlement bearing in mind the range of facilities that are available.
- 11.72.3. A settlement boundary is a planning tool and does not necessarily define a community. In this case it encompasses 4 different areas/communities and parts of different community council areas. It encloses an area considered as a single contiguous urban area in planning terms. This is a reasonable approach and it follows that I consider this allocation and all other allocations within this settlement boundary on that basis.
- 11.72.4. I understand the education and medical facilities are adequate to deal with the projected growth. The bodies responsible for providing education and health care have raised no objection. The allocation does not extend onto the adjacent school playing field or land.
- 11.72.5. The Council's highways officer does not object to the traffic impact this allocation would have on the local highway network and confirms that access to the site could achieve the required standards. From my experience congestion associated with school runs is generally brief in nature.
- 11.72.6. Brownfield land has been used where possible to minimise the take up of greenfield sites and loss of countryside. However, since such land is not necessarily in the appropriate location, it inevitably results in the allocation of greenfield sites. The site is on the edge of a residential area adjacent to a school and I do not consider it is poorly related to the settlement pattern or that it is so prominent that development would be obtrusive on it. The site does not affect the green barrier. The Agricultural Land Classification Maps indicate the land as being Grade 3 land but there is insufficient evidence

before me to reject the allocation on the basis that it would be considered as amongst the *best and most versatile*. I understand DCWW intend to address issues regarding capacity at the sewerage pumping station. Furthermore, other mechanisms exist to address such problems. Loss of views is not a planning matter and it would be appropriate to address more detailed matters such as house type, cycle and pedestrian routes etc through the development control process.

Recommendation:

11.72.7. I recommend no modification to the plan.

11.73. HSG1(41a) Land West of Wrexham Road, Abermorddu

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
74	18361	McKinlay	PC	O	No
90	17982	Caergwrle Heritage Conservation Society	PC	O	No
344	18354	Pickering	PC	O	No
345	18355	Pickering	PC	O	No
1119	18081	Anwyl Construction Company Limited	PC	O	No
1151	18457	Trustees of ES Clark Deceased	PC	O	No
1211	18122	Barber	PC	O	No
2106	18458	Countryside Council for Wales	PC	O	No
2238	18326	Heesom	PC	O	No
2334	18371	WAG - Dept Economy & Transport	PC	O	No
5712	18427	Edwards	PC	O	No
5745	18269	Hope Community Council	PC	O	No
7240	18406	Dwr Cymru Welsh Water	PC	S	No
7299	18115	Jones	PC	O	No
7333	18248	Pemberton	PC	O	No
7362	18332	Fidler	PC	O	No
7363	18335	Krassner	PC	O	No
7364	18336	Bhath	PC	O	No
7369	18341	Wynne	PC	O	No
7370	18342	Smyth	PC	O	No
7371	18343	Barber	PC	O	No
7372	18345	Parry	PC	O	No
7373	18346	Isherwood	PC	O	No
7374	18348	Stevenson	PC	O	No
7375	18352	Humphreys	PC	O	No
7376	18357	Mathers	PC	O	No
7377	18358	Mathers	PC	O	No
7406	18525	Leaney	PC	O	No
7413	18571	Lewis	PC	O	No
7435	18682	David McLean Homes Ltd	PC	O	No

Summary of Objections:

Rep No	Summary
All	If needed housing can be met at other more appropriate sites. Concern about grouping of settlements. Should have regard to the potential of the route of the bypass which could ultimately meet the needs of the area. Deletion of other sites does not justify allocation. Should use brownfield sites. Wrexham Road is a logical settlement boundary. Development would result in incursion into open countryside. Sensitive location for wildlife. Growth should

	be spread between all 4 villages and not double the size of one. Scale of growth is excessive - especially when combined with HSG1(41). Poor access to facilities and employment. Amenities are on the opposite side of a busy road. Likely to be heavily car reliant and highway safety concerns. Village infrastructure will not cope with number of houses – will over stretch and swamp local roads, services and school. Inadequate drainage and sewerage. Concerns regarding house types, overlooking and crime. The allocated site should be reduced in size in preference to HSG1(41) or extended to include adjoining land
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Key Issues:

11.73.1. Whether:-

- i) the site should be allocated for housing and the settlement boundary amended accordingly
- ii) the allocation should be reduced/extended.

Conclusions:

- 11.73.2. This allocation of 3.6ha of land, with a dwelling capacity of 90, to the west of Wrexham Road is made by PC326.
- 11.73.3. In my conclusions to STR4 in Chapter 3, I find the plan provides a sufficient supply of land to meet the identified overall housing need. It is appropriate that Hope, Caergwrle, Abermorddu & Cefn y Bedd which is a category B settlement with an indicative growth band of 8 – 15% caters for some of these housing needs. Completions, commitments and allocations will result in growth of some 13%. I consider such a level of growth to be appropriate for this settlement bearing in mind the range of facilities that are available.
- 11.73.4. A settlement boundary is a planning tool and does not necessarily define a community. In this case it encompasses 4 different areas/communities and parts of different community council areas. For planning purposes it defines an area considered as a single contiguous urban area in planning terms. This a reasonable approach and it is on that basis that I consider this and all other allocations within this settlement boundary.
- 11.73.5. AC17, which safeguards land for future road improvements, includes the Hope Caergwrle bypass. The development of any potential area following on from the bypass should be considered at that time. It does not justify an effective moratorium on development in the mean time.
- 11.73.6. I am satisfied that in allocating land for housing, brownfield land has been used where possible to minimise the take up of greenfield sites and loss of countryside. However, since such land is not necessarily in the appropriate location it inevitably results in the allocation of greenfield sites.
- 11.73.7. The review of the initial allocations identified some for deletion including a site at Pigeon House Lane in Hope HSG1(40). Other sites are proposed to make up for the shortfall in provision including HSG1(41a). I consider this to be a reasonable approach. Whilst this allocation makes provision for more dwellings than at Pigeon House Lane, the increase in number reflects the site capacity. It would still mean that growth would be within the indicative band.
- 11.73.8. This site and the adjoining allocation HSG1(41) will result in a substantial increase in the number of dwellings in the Abermorddu/Cefn y Bedd area. However, they form part of a larger urbanised area and I do not consider that, of itself, is sufficient reason to delete this allocation. The site is convenient to the local school and within reasonable reach of facilities. Indeed it is closer to

the facilities in Caergwrle when compared with much of the existing development in Cefn y Bedd.

- 11.73.9. From the evidence that is before me I am satisfied that appropriate access can be achieved and that highway safety would not be compromised. Given the size of the allocation, I do not consider the resulting increase in the level of traffic on the adjacent roads would be unacceptable. The site is within reasonable distance of a railway station and adjacent to a bus route.
- 11.73.10. There is spare capacity at the local schools and the bodies responsible for overseeing water, drainage and sewerage matters have raised no objection. The provision of this infrastructure would be subject to GEN1 and EWP16. SR5 relates to the provision of outdoor playing space in new development. I make no comment on the matters concerning the play areas and recreation spaces elsewhere in the settlement since I do not consider they have a significant bearing on the allocation of this site.
- 11.73.11. I acknowledge that the allocation will result in encroachment into the countryside. However, I do not find the area to be of such ecological or landscape value to outweigh the need to allocate the land to meet the future housing needs of the County and this defined settlement. Whilst development of the land would reduce the area of undeveloped land between Abermorddu and Caergwrle, it would not result in the two merging into one another.
- 11.73.12. The design and appearance of development, the provision of affordable housing, the avoidance of overlooking and impact on wildlife habitats are matters of detail that relate to the development control process should proposals come forward for development. Policing matters are outside the scope of the UDP.
- 11.73.13. I have taken account of other allocations made in the plan and submissions made regarding other specified locations that are considered to be more suitable and preferable to this land. However, on balance I consider it is appropriate to allocate this land. It follows that the settlement boundary should be amended to include this area.
- 11.73.14. Turning to objections that seek to reduce or extend the allocation. 5990 relates to the initial non allocation of a slightly different area to PC326. This minor difference does not alter my views on the merits of PC326. If an adjustment to the boundary of PC326 is considered necessary it can be addressed by the Council at the modification stage and does not undermine these conclusions.
- 11.73.15. 17306, 1268 and 14385 object to the allocation west of Abermorddu school - HSG1(41) and have indicated a reduced part of this area as an acceptable alternative to that allocation. My conclusions regarding HSG1(41) are to be found above and I do not repeat them here in detail. Briefly, I support allocation HSG1(41) and it follows the allocation of a reduced area of this land is not justified on the basis of those objections.
- 11.73.16. 18457 seeks the allocation of some 1.6ha to the west of HSG1(41a) for housing. At the standard density used in the UDP the area would accommodate some 40 additional dwellings. However, the objection argues that a capacity exercise reduces the potential of the site to 19 dwellings. I accept this would not amount to a significant increase in the level of growth for the settlement and development of the site would be acceptable in terms

of highway access and capacity. However, given that there is no Countywide or settlement need to allocate this additional area, the proposal would result in the unnecessary release of a greenfield site and be contrary to the plan's underlying sustainable principles. Furthermore, in view of the restrictions on development that are acknowledged by the objector, allocating the site would result in an inefficient use of land and would be contrary to advice in PPW.

- 11.73.17. **Other Matters** – Some objections have commented on the inadequate notification that was given to the PC. Although that matter is outside the remit of this inquiry and should be taken up with the Council, so far as I am aware, the consultation process was in accord with normal practice.
- 11.73.18. Although it is not explicit in this PC the settlement boundary is amended to include this allocation. For the avoidance of doubt I support the inclusion of the allocation within the settlement boundary.

Recommendation:

- 11.73.19. I recommend the plan be modified by PC326.

11.74. HSG1(42) Former Laura Ashley site, Leeswood

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3635	9293	Hoyle	DEP	O	No

Summary of Objection:

Rep No	Summary
9293	Objecting to increased traffic, school overcrowding, housing associations

Key Issue:

- 11.74.1. Whether the allocation should be deleted.

Conclusions:

- 11.74.2. Leeswood is a category B settlement in which the indicative growth band is 8-15%. Further residential development is therefore acceptable in principle. This allocation would enable some 25 dwellings to be built at the density envisaged for this category of settlement.
- 11.74.3. The Council's highways officer indicates that the local highway network can safely accommodate the anticipated traffic the site would generate. There is no evidence before me to the contrary. I understand that the local school is oversubscribed by some 11 places at present. However, the scale of the allocation would be unlikely to result in significant additional pressure on school places. Even if there was, I understand there are no physical constraints to providing additional capacity at the school. The plan enables developers to make a financial contribution towards such provision, if it is necessary to enable a development to proceed. I do not consider these two elements of the objection justify deleting the allocation.
- 11.74.4. The objection form states *housing associations* and offers no further explanation as to the nature of this limb of the objection. The Council has

interpreted it as being an objection to the prospect of housing association homes being developed. Since neither the type of developer nor the tenure of occupiers fundamentally influence this allocation, I make no comment on this element of the objection.

Recommendation:

11.74.5. I recommend no modification to the plan.

11.75. HSG1(43) Lower Ash Farm, Mancot

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in appendix A11			

Summary of objections:

Rep No	Summary
4778 6403	Development needs to safeguard traditional orchard and hedgerows
All others	Mancot has already achieved its growth level for the plan period. The village has few facilities to support additional population. The site is in the flood plain and liable to flooding. The sewerage system can't cope. It will increase traffic, air pollution and create highway safety dangers. There is not the school capacity for more children and there are inadequate health facilities. There would also be a loss of open countryside and wildlife. Provide an alternative site and/or more facilities such as school, youth club etc.

Key Issue:

11.75.1. Whether the allocation should be reduced/deleted.

Conclusion:

- 11.75.2. The objection site is a long (about 500m), but relatively narrow (about 80m) parcel of land along the eastern side of Leaches Lane. It forms an intrinsic part of the open countryside with its banked vegetation and mature trees providing a most attractive transition from urban to rural. To the west of the lane the transition is helped by the lack of houses directly fronting the road and the mature vegetation. These factors plus the narrowness of the highway (and lack of pavements) provide a rural, almost tranquil feel to the locality. The existing character and appearance mean that development to the east of the lane would not be as well related to the built form of the village as looking at the site in plan form would suggest. Moreover as the allocation would necessitate improvements to Leaches Lane to both accommodate the level of development proposed and provide access to the site, it would have a significant adverse impact on the landscape setting of the village.
- 11.75.3. Objectors to the allocation have raised a number of other concerns. However, from the evidence before me I do not consider they are sufficient in their own right to justify deletion of the allocation. Mancot may be a relatively small settlement compared to some of its larger neighbours with a comparatively limited range of services and facilities, but it is not in a remote rural location. It is closely related to the wider Deeside built up areas with

their range of employment, services and facilities. In the Flintshire context I find it to be a sustainable location.

- 11.75.4. I have not been made aware of any alternative brownfield sites within the settlement boundary. PPW (9.2.8 MIPPS 01/2006) recognises that where brownfield sites are not available settlement extensions on greenfield land can be acceptable. Although the land is classified as grade 3 agricultural land, it is not clear whether it falls within grade 3a which is considered to be the *best and most versatile* and worthy of protection in both national and UDP policy terms.
- 11.75.5. I am told that there is capacity at the school to accommodate growth commensurate with the size of the site. Whilst I understand people's concerns about access to health facilities, the local health board, who are the responsible body for providing such facilities, were consulted on the allocation and made no objection.
- 11.75.6. Similarly the representations indicate that the sewerage system has been problematical for many years and DCWW have not yet provided a solution to the problems. However, this does not mean that allocation of the site would automatically exacerbate the situation. There are policies in the UDP which would ensure that development would not worsen and could potentially improve current problems. If properly applied, and there is no reason to believe a responsible body like the Council would do otherwise, policies such as GEN1(h), EWP15(c)(d) would ensure development *has regard to the adequacy of existing public services*, would *enhance the existing water treatment and supply* and would have access to *adequate sewerage and sewage treatment facilities*. There has been no objection from the EAW to that part of the site which falls within the tidal flood risk area being included in the allocation.
- 11.75.7. Development on Leaches Lane would inevitably bring more traffic to the locality, but technically those additional flows can be accommodated subject to appropriate improvement measures. Being open undeveloped farm land, I accept that there will be wildlife interest. However, the land is not recognised at international, national or local level for its nature conservation value and in such circumstances investigation and mitigation as part of the development control process can adequately safeguard such interests.
- 11.75.8. I appreciate the Council believe Mancot can accommodate more growth – there has only been a 3.5% increase since 2000 – and from the evidence supplied to the inquiry I share that view. However, for the reasons set out above I do not consider the housing allocation HSG1(43) is the location to accommodate growth. I deal with alternative sites below under HSG1 - Mancot where I conclude that one site would provide a suitable alternative to HSG1(43) without compromising the green barrier which seeks to prevent the coalescence of settlements.

Recommendation:

- 11.75.9. I recommend the allocation be deleted and the land included in the green barrier.
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11.76. HSG1(44) Ffordd Pennant West, Mostyn**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in appendix A11			

Summary of Objections:

Rep No	Summary
3857	Land overlies archaeological sites which will need assessment (including setting of Bychton Hall and Mostyn Hall) and possible mitigation prior to development
4794	Create a community woodland on land to north as a buffer
5214	This objection is dealt with below under HSG1 – Mostyn
5494	Land at Marsh Farm would provide a better alternative (see also HSG1 - Mostyn below)
All others	Allocation will result in more traffic on unsuitable roads causing pollution and highway dangers particularly to children, will harm nature conservation interests, the historic context of the model farm, the landscape and hamper access to countryside. Site is contaminated by buried diseased cattle. Site is poorly located in relation to built up area of village and would encroach into countryside. Scale of development will overwhelm village which has inadequate services and facilities. More use should be made of brownfield sites at Dee Banks which is closer to employment. There should be more efficient use/management of empty Council houses. Delete the allocation and redraw settlement boundary

Key Issue:

11.76.1. Whether the allocation should be deleted.

Conclusions:

- 11.76.2. In terms of the spatial strategy Mostyn is a category B settlement with an indicative growth band of 8-15%. Whilst it has a relatively low number of dwellings, it has a nucleus of facilities including shops, school, doctor's surgery, public house and church. In addition its proximity to Mostyn docks means that growth in the settlement can take advantage of nearby employment opportunities. Together with completions and commitments the allocation would produce about 12% growth which is, to my mind acceptable in principle given the size of the village, its location and facilities.
- 11.76.3. Turning now to site specifics. The allocation is mainly rough grazing land at the western end of Ffordd Pennant lying between the western extremity of the village and Bychton Hall. Whilst the Council says there is some evidence of previous mine workings in the form of a shale tip and that it *...was once a brownfield site...*, it seems to me that it now has revegetated and does not fall within the definition of previously developed land to be found in Figure 2.1 of PPW. However, given the pattern of development in the village and the constraints of the locality imposed by the topography, the flood plain, the historic park and the wildlife site, I do not consider the allocation is an inappropriate location. It is partly opposite development to the south east and close to the school. The shape of the site will ensure development in depth can take place. In my view no more suitable site for development has been put forward. It would be contrary to the settlement strategy if growth for Mostyn were to be transferred to the Dee Banks settlements.
- 11.76.4. I am told an outline planning application on the site was accompanied by a transport assessment which demonstrated the site could be accessed in a

safe manner with no material impact on the highway network. Without substantive evidence to the contrary, despite the fears of local residents, this matter does not therefore justify deletion of the allocation. And bearing in mind the limited amount of traffic which would be generated by 50 or so additional dwellings I do not consider pollution levels would be a problem. Insofar as pedestrians and linkages through to the countryside are concerned a footpath along the site would be unaffected by the allocation.

- 11.76.5. Development would inevitably bring change to the site, but visually I do not consider its present appearance justifies the retention of its undeveloped state. It appears to be unmanaged agricultural land. A suitable design and layout which paid regard to Bychton Hall and the omission of the area of woodland to the east (together with its designation under L3) would ensure that development was appropriate in its historic surroundings and paid due respect to ecological matters. There is no definitive evidence about whether the site is grade 3a agricultural land. However, given its mining past it seems unlikely that it is the *best and most versatile*, although I acknowledge there is no certainty about this.
- 11.76.6. An ecological survey accompanying the earlier planning application did not indicate any material wildlife interest which would preclude development and the northern boundary of the allocation is separated from the Nant y Ffynnon-Lwyd wildlife site by open land. Whilst a number of objectors have concerns about buried animal carcasses, I have no information about either the period or extent of such an event. The Council has no knowledge of such an occurrence and it seems to me that suitable site investigation and decontamination, if necessary, would mean that this matter could be adequately addressed.
- 11.76.7. I am told there is surplus capacity at the school and DCWW say there would be no problems with drainage of the site. Matters such as consultation before development with the CPAT and CCW's wish to see a broadleaved woodland must be pursued outside the UDP process. The type of people living in the proposed houses and the impact on property prices, do not affect the planning merits of the allocation.
- 11.76.8. The combination of the above leads me to conclude that the allocation should remain in the plan.

Recommendation:

- 11.76.9. I recommend no modification to the plan.

11.77. HSG1(45) Ffordd Pennant East, Mostyn

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in Appendix A11			

Summary of Objections:

Rep No	Summary
4796	Protect the green corridor along the PROW and a broadleaved tree planting scheme

3858	Land overlies archaeological sites which will need assessment (including setting of Bychton Hall and Mostyn Hall) and possible mitigation prior to development
5493	Land at Marsh Farm would provide a better alternative (see also HSG1 - Mostyn below)
18419	Deletion of allocation is based on a general opinion rather than a holistic considered view
All others	Allocation will result in more traffic causing pollution and highway dangers particularly to children, will harm nature conservation interests, the historic context of the model farm, the landscape and hamper access to countryside. Site is contaminated by buried infected cattle. Scale of development will overwhelm village which has inadequate services and facilities. More use should be made of brownfield sites at Dee Banks which is closer to employment. There should be more efficient use/management of empty Council houses. Delete the allocation and redraw settlement boundary

Key Issue:

11.77.1. Whether the allocation should be deleted.

Conclusions:

11.77.2. PC327 proposes the deletion of the allocation which addresses the concerns of most of the objectors. And I agree that it should be deleted. I am told that the reason for its inclusion in the first place was to test the viability of and reaction to a much larger scale of development; and that given the level of opposition from the local community and a Council member's withdrawal of support, the position has been reviewed.

11.77.3. My support for the deletion of the allocation has nothing to do with these matters on which I make no comment. It is based on the planning merits. Despite its proximity to an area of employment, I do not consider the Council has justified a level of growth of over 25% in this relatively small category B settlement. The allocation would involve the development of a large greenfield site which would represent a significant incursion into the open countryside. At a time when there is sufficient supply to satisfy the housing requirement, the allocation of an additional greenfield site would be unsustainable.

Recommendation:

11.77.4. I recommend the plan be modified by PC327.

11.78. HSG1(46) North of Issa Farm, Bryn y Baal, Mynydd Isa**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
333	407	Payne-Jones	DEP	S	No
334	408	McKiernan	DEP	S	No
941	1237	Jones	DEP	S	No
963	1263	McGuill	DEP	O	No
1037	1365	Jones	DEP	S	No
1119	1506	Anwyl Construction Company Limited	DEP	S	No
1179	1632	Roberts	DEP	O	No
1270	1755	Richardson	DEP	O	Yes
1366	1898	Argoed Community Council	DEP	O	No
1447	2006	Parsonage	DEP	O	No
2397	5126	North Wales Estate & Development Co	DEP	O	No
2603	5884	Dodd	DEP	O	No

2658	6226	Campaign for the Protection of Rural Wales	DEP	O	No
4458	11602	Sears	DEP	O	No
4459	11603	Symonds	DEP	O	No
4460	11604	Jones	DEP	O	No
4461	11605	Bogle	DEP	O	No
4462	11606	Smyth	DEP	O	No
4463	11607	Doughty	DEP	O	No
4465	11609	B.R.A.N.D	DEP	O	No
4469	11617	Duggan	DEP	O	No
4471	11621	Singleton	DEP	O	No
4472	11622	Shorthouse	DEP	O	No
4474	11625	Williams	DEP	O	No
4475	11627	Williams	DEP	O	No
4476	11629	Louw	DEP	O	No
4478	11632	McMahon	DEP	O	No
4479	11634	Kingman	DEP	O	No
4481	11637	Edwards	DEP	O	No
4482	11639	Clarshaw	DEP	O	No
4484	11642	Prile	DEP	O	No
4485	11644	Collings	DEP	O	No
4487	11646	Ralphs	DEP	O	No
4488	11649	Williams	DEP	O	No
4489	11650	Williamson	DEP	O	No
4491	11652	Anderson	DEP	O	No
5054	13057	Shone	DEP	O	No
5078	13114	Lloyd	DEP	O	No
5084	13123	Kelso	DEP	O	No
5086	13129	Rooke	DEP	O	No
5090	13136	Heathcote	DEP	O	No
5094	13138	Williams	DEP	O	No
7239	17723	Madders	DEP	O	No

Summary of Objections:

Rep No	Summary
All	The allocation is poorly related to the existing settlement pattern and will extend development into the open countryside. It should be deleted from the settlement and included in green barrier. It is not well related to public transport and community facilities. Bryn-y-Baal has already absorbed a significant level of growth. The sewerage system is inadequate and cannot cope with existing flows. Other infrastructure such as schools, medical facilities are strained. There is limited shopping and more houses could result in more anti-social behavioural problems. Additional traffic will cause danger for pedestrians and there will be conflict with access opposite the school. There will be an adverse impact on wildlife, loss of views etc. Develop brownfield or alternative greenfield sites instead

Key Issues:

11.78.1. Whether the allocation should be:-

- i) deleted and removed from the settlement boundary
- ii) designated green barrier.

Conclusions:

11.78.2. I have a fundamental problem with HSG1(46) in that because of its location, shape, landscape and the surrounding topography, I find it would be poorly related to the existing pattern of development and a significant incursion into the rural area. My conclusions on other allocations/omission sites mean that the deletion of this component of housing supply would not result in an inadequate supply of land in the County.

- 11.78.3. I shall therefore delete the allocation and recommend the settlement boundary is redrawn to exclude the site. However, because of the location of the existing green barrier boundary and its primary purpose of preventing the coalescence of settlements, I do not consider it is necessary to protect the site in this way. The location and nature of existing development mean coalescence is unlikely to occur and it seems to me that the countryside, wildlife and landscape policies are robust enough to offer sufficient protection from development.
- 11.78.4. I appreciate that Mynydd Isa is a category B settlement with an indicative growth band of 8 - 15 % and I acknowledge that completions, commitments and the allocation would together result in just over 6% growth. However, my conclusions earlier in this chapter make it clear that the growth levels should not be regarded as prescriptive and there will be occasions when growth is below the indicative levels.
- 11.78.5. This is the case in Mynydd Isa at present. The built up nature of the settlement means there are virtually no opportunities to develop within the defined boundary and the green barrier to the west, is strategically important to separate settlements. To the east there is a significant area of land which lies between Mynydd Isa and Buckley which may in the future provide a strategic area for growth, but that is for investigation in a comprehensive way as part of a future plan. The information available to the inquiry does not justify such extensive development within the UDP plan period.
- 11.78.6. I note here that my conclusions in respect of the site at Rose Lane mean that it is capable of making a contribution to housing supply in Mynydd Isa in the place of HSG1(46).
- 11.78.7. Looking now at other specific reasons which have been advanced for the deletion of the site. Whilst I appreciate objectors' concerns about the necessary infrastructure, the information I have seen does not support the view that these matters would necessarily preclude the allocation. In the Flintshire context the size, level of services and accessibility of the settlement make it a sustainable location to accommodate more growth.
- 11.78.8. That being said, it cannot be disputed that drainage is a perennial problem. However, there are policies in the plan such as GEN1(h) and EWP15(c)(d) which would ensure development *has regard to the adequacy of existing public services, would enhance the existing water treatment and supply and would have access to adequate sewerage and sewage treatment facilities*. The provision of a SUDS would also ensure potential flooding is taken into account. If these policies are rigorously applied, the allocation would at the worst, not exacerbate the current situation.
- 11.78.9. The Council's highways officer has looked at potential traffic flows, road capacity, configuration and access arrangements and despite the proximity of the school and its inevitably high level of activity at peak times, is satisfied that the network is capable of accommodating the proposed development in a satisfactory manner. Similarly where there are issues about school capacity the local education authority consider the matter can be adequately addressed by a financial obligation. This is not an unusual circumstance.
- 11.78.10. My conclusions on STR4 in Chapter 3 indicate that 7400 is a satisfactory level of housing supply for the plan period which has proper regard to migration. It is not in my view appropriate at this stage in the UDP to

undertake a fundamental review of brownfield sites, it would unnecessarily delay the adoption of the plan. In this respect, whilst the objectors require more information from the Council, they do not dispute the figures in FCC's statement or the extent of work undertaken. I do not find any particular tension between the spatial strategy and the location of brownfield land. PPW recognises at para 2.7.1 that not all such land is suitable for development.

- 11.78.11. My conclusions on HSG2A explain why I do not consider the mix of development on offer should be significantly changed and no other brownfield sites have been suggested as a realistic alternative to HSG1(46). In response to objections to the settlement strategy, although I have some reservations, I consider that it is satisfactory to guide development until 2015, but should be subject to review as part of the LDP process which will replace the UDP.

Recommendation:

- 11.78.12. I recommend HSG1(46) be deleted from the plan and excluded from the settlement boundary.

11.79. HSG1(47) Rear of/and New Brighton Service Station, New Brighton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
373	462	Hargreaves	DEP	O	No
1118	1485	Wright	DEP	O	No
1366	1897	Argoed Community Council	DEP	O	No
1456	2016	Hughes	DEP	O	No
1723	3111	Williams	DEP	O	No
2396	5120	Gower Homes	DEP	O	No
3564	9111	Roberts	DEP	O	No
3619	9252	New Brighton Bowling Club	DEP	O	No
277	338	Atkinson	DEP	S	No

Summary of Objections:

Rep No	Summary
462	Problems with access, lack of facilities, antisocial behaviour, loss of property value
1485	Use land for allotments
1897	Lack of facilities, particularly shops and school, play space and highway safety issues
2016	Problems with drainage, water supply, school capacity, access/traffic; loss of garage, wildlife habitat; need for toddler provision, medical facilities, continued bus services, human rights considerations; harm to community
3111	Loss of views and property values, antisocial behaviour, drainage problems
5120	Site is contaminated and has access problems. Development would harm neighbours' amenity and be less sustainable than other potential sites in village
9111 9252	Drainage problems, traffic/access, power supply, school capacity

Key Issue:

- 11.79.1. Whether the allocation should be deleted.

Conclusions:

- 11.79.2. Insofar as 5120 deals with an alternative site. This is addressed at HSG1 - New Brighton below.
- 11.79.3. New Brighton is a category B settlement with an indicative growth band of 8 - 15%. Since the start date of the plan there have been relatively few new houses either permitted or built. It has a shop/post office, public house, hotel with leisure facilities and a community centre, whilst schools can be found nearby in Mynydd Isa, employment and leisure at the County Hall complex and in Mold generally, and shopping at Mold and Mynydd Isa. I am told the village is served by a regular bus service and I share the view of the Council that it has capacity for some growth.
- 11.79.4. Whilst I appreciate objectors' concerns about services and the like, the Council has consulted the statutory bodies who have not objected to the allocation on capacity grounds. This includes the local education authority and DCWW. I have seen no substantive evidence which indicates otherwise. There are policies in the plan such as GEN1(h) which provide a basis for the adequacy of electricity and other services to be addressed at the planning application stage. In respect of impact on birds and wildlife, the site is not recognised as being of nature conservation interest at international, national or local level and I have seen no details about its particular ecological value. This matter does not therefore weigh against the allocation.
- 11.79.5. The Council's highways officer is satisfied that an acceptable vehicular access conforming to the standards in TAN18 can be provided. Therefore the allocation should not result in unacceptable highway dangers. The details of that access would need to be the subject of a planning application. Since the objections were originally made the garage/service station appears to have ceased business. There is therefore no facility to be lost, although I note that there is a large petrol filling station just to the east of the village at the junction of the A5119 and A494.
- 11.79.6. Crime and disorder appears to be an ongoing problem for residents and beyond the remit of the UDP process. These matters need to be addressed under different powers. Additional houses would not *per se* create more behavioural problems and details of development submitted at the planning application stage would need to take account of GEN1(b) and D6. Similarly whilst the loss of a particular view and loss of property value are not planning matters, in general terms the impact on residents' living conditions is a matter which it would be appropriate to address at the planning application stage. I accept there may well be contamination of the site from its previous use, but I have seen no evidence which demonstrates why this contamination would preclude development.
- 11.79.7. Whilst one objector mentions human rights and the possibility of conflict with Articles 1 and 8 of the First Protocol of the European Convention on Human Rights, no case is put forward. And I note that even though it may be argued that development plans are not determinative of Human Rights, I have had regard to the articles in reaching my conclusions.
- 11.79.8. The site is part brownfield, has a firm defensible boundary on its western side which would abut the open countryside, and with development on 3 sides would *round off* the settlement. It would not, to my mind, be seen as prominent or reducing the gap between New Brighton and development to

the west. There is no substantive evidence which would justify its use for other purposes such as allotments and I conclude that the allocation should remain in the plan.

Recommendation:

11.79.9. I recommend no modification to the plan.

11.80. HSG1(48) Cae Isa, New Brighton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1119	1509	Anwyl Construction Company Limited	DEP	O	No
1366	1896	Argoed Community Council	DEP	O	No
1456	2017	Hughes	DEP	O	No
1750	17254	Neudorfer	DEP	O	No
2106	4797	Countryside Council for Wales	DEP	O	No
2396	5121	Gower Homes	DEP	O	No
2678	6407	North East Wales Wildlife	DEP	O	No
3564	9110	Roberts	DEP	O	No
3619	9248	New Brighton Bowling Club	DEP	O	No

Summary of Objections:

Rep No	Summary
1509	Delete allocation. Will result in excessive growth and extend into open countryside
1896	Lack of facilities, particularly shops and school, play space and highway safety issues
2017	Problems with drainage, water supply, school capacity, access/traffic; loss of wildlife habitat; need for toddler provision, medical facilities, continued bus services, Human Rights considerations; harm to community
17254	Close gap between Sychdyn and New Brighton. Add to traffic problems in Sychdyn
4797 6407	Proximity to great crested newt ponds and habitat. Would require appropriate mitigation
5121	Awkward shaped site does not recognise landscape features. Could be ownership issues. Site is less sustainable than other potential sites in village
9110 9248	Drainage problems, land liable to flooding, questionable power and school capacity

Key Issue:

11.80.1. Whether the allocation should remain in the plan.

Conclusions:

- 11.80.2. Insofar as 5121 deals with an alternative site. This is addressed at HSG1 New Brighton below.
- 11.80.3. New Brighton is a category B settlement with an indicative growth band of 8 - 15%. Since the start date of the plan there have been relatively few new houses either permitted or built. It has a shop/post office, public house, hotel with leisure facilities and a community centre whilst schools can be found nearby in Mynydd Isa, employment and leisure at the County Hall complex and in Mold generally, and shopping at Mold and Mynydd Isa. I am told the village is served by a regular bus service and I share the view of the Council that it has capacity for some growth.

- 11.80.4. Whilst I appreciate objectors' concerns about services and the like, the Council has consulted the statutory bodies who have not objected to the allocation on capacity grounds. This includes the local education authority and DCWW. I have seen no substantive evidence which indicates otherwise. I note that policies in the plan such as GEN1(h) provide the basis for the adequacy of electricity and other services to be addressed at the planning application stage.
- 11.80.5. Given the distance between New Brighton and Sychdyn, I do not share one objector's view that there would be an unacceptable narrowing of the gap between the two villages. Similarly the area of land adjacent to HSG1(48) outside the settlement boundary but excluded from the green barrier may in the Council's view be suitable for development at some time in the future. However, for the duration of this plan it forms part of the open countryside and is subject to the restrictive policies of GEN3 which would not permit further growth. I do not consider the lack of green barrier recognition should be considered as a precedent for development in the LDP. Any changes to designations will need to be the subject of thorough review and consultation as part of that process.
- 11.80.6. There is no substantive evidence which demonstrates that the allocation would result in such an increase in traffic on New Brighton Road that it would compromise highway safety. I have also had regard to access which the Council's highways officer is satisfied can be provided to an acceptable standard. It does not therefore appear to weigh against the allocation as asserted by some objectors.
- 11.80.7. However, all that being said completions, commitments and HSG1(47) would amount to about 9.5% growth in the settlement. Add to that HSG1(48) the level of growth would rise to almost 19%, which is above the indicative level. Given the range of facilities actually within the village I do not consider development of this level should be encouraged unless it can be justified on the grounds of housing need in line with my recommendation to HSG3.
- 11.80.8. I have considered whether it would be more suitable for development than HSG1(47) which is part brownfield and has no evident insurmountable constraints. However, HSG1(48) is liable to flood/has a marshy nature and is close to newt habitat. Together with its irregular shape, it seems to me that there are some doubts that it could be developed in line with HSG8 which seeks to encourage densities which make the most efficient land. As a consequence I consider it scores lower than HSG1(47) when the criteria set out in PPW (9.2.8 and 9.2.9 MIPPS 01/2006) are taken into account. As a consequence I shall delete it from the plan.
- 11.80.9. This would leave a settlement boundary which is undefined on the ground. It follows no recognisable features and I find no logic to it. In order to *round off* the settlement in this location I consider the boundary should follow the rear fences of houses on the northern side of Cae Isa and extend in a south westerly direction to the most south western point of allocation HSG1(48). Together with other unallocated land to the west this would give the potential for some windfall growth. I shall recommend accordingly.

Recommendations:

- 11.80.10. I recommend the plan be modified by:-

- i) deleting HSG1(48)
- ii) redrawing the settlement boundary to follow the rear fences of houses on the northern side of Cae Isa and extending beyond that to the most south western point of allocation HSG1(48).

11.81. HSG1(49) Connah's Quay Road/Formal Petrol, Northop

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in appendix A11			

Summary of Objections:

Rep No	Summary of Representations
3183	Land should be used for employment purposes not housing
4798 6408	Site may provide habitat for great crested newts. Development should include appropriate mitigation
All others	Allocation would be overdevelopment of village. Level of development is harming character of settlement. Majority of site is greenfield. It is not well related to the village and its facilities. There is already congestion in the area causing pollution. Access onto and use of a fast busy road, particularly for children would be dangerous. There are no footpaths. Sewerage and other services are inadequate. Concerns about capacity of local school, loss of privacy, light and views and devaluation of properties. There would be a loss of countryside and attractive landscape. Village needs affordable starter units not market housing. Delete or reduce size of allocation

Key Issue:

11.81.1. Whether the allocation should be reduced in extent or deleted.

Conclusions:

- 11.81.2. Suggestions of an alternative site in Northop are dealt with below at HSG1 - Northop. I note that not all objectors have been given a separate number in relation to an alternative site, but the matters raised by those objectors are similar to other objections and I am satisfied that the principles of them have been addressed.
- 11.81.3. The site of the former petrol station has now been developed for 5 houses. In recognition of this the Council proposes PC329 which deletes this element of the allocation. It is a sensible change to make reflecting the situation on the ground.
- 11.81.4. The plan provides for a satisfactory level of growth and the allocation is a component of housing supply. Northop is a category B settlement where planned growth will be about 22% which is somewhat above the indicative growth band of 8 –15%. However, Northop is a main village with a reasonable level of services and facilities and it is in an accessible location next to the A55 between Mold and Flint. I have taken account of the potential for further growth from windfall developments. And also considered the development at Northop Country Park, but that is a somewhat isolated development set in the countryside at some distance from the defined village limits. It would be inconsistent with other localities for its growth to be added

to that of Northop. In principle I do not consider the potential level of growth would result in overdevelopment of the village.

- 11.81.5. The objection site is a rectangular parcel of land which fronts the B5126 Connah's Quay Road and backs onto houses in Aber Crescent and Park View. It is well contained, has firm boundaries and would not be intrusive in the wider countryside surrounding Northop. Development on the site may change the appearance of/extend the limits of the village but at the level of growth envisaged it would not fundamentally alter its character. Careful attention to design and detail will ensure that the setting of the church/conservation area is respected.
- 11.81.6. Although the search sequence for land means brownfield sites in urban locations should have priority, PPW (9.2.8 MIPPS 01/2006) recognises that settlement extensions can also on occasions be appropriate. In the case of Northop my conclusions in respect of the omission sites put forward indicate that I find HSG1(49) preferable to the suggested alternatives.
- 11.81.7. Whilst I can understand objectors' fears about the hazardous nature of pedestrian access along Connah's Quay Road, there is the potential to provide an alternative route for walkers along Church Road. This link would also mean the site would relate better to existing development. Neither the Council nor Inspector who considered a planning appeal on the site in 2004 found there to be any problems with either providing an access or the capacity of the local highway network to deal with the additional flows generated by development. The evidence available to this inquiry, including the accident statistics, does not lead me to reach a different view.
- 11.81.8. 4798 and 6408 do not challenge the principle of development on nature conservation grounds and as a consequence it would be reasonable to address this matter as part of the development control process once details are available in a planning application. This does not mean the matter is not an important one, but if there is no substantive objection, such matters do not preclude the allocation. It is appropriate for them to be considered in relation to the details of a planning application as part of the development control process.
- 11.81.9. Although there are general concerns about drainage and sewage infrastructure there is no outstanding objection from DCWW and I am satisfied that policies such as GEN1 and EWP15 will ensure these matters are satisfactorily dealt with as part of the development control process. Similarly whilst concerns cover a whole range of services, the several rounds of consultation with statutory and non statutory service providers did not result in objections to the allocation. The local education authority is satisfied that at present there is capacity at the local school and that the potential additions to the school roll can be adequately dealt with.
- 11.81.10. From my visit to the site and its surroundings I do not believe that development *per se* would cause unacceptable living conditions for neighbours in terms of loss of views, privacy, daylight and the like. If affordable housing is needed HSG10 will ensure it is provided and likewise HSG9 seeks an appropriate mix and type of properties. The plan seeks to provide for all sectors of a community.
- 11.81.11. As regards an employment allocation, the site contributes to the setting of the church and the conservation area. An employment use on the land because

of its nature would not be an appropriate form of development. The objector does not say why the site should be allocated for such purposes and I can take 3183 no further.

- 11.81.12. In combination the above leads me to conclude that the allocation, as modified by PC329 should remain in the plan.

Recommendation:

- 11.81.13. I recommend the plan be modified by PC329.

11.82. HSG1(50) Cae Eithin Farm, Northop Hall

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in appendix A11			

Summary of Objections:

Rep No	Summary
Objections to HSG1(50)	
4800	Reduce allocation because of wildlife interest. Retain SW corner as landscape screen
6409	Needs full ecological surveys to identify species value
6568	Development needs to take account of and mitigate impact on badgers
17838	This objection is dealt with at HSG1 - Northop Hall below with 17840
All others	Services/facilities in Northop Hall are few or non existent. There are drainage problems. Schools are over subscribed. More traffic on inadequate roads would exacerbate pollution, congestion and highway dangers especially for children and the elderly. Development would harm the landscape, nature conservation interests and the like in this sensitive area. Brownfield sites should be considered first. Farming land would be lost. The scale of allocation would be disproportionate to the size of the village which has grown significantly in the recent past. It would compromise village life. Allocation would not deliver affordable housing. There would be a loss of disabled parking, views and development would result in overlooking. Delete allocation
Objections to extending HSG1(50) - PC330	
18459	Site needs a development brief to take account of biodiversity issue
All others	Extension to allocation will exacerbate problems caused by allocation

Key Issue:

- 11.82.1. Whether the allocation should be deleted and PC330 rejected.

Conclusions:

- 11.82.2. My conclusions in Chapter 3 STR4 make it clear that the plan provides for a satisfactory level of growth and the allocation is a component of housing supply. Whilst Northop Hall is comparatively small (650 dwellings), in the Flintshire context, it has a reasonable level of local services/facilities and is relatively close to larger centres. Given these factors I consider Northop Hall to be a sustainable location to accommodate some growth and am satisfied that its categorisation as a B settlement with an indicative growth band of 8 - 15% is appropriate.
- 11.82.3. According to the Council's figures, taking account of commitments and completions, there has from 2000 until 2005 been only 3% growth.

HSG1(50) would bring that up to just over 10% whilst taking account of PC330 this would rise to about 13%. In numerical terms the proposed level of growth would not be untoward. It is a matter of fact that there was a significant amount of development in the years preceding the start date of the plan, but it would be inconsistent with the treatment of other settlements if this growth were to be added to the figures quoted above. The level of growth now proposed in the plan is not to my mind disproportionate to the size of the village and its range of local facilities.

- 11.82.4. The settlement strategy in line with national principles seeks to distribute growth in a sustainable way. The Council says and I do not doubt, that in making allocations it has followed the search sequence set out in PPW. Brownfield sites are not always available/appropriate for development. In such circumstances it is acknowledged in PPW (9.2.8 MIPPS 01/2006) that development of greenfield sites and extensions to settlements may be acceptable. I am not aware of any brownfield sites within the immediate vicinity which would be sequentially preferable to the allocation. Therefore HSG1(50) is not inconsistent with national policy or indicative of unsustainable development.
- 11.82.5. Most of the objectors are concerned about the highway implications of the allocation/PC330. However, evidence from the Council's highways officer indicates that a safe access, in accord with the national standards set out in TAN18, can be achieved and that, despite the road configuration, the capacity is available to deal with the anticipated number of trips generated by the proposed allocations. Through the village I am told that further traffic calming can be undertaken and it seems to me that this would improve road safety. The road network to the east and west of the village has or will be improved. Therefore whilst I can appreciate objectors' concerns the evidence does not indicate that highway matters would preclude the allocation/proposed change. This conclusion is based on a combination of written, heard and visual evidence. It takes full account of pavement/road widths, traffic flows through the village and the like.
- 11.82.6. In relation to schools, the latest information produced by the Council indicates that there are surplus places in Northop Hall County Primary School, its nursery and Hawarden High School. In relation to other services and utilities several rounds of consultation with statutory and non statutory service providers have not resulted in outstanding objections from these organisations, either to the allocation on its own or cumulatively with others. Policies within the UDP, including GEN1 and EWP15, will ensure that existing public utilities such as electricity and sewerage are properly taken into account before development goes ahead. Consequently I am satisfied that the scale of development proposed would not put undue pressure on those facilities.
- 11.82.7. PC330 seeks to retain a reasonable level of growth in the settlement whilst addressing concerns about nature conservation interests identified during the consultation process. Similarly given the location of the allocation/PC330 which have development on 3 sides, the impact on the wider area of countryside is limited. The central location of the site along Village Road, means it relates well to the services and facilities in the village. In these circumstances there does not appear to be any overriding reasons why landscape and wildlife considerations should preclude development. Any

matters such as parking, overlooking and the like can be addressed in the usual way when details are available as part of the development control process. Appropriate policies in the UDP will safeguard these interests.

- 11.82.8. Although reference is made to the recreational value of the site, there is no formal public access and the open space survey undertaken by the Council points to a surplus of open space in Northop Hall. Development of even PC330 would not affect any public rights of way. The allocation either on its own or together with PC330 is of sufficient size to contribute to the supply of affordable housing. There are legal mechanisms which can be put in place which will ensure that it remains affordable in perpetuity.
- 11.82.9. Finally 18190 refers to alternative sites. Insofar as land behind Gardd Eithin is concerned my comments are to be found below under HSG1 - Northop. In respect of the other 3 sites, Plas Ifan/Gentone are part of a loose group of dwellings in the countryside separated from and poorly related to the settlement. The other 2 sites Well Field Farm and St Mary's Park extension are arguably further away from the facilities in the village and would be seen as extensions to and not a consolidation of the built form. I note in addition there is no information about the availability of these sites.
- 11.82.10. Overall I conclude the allocation should remain and PC330 should be incorporated into the plan.

Recommendation:

- 11.82.11. I recommend the plan be modified by PC330.

11.83. HSG1(51) White Lion, Penyffordd

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3185	Flintshire Green Party	DEP	O	No
112	225	Hewitt	DEP	O	No
223	275	Tranter	DEP	O	No
269	328	St John the Baptist Aided School	DEP	O	No
341	415	Lea	DEP	O	No
767	1021	Hewitt	DEP	O	No
1475	2051	Edwards	DEP	O	No
1885	3492	Ramblers Association Wales	DEP	O	No
2106	4801	Countryside Council for Wales	DEP	O	No
2658	6197	Campaign for the Protection of Rural Wales	DEP	O	No
2678	6410	North East Wales Wildlife Trust	DEP	O	No
3555	9063	David McLean Homes Ltd	DEP	S	No
4688	12166	Jones	DEP	O	No
4692	12175	Jones	DEP	O	No
4698	17718	Hinds	DEP	O	No
4699	12191	Parry	DEP	O	No
4702	12198	(Petition on behalf of residents)	DEP	O	No
4704	12203	Wilder	DEP	O	No
4708	12212	Parry-Jones	DEP	O	No
4715	12231	Tiley-Phillips	DEP	O	No
4717	12237	Jones	DEP	O	No
4721	12248	Red Lion Strollers	DEP	O	No
4724	12255	Heaton	DEP	O	No

4721	18378	Red Lion Strollers	PC	O	No
4721	18605	Red Lion Strollers	PC	O	No

Summary of Objections:

Rep No	Summary
All	The settlement strategy, selection of sites, densities do not comply with PPW. Housing is not required. Village is losing its character. The allocation will serve the needs of Cheshire. Development exceeds the indicative growth band and will result in town cramming. In a peripheral location remote from community facilities. Inadequate services and facilities – schools, doctors, dentists, leisure, community facilities and shops. Doubts about drainage capacity. The highway network is inadequate and proximity of school raises road safety issues. Additional traffic has environmental consequences. Should ensure provision of starter homes/affordable housing and bungalows. Should include further recreational space within the allocation. Site is of ecological value. Impact on great crested newt habitat, development must include mitigation. Loss of green belt and impact on countryside. Need to safeguard the footpath and bridle path. Development will result in increase in crime and devalue property. Development should be phased. Agreements with residents should be entered into to address issues before development commences. Alternative sites suggested

Key Issue:

11.83.1. Whether the allocation should be deleted.

Conclusions:

- 11.83.2. Whilst I have some reservations about the spatial strategy I support the categorisation of settlements into broad bands. As suitable brownfield sites are in short supply in Flintshire, it is inevitable that allocations will need to be made on greenfield sites and this is recognised in PPW (9.2.8 MIPPS 01/2006). My conclusions regarding specific allocations and omission sites are to be found in the relevant sections of this chapter. Generally I find the allocations are in line with PPW. There is no guidance in PPW about what levels of density would be appropriate in different areas. However, at the start of this chapter I recommend that all allocated sites should achieve a minimum of 30 dwellings/ha. Development at such a density would result in the efficient use of land and would not lead to town cramming.
- 11.83.3. In my conclusions to STR4 in Chapter 3, I find the plan provides a sufficient supply of land to meet the identified overall housing need. Flintshire is not a self contained unit and there is an interdependence between it and neighbouring areas in terms of housing and employment markets. This is recognised in the WSP. Penryffordd & Penymynydd is a category B settlement with an indicative growth band of 8–15 %. It is one of the larger settlements in this category and it is appropriate that it makes provision for a portion of the housing needs. In my view it would not be reasonable to ignore migration with other authorities given Flintshire's attractive border location and relative economic prosperity.
- 11.83.4. Completions, commitments and the allocations result in growth of some 23%. Planning permission has been granted on appeal for housing development at the former Meadowslea Hospital site. This development would increase growth to 25%. Whilst this is above the indicative growth band, bearing in mind the location and accessibility to facilities and services in the settlement and nearby, I do not consider this level is unreasonable. Some objections assert that the village facilities are inadequate to serve the additional population. However, during my visit I saw a reasonable range of shops and

community facilities. Whilst I have no doubt many would like to see more facilities and services in town and villages I do not find the settlement is poorly provided with facilities in the Flintshire context.

- 11.83.5. The petition does not identify the sites within the old settlement boundary that are considered suitable for housing development and I am unable to comment further on this matter. I consider the merits of allocating HSG1(52) and various sites that have been put forward for allocation in HSG1 – Penyffordd & Penymynydd below.
- 11.83.6. The most recent information before me indicates there is spare capacity in local schools. Whilst the additional number of schoolchildren from the two allocations would result in a shortage of school spaces this scenario would not happen overnight and there would be adequate time to address such matters through developer contributions towards additional school facilities. The availability, level, or denomination of religious education in the County is not a matter for the UDP. The bodies responsible for the provision of medical facilities have not objected to the housing allocations.
- 11.83.7. Turning to the site specific considerations. The allocation is adjacent to part of the built up area and I do not consider it is poorly related to the existing settlement pattern. The adjacent countryside is not identified as being of landscape value and the existing hedgerows form a firm eastern boundary. The allocation is not a major and damaging incursion into the countryside that compromises the essential setting of the settlement. Whilst the ponds are a prominent feature within the site they do not split the site in two or set a boundary to development further east.
- 11.83.8. Whilst the site is on the periphery of the existing built up area, the shops and community facilities in the centre of the settlement are within generally accepted walking distance. It is a matter for the Council to determine whether or not traffic impact studies are required and I make no comment on this matter. The Council's highways officer indicates that, given the site frontage onto the A5104, and subject to road improvement works, a satisfactory access can be achieved. There is no substantive evidence before me to conclude that this is unreasonable. There will be environmental consequences as a result of additional traffic movements wherever new development is located and I do not consider this issue precludes the allocation. This site is within reasonable reach of two railway stations and bus routes pass it.
- 11.83.9. DCWW is the body responsible for overseeing drainage and sewerage infrastructure. Policies in the plan including GEN1(h) and EWP15 will ensure the appropriate provision for surface and foul water disposal. I do not consider the allocation is diminished by the lack of a survey of drainage and sewerage.
- 11.83.10. The settlement is characterised by housing estates of various styles and age. The allocation would not be detrimental to or out of keeping with that character. HSG9 and HSG10 will ensure there is suitable housing in terms of mix and affordability and SR5 requires the provision of open space. AC2 protects public rights of way to ensure they are sympathetically incorporated into the design of new development.
- 11.83.11. There are no green belts in Flintshire and consequently there would be no loss of such land. It is acknowledged that the area is of ecological value and

appropriate mitigation measures to conserve and protect the habitats and species would be dealt with as part of the development control process. In the absence of any supporting material I am unable to comment on the assertion that the Habitats Directive would be breached. However, I note that CCW does not object to the principle of allocating the land.

- 11.83.12. The plan does not phase developments and I see no reason why it should in this case. The development control process considers the impact a specific proposal could have on residents and it will be for that process to determine the most appropriate way to deal with relevant concerns.
- 11.83.13. The level of policing and effects development may have on property values are outside the scope of the UDP.
- 11.83.14. My conclusions in SR7(a) in Chapter 15 with regard to recreation provision are relevant.

Recommendation:

- 11.83.15. I recommend no modification to the plan.

11.84. HSG1(52) Wood Lane Farm, Penyffordd

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in Appendix A11			

Summary of Objections:

Rep No	Summary
Objections to the allocation	
All	The plan does not comply with PPW with regard to the settlement strategy; selection of sites to allocate; or, appropriate density. Further housing is not required in this settlement which is losing its village character. The allocation will not serve needs of local people but those from Cheshire. The overall development exceeds the indicative growth band for a category B settlement. Will result in town cramming and loss of green belt. Inadequate services and facilities – doctors, dentists, leisure, community facilities and shops. Schools already at capacity. Provision of church school education should be at least maintained at present levels. Drainage and sewerage systems should have been surveyed and a traffic impact study should have been carried out. The highway network is inadequate. Additional traffic has environmental consequences. Should ensure provision of starter homes/affordable housing and should comprise bungalows not houses. Should include further recreational space within the allocation. Need to safeguard footpath through the site. Development will result in an increase in crime and vandalism and have an adverse effect on property values. The area is subject to pollution from Castle Cement. This is a large site and development should be phased over the life of the plan. Agreements with residents should be entered into to address issues before development commences. Alternative sites within the old settlement boundary have not been considered. A buffer of trees should be planted along the bypass. A community woodland should be created at the south western corner of the allocation. The football pitch should remain in its current position. Alternative sites have been suggested at Vounog Hill and either side of Corwen Road
Objections to PC331	
18470	Land previously proposed for a sports pitch is unsuitable for housing due to poor drainage; houses would result in loss of privacy and natural daylight
18376 18604	Object to PC331; the number of houses should be significantly reduced on the entire site

Key Issue:

- 11.84.1. Whether the allocation should be deleted/amended.

Conclusions:

- 11.84.2. Background – To reflect updated highway access advice and the investment made in establishing the existing recreational facility off Lilac Drive, PC 331 amends this allocation to include the area shown as SR7(a) and to revise the position of the SR7 designation to the location shown in the Alyn & Deeside Local Plan. It is on that basis that I consider the objections.
- 11.84.3. Many of the more generic objections are the same as those raised for HSG1(51) above. I do not repeat my conclusions on those matters in detail. Briefly, I find the allocations are generally in line with PPW; development would not lead to town cramming; it is appropriate that this settlement makes provision for a portion of the housing needs; it would not be reasonable to ignore migration given Flintshire's attractive border location and relative economic prosperity; growth of 25% (taking into account the former Meadowslea Hospital site) is not unreasonable; the settlement's range of shops and community facilities is adequate; there is spare capacity in local schools; there would be adequate time to address any shortfall in the medium to longer term; and, the bodies responsible for the provision of medical facilities have not objected to the housing allocations.
- 11.84.4. The petition does not identify the sites within the local plan boundary that are considered suitable for housing development and I am unable to comment further on this matter. I consider the merits of various sites that have been put forward in HSG1 – Penyffordd & Penymynydd below.
- 11.84.5. Turning to the site specific considerations. It is a matter for the Council to determine whether or not traffic impact studies are required. The Council's highways officer indicates that, subject to improvements to the Silver Birch Way/Hawarden Road junction, satisfactory road access can be achieved. There is no substantive evidence before me to conclude that this is unreasonable. I am satisfied the approach roads enable suitable access for emergency vehicles. This site is within reasonable reach of the railway station and bus routes.
- 11.84.6. The site is not in an area identified as being at risk of flooding and I note that the bodies responsible for such matters have not objected to the allocation. DCWW do not object to this allocation. Policies in the plan including GEN1(h) and EWP15 will ensure the appropriate provision for surface and foul water disposal. I do not consider the allocation is diminished by the lack of a survey of drainage and sewerage.
- 11.84.7. The settlement is characterised by housing estates of various styles and age. I do not consider the allocation would be detrimental to or out of keeping with that character. HSG9 and HSG10 will ensure there is suitable housing in terms of mix and affordability and SR5 requires the provision of open space. AC2 protects public rights of way to ensure they are sympathetically incorporated into the design of new development. As a result of PC331 the existing football pitch and associated land is retained. Whilst some objections do not consider the provision is adequate my conclusions in SR7(a) in Chapter 15 are relevant. As I indicate there the matter can be progressed outside the UDP or considered as part of the LDP process.

- 11.84.8. The plan does not phase developments and I see no reason why it should do so in this case. The development control process considers the impact a specific proposal could have on residents and the community and it will be for that process to determine the most appropriate way to deal with relevant concerns.
- 11.84.9. There are no green belts in Flintshire and consequently there would be no loss of such land. Landscaping and screening provision is a detailed consideration for the development control process. The site for the suggested community woodland is outside the allocated site and the settlement boundary. Rather confusingly this has been raised by CCW in the absence of a proposal for such a scheme. This matter would be addressed by TWH4.
- 11.84.10. With regard to the effect of the Castle Cement plant, the relevant statutory bodies have raised no objection to this allocation. In the absence of substantive evidence to support the assertions regarding the impact of this plant on public health, I am unable to comment further.
- 11.84.11. The level of policing and effects development may have on property values are outside the scope of the UDP.
- 11.84.12. PC331 – The housing allocation has not increased in size as a result of the change. And despite the amended area my conclusions on matters such as risk of flooding, drainage and sewerage, overlooking and loss of daylight remain the same. Because I consider the size of the allocation is appropriate for this settlement, it follows I do not support the reduction in the number of dwellings.

Recommendation:

- 11.84.13. I recommend the plan be modified by PC331.

11.85. HSG1(53) Former Sewage Works, Wat's Dyke Way, Sychdyn

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in appendix A11			

Summary of Objections:

Rep No	Summary
4803	Needs to incorporate measures to safeguard reptiles and provide a wildlife corridor
6412	Recommend a full ecological survey be carried out
All other objections to HSG1(53) and PC334	Development would not meet the sustainable objectives of the plan. There is no need for additional housing, but if there was it could best be met on another site. Development of HSG1(53) would have serious implications for local infrastructure including the school and sewerage system. It would create extra traffic which would raise highway safety issues particularly in respect of OAP housing, the school and the Vownog junction with the A5119. It would harm Wat's Dyke, the footpath, local wildlife and encroach onto a greenfield area of countryside which is valued by the community. It would create a precedent for further releases of land. More houses would destroy the character and community spirit of Sychdyn. There will be loss of views and devaluation of property. The addition of more land to be developed by PC334 would only exacerbate the situation.

Key Issues:

11.85.1. Whether:-

- i) the allocation should be deleted or retained
- ii) PC334 should be added to the allocation.

Conclusions:

- 11.85.2. I note at the outset that my conclusions below deal only with the planning merits of the allocation/PC. It is not for me to comment on other matters.
- 11.85.3. My conclusions in relation to growth in Flintshire to be found primarily in Chapter 3 STR4 indicate that I consider a supply of 7400 new homes plus an allowance for flexibility is appropriate. The conclusions accept that migration must be taken into account.
- 11.85.4. Similarly, whilst I have some reservations about the spatial strategy I also support the categorisation of settlements into broad bands. Sychdyn is category B with an indicative growth of 8 – 15%. Given the size of the settlement, its level of services and access to public transport I consider this to be an appropriate category. Even though there is little in the way of employment in the village, it has public transport and is relatively close to Mold. It has a school, recreational/play area, village hall, shop, post office, hairdressers and public house. A number of objections indicate there is a strong community spirit with a bowls club, toddlers group and the like.
- 11.85.5. From the start date of the plan, completions and commitments have resulted in about 3% growth, whilst adding HSG1(53) would increase this to about 9%. Adding PC334 would bring this to over 11%. HSG9 and HSG10 will ensure there is suitable housing in terms of mix and affordability. It has been suggested that growth since 1995 should be taken into account, but the Council has consistently used figures from 2000. This represents the start date of the plan and it would be illogical for that date to be changed for Sychdyn. That does not mean I negate the comments made about growth before 2000. However, despite the earlier growth I am told by objectors that *existing facilities are thriving and used full to capacity* and that Sychdyn is *an attractive rural community*. That is the starting point. The change which occurred appears to have been assimilated into the village life.
- 11.85.6. I appreciate that the sustainability of more growth is questioned given the level of services and facilities, but it must be remembered that in seeking to meet the underlying sustainable objectives of the plan, the Council is not starting from a blank canvas. The existing settlement pattern and significant constraints such as internationally important nature conservation sites, areas at risk of flooding and the like mean that what would otherwise be appropriate locations or brownfield sites are not suitable for development in Flintshire.
- 11.85.7. Taking an overview of the County it seems to me that in the Flintshire context it would be impossible to provide the level of housing required and also meet all the aspirations of sustainable principles. In making my recommendation therefore there is a need to reach a balanced judgement. It is against this background that my comments, not only on HSG1(53) but other allocations in this plan are made.
- 11.85.8. The Council refers to the site as part brownfield, but from my inspection I do not agree, it seems to me that because the remains of the former use have

blended into the landscape they can reasonably be considered part of the natural surroundings. The allocation does not therefore meet the definition of previously developed land to be found in Fig 2.1 of PPW. I do not regard the rather ramshackle fence around part of the site sufficient to make it brownfield.

- 11.85.9. That being said I am not aware of any brownfield sites within Sychdyn or any comparable greenfield site within the settlement boundary which would be suitable for development. In such circumstances the search sequence set out in PPW (MIPPS 01/2006) recognises that settlement extensions may be appropriate. My conclusions on the alternative sites put forward are to be found below at HSG1 - Sychdyn. They demonstrate that I do not consider they should be developed during the plan period. As a consequence it follows that because of constraints such as access, impact on Wat's Dyke, the green barrier and nature conservation, they would not offer a preferable alternative to HSG1(53). I note here that in their consideration I do not specifically mention such matters as greenfield land or proximity to services as there is negligible difference between them.
- 11.85.10. Part of the land has in the past been in agricultural use, although it was not cultivated or used for grazing at the time of my visit. I am told it is classified grade 3. PPW 2.8 seeks to protect the *best and most versatile* agricultural land (grades 1, 2 and 3a). However, as it is not clear whether the site is grade 3a or 3b, it therefore remains inconclusive about whether there is conflict with PPW. I note there has been no objection to the allocation from WAG on this ground.
- 11.85.11. The site is not formally recognised as a wildlife site at any level, but being open land it obviously does have ecological value. Local residents refer to reptiles, water voles, bats, badgers and the like. So far as I know there has been no recent in depth ecological survey. It was not included in the 1999 survey of wildlife sites as it had been marked as (agriculturally) improved grassland in the CCW phase 1 vegetation survey. Moreover in 2002 when it was checked by the County's ecologist, albeit briefly, it was only the hedges which were considered worthy of safeguarding. Since that time CCW has not objected to the principle of the allocation and given that measures could be incorporated into any scheme to mitigate effects on nature conservation interests, I do not find this matter would of itself preclude the allocation.
- 11.85.12. The line of Wat's Dyke is contiguous with the south western boundary of the site and I accept the need to recognise the historic importance and maintain the continuity of the Dyke. However, in this locality the Dyke is not a SAM and is no longer visible because it has been fragmented by previous developments. CPAT have not objected to the principle of development but would like to see either investigation/recording prior to development or the avoidance of built development over the line. These are matters which in principle could be accommodated as part of a development and the line of the footpath maintained so as not to compromise the long distance heritage trail.
- 11.85.13. Local residents obviously enjoy using the footpath and there is no reason why that should be prevented by the allocation. The difference would be houses to the north east of the path for a short stretch. So far as I know there is no legal right of public access onto the site itself.

- 11.85.14. I am satisfied that an acceptable access can be provided to the land. It may necessitate more traffic going past elderly persons housing but subject to satisfactory road markings and footpaths I see no reason why the level of traffic generated by a development of the size that could be accommodated on the site would compromise pedestrian safety for neighbours. Similarly I have looked at the ways traffic to and from the development could be dispersed onto the main road network and I find little to challenge in the Council's highways officer's views. The conditions may not be ideal, but I consider in principle the resultant traffic could be safely accommodated on the roads, and I do not find the junctions to be so substandard that they would seriously compromise road safety.
- 11.85.15. I accept that there is congestion at the beginning and end of the school day, but this is not an unusual situation and is of relatively short duration. When visiting Sychdyn outside those times traffic on the village roads was negligible (apart that is from the A5119). The nature of local roads, particularly the lack of footpaths means that there is potential conflict and highway safety issues for walkers. However, this is not a new situation. Conditions would not significantly change with the level of development proposed.
- 11.85.16. The evidence indicates that the pupil roll at the school fluctuates, but whilst having full regard to the concerns of the schools governors, nothing I have seen indicates that school capacity would prevent relatively limited growth (11% in 15 years) of the village. The local education authority have not objected to the development.
- 11.85.17. Drainage, electricity, water capacity and the like have been raised as recurrent problems in the locality. However, there is no outstanding objection from DCWW or the utility providers and there are policies in the UDP which would ensure that development would not worsen and could potentially improve current problems. If properly applied, and there is no reason to believe a responsible body like the Council would do otherwise, policies such as GEN1(h), EWP15(c)(d) would ensure development *has regard to the adequacy of existing public services, would enhance the existing water treatment and supply and would have access to adequate sewerage and sewage treatment facilities.*
- 11.85.18. HSG1(53) shares only its south western boundary with the settlement and essentially there is little in the way of built development to the north of Ffordd Eldon/Vownog Newydd. In plan form the allocation appears to be a significant spur out into the open countryside, poorly related to the built form of the village. Whilst this is in part true, the relationship is not so poor when seen on the ground. The vegetation around the site means that it is, to a large extent contained by trees/hedgerows and/or the stream. Moreover in plan form it is little different to the estate between Wat's Dyke Way and Vownog Newydd which is now an integral part of the village.
- 11.85.19. I appreciate the fears that the allocation would act as a precedent for more land to be developed. It is clearly the Council's intention to investigate the possibility in the future. But it would not automatically follow that this would be the case. Much would depend on future circumstances which will need to be explored as part of the production of the LDP. In the interim however, to allow a degree of consistency between plans, I do not consider the land should be included in the green barrier. For the duration of the UDP countryside policies will ensure that development to the north of HSG1(53) is

restricted. I note my conclusions here should in no way be read as supporting development beyond the allocation.

- 11.85.20. Allocation of and eventual development of the site would inevitably bring change for neighbours, but it is a function of the development control process to ensure that living conditions of present and future occupiers are not materially harmed by development. Nothing I have seen, heard or read convinces me that such matters should prevent development. Finally I would note that it is not the number of objections which dictate whether the allocation should be included in the plan, but the planning weight to be given to them. In this case whilst objectors raise legitimate planning concerns my conclusions indicate that they are not of sufficient weight to justify the deletion of the allocation.
- 11.85.21. Turning briefly to PC334. Whilst a site with a longer frontage onto Ffordd Eldon would enable the provision of a development which would integrate better with existing housing and facilitate access, I see no reason for land outside the proposed settlement boundary to also be included. I therefore support PC334 only partially. This matter is also dealt with at GEN2 - Sychdyn in Chapter 4.

Recommendation:

- 11.85.22. I recommend that portion of PC334 which lies within the settlement boundary be incorporated into HSG1(53).

11.86. HSG1(54) Ysgol Talfryn, Brynford

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
287	351	Brynford Community Council	DEP	O	No
1133	1571	Eaton	DEP	O	No
2043	3794	Clwyd Powys Archaeological Trust	DEP	O	No
2319	4767	Brunton	DEP	O	No
2338	4840	Inskip	DEP	O	Yes
2467	5452	Jones	DEP	O	No
5677	14259	Doyle	DEP	O	No
5678	14261	Harrison	DEP	O	No
5680	14266	Rosedale	DEP	O	No

Summary of Representations:

Rep No	Summary
351	HSG1(54) should comprise a maximum of 20% affordable housing to meet community needs
1571	Needs to be some affordable housing, improvements to drainage and access, size of school increasing a community hall before development goes ahead
3794	May need to be preplanning evaluation due to proximity to a number of County sites and monuments and registered historic landscape
4767	Better alternative sites nearby to round off settlement. HSG1(54) would harm rural character, there would be highway dangers. Delete allocation and demolish ugly school building
4840	Plan does not recognise sites capable of development. There is inadequate provision of housing. Housing site is inappropriate
5452	Highly prominent site poorly related to settlement. It would overdevelop village. An alternative site at Pentre Halkyn should be allocated instead
14259	Return to agricultural use and retain character, would harm adjacent footpath, devalue

	property. There is no capacity at school and access would create dangers onto B5121
14261	There are other more suitable infill sites, access is poor, development would be out of keeping with surroundings, and nature conservation interests would be harmed
14266	Object to allocation

Key Issue:

11.86.1. Whether the allocation should be deleted.

Conclusions:

- 11.86.2. Insofar as some objectors refer to alternative sites these are dealt with at HSG1 - Pentre Halkyn and HSG1 – Brynford.
- 11.86.3. Apart from a small estate of houses to the north of the school, Brynford is essentially a linear settlement with houses built out from the cross roads of the B5121 and Brynford Road. Its rural nature and linear form is characterised by development on only one side of the roads with sporadic development along the highways and scattered in the attractive open landscape of Halkyn and Holywell commons.
- 11.86.4. The defined settlement has about 150 houses and development on the site would result in some 20% growth. Cumulatively with commitments and completions growth would be 24% in a category C settlement where the indicative growth band is only up to 10%.
- 11.86.5. The site is on the edge of the built up area and poorly related to existing houses, separated from them by the school. Apart from the school, nursery and church, I saw only a small shop and a public house adjacent to the A55. The hall appears to have been closed for some time. Whilst there is a bus service along the B5121, I am told its service is limited in terms of frequency and destination. With so few facilities within the village it is likely that of necessity development would result in most journeys being by private car to access employment, shops and other day to day services and facilities. This would be unsustainable. In principle, even in the Flintshire context where growth is envisaged in small settlements with limited services, the nature of the surroundings and the level of facilities in Brynford do not in my view justify the level of growth proposed.
- 11.86.6. I appreciate that the site is brownfield but PPW (para 2.7.1) recognises that not all previously developed land is suitable for redevelopment. In this case I consider the location of the site militates against its allocation and I shall recommend its deletion from the plan.
- 11.86.7. Objectors to the proposal have put forward numerous other reasons why the allocation should be deleted, but I find that the evidence on these additional grounds has not been substantiated in respect of matters such as school capacity, highway safety, drainage and wildlife. In terms of the visual impact of development much would depend on the design and layout of a scheme and its landscaping. Altogether these matters do not add weight to my conclusions.

Recommendation:

- 11.86.8. I recommend the plan be modified by the deletion of HSG1(54) and the deletion of the site from the settlement boundary.

11.87. HSG1(55) Station Yard/Depot, Coed Talon & Pontybodkin**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3123	Flintshire Green Party	DEP	O	No
59	3127	Flintshire Green Party	DEP	O	No
1454	2014	Llanfynydd Community Council	DEP	S	No
1885	3638	Ramblers Association Wales	DEP	O	No
2043	3806	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4772	Countryside Council for Wales	DEP	O	No
2678	6393	North East Wales Wildlife	DEP	O	No
3579	9126	S P A Davies & Sons	DEP	O	No

Summary of Objections:

Rep No	Summary
3123 3127	Site is employment land, delete housing allocation, retain as employment and protect as transport route
3638 4772 6393	Safeguard former track bed as a walkway and wildlife/landscape strip
3806	May require archaeological assessment prior to development
9126	This objection is dealt with in Chapter 4 under GEN2 - Coed Talon & Pontybodkin with 9128

Key Issue:

11.87.1. Whether the allocation should be deleted.

Conclusions:

- 11.87.2. Whilst the site is bisected by a former railway, the track bed no longer exists within the site which is currently used as a scrap yard. That being said the Council intends to ensure that development on the site would allow for future links through to the track bed beyond. In this way continuity will be restored through the site.
- 11.87.3. I am told that in former development plans the site was allocated for employment purposes which have not been implemented. In line with PPW 7.2.1 employment allocations were reviewed as part of the UDP preparation and the Council has determined that the site would be better utilised for housing. Such a use would result in environmental and residential amenity improvements and the reuse of brownfield land. Whilst only a category C settlement, the boundary of Coed Talon and Pontybodkin is contiguous with Leeswood, which is category B and has a wider range of facilities and services. Therefore even though planned development (that is excluding windfalls) would result in about 33% growth, I consider the circumstances justify the allocation.
- 11.87.4. There has been no objection in principle to the allocation on archaeological grounds and these matters can be addressed as part of the development control process. I consider the allocation should remain.
- 11.87.5. Whilst I do not recommend any modification in respect of the objections above to HSG1(55), my conclusions under GEN2 - Coed Talon are that the allocation should be modified to reflect the situation on the ground. The recommendation below reflects this.

Recommendation:

- 11.87.6. I recommend the plan be modified by the extension of HSG1(55) and the settlement boundary to include all the developed area of the scrap yard, but excluding the tree lined slope on the western edge of the site and the line of the former railway to the north of the bulk of the site.

11.88. HSG1(56) Council Depot, Chester Road, Dobshill**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3660	Ramblers Association Wales	DEP	O	No
2255	4402	Penn	DEP	O	No
3917	10069	Ashford	DEP	O	No
4675	17715	Penyffordd Community Council	DEP	S	No
4688	17708	Jones	DEP	S	No

Summary of Objections:

Rep No	Summary
3660	Should include a landscaped strip and pedestrian links
4402	Object to additional housing in this small hamlet; additional traffic along Chester Road
10069	Concerns regarding highway safety, electricity supply and visual impact

Key Issue:

- 11.88.1. Whether the allocation should be deleted.

Conclusions:

- 11.88.2. Dobshill is a category C settlement with an indicative growth band of 0 – 10%. The built up area is largely grouped around the roundabout with housing extending along the feeder roads.
- 11.88.3. Topic Paper 2 indicates the former depot and adjacent sawmill site are considered to provide opportunities for growth at Dobshill. Development would result in growth of 30% which is far in excess of the indicative band. I note that the settlement boundary includes undeveloped land nearer to the centre of this small settlement, the development of which would enable a more appropriate level of growth.
- 11.88.4. The site is on the edge of the built up area and poorly related to the main part of the settlement. The only facilities to serve this small community I saw during my visit are the garage forecourt shop, the ball park off The Woodlands and the playground/playing fields adjacent to this site.
- 11.88.5. Given the limited facilities and the limited public bus service the residents of the proposed housing would be heavily dependant on the car to gain access to employment, shops and other day to day services and facilities. I do not consider the facilities in Dobshill justify the level of growth that would result from this allocation which would not be sustainable even within the context of Flintshire's settlement strategy which envisages some growth in very small settlements.
- 11.88.6. I acknowledge the allocation is on a brownfield site but the search sequence given in PPW (9.2.8 MIPPS 01/2006) refers to the reuse of previously

developed land and buildings within settlements. Given its peripheral location, and the recognition in PPW (para 2.7.1) that not all previously developed land is suitable for development I do conclude that this allocation should be deleted from the plan.

Recommendation:

- 11.88.7. I recommend the plan be modified by deleting HSG1(56) and amending the settlement boundary to exclude the depot and sawmill sites.

11.89. HSG1(57) Main Road, Higher Kinnerton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in appendix A11			

Summary of Objections:

Rep No	Summary
1548	Allocation will result in an extension which would not offer any benefits to the community. There is a better alternative at the other end of the village
All others	Development has been refused in the past because of loss of historic views mentioned in the Domesday Book and detriment to the village's character. Brownfield sites should be developed first. There is no need for more housing. It would cater for residents of Cheshire. Problems include highway dangers, poor access and on street parking, lack of play facilities, school places and public transport, harm to character of village and wildlife, impact on drainage of Lower Kinnerton, reduction of property values

Key Issue:

- 11.89.1. Whether the allocation should be deleted.

Conclusions:

- 11.89.2. I have considered whether because of its category C classification the allocation should be deleted. However, within the C settlements Higher Kinnerton is a relatively large village with a reasonable range of facilities and the development is a small one which together with completions and commitments would result in about 11% growth. As a consequence, although it is finely balanced, I consider the allocation should remain. In reaching this conclusion I am mindful of my conclusions on HSG3.
- 11.89.3. I appreciate that objectors believe there is no need for more housing, but the allocation is a component of supply identified to meet housing need. Because of its location it is inevitable that development in the village will be attractive to both residents of Flintshire and Cheshire and I deal with migration in Chapter 3 STR4. I note however, that the size of the site will mean that it will deliver an element of affordable housing and HSG9 requires a mix of housing types.
- 11.89.4. Whilst part of the open countryside, the site relates well to the nucleated pattern of development. It is triangular shaped with a frontage onto and facing properties on Main Road. The north eastern boundary abuts houses in Cannon Way and the south eastern side is contiguous with a dismantled

railway. The site would round off the village and has firm defensible boundaries.

- 11.89.5. I do not question the importance of the historical roots of the village. However, today it is essentially modern in character and the level of housing proposed would not fundamentally change either its character or appearance. I am aware that in 1989 a previous inspector considered the site should not be developed, for amongst other reasons, the loss of a historic view to the east. However, from my inspection, although I agree that the view is important, it seems to me that given the limitations on it because of topography, the opportunity to develop a scheme that is sensitive to it and the views which would remain from the footpath system to the east, this matter does not justify deletion of the allocation.
- 11.89.6. I note the local education authority has not objected because of school capacity and several rounds of consultations with both statutory and non statutory service providers have resulted in no fundamental objections to the allocation. I am told that DCWW will address the overloading of the sewage pumping system as part of their 2005-2009 business plan. In any event policies within the UDP such as GEN1 and EWP15 will ensure that these matters can be addressed satisfactorily at the development control stage, as can nature conservation interests. Similarly although I appreciate local residents fears about highway safety, there is no substantive evidence on this count which indicates a safe access cannot be provided or that the local road network is incapable of accommodating the traffic generated by a further 30 or so houses.
- 11.89.7. As suitable brownfield sites are in short supply in Flintshire, it is inevitable that allocations will need to be made on greenfield sites and this is recognised in PPW (9.2.8 MIPPS 01/2006). Shortly in response to 1548 I would note that in principle I do not consider community benefits would make what would otherwise be an unacceptable allocation acceptable. Such matters are not an integral part of the site selection process.

Recommendation:

- 11.89.8. I recommend no modification to the plan.

11.90. HSG1(58) Lllys Dewi, Pen-y-Ffordd

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1244	17411	Grocott	DEP	O	No

Summary of Objection:

Rep No	Summary
17411	Backland site, loss of open land and hedgerows

Key Issue:

- 11.90.1. Whether the allocation should be deleted from the plan.

Conclusions:

- 11.90.2. The site is a small rectangular one close to the centre of the village and well related to its facilities. Whilst its development would result in the loss of land that is currently open I do not consider its openness and undeveloped nature is critical to either the character of the village or necessary to separate differing types of housing. The impact of development on neighbouring properties and hedgerows could be addressed as part of a planning application. They are not matters which affect the principle of development.
- 11.90.3. I have considered whether because of its category C classification the allocation should be deleted. However, within the C settlements Pen-y-Ffordd has a reasonable range of facilities and the development is a small one which together with completions and commitments would result in about 10% growth. As a consequence, although it is finely balanced, I consider the allocation should remain. In reaching this conclusion I am mindful of my recommendations on HSG3.

Recommendation:

- 11.90.4. I recommend no modification to the plan.

11.91. HSG1 - Alltami**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
633	846	Lee	DEP	O	No

Summary of Objection:

Rep No	Summary
846	Permission should be given for a dwelling at Ewloe Wood House, Pinfold Lane

Key Issue:

- 11.91.1. Whether the site should be allocated for housing.

Conclusions:

- 11.91.2. It does not fall within the remit of the UDP to grant planning permission for dwellings. The purpose of the plan is to set out a framework of policies against which applications for development can be determined. The objector has provided no reasons why the site should either be allocated for housing or included within a settlement boundary.
- 11.91.3. Sites for housing are only put forward if they can provide more than 10 dwelling units. The objection site extends to about 600sqm, it is therefore unlikely to be able to accommodate sufficient dwellings to be an allocation. In general to encourage sustainable development the plan's policies seek to concentrate development within the defined built up areas which have access to a number of services and facilities. The objection site is located about 650m from the nearest settlement boundary of Northop Hall within an area where open countryside policies apply. There is therefore no logical settlement boundary within which it could be included.

- 11.91.4. In these circumstances to provide a policy base to enable development would result in unsustainable sporadic development in the open countryside contrary to the underlying principles of the plan. In this particular instance it would also be likely to constrain development in an area of search for new waste management facilities.

Recommendation:

- 11.91.5. I recommend no modification to the plan.

11.92. HSG1 - Bagillt

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
770	1038	Eden	DEP	O	No
1289	1786	Evans	DEP	O	No
1289	1789	Evans	DEP	O	No
1462	2024	David McLean	DEP	O	No
2335	4832	Parry	DEP	O	No
2345	4880	Corbett	DEP	O	No
2398	5152	Muller Property Holdings Ltd	DEP	O	No
2614	17642	The Representative Body of the Church in Wales	DEP	O	No
2615	6014	Castlemead Homes Ltd	DEP	O	No
2615	6015	Castlemead Homes Ltd	DEP	O	No
2615	6016	Castlemead Homes Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
1038	Seeks allocation of land south of Victoria Park. A natural extension to residential development that would enable improvements to existing access; no loss of good agricultural land; no additional strain on emergency services
1786	Seeks allocation of land west of Alwen Drive; natural rounding off at the head of a cul-de-sac
1789	Seeks allocation of land off Sandy Lane. A logical rounding off and enable the scale of development required in Bagillt
2024	Seeks allocation of land south of High Street
4832	Seeks allocation of land at Tyn Twll Lane. Plan fails to make adequate provision for housing. Site is contiguous with the settlement and would not form an intrusion into the countryside. This land would sustain the area for a significant period
4880	Seeks allocation of land adjacent to Victoria Park. Plan fails to make adequate provision of land for housing. Uncertainty with regard to contribution made by windfall sites coming forward. Site is well positioned in relation to adjoining housing and would not set a precedent since steep slope renders adjacent land undevelopable. Would not intrude into surrounding countryside or harm the integrity of the green barrier. Would consolidate housing and integrate the Victoria Park development into the urban form
5152	Additional housing provision required in the plan. Allocate land to the north west of Bagillt and include within the settlement boundary. Not within a green barrier; contained by residential development and convenient for public transport and employment
6014	Environmental constraints in category A settlements indicate more allocations will be required in category B settlements. Appropriate site with no flood risk or SSSI constraints
6015	Environmental constraints in category A settlements indicate more allocations will be required in category B settlements. Seeks allocation of land south of New Brighton Road. Appropriate site with no flood risk or SSSI constraints
6016	Environmental constraints in category A settlements indicate more allocations will be required in category B settlements. Seeks allocation of land east of Gladys Lane. Appropriate site with no flood risk or SSSI constraints

17642	L3(3) is not required for burial purposes and should be allocated for housing development
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Key Issue:

- 11.92.1. Whether the sites should be allocated for housing and the settlement boundary amended where appropriate.

Conclusions:

- 11.92.2. Bagillt is a category B settlement with an indicative growth band of 8 - 15%. I support the deletion of two housing allocations – Bedol Farm HSG1(22) and Victoria Park HSG1(23) for the reasons set out earlier in this chapter. As a consequence, indicative growth in Bagillt during the plan period, taking into account completions, commitments and HSG1(24), would be 12%.
- 11.92.3. I conclude in my response to STR4 that the level of new housing in the plan is appropriate. 6014, 6015 and 6016 refer to a need for category B settlements to include more housing allocations to make up for a shortfall in category A settlements. However, no evidence is provided to support these assertions and I do not find this is the case. It is not a sound argument to justify further allocations in Bagillt. In principle, the process of establishing settlement boundaries indicates that consideration has been given to sites within or on the edge of settlements.
- 11.92.4. 1038 – The main argument to justify the allocation of this land appears to be the opportunity to improve the existing unadopted Victoria Park road and access. Since I conclude that adequate provision has been made to enable an appropriate growth in Bagillt I do not consider the benefits to be gained by those works are sufficient to justify the allocation of this land. Furthermore, I support PC313 which deletes HSG1(23) and as a consequence Victoria Park would be divorced from the settlement. It would be perverse and illogical to allocate this isolated area of land which would further extend development into the surrounding countryside. The other arguments in support of the allocation do not outweigh these considerations. My recommendations regarding the settlement boundary in GEN2 – Bagillt and green barrier in GEN5 are also relevant.
- 11.92.5. 1786 – Access constraints would restrict development to a maximum of 4 dwellings off a private drive. Given the extent of the site this would not be an efficient use of land. Furthermore, allocating this land would not be a logical rounding off of development.
- 11.92.6. 1789 – The allocation of this land would further extend the settlement into the adjoining countryside to the detriment of its rural character and this would not result in a logical rounding off of the development. Since I find that adequate provision has been made for growth in Bagillt the allocation of this land and the associated extension to the settlement boundary is not necessary.
- 11.92.7. 2024 – The site is within the settlement boundary and any proposal to develop the site for housing would be considered under HSG3. Since the plan only allocates land that can accommodate 10 or more dwellings, it is not appropriate to allocate this small site.
- 11.92.8. 4832 – The allocation of this land would extend the settlement into the adjoining countryside to the detriment of its rural character. Additional pressure would be placed upon a substandard road junction that serves this area and since I find that adequate provision has been made for growth in

Bagillt I do not consider the allocation of this land and the associated extension to the settlement boundary is necessary.

- 11.92.9. 4880 – I do not consider that over reliance has been placed on windfall sites coming forward within Bagillt. HSG1(23) was deleted partly due to the uncertainty surrounding the former landfill site. This land is closer to that landfill site and a substantial portion is within a C2 flood risk zone. For these reasons it would not be appropriate to allocate the site for housing development.
- 11.92.10. In supporting the deletion of HSG1(23) I recommend that the settlement boundary be redrawn to exclude the Victoria Park development and the intervening undeveloped land, as a consequence it follows that this objection site would not consolidate the urban form but would appear as an incongruous extension of the settlement.
- 11.92.11. 6015 - land north of Sandy Lane – This large site would result in growth of some 8% which, when combined with the existing completions, commitments and HSG1(24), would be well in excess of the indicative growth band. Furthermore, the resulting significant volume of traffic would have to use Tyn Twll Road which is substandard for a considerable length with a substandard junction onto the A5026. I note that with regard to another objection relating to part of this land (3690 GEN2 in Chapter 4) it would appear that satisfactory access could be provided onto the A5026. However, this does not outweigh my objection to the resulting over provision of housing development in the settlement.
- 11.92.12. 5152, 6014 – This site would result in growth of some 8.5% which, when combined with existing completions, commitments and HSG1(24), would be well in excess of the indicative growth band. Furthermore, access to this land is constrained and its elevated position would result in development visually intruding into the countryside to the detriment of the setting of this part of Bagillt.
- 11.92.13. 6016 - This large site would result in growth of some 7.5% which, when combined with the existing completions, commitments and HSG1(24), would be well in excess of the indicative growth band. Furthermore, the highway approaches to the site are significantly below standard to cope with the likely traffic levels.
- 11.92.14. 17642 – land adjacent to St Mary's Church – The site is within the settlement boundary and the scale of any housing development would be unlikely to exceed the indicative growth band. As such housing development would be acceptable in principle. However, the site forms part of a designated green space within this urban setting. Although this area is heavily overgrown it nevertheless is of amenity value. To allocate this part of the green space area for housing would significantly alter its character and amenity value. Furthermore, the land does not have any link to a public highway and it is unclear how such access would be achieved. In my judgement the arguments in favour of allocating this land for housing development do not outweigh its amenity value.

Recommendation:

- 11.92.15. I recommend no modification to the plan.

11.93. HSG1 - Bretton**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2293	4624	Griffin Design	DEP	O	No

Summary of Objection:

Rep No	Summary
4624	Include site adjacent to Bretton Court Mews as housing allocation. Would contribute at least 10 low cost/affordable dwellings. Short distance from retail park in a sustainable location

Key Issue:

11.93.1. Whether the land should be allocated for housing.

Conclusions:

- 11.93.2. Bretton is a category C settlement with an indicative growth band of 0 -10%. The site would accommodate some 11 dwellings resulting in 20% growth. This would be substantially above the indicative levels for such settlements. Bearing in mind the small size of the settlement and the limited facilities available I see no reason to provide for such a level of growth. Further representations indicate that a minimum of 30% of the dwellings would be available as affordable homes. However, such an undertaking could not be guaranteed should ownership of the land change during the plan period. Furthermore, the level of affordable housing that will be provided through planning policies on land allocated in nearby Broughton, offer greater advantages in terms of sustainability. I do not consider the arguments put forward justify allocating this land for housing development.
- 11.93.3. My comments regarding amending the settlement boundary to include this land are to be found in GEN2 in Chapter 4.

Recommendation:

11.93.4. I recommend no modification to the plan.

11.94. HSG1 - Broughton**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
477	615	Hawarden Estate	DEP	O	No
1119	1496	Anwyl Construction Company Limited	DEP	O	No
1119	1512	Anwyl Construction Company Limited	DEP	O	No
7411	18703	Development Securities Plc	DEP	O	No

Summary of Objections:

Rep No	Summary
615	Allocate land north of Main Road for housing; inadequate provision; logical extension; not set precedent; enable highway improvements and other benefits
1496	Allocate land to the west of the retail park for housing; suitable for development within Category B settlement

1512	Allocate land north of Main Road for housing if HSG1(25) is deleted or growth band is increased
18703	Allocate land to the west of the Retail Park (the Compound Site); suitable brownfield location; appropriate to exceed growth band; area for long-term growth opportunities

Key Issue:

11.94.1. Whether the objection sites should be allocated for housing.

Conclusions:

- 11.94.2. Broughton is a category B settlement in which the indicative growth band is 8-15%. Housing completions, commitments and allocation HSG1(25) (based on 30 dwellings per ha) would result in growth of some 17%.
- 11.94.3. 615 & 1512 – north of Main Road – My conclusions regarding the adequacy of the provision of land for housing are to be found in STR4 in Chapter 3. Those conclusions do not support the allocation of this land for housing development. This area of some 11.0ha could result in the development of some 300 dwellings resulting in growth well beyond the indicative growth band for this settlement. I do not consider this land provides any associated benefits that outweigh the allocation made in HSG1(25) or the additional land west of the Broughton Retail Park that I recommend below for housing development. There is no evidence before me to support the assertions that the allocation of this area is necessary in order to resolve existing highway problems or to overcome other deficiencies in the area. The argument that a site will not set a precedent does not justify this site over another. Furthermore, this site is within the Airport Safeguarding Area for Hawarden Airport and development would be detrimental to the safety of aircraft using that facility.
- 11.94.4. My conclusions regarding the merits of the existing allocated site are to be found in HSG1(25) above. Since I do not consider that it should be deleted or that Broughton should be classified as a category A settlement it follows that I do not support the additional arguments put forward in 1512 for this site.
- 11.94.5. 1496 & 18703 – West of Broughton Retail Park – The site identified in 1496 is slightly larger than the site identified in 18703 (the Compound Site). However, they raise similar issues. The inclusion of this land would increase growth levels by some 2%. Whilst this would slightly exceed the indicative growth band I consider it would be acceptable given the range of facilities and employment opportunities in the area.
- 11.94.6. If the area is required to provide a buffer between the housing development to the west and the Retail Park I see no reason why the development of an appropriately designed housing development would conflict with that purpose. Its development would not have a detrimental impact on the setting of the adjacent Broughton Retail Park. It could be designed to minimise visual and noise intrusion from this edge of the retail park and also provide an opportunity for landscaping.
- 11.94.7. On balance I consider the small area of land at the southern end of the site identified in 1496 should not be included in the housing allocation since the arguments in favour of its inclusion do not outweigh the reasons for allocating the land as green space. On that basis I support the area identified as the compound site in 18703.

Recommendation:

- 11.94.8. I recommend the plan be modified by allocating the compound site west of Broughton Retail Park for housing development.

11.95. HSG1- Brynford**Representations:**

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2614	17641	The Representative Body of the Church in Wales	DEP	O	No
2338	17626	Inskip	DEP	O	No
1273	1760	Flavell	DEP	O	No

Summary of Objections:

Rep No	Summary
1760	Site has had planning permission and was included in the settlement in past. It has access and is available. It would have a minimum impact on village infrastructure, far less than HSG1(54). It would not create a precedent
17641	Allocate land for housing
17626	There is an inadequate supply of housing land. The site is contiguous with the built up area and would not be intrusive in the countryside

Key Issue:

- 11.95.1. Whether additional land should be allocated for housing and/or included within the settlement boundary.

Conclusions:

- 11.95.2. The UDP has made sufficient provision to meet a housing requirement of 7400 without the need for further allocations. Brynford is a category C settlement with an indicative growth band of 0 - 10%. In general in such locations I recommend at HSG3 that development should be limited to local needs only because of the level of services/facilities and/or locations of such settlements. Since 2000 I am told that there has been 4% growth in Brynford. My recommendation to delete HSG1(54) make it clear that I have serious concerns about, and do not support, further planned growth in the village. Turning now to site specifics.
- 11.95.3. 1760 – The site is greenfield open land along the northern side of Brynford Road. To its west development is included within the built up limits of the village whilst to its east the group of 12 or so houses are located in the open countryside. The site forms a distinct break in development and to the north affords attractive views of the open countryside which are a characteristic of and provide a rural setting for the linear form of Brynford. Whilst development of the site would not create ribbon development it would consolidate the ribbon and so be contrary to the objectives of PPW (9.3 MIPPS 01/2006).
- 11.95.4. Although there is a planning history to the site, those decisions were made against a different policy background and my conclusions above make it clear that it is not necessary to allocate further greenfield sites to meet housing need. I appreciate the desire of the objector to provide a minimal development of 3 houses, but national and emerging UDP policies make it

clear that development should make the best use of land and be concentrated in sustainable locations. To accord with the general densities sought from new development the site could accommodate about 18 houses which would itself represent over 10% growth in Brynford. These factors lead me to conclude the site should not be allocated for housing nor be included within the settlement boundary where there would be a presumption in favour of development.

- 11.95.5. 17641 – The objection site is common land in the south east quadrant of the B5121 and Brynford Road crossroads. Its nature and open appearance mean it makes a significant contribution to the rural character of the village and the setting of St Michael's Church, a grade II listed building. As a consequence it has been recognised as a green space under L3(9). The objector does not give any reason why the site should be allocated for housing and in a situation where there is no need to identify more land for development and where the land contributes to the character of the settlement, I do not consider its allocation necessary or acceptable.
- 11.95.6. 17626 – The site lies to the east of built development in the north east quadrant of the cross roads. It has a frontage onto the B5121, is agricultural land and forms an intrinsic part of the open countryside. The shape/location of the site would result in development in depth which is uncharacteristic of the settlement form. Building in this location would be prominent and in the light of my conclusions above an unnecessary use of a greenfield site in an unsustainable location. Even if development were to be confined to the B5121 frontage it would extend the ribbon of development and so be contrary to advice in PPW (9.3 MIPPS 01/2006). It follows I do not consider the site to be suitable for development within the plan period.

Recommendation:

- 11.95.7. I recommend no modification to the plan.

11.96. HSG1 - Buckley

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
918	1227	Buckley Town Council	DEP	O	No
930	17407	Williamson	DEP	O	No
1044	1376	Jones	DEP	O	No
1397	1944	Strutt & Parker (Gwysaney Estate)	DEP	O	No
1438	1996	Hill	DEP	O	No
1506	2128	Jimsul Ltd	DEP	O	No
2296	4668	Hanson Brick/Leason Homes	DEP	O	No
2348	4887	Shone	DEP	O	No
2400	5161	Northern Regional Properties	DEP	O	No
2471	5483	Whitley Estates Ltd	DEP	O	No
2615	5995	Castlemead Homes Ltd	DEP	O	No
2615	5996	Castlemead Homes Ltd	DEP	O	No
2615	5997	Castlemead Homes Ltd	DEP	O	No
2615	5998	Castlemead Homes Ltd	DEP	O	No
2615	6001	Castlemead Homes Ltd	DEP	O	No
3566	9099	Sampson	DEP	O	No

3576	9119	Jones	DEP	O	No
3695	9471	Davies	DEP	O	No
4675	17717	Penyffordd Community Council	DEP	O	No
4688	17710	Jones	DEP	O	No
6457	15370	Tami MP	DEP	O	No
7434	18668	Moore	DEP	O	No

Summary of Objections:

Rep No	Summary
1227	Land at Bannel Lane would make a more suitable site than HSG1(2)
1376	Need for more housing. Land at Bryn y Pys Farm, Well Street should be allocated. It is next to existing and proposed houses. It would be a logical extension to the settlement, close to transport links. There are no constraints and it will create a defensible boundary
1944	There is a need for more housing. Site on Alltami Road is brownfield, within urban area and suitable for housing
1996	Allocate land south of Megs Lane adjacent to HSG1(2). It would round off settlement
2128	PPW emphasises the need for sustainable communities. Buckley is the least sustainable of the category A settlements. A mixed use allocation at Spon Green could provide playing space for expanded schools, leisure facilities for the town, more retail and readily available employment land. It would be in line with SRSS, particularly because of its proximity to the railway station. Proposal is supported by the former WDA. Seeks a mixed use allocation
4668	Seeks mixed use allocation. Buckley is a sustainable location to accommodate growth, but it is turning into a commuter settlement and there is no regeneration strategy. The brownfield objection site can satisfy demand and provide a new sub centre. There are no fundamental constraints and it is sequentially better to Well Street
5161 5483 5998	More housing land is needed. Site has residential on 3 sides, is in a sustainable location close to the station and would not prejudice green barrier, landscape or wildlife. It would round off the settlement and provide an alternative for HSG1(3). Allocate all or part of the site for housing, delete green barrier and extend settlement boundary
5995	Land between Liverpool Road and Ewloe Place would be an appropriate extension to Buckley if more housing is required
5996	Land to the south east of Well Street would be an appropriate extension to Buckley if more housing is required
5997	Land to south of The Brackens would be an appropriate extension to Buckley if more housing is required
6001	Land between Bannel Lane and Little Mountain is well related to the settlement pattern and would be an appropriate extension to Buckley if more housing is required
9119	Land to the south east of Well Street is preferable to HSG1.3. It has no drainage constraints. Development will result in gradual accommodation on the urban fringe. There is no need to divert a footpath. Access can be taken from Bryn Awelon
9471	Exclude parcel of land to west of Bannel Lane from green barrier. Housing to west of lane would reflect ribbon to north east
17407	Land at Penbrigog Farm would be a suitable alternative for HSG1(3)
18668	The site is level well drained land with good access and infrastructure. It is within easy access of all employment areas. It would contribute to housing need
4887	Allocate 0.7ha of land to south west of HSG1(1) for housing
9099 15370 17710 17717	A safer junction with Little Mountain Road and the A549 could be achieved by allowing a small residential development

Key Issue:

- 11.96.1. Whether the objection sites should be allocated for housing, included within the settlement boundary and/or deleted from the green barrier.

Conclusions:

- 11.96.2. My conclusions in Chapter 3 under STR4 indicate that sufficient housing land is available to meet a housing requirement of 7400 new homes plus a

flexibility allowance. Buckley is a category A settlement with an indicative growth band of 10-20%. Figures produced by the Council show that with completions, commitments and allocations there will be 17% growth. Moreover on top of this there is an extant planning permission for development at the former Lane End Brickworks which has the potential to deliver up to 300 dwellings. This would increase the rate of growth to 23%. There is therefore no necessity for additional sites to be allocated to meet either housing need Countywide or within Buckley. It is in this context that my comments below should be read.

- 11.96.3. 1944 – The site is within the settlement boundary where there is a presumption in favour of development, if there are no overriding constraints. I am told that an application for housing is currently under consideration by the Council. It appears that permission is likely to be forthcoming if ecological and contamination matters can be successfully resolved. If they can be, the site can be developed as a windfall, if they can't, it would be inappropriate to allocate the site for development. Because there remain residual doubts I do not believe the site should be allocated.
- 11.96.4. 4668 – Liverpool Road – The importance of Buckley is recognised in its designation as a category A settlement which can accommodate growth roughly between 10 - 20%. Whilst the objector argues that it should be a special case and accommodate more growth, I have seen no substantive evidence to support this. Other settlements within the County are going through change, have easy access to employment areas and the main road network and I have been provided with no comparisons with them. Moreover my conclusions in respect of the settlement strategy earlier in this chapter indicate that whilst I consider there are aspects of it which need to be reviewed, I do not recommend any fundamental changes in the context of the UDP.
- 11.96.5. Although a mixed use is sought there is a degree of flexibility with only the housing element being firm and the extent of that is variable. The proximity of and impact on the SAC would undoubtedly affect development of the site. The number of houses would have an impact on accesses and the local highway network and its ability to accommodate the additional traffic.
- 11.96.6. There is no evidence that there is a shortage of local facilities in the immediate area. A local centre if it contained a significant element of retail would have to be subject to the needs test. It seems to me that any development of significance could well have an impact on the town centre which is accessible to more people being the focus of public transport and the like. Whilst there are no wholesale plans for the regeneration/redevelopment of the centre, sites are earmarked for development and from my site visits I saw that some redevelopment/improvements are taking place within the enabling framework of policies which seek to support the centre as a focus for activities. Without further information I find these matters weigh against the allocation of the site and its inclusion within the settlement boundary.
- 11.96.7. The site is not brownfield. In principle, it would only become so if the extant permission had been implemented. There are no firm indications that this will happen in either the short or long term. In the light of these conclusions it seems to me that the objection site is not sequentially preferable to HSG1(3) which I deal with above in this chapter. My conclusions in the employment

chapter indicate that there is no need to make an alternative allocation to compensate for the deletion of EM1(3).

- 11.96.8. 5995 – This site is the part of 4668 closest to the junction of Liverpool Road and Ewloe Place. Like the larger site it abuts the SAC. It is undeveloped and forms an intrinsic part of the open countryside to the north of Buckley. The settlement boundary follows the extent of built development and is firm and defensible. In the light of both an adequate supply of housing and the character and appearance of the land I see no necessity for this greenfield site to be included within either the settlement boundary or allocated for housing.
- 11.96.9. 2128 – The site is an extensive one measuring over 36ha. It lies to the west of the sporadic properties on Bannel Lane and extends from the backs of dwellings on Spon Green south towards the A5118. The proposal is for a mixed use encompassing about 340 new homes, a 7900sqm supermarket, cinema/bowling alley/public house etc, open space and a business/technology park (about 5ha).
- 11.96.10. PPW (para 2.4.2) is supportive of mixed use schemes as a way to achieve regeneration and foster integrated communities. However, this is in the context of the existing settlement pattern and should be promoted by the UDP. The objection site has a poor relationship with the settlement. It would be a significant encroachment onto an area of green barrier in a prominent area of countryside to the south of the settlement. It would be the first extension beyond the well defined existing line of built development, result in the coalescence of Buckley and Padeswood/the cement works and effectively sever the strategic green barrier.
- 11.96.11. The figures in the UDP demonstrate that there is no need for additional housing or employment land in terms of either affordability, deliverability, quantity or quality of provision. The plan is capable of providing a suitable mix. Whilst the objector's statement refers to opinions of local experts about what is needed in Buckley and the area generally, these opinions are not backed up by any empirical or substantive evidence which would enable me to evaluate the suggested allocation. For instance there is no evidence about the need for a large supermarket which in an out of town location both national and UDP policy requires. As the objector rightly points out the retail provision in the town centre is somewhat limited, but in principle, it seems to me that the UDP policies which seek to improve the centre are more sustainable than a development which would bring competition for it.
- 11.96.12. In respect of the leisure facilities proposed, even if it is accepted that there is insufficient land within the town centre, it has not been demonstrated that the objection site or Buckley generally is the most sequentially preferable site. In the location shown they would be likely to attract a significant level of car borne custom from a wide area. It is not clear how an alternative means of transport could be adequately provided in such a location which is some distance from the railway station and which is not a focus for bus services. Whilst there may be a need for additional school facilities, this is by no means certain nor is it demonstrated that the objection site and a mixed use development would be the optimum way of these facilities being provided.
- 11.96.13. I note that the letter from the former WDA does not support the development as such but says there would be no conflict with its proposals. The SRSS is

generally supportive of the existing strategic centres. It is therefore in such locations that major leisure facilities should be located. In addition although it recognises there may be opportunities for identifying a small number of larger strategic mixed use locations, it also identifies HSG2A as such a site. A comparison of my findings between the objection site and HSG2A clearly indicates that I find HSG2A to be preferable as a mixed use allocation which in any event seeks to provide a different mix of uses. The objection site is not employment led. The planning context has changed significantly over the years with increasing emphasis placed on sustainable development. What would have been acceptable 30 years ago is not necessarily so now.

- 11.96.14. These matters lead me to conclude that there is not the justification for a mixed use development in the location proposed.
- 11.96.15. 1227 – I conclude above that HSG1(2) is an appropriate allocation and should remain in the plan. As a consequence it is not necessary to allocate an alternative site in Bannel Lane. In any event it would not provide a suitable alternative as it is of a different scale – only 0.2ha. The site is triangular shaped and to the west of the lane. Together with other adjacent open land it is included within the green barrier. Bannel Lane provides a firm defensible boundary. To exclude the site would result in an island of developable land which despite the ribbon of development to the east of the lane would relate poorly to the built form and result in an illogical settlement boundary.
- 11.96.16. 9471 – This is a slightly larger area than 1227. My comments apply equally to it. I would add that I consider it reasonable that the ribbon of development to the east of the lane is excluded from the green barrier because it is already developed land. The Council's statement suggests this is why it was excluded in the Alyn & Deeside Local Plan. The objection site has an open undeveloped character and as such it is appropriately excluded from the settlement boundary. It forms, albeit a small part, of the strategic barrier which seeks to prevent encroachment into the countryside in an area where objections to the UDP indicate there is pressure for development. If land between the site and the settlement boundary to the north were to be included within the settlement it would, in principle, permit the continuation of unnecessary ribbon development in the countryside. This is contrary to the underlying sustainable principles of the plan. I note that it is not one of the purposes of the green barrier to provide attractive views of the countryside.
- 11.96.17. 5161, 5483, 5998 – Bannel Lane/Chester Road – These objections relate to basically the same site which extends from the eastern side of Bannel Lane northwards to Chester Road. It is about 5.5ha in extent and included within the green barrier which prevents encroachment into the open countryside and the coalescence of Buckley and Little Mountain. My site inspection confirms the Council's view that the locality is a prominent, sensitive one where it is important to maintain the openness of land and as a consequence the site is appropriately located outside the settlement boundary and subject to GEN5. I also acknowledge the question mark about an appropriate access to the site.
- 11.96.18. Given these circumstances, despite its proximity to public transport, employment and the like, I find there would be constraints or potential constraints to development even were there to be a need for additional housing. In reaching this conclusion I have taken account of the possibility of

developing only the northern part of the site, although the boundaries have not been defined by the objector. My findings in respect of HSG1(3) indicate why I consider the site is suitable for development. It follows from the above that I do not consider the objection site would provide a suitable alternative.

- 11.96.19. 6001 – This site abuts the southern boundary of objection sites 5161, 5483, 5998. It is triangular shaped and about 5.5ha in extent with well defined boundaries to the east (the line of the former railway) and to the west Bannel Lane. Its northern half is a community woodland whilst to the south are a number of fields. The site must be considered in the context of 5161, 5483 and 5998, otherwise it would have an awkward relationship with the rest of the built up area. Together the sites would result cumulatively in over 30% growth.
- 11.96.20. That being said, the community woodland is a local amenity of landscape, ecological and recreational value. The whole objection site is included within the green barrier which prevents encroachment into the prominent open countryside along the southern edge of Buckley and the coalescence of Buckley and Little Mountain. My site inspection confirms the locality is a sensitive one where it is important to maintain the openness of land and as a consequence I find the site is appropriately located outside the settlement boundary and subject to GEN5.
- 11.96.21. 9099, 15370, 17710, 17717 – Little Mountain Road – The sites are more or less the same including land fronting both Little Mountain Road and the A549, and measure up to almost 2ha in extent. The existing settlement boundary is well defined running north south along Little Mountain Road before it turns west along the A549. It excludes the more sporadic development along the eastern side of Little Mountain Road which is included in the green barrier and which in this location stops the outward spread of development into the countryside and helps prevent coalescence with Dobshill and Penyffordd/Penymynydd. Whilst providing an alternative safer access/junction with the A549 has been suggested as justification for the allocation, I have not been provided with any details or empirical/technical evidence of the current junction configuration to assess the seriousness of the problem it presents. I note the petition from local residents expresses only the wish to have a new road constructed, it does not explicitly support a residential allocation.
- 11.96.22. 4887 – land south west of Mount Pool – This site is adjacent to Mount Pool and included within an extensive L3 green space designation. The extent of the site is not defined on the ground and in character and appearance it is seen as an integral part of the pool and environs which are recognised as a non statutory wildlife area. I acknowledge that the western boundary abuts a residential area, but the houses front other roads and they provide a well defined boundary.
- 11.96.23. 1376 – The site has two distinct parts. A ribbon of land fronting Well Street and a farmstead/land contiguous with the south western boundary of HSG1(3). The strip fronting Well Street would result in a narrow ribbon of development extending out into the open countryside and be contrary to UDP and national policies which seek to avoid such development. The larger portion could well prove a logical extension to HSG1(3) if more housing was required and the local highway network could cater with the traffic, but that is

not the case. There is no necessity to make further releases of greenfield land to meet housing need.

- 11.96.24. 5996 – The site is across Well Street from HSG1(3) and bounded to its north by Brwyn Awelon. It is some 8.6ha in extent. There is no need for more housing in Buckley or the County to meet housing needs. The objection site is greenfield and an integral part of the open countryside. The settlement boundary follows a firm defensible boundary and marks the extent of the built up area. I am told that there are doubts about a suitable access being provided. All these factors militate against allocation for housing.
- 11.96.25. 9119 – Bistre Farm - This is the north west rectangle of 5996 measuring almost 3ha. My conclusions above apply equally to it. My conclusions on HSG1(3) confirm that I do not believe drainage would be a serious constraint and that the footpath would be unaffected by development on that site. Looking at the relative location of the 2 sites HSG1(3) has housing on 2 sides whilst the objection site has development on only one and as a consequence it is not as well related to the urban area. Moreover the relative topography of the 2 sites is not such that HSG1(3) would be more prominent than the objection site. Matters of design are essentially for the development control stage and not determinative of whether the site should be allocated. I do not find the objection site to be preferable to HSG1(3).
- 11.96.26. 5997 – This site abuts the south eastern boundary of 5996. My conclusions above indicate that no more housing is required in either Buckley or Countywide to meet housing needs. In addition the objection site is greenfield and an integral part of the open countryside. Because of its topography and landscape, development would be poorly related to the settlement. I am told there are doubts about access to the site and the ability of the local road network to cater for the additional traffic which would be generated by the development. I find no justification for this site of almost 7ha to be allocated for housing or included in the settlement boundary.
- 11.96.27. 1996 – Whilst adjacent to HSG1(2) the site shares only a short boundary with it and is separated from it by a stream and a corridor of trees/vegetation. Although both are greenfield sites, visually there is not a strong relationship between the 2 and development on the objection site would extend further to the south into the rural area. The site is bounded to the north by the backs of properties fronting Megs Lane and lies within the green barrier which seeks to prevent encroachment into an area of open countryside to the south of Buckley where there is pressure to develop. The permission for and start on the construction of a dwelling along the Megs Lane frontage of the site would appear to preclude vehicular access.
- 11.96.28. 18868 – Birkdale Avenue (Prenbrigog Farm) – As I find there is an adequate supply of housing land there is no need for this greenfield site to be allocated for development. I am told there may be problems with access. The present settlement boundary is clearly defined along the western side of Elfed Park and Southdown Park. Its development would result in a significant extension into the countryside in what is a relatively narrow gap between Buckley and Mynydd Isa which the UDP seeks to maintain. The Council acknowledge that in future the gap may have the potential for development, but it seems to me that should development be proposed in the gap it would be better if it was undertaken on a comprehensive rather than on a piecemeal basis which

could prejudice potential future development. However, that is a matter which must be addressed in the future as part of the LDP.

- 11.96.29. 17407 – This site includes the majority of the gap between Buckley and Mynydd Isa and incorporates the area of 18868. I can usefully add no more to my conclusions in respect of 18868.
- 11.96.30. For the above reasons I do not consider the objection sites justify changes to the UDP.

Recommendation:

- 11.96.31. I recommend no modification to the plan.

11.97. HSG1 - Cadole

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2308	4743	Drummond	DEP	O	No

Summary of Objection:

Rep No	Summary
4743	Site edged by the settlement boundary on three sides; opportunity for limited development to round off the settlement; outside the SAC and SSSI.

Key Issue:

- 11.97.1. Whether the site should be allocated for housing development and the settlement boundary adjusted accordingly.

Conclusions:

- 11.97.2. This is a small category C settlement of 45 dwellings. The Council's intention for category C settlements is that growth should be limited to an indicative rate up to 10% during the plan period. Completions and commitments since 2000 amount to 10% growth. The site is sufficient to accommodate 9 dwellings, although I agree with the Council that the likely number of dwellings would probably be less due to various constraints. However, even a smaller number of dwellings would still amount to significant growth well in excess of the indicative levels for this category of settlement.
- 11.97.3. Whilst the 10% figure is not of itself a target, bearing in mind my recommendations at HSG3 aimed at making the UDP's distribution of housing growth more sustainable, together with the small scale of the settlement and its limited facilities, I do not consider amending the settlement boundary to include this site is justified. The site is an open field at the rear of housing. Development on it would result in a significant outward intrusion into the countryside altering the landscape setting of this small settlement. It would not amount to a rounding off of the settlement. Whilst the site is outside the SAC and SSSI this is also true of other land and does not justify the development of this site.

Recommendation:

11.97.4. I recommend no modification to the plan.

11.98. HSG1 - Caerwys**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1101	1461	Price & Wills	DEP	O	No
1704	2957	Price	DEP	O	No
2614	17640	The Representative Body of the Church in Wales	DEP	O	No

Summary of Objections:

Rep No	Summary
1461	Allocation of part of Piccadilly field would be balanced by the St Michael's Drive development
2957	As 1461; on the A55 side of the village; avoid congestion; obvious site for expansion
17640	Within settlement boundary; no adverse effect on the setting of St Michael's church

Key Issue:

11.98.1. Whether the sites should be allocated for housing and included within the settlement boundary where relevant.

Conclusions:

- 11.98.2. Caerwys is a category B settlement in which the indicative growth band is 8-15%. It has a range of services and community facilities. It is therefore in principle suitable for residential development.
- 11.98.3. There were 370 dwellings at the base date of the plan. One site (Summerhill Farm) has been allocated for housing development. That allocation, as amended (see 11.3 above) together with planning permissions that have been granted since 2000, will result in a growth rate of 18.0%. This is above the indicative band and I see no reason to increase the growth rate beyond this level.
- 11.98.4. 1461 & 2957 – These relate to land to the north of The Piccadilly Inn. This open field is outside the defined settlement boundary which follows the built form in this part of Caerwys. Development of this land would encroach into the countryside. The St Michael's Drive residential development on the opposite side of the B5122 does not justify further development on this approach into the settlement. I do not consider this site has any advantages in comparison with the allocated land (as amended) at Summerhill Farm and I do not support the allocation of this land either as an addition or replacement to the Summerhill Farm site.
- 11.98.5. 17640 – I shall deal with this objection on the basis that it is with regard to two areas of land designated as green spaces L3(19) in the UDP even though the plan submitted by the objector relates to part of the cemetery to the east of the church. I consider the green space designation in my response to L3(19) in Chapter 7. These comments relate to the arguments put forward that the land should be allocated for housing.

- 11.98.6. The Council has only generally allocated land for housing which can accommodate 10 or more dwellings. The green space allocation to the east of the church is below this threshold. The mature trees on the land to the south of the church significantly reduce the number of dwellings that could be accommodated on this site and is again unlikely to be above the threshold for allocating housing land. However, even if the number of dwellings on this site were above the threshold, adequate provision is made within Caerwys for housing development within the plan period. I do not support the allocation of the land for housing.

Recommendation:

- 11.98.7. I recommend no modification to the plan.

11.99. HSG1 - Carmel

Representations:

Personal ID	Rep No	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
984	1386	George Wimpey Strategic Land	DEP	O	No
1382	1927	Wright Manley	DEP	O	No
2334	4845	WAG - Dept of Economy & Transport	DEP	O	No
2615	6020	Castlemead Homes Ltd	DEP	O	No
3561	17603	Parry	DEP	O	No
3561	17604	Parry	DEP	O	No
4794	12447	Costain Group plc	DEP	O	No

Summary of Objections:

Rep No	Summary
1386	Land would contribute towards shortfall of housing provision and is preferable to HSG1(27). If not allocated then identify as safeguarded land
1927	Allocate land near Holway Court
4845	Allocate land in preference to HSG1(27). It is a brownfield site and logical extension of Holywell. Green barrier designation is inappropriate
6020	Allocate land north of Mwdwl-Eithin Farm
12447	Land would contribute towards housing provision as substitute/addition to HSG1(27)
17603 17604	Sites off Crecas Lane should be shown as housing commitments

Key Issue:

- 11.99.1. Whether the sites should be allocated for housing.

Conclusions:

- 11.99.2. My conclusions in respect of STR4 are that the plan allocates adequate land to meet a housing requirement of 7400 and provide a degree of flexibility. My conclusions earlier in this chapter lead me to recommend that HSG1(27) should be deleted.
- 11.99.3. Carmel is a category B settlement with an indicative growth level of 8-15%. However, I make it clear that growth levels should not be regarded as prescriptive and there will be occasions when, for various reasons, growth below the indicative levels will be acceptable. It does not automatically follow

that my recommendation regarding HSG1(27) justifies the allocation of alternative sites in Carmel.

- 11.99.4. 1386 & 6020 – land west of Carmel Hill – Although 1386 relates to a slightly smaller area than 6020 both objections raise similar issues. Development on them would encroach into the open countryside and would be poorly related to the remainder of the settlement. HSG1(27) is not contrary to SR4 since, in spite of the local name given to the land, it is not a recreational open space.
- 11.99.5. Sufficient land is allocated to meet the predicted housing requirements for the life time of the plan and it will not be necessary to bring further land forward within the plan period. It follows there is no need to safeguard land for a later phase of the UDP. Any changes in circumstances would be a matter for review as part of the development plan process.
- 11.99.6. 1927 - The plans that accompanied the objection relate to an area of land to the west of Holway Court that is outside the green barrier. The UDP does not make allocations for sites producing less than 10 dwellings. Whilst no indicative figures have been submitted for this site it is not large enough to be included as an allocation. That being said HSG11 is permissive of affordable houses outside settlement boundaries in certain circumstances. Whether the objection site would meet the criteria in HSG11 is debatable, but it is essentially a matter to be addressed as part of the development control, rather than the development plan, process.
- 11.99.7. 12447 & 4845 – Holway Road – The areas are largely within the green barrier between Holywell and Carmel. My conclusions on the green barrier are to be found in GEN5:8 in Chapter 4 and I do not repeat them here. Briefly, I support the green barrier. Both sites are in agricultural use and form part of the open countryside to the north of Holway Road.
- 11.99.8. 12447 would accommodate some 108 dwellings resulting in growth of 23% and well in excess of the indicative growth band. The impact of the development of this land would be as harmful as I find HSG1(27) to be and does not provide an acceptable alternative or additional location.
- 11.99.9. 4845 would potentially accommodate some 200 dwellings and the resultant 43% growth would be even more in excess of the indicative band. I accept that if the latter site is regarded as being an extension to the Holway area rather than Carmel the resultant growth would be within the indicative growth band for this category A settlement.
- 11.99.10. There are no visible structures or ground formations associated with previous mining activities on the land. The only remnant I have been referred to is an uncapped shaft. Whilst development might be precluded from part of the site as a consequence of this shaft, I do not accept that its presence makes this a brownfield site within the meaning of Fig 2.1 of PPW. The possible provision of an alternative means of access to the Holway area and the argument that it is a sequentially more preferable location than HSG1(27) are not sufficient reasons to justify the allocation of this land.
- 11.99.11. I find that both sites would result in unacceptable encroachment into the open countryside and undermine the green barrier.
- 11.99.12. For the above reasons I do not support the allocation of the various sites for housing development.

- 11.99.13. 17603 & 17604 – These sites are not included as residential housing commitments in Appendix 1. The objections do not seek to have these areas allocated for housing development but argue they should be recognised as commitments relying entirely on the status of alleged planning permissions dating from the 1960's. The Council states it has no record of any proposals for residential development on the land and no conclusive evidence has been produced by the objector to verify the assertions made. I note that similar issues were raised at the inquiry into the Delyn Local Plan in 1991. At that inquiry the inspector concluded the resolution of these matters should *be left to the documentary or physical evidence that can be adduced to corroborate the existence of a valid permission under which development had begun*. The matters have not been progressed since that time. It is not the function of this inquiry to resolve such disputes. On the basis of the information that is before me, even if Appendix 1 were to remain in the plan, I see no reason why these sites should be identified as commitments in the plan. I note in Chapter 21 of this report I recommend appendix 1 be deleted in line with PC594.
- 11.99.14. My conclusions regarding amending the settlement boundary as a response to the above submissions are to be found in GEN 2 Chapter 4.

Recommendation:

- 11.99.15. I recommend no modification to the plan.

11.100. HSG1 - Cilcain

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
4794	12453	Costain Group plc	DEP	O	No

Summary of Objection:

Rep No	Summary
12453	There is a shortage of housing land. The objection site relates well to the site search criteria and the settlement pattern. It would form a logical extension to Cilcain

Key Issue:

- 11.100.1. Whether the site should be allocated for housing.

Conclusions:

- 11.100.2. My conclusions in Chapter 3 to STR4 objections indicate that I am satisfied that an appropriate level of housing land has been identified/will come forward to meet a requirement of 7400 new units. Cilcain is a category C village with only about 150 houses. So far commitments and completions have resulted in 2% growth. Allocation of the objection site would be out of scale with the size of the village. Development in line with HSG8 would result in about 25% growth which would be at odds with the spatial strategy which seeks to concentrate growth in the towns and larger villages which have access to a wider range of facilities. To allocate greenfield land adjacent to this category C village which is within the Clwydian Range AONB and which

has limited facilities would lead to unnecessary development which would be contrary to the plan's underlying sustainable principles.

Recommendation:

11.100.3. I recommend no modification to the plan.

11.101. HSG1 - Coed Talon

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1145	1586	Gough	DEP	O	No
1386	1931	Brownbill	DEP	O	No
1387	1933	Thomas	DEP	O	No
1409	1956	Yates	DEP	O	No
2303	4735	Parry Davies Partnership	DEP	O	No
2313	4748	Buchanan	DEP	O	No
2320	4781	Jones-Mortimer	DEP	O	No
2418	5277	Williams	DEP	O	No
2419	5283	Richardson	DEP	O	No
2419	17610	Richardson	DEP	O	No
2615	5957	Castlemead Homes Ltd	DEP	O	No
3948	10157	Griffiths	DEP	O	No

Summary of Objections:

Rep No	Summary
4735	Land would be natural infill with access available through existing development
4781	There is an inadequate supply of housing. Not all brownfield sites have been considered in Coed Talon. Allocate objection site for housing
5277	The plan does not provide for sufficient houses to meet the requirement. Objection site would be a sustainable urban extension which meets the site selection criteria
5957	Include in settlement boundary to facilitate housing development. No case has been made for its exclusion
All others	The supply of housing land is inadequate. The old Hepworths site has been derelict for 20 years. It should be reclassified from industrial to residential to avoid noise and disturbance for nearby residents. Its access is not capable of accommodating industrial traffic. It is well related to Pontybodkin, has access and part could be made over to community use. Redevelop rest of brownfield site for 10 houses/executive homes

Key Issue:

11.101.1. Whether additional land should be allocated for housing and/or included within the settlement boundary.

Conclusions:

- 11.101.2. My conclusions on the supply of housing land are to be found in Chapter 4 under STR4 where I conclude that 7400 is the appropriate requirement and that the plan is capable of providing that level of development. Similarly whilst I have reservations about the settlement strategy I conclude it is adequate to guide development for the period of the plan.
- 11.101.3. At over 50%, growth in Coed Talon and Pontybodkin will be far in excess of what the spatial strategy and the indicative growth bands envisage for even category A settlements. Over half of this growth is committed. Nevertheless

as these villages are contiguous with the larger settlement of Leeswood with its wider range of facilities and as there has and will be development of brownfield sites which have an adverse environmental impact, then on balance I find the level of growth to be acceptable. However, what it does mean is that I do not consider, any more development should be envisaged within this category C settlement during the plan period. It is unnecessary given that there is an adequate supply of land Countywide and it would undermine the spatial strategy if more greenfield sites were identified for development or included within the settlement boundary.

- 11.101.4. 4735 – The objection site is just over a hectare in extent. It is a field. Whilst it is contiguous with the built up area and the settlement to the west, to its north is a house in the countryside, to its east fields and to its south a bowling green/play area. It is not therefore an infill site. Given my conclusions above it would be unsustainable and unnecessary to provide an enabling policy framework for the development of the site.
- 11.101.5. 5277 – The site measures about three quarters of a hectare. It lies to the south of Victoria Crescent and east of the main road through the village. It is open land characterised by scrub vegetation and by its nature is seen as part of the countryside setting of Coed Talon. Whilst PPW does recognise that on occasions settlement extensions can be acceptable, in the situation described in the paragraphs above there is no justification to release the site for development.
- 11.101.6. 4781 – The site is to the south and west of 5277. It has an extensive frontage onto the A5104 Corwen Road. It measures about 1.25ha. I am told that there is a history of tipping mining waste on it, but that this is likely to have taken place before 1947. The current appearance of the site is scrub and emerging woodland. In character it is little different to other rural areas and I do not consider it meets the definition of previously developed land to be found in PPW figure 2.1. It is appropriately located in the countryside. Moreover given the present planned growth for Coed Talon, it is unnecessary to allocate more land for housing, particularly a site which would develop part of the open land to the east of Corwen Road which contributes to the rural setting of the village.
- 11.101.7. 5957 – The land lies to the east of the Corwen road at the entrance to Pontybodkin. It was formerly part of a railway route and track bed. It is wooded and appears to be part of a more extensive woodland belt which extends northwards along the road/former railway. Its appearance contributes to the countryside setting of the village. Its inclusion within the settlement boundary would enable housing development which would relate poorly to the existing settlement pattern, create ribbon development which PPW (9.3 MIPPS 01/2006) seeks to avoid, potentially have an adverse impact on nature conservation interests in the Coed y Nant non statutory wildlife site and create tension with AC7 which seeks to protect the routes of former railways. I support its exclusion from the settlement boundary.
- 11.101.8. All other objections – The objections refer to land described as the old Hepworths site. It is said to be all brownfield and benefiting from an industrial use. However, this is disputed by the Council who considers the vast majority of the site has naturally regenerated, is covered in woodland and as a consequence excluded from the definition of previously developed land to be found in Figure 2.1 of PPW. Whilst I have no information about the

planning status of the land, from my site inspection, I saw that there are no longer any buildings and that, apart from hard standings and building bases in the middle, the majority of the site has regenerated. It is doubtful in these circumstances if the land can be truly regarded as brownfield. I note that at best it could only be sequentially equal to and not better than the allocated site.

- 11.101.9. I am told there are concerns about the provision of a suitable access to the site for either housing or employment use. This would also militate against its allocation. Overall because of its general character and the housing situation referred to above I do not support the inclusion of the site either within the settlement boundary or its allocation for housing.

Recommendation:

- 11.101.10. I recommend no modification to the plan.

11.102. HSG1 - Connah's Quay

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
176	214	Diocese of Wrexham	DEP	O	No
329	402	Hooson	DEP	O	No
3550	9044	Connah's Quay Town Council	DEP	O	No
5191	13426	Somerfield Stores	DEP	O	No

Summary of Objections:

Rep No	Summary
214	The land is leased temporarily to the Council for recreational purposes. It does not fulfil any of the main reasons for designation under L3. Allocate part for housing and part for open space
402	There is a need for more housing. Land is separated from farming unit and used for anti social activities. Nature conservation interest is overstated and can be mitigated. Site has access and would be a logical settlement extension for a mix of housing
9044	Housing scheme for old coal yard Maude St not identified
13426	This objection is dealt with in Chapter 12 S1(7)

Key Issue:

- 11.102.1. Whether the objection sites should be allocated for housing.

Conclusions:

- 11.102.2. 214 – land at Barmouth Close – It is not the ownership but the use and appearance of the land at Barmouth Close which makes it suitable for inclusion as a green space under L3. It is open land crossed by a number of footpaths used for informal recreation. The tree cover on parts of the site contributes to the important visual break which the land makes in a heavily developed area. As such its designation is in accord with the purposes of designating green space set out in para 7.12.
- 11.102.3. I acknowledge that the planned growth of Connah's Quay is only some 10% which is at the lower end of the indicative band for category A settlements and that the lack of opportunities within the built up area means that housing allocations are settlement extensions. However, because of its current use

and appearance I consider it is appropriate to safeguard the objection site as green space.

- 11.102.4. 402 – land at Broad Oak Farm – My conclusions in Chapter 3 to policy STR4 indicate that there is a sufficient supply of land to meet the requirement of 7400 new homes. In principle there is therefore no need for further allocations to be made. In this case irrespective of the housing situation I do not consider the site is suitable for allocation – the smaller part of it is a play area/recreation ground and the remainder is statutorily protected both nationally and internationally for its wildlife value as a SSSI and SAC respectively. It therefore serves valuable recreation and wildlife functions which are worthy of safeguarding. When there is no need for further allocations I do not consider such a site can be supported for development despite its obvious problematical nature for the landowners.
- 11.102.5. 9044 – Since the draft deposit plan was drawn up the planning permission on HSG1(5) has been implemented. It is therefore no longer appropriate to show it as an allocation in the plan. I recommend earlier in this chapter under HSG1(5) that the allocation be deleted.

Recommendation:

- 11.102.6. I recommend no modification to the plan.

11.103. HSG1 - Cymau

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3815	9841	Zachary	DEP	O	No

Summary of Objection:

Rep No	Summary
9841	Logical extension and infill opportunity on the edge of the settlement; no physical constraints. No allocated land in Cymau; compensate for loss resulting from PC35 adjustment to settlement boundary

Key Issue:

- 11.103.1. Whether the land should be allocated for housing and the settlement boundary amended accordingly.

Conclusions:

- 11.103.2. This is a category C settlement where the Council's intention is that growth should be limited to an indicative rate of up to 10% during the plan period. Completions and commitments amount to 8% growth since 2000. For reasons given at HSG3, my recommendations are that new houses should only be permitted in category C settlements where there is a local need. In this case I have seen no substantive evidence on either general or local housing need to justify the allocation of this land. In these circumstances I do not find there to be a need for any housing allocations in Cymau. The site could accommodate some 17 dwellings and result in an overall growth in the settlement of 23%. I consider this to be an excessive level of growth which

would undermine the underlying principles for the location and distribution of housing development in the plan.

- 11.103.3. There are opportunities for limited infill development within the defined settlement boundary. There is no need to allocate this land to compensate for the minor adjustment to the settlement boundary made by PC35 (see GEN2 in Chapter 4).
- 11.103.4. I note that whilst the objector asserts there are no constraints to developing the site, the junction of Pant Hyfryd Lane and Cymau Road is substandard and no substantive evidence has been produced to indicate that a safe access can be achieved. The availability of local services and the other arguments put forward in support of the allocation are secondary factors and do not weigh heavily enough to justify an allocation.
- 11.103.5. In a further submission the objector sought to adjust the settlement boundary to include a smaller area of land rather than allocate the area originally put forward for housing. However, as I find no justification for any growth in this case, my findings apply equally to the smaller site. The existing settlement boundary follows physical boundaries resulting in a logical and defensible line whereas the proposed adjustment would result in an arbitrary line across part of an open field. I do not find it preferable.
- 11.103.6. Furthermore, whilst it is argued that the revised site would be sufficient for 2 dwellings it could potentially accommodate 4 at the standard density the plan applies to category C settlements. The amended site does not amount to a small gap in an otherwise continuously built up frontage and hence would not constitute infilling. The provision of a passing space along Pant Hyfryd Lane would not address the access constraints I have referred to above. Given all the above circumstances I am not persuaded that there is any necessity to allocate this site for housing purposes or to include a smaller site within an extended settlement boundary.

Recommendation:

- 11.103.7. I recommend no modification to the plan.

11.104. HSG1 - Deeside

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3549	9046	CORUS	DEP	O	No

Summary of Objection:

Rep No	Summary
9046	This objection is dealt with at HSG2A below

11.105. HSG1 - Dobshill

Representations:

Personal	Representation	Individual or Organisation	Stage	Object or	Conditional
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ID	Number		of Plan	Support	Withdrawal
477	637	Hawarden Estate	DEP	O	No
910	1191	Woolley	DEP	O	No
1103	1463	N A W (Welsh Health Estates)	DEP	O	No
3923	10085	Williams	DEP	O	No

Summary of Objections:

Rep No	Summary
637	There is an underestimation of the housing requirement and the identified supply is inadequate. Insufficient new housing sites have been allocated to meet forecast housing demand. More sites should be released. Allocate land north of Chester Road and include within the settlement boundary. It is in a sustainable location on the edge of the settlement. It is suitable for development with no known constraints
1191	Consider allocating the Dobshill Hospital site for housing
1463	Allocate the Dobshill hospital site for housing; a significant area of previously developed land in a sustainable location
10085	Allocate land west of The Woodlands for housing. Would meet shortfall of housing provision and cause no detriment to the green barrier

Key Issue:

- 11.105.1. Whether the sites should be allocated and the settlement boundary amended where relevant.

Conclusions:

- 11.105.2. In my conclusions to STR4 in Chapter 3, I find the plan provides a sufficient supply of land to meet the identified overall housing need of the County. Dobshill is a category C settlement with an indicative growth band of 0 – 10%. In general in such settlements I recommend at HSG3 that development should be limited to local needs because of the level of services/facilities and/or locations of such settlements. Development of HSG1(56) would result in growth of 30% which is well in excess of the indicative band. For the reasons given in HSG1(56) I do not support that allocation. It is on that basis that I consider the following objections.
- 11.105.3. 637 - The site includes part of an open field and the playground/playing field. The open nature of the land contributes to the rural setting of this small settlement. Allocation of this land would result in significant development that would be well in excess of the indicative growth band. I conclude it is neither necessary nor acceptable to allocate this land.
- 11.105.4. 1191 & 1463 – The hospital closed in 2004 and the site is now redundant. It is a rural location and surrounded by open countryside. At some 800m outside Dobshill it is physically and visually separated from the settlement. PPW (9.2.8 MIPPS 01/2006) advises that a sequential search should be followed in identifying sites to be allocated for housing in development plans. This should start with the reuse of previously developed land and buildings within settlements. Given the distance from the settlement the site does not satisfy the search sequence and is not integrated and connected to the existing pattern of settlements. The site is not in a sustainable location, it is isolated and residents would be heavily dependant on the use of the car to gain access to employment, shops and to satisfy general day to day needs. I do not consider it is appropriate to allocate the land for housing development.
- 11.105.5. 10085 – This field forms part of the area of countryside and rural landscape to the west of Dobshill. Its allocation for housing development would result in

excessive growth in this small settlement. Furthermore, allocating the land would dilute the function of the green barrier in safeguarding the countryside from encroachment.

Recommendation:

11.105.6. I recommend no modification to the plan.

11.106. HSG1 - Drury & Burntwood

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
6	5	Thompson	DEP	O	No
400	523	Bellis	DEP	O	No
910	1190	Woolley	DEP	O	No
918	1228	Buckley Town Council	DEP	O	No
930	17406	Williamson	DEP	O	No
1719	11628	Woods	DEP	O	No
2398	5147	Muller Property Holdings Ltd	DEP	O	No
2419	5293	Richardson	DEP	O	No
2472	5496	Thompson	DEP	O	No
2472	5500	Thompson	DEP	O	No
4110	17825	Peers	DEP	O	No

Summary of Objections:

Rep No	Summary
5	Allocate land to west of Drury Lane for housing
523 5147 5293 11628	Settlement can absorb more housing to meet shortfall. Site is close to village facilities and well related to settlement form. There are no problems with access, highway capacity, landscape, drainage, contamination, landfill gas migration or nature conservation. Site would provide a better alternative to HSG1(28)
1190	Land was formerly a slag/spoil heap. It would be better than HSG1(3) Well Street allocation
1228 17406	Site is more suitable than HSG1(3) for housing
5496	Boundary too tightly drawn. Site would be a logical village extension and should be allocated for housing. It is not green barrier or of particular nature conservation/agricultural value. It would enable development in Buckley to be kept to acceptable levels. The key considerations of housing allocations are the suitability of land and its impact on the surrounding area not the location within the County
5500	As 5496 but for a larger site encompassing 5496
17825	This is dealt with in Chapter 7 L3(17) with 10662

Key Issue:

11.106.1. Whether the sites should be included within the settlement and/or allocated for housing.

Conclusions:

- 11.106.2. My conclusions to HSG1(28) indicate that it is appropriately allocated for development. And my further conclusions in Chapter 3 STR4 demonstrate that there is no shortage of land to meet the housing supply figures. It is against this background that my comments below should be read.
- 11.106.3. Drury and Burntwood is a category B settlement with an indicative growth band of 8 - 15%. The defined settlement boundary includes some 505

dwelling. Since 2000 completions and commitments (without HSG1(28)) amount to about 11% growth rising to 19% or so if HSG1(28) is taken into account. There is therefore no need to allocate land to enable a level of growth that would be commensurate with the spatial strategy. If more housing was considered appropriate there is unallocated land within the settlement which could come forward as windfall development without extending the boundary.

- 11.106.4. Land to the west of Drury New Road, Drury - There are objections to a number of sites of various sizes lying to the west of Drury New Road, most of them overlap to some extent. Insofar as some of them propose land as an alternative to HSG1(3) at Well Street, my conclusions below should be read in conjunction with those under that heading. I do not repeat them here.
- 11.106.5. 5 – The objection site is about 8ha in extent and shares a boundary with Drury New Road. Except for that its limits are not defined on the ground. The proposals map indicates that, because of its importance for great crested newts, some of it is part of the Deeside-Buckley Newts SAC and SSSI. The remainder is unallocated land outside the settlement boundary and subject to GEN3. The objection is no more than a statement. It contains no reasons. The relatively large size of the site means it could accommodate a significant number of dwellings which could potentially lead to an additional 40% growth. That amount of growth would not accord with the principles of the settlement strategy. Without more information it is difficult to comment further.
- 11.106.6. 1190 - The objector does not specify the extent of the application site, but if, as implied, it is commensurate with HSG1(3) it would be about 5ha and be capable of accommodating 150+ dwellings. My comments above apply equally to this site. Whilst the Council acknowledges that there is some evidence that the land may have been used to deposit materials, I saw at my visit that it has now naturally regenerated. As a consequence it does not meet the definition of previously developed land to be found in PPW Fig 2.1. It has the appearance of undulating open countryside.
- 11.106.7. 1228, 5496 – The objections relate to 2 slightly different sites which generally cover the same area. They are triangular in shape and according to the Council about 2ha in extent. They lie adjacent and to the south of Mornington Crescent. According to plans, the south western boundary roughly follows footpaths linking Drury New Road to Drury Lane, although I saw no evidence of the link onto Drury New Road. Whilst smaller in size than other objection sites my conclusions apply equally here. I would note in addition that the sites are not contiguous with the boundary of Buckley but Drury and Burntwood. Whilst I agree with the objector to a certain extent that the boundaries of the settlements need a review, that will not be part of the present plan but its replacement under the LDP process.
- 11.106.8. 5500 – This site encompasses 5496 and is about 7ha in extent. It is the same as the area of PC56. My conclusions on the green barrier and PC56 are to be found in Chapter 4 GEN5:17 where I recommend PC56 not be included within the plan. Whilst I agree with the objectors that the suitability of land for development and impact on surroundings are factors to be taken into account in planning for future growth in Flintshire, it would be wrong to say that these are the only guiding principles.

- 11.106.9. One way the UDP seeks to provide sustainable development is by the settlement strategy. This defines settlement boundaries, categorises the defined built up areas by size and capacity and provides indicative growth bands for each category. The housing allocations seek to distribute growth broadly in line with the strategy. This means that more land is released for development in some areas than others. However, that being said, my conclusions above indicate there is no need for further allocations and/or the extension of the settlement boundary to provide additional housing in Drury as part of this plan.
- 11.106.10. Unlike Well St, none of the sites would round off the settlement but would protrude into the countryside. They would also result in the extension and potentially significant growth of a category B settlement where there are already undeveloped, unallocated sites within the settlement boundary which could be developed if the circumstances were appropriate. Given these factors I do not consider any land to the west of Drury New Road should, either in preference to HSG1(3) or for other reasons, be allocated for housing development.
- 11.106.11. Bank Lane Drury - 523, 5147, 5293, 11628 - It was confirmed at the inquiry that 523 and 5147 now relate to land to the west of Bank Lane only. As a consequence my observations and conclusions below relate only to this area.
- 11.106.12. The site is rectangular in shape and has a back land location. Whilst the objection site has similar characteristics to the countryside, it shares 3 boundaries with the built up area and to my mind has a close relationship with it and development could be seen as a *rounding off* the settlement, in a similar way to HSG1(28). The Council recognises the difference between the objection site and land beyond to the east and has made Bank Lane the green barrier boundary. In effect this leaves the objection site as a small parcel of land subject to open countryside policies, but not recognised as being of importance in the longer term for its open characteristics or necessary to fulfil any of the purposes of the green barrier.
- 11.106.13. Because of its location and appearance I consider it would be more appropriately located within the settlement. However, because of the level of growth that has and could potentially take place, I do not consider the site should be positively allocated for housing development. This is primarily because the figures presented to the inquiry do not demonstrate that there is a need for further housing.
- 11.106.14. That being said what the evidence does demonstrate is that there are no physical constraints to development in terms of ownership, access, nature conservation and the like. In these circumstances and as recommended to be modified, development could be permissible if it was in accord with HSG3. It would be treated as any other windfall.
- 11.106.15. I have looked at the relative merits between the objection site and HSG1(28). The matter is finely balanced and I find marginal difference between the sites in terms of accessibility, availability, impact on the landscape and appearance of the village. The relative prominence of HSG1(28) does not to my mind equate to material harm. When weighing up all the matters it seems to me that the necessity to demolish a dwelling to achieve development on the objection site is just sufficient to weigh in favour of the allocated site remaining.

Recommendation:

11.106.16. I recommend the plan be modified by the inclusion of land to the west of Bank Lane (Fig 1 inquiry document R-2398-5147-1) within the settlement boundary.

11.107. HSG1 - Ewloe**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
477	660	Hawarden Estate	DEP	O	No
477	695	Hawarden Estate	DEP	O	No
477	705	Hawarden Estate	DEP	O	No
1119	1513	Anwyl Construction Company Limited	DEP	O	No
1282	1776	Feather	DEP	O	No
1469	2035	Connah	DEP	O	No
2295	4646	Bowey Homes Ltd	DEP	O	No
2401	5167	Egerton Lodge Property Ventures Ltd	DEP	O	No
2419	5288	Richardson	DEP	O	No
2419	5289	Richardson	DEP	O	No
4828	12570	Trustee of Late John Evans	DEP	O	No
5373	13855	Ashton	DEP	O	No
6720	17714	Coram	DEP	O	No
7434	18673	Moore	DEP	O	No
7434	18677	Moore	DEP	O	No

Summary of Objections:

Rep No	Summary
660	There is an underestimation of the housing requirement and the supply is inadequate. More sites should be released. Allocate land north of Church Lane. It is in a sustainable location, a logical rounding of the settlement and suitable for development with no known constraints
695 1513	There is an underestimation of the housing requirement and the identified supply is inadequate. Insufficient new housing sites have been allocated to meet forecast housing demand. More sites should be released. Allocation HSG1(34) should be extended by including this land to follow natural features. It is in a sustainable location representing a logical extension to the settlement. It is suitable for development with no known constraints. The effectiveness of the green barrier would not be compromised
705	There is an underestimation of the housing requirement and the identified supply is inadequate. Insufficient new housing sites have been allocated to meet forecast housing demand. More sites should be released. Land to the west of Aston Hill is in a sustainable location representing a logical extension to the settlement. It is suitable for development with no known constraints. Part of the site was a sand quarry and is brownfield. The effectiveness of the green barrier would not be compromised
1776	Allocate land for housing. Plan favours large sites; does not allow communities to develop; site well located for schools and other infrastructure needs
2035	Allocate land at Aston Hall Lane for residential development. In a residential area and provide for the housing requirements
4646	Housing requirement figure is too low and should allocate land to the east/south east of The Poplars for housing. More suitable than others allocated in the area with 2 points for access. Potential to release part of the site for primary school. Development would not unduly affect the openness of the green barrier
5167 5289	Allocate land north of A494 for housing. Would round off this part of Ewloe
5288	Ewloe is capable of supporting further growth. Land south of Mold Road is an appropriate infill site well related to the existing settlement and facilities
12570	Include land at Old Aston Hill within the settlement boundary and allocate for housing

17714	This objection is dealt with in Chapter 12 S1(8) with 15648
18673	Land off Holywell Road adjoins the settlement boundary. It is capable of accommodating at least 93 dwellings. The land has a natural fall to the main road but there is easy access to the site. All services are available and could include public open space/play area
18677	Allocate approximately 8 acres of land between Green Lane and Mold Road for housing. Good access onto Mold Road. The scheme incorporates car parking facilities to service Ewloe primary school, the site is serviced and could include an element of public open space
13855	Include disused land adjacent to Rose Cottage, Green Lane for low cost housing

Key Issue:

- 11.107.1. Whether the sites should be allocated for housing and the settlement boundary and green barrier amended accordingly.

Conclusions:

- 11.107.2. In my conclusions to STR4 in Chapter 3, I find the plan provides a sufficient supply of land to meet the identified overall housing need. Since the objections were made things have moved on in Ewloe. HSG1(30) and (32) have been developed and work appears to have commenced at HSG1(31). HSG1(35) is a committed site. Satisfactory access can be provided to HSG1(29) and the Council no longer seeks to delete the allocation. For the reasons given above I support the deletion of HSG1(34).
- 11.107.3. Completions, commitments and allocations will provide growth of some 13 % which is towards the upper end of the indicative growth band for this category B settlement. Sites with planning permission and planning applications since 2005 could increase overall growth to 17%. I find this to be a reasonable growth rate and I find no demonstrable need for the allocation of land for housing purposes outside the settlement boundary. My conclusions below should be read in the light of these comments.
- 11.107.4. 695 & 1513 – land to the south east of HSG1(34) – The deletion of HSG1(34) would make the allocation of this site particularly incongruous. From the evidence that was presented for HSG1(34) the site may include a significant area of Grade 2 agricultural land which would militate against its allocation. Whilst I find the local highway network is adequate to accommodate the traffic associated with HSG1(34), it does not follow that the network is appropriate to deal with the additional traffic generated by this larger development even with different accesses.
- 11.107.5. Development on this land would result in a significant extension into the open countryside and significantly reduce the gap between Ewloe and Hawarden. This would have an unacceptable impact on the effectiveness and function of the green barrier.
- 11.107.6. 705 – Development of this land would extend the urban form into the open countryside in an illogical manner to the detriment of this rural landscape. The land is designated green barrier in order to safeguard the countryside from encroachment and prevent settlements merging together. I do not consider the separation between the neighbouring settlements to be so great that the green barrier function should be weakened.
- 11.107.7. 1776 – land at Gwelfryn, Smithy Lane – The site is in the countryside and is visually and physically separated from Ewloe. I do not understand what is meant by *other infrastructure needs* but the site is a considerable distance away from Ewloe's settlement boundary. It is not well located for the schools

and facilities in that or any other settlement. Being outside a settlement boundary the site is subject to policies that relate to development in the open countryside. Those policies give clear guidance on the types of development that would be acceptable on land that is not designated for a specific use. Housing development in this isolated location would undermine the sustainability objectives of the plan and its spatial strategy which seeks to direct most new development to the main urban areas. The UDP only allocates sites that can accommodate 10 or more dwellings and this site would be well below this threshold. The plan is supportive of appropriately located sites within settlement boundaries that are below this threshold and I do not accept the UDP favours large sites. The whole basis of the plan is to enable communities to develop.

- 11.107.8. 2035 – This is an area of attractive open countryside with a rural landscape. The allocation of this land would extend the settlement outwards into the countryside and result in the two settlements of Ewloe and Shotton & Aston merging. This would be contrary to the functions of the green barrier designation.
- 11.107.9. 4646 – The existing residential development provides a firm and well defined edge to the settlement. Development of this land would result in significant encroachment into the open countryside thereby weakening one of the functions of the green barrier. It would also have a detrimental impact on the openness of the green barrier. It is not clear to me what relevance allocations made under S1 and CF6 have to this land but those sites have now been developed for housing. There is no indication whether or not the access and the local highway network could accommodate the additional traffic. Since the objection was made there is no longer a need to provide a new school.
- 11.107.10. 660, 5167, 5289 & 12570 – 5167 & 5289 relate to a broadly similar area. 660 & 12570 relate to smaller but separate parts of the larger site. They all raise similar considerations.
- 11.107.11. Although the land is separated from open countryside it is open in character. Given that I am satisfied that adequate housing provision has already been made there is no need for this mostly greenfield site to be allocated for development.
- 11.107.12. 12570 acknowledges planning permission has been granted at HSG1(35). Consequently this objection site cannot be considered as offering an alternative. Having regard to my conclusions on the allocated sites in Ewloe and the further submissions that have been made in support of 12570 and 5167 I do not consider either of those sites should be substituted for the UDP allocations. The settlement boundary in this area reflects the existing built development and forms a strong and defensible boundary. The land is generally open in character and it is not necessary to include this area within the settlement boundary.
- 11.107.13. With regard to 660 the settlement boundary provides a firm and defensible boundary. There is no need to round off the settlement as suggested. In submissions regarding 660 it is suggested that a solution can be found to overcome access concerns. However, even if that is the case, I have already indicated it is not necessary to allocate additional land.

- 11.107.14. I note that the part of the A494 adjacent to this area is a safeguarded route under AC17. Due to the uncertainty over the exact alignment any route might take this further reinforces my objection to amending the settlement boundary. Whilst the settlement boundary follows the road line on the south eastern side of the A494 to include the existing development, the situation at the objection sites is materially different.
- 11.107.15. 5288 – The objection land includes a school playing field. Since there is no evidence that this facility is surplus to requirements it would not be appropriate to allocate this part of the objection site. The open fields and hedgerows give this area an attractive rural character. Given that I am satisfied that adequate housing provision has already been made there is no need for this greenfield site to be included within the settlement boundary. The land is adjacent to the safeguarded route of the A494 under AC17. Due to the uncertainty over the exact alignment any route might take this further reinforces my objection to allocating this land and amending the settlement boundary.
- 11.107.16. 18673 –Part of this large area of open land abuts the built up area and settlement boundary. Its development would result in a substantial extension of the settlement into the surrounding countryside. The objection land would isolate a field to the rear of Greenville Avenue from the open countryside resulting in an illogical form of development. Furthermore, the land is within the green barrier. Development of this area would result in further encroachment into the surrounding countryside and reduce the gap between neighbouring settlements. Both of these would undermine the function of the green barrier.
- 11.107.17. 18677 – The plan that accompanied the objection earmarked two fields between Mold Road and Green Lane. The further submissions relate only to the field to the north of Mold Road and as a consequence my considerations below relate only to the smaller area.
- 11.107.18. The plan provides an appropriate supply of land to meet the identified overall housing need. With regard to the Garden City site, briefly I conclude that there is no need for alternative housing locations. Should any shortfall of 5 year housing supply be identified as a result of annual monitoring, it can be addressed as part of the LDP process. For these reasons I do not find there is a need to allocate this land to meet the overall requirements in Flintshire.
- 11.107.19. Having considered the matters that were raised with regard to the situation at various other sites in Ewloe I am satisfied that the likely scenario will be growth in the order of 17% over the plan period. It was agreed that development of this site would increase the overall growth by some 2.5%. Whilst I do not consider the level of growth generated by this land would be unduly onerous, it does not outweigh my findings that adequate provision is already in place to cater for reasonable growth in Ewloe.
- 11.107.20. There are cases where settlements exceed the indicative growth bands by a significant degree. However, it does not follow that this is justified for all settlements. Whilst Ewloe is well provided for in terms of facilities and is well located in terms of transport links and employment opportunities regard must be given to the impact development will have on its setting and surroundings.
- 11.107.21. This site is open in character and forms part of the sweep of countryside around this part of Ewloe. It is on the edge of, but outside the built up area,

and makes minimal contact with the settlement boundary. The loose scattering of houses in the vicinity of the site and the triangle of dwellings along Mold Road and Old Liverpool Road are outside the settlement boundary. Development of the objection land would significantly extend the settlement form further into the adjoining countryside to the detriment of the character of the area and its surroundings. It would be poorly related to the urban form and pattern of development. On balance I do not consider there is sufficient justification to allocate this land.

- 11.107.22. 13855 – This site is located some distance away from the settlement boundary and is subject to policies that relate to development in the countryside. Furthermore, the site is too small to be included as an allocation and there is no evidence to indicate what is meant by '*low cost housing*' or how this would be achieved.

Recommendation:

- 11.107.23. I recommend no modification to the plan.

11.108. HSG1 - Ffynnongroyw

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
970	1272	Croft	DEP	O	No
1458	2019	Croft	DEP	O	No
2286	4590	Carter	DEP	O	No

Summary of Objections:

Rep No	Summary
1272 2019	Logical extension to a village where no land allocated. There is a good range of services. The site is accessible and close to employment and there are no infrastructure constraints
4590	Site has no constraints, is not prominent and would meet growth needs of Ffynnongroyw

Key Issue:

- 11.108.1. Whether the sites should be included within the settlement boundary and/or allocated for housing.

Conclusions:

- 11.108.2. Ffynnongroyw is a category B settlement with an indicative growth band of 8-15%. It consists of about 225 houses, has a range of services and community facilities, has some and is close to other employment sites and is served by public transport. It is therefore in principle suitable for residential development.
- 11.108.3. There are no housing allocations in the plan, but the Council says that since 2000 a combination of completions and permissions has led to 7% growth. This is only marginally below the 8% indicative level. Within the defined settlement boundary there are also a number of undeveloped/underused sites and it is quite possible that some of these could come forward for development during the plan period. That is of course subject to satisfactory flood consequences assessment and impact on the conservation area.

These considerations would not preclude development *per se* as suggested by the objectors. Similarly other matters such as, type of house, parking provision and relationship with neighbours are matters of detail that would normally be addressed as part of a planning application. The evidence before me does not suggest such factors would necessarily prevent development within the defined settlement boundary. This leads me to the conclusion that in principle I find no demonstrable need for the allocation of land for housing purposes outside the settlement boundary. My conclusions below should be read in the light of these comments.

- 11.108.4. 1272 & 2019 - There is no doubt that the objection site has a number of benefits in that it is close to services, public transport and the like and is not subject to constraints. However, it fronts Llinegr Hill opposite a short ribbon of houses in the gap between the defined settlements of Pen-y-ffordd and Ffynnongroyw. It is a greenfield site, open in nature and seen as an integral part of the wider countryside. It does not share a defined boundary with either settlement and so would be an isolated pocket of development which would consolidate the existing ribbon and perceptibly reduce the gap between the 2 villages. Even if the existing houses and the objection site were to be linked into Ffynnongroyw or the objection site reduced to allow frontage development only, these harmful effects would remain.
- 11.108.5. I accept that locally the nursing home on Llinegr Hill may be regarded as part of Ffynnongroyw, although I note other objectors consider it part of Pen-y-ffordd. However, the Council makes it clear in Topic Paper 2 para 4.4 that settlement boundaries are a planning land use tool for the control of development. They are not intended to define absolutely what constitutes a village. It is not therefore surprising that they do not always correlate with local perception, village signs and the like.
- 11.108.6. I consider the settlement boundaries as defined to be satisfactory. They reflect the settlement pattern and allow for some growth. Housing on the outskirts of Pen-y-ffordd is different in that it forms continuous ribbons of development. There is no break. The objection site is separated from the 2 settlements by woodland and open countryside. Given all the above circumstances I am not persuaded that there is any necessity to extend the settlement boundary or allocate greenfield land for housing purposes.
- 11.108.7. 4590 This objection site includes objections site 1272 & 2019 and also land to the north, closer to the coast road. The Council estimates its area to be just over 3ha. As a consequence my conclusions above apply equally to it. It consists in the main of open fields and is rural in character, containing a poly tunnel in the northern part. I share the view of a previous inspector who considered the fields had a stronger visual connection with the open countryside than the built up area of Ffynnongroyw and the ribbon of houses along Llinegr Hill. The defined boundary of the settlement follows the linear form of the village based on its main street. It has firm, logical boundaries which as I have indicated above include a number of potential development sites.
- 11.108.8. Whilst it may share a short boundary with the settlement, the objection site is poorly related to the settlement form - lying to the rear of the main street houses and fronting Llinegr Hill. If it was included within the settlement it would, in principle, permit development extending into the open countryside to the south of the coast road and south east of the built up area. However,

to my mind a fundamental issue is one of need. Because of the lack of a proven need for additional housing land and consequent extension of the settlement boundary, the prominence of the site, the availability of services and lack of constraints are secondary factors and do not weigh heavily enough to justify an allocation. Attractiveness to developers is not a sound criterion for allocating land for development. It could lead to building in all manner of attractive, but unsustainable locations.

- 11.108.9. In further submissions the objector refers to a significantly smaller site - 0.75ha. However, the tenor of my findings apply equally to that reduced area. The development of either site would have a far greater impact on the rural surroundings than the undeveloped sites within the defined settlement. I see no reason why, with the firm defensible boundaries proposed, the Council would not be able to resist pressure for development in the open countryside.

Recommendation:

- 11.108.10. I recommend no modification to the plan.

11.109. HSG1 - Flint

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
103	17299	Hughes	DEP	O	No
1018	1331	Trustees of the late J A Thomas's Estate	DEP	O	No
1018	1332	Trustees of the late J A Thomas's Estate	DEP	O	No
1154	1600	Milsom	DEP	O	No
1209	17393	Evans	DEP	O	No
1718	3102	Bevan	DEP	O	No
2334	4886	WAG - Dept of Economy & Transport	DEP	O	No
2607	5903	Roberts	DEP	O	No
2615	6004	Castlemead Homes Ltd	DEP	O	No
5291	13664	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
17299	Allocate land at 419 Chester Road to enable 2 dwellings to be built
1331	Include land behind ribbon development fronting onto Leadbrook Drive for housing
1332	If EM1(15) employment allocation is not acceptable allocate land for housing development
1600	Extend HSG1(11) to include land adjacent to 5 Mill Court that would otherwise be land locked
17393	Allocate land south of Flint High School
3102	Allocate a frontage site on Leadbrook Drive for housing development
4886	Allocate an extension to Croes Atti, either as a whole or in part, for residential development
5903	Extend settlement boundary to Coed Onn Road to round off the existing development
6004	Include land at Leadbrook Drive in settlement and allocate land next to HSG2 for housing
13664	Include land at Oakenholt for infill development

Key Issue:

- 11.109.1. Whether the sites should be allocated for housing and the settlement boundary amended where necessary.

Conclusions:

- 11.109.2. This is a category A settlement with an indicative growth band of 10-20%. Existing completions, commitments and allocations make sufficient provision for Flint to grow by some 15% in the plan period. Taking account of my recommendations with regard to HSG1(11), this would increase to 16%, comfortably within the indicative band. The deletion of the large part of HSG1(11), does not of itself justify the allocation of further sites in Flint. My conclusions in Chapter 3 STR4 indicate that there is a sufficient supply to meet the housing requirement.
- 11.109.3. 17299 – The land is some distance from the settlement boundary and would be subject to policies that relate to development in the open countryside. Since the plan only allocates sites that are capable of accommodating 10 or more dwellings the site is too small to allocate. The submissions put forward to support development on this site are matters for the development control process.
- 11.109.4. 1331, 1332 & 3102 – These objections relate to three parcels of land outside, and separated from, the Flint settlement boundary and to the east of Leadbrook Drive, Oakenholt. They are rural in character and although adjacent to the ribbon development along Leadbrook Drive they form part of the wider open countryside. Allocating any or all of them would result in an isolated pocket of development away from the defined settlement that would further consolidate the existing ribbon development.
- 11.109.5. Whilst I support PC390 which deletes the employment allocation on the land subject to 1332, for the reasons given in EM1(15) in Chapter 13, that does not justify allocating the area for housing.
- 11.109.6. 17393 – The site is put forward is an alternative to HSG1(10) and HSG1(11) allocations. Planning permission has been granted on the Cornist Road site and as I indicate above alternative provision has already been made in the light of the deletion of HSG1(11). The site is rural in character and development of this area would extend the settlement into the surrounding countryside. Furthermore, the land is part of the green barrier. Allocating this land would be contrary to the functions of the green barrier since it would result in development encroaching into the countryside and reduce the strategic gap between Flint and Flint Mountain. None of the other submissions relating to the site are sufficient to overcome these objections.
- 11.109.7. 4886 – For the reasons given in STR4 Chapter 3 above I do not find the plan's overall housing provision is deficient. The objection site amounts to some 37ha, is rural in character and forms part of the open countryside on the edge of Flint. The site would provide some 1100 dwellings if developed at the density envisaged in the UDP. The objector considers that taking into consideration landscaping, open space and wildlife buffers the figure would be in the region of 600 – 700 dwellings. At whatever density allocating this land would result in a significant extension into the countryside. Furthermore, it would result in growth in Flint that would be well beyond the indicative level. Not only would development on such a scale have an impact on this category A settlement it would also have Countywide repercussions in terms of overall housing provision.
- 11.109.8. The objection suggests that if not all the land is allocated within the plan period it could be considered for allocation beyond that timescale. Any

considerations relating to the release of land beyond the plan period will be a matter for future development plans. Having considered all the matters in the submissions I conclude they do not justify the allocation of any of the land.

- 11.109.9. 5903 – Whether I consider this an objection to merely extend the settlement boundary or to allocate the land for housing, my overall conclusions would be the same. The land forms part of the area that I have considered in 4886 above. It amounts to some 22ha and as in the case of 4886 would result in significant extension of development into the countryside and growth in Flint that would be well beyond the indicative level.
- 11.109.10. 6004 – This open field is part of the countryside around the edge of the Flint settlement boundary. Whilst it is adjacent to the Croes Atti commitment it does not follow that it should be allocated for housing development. To allocate it would extend the urban form into the countryside and result in consolidation with part of the ribbon development along Leadbrook Drive. I do not support the allocation or the suggested extension to the settlement boundary.
- 11.109.11. 13664 – This site is a considerable distance from the Flint settlement boundary adjacent to a small isolated group of houses and the paper mill. The plan only allocates sites that are capable of accommodating 10 or more dwellings and the site is therefore too small to be allocated. The submissions regarding the infill nature of any development are matters for the development control process and do not justify the allocation of this land.

Recommendation:

11.109.12. I recommend no modification to the plan.

11.110. HSG1 – Flint Mountain

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
7436	18708	Mrs J Collins (Landore Estates Ltd)	DEP	O	No

Summary of Objection:

Rep No	Summary
18708	This objection is dealt with in Chapter 4 GEN2 – Flint Mountain with 18706

11.111. HSG1 - Gorsedd

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2347	4883	Pottles Premier Plants	DEP	O	No

Summary of Objection:

Rep No	Summary
4883	Amend settlement boundary to allow residential development in a highly popular area

Key Issue:

- 11.111.1. Whether the settlement boundary should be amended to include the site for housing development.

Conclusions:

- 11.111.2. This is a category C settlement of 110 dwellings at the base date of the plan. The Council's intention for category C settlements is that growth should be limited to an indicative rate up to 10% during the plan period. Completions and commitments since 2000 amount to a 18% growth which is well above the indicative growth levels for this settlement category. Although the UDP does not allocate housing land in Gorsedd the planning permissions that have already been granted provide for growth within this settlement in accordance with the plan's spatial strategy and it is not necessary to make provision for further housing development.
- 11.111.3. The site is some 3.1ha in area and could accommodate some 78 dwellings. When combined with the completions and commitments this would result in growth of 41%. Such growth would be far in excess of the indicative levels and would undermine the UDPs underlying principles for the location and distribution of housing growth.

Recommendation:

- 11.111.4. I recommend no modification to the plan.

11.112. HSG1 - Greenfield**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2419	5291	Richardson	DEP	O	No
2419	5292	Richardson	DEP	O	No
2615	6017	Castlemead Homes Ltd	DEP	O	No
4442	17585	Watkin-Jones	DEP	O	No
5697	14285	Holt	DEP	O	No
5697	14286	Holt	DEP	O	No

Summary of Objections:

Rep No	Summary
5291	Greenfield has capacity to absorb further housing. Existing commitment is unlikely to be attractive for market housing. Allocate land at Rayon Road
5292	More housing can be accommodated in Greenfield. Allocate land next to HSG1(37) which is well related to settlement form
6017	Extend settlement boundary to include Bryn Celyn and allocate part of land for housing
14285 14286	Replace HSG1(37) with the Glan-y-Don sites A and B
17585	Need to allocate more land in Greenfield. The site is brownfield with access and services. It is close to amenities and facilities. An allocation would not breach the settlement capacity and is available unlike the textile mill site

Key Issue:

- 11.112.1. Whether more land should be allocated for housing in Greenfield.

Conclusions:

- 11.112.2. I deal with the merits of the Holywell Textile Mill site in this Chapter under HSG2B and providing a settlement boundary for Bryn Celyn in Chapter 4 under GEN2.
- 11.112.3. In response to the objections it seems to me the question to consider is not whether Greenfield can accommodate more houses, but whether there is a need to release more sites for housing development. It would be contrary to the underlying sustainable principles of the plan to allocate more land than is necessary and PPW at para 2.7 makes it clear that brownfield land should be developed in preference to greenfield sites. I conclude under STR4 in Chapter 3 that Countywide there is a sufficient supply of land to, not only meet a housing requirement of 7400 new homes, but also provide a degree of flexibility.
- 11.112.4. Greenfield is a category B settlement with an indicative growth band of 8-15%. Taking into account completions, commitments and allocations since 2000 I am told that the growth will be 8%, within the growth band albeit at the lower end. That percentage is without HSG1(37) which I recommend for deletion. In general terms it follows from the above that I do not consider there is a need for more housing to be allocated for the plan period. I note that the Holywell Textile Mill site will provide housing in the locality on a brownfield site. It is not included within the housing supply therefore there is no reliance on it to provide an adequate supply of housing. Consequently there is no need for substitute sites to be identified should it not come forward.
- 11.112.5. I now turn to the specific sites. 5291 – The site is countryside in character consisting of fields/woodland. It lies behind properties fronting the A548 and Cairnton Crescent with only a single narrow access onto the main road which would be unlikely to prove suitable to serve a housing development. Whilst it is claimed that the site would be more attractive than the nearby commitment at Glan y Don, no evidence is provided to support the assertion. In any event Glan y Don has a residential planning permission and any houses from the objection site would be in addition to not instead of that development.
- 11.112.6. My general conclusions above indicate that I do not consider more housing is required in Greenfield to reduce pressure on the category A settlements. 5292 to the south of Greenfield cemetery is again part of the countryside. It is next to HSG1(37) which I recommend for deletion from the plan. Without HSG1(37) it has no obvious access point and relates poorly to existing built development.
- 11.112.7. 6017 – Whilst the suggested allocation abuts the boundary of Greenfield, it is a steeply sloping established woodland which helps define the limits and provide an attractive setting for the settlement. I am told that it also has local nature conservation interest but there is no substantive evidence to support or amplify this assertion in the Council's statement.
- 11.112.8. 14285/14286 – One site consists of the northern half of the larger site. The southern portion of the larger site is an area of scrub which I am told is an informal wildlife site important for its pasture/meadow and scrub. The northern area is part of a field which forms the Glan y Don committed site. Both larger and smaller sites are within the green barrier which in this locality seeks to preserve the strategic gap between Holywell and Greenfield. These

and other objection sites considered by the inquiry illustrate that there is pressure to develop land within this gap from Holywell, Greenfield and also Bagillt.

- 11.112.9. 17585 – The objection site at Greenhill Farm Bryn Celyn lies to the south of the built up area of Greenfield and forms part of a field/open land which straddles the access to Greenhill Farm. The boundary, in part appears to be arbitrary and on site I saw it was undefined. It has only a tenuous link with the defined limits of the settlement and to extend those limits in the way suggested would result in either an illogical boundary with an island of housing surrounded by open countryside; or incorporate more land within the settlement, part of which forms the subject of 6017, and on which there is pressure to develop.
- 11.112.10. Whilst the objector says that the site is in part brownfield, I do not agree. From the evidence given at the inquiry and my visit to the locality I do not consider it meets the definition in Figure 2.1 of PPW. It may be different in appearance to the other part of the site, but the former use is not evident. It is an overgrown site which appears to have been recently subjected to some tipping. The site has effectively blended into the landscape and is reminiscent of many other parcels of land to be found in the rural areas. Not all land within the countryside can be used for agricultural purposes. I do not doubt that access and services can be provided but such matters are secondary when in principle there is no need for this site to be developed.
- 11.112.11. The site in other documents may lie within an area defined as non rural but that is clearly not the case visually or in the context of UDP strategy. I note here that the growth bands of the settlements are only indicative and do not mean that each settlement within category B is capable of accommodating 15% growth. As a consequence growth below that level does not equate to a shortage of housing in a locality.
- 11.112.12. From the above I conclude overall that the objection sites are subject to constraints and/or that none of the circumstances put forward in support of either including them within the settlement boundary or allocating them for housing during the plan period are sufficient to justify modification to the plan.

Recommendation:

- 11.112.13. I recommend no modification to the plan.

11.113. HSG1 - Gronant

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1243	1715	Jones	DEP	O	No
2419	5282	Richardson	DEP	O	No
2615	5980	Castlemead Homes Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
1715	Access can be achieved. Site should be allocated for housing
5282	More land may need to be allocated in Gronant

5980	Cat B settlements need more allocations. Site is well related to built form
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Key Issue:

- 11.113.1. Whether the sites should be included within the settlement boundary and/or allocated for housing.

Conclusions:

- 11.113.2. 1715 – The objection site adjacent to Colomendy is included within the settlement boundary. In accordance with GEN2 and HSG3 there is therefore a presumption in favour of development if certain criteria are met. The objector says that there may be problems with providing access, although that was the situation in 2003, and the Council now say that access could be provided, but to serve only 5 units. The development of this number of units is below the Council's cut off point for making allocations.
- 11.113.3. The circumstances I am aware of, do not indicate that there should be an exception to the Council's threshold allocating sites and I do not support the allocation of the land.
- 11.113.4. 5282 – The objection site lies to the north of HSG1(38) but has no road frontage. Access would therefore need to be taken through the allocated site. The Council does not consider the existing roads would be capable of taking the additional traffic and there is no substantive evidence to indicate otherwise. In these circumstances it would be illogical to allocate land which is so constrained with little prospect of development.
- 11.113.5. 5980 – land west of Pentre Lane – Gronant is a category B settlement of some 470 houses. Taking into account completions and commitments in the first 5 years of the plan together with the potential yield from HSG1(38) there is likely to be a minimum level of growth of about 9%. There is also the likelihood that this would be increased by the development of unallocated/undeveloped land within the settlement boundary. There is therefore no necessity to allocate more land to enable development to reach the levels of the indicative growth band 8-15%. Nor it will be evident from my conclusions on housing supply under STR4 in Chapter 4 is there any necessity to provide further housing to meet the Countywide supply figure.
- 11.113.6. The settlement boundary follows the built form and there is a distinct character break at the Elms (within the settlement) where Pentre Lane changes to a track. The objection site abuts the southern boundary of the village and lies between it and the Clwydian Range AONB – although I note the southern part of the site extends into the AONB. For the most part it comprises a woodland belt which is protected by a TPO. It forms an intrinsic part of the open countryside on the fringe of the AONB and the settlement. Allocation and development for housing would, in the circumstances I have outlined, unnecessarily urbanise this greenfield site most of which is protected for either its trees or natural beauty. I also share the concerns of the Council about providing a satisfactory access to serve the site given the nature of Pentre Lane.

Recommendation:

- 11.113.7. I recommend no modifications to the plan.

11.114. HSG1 - Gwernaffield**Representations:**

Personal ID	Rep No	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2614	5924	The Representative Body of the Church in Wales	DEP	O	No

Summary of Objections:

Rep No	Summary
5924	Boundary restricts extension of settlement. Allocate land for housing

Key Issue:

11.114.1. Whether the site should be allocated for housing.

Conclusions:

- 11.114.2. The objection site is a roughly triangular parcel of grazing land and part of the open countryside to the east of Gwernaffield. The village is a category C settlement with an indicative growth rate of up to 10%. The Council indicates that there was only 1.5% growth until 2005, but because of the environmental constraints, that is, the sensitive landscape, no more growth or extension of the settlement is planned.
- 11.114.3. My conclusions on the supply of housing land indicate that there is no need for this site to be allocated to provide an adequate supply of new houses. Moreover given the contribution that site makes to the setting of the village and the landscape which would be likely to be lost along the roadside, even if more land was required I am not satisfied that this prominent location would be the best place to extend Gwernaffield.
- 11.114.4. At present the settlement boundary has firm defensible boundaries and I find no planning reasons for them to be changed.

Recommendation:

11.114.5. I recommend no modification to the plan.

11.115. HSG1 - Gwernymynydd**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2327	4808	Hommersley	DEP	O	No
2344	4860	Rees & Hoults	DEP	O	No

Summary of Objections:

Rep No	Summary
4808	Allocate land off Swan Lane for housing; close to existing housing development
4860	Allocate land at Llys Newydd for housing. Plan does not supply adequate land and fails to recognise sites capable of development within/contiguous to the settlement

Key Issue:

11.115.1. Whether land should be allocated for housing development.

Conclusions:

- 11.115.2. 4808 – Although the site is close to existing housing developments it is nevertheless outside the settlement boundary and relates to the surrounding countryside rather than the urban area. Extending the boundary to include the site to enable development would lead to encroachment into the countryside and green barrier. Furthermore, the plan only allocates sites that can provide 10 or more dwellings. It would not be appropriate to allocate land below this threshold.
- 11.115.3. 4860 – For the reasons to be found in GEN2 - Gwernymynydd in Chapter 4 I recommend this land is excluded from the settlement boundary. This is due to doubts as to whether satisfactory access can be achieved. It follows that, for similar reasons I do not support this objection.

Recommendation:

- 11.115.4. I recommend no modification to the plan.

11.116. HSG1 - Gwespyr**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2333	4830	C G Gethin & Associates Ltd	DEP	O	No

Summary of Objection:

Rep No	Summary
4830	This objection is dealt with at GEN2 Gwespyr in Chapter 4 with 17616

11.117. HSG1 - Halkyn**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2615	5979	Castlemead Homes Ltd	DEP	O	No

Summary of Objection:

Rep No	Summary
5979	The site at Ty Gwyn Halkyn is partly brownfield and well related to the existing built form. It does not encroach onto the wildlife designations

Key Issue:

- 11.117.1. Whether the land should be included within the settlement boundary and allocated for housing.

Conclusions:

- 11.117.2. There is no need to allocate more sites to meet housing need. Halkyn is a category C settlement with few facilities. It is a location where I recommend growth in general should be restricted to local needs only. Growth so far within the settlement has amounted to 6% and if the objection site were to be

allocated and/or included within the settlement boundary it would potentially yield a further 25%. I consider this would be unacceptable and contrary to the plan's sustainable principles which seek to concentrate growth in the larger settlements where there is better access to a wider range of services and facilities.

- 11.117.3. The objector has put forward no arguments which persuade me otherwise. I note that even if part of the site were to be considered brownfield, which from my inspection does not appear to be the case, PPW (2.7.1) recognises that not all such land is suitable for development. In this instance I consider the location of the settlement militates against the site's development.

Recommendation:

- 11.117.4. I recommend no modification to the plan.

11.118. HSG1 - Hawarden

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
176	5503	Diocese of Wrexham	DEP	O	No
477	727	Hawarden Estate	DEP	O	No
477	743	Hawarden Estate	DEP	O	No
477	756	Hawarden Estate	DEP	O	No
477	783	Hawarden Estate	DEP	O	No
477	795	Hawarden Estate	DEP	O	No
1119	1514	Anwyl Construction Company Limited	DEP	O	No
1119	1516	Anwyl Construction Company Limited	DEP	O	No
1124	1549	Hine	DEP	O	No
2297	4670	Redrow Homes	DEP	O	No
2299	4701	Mills	DEP	O	No
7244	17828	Brooklands Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
5503	Allocate land at Upper Aston Lane, include within settlement boundary. Insufficient land is allocated to meet housing needs. No provision made in Hawarden. Green barrier is inappropriate and development of this site would not undermine its aims
727 1516	There is an underestimation of the housing requirement and the supply is inadequate. Garden City is likely to extend beyond the plan period and more sites should be released. The land at Ashfield House is partly brownfield, in a sustainable location and would be logical extension of the built up area. It has no known constraints
743	There is an underestimation of the housing requirement and the supply is inadequate. Insufficient sites have been allocated to meet housing needs. The land at Gladstone Way/Bennetts Lane is in a sustainable location, would be a logical extension to the built up area and has no known constraints. It does not fulfil a green barrier role
756	There is an underestimation of the housing requirement and supply is inadequate. Insufficient sites are allocated to meet housing needs. The land between Bennetts Lane and the railway line is in a sustainable location, would be a logical extension of the built up area and has no known constraints. Development south of Overlea Drive would bring it into the pattern of built development. It would enable minor improvements to Bennetts Lane to improve highway safety. The role of the green barrier has been weakened by the new bungalow. Allocating land would not compromise the remaining green barrier between Hawarden and Ewloe
783	There is an underestimation of the housing requirement and supply is inadequate. Insufficient sites are allocated to meet housing needs. The development of land east of The Wigdale is in

	a sustainable location, would be a logical rounding off and there are no known constraints. Dobshill, is some miles away and there is no justification for such an extensive green barrier. Allocating the land would not adversely affect the strategic gap or adversely encroach into the countryside.
795 1514	There is an underestimation of the housing requirement and the supply is inadequate. Garden City is likely to extend beyond the plan period and more sites should be released. Part of the site is brownfield. Development of 75 dwellings in this sustainable location represents a logical extension to the development with no known constraints. It is well enclosed by woodland and would not harm the historic part of Hawarden. The line of the valley is a more logical the boundary for the green barrier and allocating the land would not adversely affect its integrity. Development could facilitate the provision of a new golf club house replace the existing one which is too small and in need of replacement
1549	Land to the rear of Oakmere is previously developed land and should be given preference for development. Allocate Oakmere and its curtilage for housing to meet needs of Hawarden. The settlement/green barrier boundary is arbitrary. The green barrier here is without merit
4670	Include land south of Overlea Drive identified in PC40 as a housing allocation
4701	Allocate land adjacent to Groomsdale Cottage for housing and include within the settlement boundary. Failure to allocate sufficient land generally and in Hawarden. Contributes little to the function of the green barrier
17828	Include land at Station Lane to assist the provision of housing stock

Key Issue:

- 11.118.1. Whether sites should be allocated and the settlement boundary and green barrier amended accordingly.

Conclusions:

- 11.118.2. For the reasons given under STR4 in Chapter 3 I do not find the plan's overall housing provision is deficient. With regard to the Garden City site, briefly I conclude that, at this stage, there is no need for alternative housing locations. Should any shortfall of 5 year housing supply be identified as a result of annual monitoring, it can be addressed as part of the LDP process.
- 11.118.3. Hawarden is a category B settlement with an indicative growth band of 8-15%. The deposit plan made no housing allocations relying on completions and commitments to cater for housing growth over the plan period. The resulting growth amounts to 5% which is below the indicative growth band. However, it does not follow that land should be allocated for housing development if the constraints are such that to do so would be contrary to other policies in the plan.
- 11.118.4. For the reasons to be found in GEN 2 – Hawarden, in Chapter 4, I support PC40 which amends the settlement boundary to include land south of Overlea Drive and amends the green barrier accordingly. It is on this basis that I consider the following objections.
- 11.118.5. 5503 – This site of some 4.2ha would accommodate about 100 dwellings and would amount to significant growth. Whilst, this does not of itself preclude its allocation, given the adequacy of the housing provision there is no need for this land to be allocated. This site is a significant part of a relatively small area of open land between Hawarden and Ewloe designated as green barrier to safeguard the countryside from encroachment and to prevent neighbouring settlements from merging into one another. Development of this land would be contrary to both of these green barrier functions. Drawing back this part of the green barrier would significantly weaken its function. Whilst I acknowledge that in some cases there is no gap between settlement boundaries that does not justify the allocation of this land. It would also

represent an illogical extension to the settlement poorly related to the form and pattern of existing built up areas of Hawarden and Ewloe.

- 11.118.6. I indicate in GEN2 in Chapter 4 that the access constraints to the land south of Overlea Drive have been resolved. I note the further submission that relates to this predates the revised TAN18.
- 11.118.7. 727 & 1516 – The rear boundaries of development along Vickers Close provide a firm and well defined edge to this part of the settlement. The existing buildings on the objection site are separated from this urban edge by open land and the site as a whole has greater affinity with the countryside than the built up area. Development would result in encroachment into the open countryside. I do not accept that this would be a logical extension to the built up area. It would reduce the gap between Hawarden and Shotton/Aston, Pentre and Mancot. This would undermine two functions of the green barrier namely to safeguard surrounding countryside from further encroachment and prevent neighbouring settlements from merging into one another. No details are provided of the extent or condition, of the brownfield land but it does not follow that all such land is suitable for allocation. Whilst there is no gap between development in the lower part of Hawarden and Mancot, development on this site would lead to unacceptable coalescence.
- 11.118.8. 743 – Although the present gap between these two parts of Hawarden is small it is nevertheless a distinct break between two separate areas and I do not consider it should be further undermined. Development of this land would extend the built up area further into the open countryside and join this part of Hawarden with the historic core to the south. It would also result in an area of open land to the south being effectively enclosed by development resulting in an illogical settlement boundary. In HSG1 – Mancot I recommend that part of the green barrier west of Ash Lane is deleted, included within the settlement boundary and allocated for housing. That recommendation reinforces the need to retain the remainder of the green barrier between Hawarden and Mancot. Allocating this objection land would effectively split the remaining green barrier undermining its two functions which are to safeguard surrounding countryside from further encroachment and prevent neighbouring settlements from merging.
- 11.118.9. 756 – This narrow strip of land is part of the relatively small area of open land between the railway line and Ewloe. Development would result in a narrow elongated development that would be poorly related to the remainder of Hawarden. The railway embankment physically and visually separates this land from the Overlea Drive area and I do not accept that development on it would bring this site into the built form and pattern of development. No evidence is before me to indicate the extent of the *minor improvements to the alignment of Bennetts Lane* or whether such works would improve highway safety. The recently built bungalow has a much lesser impact on the countryside and green barrier and does not justify allocating this land since it would significantly undermine its two functions which are to safeguard surrounding countryside from further encroachment and prevent neighbouring settlements from merging.
- 11.118.10. 783 – The site has an open aspect towards the open countryside and the valley bottom. Development of this site would result in significant encroachment into the open countryside thereby undermining this function of the green barrier. The settlement boundary in the UDP follows physical

features and is firm and defensible. The suggested boundary however, crosses open land and does not follow any physical features. As such it is not firm or defensible.

- 11.118.11. 795 & 1514 – Although both objections relate to the same site, 795 indicates it has an area of 4.5ha (some 112 dwellings) whilst 1514 states it is 3.5ha and would accommodate 75 dwellings. This is lower than the indicative density in the UDP which would result in 88 dwellings. No explanation is given for these differences and I can comment no further on this. Whilst development of this area would amount to significant growth it does not of itself preclude its allocation.
- 11.118.12. I have considered an objection relating to a smaller part of this land in GEN2 – Hawarden and GEN5:17 in Chapter 4. For the reasons given there I do not support amending the settlement boundary to include a smaller area of land. Whilst some of the area has been developed it still retains a generally open character and includes open land and an extensive belt of trees. The golf club buildings and car park are in a generally open setting and do not justify the land being allocated for housing development. The area is some distance from the historic parts of Hawarden but I find it has a greater affinity with the countryside than the more urban parts of Hawarden. Allocating this area would extend the urban form further into the countryside resulting in an illogical extension to the settlement. Whilst part of the site includes brownfield land it does not necessarily follow that all such land is suitable for allocation. The condition of the existing golf club and the opportunities allocating this land might hold for a replacement facility do not justify unnecessary development. Drawing the green barrier back to the suggested line would weaken its function of safeguarding the countryside from encroachment.
- 11.118.13. 1549 – The settlement boundary to the north of this land is a firm line along the rear of properties and I see no reason why it should not continue along the field boundary on the eastern side of this objection site. This would be a more logical and defensible boundary than the one proposed at present. The additional growth on this small site would be within the indicative band. Since it is not clear to me whether the number of dwellings that could be accommodated on the undeveloped triangular area of land would be above or below the UDP's threshold for allocating land for housing it would be appropriate for it to be considered as a windfall site.
- 11.118.14. This small area of land is bounded by the railway line on one side and residential development on the other and as such does not amount to a key area of land which is essential to retain its open character and appearance. Drawing the green barrier back would not result in development being nearer to the neighbouring settlement or have an adverse impact on the special historic character of Hawarden. I do not consider this small triangle of land contributes to the green barrier functions. The revised green barrier boundary would be firm and defensible.
- 11.118.15. 4670 – Access constraints prohibited PC40 allocating the land for housing. However, as I indicate in GEN2 in Chapter 4 those concerns have been resolved. The land amounts to some 3.5ha and would accommodate some 88 dwellings if the whole area was developed. However, I understand that on site constraints reduce the developable area to some 1.9ha resulting in 48 dwellings. I note the 2004 appeal proceeded on the basis of the development

of 43 dwellings. On the evidence that is before me there are no barriers that prevent the site from being developed for the 48 or so dwellings. However, given the difference between the theoretical capacity and this scenario I consider greater certainty would be achieved by allocating this land for housing development with an indication of the scale of development that would be acceptable. This would be a matter for the adoption process.

- 11.118.16. 4701 – The UDP only allocates sites capable of accommodating 10 or more dwellings and given the small size of this objection site it is too small to allocate. I have already indicated above that I do not support including land to the east of this site within the settlement boundary. Amending the settlement boundary to include this land would result in an illogical situation. Removing this site from the green barrier would diminish its function of safeguarding the countryside from further encroachment.
- 11.118.17. 17828 – Development of this narrow strip of land would result in ribbon development extending into the countryside. From my visit I saw that any remains of past activities on this site have blended into the landscape and are part of the natural surroundings. I do not consider the site to be brownfield. Even if a different view is taken it does not necessarily follow that all brownfield land should necessarily be allocated or developed. Bearing in mind the resulting ribbon form of development and the illogical settlement boundary I do not support this objection.
- 11.118.18. I consider that, with the exception of the land that is subject to PC40 and 1549, the unacceptable consequences on the settlement boundary and green barrier outweigh the arguments in favour of allocating these sites for housing development.

Recommendations:

11.118.19. I recommend the plan be modified by:-

- i) allocating land south of Overlea Drive for housing and including the details in the Table attached to HSG1
- ii) amending the settlement boundary to include land to the rear of Oakmere and amending the green barrier accordingly

11.119. HSG1 - Higher Kinnerton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1123	1543	Linden Homes Developments Ltd	DEP	O	No
1123	1547	Linden Homes Developments Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
1543 1547	There is a need for more housing and the supply is not adequate. The settlement strategy is not justified and Higher Kinnerton should be reclassified as a category B village. The site is a logical extension to a village with a wide range of facilities. There are no infrastructure or other constraints. Development would bring with it community benefits including road improvements, enhanced recreational facilities, affordable housing

Key Issues:

11.119.1. Whether:-

- i) Higher Kinnerton should be reclassified as a B settlement
- ii) the land should be included within the settlement boundary and/or allocated for housing.

Conclusions:

- 11.119.2. Settlement strategy – The categorisation of settlements is not an exact science. Because there is a wide range of settlements in Flintshire the 3 bands are broad and it is inevitable that towns and villages in the same band will differ in size and facilities. As the largest of the category C settlements with a reasonable amount of facilities, Higher Kinnerton shares some of the characteristics of category B settlements and is remarkably different to some of the category C settlements such as Alltami. However, the Council believes that because of its location close to the border and within a wider rural setting and in terms of its character and form, Higher Kinnerton is appropriately designated as category C. Whilst the matter is finely balanced I do overall agree with the Council and for the purposes of the distribution of growth find C is the suitable category.
- 11.119.3. Allocation - The objections were made when the Council proposed a supply of housing below the requirement. That situation has now changed and my conclusions to STR4 in Chapter 3 make it clear that firstly I am satisfied an adequate supply of land has been identified to meet a housing requirement of 7400 new homes and secondly that, although I have some reservations, the settlement strategy will guide the distribution of that growth adequately. Higher Kinnerton as a category C settlement has an indicative growth band of 0-10%.
- 11.119.4. The objection site measures some 4.6 ha which would potentially produce growth in the region of 20%. Excluding HSG1(57), in total this would result in over 25% growth within the plan period which is well over the indicative growth for even category A settlements such as Mold and Flint. I have seen no substantive arguments which justify that level of growth in what is a relatively small rural village with limited facilities in comparison to the larger settlements.
- 11.119.5. Should more growth be required and Higher Kinnerton was judged to be a suitable location to accommodate that growth then the lack of constraints on the site would no doubt mean development could take place. Similarly road improvements, recreational facilities and affordable housing above and beyond the requirements of UDP policies would bring community benefits, but they are not good reasons to allocate greenfield land unnecessarily. To do so would be contrary to the sustainable objectives of the plan.
- 11.119.6. The site consists of fields, is open in nature and forms an integral part of the countryside. It is not part of the built up area in either character or appearance. It follows from the above that I do not consider the land should be included within the settlement boundary where there would be a presumption in favour of development. If affordable housing and additional sports facilities were needed, these could in principle be provided within the countryside subject to the criteria in UDP policies.

Recommendation:

11.119.7. I recommend no modification to the plan.

11.120. HSG1 - Holywell

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1125	2244	Ward	DEP	O	No
1153	1598	Corbett	DEP	O	No
1337	1858	Hughes	DEP	O	No
2337	4837	Jones	DEP	O	No
2340	4847	Pierce	DEP	O	No
2343	17630	W Hall & Sons(Holywell) Ltd	DEP	O	No
2419	5285	Richardson	DEP	O	No
3545	8999	Brix Investments	DEP	O	No
3559	9088	Leason Homes	DEP	O	No
4256	11055	Kennedy	DEP	O	No
5186	13420	The Parish of Holywell	DEP	O	No
7432	18661	Johnson	DEP	O	No

Summary of Objections:

Rep No	Summary
1598	Housing fronting Wood Lane would not intrude into the countryside and would relate well to the settlement and its facilities. It would not compromise the green barrier. Services are available and planning permission has been granted for housing in the past. The larger site to the east would provide a suitable reserve site should there be a shortfall in supply
1858	Site is brownfield and was used for mining. There is a garage/shop opposite. Part of it has been deleted from the SAC. It should be allocated for housing
2244	Scrap all current developments on greenfield sites until brownfield sites have been developed
5285	Include in settlement boundary as in previous local plan. It is a logical extension to HSG1(12)
8999 9088	Include site within settlement boundary and allocate for housing. It is well related to settlement pattern. It is preferable to and does not have the same constraints as the allocated sites
11055	Allocate site for housing
13420	Allocate former church hall site for housing. It is suitable and ready for development
17630	Inadequate housing has been proposed in Holywell and the settlement boundary does not allow for future development. The site is contiguous with Holywell and would not intrude into the surrounding countryside
4837	Inadequate housing has been proposed in Holywell and the settlement boundary does not allow for future development. The site is contiguous with Holywell and would not intrude into the surrounding countryside
4847	The site is contiguous with Holywell and would not intrude into the countryside. Allocate for housing
18661	There is a need for more housing. Site is well related to settlement, close to town centre and employment areas. Allocation would not harm nature conservation or contribute to the coalescence of settlements

Key Issue:

11.120.1. Whether additional land should be allocated for housing development.

Conclusions:

11.120.2. My conclusions under STR4 in Chapter 3 indicate that there is adequate land to meet a housing requirement of 7400 and provide a degree of flexibility. Holywell is a category A settlement with an indicative growth band of 10-20%.

Altogether with allocations, completions and commitments, planned growth will amount to 12-13%. Whilst this is at the lower end of the band, there is also likely to be growth (not included as a component of supply) just to the north of the settlement from the mixed use scheme HSG2B at the Holywell Textile Mill site. There is therefore no need to allocate more land for housing in Holywell in terms of Countywide need or to accord with the spatial strategy, particularly when that land is designated as green barrier and/or greenfield. Should annual monitoring indicate a potential shortfall in housing supply that can be addressed at the appropriate time. It is not necessary at present to allocate more sites to address a potential shortfall situation which may or may not arise.

- 11.120.3. 2244 – It seems to me that this objection is essentially related to Greenfield and I deal with Greenfield objections in this chapter under HSG1(36), HSG1(37) and HSG1 - Greenfield.
- 11.120.4. 1598 – In the light of my general conclusions above I do not consider it necessary to recognise the larger objection site as a reserve location should there be a shortage in supply. It seems to me that if annual monitoring does identify a shortage then a review of potential sites should take place in a systematic way as part of the LDP production. In the interim I consider the site to be an intrinsic part of the open countryside which is designated as green barrier. It helps maintain a strategic gap between and prevent the coalescence of settlements. Development of the site would severely compromise that gap.
- 11.120.5. Turning now to the smaller site fronting Wood Lane. It is 40 years since permission was granted for housing and planning policy has changed significantly in that time. Whilst it has a different appearance to adjacent land, it is nevertheless open in nature and makes a positive contribution to the green barrier. Wood Lane provides a firm defensible boundary. I appreciate that development on the site would only be a small incursion into the strategic gap, but the same could be said of many similar sites on the urban fringe.
- 11.120.6. There are policies in the plan to ensure that new residential developments provide a mix of housing and the allocations plus the Textile Mill site mean that building will not be confined to one part of the settlement. In any event, even if it were, from the information before me, I do not consider this would be a particular problem. I accept that there are no physical constraints to development, but this is of lesser account when in principle there is no need for the development of more greenfield sites.
- 11.120.7. 1858 – The objection site, between Herward Cottage and the A5036 Milwr about 1ha in extent, is in the open countryside about 700m from the defined settlement boundary of Holywell. To allocate such land for housing would be contrary to the spatial strategy which seeks to concentrate development within or make minor extensions to settlements. This is in line with PPW (9.3.1 MIPPS 01/2006) which requires new housing to be well integrated with existing towns avoiding a fragmented pattern of development. The location of the site close to a garage/shop does not make the location sustainable or provide the same level of facilities that are to be found within Holywell.
- 11.120.8. I appreciate that the land was used for mining purposes in the past and is considered to be brownfield. However, the site has begun to naturally

revegetate and appears as an intrinsic part of the rural area. Even if brownfield, PPW (2.7.1) recognises that not all such land is suitable for development. Apart from its location I also consider that a significant part of the site's designation as a SAC militates against its allocation for housing.

- 11.120.9. 5285 – The objection site is steeply rising ground behind HSG1(12) to the south of Llesty Hospital. Its topography and nature mean that it is seen as part of the open countryside and to my mind it relates better to the undeveloped area. I appreciate that in the past it has had the benefit of housing permissions (1991 and 1994), been allocated for housing (Delyn Local Plan) and included within the settlement boundary (draft North Flintshire Local Plan) but because of the site's character and location together with the lack of need to identify more greenfield sites, I consider in the present policy framework it is appropriately located in the open countryside.
- 11.120.10. 8999, 9088 - land south west of Holybank. Coed Y Fron, Fron Park Road – There is a substantial degree of overlap between the objection sites. Basically the same issues relate to both and as a consequence they are dealt with together. The sites measure about 5 and 8 ha. They are part of the open countryside which in this location is part of the Holywell Common and Halkyn Mountain Landscape of Historic Interest. It is prominent land, highly visible and an intrinsic part of the landscape setting of Holywell. In principle I do not find it a good location for a settlement extension
- 11.120.11. Although there are 2 potential access points from Coed-y-Fron and Pen-y-Ball Hill, given the nature of these roads, without further information indicating otherwise I have reservations about their suitability to accommodate the traffic generated by development. These constraints mean that I do not find the sites preferable to the allocations nor do I believe the land should be included within the settlement boundary.
- 11.120.12. I note the objector does not say on what basis related objections 9002 and 9003 (to paras 11.1-11.26 respectively) are made. I cannot therefore reach any meaningful conclusions on them.
- 11.120.13. 17630 – land at Crescent Bank, Greenfield Road – The road frontage to the site is included within proposed allocation HSG2B which I deal with below and recommend for incorporation into the plan.
- 11.120.14. I reach different conclusions however, in respect of the remainder and vast majority of the objection site which is of a different character and forms an intrinsic part of the open countryside. The land is designated as a non statutory wildlife site of nature conservation importance. Development on it would result in a contrived extension into the open countryside, poorly related to the surrounding settlement pattern. In the situation where there is no need to identify more land for development for the foreseeable future I see no reason to either allocate the site for housing purposes or include it within the settlement boundary.
- 11.120.15. 4847 – land at Milwr Farm – The Council says that the further representations go beyond the duly made objection. I do not therefore comment on them in reaching my conclusions.
- 11.120.16. The objection site is 2 parcels of land to the north and south of Milwr Farm with a combined area of about 3.5ha. Although there are the farm buildings within the site and a scattering of properties around it, it is essentially open in

nature and seen as part of the countryside. It has only tenuous links to the defined built up area where the northern part of the site is adjacent to Stamford Way and where the southern part is contiguous, albeit on the other side of the road, with the side garden of 60 Pistyll.

- 11.120.17. From a physical point of view I share the previous inspector's view when looking into objections to the Delyn Local Plan in 1991, that is the (northern half of the) site would ...*result in a prominent extension of the built up area along the attractive A5026 approach to the town.* The physical impact of development would be intensified by allocation of the southern part of the site. From the policy point of view my conclusions referred to above indicate there is no need for additional allocations to be made.
- 11.120.18. Should annual monitoring indicate a potential shortfall in housing supply it can be addressed at the appropriate time. It is not necessary to allocate sites to address a potential shortfall situation which may or may not arise. The nature of the site does not justify its inclusion within the settlement boundary nor does the housing supply situation support its allocation for housing.
- 11.120.19. Moreover in this particular case, where there are policies which seek to provide sustainable development, I find the location of the site to be poorly related to the settlement and its facilities when compared to the allocated sites. It is an outlier on the southern tip of the built form. I am also told that there are concerns about a suitable access being provided and from my site inspection I too have reservations on this count. I appreciate that a large proportion of affordable housing could be provided, but I have no substantive evidence which suggests that health care workers housing is needed in Holywell and if it were whether the objection site is the most suitable.
- 11.120.20. 4837 – land east of Holway Court – Irrespective of the housing supply situation I understand there are doubts about the provision of a safe access to the site. These relate to satisfactory sight lines along the A5026 for a new access and the capability of Moor Lane to accommodate additional traffic. The Council's highways officer confirms there are no plans to improve the Moor Lane/A5026 junction. There is no evidence before the inquiry to demonstrate that highway constraints can be overcome. They therefore militate against allocation and inclusion within the settlement boundary where there would be a presumption in favour of development.
- 11.120.21. That being said the Council recognises that the land may in the future have the potential to be developed. For that reason it is excluded from the green barrier. This is a sensible approach which will enable a review as part of the production the LDP when conditions existing at that time may necessitate the release of more land around the periphery of Holywell. At present the circumstances do not indicate the site is required to meet housing need nor because of its location and greenfield status do I consider it to be sequentially preferable to either the allocations or HSG2B.
- 11.120.22. 11055 – land south east of Sealand Avenue – The objection site consists of fields which are an intrinsic part of the open countryside between the built up area and the A5026 Bagillt Road. The fields slope down to the road and are part of the green barrier. Development on the site would be a prominent obvious incursion into the countryside poorly related to the built form. I do not find it to be a suitable location for settlement expansion.

- 11.120.23. 13420 –former Church Hall, Well Street – The site is under 0.3ha in extent and is subject to a number of constraints including its shape, a TPO, its location within the conservation area and proximity to listed buildings. Without evidence to the contrary I am therefore concerned that the site could satisfactorily accommodate 10 units which is the threshold for making allocations. That being said the site lies within the settlement boundary and I am told a replacement hall has been provided. In these circumstances, whilst I do not support a housing allocation, there appears to be nothing in principle to prevent residential development on the site.
- 11.120.24. 18661 – The site south of Pen Y Maes Road measures just over 4ha, slopes down from Pen-y-Maes Road to the A5026 and is poorly related to the settlement pattern. It is open in character and relates better to the countryside than the built up area defined by the settlement boundary. Development on it would represent an unnecessary encroachment down the slope into the countryside which in this locality is designated green barrier and within which representations to the UDP indicate there is significant pressure to develop.
- 11.120.25. I am told that there are doubts about providing a satisfactory access to the site both from the A5026 because of sight lines and from Pen-y-Maes Road because of TPO trees. The ability of a site to provide a range of housing is not a determinative factor in site selection. It is only after an allocation has been made that details of the type of housing fall to be considered. And any scheme coming forward would have to pay due regard to the affordability and mix of dwellings to be provided.
- 11.120.26. In the light of these factors and as there is no necessity to identify further sites to meet housing need I see no reason why this greenfield site should be allocated for development.

Recommendation:

- 11.120.27. I recommend no modification to the plan.

11.121. HSG1 - Hope, Caergwrle, Abermorddu & Cefn y Bedd

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
146	17303	Glendenning	DEP	O	Yes
183	17306	Jones	DEP	O	No
967	1268	Rhodes	DEP	O	No
967	1269	Rhodes	DEP	O	No
2285	4589	Wolverhampton & Dudley Breweries Plc	DEP	O	No
2309	4744	Lawrence	DEP	O	No
2312	4747	Lloyd	DEP	O	No
2615	5988	Castlemead Homes Ltd	DEP	O	No
2615	5990	Castlemead Homes Ltd	DEP	O	No
3863	9921	Bell and Edwards	DEP	O	No
5710	14385	Tilston	DEP	O	No
5732	14348	Parrish	DEP	O	No
5735	14353	Hough	DEP	O	No
5741	14362	Davies	DEP	O	No
5747	14377	Woodhouse	DEP	O	No

Summary of Objections:

Rep No	Summary
17303	Allocate land to rear of Ty Carreg, Stryt Isa
17306	This objection is dealt with above HSG1(41a)
1268	This objection is dealt with above HSG1(41a)
1269	Allocate the former football pitch. Settlement can support additional growth; well related to existing built form and would round off this part of the village, access onto B5102
5988	Allocate land that is within the settlement boundary for housing development
4744	Allocate land adjacent to Caergwrle station, insufficient land allocated to cater for growth
4747	This objection is dealt with above in HSG1(41a)
5990	Allocate land at Rhyddyn Hill Caergwrle. There is a shortage of development land
14353	Allocate land adjacent to Rhyddyn Farm for housing/community development. Allocations do not meet the maximum 15% growth allowed
14362	Allocate land adjacent to The Holly Bush, Cefn y Bedd as housing allocation and include in the settlement boundary. More suitable than allocations HSG1(39), (40) and (41)
4589	This objection is dealt with above HSG1 (41a)
14385	Allocate land adjacent to Bridge Farm, Fagl Lane for housing and amend settlement boundary
14348	Allocate land at Hawarden Road Caergwrle for housing development of 5 dwellings and amend the settlement boundary accordingly. No housing provision in Caergwrle; the castle is a focal point; and not part of the open countryside
9921	Include land adjacent to Bridge Farm, Fagl Lane as a housing allocation
14377	

Key Issue:

- 11.121.1. Whether the sites should be allocated for housing development and where appropriate the settlement boundary amended accordingly.

Conclusions:

- 11.121.2. In my conclusions to STR4 in Chapter 3, I find the plan provides a sufficient supply of land to meet the identified overall housing need. Hope, Caergwrle, Abermorddu & Cefn y Bedd is a category B settlement with an indicative growth band of 8 – 15%. Completions, commitments and allocations will result in growth of some 13%.
- 11.121.3. 17303 – The land is within the settlement boundary but is too small to be allocated since it is below the threshold in the plan.
- 11.121.4. 1269 & 5988 – planning field east of Cefn y Bedd station – The railway line isolates the site from the built up part of the settlement and it would not represent a logical rounding off of this part of the village. The land does not have a frontage onto the B5102 and the substandard track leading to the site is not suitable for the development envisaged.
- 11.121.5. 4744 – The land at The Grange/The Dyke Wrexham Road is within the settlement boundary but is too small to be allocated since it is below the threshold in the plan. I note that planning permission for residential development was granted in 2006 for part of the land.
- 11.121.6. 4747 – The railway line separates this land from the built up area. I understand the site is constrained by flood risk and has no access onto a public highway.
- 11.121.7. 14353 – I do not consider there is a shortage of developable land in the area bearing in mind the allocations that have been made. The site is opposite a long line of ribbon development some distance away from the settlement boundary. Building on this land would result in an incongruous form of development that would encroach into the countryside.

- 11.121.8. 14362 – The safeguarded route of the Hope Caergwrle bypass cuts across this site and it would not be appropriate to consider this land for possible development until the alignment has been finally determined.
- 11.121.9. 4589 – Things have moved on since the objection was made in that outline planning permission to develop the site for 5 dwellings was granted in 2005 and work has commenced. As a result, PC39 sensibly amends the settlement boundary to include the objection site. The site is below the UDP threshold to allocate land. On this basis it is not necessary to compare the merits of this site with the allocations that have been referred to.
- 11.121.10. 14348 – This site is below the UDP threshold to allocate land for housing. Whilst the land does not have access onto the public highway at present it abuts HSG1(39) and access could be gained from that development in the future. This small site is well related to HSG1(39) and would otherwise remain as an awkward and incongruous piece of land. The amended settlement boundary would follow appropriately defined physical boundaries. Such an adjustment would mean the site would be considered as a possible windfall.
- 11.121.11. 9921 – The site is below the UDP threshold to allocate land for housing development. Adequate allocations are made in various locations to accommodate appropriate growth in the settlement defined as Hope, Caergwrle, Abermorddu and Cefn y Bedd. It does not follow that there needs to be an allocation in Caergwrle. Given the relationship of the castle, its grounds and surrounding land to the built up area I consider the settlement boundary as currently proposed is logical and appropriate. I do not consider any useful planning purpose would be served by amending it as suggested.
- 11.121.12. 14377 – The site capacity is below the threshold for allocating sites in the UDP. Since the land is within the settlement boundary it is therefore a possible windfall site. My conclusions regarding HSG1(39) are to be found in that section of this chapter.

Recommendations:

11.121.13. I recommend the plan be modified by:-

- i) PC39
- ii) including land adjacent to Bridge Farm (14348) within the settlement boundary.

11.122. HSG1 - Leeswood

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2304	4736	Aspin	DEP	O	No
2320	4782	Jones-Mortimer	DEP	O	No
3860	9918	Allen	DEP	O	No
3866	9928	Turley	DEP	O	No
7433	18662	Hughes	DEP	O	No

Summary of Objections:

Rep No	Summary
4736	Include land at Queens Farm
4782	Include land adj to the telephone exchange to make up for inadequate supply of housing land
9918	Include land at Tyddyn Glo Farm to make up for inadequate supply of housing land
9928,	Allocate land west of Oaklands as small site for housing
18662	Include additional land off County Road

Key Issue:

11.122.1. Whether the various sites should be allocated for residential development.

Conclusions:

- 11.122.2. Leeswood is a category B settlement in which the indicative growth band is 8-15%. Residential development is therefore acceptable in principle. Completions, commitments and the balance of the allocated site HSG1(42) will result in growth of 15%. This is at the top end of the indicative band and to my mind sufficient to meet local needs and contribute to the County's overall need. For the reasons given under STR4 in Chapter 3 I do not find the plan's overall housing provision is deficient. It is on this basis that I consider the sites.
- 11.122.3. Queens Farm - At the density of development envisaged for this settlement category the site would accommodate some 162 dwellings resulting in growth of 24%. The growth from this development alone would be well above the indicative band and to my mind excessive. Furthermore, it would extend the settlement into the open countryside and significantly weaken the existing break in development between Leeswood and Pontblyddyn. I do not consider this land should be allocated.
- 11.122.4. Land adjacent to the telephone exchange – This site would accommodate some 118 dwellings resulting in growth of 17.5%. The growth from this development alone would be above the indicative band and, when combined with the existing completions, commitments and allocation, to my mind would be excessive. Furthermore, the allocation of this site would potentially place pressure to develop intervening land between this site and main part of the settlement. I do not consider this land should be allocated.
- 11.122.5. Tyddyn Glo Farm – The objector considers the uncertainty that exists with the existing commitments in Leeswood is likely to result in under provision of residential development. Even if these concerns were to be proven and the envisaged development does not take place during the plan period I do not consider it is logical to allocate additional greenfield land on the basis of this scenario. Whilst the long gestation period of the plan has resulted in a less than 5 year supply of land, the fact that some longstanding sites in Leeswood have yet to be fully developed suggests to me there is limited demand in this part of the County.
- 11.122.6. The original objection related to the whole field and would accommodate some 48 dwellings. When combined with existing planned provision this would result in growth of 22% which is well beyond the indicative band. In subsequent submissions the objector indicated that only part of the site should be allocated. This alternative scenario would provide up to 25 dwellings and would not exceed the indicative growth band to a significant degree. However, either scenario would result in the unnecessary use of a

greenfield site contrary to the plan's underlying sustainability principles. The public highway forms a definite boundary between this part of Leeswood and the countryside and the development of either the whole or part of this field would unacceptably extend the built up area into the rural area. I do not consider this land should be allocated.

- 11.122.7. Oaklands – The plan only allocates land for housing development where a site can accommodate 10 or more dwellings and is within a defined settlement boundary. This site is some 400m outside the defined settlement boundary and is not capable of accommodating 10 dwellings. As such I agree with the Council that it would not be appropriate to identify it as a housing allocation. My recommendation regarding extending the settlement boundary to include this site is to be found at GEN2 in Chapter 4. The objector's arguments that the site is in accordance with HSG5 are detailed matters that should to be determined on the submission of a planning application. It would not be appropriate for me to comment on those arguments as part of this report.
- 11.122.8. County Road – The site is adjacent to the defined settlement boundary. Whilst the objector states that 4 dwellings are envisaged the site could accommodate up to 25. Allocating this site would extend the settlement into the adjacent countryside. I do not consider the single property opposite the site justifies the development of this land.

Recommendation:

- 11.122.9. I recommend no modification to the plan.

11.123. HSG1 - Llanasa

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2613	5917	Bates	DEP	O	No

Summary of Objection:

Rep No	Summary
5917	Allocate site to the east of Llanasa as plan makes no provision for new housing

Key Issue:

- 11.123.1. Whether land should be allocated for housing.

Conclusions:

- 11.123.2. The plan does not try to provide growth in every settlement. The spatial strategy seeks to concentrate development in the larger towns and villages which have easier access to more services/facilities and are likely to be served by better public transport. To do this it ranks settlements into 3 broad categories with the smallest with least facilities having potential growth bands of up to 10%. I note that because of the disparate nature of settlements and their surroundings, the growth bands are only indicative and growth will inevitably vary between towns and villages in the same bands.

- 11.123.3. Llanasa is a category C settlement and with only 45 dwellings within the defined boundary, one of the smallest identified. At just below a hectare, the objection site to achieve the densities recommended by HSG8 and make the best use of land, would accommodate about 20 dwellings which would result in over 40% growth. The objector has not put forward any particular reason why such a level of growth is either necessary or desirable in Llanasa. The village has virtually no facilities. In principle so much growth is unacceptable in terms of the spatial strategy and would undermine the sustainable objectives of the plan.
- 11.123.4. Llanasa and its surroundings are particularly sensitive. The whole of the village is a conservation area which lies within the Clwydian Range AONB. The objection site, although mostly outside the AONB, is part of an open field which contributes to the attractive rural setting of the settlement. Development on it would be poorly related to the village in terms of the location and scale of building that could be accommodated. In a situation where there is no need to allocate land to meet housing need Countywide and where there is no proven local need I do not support the allocation of the site for housing.

Recommendation:

- 11.123.5. I recommend no modification to the plan.

11.124. HSG1 - Mancot

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
477	825	Hawarden Estate	DEP	O	No
477	860	Hawarden Estate	DEP	O	No
477	866	Hawarden Estate	DEP	O	No
1314	1832	NatWest	DEP	O	No
2334	4839	WAG - Dept of Enterprise, Innovation & Networks	DEP	O	No

Summary of Objections:

Rep No	Summary
825	There is an underestimation of the housing requirement and the supply is inadequate. The site is in a sustainable location and suitable for development with no known constraints
860	There is an underestimation of the housing requirement and the supply is inadequate. The site is in a sustainable location and suitable for development with no known constraints
866	There is an underestimation of the housing requirement and the supply is inadequate. The site is in a sustainable location and suitable for development with no known constraints
1832	Allocate site for housing. It would result in acceptable growth within a category B settlement
4839	There is a need for more housing. The settlement strategy is flawed. The site is suitable and close to village facilities which could be improved. It would not result in coalescence or harm the landscape setting. Mancot can accommodate more housing given its location and the lack of provision in Shotton and Queensferry. Allocate all or part of the site for housing

Key Issue:

- 11.124.1. Whether the sites should be allocated for housing and/or included within the settlement boundary.

Conclusions:

- 11.124.2. My findings to STR4 objections and also those above in this chapter indicate that firstly I find 7400 to be an appropriate level of housing supply and; secondly that, whilst I do have some reservations about the settlement strategy, the broad indicative category bands it identifies are suitable to provide the framework for the spatial distribution of growth.
- 11.124.3. Mancot is a category B settlement with an indicative growth band of 8 - 15%. Whilst it has only limited facilities within the defined built up area, it is one of a number of smaller settlements within the wider Deeside area and in the Flintshire context I find it to be a sustainable location to accommodate some growth. I note that the mixed use allocation HSG2A means there is no necessity for the smaller settlements to accommodate levels of growth in excess of the indicative bands to compensate for the lack of allocations in Queensferry and Shotton.
- 11.124.4. I am told that since the start date of the plan there has only been 3.5% growth in Mancot. My recommendation to delete HSG1(43) means that in the plan there would be no allocation for housing and the nature of the settlement means there are few obvious opportunities for brownfield and/or windfall development.
- 11.124.5. 825 – Almost 7ha in extent the objection site is an irregular shape abutting the south eastern boundary of Mancot where it is contiguous with Hawarden. It wraps around the Daleside Garden Centre which is excluded from the settlement boundary (and which I recommend should be included in the green barrier) and follows Gladstone Way until it joins Willow Park mobile home park - an outlier of Queensferry. It is largely open in character and consists mainly of fields and a camping/caravan park.
- 11.124.6. Green barrier designations are not made because of their appearance, there is no reason why flat featureless land should not be protected if it has the attribute of openness which contributes to the purposes of designating land. I do not find inter-visibility between settlements to be a good argument to develop open land between them especially when it serves the strategic purpose of preventing coalescence. Development of the objection site would effectively link Queensferry, Mancot and Hawarden and isolate the green barrier to the north. It would compromise its strategic purpose by enclosing open land by development.
- 11.124.7. An allocation in this location would be a significant incursion into the countryside. Given the nature of development on the borders of the objection site in my view it cannot be regarded as a logical extension of any of the settlements it abuts. Because of past mining activities, it is said that part of the site is brownfield but from my site inspection I was unable to distinguish any land which would clearly fall within the definition of previously developed land to be found in Fig 2.1 of PPW.
- 11.124.8. 860 – The site is about 3ha in extent, consists of 2 fields and lies to the south of Chester Road. It forms part of the open land designated as green barrier which separates Pentre and Mancot. To develop the site would effectively close the strategic gap and result in the coalescence of settlements. The continuity of a mixture of housing and commercial/industrial buildings to the north of Chester Road is not to my mind a good reason to provide a framework for development to the south of the road on land which lies within

the flood plain and which the spatial strategy seeks to keep open. In this location the green barrier does not seek to separate the settlements because of their intrinsic character, the purpose of the separation is to safeguard the setting of settlements and the pattern of existing development characterised by built up areas interspersed by open land.

- 11.124.9. It may be that in the future, there arises the need to develop land which is at present open, but should such a need arise, the review of settlement strategy/green barrier designation should be done in a strategic way as part of a future plan. Not in an *ad hoc* way in response to individual objections at a time when further releases of greenfield sites in the locality are not required to meet either the housing requirement or the indicative growth levels of the settlement strategy.
- 11.124.10. 866 – This site is similar in extent to the original objection site in 4839, but excludes the most northern portion. I can add nothing further and would refer the objector to my comments at 4839 below.
- 11.124.11. 1832 - The objection site is a field with an area of about 1.5ha. It abuts the southern boundary of 860. The land is an integral part of the open countryside and part of the narrow green barrier between Mancot and Pentre which prevents the coalescence of the settlements. The rectangular shape of the site with its relatively short border with the built up area would mean that development would effectively bisect the open land between the 2 villages and compromise the strategic nature of the green barrier in this location. It is also within a flood risk area where TAN15 advises that allocations should only be made if they can be fully justified. There is no such justification in this case and in these circumstances I do not find the objection warrants any changes to the plan.
- 11.124.12. 4839 – The original site is about 13ha and consists of 2 distinct areas. A parcel of land to the east of Ash Lane which extends the existing development into the open countryside towards Hawarden and a larger area to the west of Ash Lane which although it is largely contained by housing on 3 sides also extends beyond existing development to the west, virtually as far as the limit of development to the west of Gladstone Way. The extent of the objection site would be seen as a significant encroachment into the open countryside which, because of its strategic importance in separating Mancot and Hawarden, is protected by a green barrier designation. The development of this site would in my view be unacceptable.
- 11.124.13. However, the objector has put forward a smaller area (8ha) which excludes land to the east of Ash Lane and to the west of the lane extends south only so far as existing development. The land although allocated as green barrier is to my mind so contained by the built up area that it is not strategically important in separating settlements.
- 11.124.14. I appreciate that development on either side of Park Avenue is included within the limits of Hawarden, but from all I have seen heard and read in relation to Mancot, there is no clear explanation of where the limits of Big Mancot, Little Mancot and Mancot Royal are or why, where the boundary between Hawarden and Mancot is contiguous, it has been drawn in that particular location. There therefore, seems to be a fluidity between the settlements which is not necessarily reflected in the boundaries. I note in any event that in Topic Paper 2 (4.4) the Council says that*settlement*

boundaries are pure land use planning proposals and no correlation with other ways of defining or considering what constitutes a town, village or settlement is implied.

- 11.124.15. To the south I agree that it is necessary to maintain a strategic gap between Mancot and the historic/built up area of Hawarden. But because of the location of the smaller omission site and the topography with rising ground to the south, I do not consider the loss of the openness of the objection site would seriously compromise the strategic gap or the historic setting of Hawarden. For these reasons I differ from the inspector who looked into objections to the Alyn & Deeside Local Plan.
- 11.124.16. I have seen no evidence which causes me to think that there would be insurmountable problems with matters such as utilities and infrastructure provision, flooding, wildlife considerations and the like. I have taken account of the objector's view that upgrading recreation/community facilities and services could form an integral part of a development scheme and this would no doubt result in qualitative improvements in the village. However, these factors in their own right do not justify making an allocation.
- 11.124.17. Given all these factors, even though the allocation would result cumulatively in over 18% growth, I consider the circumstances justify making the allocation.

Recommendation:

- 11.124.18. I recommend the reduced objection site area of 4839 depicted in appendix 3 of the Council's statement be deleted from the green barrier, included within the settlement and allocated for housing.

11.125. HSG1 - Manor Lane 'Armed Forces'

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
477	812	Hawarden Estate	DEP	O	No

Summary of objection:

Rep No	Summary
812	The existing dwellings should be included within a settlement boundary. There is an under estimation of the housing requirement and the supply is inadequate. The site is in a sustainable location and suitable for development with no known constraints

Key Issue:

- 11.125.1. Whether the existing houses should be included within a settlement boundary and the objection site allocated for housing.

Conclusions:

- 11.125.2. The armed forces housing area at Manor Lane is not classified as a settlement in the UDP. Nor do I consider it should be. Circumstances have changed since the locality had a defined settlement boundary in the Alyn & Deeside Local Plan. Whilst I appreciate there are more dwellings in the immediate area than some of the identified category C settlements, it is

nevertheless no more than an assortment of 100 or so houses most of which were formerly occupied by members of the armed forces, whilst a smaller number have been given planning permission in the last 10 years.

- 11.125.3. Although it is adjacent to employment areas, there are none of the services or facilities which are usually associated with village life such as shop, public house, village hall, school and the like. Additional housing may be able to provide such facilities, but such a large extension to the existing dwellings would also be contrary to the plan's spatial strategy which seeks to concentrate development in the existing settlements making use of and enhancing their facilities and services. I note that if included in the plan as a category C settlement, the strategy would envisage growth of only up to about 10%. The area of the omission site is over 18ha and could accommodate about 450 new dwellings – according to the Council's calculations about 500% growth since 2000.
- 11.125.4. The plan does not support what would in effect be a new settlement in the open countryside. And my findings in Chapter 3 in relation to STR4 objections and also those above in this chapter indicate that firstly I find 7400 to be an appropriate level of housing supply and; secondly that, whilst I do have some reservations about the settlement strategy, the broad indicative category bands it identifies are suitable to provide the framework for the spatial distribution of growth. There is therefore, in my view no justification for a modification of the scale suggested.
- 11.125.5. The objector considers the land to be brownfield and even if I were to agree, which from my inspection I do not, PPW (2.7.1) recognises that the location of previously developed sites may mean they are not suitable for development. Such is the case here where allocation of open land would consolidate development and be a significant incursion into an area of countryside.

Recommendation:

- 11.125.6. I recommend no modification to the plan.

11.126. HSG1 - Mold

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1022	1339	Mold Town Council	DEP	O	Yes
1119	1500	Anwyl Construction Company Limited	DEP	O	No
1497	2135	Executors T C Tapp Deceased	DEP	O	No
2332	4829	Griffiths	DEP	O	No
2334	4831	WAG - Dept of Economy & Transport	DEP	O	No
2468	17624	Strutt & Parker	DEP	O	No
2471	5485	Whitley Estates Ltd	DEP	O	No
2614	17639	The Representative Body of the Church in Wales	DEP	O	No
2615	6005	Castlemead Homes Ltd	DEP	O	No
2615	6008	Castlemead Homes Ltd	DEP	O	No
2615	6009	Castlemead Homes Ltd	DEP	O	No
2615	6010	Castlemead Homes Ltd	DEP	O	No
7419	18621	Eatonfield Holdings Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
1339	Land should be released on a phased basis to avoid wholesale and protracted building works
1500 6005	Site is suitable for and would contribute towards housing supply. It is well related to the built up area, next to HSG1(18) and within easy reach of the town centre/employment. Upper Bryn Coch Lane would provide a firm defensible green barrier boundary
2135	The site has no environmental restrictions and is a natural south west expansion of the settlement. It is readily accessible and could provide open space and other benefits. It is preferable to HSG1(17) which would add traffic to the town centre and HSG1(18) which is liable to flooding with poor access visibility. Its size could be changed
4831	Mold can accommodate more growth and the objection site was accepted in principle in the North Flintshire LP. It is well related to the settlement and being within the bypass boundary separate from the wider green barrier. It is low grade agricultural land outside the flood plain
5485	Allocate land at Broncoed Works for residential development
6008	Further allocations are appropriate in Mold such as Factory Pool Lane which relates well to existing development
6009	Further allocations are appropriate in Mold such as to the north of HSG1(17)
6010	Further allocations are appropriate in Mold such as Woodlands Road which relates well to existing development
17624	Allocate site for housing to make up shortfall
17639	Designation as green space prevents opportunity to enhance northern approach to Mold. Allocate for low density high quality housing
18621	Land is well related to settlement and town centre. Development would not contribute to coalescence of settlements, be intrusive or harm wildlife, but is accessible and would contribute to housing need and increase housing provision in Mold
4829	Site would be a natural extension of and access can be taken from Wood Green. It is close to local amenities and would be unobtrusive

Key Issues:

11.126.1. Whether:-

- i) land should be released on a phased basis
- ii) more land should be allocated for housing and/or included within the settlement boundary/deleted from the green barrier.

Conclusions:

11.126.2. My conclusions to housing supply to be found under STR4 in Chapter 3 make it clear that I am satisfied a requirement of 7400 new units is appropriate and can be provided from proposed allocations, completions, windfalls and the like. Whilst my conclusions on individual sites mean that I recommend some allocations be deleted and some omission sites be included as allocations, in general these conclusions are reached on site specific matters and not because of a need to increase supply. This is the starting point for the consideration of housing omission sites in Mold.

11.126.3. Because of its size and level of services Mold is identified as a category A settlement with an indicative growth band of 10 - 20%. For the first 5 years of the plan anticipated growth from completions, commitments and allocations amounted to 13% (taking account of the deletion of HSG1(16)). However, since then planning permission has been granted for over a further 120 units and it is anticipated that the yield from a 1ha site at the Bromfield Industrial Estate will contribute a further 70 or so units. Taking account of my recommendation to delete allocation HSG1(14) this would mean that growth in Mold would be in the region of 15%. This level together with the possibility that brownfield sites HSG1(14) and HSG1(16) may also come forward means

that the level of potential growth in Mold is acceptable without making further greenfield allocations.

- 11.126.4. A number of objectors have put forward sites within the bypass to the south and east of the town. Whilst such land may prove to be suitable for expansion in the longer term, that is a matter for review as part of the LDP. Given the present circumstances, in principle, there is simply not the need for more greenfield allocations which would justify the expansion of the settlement boundary or the reduction of the green barriers.
- 11.126.5. Phasing – The UDP does not phase development and I see no reason why, given the scale of allocations, development in Mold should be treated any differently. It is inevitable that during construction periods there will be disruption for residents living close to sites. However, this is usually short lived. Whilst phasing could control the start of development on a site, it could not specify the length of the development period, that is outside the remit of the UDP.
- 11.126.6. Additional sites – 1500, 6005 – west of St Mary's Park – Whilst this site lies to the south of HSG1(18), the change in levels marked by mature trees means that the site relates better to the open countryside than the allocation to the north and also provides a firm defensible settlement boundary. The higher ground levels makes the site more prominent than the allocation and it is seen in the context of Bryn Coch Hall to the east and Bryn Coch House to the south which are set in agricultural land. They have a different character to the more tight knit housing in the settlement.
- 11.126.7. The site forms part of a narrow neck of prominent open countryside which serves to preserve the openness of the countryside between Mold and Gwernymynydd. Whilst, as part of the production of future plans, the green barrier will need to be reviewed (to accord with national policy), it seems to me that at present where there is no need to identify more greenfield sites for development, where the land by its character and appearance is better related to the countryside, and where the openness of that countryside is worthy of protection by a green barrier designation in order to prevent encroachment into the rural area/the coalescence of settlements, the objections do not justify any modification to the plan.
- 11.126.8. 2135 – south east of Plas Aney – In reply to the Council's response to the objection the objector produced further evidence which goes beyond the original objection and I am told is not duly made. In these circumstances I cannot take this information into account. However, in response to other duly made objections I do address the matter of housing supply and the suitability of allocations. Where I consider a site could or should not contribute to housing supply I have recommended its deletion.
- 11.126.9. The objection site consists of 2 fields and is an integral part of the open countryside in both character and appearance. As such it is part of the rural setting of Mold and part of a narrow neck of prominent countryside between Mold and Gwernymynydd which is designated as green barrier in order to prevent the coalescence of the 2 settlements. Because of its size, location and topography development on it would be far more intrusive in the rural area than HSG1(18) to the east of Ruthin Road which is more modest in scale and not as prominent.

- 11.126.10. At present the housing area to the north east provides a firm defensible boundary. And given that my conclusions in the background paragraphs above indicate that there is no need for the further release of greenfield sites to satisfy the housing demand in either the County or the town, I do not consider either the settlement or green barrier boundaries should be redrawn to enable a framework for development.
- 11.126.11. I have taken account of the likelihood of the site producing 40% affordable housing. But firstly there is no substantive evidence before me which demonstrates that a level of affordable housing over and above the contribution which would come from allocated/committed sites is required in Mold; or secondly that if it is required the objection site is the best location to provide that housing. Similarly I find nature conservation issues of less account when there is no necessity to allocate more greenfield sites.
- 11.126.12. The later representations of the objector refer to a smaller site. However, the reduction in size does not affect the principles of my conclusions. Insofar as the merits of HSG1(17) and (18) are concerned I would refer to my comments above in this chapter. For the reasons given, I do not find the objection site to be preferable to the 2 allocations.
- 11.126.13. 4831 – Pen y Bont -The objector has produced figures which demonstrate a lower potential level of growth for Mold than the Council, but to be consistent with the treatment of other settlements I consider it more appropriate to use the figures put forward by the Council which are set out above. In the scenario this creates there is no need for the allocation of further greenfield sites. At almost 13ha the site could produce over 350 units which would produce over 9% growth.
- 11.126.14. The Council has taken a hybrid approach to green barriers in the recognition of local circumstances which I accept is not strictly in accord with PPW (para 2.6.1). The designations in previous plans have been scrutinised and this has resulted in their reduction so that new designations are consistent and in line with the objectives of PPW. However, it is the intention to review them again as part of the preparation of the LDP. And given my reservations about aspects of the spatial strategy and settlement definition, I support this further review.
- 11.126.15. That being said, in order to introduce a degree of permanence to the identified green barriers and ensure that they will not fundamentally change again; and in the knowledge that the LDP preparation will inevitably bring about some change, the areas where it is considered unlikely there will be potential for further development have been included within the green barrier. In principle I consider this is a sensible approach which will ensure a level of consistency with future plans. However, just as the lack of protection for some land should not be seen as in any way sanctioning development in those areas, inclusion in the green barrier now does not automatically mean that land will remain in the designated area. It will depend on the circumstances prevalent when the review takes place and I do not prejudge the situation.
- 11.126.16. With regard to the objection site I accept the green barrier is severed by the bypass, but given the scale of the site and its rural appearance I do not agree that it is seen as an integral part of the built up area. It is clearly part of the countryside and contributes towards the gap between settlements. Despite

its street lighting and petrol filling station my site visit confirmed that the roundabout is perceived as a being within the rural not urban area. I indicate above that at some time in the future the land may prove suitable for development, but that does not to my mind justify its deletion from the green barrier given the present circumstances where it forms an integral part of the gap between settlements and prevents encroachment into the rural area. Until such time as the situation is reviewed the development off Woodlands Road provides a firm defensible boundary.

- 11.126.17. I understand there may be problems in relation to providing a suitable access to the site. In respect of other matters such as ecological value, services and the like whilst I appreciate that in physical terms the site is largely constraint free, these are of less account given the policy objections relating to the unnecessary release of greenfield sites. Although the further representations of the objector relate to a far smaller site of just under 4ha, the principles of my objections to the larger site apply equally to it. In addition the development of this reduced area would result in an awkward extension into the open land which would leave an irregular shaped site between the settlement and the bypass, severely compromising the effectiveness of the green barrier.
- 11.126.18. 5485 – Since the objection was made planning permission has been granted for residential development on the site. Given the changed circumstance the Council proposes the deletion of the principal employment area designation on the site and I recommend in Chapter 13 at EM3 that PC400 dealing with the matter be incorporated into the plan.
- 11.126.19. 6008 – The site is a single field to the north of Gwernaffield Road. Whilst there is development to the east, it is estate type housing which turns its back on the site. Because of its size, at over 8 ha, development on the site would result in a significant incursion into the countryside to the west of the town. I am told there are concerns about providing a suitable access to the site which also weigh against its allocation.
- 11.126.20. 6009 - Although the site lies to the north of HSG1(17), at over 7ha it is significantly larger than the allocation and would project further into the rural area to the west of the town. Moreover the middle portion, where it abuts the stream passing through the site, is identified as a C2 flood area. In such localities TAN15 says highly vulnerable development such as housing should be avoided. It would therefore be inappropriate to allocate the site for housing.
- 11.126.21. 6010 - This site is more or less contiguous with the smaller site put forward in 4831 above. I can usefully add nothing more to my conclusions on that objection.
- 11.126.22. 17624 – adjacent to Wandanian Bedford Way – The site at 0.16ha is unlikely to meet the threshold for housing allocations. However, it lies within the built up area of Mold where housing development is acceptable in principle subject to normal development control criteria. In policy terms there is nothing to prevent the land coming forward as a windfall site.
- 11.126.23. 17639 – Alyn Meadow – This attractive site is glebe land on the northern edge of the town centre which slopes down towards the A541. To its west and south are listed buildings – St Mary's Church (grade I) and the church hall (grade II). All lie within the Mold Conservation Area. The land is a

historic feature of the conservation area and important in both the setting of the church and a gateway to Mold. I consider it is appropriately designated as green space and do not support its allocation for housing.

- 11.126.24. 18621 - Rhyd y Galed – The site lies to the north of Mold adjacent to Bryn Awelon, an outlier of residential development separated from the main town by the river Alyn and playing fields at Leadmills. Whilst there is the County Hall complex to the west of the A5119, the site and adjacent development are seen as a clear and distinctly separate development to the town to the south. It relates poorly to the built form of the settlement. On the other hand by its open and undeveloped character the land relates well to the open countryside and forms, albeit a small part of the green barrier which in this location seeks to prevent the coalescence of Mold and New Brighton. Bryn Awelon and the County Hall complex are both prominent from the northern edge of Mold and despite the topography, housing on the objection site would consolidate that development in an open area of countryside. The size of the site and scale of development it could accommodate would mean that development on it would not be a rounding off but a significant extension of the adjacent housing area.
- 11.126.25. Because of the tightly drawn settlement boundary and the restrictions imposed by matters such as flooding and the like, it is inevitable that the settlement boundary and extent of the green barriers will need to be reviewed as part of the LDP process to determine which locations are best suited to accommodate long term development needs, that is if the Flintshire strategy at that time indicates further growth is necessary in Mold. In the interim my conclusions in the background paragraphs above make it clear that at present there is no need to allocate further greenfield sites in or as extensions to Mold because of a shortage of housing land or to meet the Countywide housing requirement. Therefore, irrespective of the attributes of the site, some of which are disputed by the Council, I do not consider it should be allocated for housing.
- 11.126.26. In reply to the Council's response to the objection further evidence was produced which goes beyond the original objection. In these circumstances to be consistent with the treatment of other objectors I cannot take this information into account. However, I note that in response to duly made objections I do address the suitability of the allocations.
- 11.126.27. 4829 – The objection site forms part of a larger field and whilst it abuts development on 2 sides, by its character and appearance, is clearly part of the countryside which in this location is designated as green barrier in order to protect the open land around Mold and prevent the coalescence of settlements. Given its value as, albeit a small part of the green barrier and the adequate supply of housing land both in the town and the County, I see no reason to either allocate the site for development or draw back the green barrier.

Recommendation:

- 11.126.28. I recommend no modification to the plan.
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11.127. HSG1 - Mostyn

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2398	5214	Muller Property Holdings Ltd	DEP	O	No
2468	5492	Strutt & Parker	DEP	O	No
2468	5495	Strutt & Parker	DEP	O	No
2614	5923	The Representative Body of the Church in Wales	DEP	O	No
2615	5977	Castlemead	DEP	O	No

Summary of Objections:

Rep No	Summary
5214	Extend HSG1(44) to include land to the north, Bychton Hall Farm and L3(84). A higher level of growth is indicated because of the proximity of Mostyn dock employment areas. Alternatively include all site in settlement boundary and/or allocate Bychton Hall Farm only for housing. Even if L3(84) was deleted it would be retained/managed as open space
5492	Site is poor quality land, redundant for agriculture, close to Mostyn Docks, adjacent to existing development with a frontage onto the A548. Flood risk can be addressed. Infrastructure is available with services and facilities nearby. A pedestrian link could be provided to the village. There are no suitable sites within the settlement boundary and site is a better alternative to HSG1(44) and (45)
5495	As 5492 but including only land fronting the A548
5923	Extend land allocated for housing in draft North Flintshire Local Plan
5977	Site would round off settlement, help meet shortfall in housing and add to choice in village

Key Issue:

- 11.127.1. Whether more land should be allocated for housing and/or included within the settlement boundary.

Conclusions:

- 11.127.2. 5214 – My conclusions below are based on the reduced objection site indicated in the objector's further evidence.
- 11.127.3. In total the objection site amounts to about 3.5ha. An illustrative layout shows how together with HSG1(44), but excluding Bychton Hall Farm, it could accommodate 106 units. With commitments this would amount to almost 25% growth of a category B settlement of 410 dwellings where the indicative bands say there should be between 8 and 15%.
- 11.127.4. It is a matter of fact that the WSP identifies Mostyn, together with other communities as having high levels of deprivation. And that the SRSS identifies it as a regeneration area, but this does not automatically mean that the solution is to provide high levels of new housing. A further strategy of the SRSS is to provide an efficient transport corridor along the North Wales coast in order to match jobs to workforce. Further it seems to me that the employment opportunities are not only aimed at providing jobs for workers new to an area, but also those who already live locally and are either unemployed, underemployed or working at some distance from home. Overall I have neither seen nor heard substantive evidence which indicates that the level of housing growth proposed is justified by the Port Development Zone and employment allocation at Mostyn docks.
- 11.127.5. Whilst there is some evidence of previous mine workings, it seems to me the bulk of the site has now revegetated and does not fall within the definition of

previously developed land to be found in Fig 2.1 of PPW. From the information presented to me I am satisfied that issues such as traffic, landscape, ecology and the like would not preclude development, but these matters are of less account if there is no policy justification for an additional allocation. They are not sufficient to justify an allocation.

- 11.127.6. Turning now to inclusion of the objection site within the settlement boundary. No doubt extending the settlement boundary as proposed would follow clearly defined features, but it would also include land which by its character and appearance relates better to the countryside surrounding the settlement than the built up area of the village. In this I include Bychton Hall Farm which is characteristic of other rural farming complexes and relates poorly to the more closely knit development of the built up area. In addition inclusion of the objection site would provide an enabling framework for residential development having regard to the provisions of GEN2. Should it become evident through annual monitoring that there is an inadequate supply of land towards the end of the plan period then this could be addressed as part of the production of the LDP. The information at present does not indicate that this scenario will arise. I deal with the merits of other objection sites below.
- 11.127.7. Insofar as L3(84) is concerned the landscape and visual assessment confirms the green space is a feature worthy of retention and given the objector's stated intention of keeping the land as open space I see no necessity to delete the L3 allocation. I am not satisfied that a L3 designation would preclude the integration of the site within the structural landscaping of a residential development or prevent its inclusion within an overall maintenance regime. To either include it within the settlement boundary or allocate it for housing could well result in pressure to develop the site which would be more difficult to resist without the protection of L3.
- 11.127.8. 5492, 5495 – Marsh Farm – Although behind ribbon development and with a frontage onto the main North Wales coast road, the objection sites lie outside and separate from the defined settlement boundary. Their frontage onto the A548 provides a green break in the sporadic frontage development and a significant part of the bulk of the land is a designated wildlife site. In addition a smaller section along the south western boundary is within a TPO. The land is seen as part of the undeveloped area between Mostyn and the coast road and has nature conservation/landscape value. As a consequence I do not consider either objection site would be a priority location for development even should there be a need for more houses which there is not. My conclusions on HSG1(44) indicate why I find that site to be suitable as an allocation and it follows from this I do not find the objection sites to provide a better alternative.
- 11.127.9. I note in relation to the sequential test that the objection site could only be an extension to the settlement if the boundary were to be changed by either including an additional area of countryside between the site and the built up limits or by defining a satellite boundary and encompassing all or part of the loose ribbon of development along the A548. In the light of the character and appearance of the land and the rationale behind the definition of settlement boundaries which has been applied consistently throughout the County there is not the planning justification to make these changes.
- 11.127.10. 5923, 5977 – Pen Row Farm – My conclusions to housing need and supply under STR4 in Chapter 3 indicate that on a Countywide basis there is no

need to identify more sites and on a settlement basis my conclusions at HSG1(44) above indicate that I am satisfied sufficient land has been identified in Mostyn to meet the objectives of the settlement strategy.

- 11.127.11. I appreciate that being on the eastern extremity of Mostyn the objection site is in a similar location to HSG1(44). However, given that the allocation is closer to the school, shops, the A548 and the docks employment area, I find it to be sequentially preferable. Because the site by its character and appearance is an integral part of the open countryside, it would be inconsistent with the rationale of defining settlement boundaries to include it within the built up limits of Mostyn. It follows I do not support the modification of the plan to meet this objection.

Recommendation:

- 11.127.12. I recommend no modification to the plan.

11.128. HSG1 - Mynydd Isa

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1119	1517	Anwyl Construction Company Limited	DEP	O	No
2397	5142	North Wales Estate and Development Co	DEP	O	No
2615	5959	Castlemead Homes Ltd	DEP	O	No
2615	5963	Castlemead Homes Ltd	DEP	O	No
2615	5968	Castlemead Homes Ltd	DEP	O	No
2615	5969	Castlemead Homes Ltd	DEP	O	No
3546	9008	Leason Homes	DEP	O	No
3559	9089	Leason Homes	DEP	O	No

Summary of Objections:

Rep No	Summary
1517	Site to east of HSG1(46) is suitable for development and would not overdevelop Mynydd Isa
5142	This is dealt with in Chapter 4 GEN2 – Mynydd Isa
5959	Environmental constraints will restrict housing in category A settlements. Site to west of Wylfa House has direct access to Mold Road for easy transport to Buckley/Mold
5963	Environmental constraints will restrict housing in category A settlements. Land to west of Bryn-y-Baal Road is a logical extension of recent housing area
5968	Environmental constraints will restrict housing in category A settlements. Site at Overdale Avenue is accessible and would round off settlement
5969	Environmental constraints will restrict housing in category A settlements. Land at Sunnyhill is well related to the existing built form and would round off the settlement
9008 9089	Small triangular parcel of land is surrounded by roads and of no practical use. It is used for fly tipping and the like. Allocate for housing and/or include in settlement boundary

Key Issue:

- 11.128.1. Whether the sites should be allocated for housing.

Conclusions:

- 11.128.2. Background – My conclusions in respect of objections to STR4 indicate that there is adequate land to meet a housing requirement of 7400 and provide a degree of flexibility. Mynydd Isa is a category B settlement with an indicative growth band of 8 - 15 %. Growth within the plan period taking account of

completions, commitments and the recommended allocation at Rose Lane would together result in only about 6% growth. However, my conclusions earlier in this chapter make it clear that the growth levels should not be regarded as prescriptive and there will be occasions when, for various reasons, growth below the indicative levels will be acceptable.

- 11.128.3. I believe this is the case in Mynydd Isa at present. The relatively modern built form of the settlement means there are virtually no opportunities to develop within the defined boundary and the green barrier to the west, is strategically important to separate settlements. That being said to the east there is a significant area of land which lies between Mynydd Isa and Buckley which may in the future provide a strategic area for growth, but that is for investigation in a comprehensive way as part of a future plan. The information available to the inquiry does not justify such extensive development within the UDP plan period.
- 11.128.4. I deal with 5969 primarily in Chapter 4 under GEN2 together with objections to PC42 where I recommend land at Rose Lane be included within the settlement boundary and allocated for housing. However, I would note the site put forward for inclusion in the settlement is slightly larger than that put forward by the Council in PC42 as it includes a frontage onto Rose Lane. I consider this would not be acceptable as extending the ribbon of development along Rose Lane would be more intrusive in and harm the character and appearance of the lane.
- 11.128.5. 1517 – The objection site lies to the east of HSG1(46) and wraps around existing development with a frontage on Bryn Road. My conclusions in response to objections to HSG1(46) apply equally, if not more so, to this site which is larger at some 5.6 ha. I find because of its location, shape, landscape and the surrounding topography, it would be poorly related to the existing pattern of development and a significant unnecessary incursion into the rural area.
- 11.128.6. My conclusions on HSG2A are to be found below in this chapter suffice it to say that I do not consider any delay in the delivery of that allocation would justify the development of this site to which I find objection.
- 11.128.7. 5968 – The objection site lies in the open countryside bounded by the backs of properties on Tir Wat and Overdale Avenue. On its north eastern boundary is the line of Wat's Dyke a SAM. The site has no road frontage and I am told there are doubts about a suitable access being provided in terms of impact on the ancient monument, access onto the A549 and the length of the ensuing cul-de-sac should land become available. These constraints militate against an allocation.
- 11.128.8. 5959 – This 0.9ha site lies on the northern side of Mold Road adjacent to the western boundary of Mynydd Isa. It is triangular shaped and the Council says it consists of part of a field and part of the extensive garden of Wylfa House which is characterised by mature trees and a small river valley. This is not disputed by the objector. Such land relates better to the open countryside than the built up area and in this location forms part of the strategic green barrier separating Mynydd Isa from Mold. There is no necessity for the development of this greenfield site. To include it within the settlement boundary would be contrary to the reasoning behind the Council's

delineation of boundaries where clear limits are defined by following strong physical boundaries that are logical and defensible.

- 11.128.9. 5963 - The objection site is rectangular in shape and lies beyond the northern limits of Mynydd Isa between the built up area and the A494(T). It consists of open fields and is part of the relatively narrow strategic barrier which separates New Brighton from Mynydd Isa. Development in this location would be poorly related to the existing built up area, would fundamentally weaken the gap and would be an unacceptable extension of the settlement which at present has well defined boundaries marking the limit of existing development.
- 11.128.10. 9008, 9089 – north of Bryn Derw – The site forms a small part (0.2ha) of 5963 adjacent to existing development and fronting Bryn-y-Baal Road. The settlement boundary in this location is firm and defensible following the line of built development. The objections site is open land screened by hedgerows and the track along its north western side is overgrown. At the time of my visit it was used as a storage compound. Despite the storage use, in appearance it has more in common with the countryside to the north and I consider it is appropriately located in the undeveloped area outside the settlement boundary.
- 11.128.11. I appreciate that the land may at times be open to abuse with fly tipping and the like, but that is unfortunately a common occurrence on land on the fringes of built up areas. It is not a good reason to provide a policy framework for unnecessary development. The site, albeit in a small way contributes to the strategic green barrier between New Brighton and Mynydd Isa.

Recommendation:

- 11.128.12. I recommend no modification to the plan.

11.129. HSG1 - Nannerch

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2329	4818	Williams	DEP	O	No
7431	18659	Robinson	DEP	O	No

Summary of Objections:

Rep No	Summary
4818	There is demand for housing, but no allocation. Development of site was supported by Delyn BC, would maintain character and viability of village and be unobtrusive
18659	Site is not prominent, but is well related to built up area. It is within walking distance of the village centre and would sustain the viability and vitality of village

Key Issue:

- 11.129.1. Whether the sites should be allocated for housing and/or included in the settlement boundary.

Conclusions:

- 11.129.2. At the base date of the plan Nannerch had about 105 houses and was classified a category C village with an indicative growth rate of between 0 - 10%. This was because of its size, level of services/facilities and environmental/landscape constraints including its location within the Clwydian Range AONB and the conservation area covering the historic core. To encourage more than minimal growth in such a settlement would be contrary to the sustainable objectives of the plan which include concentrating development in the main urban areas thereby reducing the need to travel. I am told that so far the number of permissions and completions means there has been 4% growth.
- 11.129.3. It will be evident from my conclusions on HSG3 below that I consider the settlement strategy needs to be more robust to achieve the plan's sustainable objectives and it is against this background that my conclusions on these objections should be read.
- 11.129.4. 4818 –The objection site lies on the south eastern edge of Nannerch and partly to the rear of properties which front the eastern side of Village Road. Whilst the objector indicates that local people say there is a need for more housing, particularly bungalows, older persons accommodation and affordable housing, there has been no rigorous assessment to indicate exactly what are the local needs. And even if it were to be accepted that there is a need for more development locally, I am not satisfied that a prominent site which is an intrinsic part of the undulating open countryside and protected for its natural beauty would be the preferred location. I note that as recommended to be rewritten HSG3 would permit a level of development within the settlement to meet local needs and HSG11 would permit, in principle, affordable housing outside the settlement.
- 11.129.5. The site has an area of 1.7ha. If it was allocated for housing, to meet the objectives of policy HSG8 which seeks to make the best use of land, it could result in about 40% growth which would be likely to perpetuate unsustainable travel for work, shopping, recreation and the like. This would be contrary to the underlying sustainable objectives of the plan. I note further that the Council has doubts about providing a suitable access to the site. I do not know the policy context of the former Delyn Council's support for development in the village. It is therefore difficult to comment on this aspect of the objection. Overall I conclude the site should not be allocated for housing.
- 11.129.6. 18659 - land west of Pen y Coed – I do not agree with the objector that Nannerch is a sustainable location for growth at a higher level than indicated in the settlement strategy. It has a paucity of facilities and relatively poor public transport links which means that people have to travel largely by car, for normal day to day activities such as work, shopping and other services. To allocate land which would potentially result in 25% growth of the settlement would be contrary to the sustainable principles of the plan.
- 11.129.7. Whilst the objection site would share one boundary with the built up area, it would be a separate entity with its own access and roads. It would extend development into the AONB. There is no substantive evidence before the inquiry which would justify the assertion that development would help sustain the vitality and viability of the settlement. In my experience it would be

unlikely that the proposed level of growth would have more than a marginal impact on the limited village facilities and would be unlikely to generate additional ones. The prominence of the site and design matters are of little account, given the fundamental objections I find to the growth of the village.

- 11.129.8. My conclusions on the supply of housing land are addressed elsewhere in this report, principally in response to objections to STR4 in Chapter 3 and I do not repeat them here.

Recommendation:

- 11.129.9. I recommend no modification to the plan.

11.130. HSG1 - Nercwys

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2310	4745	Nicholls	DEP	O	No
3690	9456	Edwards	DEP	O	No
3700	9483	Davies	DEP	O	No

Summary of Objections:

Rep No	Summary
4745	Allocate land adjacent to St Mary's church as in the Draft Delyn Local Plan
9456	Allocate land adjoining Isfryn; help to sustain school and other village amenities; help balance development in other parts of the village
9483	Allocate land adjoining Isfryn (smaller area than 9456); help to sustain services in the village

Key Issue:

- 11.130.1. Whether these sites should be allocated for housing.

Conclusions:

- 11.130.2. Nercwys is a category C village with an indicative growth band of 0-10%. Completions and commitments since the base date of the plan will result in growth of 8% which is close to the upper end of the indicative growth band.
- 11.130.3. The site identified in 9456 would accommodate some 40 dwellings. This site alone would result in additional growth of 35% and would be well in excess of the indicative growth band. To encourage more than minimal growth in such a settlement would be contrary to the sustainable objectives of the plan which include concentrating development in the urban areas thereby reducing the need to travel. Furthermore, I do not consider an allocation is necessary to balance development that has taken place elsewhere in the village.
- 11.130.4. 9483 – This objection relates to a smaller part of the above area and would result in additional growth of some 19% and my comments above apply equally to it. My objection to both of the above submissions is one of principle relating to excessive growth and is not outweighed by the assertions made with regard to the school and other village facilities.
- 11.130.5. 4745 – Although this area formed part of a larger housing allocation in the Draft Delyn Local Plan it was not carried forward into the adopted plan. My

consideration of the merits of the objection site is based upon the situation as it relates to this UDP rather than previous plans.

- 11.130.6. The site would accommodate at most some 4 dwellings. The plan does not allocate land for less than 10 dwellings. The limited scale of possible development therefore precludes the site from being allocated. Amending the settlement boundary to include this land would result in development extending into the attractive countryside. Furthermore, there are no physical features along the western and part of the southern edges of the objection site to provide a logical and defensible settlement boundary.
- 11.130.7. For reasons given in HSG3, my recommendation is that new houses should only be permitted in category C settlements where there is a local need. In these cases I have seen no substantive evidence on either general or local housing need to justify the allocation of these areas or the extension of the settlement boundary to permit further development.

Recommendation:

- 11.130.8. I recommend no modification to the plan.

11.131. HSG1 - New Brighton

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2396	5119	Gower Homes	DEP	O	No

Summary of Objection:

Rep No	Summary
5119	Delete green barrier designation. Site is surrounded by development and does not have an open character. Removal of land would not result in the coalescence or encroach into countryside. The A5119 and A494 would provide a permanent barrier. There is doubt about the housing supply figures. Objection site would make a suitable additional allocation. It is to be preferred to HSG1(47) and HSG1(48) allocations in New Brighton

Key Issue:

- 11.131.1. Whether the site at the junction of the A5119/A494 should be deleted from the green barrier and allocated for housing.

Conclusions:

- 11.131.2. The objector's later submissions refer to a larger site than originally proposed. There is no duly made objection to the larger site and my conclusions are based on the original site.
- 11.131.3. I agree with the objector's view that there needs to be a sufficient supply of available, developable housing land that satisfies sustainability criteria for the plan to be successful and I accept in other parts of this report that it may be necessary to allocate additional/alternative greenfield land in some of the category B settlements. However, my findings below do not support the allocation of the objection site for housing.
- 11.131.4. Insofar as the merits of allocations HSG1(47), HSG1(48) and HSG2A (including deliverability) are concerned these are dealt with elsewhere in

Chapter 11. Additionally housing supply generally and settlement strategy are addressed below at HSG3 and at STR4 in Chapter 3. I do not repeat my conclusions here.

- 11.131.5. The housing allocation - New Brighton is built around but mainly to the south and west of the crossroads of New Brighton Road/Bryn Lane and the A5119. Its limited number of facilities are to be found at the cross roads – pub, shop/post office and hotel with community/recreation facilities on the south western edges of the village. There is also a petrol filling station to the east at the junction of the A5119 and A494 but this is separated from the bulk of the settlement by open fields. In short New Brighton does not have the same range of facilities as some of the larger category B settlements.
- 11.131.6. As a category B settlement its indicative growth band is 8 -15%. At the base date of the plan there were 325 dwellings in the defined area. In 2005 there were 2 commitments and since then planning permission has been granted for a further 4 units. Together with allocation HSG1(47) this would result in about 9.5% growth. My conclusions on HSG1(48) indicate that that allocation should be deleted and the boundary changed. Nevertheless this would still provide the potential for some windfall development on unallocated land. In the light of these findings I do not consider that as a matter of principle, the allocation of further land adjacent to the settlement is necessary to provide an adequate level of growth for New Brighton.
- 11.131.7. The objection site has an area of almost 2ha which if it was allocated for housing would be likely to yield up to 60 dwellings. This would result in a further 18% or so growth which together with commitments and HSG1(47) would be more than the indicative level of the category A settlements. Whilst there may be a wide range of facilities within a 0.8-1.2km radius, for the most part distances would be further because of the road pattern and the physical barrier of the A494(T) bypass. Moreover because of the characteristics of the A5119, particularly its width and the proximity of houses to the road between the A494(T) roundabout and the crossroads in the village, a pavement would more than likely have to be to the north of the A5119 meaning walkers from the village would have to cross a busy road twice to use most of these facilities.
- 11.131.8. The objection site is rectangular in shape and fronts the A5119 on its northern side. It is at present grassed fields and seen as part of the open countryside. Because of its topography and proximity to the main road, it is highly prominent. Moreover where the site does abut houses, on its shorter western boundary, it is the rear of properties and development of the objection site would be a self contained entity with no vehicular link. Development on it would be seen as a significant encroachment into the rural area. It seems to me that together these factors illustrate the poor relationship both physically and visually with the main body of the village.
- 11.131.9. In addition, if the allocation were to go ahead, it would leave a substantial area of open land to the south which would in effect be enclosed on 3 sides by housing and the fourth by the bypass. There would therefore be likely to be pressure for further development on this land.
- 11.131.10. Finally the problems I have identified with the objection site mean that I do not consider it to be preferable to HSG1(47) which is part brownfield and to my mind better related to the facilities in the village despite its location further

from the crossroads. Whilst I recommend that HSG1(48) be deleted, I have nevertheless looked at it in comparison to the objection site and notwithstanding its constraints, it seems to me that because of its proximity to the centre of the village and its more secluded location, that it could be seen as more of a rounding off of the settlement and not an extension to it. Highway matters appear to be capable of resolution, particularly for pedestrians. The combination of these factors lead me to conclude that the omission site should not be allocated for housing.

- 11.131.11. The green barrier – I do not share the objector's view that the objection site and other land between the A5119 and A494(T) are not part of the open countryside. The aerial photograph ably demonstrates that the site has characteristics of land to the north, south and east. It is not unusual for agricultural holdings to be fragmented or parts of the countryside separated by roads. Whilst I accept that the A5119 and A494(T) could provide firm boundaries, it seems to me that at the present this function is satisfactorily performed by the extent of built development and the defined village limits. It is in accord with para 2.6.12 of PPW.
- 11.131.12. The green barrier in this location safeguards the countryside from encroachment and prevents, albeit in a small way, towns from merging into one another. It is part of a strategic green barrier around Mold which prevents the satellite villages from merging. If the green barrier were to be removed from this parcel of land at the junction of the A5119 and A494(T), it is easy to envisage the pressure there would be for the removal of the designation from land to the south which also abuts the A494(T) and would be contained by roads and housing. If at some time in the future it is determined that there needs to be an extension to New Brighton then it would be logical to look at all the land between the village and the A494(T) as a whole and not just part of it.
- 11.131.13. Moreover it is accepted that the petrol filling station at the roundabout already weakens the open character of the green barrier, but it is an isolated development and I do not consider removing the green barrier designation and allocating land which would consolidate development is a good argument. It would be contrary criterion (e) in para 4.17 of the UDP which says that one of the purposes of designation is to *protect major road junctions from development which would be intrusive and compromise the appearance of a junction and its rural setting*.
- 11.131.14. Whilst the green barrier designation is intended to last beyond the plan period, it does not have the same permanence as a green belt. The Council has excluded a significant area of land from the green barrier to the west of the settlement between New Brighton Road and the A5119. In principle that would allow future expansion of the village and as a consequence I do not believe the boundary is drawn too tightly or contrary to para 2.6.13 of PPW.
- 11.131.15. However, my conclusions elsewhere in this report indicate that the distribution of population growth needs a fundamental review as part of the LDP. The results of that review will indicate where future growth should go. If the results of the review determine that more development is required at New Brighton, the location of that development should flow from information available at that time and not be fixed by designations/boundaries in this present plan. In practical terms, in the interim, if the settlement boundaries are appropriately located, it is of secondary importance whether land outside

the settlements is allocated green barrier or open countryside. Both have the same effect of restricting development.

- 11.131.16. In the light of the above I conclude that the green barrier designation of the objection site does serve a useful purpose and should be retained.

Recommendation:

- 11.131.17. I recommend no modification to the plan.

11.132. HSG1 - Northop

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
189	17307	Lang	DEP	O	No
191	17308	Davies	DEP	O	No
199	17309	Owen	DEP	O	No
371	17359	Pritchard	DEP	O	No
504	17391	Tranter	DEP	O	No
1047	1380	Guy	DEP	O	No
1221	1680	David McLean (Projects) Ltd	DEP	O	No
1490	17449	Tranter	DEP	O	No
2306	4739	Jones	DEP	O	No
2342	4853	Capita Property Services	DEP	O	No
2615	5970	Castlemead Homes Ltd	DEP	O	No
3962	10190	Haworth	DEP	O	No

Summary of Objections:

Rep No	Summary
1680	Site is well related to settlement. It is contained by roads and a logical extension to help meet housing needs. Northop is a sustainable location to accommodate more development
4739	Site could meet housing need either as well as or in addition to HSG1(49)
4853	The plan does not provide an adequate supply of housing land. The site is contiguous with the settlement boundary and would not be intrusive in the countryside
5970	There is a shortfall in housing land. Site is well related to settlement, can be readily accessed and would be a logical rounding off of the village
10190	Site relates well to recent development on either side and is naturally screened. It is not high quality agricultural land and would help meet housing need
All others	Site between the Maes Celyn development and Bryn Rhyd would be preferable to HSG1(49). It is better related to the built up area and has better access

Key Issue:

- 11.132.1. Whether sites should be allocated for housing and/or included in settlement boundary.

Conclusions:

- 11.132.2. My conclusions under STR4 in Chapter 3 indicate that there is adequate land to meet a housing requirement of 7400 and provide a degree of flexibility. The distribution of that growth is to be achieved by the spatial strategy which seeks to concentrate development in the larger towns and villages which have easier access to more facilities/services and are likely to be served by better public transport. Whilst I have some reservations about the settlement strategy, I do overall conclude that it is appropriate to guide development for the plan period.

- 11.132.3. Northop is a category B settlement. Altogether completions, commitments and HSG1(49) would provide over 20% growth. Although this is above the indicative band of 8-15%, I conclude at HSG1(49) that the allocation should stay. However, as a consequence of this relatively high level of growth, I do not consider there is a need to provide additional housing in Northop either in locational or numeric terms. In addition I note that a number of the sites because of their size would result in development of a scale which would harm the character of the settlement. These relatively high levels of growth have not been justified in terms of the availability of infrastructure, services and the like. I turn now to specific sites.
- 11.132.4. All other objections – The objection site lies in the open countryside between the built up limits of Northop to the east and Maes Celyn to the west. Maes Celyn relates to the horticultural college and not the village. The college is washed over by countryside policies and does not have a defined boundary. Land to the east and west is therefore subject to different policy frameworks. Although partly opposite the school, that is at a lower level with no main road frontage. The site forms a small but effective gap designated as green barrier between the village and college. Its topography rising to the south means it does not relate well to the built up area. Allocation of and development on it would merge the 2 areas, be a significant encroachment into the countryside and to my mind result in an unacceptable extension of the village to the west.
- 11.132.5. 10190 – Celyn Farm – This site includes the objection site above and additional land to the south measuring in all over 5ha. My conclusions above apply equally to it. Whilst the land to the south is not within the green barrier, without the land to the north an extension of the settlement would result in an illogical boundary and a significant encroachment into the open countryside.
- 11.132.6. 1680 – land off Flint Road – It is wrong to say that the settlement strategy does not seek to focus development. The 3 broad categories with their indicative growth bands seek to concentrate development in the main towns and villages, and within that general strategy, specific allocations make it clear that some settlements within the same category are better able to accommodate growth than others. The level of planned growth in Northop indicates that it is considered to be one of the more sustainable locations.
- 11.132.7. The later representations submitted by the objector claim that as a result of a sustainability assessment, 56 settlements are less sustainable locations than Northop and that the majority of dwellings planned in them should be reallocated to more sustainable category A and B settlements. However, from even a cursory inspection I am not satisfied with the robustness of that assessment. Although the methodology explains that for *...the purposes of consistency for a facility to be included within a settlement it had to be within the settlement boundary as proposed by the LPA*, when looking at Northop the school is outside the settlement boundary yet it has been awarded a score of 5, whilst at Mancot the school is inside the settlement boundary and is awarded a score of only 1. Similarly the high school at Mynydd Isa although outside the settlement boundary is in a comparative location to the school at Northop, is only awarded a score of 1. In addition I note that the assessment excludes fundamental components of sustainability such as employment and does not take into account matters such as environmental sensitivity. These inconsistencies and omissions question the reliability of the

rankings and as a consequence I do not consider they support the allocation of more land in Northop.

- 11.132.8. The objection site is over 7ha in extent and could accommodate a significant level of development. The Council's highways officer has reservations about the provision of a suitable access to serve such a development. It does not therefore appear to be constraint free. Although the site is well contained by existing development, the A55 and the A5119, it is an area of countryside which contributes to the rural setting of Northop. Moreover because of its open nature it is designated as part of the green barrier in order to protect a major road junction from visually intrusive development. In a situation where there is no need to release more greenfield sites to meet housing need, where the land meets the purposes of green barrier designation and contributes to the rural setting of Northop, I see no reason to allocate all or part of the site for housing purposes or to include the land within the settlement boundary where all things being equal there would be a presumption in favour of development.
- 11.132.9. 4853 – adjacent to Ysgol Owen Jones - The site measures about 2ha. Whilst it is contiguous with the settlement next to St Peter's Park, south of this it adjoins a field and the school – which are excluded from the defined limits. Lying to the west of the built up area the site forms an integral part of the countryside gap between the village and the college and is designated green barrier. Its woodland makes a positive visual and ecological contribution to the rural setting of the village. With the present housing supply situation, the allocation of this land would weaken the green barrier unnecessarily and result in either an illogical settlement boundary or the inclusion of more land within the village on which there would be an enabling policy framework for development.
- 11.132.10. 4739 – Maes y Llan/St Peter's Park – This site too lies in the green barrier between Northop and the horticultural college. To its north is the A55 and to the east St Peter's Park whilst to the south is objection site 4853. Although it has well defined boundaries on 2 sides, at almost 6ha it would be a significant incursion into the countryside and compromise the gap between the village and the college. It is an intrinsic part of the rural area surrounding Northop and trees on it are protected by TPOs. I find no justification to either allocate the site for housing or include it in the settlement boundary.
- 11.132.11. 5970 – north west of Northop Brook – The objection site is about 1.5ha in extent. It lies behind properties fronting The Green, in character and appearance it is an intrinsic part of the open countryside comprising marshy grassland and scrub vegetation. The nature of the land means it has nature conservation value. The representations provide no substantive reasons why with the current planning policy position the land should either be allocated for development or included within the settlement boundary.

Recommendation:

- 11.132.12. I recommend no modification to the plan.
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11.133. HSG1 - Northop Hall**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
222	17317	Trustees of Peter Jones (Dec)	DEP	O	No
2294	4633	Morris Developments (North) Ltd	DEP	O	No
2403	5173	Hatherton Trust	DEP	O	Yes
4752	12313	Whale	DEP	O	No
7246	17840	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
4633	Site does not contribute to green barrier as it does not extend northern limits of village. It has development on 2 sides, relates well to the built area and would not encroach into countryside. It is consistent with the search sequence and would make a logical and accessible extension to the settlement. It is preferable to HSG1(50) which has constraints and may not deliver the anticipated number of dwellings. It could be developed for affordable housing
5173	Development of site would round off settlement and help meet housing need
17317	Develop brownfield site of poor agricultural quality and no significant wildlife value for low density/affordable housing. It is well related to village facilities and would round off settlement
12313	Include land within settlement boundary and allocate for housing
17840	Consider The Old Banks brownfield site before HSG1(50). Access could be taken from both Village Road and the old A55

Key Issue:

- 11.133.1. Whether sites should be allocated for housing, included within the settlement boundary, and/or deleted from the green barrier.

Conclusions:

- 11.133.2. 4633 – Llys Ben (rear of Gardd Eithin) - My conclusions to HSG1(50) indicate that I consider it, together with PC330, will provide a suitable level of growth for the settlement within the plan period. It is not therefore necessary to allocate more land. Given that there is an adequate supply of land to meet the housing requirement of 7400 and also provide a degree of flexibility, I see no reason why a further greenfield site in Northop Hall should be allocated. The settlement's facilities and services together with its location do not justify growth above the indicative band in this category B village.
- 11.133.3. Although the objector considers the site is preferable to HSG1(50), I do not agree. The omission land lies to the north of the settlement and has recreational value from its network of public footpaths which link through to the formal recreational area/community centre to the west and the countryside to the north. Whilst it has built development on 2 sides, because of the links through it and its open nature it relates well to the rural area. Therefore even though it has no constraints in the form of access, nature conservation and the like, I do not believe its development would be preferable to HSG1(50)/PC330. I deal fully with HSG1(50) above in this chapter. I would note briefly here only that the allocation/recommended site has development on 3 sides and does not extend as far south as existing housing. As a consequence it would be seen as contained within and a consolidation of the built form of Northop Hall.

- 11.133.4. The site forms part of a network of open areas to the north of the village. It has the appearance of scrub/heath land and is contiguous with the countryside to the north and playing fields to the west. Its ownership and lack of legal public access do not negate this attribute. Visually the site is seen as part of the open land surrounding the settlement. It is not part of the built up area and it is not required for development during the plan period. Therefore it does not meet the criteria for including land within settlements. The existing settlement boundary is clearly defined by housing and the school. In these circumstances to provide a policy framework which would enable development would be inconsistent and undermine the sustainable principles of the plan. It has been suggested that the site could be developed for 100% affordable housing, but it is not necessary to include land within settlements to provide such development. If the criteria in HSG11 can be met, the policy is permissive of rural exception sites.
- 11.133.5. The green barriers have been extensively reviewed as part of the production of the plan. However, the omission site remains within the green barrier as it is in both the Delyn Local Plan and the draft North Flintshire Local Plan. The arguments that the land would not really contribute to coalescence or encroach into the open countryside are ones which can and have been repeated in numerous locations on the fringes of settlements where relatively small sites are put forward for development. They are not good reasons to draw back the limits of the green barrier. In this case because I find the site relates well to the countryside and other open land such as the playing fields to the west, it forms part, albeit a small part, of the green barrier and allocation of/development on it would undermine the objectives of the designation.
- 11.133.6. Whilst it is the Council's intention that the green barriers will in principle last beyond the plan period, they will be reviewed as part of the LDP process and should circumstances at that time dictate there is a need for more growth in Northop Hall, there is nothing to preclude reconsideration of the green barrier boundary to the north of the village.
- 11.133.7. 5173, 17317, 17840 – south of Black Lion PH - Insofar as all 3 objections relate to parts of PC330 which at HSG1(50) I recommend for inclusion within the settlement boundary and allocation for housing, I make no further comments. My conclusions below relate only to the additional objection land to the south of PC330.
- 11.133.8. My conclusions to STR4 in Chapter 3 indicate that there is a sufficient supply of housing land throughout the County to meet the identified housing requirement; and those to HSG1(50) and 4633 above that a satisfactory level of growth is planned in Northop Hall. The land between PC330 and the old A55 is not therefore required for development purposes. Should it be developed it would result in growth significantly in excess of the 8-15% indicative growth band. Furthermore because of its undeveloped appearance I consider it should not be included within the settlement boundary.
- 11.133.9. Although it is said that the land was previously used for mining and contained a number of dwellings, it has now revegetated to such an extent that it does not meet the definition of previously developed land to be found in Fig 2.1 of PPW. Likewise its limited use for agricultural purposes is not a good reason to allocate it for development. There is poor quality farming land scattered throughout the County. To provide affordable housing does not require land

to be included within a settlement. Such a proposal could come forward as part of the development control process and be assessed against HSG11 which is permissive of rural exception sites if certain criteria can be met. Alternatively to allocate land to be developed at a lower density than set out in the plan would be unsustainable and conflict with HSG8 which seeks to make the most efficient use of land.

- 11.133.10. 12313 – This is a small, wooded, triangular shaped parcel of land containing Brookside House. It lies to the south of and is not contiguous with the defined settlement boundary of Northop Hall. There is open land between it and the built up area. In addition it has roads on all 3 sides. To the south is the A55, to the east the exit/approach roads to the A55 and to the west is a cul-de-sac which affords access to the property. Visually the site is seen as a dwelling in the rural area and it relates poorly to the built up limits of the village. Furthermore the representations indicate that about half the land lies within a C2 flood zone where in principle highly vulnerable development such as housing should not take place. Given these factors I do not consider the objection site is suitable for either inclusion within the settlement boundary or allocation for housing purposes.

Recommendation:

- 11.133.11. I recommend no modification to the plan.

11.134. HSG1 - Padeswood

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1147	1588	Scarfo & Son	DEP	O	No
2331	4827	The Late Mr Glyn Brown	DEP	O	No
2331	17208	The Late Mr Glyn Brown	DEP	O	No

Summary of Objections:

Rep No	Summary
1588	Seeks consideration of land opposite the Bridge Inn for a single dwelling
4827	Seeks consideration of land east of Smithy Farm for residential development
17208	Seeks to have land east of the garage considered as infill development

Key Issue:

- 11.134.1. Whether the sites should be allocated for housing.

Conclusions:

- 11.134.2. The UDP only allocates housing land for sites that can accommodate 10 or more dwellings and these objection sites are clearly below this threshold. They are not within a settlement boundary and are subject to policies that relate to development in the countryside. In terms of the principle of development, further housing development in such locations would undermine the sustainability objectives of the plan and its spatial strategy which seeks to direct most new development to the main urban areas.

- 11.134.3. I understand that with regard to 1588 planning permission has been granted for a dwelling. During my visit I saw that development is underway. I do not have the full details and am unable to determine whether the substance of the objection has been addressed.
- 11.134.4. Other more detailed matters raised with regard to each site do not outweigh the above conclusions and are matters more akin to the development control process rather than this UDP inquiry. It is not clear to me what changes these objections are seeking with regard to the UDP and I am unable to comment further.

Recommendation:

- 11.134.5. I recommend no modification to the plan.

11.135. HSG1 - Pantymwyn

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1306	1819	Kenwright	DEP	O	No
2307	4740	Pubmaster Ltd	DEP	O	No
2307	4741	Pubmaster Ltd	DEP	O	No
2322	4784	Davies	DEP	O	No
2468	5489	Strutt & Parker	DEP	O	No
2468	17625	Strutt & Parker	DEP	O	No
2468	17830	Strutt & Parker	DEP	O	No
2471	5484	Whitley Estates Ltd	DEP	O	No
2615	5960	Castlemead Homes Ltd	DEP	O	No
2615	5961	Castlemead Homes Ltd	DEP	O	No
2615	5964	Castlemead Homes Ltd	DEP	O	No
2615	5971	Castlemead Homes Ltd	DEP	O	No
7229	17618	J F Lloyd and Trustees of W R Lloyd	DEP	O	No
7245	17829	Hvall	DEP	O	No

Summary of Objections:

Rep No	Summary
1819	There is no allocation in Pantymwyn and this is based on an inappropriate assessment as a category C settlement. Reclassify Pantymwyn as a B settlement because of its size and range of facilities. Include all or part of site for housing. It has previously had permission
4740	Site is within settlement boundary allocate for development
4741	Site is well screened and would form a logical settlement extension
5484	Site relates well to village and could provide mixed housing
5489	Land will be a suitable extension to existing development and help make up shortfall in supply
5960	There is scope for a small allocation which would help support local facilities and contribute to housing needs. Site is close to village centre, and would round off the settlement
5961	There is scope for a small allocation which would help support local facilities and contribute to housing needs. Site would round off the settlement
5964	There is scope for a small allocation which would help support local facilities and contribute to housing needs. Site would round off the settlement
5971	There is scope for a small allocation which would help support local facilities and contribute to housing needs. Site would round off the settlement
17618	There is a housing shortfall and site would provide infill which would not have a significant impact on local infrastructure
17625	Site will be a suitable extension to existing development and help make up a shortfall in supply
17829	Include Pont-newydd in settlement boundary to allow housing development. It is of no

	practical use and a burden to maintain
17830	Site will be a suitable extension to existing development and help make up a shortfall in supply
4784	The supply of housing land is inadequate. There are no allocations in Pantymwyn and the site would form a suitable settlement extension

Key Issue:

- 11.135.1. Whether sites should be allocated for development and/or included within the settlement boundary.

Conclusions:

- 11.135.2. Settlement strategy, definition and growth – The categorisation of settlements is not an exact science. Because there is a wide range of settlements in Flintshire the 3 bands are broad and it is inevitable that towns and villages in the same band will differ in size and facilities. Pantymwyn lies in the middle of the band of category C settlements with, I am told, some facilities including a post office/shop, pub and village hall. A number of the facilities referred to by objectors such as school and employment are to be found in either Gwernaffield or Mold and not Pantymwyn. They do not therefore support the village's identification as a category B settlement.
- 11.135.3. That being said it is arguable that Pantymwyn shares some of the characteristics of category B settlements and is remarkably different to some of the category C settlements such as Alltami. However, the Council believes that because of its limited facilities, the rural character and its setting adjacent to the Clwydian Range AONB the village is appropriately categorised as a C village. For similar reasons I agree that for the purposes of the distribution of growth C is the suitable category.
- 11.135.4. My conclusions to STR4 in Chapter 3 make it clear that, firstly I am satisfied an adequate supply of land has been identified to meet a housing requirement of 7400 new homes, and secondly that, although I have some reservations, the settlement strategy will guide the distribution of that growth adequately. Pantymwyn as a category C village has an indicative growth rate of up to 10%. So far (until 2005) with completions and commitments there has been 7% growth.
- 11.135.5. I acknowledge that there is likely to be only limited opportunity for additional growth in the form of infilling within the defined village area, but I do not see this as a problem. The growth bands are not quotas to be filled in each settlement and there is no necessity for each village to have planned growth in the form of allocations. There is no need to allocate more sites to meet the housing requirement in either Pantymwyn or the County generally. Given these circumstances, in principle, it is appropriate that the settlement boundary has been tightly drawn to prevent an unacceptable level of growth.
- 11.135.6. 1819 – land between Penyfron Road and Cilcain Road – Pantymwyn is essentially a linear settlement with ribbons of development strung out along the lanes. There is very little estate type and/or development in depth. This gives the village a rural feel. The objection site is an intrinsic part of the countryside between 2 fingers of development along Cilcain and Pen y Fron Roads. It is open in nature and plays an important part in the setting of the village. Part of the site lies within a SSSI and a local wildlife site and is protected for its nature conservation interest. If it were to be either allocated for development or included within the settlement boundary, it would enclose further open land to the south within the defined village.

- 11.135.7. The smaller site identified in later representations lies outside of the SSSI, although part of it is still within the local wildlife site. However, it is nevertheless essentially part of the countryside and I consider because of its character, appearance and use, either all or in part, the land is appropriately located in the countryside.
- 11.135.8. The whole of the objection site measures some 11ha. At a recommended density of 25 to the hectare, it could in theory accommodate over 250 houses which would virtually double the size of the settlement. Development of that scale would harm the rural character of the village. The smaller site at over 2ha could accommodate over 50 houses which together with commitments and completions would result in about 25% growth which would be above the indicative band for even a category A settlement such as Mold. Such levels of growth would seriously undermine the sustainable principles of the plan. I appreciate that a lower density is indicated for the smaller area, but HSG8 requires new housing developments to make the most efficient use of land. Perpetuating low densities is not a sustainable option.
- 11.135.9. When planning permission was granted for housing development in the past it was against a different policy background. It does not justify a further permission. My conclusions in Chapter 3 mean that it is unnecessary to allocate further greenfield sites to meet the housing requirement and overall I do not support either amendment to the settlement boundary or allocating land to meet the objection.
- 11.135.10. 4784 – Voel Awel – The objection site is included within the smaller site identified in 1819 above. Whilst it also includes Voel Awel on the Cilcain Road frontage and is outside the designated nature conservation areas, essentially it is an intrinsic part of the open countryside. In the situation where no more land is required to meet housing need, I see no necessity for this largely greenfield site to be allocated for residential purposes.
- 11.135.11. 5484 – Pen y Fron – This site lies to the south of 1819 and is part of the pocket of countryside which would be left should 1819 be developed. At over 2ha it could accommodate up to 60 dwellings which in terms of the settlement strategy and the spatial distribution of growth would be unjustified and unsustainable in this category C settlement. That the site could provide a mix of dwelling type is not a good reason to allocate land as HSG9 would ensure this in any event. Similarly if there is a proven need for affordable housing HSG11 is permissive of such development outside settlement boundaries provided its criteria can be met.
- 11.135.12. The further representations of the objector refer to a significantly smaller site, but in a situation where there is no reason to release greenfield sites for development, particularly ones which are of recognised nature conservation interest, it is unnecessary to either allocate any land or include what is obviously part of the open countryside within a settlement boundary to enable development.
- 11.135.13. 4740 – adjacent to Crown Inn – Because of its size the objection site is unlikely to accommodate 10 dwellings and as a consequence falls below the threshold for the allocation of housing sites. That being said it lies within the settlement boundary where there is a policy presumption in favour of development subject to a proposal meeting other UDP policies. The plan therefore provides an enabling framework for residential development which

can be pursued as part of the development control process. The objection does not warrant a modification to the plan.

- 11.135.14. 4741- rear of Crown Inn – Because of its size, this site is also unlikely to meet the 10 dwelling threshold. However, unlike 4740 it is tucked behind the public house, is open in character and has access off a private lane. To my mind because of its location, character and appearance it is not as well related to the built form and is appropriately located in the countryside. In these circumstances I do not support a modification to the plan which would enable building on the site.
- 11.135.15. 5489 - between Caeau Ucha and Y Berth – The objection site lies to the east of Pen y Fron Road amongst a loose ribbon of development marking the northern edge of the settlement boundary. However, whilst adjacent properties are within the village limits, the objection site forms a distinct break in the developed frontage. It is open in nature and forms an intrinsic part of the open countryside beyond to the east which itself forms a gap between Pantymwyn and the caravan park. Because of its character it is to my mind appropriately excluded from the settlement. Moreover because there is an adequate supply of housing land, even if it could accommodate 10 dwellings, it is not necessary to allocate the land for development purposes.
- 11.135.16. 5960 – south and west of Wood Cottage – My conclusions above make it clear that I do not consider it necessary to make a housing allocation in Pantymwyn. Further there is no substantive evidence to support the assertion that additional housing would or is necessary to support the facilities in the settlement. Apart from these general conclusions, given that the site is part of the countryside surrounding the village and is mostly covered by woodland which is protected by a TPO, I would not regard it as a priority for either development or inclusion within the settlement boundary.
- 11.135.17. 5961 – rear of Underwood – My conclusions to 5960 apply equally to this site which although further south is also included within a woodland TPO. I can usefully add no more.
- 11.135.18. 5964 – rear of Pedwar Gwynt - This site too lies to the south of 1819 and is part of the pocket of countryside which would be left should 1819 be developed. However, it is an integral part of a wider area of countryside and designated at a local level for its nature conservation value. In addition it is a backland site of almost 2ha with no obvious means of access. Given that there is no need to identify more land to meet the housing growth figure and that it is rural in character and appearance, I see no reason to either allocate the land or include it within the settlement boundary.
- 11.135.19. 5971 – land at Bryn Cottage – This is another fringe site lying at the backs of properties on Fron Deg, Pen y Fron Road and Llyn y Pandy. It forms an integral part of the open countryside and in a situation where there is no need to identify more land to meet housing need I see no reason why the site should be included within the settlement boundary where there would be a presumption in favour of development. To do so could potentially result in growth of 15% which together with commitments and completions would result cumulatively in over 20% which is significantly above the indicative band for a category C settlement.
- 11.135.20. 17618 – Caeau Uchaf – The built up frontage of the site lies within the settlement boundary and subject to compliance with other UDP policies

housing would in principle be acceptable on it. The remainder of the objection land is different in character. It is open, undeveloped and appears as part of a wider countryside area. Similar to my conclusions in respect of other objections, taking into account housing supply, I have seen no substantive planning evidence which convinces me it is necessary to include the site within the settlement boundary to enable residential development. I note that because of its size it would not reach the threshold for a housing allocation.

- 11.135.21. 17625 – Cefn Bychan Woods – The site is open, rural in character, part of the Clwydian Range AONB and adjacent to nature conservation sites. It lies to the north of an isolated ribbon of development, which is itself totally separate from the built up area of Pantymwyn. As a consequence it is excluded from the settlement boundary and washed over by countryside policies. Even if there was to be a shortage of identified housing land, the site is poorly related to the settlement pattern and allocation of it/development upon it would extend a ribbon of development contrary to the objectives of PPW (MIPPS 01/2006) which seek to avoid fragmented patterns of development. A greenfield site in this location is not therefore a priority for development.
- 11.135.22. 17829 – The land is behind frontage development to the east of Cilcain Road. It is undeveloped and forms an intrinsic part of the open countryside. It is too small to be an allocation and its character does not justify its inclusion within the settlement boundary. If there is a proven local need for affordable housing HSG11 is permissive of such developments outside defined settlements if certain criteria can be met. I appreciate the owner may find the land a burden, but this is not a good reason to define a settlement's boundaries as ownerships and uses change over time.
- 11.135.23. 17830 – Cefn Bychan Farm – At 0.2ha the objection site is unlikely to accommodate 10 dwellings which is the threshold for making allocations. It is open land at the southern end of a ribbon of development on the western side of Cefn Bychan Road. On site it has no defined western boundary and the one indicated is more or less contiguous with the Clwydian Range AONB. It is an integral part of the open countryside. Development on the site would extend ribbon development which PPW (9.3.1 MIPPS 01/2006) says should be avoided. In the light of these factors I do not believe the site should be included within the settlement boundary and/or allocated for housing.

Recommendation:

11.135.24. I recommend no modification to the plan.

11.136. HSG1 - Pentre

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
477	872	Hawarden Estate	DEP	O	No
477	888	Hawarden Estate	DEP	O	No

Summary of Objections:

Rep No	Summary
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872	There is an underestimation of the housing requirement and the supply is inadequate. The site is in a sustainable location and suitable for development with no known constraints
888	There is an underestimation of the housing requirement and the supply is inadequate. The site is in a sustainable location and suitable for development with no known constraints

Key Issue:

11.136.1. Whether the sites should be allocated for housing.

Conclusions:

- 11.136.2. My findings to STR4 objections and also those above in this chapter indicate that firstly I find 7400 to be an appropriate level of housing supply and; secondly that, whilst I do have some reservations about the settlement strategy, the broad indicative category bands it identifies are suitable to provide the framework for the spatial distribution of growth.
- 11.136.3. 872 - The site is about 2ha in extent, consists of a field and lies to the south of Chester Road but is separated from it by development. It has frontages onto Willow and Mancot Lanes. It forms part of the open land designated as green barrier which separates Pentre and Mancot. Because it shares a boundary with the built up area of Pentre and there is a tenuous link to the western boundary of Mancot, effectively allocation and development of the site would leave an isolated area of green barrier to the north and east. That land would no longer fulfil the strategic purpose of preventing the coalescence of settlements and the implications of development would extend beyond the objection site.
- 11.136.4. If it contributes to openness, neither the inter visibility of settlements nor their character and appearance are to my mind good reasons to delete land from the green barrier. Similarly the continuity of a mixture of housing and commercial/industrial buildings to the north of Chester Road does not convince me that the plan should provide a framework for development to the south of the road on land within the flood plain which the spatial strategy seeks to keep open. In this location the green barrier does not seek to separate the settlements because of their intrinsic character, the purpose of the separation is to safeguard the setting of settlements and the pattern of existing development characterised by built up areas interspersed by open land.
- 11.136.5. I appreciate Pentre is a category B settlement with an indicative growth band of 8 - 15% and I acknowledge the tightly drawn boundaries preclude any significant development within the plan period. However, my conclusions earlier in this chapter make it clear that the growth levels should not be regarded as prescriptive and that there will be occasions when growth is below the indicative levels. This is the case in Pentre which is constrained by the green barrier and the floodplain. At this moment in time it seems to me that the development needs can adequately be met in the wider Deeside area. The site I have recommended for allocation in Mancot would result in a level of growth above the indicative band.
- 11.136.6. It may be that in the future there arises the need to develop land which is at present open, but should such a need arise, the review of settlement strategy/green barrier designation should be done in a strategic way as part of a future plan. Not in an *ad hoc* way in response to individual objections at a time when further releases of greenfield sites in the locality are not required

to meet either the housing requirement or the indicative growth levels of the settlement strategy.

- 11.136.7. 888 – Whilst different in size and lying between Queensferry and Pentre, the principle of my conclusions on 872 apply equally to this objection site. The site is approximately 8ha in extent and would result in the coalescence of Queensferry and Pentre. I can usefully add no more.

Recommendation :

- 11.136.8. I recommend no modification to the plan.

11.137. HSG1 - Pentre Halkyn

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1290	1790	Clacher	DEP	O	No
1462	2025	David McLean	DEP	O	No
1505	2108	Thomas	DEP	O	No
2467	5453	Jones	DEP	O	No
3996	10294	Rogers	DEP	O	No

Summary of Objections:

Rep No	Summary
1790	Site is logical extension to an estate close to the A55. Access can be taken from the estate and there are roads already cut out on the land
2025	Pentre Halkyn is capable of accommodating growth. Allocate site for housing and include in settlement boundary
2108	Site is next to settlement boundary and the A55. It is a hotel and bungalow with all services and would accommodate 17 houses
5453	Site off Brynford Road would provide a better alternative to HSG1(54). Pentre Halkyn has more facilities than Brynford and site is well related to the built up area and development would round off the settlement
10294	Site is a natural extension of ribbon development. Development would support local economy. There is developer interest in the site

Key Issue:

- 11.137.1. Whether the sites should be allocated for housing.

Conclusions:

- 11.137.2. My findings in Chapter 3 to STR4 objections and also those above in this chapter indicate that firstly I find 7400 to be an appropriate level of housing supply and secondly that, whilst I do have some reservations about the settlement strategy, the broad indicative category bands it identifies are suitable to provide the framework for the spatial distribution of growth.
- 11.137.3. Pentre Halkyn is a category C settlement where growth is intended to be below 10%. So far there has been just over 2% growth. However, that does not mean there is capacity for more development as the growth bands are indicative and my conclusions on HSG3 indicate that in principle to make the spatial strategy more robust development in category C settlements should be limited to that which is required to meet local needs.

- 11.137.4. 1790, 2025 land off Heol Twysog – 1790 is the south eastern half of 2025. Together they measure about 4ha. At a density of 25 to the hectare they would produce about 100 units which would result in growth of over 20% which is significantly above the growth band and which would compromise the settlement strategy. I have seen no substantive evidence to demonstrate why the level of growth provided by either site would be necessary in Pentre Halkyn. The sites are open fields and an inherent part of the countryside. It is not clear whether a 1978 permission on the site is still extant and in all the circumstances before me I find no reason why the existing firm defensible settlement boundary should be extended to accommodate unnecessary growth on greenfield land. I am told there is also a problem with access which would militate against an allocation.
- 11.137.5. 2108 - Springfield Hotel – I am told the Springfield Hotel was refurbished in 2006 and is still in operation. It occupies a prominent location next to the A55. Together with uses to the north of the A55 it forms a loose enclave of roadside services. Whilst the site would be a brownfield one, it has a poor relationship with the village and lies within an area of countryside between Pentre Halkyn and the A55. To encompass it within the settlement area would either result in a somewhat tortuous boundary or include additional land. Development on it would be seen as a spur away from the main built up area. In a situation when there is no need to identify more land for housing I see no reason why, despite its brownfield status, the land should be either included within the settlement boundary or an allocation made.
- 11.137.6. 5453 – The growth bands are not quotas to be passed from settlement to settlement and the deletion of an allocation in one village does not justify making more land available in another. Therefore whilst I accept that Pentre Halkyn is larger and with arguably more facilities (it does not have a school) than Brynford, this does not automatically mean it can or should accommodate additional growth.
- 11.137.7. The objection site lies on the north western edge of the village, consists of fields and is agricultural in appearance. Although its outer limits are well defined by roads, to make a logical extension to the village would necessitate the inclusion of more land than the objection site, otherwise there would be an island of land surrounded by defined settlement. The existing settlement boundary in the plan is firm and defensible and follows the extent of built development. In a situation where there is no need to make more land available for housing and where the site relates well to and is an attractive part of the countryside setting of Pentre Halkyn, I do not support either the allocation of this greenfield land or its inclusion in the settlement boundary.
- 11.137.8. 10294 – land south of Llys y Nant – At just under 4ha the site on its own would result in over 20% growth. It lies behind a ribbon of development which extends south on the western side of Pentre Road from the settlement boundary. It consists of fields which form an intrinsic part of the open countryside. The main bulk of the settlement lies to the north and is more nucleated in form. Development on the objection site would consolidate a ribbon of development and to my mind relate poorly to the built form. PPW (9.3 MIPPS 01/2006) recognises that the expansion of villages should avoid creating ribbon development. I am told that there may be potential problems with providing access. As a consequence of the above even if there was a

necessity to identify more land for housing I do not consider the location and nature of this greenfield site would make it a priority for development.

Recommendation:

11.137.9. I recommend no modification to the plan.

11.138. HSG1 - Pen-y-ffordd

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
927	1213	Wright	DEP	O	No
1244	1716	Grocott	DEP	O	No
1287	1784	Davies	DEP	O	No
1305	1814	Pearson-Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
1213	Include land in village. It would help provide growth and be natural rounding off
1716	Site is more suited to development than others. It would provide affordable housing and round off the village
1784	Not part of countryside. Logical extension to village which would satisfy a need
1814	Reclassify as a "B" settlement and include more land within boundary

Key Issue:

11.138.1. Whether the sites should be included within the settlement boundary and/or allocated for housing.

Conclusions:

- 11.138.2. At the base date of the plan Pen-y-ffordd had about 280 dwellings and was classified a category C village with an indicative growth rate of between 0-10%. This was because of its size and level of facilities/services. To encourage more than minimal growth in such a settlement would be contrary to the sustainable objectives of the plan which include concentrating development in the urban areas thereby reducing the need to travel.
- 11.138.3. The plan proposes one allocation HSG1(58) for about 13 dwellings, 7 new houses have been built and there is planning permission for a further 10. Together this would mean growth of about 10%. There is also potential for further development on undeveloped land within the defined settlement boundary. However, this is subject to the application of HSG3 and para 11.12 (as proposed for modification). In these circumstances there is therefore no need for further land to be allocated and I have seen no substantive evidence which indicates otherwise. It is against these findings that I consider the individual sites.
- 11.138.4. 1213 – Tigh-na-Mara - The above paragraphs demonstrate that there is no need for further growth within Pen-y-ffordd. Indeed, for reasons given elsewhere in this report, my view is that in category C settlements new houses on unallocated sites should only be permitted where there is a local need.

- 11.138.5. The objection site is undeveloped, rectangular in shape and somewhat overgrown in appearance. It has a grass bank and mature hedgerow to Llinegr Hill. There is open land to its north and east and to all intents and purposes it forms part of the countryside. The settlement limits to its west and south form a firm boundary contiguous with the built up area. To my mind the proposed change would extend and not round off the village. How a proposed development would look and where it would be seen from, are secondary considerations given the strong objections I find in principle to extending the boundary to accommodate more development.
- 11.138.6. 1716 – east of Bryn Garth School - The objection site lies to the east of the settlement boundary. It is agricultural land to the rear of Maes Emlyn and clearly part of the wider open countryside. Including the land within the settlement would not round off but extend the village into the rural area and could at some time potentially produce 50+ dwellings which would result in significant growth. There is no proven local need for additional housing in Pen-y-ffordd and to provide it contrary to policy would undermine the spatial strategy and the sustainable principles which underpin the UDP. If it was demonstrated that affordable housing was needed then its provision would be dealt with under HSG11.
- 11.138.7. Insofar as other sites are concerned I note that planning permission has been granted for land to the south of Picton Road (site B) and I conclude below that site C, also to the south of Picton Road should not be included within the settlement. The objection to HSG1(58) this is dealt with above.
- 11.138.8. 1784 – Derwen Nurseries – Whilst the original objection site is different to the one outlined in later submissions, they do nevertheless overlap and the same principles apply to both. The land generally is on Llinegr Hill on the eastern fringe of the village between it and Ffynnongroyw. From the road the frontage is mainly open in appearance. Even though the land has some of the characteristics of developed land, in that it contains buildings, nurseries are often associated with rural areas and to my mind it is seen as part of the open countryside. In any event the Council makes it clear in Topic Paper 2 para 4.4 that settlement boundaries are a planning land use tool. They are not intended to define what constitutes a town or village. It is not therefore surprising that they do not correlate with village identification signs or include all the fringe locations.
- 11.138.9. If the land were to be included within the settlement boundary, it could at some time be developed and this would change its nature. Given these circumstances and because there is no proven need for additional housing, I do not consider it would be appropriate to extend the settlement boundary which as proposed is firm and defensible in this location.
- 11.138.10. 1814 – Rhewl Fawr Road/Picton Road - Subsequent submissions from the objector imply that there is no longer any objection to the categorisation of Pen-y-ffordd as a C settlement. However, the objection has not been withdrawn. Because of the settlement's size, limited facilities, particularly in respect of employment, together with the more recent information about accessibility I am satisfied that Pen-y-ffordd is appropriately listed as a C settlement.
- 11.138.11. It will be evident from my conclusions above that I consider the release of either site A or B unnecessary to meet housing need and contrary to

sustainable principles. The potential percentage growth from the allocation of these sites would be more than that of the category A settlements indicative levels. It follows from this I do not support their inclusion within the settlement or their allocation for housing.

- 11.138.12. The objector's later submission refers to 2 smaller sites. In relation to both sites there remains no proven need for additional development in Pen-y-ffordd. If it was proved so for affordable housing this matter could be addressed under HSG11. The alternative site A encompasses Rhewl Fawr Farm which is on a spacious plot. Such farmhouses/former farmhouses are common features in countryside areas. In this case the land is different in nature to nearby development within the village and I see no reason for the well defined boundary to be adjusted. The location and relationship to the surroundings are different to the properties on Picton Road.
- 11.138.13. If the land were to be included within the settlement, it would mean that development on it could take place at 25 units to the ha (HSG8). This would add to the level of growth and change the character of this rural fringe site. I reach similar conclusions in respect of site B, a rectangular undeveloped parcel of land, which would be an island of ribbon development stretching out along the lane and divorced from the main body of the settlement.

Recommendation:

- 11.138.14. I recommend no modification to the plan.

11.139. HSG1 - Penyffordd & Penymynydd

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
20	22	Northall	DEP	O	Yes
170	206	Holts Holding	DEP	O	No
1265	17415	Jones	DEP	O	No
1382	1924	Wright Manley	DEP	O	No
2325	4799	Higgins	DEP	O	No
2336	4835	Joneston	DEP	O	No
2615	5987	Castlemead Homes Ltd	DEP	O	No
3567	9102	Roberts Homes	DEP	O	No
3869	9933	McHardy	DEP	O	No
4724	12258	Heaton	DEP	O	No

Summary of Objections:

Rep No	Summary
22	Include land adjacent to Hazel Drive and Kent Close
206	Allocate land at Bank Farm, Lower Mountain Road; a brown field site
17415	Object to HSG1(52); use the Meadowslea Hospital site instead
1924	Allocate land adjacent to The Pastures, Vounog Hill to meet housing requirement
4799	Allocate land adjacent to Hope Hey, Rhos Avenue; recent minor development has taken place
4835	Allocate land east of Vounog Hill; inadequate housing provision made
5987	Allocate land at Rhos y Brwyner Farm; site already partly within the settlement boundary; part is brownfield; a self contained site; close to railway station; better related to facilities than HSG1 (51); severed from remainder of farm; pedestrian/cycle link with the railway station
9102	Allocate land at the junction of Chester Road and Terrace Road and include within the settlement boundary. Will add to the variety of sites available

9933	Allocate land west of Rhewl Farm and include within the settlement boundary; would allow a small expansion to the core of the village and broaden choice of residential properties
12258	Allocate land off Rhos Road for up to 45 dwellings. Strategically well placed; adjacent to built up area; within zone between the village and the bypass; accessible from Rhos Road and Westfield Drive; accessible to public transport – within walking distance of railway station

Key Issue:

- 11.139.1. Whether the sites should be allocated and the settlement boundary amended where appropriate.

Conclusions:

- 11.139.2. Penyffordd & Penymynydd is a category B settlement with an indicative growth band of 8 -15%. Completions, commitments and allocations would result in growth of 23% which is well above the indicative band. For the reasons given in HGS1(51) and HSG1(52) I support this level of growth. In my conclusions to STR4 in Chapter 3, I find the plan provides a sufficient supply of land to meet the identified overall housing need. Since the plan was issued planning permission for housing has been granted at the former Meadowslea Hospital site. This increases growth to 25%. It is on this basis that I consider the objection sites.
- 11.139.3. 22 – This large area of land could accommodate over 190 dwellings and would result in an unacceptable level of growth contrary to the plan's sustainable principles. The land is outside the defined settlement boundary and would result in an excessive incursion into the countryside. There is no need or justification to allocate this land.
- 11.139.4. 206 – The site is some distance away from the settlement boundary and is set in open countryside. Not all brownfield sites will necessarily be suitable for development. Development on this site would appear as an isolated group of dwellings in the countryside, poorly related to the existing settlement pattern. Furthermore, since this site is well outside the settlement it would not accord with the sequential search for the allocation of sites. Having considered all the submissions made I conclude the site should not be allocated.
- 11.139.5. 17415 – My conclusions regarding HSG1(52) are to found earlier in this chapter. It is envisaged that the Meadowslea Hospital site will be developed for 29 dwellings. It is not appropriate to consider this as an alternative to the HSG1(52) allocation given the much smaller number of dwellings that would result.
- 11.139.6. 1924 – This land is part of the countryside on the edge of the settlement and is rural in character. Allocating this site would result in a significant incursion into the countryside. Furthermore, given the shape of the objection site it would isolate undeveloped land to the north and result in an incongruous settlement boundary.
- 11.139.7. 4799 – No details are given of the *minor developments* and I cannot comment further on that issue. The site is outside, but adjacent to, the existing strongly defined settlement boundary. This land is rural in character and is visually part of a larger area that makes a significant contribution to the attractive setting of this part of the settlement. Allocating the land would harm that setting. Furthermore, the plan only allocates land that can accommodate 10 or more dwellings and the site is below that threshold.

- 11.139.8. 4835 – As I indicate at the start of this section the allocations are well in excess of the indicative growth band and do not support the assertion that inadequate provision has been made to sustain development over the plan period. Vounog Hill provides a strong physical boundary between the built up area to the west and the countryside to the east. This extensive elongated site along the eastern side of Vounog Hill disregards the existing field boundaries and would result in an illogical incursion into the countryside. Furthermore, it would result in an unacceptable ribbon of development that would be poorly related to the existing urban form.
- 11.139.9. 5987 – The farm house, outbuildings and former coal yard are within the settlement boundary. I note that planning permission for 3 dwellings (044178) was granted in February 2008. The presence of brownfield land does not necessarily mean that it will be suitable for development. I do not consider possible difficulties in gaining satisfactory access to that area justifies allocating a much more extensive greenfield site or a substantial amendment to the settlement boundary. The undeveloped land is rural in character and forms part of the attractive setting of this part of the settlement along Corwen Road. Its development would significantly harm the character of this area.
- 11.139.10. The proximity of the site to the railway station is a matter of fact. However, that is not the only consideration in establishing the acceptability or sustainability of a site. The submission argues that this site is a more preferable option than HSG1(51). However, for the reasons given in HSG1(51) I support that allocation. I have considered this site on its planning merits and I do not consider the arguments put forward justify its allocation either in addition to, or as a replacement for, the allocations made in the plan.
- 11.139.11. 9102 – Development on this land would extend the built up area further along the southern side of Chester Road. The existing settlement boundary follows firm and defensible boundaries and I see no planning merit in either allocating this undeveloped land or including it within the settlement boundary. I do not consider it is necessary to add to the variety of sites that are available within the settlement.
- 11.139.12. 9933 – The site is in agricultural use and is close to the centre of the settlement. Although development would be well related to the services and facilities, the site does not abut a public highway and it is not clear how an acceptable access would be provided. Given this uncertainty it would not be appropriate to allocate the land or amend the settlement boundary. The possibility of broadening the choice of residential properties does not outweigh this consideration.
- 11.139.13. 12258 – The objector argues that this is a more favourable site than HSG1(51). However, as I have already indicated, I support that allocation and I have considered this site on its merits.
- 11.139.14. The proximity of this site to the railway station is a matter fact and is in favour of the site. However, other considerations are also relevant. As I have already indicated the plan makes provision for growth of 23% together with another 2% at the Meadowslea Hospital site. There is no need for a further site which would result in additional unnecessary growth. The site forms part of the attractive open landscape at the entrance to the settlement along Corwen Road and its development would significantly harm the open

character of the area. I find there is a well defined edge to the built up area in this part of the settlement and to allocate this land would unacceptably weaken that edge. Its location between the village and the bypass is also a fact, but I place little emphasis on this factor and it does not justify allocating this land. Having considered all the submissions made I do not support this objection.

Recommendation:

11.139.15. I recommend no modification to the plan.

11.140. HSG1 - Pontblyddyn

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1144	1584	Milne	DEP	O	No
2320	4774	Jones-Mortimer	DEP	O	No
2320	4793	Jones-Mortimer	DEP	O	No
7430	18657	Price	DEP	O	No

Summary of Objections:

Rep No	Summary
1584	Allocate land between Druids Inn and Church Terrace for residential development
4774	Allocate land opposite Alyn Terrace to make up for inadequate supply of housing land
4793	Allocate land at Constitution Hill to make up for inadequate supply of housing land
18657	Allocate land off Mold Road to make up for inadequate supply of housing land

Key Issue:

11.140.1. Whether the sites should be allocated for housing.

Conclusions:

- 11.140.2. Since 4774, 4793 and 18657 were made the Council has revised its housing supply upwards and as a consequence I do not find the plan's overall housing provision is deficient. Pontblyddyn is a category C settlement with limited facilities and services. This settlement category has a growth band of up to 10%. The Council has not allocated any housing sites within the defined settlement limit. It considers that, having regard to the completions and commitments since the base date of the plan, which amount to 9% growth, sufficient provision is made within the defined settlement boundary to meet the needs of this settlement. For the reasons given under STR4 in Chapter 3 my recommendations are that new houses should only be permitted in category C settlements where there is a local need and it is against this background that my conclusions below should be read.
- 11.140.3. Druids Inn and Church Terrace – The plan only allocates sites for housing development that can accommodate 10 or more dwellings whereas the site could accommodate 3 dwellings at most. On this basis it is not appropriate to allocate this land for residential development. I do not consider that housing development is necessarily the only use to which this land can be put and this argument does not justify the change that is being sought.

- 11.140.4. Opposite Alyn Terrace – The site could theoretically accommodate some 25 dwellings though I am informed that a significant portion of the site alongside a small brook is subject to flood risk. In reality therefore the number of dwellings that could be accommodated would be less. Nevertheless, the indicative growth band would be exceeded. The site is a relatively narrow strip of land on the hillside and the resultant housing development would be unduly prominent in the landscape. The settlement would be unacceptably extended in a ribbon like manner into the adjoining countryside.
- 11.140.5. Constitution Hill – The site could accommodate some 16 dwellings. This scale of development would significantly exceed the indicative growth band. Given the prominence of the site within the landscape I also consider that development would harm the rural setting of this settlement and the character of the countryside.
- 11.140.6. Mold Road – The plan only allocates sites for housing development that can accommodate 10 or more dwellings whereas the site could accommodate 5 dwellings at most. On this basis it is not appropriate to allocate this land for residential development.
- 11.140.7. Moreover a substantial portion of the land is within a C2 flood risk zone. National advice indicates that housing development should be directed away from such high risk areas. The objection acknowledges the site would extend the urban form of the settlement along the A541 in a ribbon like form. How a proposed development would look and the other matters raised in the objection are secondary considerations given the strong objections I find in principle to accommodating more development.

Recommendation:

- 11.140.8. I recommend no modification to the plan.

11.141. HSG1 – Rhes-y-Cae**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
632	843	Denman	DEP	O	No

Summary of Objection:

Rep No	Summary
843	Site has no practical use and is a burden to maintain. Include it in settlement boundary for development in line with HSG8 and 11

Key Issue:

- 11.141.1. Whether the site should be included within the settlement boundary and/or allocated for housing.

Conclusions:

- 11.141.2. Looking first at the principles of planned growth. The Council's settlement strategy classifies Rhes-y-Cae as a category C village where new housing development should not, in general, exceed 10% growth within the plan period. This is because of its small size, rural location and limited

facilities/services to meet the population's needs. I conclude elsewhere in this report that the settlement strategy is not robust enough in respect of category C settlements as it encourages development in unsustainable locations which is contrary to the underlying principles of the plan. And I recommend that development in the smaller settlements should be confined to those instances where there is a proven local need. In principle therefore I find objection to allocating land for general housing purposes within category C settlements.

- 11.141.3. The Council says that at the base date of the plan there were 70 dwellings in the defined settlement of Rhes-y-Cae. 14 new dwellings have been built and there are commitments for a further 2. This equates to 23% growth which is significantly more than the indicative 10%. This is a cogent reason not to allocate land to encourage more growth. I appreciate that the objector believes 6-8 houses could be accommodated on the site, but to meet the requirements of HSG8 this number would need to be in the region of 30 dwellings, otherwise the development would not make the most efficient use of land. Growth at that level would be inconsistent with the settlement strategy and the plan's underlying sustainable principles. HSG11 sets out criteria against which proposals for affordable housing can be assessed in the rural areas. Policy wise such provision is not therefore dependent on the supply of market housing.
- 11.141.4. Turning now to site specifics. In character the village appears to be an assortment of houses which are loosely set in the open countryside. The objection site lies within a larger undeveloped area which on 3 sides borders residential properties and by its open nature, has more in common with the wider area of countryside which penetrates the village. The arguments for its inclusion within the settlement boundary and allocating it for development, could also apply to the larger area. I accept that the appearance of the objection site is somewhat unkempt, but this can change over the years depending on use and ownership. It is not a good reason to allocate land for development. Similarly I do not doubt that development could be accommodated on the site, but detail matters such as access, land contamination, landscaping and the like are ones which it is more appropriate to consider as part of the development control process, once the principles of development have been established in the development plan process.
- 11.141.5. The combination of the above leads me to conclude the land should not be included within the settlement boundary or allocated for housing.
- 11.141.6. My conclusions in respect of PC45 are to be found at GEN2 - Rhes-y-Cae in Chapter 4.

Recommendation:

- 11.141.7. I recommend no modification to the plan.

11.142. HSG1 - Rhewl Mostyn & Mostyn Port

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
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3552	9051	Brady	DEP	O	No
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Summary of Objection:

Rep No	Summary
9051	Include land as a housing site. It is an infill site and would not perpetuate ribbon development

Key Issue:

11.142.1. Whether the site should be allocated for housing

Conclusions:

11.142.2. The site is only small and as such does not meet the criteria for inclusion as a housing site within the UDP. Only sites which are likely to contribute 10 or more dwellings are allocated. Furthermore it is neither within a defined settlement nor adjacent to one. Therefore it lies within the open countryside. For it to be allocated for development would be contrary to the site selection criteria which are based on national policy in PPW (9.2.8/9.2.9 MIPPS 01/2006). It would constitute an exception to the underlying sustainable principles of the plan which seek to concentrate development within settlements which have good public transport links and easy access to a range of services and other facilities. The objector does not put forward any planning reasons why this land should be treated differently and for the reasons given above I do not support the change requested.

Recommendation:

11.142.3. I recommend no modification to the plan.

11.143. HSG1 - Rhosesmor**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3568	9104	Roberts	DEP	O	No

Summary of Objections:

Rep No	Summary
9104	This objection is dealt with in Chapter 4 GEN2 - Rhosesmor with 9105

11.144. HSG1 - Rhydymwyn**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1313	1830	Longman Homes	DEP	O	No
4788	12418	D P Williams (Holdings) Ltd	DEP	O	No
4788	12419	D P Williams (Holdings) Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
1830	Allocate former Nu Image Packaging Site for housing

12418	Allocate land in the vicinity of Ruby Houses for residential development
12419	Allocate land at Ruby brickworks for residential development

Key Issue:

- 11.144.1. Whether the sites should be allocated for housing development and the settlement boundary amended accordingly.

Conclusions:

- 11.144.2. Rhydymwyn is a category C settlement with an indicative growth band of 0-10%. Completions, commitments and land within the settlement boundary would facilitate growth that would be within or slightly above the indicative growth band over the plan period.
- 11.144.3. 1830 – Houses have been built on this site and it is not necessary for me to comment further.
- 11.144.4. 12418, 12419 – PPW indicates that it does not follow that all brownfield sites are suitable to be allocated. These sites are in the countryside and are totally divorced from the settlement. The Ruby House site has capacity for some 38 dwellings and the Ruby brickworks site a capacity of some 136 dwellings resulting in potential growth of 21% and 76%. Both would result in growth well in excess of the indicative growth band. Furthermore, significant portions of the sites are within a C2 Flood Risk Zone and TAN 15 advises that such sites should not be allocated for residential development. This further reinforces my objection to the allocation of these sites. I note the comments made regarding possible alternative uses for this land but these do not justify the allocations that are sought.

Recommendation:

- 11.144.5. I recommend no modification to the plan.

11.145. HSG1 - Saltney**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1119	4664	Anwyl Construction Company Limited	DEP	O	No
2475	5511	Trace & Town Building Materials Ltd	DEP	O	No
3541	8978	C W Whitcliffe & Co	DEP	O	No

Summary of Objections:

Rep No	Summary
4664	Allocation of brownfield site would be within growth band for this category B settlement.
5511	Saltney has amenities and infrastructure. Allocation will result in redevelopment of non conforming unviable uses, provide sustainable regeneration and improve highway safety.
8978	Loss of site will not compromise employment land supply or result in loss of historic buildings

Key Issue:

- 11.145.1. Whether the site should be allocated for housing.

Conclusions:

- 11.145.2. The objections relate to different areas within the same overall site on which planning permission for housing was granted in 2006 and building is now underway. Given this *fait accompli* it is not necessary to allocate the land for housing.

Recommendation:

- 11.145.3. I recommend no modification to the plan.

11.146. HSG1 – Sealand/Sealand Manor

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1043	1375	Bennett	DEP	O	No
1167	1616	Griffiths	DEP	O	No
1274	1762	Bennett	DEP	O	No
1492	2079	Sealand Community Council	DEP	O	No
1492	17200	Sealand Community Council	DEP	O	No
2302	4730	Realty Estates	DEP	O	No
4625	13696	Sargeant AM	DEP	O	No
4625	13706	Sargeant AM	DEP	O	No
5224	13511	Whittaker	DEP	O	No
5224	13529	Whittaker	DEP	O	No
5235	13563	Lewis	DEP	O	No
5235	13575	Lewis	DEP	O	No

Summary of Objections:

Rep No	Summary
1375 1762	Part of Old Marsh Farm should be set aside for development such as housing or offices. It is surrounded by development and accessible next to A550/A494(T)
1616	This objection is dealt with in Chapter 4 at GEN2 - Sealand with 1614
2079 17200	These objections are dealt with in Chapter 4 GEN2 - Sealand with 2080 and 2081
4730	Remove land from green barrier and allocate for mixed use. It would contribute to housing either on its own or as part of a larger scheme. It is underused agricultural land of no landscape quality, but does have good access and is well related to Chester. Neither flood risk nor any other constraints would preclude development
13511 13529 13563 13575 13706 13696	These objections are dealt with in Chapter 4 GEN2 Sealand with 13705, 13528 and 13573

Key Issue:

- 11.146.1. Whether the sites should be allocated for development and/or deleted from the green barrier.

Conclusions:

- 11.146.2. 1375, 1762 – The objection site (about 4.5ha in extent) is part of the extensive green barrier in Flintshire/green belt in Cheshire which separates the built up areas of Chester from those in the Deeside conurbation.

Together with adjacent land it forms the westernmost limits of the green barrier which are logically defined by the A550/A494(T) which generally marks the character break between the built up area to the west of the road and the countryside with its more sporadic clusters of development to the east. I support the green barrier as it continues to prevent the coalescence of settlements and safeguards the countryside from encroachment.

- 11.146.3. I am told there are constraints to development on the site because of its value as Grade 2 agricultural land and its position within a C1 zone at risk from tidal flooding. Despite the site's accessibility to the national road network these factors and the site's undeveloped nature means it is not a priority for development in terms of national policy set out in PPW.
- 11.146.4. I appreciate that to the north is the extensive DARA site/RAF Sealand housing area, but this is a distinct block of development which was built self-contained for a particular purpose. It has more in common with the urban area to the west of the road and its position does not justify further development to the south on land which is at present clearly part of the rural area. This is particularly so as my conclusions on employment and housing land supply make it clear that there is no need to release more land to meet development needs. To allocate further greenfield sites in this circumstance would be unsustainable and contrary to the underlying objectives of PPW and the UDP. In reaching this conclusion I have taken account of the refurbishment of the former farm buildings taking place and the pedestrian link over the main road.
- 11.146.5. 4730 – The objection site measures about 25ha and lies to the north of the A548 Sealand Road. Its northern boundary is contiguous with the County's boundary with Chester. It is Grade 2 agricultural land within a C1 flood zone which forms an intrinsic part of the countryside between Chester and the Deeside conurbation.
- 11.146.6. The Council's spatial strategy seeks to concentrate development within the defined towns and villages with their wider range of goods and services. I conclude in Chapter 3 of this report that such a strategy is satisfactory to guide development in a sustainable way. Whilst the objection site may be close to Chester and its amenities, it is only partly contiguous with and relates poorly to Blaenau. Across the boundary in Cheshire the land abutting the site is for the most part green belt. Allocation of the site for development would therefore result in a satellite of new building within a strategic area of countryside whose openness is protected by green barrier/green belt designations in order to prevent the coalescence of settlements. It would result in an illogical boundary which would compromise the strategic function of the protected area.
- 11.146.7. The objector has provided scant details of what development would be appropriate on the site. The UDP makes adequate provision for housing and employment growth. If there is no justification, which is the case in this instance, PPW does not support mixed use development of greenfield sites in the countryside. In addition given the sensitive border location where the objections indicate there is pressure, as opposed to need, for development it seems to me that should in the future it be determined there is a need for development in the locality it should be investigated as part of the LDP process with cross border cooperation, not in an arbitrary way in response to

an objection to the UDP. The SRSS does not support such a development at the present time.

Recommendation:

11.146.8. I recommend no modification to the plan.

11.147. HSG1 - Shotton & Aston

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2330	4823	Dixon	DEP	O	No
3572	9114	Taylor	DEP	O	No

Summary of Objections:

Rep No	Summary
4823	Land adjacent to the Coach House abuts development on 2 sides and has a road frontage. It has no viable use apart from garden. Include in settlement and allocate for housing
9114	There are no sites allocated for housing in Shotton. Allocation of site at Killins Farm Shotton would give a variety of housing and help sustain the community

Key Issue:

11.147.1. Whether the sites should be included within the settlement boundary and allocated for housing.

Conclusions:

- 11.147.2. 4823 – The site is encompassed within objection site 10371 which I deal with in Chapter 4 at GEN2 - Shotton & Aston. Apart from my conclusions to 10371 I can only add that this site is a large garden and to my mind has more in common with the surrounding countryside than the built up area of the settlement which lies to the west of The Barnyard. I consider it is appropriately located in the green barrier which has firm defensible boundaries.
- 11.147.3. 9114 – In the Alyn & Deeside Local Plan the settlement boundary which includes the objection site follows the line of phase 3 of the Plough Lane link road extension. But this has now been abandoned and in recognition the settlement boundary in the UDP has been drawn back to reflect the extent of built development. The site is also considered to be part of a key strategic gap between Shotton and Connah's Quay and as such is designated green barrier. To provide a logical settlement boundary far more land than the objection site would have to be deleted from the green barrier which would compromise its strategic function. Moreover without the development of land to the north, the objection site would have a poor relationship with the built form. There would be only a tenuous link to the built up area via a ribbon of large detached houses which extends from the main body of development southwards into the open countryside.
- 11.147.4. Because they have been developed, the 2 allocated housing sites are recommended for deletion. There is therefore no planned growth in Shotton. However, as there is provision for significant mixed use growth including

substantial numbers of dwellings in both Connah's Quay to the west and at Garden City to the north, it seems to me that there would be an adequate level of housing provision in this part of Flintshire even though it would not be strictly in accord with the settlement strategy which seeks to concentrate growth in the category A settlements.

- 11.147.5. I appreciate the settlement boundary in the UDP is significantly different to that in the Alyn & Deeside Local Plan, but the changed circumstances in my view justify the alterations. That such a change may occur was envisaged by the Alyn & Deeside Inspector who said that in the event of the highway scheme being abandoned the Council might wish to reconsider the objection site. Without the road and a need to provide additional land for housing there is no necessity for the settlement boundary to extend so far south into the open countryside.
- 11.147.6. I note that the lack of constraints on the site, some of which are disputed by the Council, are not sufficient to justify an allocation in the present circumstances.

Recommendation:

- 11.147.7. I recommend no modification to the plan.

11.148. HSG1 - Sychdyn

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1341	17798	Northop Community Council	DEP	O	No
2328	4813	Jones	DEP	O	No
2403	5170	Hatherton Trust	DEP	O	No
2419	5284	Richardson	DEP	O	No
2419	5287	Richardson	DEP	O	No
2615	5976	Castlemead Homes Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
4813	There is a shortage of housing. HSG1(53) will blight land. Allocate for housing
5170	More housing is needed. The site has residential on 2 sides and would round off the settlement. Its deletion from the green barrier would not prejudice its strategic function
5284	Sychdyn can support more housing. Land at Pen-y-Bryn is well related to village
5287	Sychdyn can support more housing. Land north of Tennant Farm is well related to village
17798	Land to the south of Ffordd Dawel would provide an alternative for HSG1(53)

Key Issue:

- 11.148.1. Whether additional/alternative sites should be allocated for housing and/or included in the settlement boundary.

Conclusions:

- 11.148.2. My conclusions in respect of objections to STR4 indicate that there is adequate land to meet a housing requirement of 7400 and provide a degree of flexibility. Sychdyn is a category B settlement with an indicative growth band of 8-15%. Growth within the plan period taking account of completions,

commitments and HSG1(53) will result in about 11% growth. This is comfortably within the growth band. There is therefore no need to allocate more land for housing in terms of Countywide need or to accord with the spatial strategy.

- 11.148.3. 4813 – The site is a field to the east of HSG1(53) with a road frontage onto Vownog Newydd about 1.3ha in extent. I do not find it a persuasive argument that development on the adjacent field would cause blight with trespassers and dogs making the land unsuitable for keeping livestock. This is an argument which could be repeated on any field next to development, existing or proposed. I am also told there may be problems with access directly onto Vownog Newydd. It is therefore unlikely that the site could be developed without the adjacent allocation.
- 11.148.4. 5284 – The site is about 2ha in extent and is agricultural land lying next to the south eastern boundary of the village to the south west of the New Brighton Road close to its junction with Pen-y-Bryn. There is a definite character break between the objection land which rises to the south and the built up area. The site is prominent and forms an integral part of the open countryside which in this location is designated green barrier in order to protect both the rural area from encroachment and the strategic gap between Sychdyn and New Brighton.
- 11.148.5. 5287 – This site also measures about 2ha. It is an open field lying outside the north eastern village limits at the end of Wat's Dyke Way. At the time of my visit it had recently been ploughed. The dyke marks the south western boundary of the site. I am told that in this location the remains consist of the former bank preserved as a banked hedgerow with the bank slope extending into the objection site and the western ditch preserved in the access track. The only possible access to the objection site is through the dyke which would have a significant adverse impact on this earthwork of national importance. There is an apparent inconsistency between the Council who refers to *this stretch of the Wat's Dyke scheduled ancient monument* and CPAT who says that it is not protected by scheduled monument status. Whatever the recognised status of the dyke in this location, the remains are high quality and worthy of protection.
- 11.148.6. I note in relation to this site that it is excluded from the strategic green barrier which together with the settlement boundary virtually encloses it. By its appearance it forms an integral part of the adjacent open countryside and there is obviously pressure to develop in the locality as evinced by the objection. The Council does not refer to it as being part of any possible future search area and as such it appears to meet the criteria set by the Council for designating green barriers. I shall recommend it is included in the green barrier.
- 11.148.7. 5170, 5976, 17798 – The objections site lies to the south of Sychdyn and east of the A5119 Mold Road. It is triangular shaped and has housing on 2 sides, to the west of the Mold Road and to the south of Ffordd Dawel. By its undeveloped appearance it forms an integral part of the open countryside which in this location provides a strategic barrier between settlements to the south and east.
- 11.148.8. Whilst in plan form it would round off the settlement on the ground it does not appear as well related to the settlement pattern. The houses to the west of

the road consist of either a small number of properties which front the road or the backs of houses which take access from Raikes Lane or Black Brook. Similarly housing to the north ends in a series of culs-de-sac which are set in mature landscaped gardens which reduces the impact of the properties from the southern approach to the village. Furthermore if the location and extent of the Maes Gruffydd wetland site which is a non statutory site of nature conservation importance and which stretches from the main road frontage and occupies the majority of the site is also taken into account, this would leave only a prominent narrow finger of developable land poorly related to and with a tenuous link to the existing built up area.

- 11.148.9. Given the existing settlement pattern and nature conservation constraints it seems to me that despite the location on a bus route and the proximity to services in the village, the site should not be regarded as a priority for development.
- 11.148.10. My conclusions above indicate why I do not consider the objections sites should be developed within the plan period. As well as looking at the sites as additions to the allocation, I have also considered whether they would be preferable to the allocated site. However, it will be evident from my conclusions that I do not find any to be preferable to HSG1(53).

Recommendation:

- 11.148.11. I recommend objection site 5287 be included in the green barrier.

11.149. HSG1 - Tre Mostyn

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3542	8982	Mostyn Estates Ltd	DEP	O	No

Summary of Objection:

Rep No	Summary
8982	Site abuts Tre Mostyn and would provide affordable/mixed tenure housing in a locality where there is a need

Key Issue:

- 11.149.1. Whether the site should be allocated for housing.

Conclusions:

- 11.149.2. Although all the written representations refer to 0.2ha the original objection and the later correspondence deal with 2 different areas. The later one is about 0.2ha and a third of the original site area.
- 11.149.3. The first point to note is that the UDP does not make allocations for sites producing less than 10 dwellings – the objectors refer to 6; and the second is that neither are allocations put forward for affordable houses. That being said HSG11 is permissive of affordable houses outside settlement boundaries in certain circumstances. Whether the objection site would meet the criteria in HSG11 is debatable, but it is essentially a matter to be addressed as part of the development control and not the development plan process.

- 11.149.4. In general terms I would comment that although there are adjoining houses in Lloyd's Crescent, Tre Mostyn is not a recognised settlement within the UDP. It is no more than a loose assortment of 20 or so houses with no facilities. It is not a sustainable location where development is encouraged. Therefore to allocate land for housing development would be contrary to both PPW and the plan's underlying sustainable objectives.
- 11.149.5. The objector puts forward no substantive evidence to justify the assertion that there is a local need for mixed tenure housing. I accept that there may be demand for houses and have seen the letter of support for affordable housing from the housing association. However, the letter was written in 2003 and there is no substantive evidence to demonstrate that the objection site is the best available to meet need. Without up to date and comprehensive information sufficient to outweigh the general principles of the plan, it is difficult to see how the site could reasonably be allocated for development.
- 11.149.6. It seems to me that the objector's proposal does not meet the criteria for allocating a rural exception site. PPW says quite clearly that exception sites are not appropriate for market housing. Neither in this case is there a robust up to date housing assessment.

Recommendation:

- 11.149.7. I recommend no modification to the plan.

11.150. HSG1 - Trelawnyd

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1098	1452	Trelawnyd & Gwaenysgor Community Council	DEP	O	No
1098	1453	Trelawnyd & Gwaenysgor Community Council	DEP	O	No
1098	1454	Trelawnyd & Gwaenysgor Community Council	DEP	O	No
2023	3675	Roberts	DEP	O	No
2287	4594	Ward	DEP	O	No
2326	4805	Roberts	DEP	O	No

Summary of Objections:

Rep No	Summary
1452	Land opposite Erw Wen should be allocated for affordable housing for young local couples
1453	Land north of School/Bron Haul should be allocated for affordable housing for young local couples
1454	Land SW of the Crown Inn should be allocated for affordable housing for young local couples
3675	Site would round off settlement. It has services and access can be provided
4594	Allocate site for housing. It lies close to Trelawnyd which has no housing allocation, is well screened, and in scale with the surrounding group of properties
4805	Site has development on 3 sides and is a natural progression of the village boundary

Key Issue:

- 11.150.1. Whether the sites should be included within a settlement boundary and/or allocated for housing.

Conclusions:

- 11.150.2. The Council has drawn the boundary tightly around Trelawnyd and not made any housing allocations because of physical and environmental constraints. It seems to me that the identified boundaries are firm, defensible and well related to the built up area. In principle I see no reason for additional land to be included within the boundary to allow for expansion of the settlement. The settlement strategy may be permissive of up to 10% growth in category C villages, but I conclude elsewhere in this report that in order to reflect the underlying sustainable principles in the plan new development should be restricted to that required to provide for local needs only. In general I do not therefore support extensions of category C settlement boundaries which include areas of open countryside.
- 11.150.3. 1452, 1453, 1454 – There are no specific allocations in the UDP for affordable housing within settlements. The allocations are for general housing, although HSG10 does seek 30% affordable housing on schemes of more than 25 houses or sites over 1 ha. The site opposite Erw Wen is only 0.5ha in extent, excluding the school playing fields the site to the north of the school is about 0.6ha and land to the south west of The Crown Inn is some 0.3ha. Therefore any application for development on them would not reach the threshold and trigger the provision of affordable housing.
- 11.150.4. Outside settlements HSG11 is permissive of affordable housing schemes if certain criteria are met. The Council have undertaken a housing needs assessment which indicates that there is a need for affordable housing across the County, but I have not been given any up to date information from either the objector or the Council which indicates that the level of need within Trelawnyd would justify 1 or more of the objection sites' allocation for affordable housing. To make allocations without a sound evidence base would be irresponsible. In the light of these factors it seems to me that the objections can best be pursued outside the development plan process by the submission of planning applications which would be tested against HSG11.
- 11.150.5. Looking generally at the inclusion of the sites within the settlement boundary. 1452 and 1453 are intrinsic parts of the open countryside which lie within the Clwydian Range AONB and form part of the attractive setting of Trelawnyd. Although not within the AONB, 1454 is similarly constrained by the adjacent conservation area. Neither their character nor appearance justify any of the sites inclusion within the settlement.
- 11.150.6. 3675 – opposite Erw Wen – Is similar in extent (0.7ha) to 1452, albeit with slightly different boundaries. Although the objector wishes the site to be allocated for general market housing, the bulk of my conclusions are the same as to 1452. Whilst the amount of development that could be accommodated on the site would be commensurate with the scale of the village, the objector does not demonstrate a need for additional housing or say why the settlement needs to be rounded off. Given these factors I cannot usefully add anything more to the above paragraphs.
- 11.150.7. 4805 – north of Bron Haul – This forms part of the larger 1453 site. It follows that my conclusions on this objection are the same. I would only add that the objector produces no evidence to demonstrates any need for the boundary to be extended into the open countryside.

- 11.150.8. 4594 – Longacres Caravan Park – This site is in the open countryside and some distance from the built up area of Trelawnyd. It is part of a small cluster of properties which does not fall within any settlement boundary. There are a number of similar groups of buildings to be found in the rural areas throughout the County. In line with sustainable principles enshrined in national and UDP policy, the plan seeks to concentrate development within the main built up areas. It identifies a hierarchy of settlements to where development is directed and where the bulk of allocations are to be found. In other areas development is to be resisted, therefore to allocate the objection site for housing would be contrary to the plans sustainable principles.
- 11.150.9. I do not find the lack of allocations in Trelawnyd to be a persuasive factor for the allocation of a site within the rural area. If the spatial strategy did support growth in Trelawnyd (which it does not) alternatives closer to the settlement would need to be considered first. Matters such as screening, access and scale of development are ones which need to be considered once the principle of development in a particular area has been established.

Recommendation:

- 11.150.10. I recommend no modification to the plan.

11.151. HSG1 - Trelogan & Berthengam

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2289	4604	Sutherland	DEP	O	No
2346	4874	Jones	DEP	O	No
2615	5993	Castlemead Homes Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
4604	Part of site is in settlement in Delyn LP. Demolition of bungalow and redevelopment would make better use of land. Site is well related to village and would provide for modest growth
4874	Plan does not provide an adequate supply of housing land. There are no allocated sites in village. Allocate objection site which is well related to settlement
5993	Small housing allocation would support village facilities and provide housing choice. Objection site is well related to settlement

Key Issue:

- 11.151.1. Whether sites should be allocated for housing and/or included within the settlement boundary.

Conclusions:

- 11.151.2. My conclusions on the supply of housing land are to be found under STR4 in Chapter 3 where I conclude that 7400 is the appropriate requirement and that the plan is capable of providing that level of development. Similarly whilst I have reservations about the settlement strategy I conclude it is adequate to guide development for the period of the plan. Trelogan and Berthengam is a category C settlement with an indicative growth band of up to 10%. Completions and commitments have already resulted in 15% growth. In

principle therefore there is no necessity to allocate more land to meet housing need.

- 11.151.3. 4604 – land south of Y Gilfach – The site is in 2 distinct parts. The frontage is occupied by 2 bungalows, 1 recently erected and 1 apparently refurbished since the objection was made. These 2 properties are an integral part of the built up area and are included within the settlement boundary. The land to the rear of the boundary is at a higher level and covered in rough vegetation. In character it relates better to the countryside surrounding the settlement. Because of the lack of proven need for more development in the village and the nature of the southern portion of the site I do not consider the plan should be modified to meet the objection.
- 11.151.4. 4874 – land east of The Gables – I reach similar conclusions in respect of this site which comprises small fenced enclosures used for grazing, is open in nature and forms an intrinsic part of the rural area surrounding Trelogan and Berthengam. Development on it would entail the development of greenfield land contrary to the plan's sustainable objectives and be an unnecessary loss of open countryside.
- 11.151.5. 5993 – land at Pwll Mawr – This site also lies behind properties on the eastern side of the main road through the village and contains a house surrounded by large gardens/open land. Because of the space around the site, it is seen as sporadic development in the countryside and relates better to the rural than the built up area. By its nature it is appropriately located outside the settlement boundary. As no evidence has been put forward to substantiate the views that there is a need for further housing choice or that development is necessary to sustain existing services and facilities, I can take my conclusions no further in this matter.

Recommendation:

- 11.151.6. I recommend no modification to the plan.

11.152. HSG1 - Treuddyn

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
764	1016	Dougan	DEP	O	No
3866	9926	Turley	DEP	O	No

Summary of Objections:

Rep No	Summary
1016	Include land at Top y Rhos in settlement boundary. It is different in character to the open countryside and has clearly defined boundaries and housing on 3 sides. It would provide a housing allocation in a sustainable location. There are doubts about the deliverability of the committed site
9926	Include land adjacent to Jerusalem Chapel Fford y Rhos within settlement boundary and allocate for housing

Key Issue:

- 11.152.1. Whether the sites should be included within the settlement boundary and allocated for housing

Conclusions:

- 11.152.2. Treuddyn is a category B settlement where the settlement strategy encourages growth between the indicative levels of 8-15%. The Council says that since 2000 there have been 37 new units built and commitments of 48 which together add up to about 20% growth. There is therefore no necessity to allocate additional land to accord with the settlement strategy and overall the table at STR4 shows there is no problem with the supply of housing land Countywide. Moreover I have recommended that in category B settlements any development above the indicative 15% should be justified on the grounds of housing need. There is no such justification put forward in these cases. Should there be a local need for affordable housing this can be addressed under HSG11.
- 11.152.3. 1016 – It was confirmed at the inquiry that the objection relates to the land shown on the map in appendix 2 of inquiry document R-764-1016-1 and land at Breeze Cottage to the north. I conclude in Chapter 4 GEN2 - Treuddyn that the land at Breeze Cottage should not be included within the settlement boundary and do not repeat my reasons here. As a consequence my reasons below deal with the southern part of the site.
- 11.152.4. At the time of my accompanied visit in early 2008, the site was overgrown with few features. It did not have the appearance of a domestic garden and so far as I am aware it does not have planning permission for residential use. The boundary proposed in the UDP at the rear of Ffordd Top-y-Rhos and Well Street properties provides firm defensible limits for the settlement. The site itself whilst there is a physical boundary between it and the field to the west, by its nature, is better related to the open countryside.
- 11.152.5. In the plan the Council's calculation of settlement growth is based on the number of houses within the defined settlements at the base date of the plan compared to the number of house completions and planning permissions granted in that defined area up to April 2005. This seems to me to be a logical way to assess growth. Taking into account larger areas such as ward boundaries could lead to distorted growth in the B and C settlements and would be contrary to the sustainable principles underlying the plan. I do not consider a wider area should be preferred in Treuddyn. It would lead to inconsistency.
- 11.152.6. In the present planning policy context I see no reason why the site should be included within the settlement boundary. Doubts have been raised about the deliverability of the committed site in Treuddyn because of the capacity of the waste water treatment works. However, I understand that this situation will shortly be resolved and note that the constraints it imposes would apply, not just to the committed site, but also other development within the settlement. Whilst the Council acknowledges access via Well Street could be provided, there are reservations about the visual impact this would have, but it seems to me that such detailed considerations are more appropriately considered as part of the development control not the development plan process.
- 11.152.7. Finally, when looking at all the evidence in the round for both the Breeze Cottage land and land to the rear of 26 Well Street I find no further arguments that would justify including either the whole site or constituent parts of it within the settlement boundary.

- 11.152.8. 9926 – The objection site is a frontage strip of land to the west of Ffordd-y-Rhos. Whilst there is development in depth to the east of the road, to the west the site forms part of a large gap between a short stretch of ribbon development to the south and a longer run to the north up to the cross roads with Ffordd Carreg-y-Llech. The settlement already has firm defensible boundaries in this vicinity which would not be improved by inclusion of part of a field. The land appears to be part of the open countryside and I see no reason in the present policy context why it should be included within the settlement boundary and houses erected on it.

Recommendation:

- 11.152.9. I recommend no modification to the plan.

11.153. HSG1 - Warren Hall Court

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2301	4713	Lloyd & Parry	DEP	O	No

Summary of Objection:

Rep No	Summary
4713	Allocate land for housing. Insufficient land has been allocated to meet the needs of future households. Site just outside Broughton and its range of facilities; provision will satisfy principles of sustainable development

Key Issue:

- 11.153.1. Whether the land should be allocated for housing.

Conclusions:

- 11.153.2. The objection relates to 2 pieces of land adjacent to an existing group of dwellings. I conclude in GEN2 Warren Hall Court in Chapter 4 that it is not appropriate to designate a settlement boundary to encompass this group of dwellings and associated land.
- 11.153.3. In my conclusions to STR4 in Chapter 3 I find the plan provides a sufficient supply of land to meet the identified overall housing need and incorporates an appropriate degree of flexibility.
- 11.153.4. The sustainability objectives of the plan and its spatial strategy seek to direct most new development to the main urban areas. This land is some distance away from Broughton and will be likely to involve car journeys to use the facilities that are available. Bearing in mind the provision in the plan for additional housing at Broughton and Penyffordd/Penymynydd allocating these sites for housing would result in a substantial number of dwellings in a less sustainable and inappropriate location.
- 11.153.5. The sites are adjacent to an employment allocation EM2(1) and planning permission has been granted to develop part of that area. However, there are material differences between the considerations that apply to the location of employment and housing provision. The employment allocation does not justify the allocation of this land for housing development.

- 11.153.6. Having considered all the arguments put forward I do not consider these sites satisfy the principles of sustainable development and their allocation is not justified.

Recommendation:

- 11.153.7. I recommend no modification to the plan.

11.154. HSG1 - Whitford

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2410	5228	Williams	DEP	O	No

Summary of Objection:

Rep No	Summary
5228	3 sites should be allocated for development such as affordable housing, shop/crafts, holiday chalets, pensioners bungalows. All 3 are used for pig farming. A is a natural extension of the village and is within settlement boundary in Delyn Local Plan. B would provide affordable housing. There is evidence of previous development. It is well related to the village. C would be ideal for affordable housing and/or holiday chalets under a small scale diversification scheme. It is not important as a wildlife site and the TPO is unlawful and contrary to Human Rights. Southern side of village is logical place for growth

Key Issue:

- 11.154.1. Whether the sites should be included within the settlement boundary and/or allocated for housing or other development.

Conclusions:

- 11.154.2. It is not for me to comment on past decisions/actions of the Council. Similarly, in the context raised, matters regarding the TPO and human rights must be pursued under other legislation. They do not fall within the remit of the UDP for consideration.
- 11.154.3. My conclusions below are reached taking into account only the planning merits of the objection based on the underlying principles of sustainability enshrined in national and UDP policies which seek to concentrate development in the urban areas where there is better access to goods, services and employment and where public transport provides an alternative means of travel to the private car.
- 11.154.4. In line with this, the settlement strategy ranks villages/built up areas into categories. Because of its limited size and facilities Whitford is defined in the UDP as a category C settlement where growth within the plan period should be below 10%. I have concerns about the robustness of the settlement strategy to deliver sustainable development and in response to objections to STR4 in Chapter 3 and HSG3 below in this chapter, I recommend that development in category C settlements should be limited to that required to meet proven local needs. I am told that since the base date of the plan housing completions and commitments amount to almost 40% growth in Whitford. In numeric terms there is therefore no necessity to allocate and/or

include more land within the settlement boundary to enable further development.

- 11.154.5. Whilst the objector says there is a lack of homes to accommodate local people at the lower end of the housing market. I have no substantive evidence before me which confirms this, but acknowledge that in attractive rural areas and settlements generally where there are restraints on new development, houses prices tend to rise and are prohibitive for sectors of the community. To address this issue the Council has included within the plan HSG11 which, subject to certain provisos, is permissive of affordable housing in rural areas. In qualitative terms there is no necessity to allocate more land for affordable housing. Similarly in relation to tourism, T3 is permissive of self catering accommodation and RE4 of small scale rural enterprise if certain criteria can be met. Development of this nature is not therefore reliant on a specific allocation in the plan.
- 11.154.6. As part of the production of the UDP the Council reviewed settlement boundaries. They have been redrawn to enclose the existing built form and those additional areas where in principle development would be acceptable. For the reasons given above I do not consider further land should be identified for development. The settlement boundary may have been reduced since the Delyn Local Plan was produced but this is not unusual given the different policy background. As proposed I consider the boundary is firm and defensible following recognisable features.
- 11.154.7. Site A may be adjacent to the defined boundary on its northern and eastern borders, but in character and appearance it is open land used for agricultural purposes which has more in common with the countryside surrounding the village than the built up area. There is no reason why a conservation area should be contiguous with a settlement boundary as its designation is based on different criteria.
- 11.154.8. The evidence indicates that site B did at one time have a dwelling on it and I saw that parts of the structure remain. However, the village has grown and changed over the years with houses being demolished and new ones being built. Development in the past does not automatically mean development will be acceptable in the future. PPW (para 2.7) recognises that not all previously developed land is suitable for development. At present site B forms part of the open area of land outside the village limits and contributes to the rural character. It is divorced from the proposed boundary and it would result in either an awkward extension to the village or additional land being included within the limits with the potential for further development. In this instance I consider the location of the site militates against its development despite its brownfield status.
- 11.154.9. Site C is a rectangular site to the south of the Fachallt Road leading westwards out of the village. It is wooded in nature and appears an intrinsic part of the countryside. PPW (9.3 MIPPS 01/2006) says that the expansion of villages should avoid creating ribbon and/or a fragmented pattern of development. In my view, irrespective of any amenity/nature conservation value of the site, development on it would not meet the objectives of PPW. I accept that Brynford is characterised by ribbon development, but Whitford is different in that the settlement pattern is more nucleated. In any event in response to objections in Brynford, I conclude generally that it would be

unacceptable for new development to either extend or consolidate the ribbon development.

- 11.154.10. It follows from the above that, on the planning merits of the objection, I do not support either the allocation of the sites for development or their inclusion within the settlement boundary.

Recommendation:

- 11.154.11. I recommend no modification to the plan.

11.155. Paragraph 11.28

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2615	5952	Castlemead Homes Ltd	DEP	O	No

Summary of Objection:

Rep No	Summary
5952	Para should contain reference to search sequence to enable sites scoring higher to be substituted for lower scoring allocations. Clarify assessment of allocations with regard to habitat protection regulations

Key Issues:

- 11.155.1. Whether:-

- i) the plan should make provision for priority to be given to unallocated sequentially better sites to be developed before allocated ones
- ii) there should be clarification about the relationship of allocated sites and the habitat protection regulations.

Conclusions:

- 11.155.2. Development priority - PPW makes it clear that UDPs are intended to provide a firm basis for making rational and consistent decisions. There is the certainty that subject to acceptable details allocated land will be developed during the plan period. However, site selection is not an exact science and the criteria in MIPPS 01/2006 require a degree of judgement. The UDP consultation and inquiry process then provides a means of exploring the suitability of selected/omitted sites for development.
- 11.155.3. But that is not the end of the process, should unallocated land come forward it would be treated on its merits in the light of both national and UDP policies. There is an allowance for unallocated sites in the UDP supply figures and s38 of the 2004 Act recognises that on occasions material considerations are sufficient to overcome development plan policies. In the light of these factors it seems to me that it is not only unnecessary for the provision sought by the objector to be included in the plan, but it would also create an unacceptable degree of uncertainty if unknown land were to be given priority for development over allocated sites.
- 11.155.4. Habitat protection regulations - The objector does not produce any evidence to suggest that the allocated sites have not been properly evaluated. The

Council makes it clear that the allocated sites have been subject to scrutiny by its ecologist and that CCW have been consulted on the plan. A report has also been produced under Regulation 48 of the Conservation (Natural Habitats etc) Regulations 1994 to determine whether the UDP would have significant adverse effects on any designated sites within the Ramsar and Natura 2000 network. I can see no benefit and consider it would unnecessarily add to the bulk of the plan for these matters to be included in para 11.28.

Recommendation:

11.155.5. I recommend no modification to the plan.

11.156. Paragraph 11.28 – 11.32

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
4794	12527	Costain Group plc	DEP	O	No

Summary of Objection:

Rep No	Summary
12527	This is dealt with at para 11.12-11.32 above with 12525

11.157. HSG2 Housing at Croes Atti, Flint

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4591	Countryside Council for Wales	DEP	O	No
2411	5259	Home Builders Federation	DEP	O	No
3880	17260	Parry	DEP	O	No
4625	13697	Sargeant AM	DEP	O	No
5224	13513	Whittaker	DEP	O	No
2239	4267	Clayton	DEP	S	No

Summary of Objections:

Rep No	Summary
4591	There must be adequate green corridors and footpath/cycleways
5259	Delete reference to tenure and need to comply with a design brief
13513 13697	HSG2 is inconsistent with other areas offering the same opportunity
17260	The development will result in the overdevelopment of Flint and in-migration

Key Issues:

11.157.1. Whether:-

- i) the policy should be changed to meet the objections
- ii) the development will result in the overdevelopment of Flint.

Conclusions:

- 11.157.2. The policy - PC338 deletes *tenure* from criterion a. I support the change. It is sufficient and reflective of national and UDP housing policies to refer only to the mix and affordability of houses on the site.
- 11.157.3. I am not satisfied that criterion c either as originally written or proposed to be changed by PC339 is appropriate. It seems to me that it would be better if the criterion were to finish after ...*form and function*. The remainder is superfluous and is in any event explained in paras 11.34 and 11.35.
- 11.157.4. Overdevelopment – The predicted housing need is the total figure for the County and the spatial strategy distributes that growth broadly following a settlement hierarchy which allocates sites in what the Council considers to be the most sustainable way, taking account of opportunities and constraints. Growth is not therefore proportionate to a settlement's population/number of houses. There are more factors to weigh in the balance. If a settlement such as Flint has a higher proportion of new homes than other settlements, it does not follow that will result in excessive in-migration or result in overdevelopment. Development will satisfy demand from within the County and the Council is satisfied that services and infrastructure can deal with the allocated growth.
- 11.157.5. The development at Croes Atti is now a *fait accompli*. There is outline planning permission for a mixed use scheme and the Council has received a reserved matters application. Its contribution to development in Flint is therefore a fact. It cannot be changed by the UDP. The other 2 sites to which 17260 refers are considered at HSG1(10) and HSG1(11) above.
- 11.157.6. Other matters –The details of the development are a matter more appropriately addressed in a design brief and in response to planning applications, not as part of the development plan process. 13513 and 13697 do not say why or with which other areas the allocation is inconsistent. I cannot therefore take the objections further. Insofar as there are objections to the lack of development in the Sealand area. I deal with the matter above under HSG1 and in Chapter 4.

Recommendations:

- 11.157.7. I recommend the plan be modified by:-
- i) PC338
 - ii) Deleting, in criterion c*in compliance with a design brief agreed by the Council or alternative design principles agreed between the developer and the Council*.

11.158. HSG2A Strategic Mixed Use Development**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1119	18079	Anwyl Construction Company Limited	PC	O	No
2029	18411	National Trust	PC	O	No
2301	18386	Lloyd & Parry	PC	O	No
2334	18372	WAG - Dept of Economy & Transport	PC	S	No

2396	18503	Gower Homes	PC	O	No
2420	18362	RSPB Cymru	PC	O	No
2619	18596	Ministry of Defence	PC	S	No
2619	18597	Ministry of Defence	PC	O	No
2619	18598	Ministry of Defence	PC	S	No
3549	18359	CORUS	PC	S	No
4465	18562	B.R.A.N.D	PC	O	No
4794	18610	Costain Group plc	PC	O	No
4834	18533	National Grid	PC	O	No
5224	18387	Whittaker	PC	O	No
5224	18388	Whittaker	PC	O	No
7240	18407	Dwr Cymru Welsh Water	PC	S	No
7304	18161	Tami MP	PC	O	No
7416	18631	Pochin Rosemound Ltd	PC	S	No
7416	18632	Pochin Rosemound Ltd	PC	O	No
7416	18633	Pochin Rosemound Ltd	PC	S	No
7435	18683	David McLean Homes Ltd	PC	O	No

Summary of Objections:

Rep No	Summary
18079	Further investigations need to be completed, reports produced etc which will delay building and which will mean the residential component cannot be delivered within the plan period. Reduce the number of dwellings contributing to the supply to 325
18161 18387 18388	Object to loss of employment land. It is contrary to EM6. Reduce housing element to 10ha. Inconsistent approach to permitting development in flood risk areas
18362	The farmland bird interest on the site will not be able to co-exist with the development
18610	There is little evidence to demonstrate how the increased housing supply could be delivered
18386	Site is at risk of flooding. Delete HSG2A and provide more modest expansions to settlements
18411	Concern about views from NT property if buildings break the skyline
18503	Concern about reliance on a single large site and level of housing that can be delivered due to constraints. Needs flexibility of alternative sites built into plan
18533	Policy and its text should refer to presence/treatment of overhead lines/towers and confirm no adverse impact from flood mitigation works
18597 18632	HSG2A is too prescriptive in some areas and does not comply with PPW. The level of housing is too low, the requirements for 30% affordable housing and specified community facilities are inflexible. Add criterion to allow flexibility for types of uses on site
18683	Site is mainly greenfield and relatively remote from services and facilities. Development would be heavily car dependent. In terms of TAN15, it is not a C1 site and residential development is defined as highly vulnerable. It does not meet the specified exceptions. There is no suggestion that the employment allocation is unviable. There are sequentially more appropriate locations available. It is unlikely that the number of units can be delivered within the plan period. Reduce the number of dwellings contributing to the supply to 325
18562	Amend designations so that more, if not all is allocated for housing. The site is brownfield and there is not the demand for employment land

Key Issue:

- 11.158.1. Whether HSG2A should be changed and/or deleted from the plan in response to the objections.

Conclusions:

- 11.158.2. PC340 introduces HSG2A, a policy for the redevelopment of a partially brownfield/low grade agricultural site with mixed uses. In the light of the definitions in Table 2.1 of PPW, the site is not mainly brownfield as suggested by some objectors. It is some 170 ha in extent and consists of the former RAF Sealand South Camp and land formerly owned by Corus which is no longer required for operational purposes. In the deposit draft plan 138.2ha is

allocated for employment purposes as EM1(14). However, to reflect HSG2A, PC393 proposes a change to EM1(14) reducing the employment area to 98ha. HSG2A also proposes about 650 market and affordable houses together with health/community facilities and open space.

- 11.158.3. The site is in Deeside which is a sub regional employment hub with the extensive Deeside Industrial Park abutting its northern/north western boundaries, whilst to the south across the Dee are the settlements of Connah's Quay, Shotton and Queensferry with their own employment, shops, schools and other services which contain over 20% of the County's population. The A494/A55/A548 main road network linking the area to North Wales, Merseyside, Chester and south to Wrexham and the borders lies just to the east. There are public transport facilities, both road and rail serving the area.
- 11.158.4. The site is tightly defined by the river Dee, the B5441, Garden City, the line of the former Mickle Trafford railway and the Wrexham Bidston railway. Whilst outside any defined settlement boundary in the UDP, because of its surroundings it serves no function as green barrier. And although part of it is used for grazing, it does not really have the characteristics of open countryside. It has for a long period been allocated for development and can best be described as urban fringe.
- 11.158.5. The site was recognised in the adopted Alyn and Deeside Local Plan under EM14 as an opportunity site for mixed use development, albeit with only 2ha of housing planned. However, the inspector dealing with objections to that plan suggested that that amount could be too modest. There is therefore a policy history of mixed use for the site. Nevertheless, despite this the whole of the area was allocated for employment uses in the deposit plan and some objectors consider it should remain purely for employment. My conclusions about the level of employment land allocated as a result of the proposed changes indicate that the reduction in allocated area of some 40ha does not result in a shortfall in employment land in either quantitative or qualitative terms. I have seen no evidence in relation to objections to HSG2A which causes me to change this finding. Employment still remains the principle element of the allocation.
- 11.158.6. Currently in national terms whilst WSP recognises that Deeside will continue to be an important location for major employment generating investment, it does not preclude strategic mixed use schemes. In fact one of the propositions put forward is the need to develop win-win solutions for areas of potential conflict which I consider HSG2A seeks to do. Although a non statutory document, at regional level, the SRSS continues the theme. In relation to Deeside it promotes strategic sites such as HSG2A, which it says will encourage sustainable development by accommodating a wide range of land uses such as housing, employment, community, health, education, leisure facilities etc. There is therefore strategic support for the policy at all levels.
- 11.158.7. That being said I accept that there are constraints to development. Risk of flooding is a serious concern and some objectors remain unconvinced that development of housing on the site would be appropriate. TAN15 sets out national policy in relation to flood risk. The combination of uses proposed on the site fall within the highly vulnerable – houses, schools etc and less vulnerable – employment, shops etc development categories. Whilst all

parties acknowledge that the site is within the floodplain, there is debate about whether it falls into zone C1 or C2. Even though not all the site is developed, it does have flood defences and as such, although somewhat of a hybrid, it seems to me to be appropriate to consider the site as a C1 zone where plan allocations including highly vulnerable development can be made subject to application of the justification test.

- 11.158.8. As regards the justification test - in zone C the location must be necessary in connection with a regeneration initiative or contribute to key employment objectives in order to sustain a settlement/region; and concur with the aims of PPW, meet the definition of previously developed land and also find acceptable the potential consequences of a flooding event. It seems to me that the mixed use scheme put forward has the dual functions of providing a regeneration initiative of a disused airbase and contributing towards the strategic provision of employment land. It also promotes a sustainable pattern of development on a partly brownfield site close to a route corridor with potential for improved accessibility on foot. Public transport is good (PPW 2.5.2). Overall in national policy terms I acknowledge that the development does not meet all the policy objectives/priorities set out in PPW, for instance it is not a recognised urban area within the UDP. However, when taken in the round I believe that, in the Flintshire context, in principle the proposal meets the objectives of sustainable development set out in PPW.
- 11.158.9. Finally in respect of flooding matters, a flood consequences assessment has been carried out. As a result of this the EAW said in October 2006 that they were *....satisfied that the modelling work and other information provided demonstrates that flood risk could be managed to an acceptable level in accordance with Appendix 1 of TAN15, subject to the implementation of the proposed mitigation.....* Despite concerns raised by objectors about flood consequences and mitigation since that time, I am not aware that the position of the Council or the EAW has changed.
- 11.158.10. From inquiry papers I know that the Council consulted the EAW on these concerns early in 2008 and received a reply, although the reply does not form part of the information before the inquiry. As a responsible body, I would have thought that should the reply have indicated any fundamental change in the EAWs position, the Council would have made it known to the inquiry. As it did not do so I assume the position of the EAW remains basically as it was. I have nevertheless looked in some detail at the concerns and although they do raise some issues, they are not such that I believe they would make the allocation unsound in terms of TAN15 and flood risk. Rather they are matters which can be addressed through additional studies as work on detailed proposals progresses to ensure that the proposed development incorporates appropriate and acceptable flood risk mitigation measures.
- 11.158.11. Mix of development – HSG2A is put forward as a package. There are benefits to be had from that mix such as providing the critical mass to support new/improved facilities and services. A development appraisal produced in October 2006 for FCC, WAG, Defence Estates and Pochin Rosemound (Deeside) Ltd generally supports this. Whilst no doubt the proposals will need to be refined through development briefs and the like, it seems to me that the information available so far is sufficient to justify the type of development proposed in terms of relative proportions of development and the benefits they bring, such as stimulating and contributing towards the

Deeside Regional Park. There is no substantive evidence put forward by objectors which demonstrates satisfactorily why significantly more housing should or could be provided on the site. To materially reduce the employment element would not meet the economic needs of Flintshire or be in line with planning policy which recognises that the site is economically strategically important.

- 11.158.12. Timing of development – There is no doubt that delivery of the scheme within the plan period will be tight. The indicative development programme is already out of date in that the UDP will not be adopted in the Autumn of 2008. However, work can and is progressing in advance of adoption, a draft planning brief was produced in September 2007 and planning applications can also be submitted. In the light of the information available to the inquiry, it seems to me that, given the level of flexibility built into the housing supply and the rate at which windfall sites have been coming forward, at this stage there is no need for either the level of housing to be provided on the site to be revised down and compensated for by alternative allocations and/or an alternative standby list. Should any shortfall of 5 year housing supply be identified as a result of annual monitoring, it can be addressed as part of the LDP process.
- 11.158.13. Viability – The supporters of HSG2A say that a mixed use scheme with cross funding from higher value uses such as residential is necessary for the scheme to be viable. Whilst I can appreciate that matters such as flood mitigation and highway improvements will be costly, there is no substantive evidence to justify the assertion. However, there are other persuasive arguments. The allocation is in general accord with PPW (2.5.5) which is supportive of the integration of different uses in accessible locations. I find the mixed use allocation to be appropriate in its own right because of the benefits it would bring to sustainable growth in Flintshire. In these circumstances viability is of less account and not a determining factor.
- 11.158.14. Alternative sites - I accept that a number of other sites also have some of the assets of HSG2A and some may be outside the floodplain. However, the combination of the factors set out above together with the scale of development proposed which will enable significant infrastructure improvements to be implemented leads me to the conclusion that in principle the site is suitable for the proposed uses. Where objectors have put forward alternative sites they are chiefly housing and not mixed use sites. It is not therefore possible to compare like with like. I deal with the merits of those proposals elsewhere in this report, primarily under HSG1. Suffice it to say my conclusions on those sites do not indicate that any should replace HSG2A.
- 11.158.15. Transportation – In principle it is accepted that the ratio of development proposed is capable of being accommodated on the surrounding road network subject to some improvements being made which can be delivered by the mixed use. And similarly the road and rail public transport network can be enhanced. So far as I am aware there are no overriding transportation matters which would negate the development.
- 11.158.16. A number of objectors have raised concerns about the impact of development on particular aspects such as the views from NT property, farmland birds and overhead power lines. It seems to me that all of these factors are matters of detail that do not fundamentally effect the principles of the allocation. They can be addressed at a later stage when design/development briefs are

produced or planning applications are submitted as part of the development control process.

- 11.158.17. The above factors lead me to conclude there are no insurmountable constraints to the allocation. I support the principles of HSG2A and now turn to criticisms of the wording of the policy. At the inquiry session dealing with the allocation, the Council accepted that some changes should take place to HSG2A. These affect the preamble to the policy and the first criterion and are:-

Land to the North West of Garden City, as shown on the Proposals Map, is allocated as a Strategic Mixed Use Development Site. Development will be phased over the plan period and should comprise the following key elements:

- i) *20-25 hectares of housing land (at least 650 dwellings), 30% of which will be sought as affordable housing:*

The objectors who were concerned about the wording have indicated that these changes are sufficient to meet their concerns. Because the allocation sets out the generality of the proportion of uses I consider firstly the less prescriptive nature of the amended wording is more appropriate, secondly the policy is brought into line with HSG10 in respect of affordable housing and thirdly by identifying a minimum level of housing any detailed scheme will have leeway to make the most efficient use of land (within the general principles of development of the site). I support these alterations. I note here though that including a criterion of a general nature to be permissive of development that could *be integrated into the scheme* would be far too imprecise and potentially supportive of development contrary to other UDP policies.

- 11.158.18. Emanating from the SEA/SA, the Council also proposes another change to the policy and its reasoned justification (FPC620) which requires detailed proposals to demonstrate no significant adverse effects on water resources. Given the importance and proximity of the Dee and the Natura 2000 status this is a sensible addition to the policy.
- 11.158.19. Overall because of the combination of the above factors I conclude that the site offers a unique development opportunity which would accord with both PPW and the UDP's sustainable objectives.
- 11.158.20. Other matters – Later submissions connected to 18503 advance a new line of argument about the suitability of HSG2A for housing development because of the loss of and need for strategic employment land. The Council does not consider they are related to the duly made objection and I share that view. I make no further comment on them. However, apart from my conclusions on objections to the loss of employment land submitted in response to HSG2A, the supply of employment land is considered in respect of other objections in the Employment Chapter. The principles of the objection have therefore been taken into account.

Recommendations:

- 11.158.21. I recommend the plan be modified by :-

- i) PC340 apart from the preamble to the policy and criterion i which should be replaced with the wording set out in para 11.158.17 above

ii) FPC620.

11.159. HSG2B Former Holywell Textile Mill

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
984	18423	George Wimpey Strategic Land	PC	O	No
1569	18211	Scragg	PC	O	No
2343	18385	W Hall & Sons(Holywell) Ltd	PC	S	No
2396	18509	Gower Homes	PC	O	No
5699	18384	Auty	PC	O	No
5702	18219	Ireland	PC	O	No
7240	18408	Dwr Cymru Welsh Water	PC	S	No
7326	18215	Byron	PC	O	No
7327	18220	Byron	PC	O	No
7382	18413	Bryn Celyn Residents Association	PC	O	No

Summary of Objections:

Rep No	Summary
18413	Provide parking for local residents within scheme
18423	Ownership constraints could delay development. Tension between allocation and heritage value. Concerns include drainage and ecology. HSG1(37) is a better site as HSG2B cannot deliver the same type of housing and is not sequentially preferable. Both HSG2B and HSG1(37) could be allocated and not breach the indicative growth targets. Delete housing from HSG2B and/or change wording of policy
18509	Insufficient information to say how number of units will be delivered and contribute to 5 year housing supply. Site is outside settlement boundary and would create a precedent for other ribbons of development. Allocate other sites to compensate
All others	Problems with highway safety, access, parking, drainage, air pollution; loss of heritage park, woodlands; overdevelopment; undermine/harm tourism; lack of facilities and open space in Greenfield; above indicative growth level for Greenfield

Key Issue:

11.159.1. Whether the allocation should be altered or deleted to meet the objections.

Conclusions:

- 11.159.2. PC341 proposes adding HSG2B to the plan – a mixed use proposal for housing, tourism and commercial development on a 2ha brownfield site. The site lies mainly to the east of Greenfield Road which links Holywell with Greenfield. However, it is not included within either settlement boundary. In the deposit draft UDP it is part of the T9 Greenfield Valley designation which is important for its historic, nature conservation and landscape value. The site itself is adjacent to the heritage park and just to the south is the internationally important St Winefride's chapel and well which are historically significant. However, the site itself is in parts rather dilapidated and in need of some kind of regeneration. A substantial part is covered with single story poor quality industrial buildings which make little if any contribution to the appearance and historic context of the site.
- 11.159.3. A 2004 feasibility study which reviewed development options concluded that a robust comprehensive viable proposal was essential to avoid further deterioration of the area. It has been suggested that the multitude of

ownerships will make it difficult to bring development forward within the plan period, but there is backing for the scheme from the various landowners and WAG (Department of Economy and Transport). There is nothing substantive which indicates that this matter would necessarily preclude development. It is on this basis that the allocation was made.

- 11.159.4. Brownfield land - PPW at para 2.7 expresses a preference for the development of brownfield land which can promote sustainability objectives such as renewal schemes on vacant/underused property in and around settlements. It also encourages local authorities to take a proactive approach and work with land owners to ensure sites are brought forward.
- 11.159.5. In principle the allocation meets this objective and I do not find any conflict with the UDP's spatial strategy which in broad terms seeks to concentrate development within the defined settlements. The particular characteristics of and opportunities presented by the objection site have been recognised as an exception to this overarching policy in a similar way to HSG2 and HSG2A. As such I consider the policy to be complementary to the spatial strategy. It would be illogical if the plan were to ignore the development opportunity provided.
- 11.159.6. Much has been made of the search sequence set out in PPW and especially MIPPS 01/2006. The thrust of national policy is that brownfield land should, wherever possible be used in preference to greenfield sites unless it is not suitable for development (para 2.7.1); and that previously developed sites should be allocated before greenfield ones except where brownfield land performs so poorly that it would preclude its use for housing (MIPPS 9.2.10). The priority is therefore clearly for brownfield land.
- 11.159.7. I appreciate that para 9.2.10 refers back to para 9.2.8 which sets out the search sequence, that is, starting with the re-use of previously developed land and buildings within settlements, then settlement extensions and then new development around settlements with good public transport links. In the context of national policy it seems to me reasonable to interpret this as meaning that those priority locations should first of all relate to brownfield land, unless they perform poorly. It would be illogical to do otherwise. As a consequence I do not agree that HSG1(37), as a greenfield settlement extension, is automatically afforded greater priority for development in national policy than HSG2B.
- 11.159.8. HSG2B would not set a precedent for development outside settlements. The immediate locality is characterised by a loose assortment of buildings and uses which straddle the road. The allocation would not create ribbon development but regenerate an already developed area in accord with the sustainable principles of the plan.
- 11.159.9. Housing provision – Although the Council has linked the deletion of HSG1(37) with the incorporation of HSG2B into the plan, it seems to me that in practical terms the link is tenuous. HSG1(37) was a housing allocation in Greenfield with a potential contribution of 50 houses. HSG2B is a mixed use development which, although it includes residential is not an allocation contributing to supply, but will contribute as a windfall site as and when housing is delivered.
- 11.159.10. The review (informed by the SEA/SA) and the extensive changes which were made to the housing supply as part of the proposed changes mean that

HSG1(37) is not now required to contribute to the indicative growth level set for Greenfield or the supply of housing Countywide. That is why I consider it can be deleted as an allocation. Should it become evident through annual monitoring that there is likely to be a shortfall in the 5 year housing supply then the provision of additional sites can be addressed at that time. It would not to my mind be appropriate to over allocate land, particularly greenfield sites, to compensate for any potential future shortfall in supply. To do so would be contrary to the sustainable principles of the plan.

- 11.159.11. Despite reaching the above conclusion I have nevertheless looked at objectors concerns in detail. Objectors are divided as to whether the contribution from HSG2B (up to 120 dwellings) should be considered as part of the growth of Holywell, the category A settlement to the south or Greenfield the category B settlement to the north. The Council apportions development to both. If it was included within Greenfield, it is argued that it would lead to overdevelopment of that settlement. I recognise that HSG1(37) is a 2ha greenfield allocation within the defined boundary of Greenfield, but I do not see why it should necessarily follow that the housing contribution from HSG2B, which is further to the south, should also be credited to that settlement.
- 11.159.12. Because the site is outside both settlements, I do not believe it should count towards either growth target, but only the overall supply in Flintshire. In any event I note that without both HSG1(37) and HSG2B the likely growth in Holywell and Greenfield would be within the indicative levels at 12% and 8% respectively. To my mind it would not make sense for a proposal which was acceptable in other respects to be rejected because it exceeded the growth targets, which are only indicative. That being said in practical terms Holywell is by far the larger settlement of the 2, with more facilities and its centre arguably closer to the site. As a consequence it is probable that residents of any new development would be likely to gravitate towards Holywell. It is unlikely that there would be any significant change to demand for the services and facilities in Greenfield.
- 11.159.13. Constraints to development - PC341 recognises the sensitivity of the location in relation to the Greenfield valley, particularly the heritage park and historic remains on the site itself. However, because of the level of work which has so far been undertaken, HSG2B is not overly prescriptive and sets out only the key elements to guide development. It is quite clearly recognised that more work in the form of a detailed development brief, master plan and design statement will be required. There have been detailed criticisms about the impact of development on various matters such as drainage, parking, layout, impact on wildlife and the like. However, from the information so far available I am content that subject to satisfactory details such matters would not necessarily preclude development.
- 11.159.14. I do not consider that a significant element of residential development would be incompatible with the heritage value/tourism of the locality. Historically there has been housing in the valley and to my mind it is not the principle or scale of residential development which would harm the heritage/tourism interests but the success of future details which will need to successfully articulate the development and ensure its compatibility with its surroundings. When future work is carried out it may be that the design concept put forward in the feasibility study is not appropriate, but such matters are for

consideration as part of the design process which will need to be carried out. Any development would need to comply with not only HSG2B but other policies in the plan including T9, HE5, HE6 and HE7 which should ensure that proposals, even if not conservation led, pay due regard to such matters.

- 11.159.15. With regard to air pollution from future development, traffic congestion and highway safety I have seen no substantive evidence which supports the fears of objectors. Given that the policy sets out the principle of development and not particular details, it is difficult to comment further. I would note that setting speed limits falls outside the scope of the UDP.
- 11.159.16. The multiple ownerships, brownfield nature of the site, its sensitive location and its historical context together with the relocation of existing businesses could mean unforeseen delays. However, from the information so far available, it does not follow that this would automatically be the case or prevent development before the end of the plan period. It may be that there is slippage and development is not fully completed before 2015, but without the allocation there would be no policy backing for a mixed use development. These factors lead me to the conclusion that the allocation should not be deleted from the plan.
- 11.159.17. I turn now to a comparison with HSG1(37) which is proposed for deletion by PC323. The nature of the sites are different. One, HSG2B, is brownfield and whilst outside Holywell relatively close to its centre, services and facilities. The other is a greenfield site which is part of the open countryside and although within the settlement boundary of Greenfield, arguably further away from its more limited range of shops and other facilities. HSG2B is a package of development with relatively high density housing which seeks to regenerate a run down area and enhance the historical/landscape context of the Greenfield valley.
- 11.159.18. Although there are no firm proposals for HSG1(37), 18423 indicates it would be lower density mixed housing including significant family orientated units. HSG1(37) would not therefore make as efficient use of land. Whilst it is said that family homes have been in short supply in recent years, that statement is not explained in any detail which justifies the development at HSG1(37). Affordable housing would have to be considered on both sites in line with the objectives of HSG10. These findings lead me to conclude that the development of HSG1(37) would not be preferable to HSG2B.
- 11.159.19. I acknowledge that the search sequence in PPW (9.2.8 MIPPS 01/2006) is firstly previously developed sites within settlements, followed by settlement extensions and lastly development around settlements with good transport links, but this does not mean that a greenfield settlement extension would necessarily be better and more sustainable than a brownfield location close to a settlement boundary. The criteria in para 9.2.9 also need to be considered and in this case for the reasons given above I consider development of HSG2B would be more sustainable.
- 11.159.20. I have considered whether both allocations should go ahead, but it seems to me that with an adequate supply of land without HSG1(37) there is no necessity for this greenfield site to be put forward for development at the present. I also deal with objections to HSG1(37) and PC323 above in this chapter at HSG1.

- 11.159.21. Finally, turning to the wording of the policy and its justification. Most of the suggestions put forward by the objector are not to my mind necessary as they do not change the substance of the policy. They are either word substitutions such as changing *likely* to *potential* and *comprehensive* to *detailed*; or additions such as *can clearly demonstrate that* which is already evident from the text. Similarly by changing the first part of the reasoned justification from *The former Textile Mill site represents an opportunity for a high quality, high density mixed use scheme which can make a contribution to the housing needs of both the locality....* to read *The former Textile Mill site represents an opportunity for a high quality mixed use scheme which can make a contribution to the needs of both the locality....* would not properly reflect the potential of regeneration of the site. It follows I do not support these proposed changes.
- 11.159.22. However, it seems to me that, because so far only a feasibility study has been undertaken, it would be too dogmatic of the policy to say what key elements it *will* compromise. I favour the word *should* which reflects the desire for the named elements to be included in a scheme and is more positive than *may*. If this word substitution is made I see no reason why *high density* should be deleted from criterion i. I do however, believe that criterion b would be more robust if it included the enhancement of the specified features.

Recommendations:

11.159.23. I recommend the plan be modified by including:-

- i) HSG2B to read:-
HSG2B Former Holywell Textile Mill
Land at the former Holywell Textile Mill, as shown on the Proposals Map, is allocated as a mixed use development site. Development should comprise the following key elements:
 - a. *high quality, high density housing development;*
 - b. *tourism development*
 - c. *other commercial development**provided that development:*
 - i. *enhances the tourism potential of the Greenfield Valley*
 - ii. *does not harm and where possible enhances areas or features of landscape, townscape, nature conservation and historic value*
 - iii. *incorporates pedestrian and cycling links with the surrounding area*
 - iv. *incorporates high quality hard and soft landscaping**A detailed development brief will be required to be produced and agreed which will contain a master plan and detailed design framework.*
- ii) the reasoned justification for HSG2B as set out in PC341.

11.160. HSG3 Housing on Unallocated Sites

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
767	1031	Hewitt	DEP	S	No
984	1391	George Wimpey Strategic Land	DEP	S	No
2239	4268	Clayton	DEP	S	No
2411	5262	Home Builders Federation	DEP	O	No
2615	5949	Castlemead Homes Ltd	DEP	O	No
3388	8528	Nannerch Community Council	DEP	O	No
3541	8979	C W Whitcliffe & Co	DEP	O	No
4828	12566	Trustee of Late John Evans	DEP	O	No
4110	18306	Peers	PC	O	No

Summary of Objections:

Rep No	Summary
5262	Delete <i>only</i> in preamble to criteria; criterion b creates uncertainty about the presumption in favour of development in settlements; the main purpose of the policy is not, as suggested by para 11.37, to contain outward spread of development
5949	Delete <i>only</i> in preamble to criteria and also criterion b. There is conflict with GEN2 and policy could result in refusal of brownfield development in settlements
8978	Policy fails to recognise new housing could solve problems. Criterion b could be seen as directing new housing to greenfield locations
12566	This is dealt with at HSG1 - Ewloe with 12570
8528	Release land for low cost affordable housing in Nannerch area
18306	Object to PC343. Reinstate first sentence of para 11.37

Key Issues:

11.160.1. Whether:-

- i) the policy should be modified
- ii) the accompanying text should be modified.

Conclusions:

- 11.160.2. The policy – It is not the purpose of HSG3 to recognise that housing development could rectify problems in an area. Its purpose is simply to set out the criteria against which housing proposals will be considered. If the eradication of existing problems was a benefit of a proposed development then it would be a material consideration to be taken into account at the planning application stage. It is not necessary for it to be a policy criterion.
- 11.160.3. HSG3 is generally permissive of housing development within settlement boundaries subject to several criteria, one of which, b, seeks no conflict with the UDP housing requirement in the County for the plan period. This criterion rightly seeks to ensure there is compliance with STR4 and no significant Countywide oversupply of housing. If it were to be deleted it could result in a significant oversupply of land which would compromise the plan's sustainable objectives.
- 11.160.4. Although the Council says that criterion b is also in line with the approach to the provision of housing land at settlement level, the criterion does not say that and I am concerned that there is no criterion which ensures general compliance with the spatial strategy and restriction of growth in the smaller settlements.

- 11.160.5. The Council makes it clear that the settlement boundaries have been tightly drawn to prevent excessive development and that the growth bands are indicative only. In principle a position I support. However, in some settlements development on unallocated sites has resulted in levels of growth significantly in excess of the indicative bands. This weakens the spatial strategy and its aim of concentration of development in the larger more accessible areas. It seems to me that in order to promote sustainable development and control the location of development, the policy needs to be more robust and there needs to be some kind of regulatory mechanism to constrain growth in the smaller settlements.
- 11.160.6. To do this I believe there should be additional criteria. In category C settlements, a criterion should make it clear that additional housing will only be permitted if it is to meet proven local housing needs and that this cumulatively should generally result in less than 10% growth. I acknowledge that in some instances there may be arguments for a higher rate of growth to enable social inclusion, but it seems to me that such cases should be treated as an exception to policy and not enshrined in it. Such a criterion would be in line with national policy which recognises that whilst there is a particular problem with housing affordability in the rural areas, there is also a need for development to embody sustainable principles.
- 11.160.7. There is no nationally available definition for local housing need nor is one available from the Council, but it seems to me that it should encompass both affordable housing and housing for workers who need to live in a particular locality; and the need should be demonstrated by reference to an up to date assessment of local need.
- 11.160.8. In category B settlements, where there are more services and facilities, it would be appropriate if the caveat to additional development came into play where cumulatively it would result in more than 15% growth. At this point development would need to be justified on the grounds of housing need. By housing need I envisage that the justification would include both local housing need and/or an explanation of why the development needs to take place in a category B rather than a category A settlement, perhaps it would include the redevelopment of a brownfield site. Again this would be in line with national policy and would direct development to the larger villages in the rural areas where the local community, its economy and services could be supported by additional growth. I note that there is no base information about existing/potential brownfield sites in category B settlements available to the inquiry. As including all such land could well weaken the thrust of a policy, my recommendation below does not include direct reference to brownfield sites.
- 11.160.9. I appreciate there is no empirical base to support these cut off points, but from the starting point of the settlement hierarchy (which I conclude on earlier in this chapter and in Chapter 3) and from other information available to the inquiry, I believe that the measures I recommend would be reasonable and would make the spatial strategy more robust. To act as a safeguard and to monitor the success of the policy there should be a new IPP indicating the percentage growth in defined settlements from the 2000 baseline.
- 11.160.10. I do not consider there is a conflict with the policy as proposed by the Council (or as recommended to be modified) and the emphasis in PPW on the reuse of previously developed land. PPW (MIPPS 01/2006) para 9.2.10 recognises

that there may be occasions where the location and accessibility of potential development sites will militate against their development. This is likely to be the case in respect of sites in many of the more remote category C settlements. Otherwise I see nothing in the policy which could be taken to give preference to development on greenfield sites.

- 11.160.11. The changes I propose above will require some amendment to other parts of the plan, in particular GEN2. GEN2 deals with all development in settlements. However, to highlight the restrictions on housing development in some settlements and in order to avoid apparent conflict it would be sensible in Chapter 4 following GEN2 and its explanatory text to insert a new heading *Other Key Policies with HSG3 Housing on Unallocated Sites within Settlement Boundaries* listed under it. This will make it clear that housing development must also satisfy the criteria in HSG3.
- 11.160.12. I agree that *only* in the preamble to the criterion is superfluous and support its deletion.
- 11.160.13. The accompanying text – The purpose of the policy is not to prevent the spread of development into the open countryside. GEN2 and GEN5 are essentially the ones which protect the countryside area. It follows I support the deletion of the first sentence in para 11.37 (PC343) which is misleading.
- 11.160.14. Other matters – There is nothing in HSG3 as set out by the Council or recommended to be modified which would *per se* prevent the development of affordable housing in Nannerch. Further HSG11 sets out the criteria against which proposals for affordable housing outside settlements will be assessed. There are therefore policies within the plan to guide and against which any application for affordable housing in the Nannerch area would be assessed.

Recommendations:

11.160.15. I recommend the plan be modified by:-

- i) the deletion of HSG3 and its replacement with the following
HSG3 Housing on Unallocated Sites Within Settlement Boundaries
On unallocated sites within settlement boundaries, new housing, the change of use of non-residential buildings to dwellings, the renovation or replacement of existing dwellings and infill development will be permitted provided that:-
 - a) in category C settlements it is the renovation or replacement of an existing dwelling or it is to meet proven local housing needs and cumulatively does not result in over 10% growth since 2000.
 - b) in category B settlements it is the renovation or replacement of an existing dwelling or where it would cumulatively result in more than 15% growth since 2000 the development is justified on the grounds of housing need, and
 - c) where a housing development is acceptable in principle in category A, B and C settlements
 - i) it does not result in tandem development or overdevelopment in relation to the character of the site and surrounding area
 - ii) it does not conflict with the UDP housing provision for the County over the plan period and

- iii) the proposal complies with GEN1.
- ii) an additional paragraph to explain the amended policy and the terms *proven local housing need* and *local housing need*
- iii) a new heading *Other Key Policies* after GEN2 and its accompanying text with *HSG3 Housing on Unallocated Sites Within Settlement Boundaries* listed under it
- iv) a new IPP to monitor the housing growth in defined settlements
- v) PC343.

11.161. Paragraphs 11.36 – 11.39

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3545	9003	Brix Investments	DEP	O	No

Summary of Objection:

Rep No	Summary
9003	This objection is dealt with above under HSG1 Holywell with 8999.

11.162. HSG4 New Dwellings in the Open Countryside

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3340	Flintshire Green Party	DEP	O	No
2106	4592	Countryside Council for Wales	DEP	O	No
2238	4192	Heesom	DEP	O	No
2239	4269	Clayton	DEP	S	No
2350	5089	Welsh Assembly Government	DEP	O	part
2618	6065	Pantasaph Conservation Group	DEP	O	No
3540	8967	Alan's Skip Hire	DEP	O	No
2106	18460	Countryside Council for Wales	PC	O	No
2350	18351	Welsh Assembly Government	PC	O	No

Summary of Objections:

Rep No	Summary
3340	Agricultural/forestry dwellings should be within a farm complex to avoid future infill
4192	Not strong enough to deflect individual considerations as development control policies
4592	Dwellings in open countryside should be appropriately screened/landscaped
5089	Criterion a needs clarification. Criterion c is too general. The 2 nd para does not comply with TAN6. The 4 th para in the policy should not refer to exceptional circumstances. The final para should be brought in line with TAN6. It is unreasonable to require the highest quality design for a modest agricultural dwelling
6065	HSG4 needs the time and staff resources to be applied rigorously.
8967	Fails to recognise housing could overcome problems of incompatible uses. Policy does not deal with conversion of existing buildings
18460	Temporary constructions should also be appropriately sited and designed
18351	Objection to para 2 of policy maintained. Replace <i>highest possible quality</i> in para 11.43 with a <i>good standard</i>

Key Issues:

11.162.1. Whether the policy :-

- i) requires amendment
- ii) is robust enough to control development.

Conclusions:

11.162.2. Amendment – Insofar as the objections by WAG are concerned PC347 explains the questionnaire procedure in para 11.42 and PC344 adds clarity and reflects para 43 of TAN6. Whilst para 2 of the policy is not reflected in TAN6, I accept the Council's explanation that any such dwellings can only be justified on the grounds of need and delay in implementing that permission could be indicative of lack of need due to changed circumstances or the like. With the deletion of para 4 of the policy proposed by PC345 any renewal for an outline permission would again be considered on its merits under the terms of the policy.

11.162.3. The change proposed to the final para of the policy and by PC346 more accurately reflects the guidance in TAN6 (para 50/51) as does the additional explanation in para 11.44 set out in PC349. I am not satisfied that PC348 fulfils its intended purpose as the highest *possible* quality of design may not be of a good standard. The substitute wording (FPC621) requiring a *good standard* of design is to my mind more robust.

11.162.4. I accept that the replacement of a harmful business use with housing could result in environmental benefits and the like. However, I do not consider this justifies a policy which is permissive of such developments, particularly if they were in the open countryside where the thrust of both national and UDP policy is to restrict new housing. Moreover from the practical point of view, the circumstances where this could happen would be so varied, they would be difficult to encapsulate in a policy robust enough to guide development. It seems to me that if such a situation did arise, the development could be treated as a departure from the development plan and the merits of the proposal could be assessed as material considerations against UDP policies. I note that the change of use of buildings to residential is dealt with under HSG7.

11.162.5. Robustness – My conclusions here are made in the light of those in the above paragraphs. Criterion d relates to new dwellings whether temporary or permanent. It deals with matters such as design, scale and landscape setting. These together with other policies such as GEN1 are sufficient to ensure a development has an acceptable visual impact. 4192 does not say why the policy is not strong enough for development control purposes. It seems to me that it is in general conformity with PPW (MIPPS 01/2006) 9.3.6 et al. Other than that it is difficult to comment.

11.162.6. The circumstances of farming/forestry operations are variable and it would not be reasonable to require all new agricultural workers houses to be within a farm complex. The siting of any new agricultural dwelling would be considered under criterion d and my recommendations on HSG5 mean that opportunities for infill will be extremely limited. I consider this matter can be addressed at planning application stage without need for modification of the policy.

11.162.7. Other matters - The policy and its reasoned justification make it clear what procedures will be put in place for assessing applications for

agricultural/forestry dwellings. The operation of that process will fall to the development control process.

Recommendation:

11.162.8. I recommend the plan be modified by PCs344, 345, 346, 347, 349 and FPC621.

11.163. HSG5 Limited Infill Development in the Open Countryside

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
766	1018	Jones	DEP	O	No
1744	3154	Whitford Community Council	DEP	O	No
2043	3749	Clwyd Powys Archaeological Trust	DEP	O	No
2238	4193	Heesom	DEP	O	No
2239	4270	Clayton	DEP	S	No
2411	5265	Home Builders Federation	DEP	O	No
2618	6066	Pantasaph Conservation Group	DEP	O	No
3715	9547	Butterworth	DEP	O	No
4744	12304	Thomas	DEP	S	No
59	18070	Envirowatch	PC	S	No
59	18071	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
1018	2 houses at Bryntirion Hall Bagillt would blend into the surroundings, be close to shops etc and be compatible with GEN5 and HSG5
3154	Policy could lead to overdevelopment and formation of new settlements
3749	HSG5 should be cross referenced to the conservation/recording of the historic environment
5265	Delete policy as it duplicates GEN3
6066	As written HSG5 could result in an unacceptable level of development
9547	Remove 6 or more dwellings from 11.48 it is too restrictive and contrary to one of the functional aims of the plan
4193	Not strong enough to deflect individual considerations as development control policies

Key issues:

11.163.1. Whether:-

- i) the policy should be amended and/or deleted to meet the objections
- ii) land at Bagillt should be recognised as an infill site.

Conclusions:

11.163.2. Given the scale of development likely to be permitted under HSG5, I see no reason for it to be cross referenced to GEN1, but do support PCs350 and 351 which clarify that development must not harm the countryside and that the small gap must not be important in landscape, historic, nature conservation terms etc. They add clarity and make the policy more robust.

11.163.3. The policy itself does not specify any particular number of dwellings and para 11.48 is an attempt by the Council to clarify what they consider to be a reasonable number. Whilst arbitrary it seems to me that the figure is not untoward, given that if there were only 6 dwellings infill consisting of 2 houses would represent over 30% growth in the group. By PC352 the Council makes it

clear that in exceptional circumstances it may be possible for a new dwelling to satisfy the criteria even if the group is less than 6, but I consider this change to be unnecessary. Should such a circumstance arise it should be the responsibility of the decision maker to determine whether the material considerations of the proposal were sufficient to outweigh development plan policy. This is not an unusual situation it is clearly set out in s38 of the 2004 Act. I do not support the PC.

- 11.163.4. The functional aim, referred to in 9547 and set out in Chapter 2 of the plan *to ensure that the needs and appropriate aspirations of local people are taken into account*, is in relation to public participation. The consultation stage of the plan and the UDP inquiry is part of that function. The aim should not be seen as meaning the aspirations of local people will automatically take precedence in formulating plan policies. There are other considerations to be weighed in the balance including the strategic aims and spatial strategy which are also set out in Chapter 2.
- 11.163.5. HSG5 is not a duplication of GEN3 but complementary to it and provides more detail. It is appropriate for it to remain in the plan.
- 11.163.6. In its written statement the Council says that HSG5 is an attempt to enable new houses to meet local need, but the policy does not say that, it is permissive of new housing whether there is a local need or not. PPW (9.3.2 MIPPS 01/2006) says that sensitive infilling may be acceptable, but recognises that much will depend on the character of the surroundings and the number of groups in an area. It goes on to recognise that incremental expansion should be avoided where it is likely to result in expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport.
- 11.163.7. Because of the characteristics of the rural areas of Flintshire, I have already concluded in relation to HSG3 that development in the defined smaller settlements should be limited to that which is required to serve local needs and the same reasons apply equally if not more so to the undefined settlements and small clusters of houses. It would be illogical and contrary to the plan's sustainable principles if HSG5 were to be more permissive of development than HSG3. However, I recognise that, as the Council says in UDP para 11.46, there is a need to ensure some opportunities exist for small scale development to take place to meet the social and economic needs of rural areas. For this reason I believe that infill development should be permitted where there is a proven local need. This would make the policy more robust and compatible with HSG3 as recommended for modification.
- 11.163.8. It seems to me that ultimately it must rest with the Council to define local need, but I would expect it to be along the lines I have set out in my conclusions to HSG3.
- 11.163.9. Bagillt – It follows from the conclusions above that in principle I do not consider it would be appropriate or sustainable to identify potential infill land. In the case of Bryntirion Hall, the objection site is a large field separated from the defined settlement by countryside designated as green barrier. As a consequence it relates poorly to the built up area. Providing a policy framework to enable development on it would consolidate and extend the existing cluster of houses.

Recommendations:

- 11.163.10. I recommend the plan be modified by:-

- i) changing the preamble to the policy to read *Outside settlement boundaries infill development for one or two housing units may be permitted provided that the proposal is to meet a proven local housing need and:*
- ii) amendments to the reasoned justification to reflect the changed policy
- iii) PCs350 and 351.

11.164. Paragraph 11.48

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	18143	Envirowatch	PC	O	Yes

Summary of Objection:

Rep No	Summary
18143	PC352 would allow extra housing in countryside and breach SEA directive

Key issue:

11.164.1. Whether the plan should be modified by PC352.

Conclusions:

11.164.2. I conclude above that PC352 should not be added to the plan. I am told that the objection has now been conditionally withdrawn.

Recommendation:

11.164.3. I recommend no modification to the plan.

11.165. HSG6 Replacement Dwellings in the Open Countryside

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3751	Clwyd Powys Archaeological Trust	DEP	S	No
2238	4194	Heesom	DEP	O	No
2239	4271	Clayton	DEP	S	No

Summary of Objection:

Rep No	Summary
4194	Not strong enough to deflect individual considerations as development control policies

Key Issue:

11.165.1. Whether the policy should be modified.

Conclusions:

11.165.2. 4194 does not say why the policy is not strong enough for development control purposes or how it could be changed. I consider it to be clear and robust enough to control replacement dwellings in the countryside.

Recommendation:

11.165.3. I recommend no modification to the plan.

11.166. HSG7 Change of Use to Residential in the Open Countryside**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3753	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4593	Countryside Council for Wales	DEP	O	No
2239	4272	Clayton	DEP	S	No
2290	4600	Adams	DEP	O	No
2300	4705	Pickering	DEP	O	No
2350	5091	Welsh Assembly Government	DEP	O	Yes
3540	8968	Alan's Skip Hire	DEP	O	No
59	18072	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
3753	Should be cross reference to GEN1
4593	Should be cross referenced with WB1
4600	Delete criterion b and make it clear in e that employment may not always be acceptable
4705	Suggest changes to criteria b and e and additional criterion f
5091	Make criterion e compatible with PPW 7.6.10
8968	Fails to recognise that proposals can involve change of use of land, that buildings may need to be demolished and that residential may be more appropriate than other uses

Key Issue:

11.166.1. Whether the policy should be changed.

Conclusions:

11.166.2. I see no need for the policy to be cross referenced with GEN1 as criterion b (ii as proposed to be changed by PC353) relates specifically to architectural and historic features. However, as the rural buildings to which the policy relates are often associated with protected species, it is appropriate to cross reference with WB1 and I support PC355.

11.166.3. HSG7 seeks to ensure that new uses are found for traditional rural buildings. However, it is the thrust of both UDP and national policy that new housing in the countryside should be strictly controlled. As a consequence criterion b (ii as proposed to be changed by PC353) needs to be retained to ensure the policy does not include modern and utilitarian buildings which contribute little to the character and appearance of the countryside. I accept that as a consequence of this modern buildings may become dilapidated, but I do not consider the visual impact this would make would be sufficient justification for a policy encouraging an unsustainable pattern of development. I reach similar conclusions in respect of the viability of a project. Whilst I recognise that viability will play a part in determining the after use, it should not be the paramount factor enshrined in policy.

11.166.4. The change proposed by PC354 to para 11.54 is a sensible alteration which makes it clear that if a building or its surroundings are unsuitable for employment use for some reason, the premises need not be advertised for sale

for such purposes and there would be no conflict with criterion e (a as proposed by PC353). However, where a property is suitable for business use, to refer to a lesser term than 1 year in criterion e (a as proposed by PC353) would weaken the thrust of the policy. If an applicant did not want to advertise a particular property, an application could be accompanied by other supporting information and it would be up to the decision maker to determine whether the particular circumstances were sufficient to justify approval given the conflict with policy. I do not believe there is any reason to change the policy to reflect this circumstance.

11.166.5. The 2 new criteria b and c in PC353 set out clearly the circumstances whereby residential use may be acceptable. These criteria are compatible with PPW and with the objectives of other housing policies such as HSG4 and HSG11.

11.166.6. Despite the title it is clear the policy is intended to relate only to the changes of use of buildings and not land within the open countryside. It is GEN3 which sets out the broad principles for development in the countryside and I see no reason why HSG7 should be extended to refer to land as well. If a hybrid development involving the change of use of land, demolition of traditional buildings of historic merit and the erection of houses in the open countryside were to come forward then, such a proposal would be considered against UDP policies and the material considerations of the case. It would not be appropriate for there to be a policy to cover this type of circumstance when policy generally seeks to restrict housing in the countryside.

Recommendation:

11.166.7. I recommend the plan be modified by PCs 353, 354 and 355.

11.167. HSG8 Density of Development

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2239	4273	Clayton	DEP	S	No
2411	5266	Home Builders Federation	DEP	O	No
2420	5893	RSPB Cymru	DEP	O	Yes
2467	5454	Jones	DEP	S	No

Summary of Objections:

Rep No	Summary
5266	The policy should be deleted as its criteria conflict and its provisions are covered elsewhere. Criteria c should not refer to tenure
5893	Ensuring density of development reflects the surroundings would perpetuate unsustainable planning practices. Delete criterion b

Key issue:

11.167.1. Whether the policy should be changed.

Conclusions:

11.167.2. I agree, as does the Council, that tenure should be deleted from criterion c as it does not reflect national policy (PC356).

11.167.3. Criterion a seeks to make the most efficient use of land. However, to do this a minimum density of 25 dwellings per ha in category B settlements is sought. There is in my view a basic conflict in seeking to make efficient use of land whilst proposing a minimum density of 25 dwellings per ha. B settlements are by definition ones which have a range of facilities and access to services. In other areas of this report I have concluded that minimum densities of 30 per ha in A settlements are acceptable and I can see no good reason why densities should be lower in B settlements. Good design and landscaping are effective tools in ensuring that densities higher than existing ones can be sympathetic to their surroundings. Criterion b should not be seen as a requirement for new development to reflect existing ones.

11.167.4. It follows I consider the density for development of all sites in B settlements should be set at 30. Apart from that I do not believe there is conflict between the criteria or that they are superfluous. They reflect national guidance and succinctly set out the matters which will be taken into account when housing applications are considered.

11.167.5. Earlier in this chapter under Relevant Strategic Aims I conclude for the reasons given that a figure of 30 dwellings per hectare is also reasonable for allocations in category C settlements. My recommendation below reflects that conclusion.

Recommendations:

11.167.6. I recommend the plan be modified by:-

- i) PC356
- ii) deleting the 3rd and the beginning of the 4th sentence in para 11.57 and replacing them with *On allocated sites a general minimum net housing density of 30 dwellings per ha is required in category A, B and C settlements. Developers should aim to achieve 30 dwellings per ha on unallocated sites in category A and B settlements and 25 dwellings per ha on sites in category B settlements*, but it is acknowledged that individual circumstances.....

11.168. HSG9 Housing Mix and Type

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3341	Flintshire Green Party	DEP	O	No
359	518	TCC (Together Creating Communities)	DEP	S	No
2239	4274	Clayton	DEP	S	No
2411	5267	Home Builders Federation	DEP	O	No
2467	5455	Jones	DEP	S	No
3555	9056	David McLean Homes Ltd	DEP	O	No
3556	9073	British Land Company plc	DEP	O	Yes
7411	18693	Development Securities plc	DEP	O	Yes
59	18074	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
3341	Policy should refer to social housing
5267	Should not deal with affordability. Policy should refer to threshold in line with the text

9056 9073 18693	HSG9 is at odds with HSG10 when it requires all development to provide affordable housing
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Key issue:

11.168.1. Whether the policy should be changed.

Conclusions:

11.168.2. As originally written HSG9 refers to the affordability of new housing. However, this matter is covered in some detail by HSG10 and 11. It is repetitious and unnecessary for it also to be referred to in HSG9. As a consequence I support PC357. For the same reasons I find it unnecessary to specifically mention social housing in HSG9.

11.168.3. The objective of HSG9 is to ensure variety in new housing in terms of physical layout, appearance and the like and also in terms of social considerations. PPW does not set a threshold below which housing developments need not provide a variety of housing. The circumstances of site development vary considerably and if Flintshire is to deliver mixed and socially inclusive communities neither do I consider a threshold should be imposed in the UDP. It will be up to individual developers to demonstrate how they have arrived at a particular mix having had regard to the development plan policies. It follows I support PC358.

Recommendation:

11.168.4. I recommend the plan be modified by PCs357 and 358.

11.169. HSG10 Affordable Housing Within Settlement Boundaries

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3338	Flintshire Green Party	DEP	O	No
59	3343	Flintshire Green Party	DEP	S	No
359	517	TCC (Together Creating Communities)	DEP	S	No
984	1392	George Wimpey Strategic Land	DEP	O	No
1119	1519	Anwyl Construction Company Limited	DEP	O	No
2238	4188	Heesom	DEP	O	No
2239	4275	Clayton	DEP	S	No
2297	4684	Redrow Homes	DEP	O	No
2334	4865	WAG - Dept of Enterprise, Innovation & Networks	DEP	O	No
2350	5093	Welsh Assembly Government	DEP	O	No
2411	5268	Home Builders Federation	DEP	O	No
2467	5456	Jones	DEP	S	No
2615	5944	Castlemead Homes Ltd	DEP	O	No
3555	9057	David McLean Homes Ltd	DEP	O	No
3638	9339	Jones Balers (Farms) Ltd	DEP	O	No
3957	10177	McCarthy & Stone (Developments) Ltd	DEP	O	No
6824	16021	Hanson MP	DEP	O	No
7411	18692	Development Securities plc	DEP	O	No
59	18076	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
3338	In identified areas of need 1 in 10 new build or conversions will include a social housing element where small developments occur
1392 1519	Inappropriate to require 30% provision in the absence of a local housing needs survey
4188	Lack of housing needs study. The Council's position on affordable housing in unresolved
4684	No housing needs survey. Rewrite policy
4865	Need for affordable housing not justified. Contrary to PPW to require a uniform quota
5093	There needs to be a housing needs survey to justify thresholds and proportion in policy
5268	Should not contain a blanket percentage, but should indicate when threshold will be applied
5944	Should be reference to funding of RSLs/LPAs to ensure affordable housing is only sought where funding is available
10177	Affordable housing should not override provision of housing for other needs. 30% is not justified. Redraft policy to include economics of provision etc
9057 18692	A County wide quota is inconsistent with PPW 9.2.15. 30% is not based on a needs survey
9339	This is dealt with in Chapter 13 EM1- Land South of DARA, Sealand with 9317
16021	Should be allocations in rural villages where there is a demand for affordable housing

Key issue:

11.169.1. Whether in the light of the housing needs survey the policy should be modified.

Conclusions:

- 11.169.2. The lack of justification of the 30% figure at the deposit stage has now been rectified. A local needs study was undertaken in 2005 which substantiates a requirement of at least 30%. There is no challenge from the objectors to the local needs study which implies they are now content in this respect. FPC622 is a factual update which refers to the study which I support.
- 11.169.3. I do however, find an apparent lack of consistency in paras 11.60 to 11.63 in respect of the results of the housing needs survey and guidance in TAN2 and PPW which is perhaps due to the production of the paragraphs before the housing needs survey was undertaken and before the issue of TAN2 and MIPPS 01/2006. In particular key points of the housing needs survey suggest a high affordable housing target of up to 50% on development sites and size thresholds below 25 dwellings should be considered. In para 11.61 there is no explanation of why 30% has remained the figure and the threshold is justified in terms of accepted best practice not local need.
- 11.169.4. Moreover I find 11.62 to be ambiguous. It says that the definition of local need will be a key output of the survey. If this means that the types of shortfall are identified in the study, then that is achieved. However, there is no definition of what the Council means by local need as such and whilst housing need is defined in both national guidance and the needs survey, neither housing need nor local housing need are defined in the UDP. Additionally both TAN2 and PPW say that development plans must include an authority wide target (expressed as numbers of homes) but this is omitted and no reason is given for the omission. It would in my view update and assist users of the plan if these matters could be addressed at the modification stage.
- 11.169.5. TAN2 makes it clear in paras 10.3 and 10.7 that it is acceptable for both site thresholds and the proportion of affordable housing to be set out on an authority wide basis. HSG10 and its explanatory text is largely consistent with this. As the policy and its explanation are meant to be read together I see no reason for the policy to mention specific thresholds. The policy itself contains

flexibility in that it refers to suitable/appropriate schemes and para 11.61 makes it clear that it will be up to developers to demonstrate why the required provision cannot be met. This approach is robust and preferable to the alternative policies suggested. In my view it obviates the need for specific reference to matters such as funding.

11.169.6. There is nothing in HSG10 which would preclude the provision of special needs housing. It complements HSG9 which seeks an appropriate mix of dwellings. 16021 does not identify specific villages or quantify the level of demand for affordable housing. However, my conclusions in respect of HSG3 /HSG5/HSG11 do not preclude affordable housing in the rural settlements/areas.

11.169.7. It is difficult to comment on 3338 as the objector does not define *small developments* or justify why 1 in 10 is an appropriate level. As a consequence I can usefully add nothing to the conclusions above.

11.169.8. In the light of the provisions of HSG9, para 11.59 and Chapter 5, I see no necessity for PC359 to be included in the plan.

11.169.9. I note here for the attention of the Council that in producing IPPs for affordable housing there appears to be duplication in IPP51 and 54.

Recommendations:

11.169.10. I recommend the plan be modified by:-

- i) amending paras 11.60-11.63 to reflect the outcome of the housing needs survey and the provisions of TAN2/MIPPS 01/2006 (as referred to above)
- ii) defining housing need and local housing need in the glossary
- iii) FPC622.

11.170. HSG11 Affordable Housing in Rural Areas

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
288	352	Ysceifiog Community Council	DEP	O	No
2106	4596	Countryside Council for Wales	DEP	O	No
2238	4189	Heesom	DEP	O	No
2239	4276	Clayton	DEP	S	No
3542	8982	Mostyn Estates Ltd	DEP	O	No
4625	13698	Sargeant AM	DEP	O	No
5224	13514	Whittaker	DEP	O	No
5235	13564	Lewis	DEP	O	No
59	18077	Envirowatch	PC	S	No
59	18078	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
352	Land should be allocated in Ysceifiog for affordable housing
4596	Scale, design and layout should be sympathetic to landscape
4189	Needs close integration between community strategy and affordable housing policies
8982	This objection is dealt with at HSG1 Tre Mostyn above
13698 13514	Inconsistent application of policy. Concern that affordable housing SPG is still to be prepared

13564

Key Issue:

11.170.1. Whether the plan should be changed.

Conclusions:

11.170.2. Without information about the local need for affordable housing or the available land in Ysceifiog, it is difficult to comment on 352. However, my conclusions in respect of HSG3 mean that the plan is permissive of a certain amount of housing in the defined rural settlements and HSG5/HSG11 set out the circumstances where housing will be permissible elsewhere in the rural areas. Should there be a proven need for affordable housing any future application would be tested against these policies. I understand that planning permission has been granted for affordable housing at Lixwm.

11.170.3. 4189, 13698, 13514 and 13564 are comments on the application of the policy. They require no changes to the plan. Similarly since the deposit draft plan was issued progress has been made on the SPG and I understand it will be the subject of public consultation before it is formally adopted by the Council.

11.170.4. As a result of 4596 the Council proposes by PCs 360 and 361 to refer to landscape matters in criteria c and d. These are sensible additions, given the policy is concerned with development in the open countryside.

11.170.5. It seems to me that *in exceptional circumstances* in the preamble to the criteria is superfluous as the criteria set out in what circumstances development will be permitted. I would suggest it is deleted.

Recommendations:

11.170.6. I recommend the plan be modified by:-

- i) the deletion of *in exceptional circumstances* in the preamble to the criteria
- ii) PCs 360 and 361.

11.171. HSG12 House Extensions and Alterations**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3758	Clwyd Powys Archaeological Trust	DEP	O	No
2239	4277	Clayton	DEP	S	No

Summary of Objection:

Rep No	Summary
3758	Cross refer to conservation of historic environment. Extensions can damage historic environment

Key Issue:

11.171.1. Whether there should be cross reference to the historic environment.

Conclusions:

11.171.2. Criterion b requires an extension to respect the design and setting of the existing dwelling and its surroundings. Amongst other things this will include the historic environment and given the robust policies in Chapter 9 that all development must meet, I see no necessity for there to be specific cross reference to the historic environment under HSG12.

Recommendation:

11.171.3. I recommend no modification to the plan.

11.172. HSG13 Annex Accommodation**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3760	Clwyd Powys Archaeological Trust	DEP	O	No
2239	4278	Clayton	DEP	S	No

Summary of Objection:

Rep No	Summary
3760	Cross refer to conservation of historic environment. Non residential buildings can be key components of the historic environment

Key Issue:

11.172.1. Whether there should be cross reference to the historic environment

Conclusions:

11.172.2. The plan must be read as a whole and Chapter 9 deals specifically with the historic environment. Whilst I accept that annex accommodation could affect the historic environment, I see no particular reason why there should be cross reference to Chapter 9 or indeed any other chapter.

Recommendation:

11.172.3. I recommend no modification to the plan.

11.173. HSG14 Gypsy Sites**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3344	Flintshire Green Party	DEP	O	No
1122	1657	Moore	DEP	O	No
2043	3762	Clwyd Powys Archaeological Trust	DEP	O	No
2239	4279	Clayton	DEP	S	No
2350	5094	Welsh Assembly Government	DEP	O	Yes
59	18080	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
1657	Land should be allocated for transit sites to comply with the social inclusion policy and enable appropriate planning of health, education etc
3762	Cross refer to conservation of historic environment. The provision of structures and services can damage the historic environment
5094	The necessity of criterion b is questioned
3344	Add criteria dealing with location and natural habitat/pollution

Key Issues:

11.173.1. Whether:-

- i) the plan should allocate transit sites
- ii) the policy requires modification.

Conclusions:

- 11.173.2. Transit sites – When carrying out a review of housing need s225 of the 2004 Housing Act requires housing authorities to carry out an assessment of the accommodation needs of gypsies residing in or resorting to their area. PPW (9.2.20 MIPPS 01/2006) acknowledges the provisions of the 2004 Act. However, the Council makes no mention of this in the UDP, the PCs or the FPCs. The best information available to the inquiry comes from the 2008-2013 Housing Strategy (16 November 2007) which has as a key action*conduct a full accommodation needs assessment for gypsies and travellers including for permanent, transit and emergency stop offs*. As a consequence it appears that even though the Council intends to comply with s225 it has not yet done so.
- 11.173.3. I acknowledge that one of the plan's strategic themes is to meet the needs of whole communities, but in this case there is no basic evidence available to the inquiry which substantiates the assertion that there is a need for transit sites, nor has any land been put forward for allocation. With this dearth of information it would be irresponsible to conclude that sites should be allocated for transit sites.
- 11.173.4. Given these circumstances it is reasonable for the plan to contain a criteria based policy on which to test proposals which come forward. However, it is not clear from the policy as written, whether it is intended to apply only to permanent sites or to permanent transit and permanent emergency stop off sites as well. The criteria may need to be different if this is the case and this needs to be clarified at the modification stage.
- 11.173.5. That being said, in order to reflect national policy/guidance, I consider the up to date position should be reviewed at the modification stage and if an accommodation needs assessment has been carried out its results should be used to modify, if necessary, HSG14. If the assessment has not been carried out then the policy's accompanying text should be modified to reflect the work which is to take place to comply with guidance in PPW (9.2.20 MIPPS 01/2006).
- 11.173.6. Policy changes – The Council agrees with the objector that criterion b is not necessary and proposes its deletion by PC362. Whilst it would be sensible to establish sites in such locations, it would be too restrictive if it were to be a necessity.

11.173.7. Due to the nature of gypsy sites, it may be that land close, but not adjacent to a settlement would prove suitable. I do not therefore support the inclusion of the siting restriction as suggested by 3344. However, in general terms I support the inclusion of reference to pollution in criterion f (PC363) as such developments are likely to have implications for natural habitats and the environment. But because of my recommendations in respect of STR7 and STR10 I do not consider there needs to be more specific changes made.

11.173.8. With regard to 3762 I can usefully add no more to my conclusions to be found at HSG12 and 13 above.

Recommendations:

11.173.9. I recommend the plan be modified by:-

- i) the clarification of what is meant by *permanent gypsy sites*.
- ii) a review of the up to date position in relation to the accommodation needs assessment for gypsies and travellers. If the assessment has been carried out its results should be used to modify, if necessary, HSG14. If it has not been carried out then the policy's accompanying text should be modified to reflect the work which is to take place to comply with guidance in PPW (9.2.20 MIPPS 01/2006)
- iii) PCs362 and 363.

11.174. HSG15 Re-use/Conversion of Large Houses/Former Residential Institutional Buildings in the Open Countryside

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1744	3155	Whitford Community Council	DEP	O	No
2043	3763	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4597	Countryside Council for Wales	DEP	O	No
2239	4280	Clayton	DEP	S	No
59	18082	Flintshire Green Party	PC	S	No

Summary of Objections:

Rep No	Summary
3155	<i>Large house</i> is too vague a term
3763	Refer more specifically to the historic environment
4597	Cross reference to WB1

Key Issue:

11.174.1. Whether the policy should be changed.

Conclusions:

11.174.2. It seems to me that the text accompanying HSG15 is sufficiently clear to ensure that the term large house does not result in development contrary to the objectives of the policy.

11.174.3. As the buildings which are the subject of this policy are likely to be of historic interest, I support PC364 which amplifies criterion b and cross references the

policy to Chapter 9. However, the link is not as strong to protected species and I see no reason to cross reference the policy with WB1.

Recommendation:

11.174.4. I recommend the policy be modified by PC364.

12. Shopping Centres and Commercial Development

On a general note when looking at policies within this chapter I find that there is a confusing use of terminology. Where there are objections to a policy I have remarked on this, but there are other instances where there are no duly made objections, such as S9 which refers specifically to *non retail commercial development* and S7 which refers to *non retail development*. Whether these terms are meant to mean the same thing is not clear. If they are, then it would be clearer for users of the plan if the same words were used. I would advise that in its final check of the UDP the Council critically reviews the terminology used in order to produce a document that is clearer for users of the plan. The production of definitions of the terminology used would also mean that policies were not open to interpretative challenges.

12.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
359	439	TCC (Together Creating Communities)	DEP	S	No
359	511	TCC (Together Creating Communities)	DEP	O	No
2753	6623	Cheshire County Council	DEP	S	No
3543	9004	Chester City Council	DEP	S	No

Summary of Objection:

Rep No	Summary
511	Pressure should be applied to remedy badly maintained/derelict property

Key Issue:

12.1.1. Whether the plan should be modified to meet the objection.

Conclusions:

12.1.2. Any schemes or strategies to positively manage/improve retail properties do not fall within the remit of the UDP. Such matters must be pursued outside the inquiry process. The Council does not say if it has such schemes planned or in place. However, what the UDP does do is include policies such as STR5 which seek to steer new development to town centres and thereby protect and enhance the viability and vitality of such locations and properties/businesses within them. My conclusions on those policies are to be found below and in Chapter 3 (STR5) of this report.

12.1.3. Given the above circumstances I do not consider the plan should be modified to meet the objection.

Recommendation:

12.1.4. I recommend no modification to the plan.

12.2. Indicator of Policy Performance

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5096	Welsh Assembly Government	DEP	O	Yes

Summary of Objection:

Rep No	Summary
5096	Question the need for IPP61

Key Issue:

12.2.1. Whether IPP61 should be deleted from the plan.

Conclusions:

12.2.2. PC365 proposes the deletion of IPP61 as there is a lack of baseline information to monitor it. I agree it should be deleted. The retention of a traditional shop front does not necessarily equate to the promotion of good design which is what the Council says IPP seeks to measure.

Recommendation:

12.2.3. I recommend the plan be modified by PC365.

12.3. Targets

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5097	Welsh Assembly Government	DEP	O	Yes

Summary of Objection:

Rep No	Summary
5097	85% of all new retail development located in and around town centres appears too high

Key Issue:

12.3.1. Whether Target 8 should be changed.

Conclusions:

- 12.3.2. The Council accepts that as worded Target 8 relates only to town centres and by PC366 proposes the addition of district and local centres. The inclusion of these additional locations is more reflective of PPW (MIPPS 02/2005) para 10.1.1. I support the PC which has resulted in the conditional withdrawal of the objection.
- 12.3.3. However, the lack of a definition of what the 85% refers to leads to ambiguity. I assume that it refers to floorspace rather than the number of developments. If it is the former then this should be made clear in the wording of the target. If it

is the latter I do not consider the target is sufficiently robust or challenging. This should be addressed at the modification stage.

Recommendations:

12.3.4. I recommend the plan be modified by:-

- i) PC366
- ii) defining 85%.

12.4. Paragraph 12.1 - 12.8

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3556	9077	British Land Company plc	DEP	O	No
7411	18696	Development Securities plc	DEP	O	No

Summary of Objections:

Rep No	Summary
9077 18696	Approach to retail provision is contrary to PPW. The Council should assess the quantitative and qualitative need for retail in the County to assess future capacity and needs. Work by the objectors suggests there is significant leakage out of the County and unmet demand. The assertions in para 12.2 regarding out of town shopping are not borne out locally. Unmet demand can only be met at Broughton; include allocation in S1 to enable complementary A1 retail uses to meet sub regional shopping needs

Key Issue:

12.4.1. Whether the Council's approach to retail provision is flawed and contrary to PPW.

Conclusions:

- 12.4.2. I do not consider the Council's approach to retail provision is fundamentally at odds with PPW. It seeks to promote established town, district and local centres as the most appropriate locations for retailing. The Council commissioned a Countywide retail capacity study which recognises that whilst there is significant leakage out of the County, the potential for claw back is limited given that Flintshire is part of the sub region of Chester. I have seen no substantive evidence which points to significant unmet demand. The synopsis of the case of need for the extension to the Broughton Retail Park (also referred to as the Broughton Shopping Park) relates to a specific planning application rather than the County as a whole.
- 12.4.3. As a consequence of the above there does not appear to be the evidence base to suggest that future retail provision will necessitate the substantial expansion of town/district centres or growth of out of centre retail developments whether selling convenience or comparison goods. S1 identifies a number of sites which are allocated for retail expansion. Should the retailing situation change and schemes for additional development on unallocated sites come forward, they can be tested against the policies in Chapter 12. This is in line with guidance in PPW (MIPPS 02/2005) para 10.2.13.

- 12.4.4. The plan aims to focus new retail and commercial development in the town and district centres. The emphasis on existing centres is in line with national policy. Whilst the Broughton Retail Park is a significant retail destination in its own right, and clearly serves a much wider hinterland than Broughton itself, it does not have the wider attributes of a town or district centre and as such I do not consider it should be afforded the same status as the shopping centres within the town and district centres. To include it as an S1 allocation would undermine the thrust of the policy and would be contrary to national policy. Without evidence to the contrary I consider it would undermine the existing town and district centres.
- 12.4.5. That being said, things have moved on since the plan was produced and planning permission has been granted for more retail development at the retail park. I find it unsatisfactory that the plan is silent on the significant contribution the retail park makes to the retail offer of Flintshire and its function. As a substantial development with permission for expansion it should not be ignored. I consider the plan should explain the place of the retail/shopping park in the shopping hierarchy.
- 12.4.6. Other Matters – Para 12.2 of the UDP indicates the Council's view on the impact out of town shopping centres have on traditional shopping centres. As a general statement I consider it is acceptable. However, no evidence has been produced to substantiate the specific reference to the impact of the Broughton Retail Park. This inappropriate reference to this site should be removed.

Recommendations:

- 12.4.7. I recommend the plan be modified by:-
- i) deleting Broughton Retail Park from the penultimate sentence in paragraph 12.2
 - ii) indicating in the supporting text the role of the Broughton Retail Park and why it is not included in the list of key shopping centres.

12.5. Paragraphs 12.4-12.5

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
5191	17848	Somerfield Stores	DEP	O	No

Summary of Objection:

Rep No	Summary
17848	Paras 12.4 and 12.5 do not mention requirement to assess need for retail floorspace

Key Issue:

- 12.5.1. Whether paras 12.4 and 5 should be changed to meet the objection.

Conclusions:

- 12.5.2. The Council acknowledges that the paragraphs do not reflect national planning policy and propose PC367, as an addition to 12.5, to rectify the matter. I agree in principle that the UDP should make specific mention of the assessment of

need in the introduction to Chapter 12. It is a fundamental part of planning for retailing and town centres.

- 12.5.3. As proposed the first sentence of para 12.5 would read *PPW also advocates a sequential test be applied to all new retail development where there is assessed to be a quantitative or qualitative need for additional provision.* Whilst as part of the development plan making process, PPW (MIPPS 02/2005) para 10.2.10, requires planning authorities to consider whether there is a need for additional provision when identifying sites for retail and leisure developments, as part of the development control process, it says (para 10.3.1) that when determining applications for *retail, leisure or other uses best located in town centres* consideration of the need for the development is not required within defined town centres or on land allocated in an up to date development plan.
- 12.5.4. Para 12.5 and PC367 do not reflect this. As proposed, it is not clear whether para 12.5 is meant to relate to plan making, determination of planning applications or both. This is confusing for users of the plan. Therefore even though I support the principle of referring to the needs test set out in national policy I consider it should be done in an unambiguous way. It follows I do not support PC367.

Recommendation:

- 12.5.5. I recommend paragraph 12.5 be modified to reflect the assessment of need for retail uses set out in MIPPS 02/2005.

12.6. Paragraph 12.8

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3267	8183	Denbighshire County Council	DEP	S	No
4823	12539	Tesco Stores Ltd	DEP	O	No

Summary of Objection:

Rep No	Summary
12539	Wrong to say there are limited opportunities for retail expansion when there has been no assessment of need. Compounded by population forecasts which are underestimates

Key Issue:

- 12.6.1. Whether para 12.8 requires amendment.

Conclusions:

- 12.6.2. The statement in para 12.8 to which there is objection is backed up by the 2003 Flintshire Countywide Retail Capacity Study. Should a retail development come along, it would not necessarily be precluded but would be determined taking into account other policies in Chapter 12. This is broadly in line with PPW (MIPPS 02/2005) para 10.2.13 which recognises that development plans need criteria based policies against which proposals on unallocated sites can be judged.

- 12.6.3. I have not been provided with any substantive evidence by either party in relation to population estimates. I cannot therefore reach any firm conclusions on this aspect of the objection. It follows from the above, I do not consider it has been demonstrated that there is a need to change para 12.8 in response to this objection.

Recommendation:

- 12.6.4. I recommend no modification to the plan.

12.7. S1 Commercial Allocations

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
918	15661	Buckley Town Council	DEP	O	No
1506	2130	Jimsul Ltd	DEP	O	No
3544	8991	Garden Park Investments Limited	DEP	O	No
3547	9016	Bunbury Properties	DEP	O	No
3551	9050	BAE Systems 2000 Pension Plan Trustees	DEP	O	No
4838	12593	Goldrock Investments Ltd	DEP	S	No
5191	13423	Somerfield Stores	DEP	O	No
3556	18649	British Land Company plc	PC	O	No
7411	18651	Development Securities plc	PC	O	No

Summary of Objections:

Rep No	Summary
2130	This objection is dealt with in Chapter 11 HSG1 Buckley with 2128
8991	Remove land from green barrier and allocate as an outdoor experience/garden centre
9016	Allocate site at Shotton for retailing under S1. It has a retail permission and lies between existing shops
9050	Plan should recognise trade centre uses at Central Trade Park/Central Trading Estate Saltney to provide commercial certainty and clarity about acceptable future uses
15661	The UDP ignores the findings of the retail study of Buckley town centre and does not include the recommended sites. In particular the Council offices/baths, Police Station/Black Horse and land adjacent to Somerfield are omitted and/or allocated for something else
18649 18651	Show the planning permission for the Broughton Retail Park extension on the proposals map
13423	Policy should define what constitutes a commercial development

Key Issues:

12.7.1. Whether:-

- i) the UDP should allocate sites in Buckley for retail purposes
- ii) a site at Northop should be allocated for commercial development
- iii) a site should be allocated under S1 at Evans Way, Shotton
- iv) a site in Saltney should be recognised under S1 or under a new policy for trade counters and the like
- v) *commercial development* should be defined.

Conclusions:

- 12.7.2. Buckley – Subsequent to the Nathaniel Lichfield report in 2001 the Council commissioned a Countywide retail study which concluded at para 3.5 that there

may be the potential for new convenience goods floorspace in Buckley. The evidence before me does not indicate that there is a site within the town centre which could be allocated with any certainty of coming forward within the plan period. Whilst the Council agrees with the Town Council that both the council offices and police station sites would have significant regeneration benefits for the town, they are constrained by multiple ownership, in use and partly redeveloped. It is therefore inappropriate to allocate them for development.

- 12.7.3. Similarly I am told that the site adjacent to Somerfield has no road frontage and so is not suited to retail use. I have no detailed information about the smaller sites suggested in the 2001 study and the Council points to a lack of demand from the retail sector over the past years in Buckley. At the time of my visit in August 2008, I saw that there were a number of vacant units. However, most of the Lichfield sites are within the defined town centre and the lack of an allocation does not preclude development *per se* but means that should any schemes come forward they would be assessed against policies in Chapter 12 which recognise that town centres are one of the priority locations for retail developments.
- 12.7.4. Given the circumstances I have described above it seems to me that it is not appropriate to allocate any particular sites, over and above the 2 identified under S1 in Buckley and that the most appropriate way to deal with additional retail provision during the plan period is by way of criteria based policies.
- 12.7.5. Northop – Insofar as the objection relates to removal of land from the green barrier, this is dealt with in GEN5:6 Flint Mountain - Northop in Chapter 4 where I conclude that the designation should remain. Whilst related to the College what is essentially being sought is a commercial allocation under S1. However, the objection site lies to the north of the A55 and is separated from the main college site by the road. It would result in development of an island site surrounded by open countryside. Such locations are not supported by PPW (MIPPS 02/2005) for commercial development. Apart from being suitable for such use in the objector's eyes the need for the development has not been demonstrated nor does it appear that a sequential test has been undertaken. Without such basic information it would be irresponsible and contrary to PPW/UDP policies which seek to promote town centres as the first choice location for new commercial development, to support such an allocation in the UDP.
- 12.7.6. Shotton – The situation has changed since the objection was made in 2003. I am told the planning permission on the Evans Way site has now been implemented. At my visit I saw a new DIY store, a supermarket and a fast food outlet. It is not therefore necessary to show it as an allocation.
- 12.7.7. Saltney - It is acknowledged by all parties that the existing uses include a variety of trade counter outlets and bulky goods commercial premises. Whilst the objector says policy recognition of the area would provide certainty there is no evidence to indicate that the lack of policy has caused problems in the past. The uses seem to have evolved over time in a satisfactory way and there is no suggestion that they provide direct competition for the High Street retail units. Such would not be the case if the area was subject to a retail allocation under S1, it would permit an intensification of the retail element which could cause harm to the somewhat limited facilities in the nearby district centre.

- 12.7.8. Neither do I see any particular need for a policy which would recognise the hybrid/specialist nature of some of the uses. There are any number of comparable areas throughout the County which function in a similar way and which are likewise on unallocated land. Applications for new uses on such areas can be satisfactorily assessed under the appropriate policies in the UDP.
- 12.7.9. Commercial development – I am not clear precisely what the Council regards as commercial developments in the context of S1 or indeed the rest of Chapter 12. Para 12.1 refers to a range of uses which are considered to be suitable for a town centre, but this includes leisure uses. PPW (MIPPS 02/2005) distinguishes between *commercial businesses* and *facilities for leisure* at para 10.1.2. Moreover there is already a policy, SR1, in the UDP which deals with recreational facilities. I believe it would assist users of the plan and make the application of Chapter 12 policies clearer if *commercial development* were to be defined in the glossary, perhaps by reference to the use classes order. It would also ensure there was consistency between policies such as EM4. I note that, with regard to policy S1, the notation on the Proposals Map refers to *Retail and Commercial Allocations*. I consider this to be a more appropriate title for this policy. This should be considered at the modification stage.
- 12.7.10. The Council says 18649 and 18651 are not duly made. It would therefore be inappropriate for me to comment on them.

Recommendations:

- 12.7.11. I recommend the plan be modified by:-
- adding a definition of the term commercial development to the glossary.
 - changing the title of the policy to Retail and Commercial Allocations.

12.8. S1(3) Land to rear of Connah's Quay Precinct, Connah's Quay

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3547	9017	Bunbury Properties	DEP	O	No

Summary of Objection:

Rep No	Summary
9017	Delete allocation. Site is constrained and unsuitable for commercial development

Key Issue:

- 12.8.1. Whether the allocation should be deleted.

Conclusions:

- 12.8.2. In recognition of the site's constraints the Council proposed PC368 which seeks to change the allocation to one for mixed use development including retail. Since then the Council has resolved to grant permission on the site, subject to a s106 agreement, for a primary health care resource centre together with accommodation for the Town Council and voluntary sector as well as 3 units for A1, A2, A3 and B1 uses. It appears therefore that despite the constraints, it is likely to be developed for retail/community uses. Such uses

within the defined district centre of Connah's Quay accord with PPWs' objective of promoting town centres. In the light of these circumstances I do not consider the allocation should be deleted, although if at the modification stage the development has commenced no doubt the Council will reconsider the need for S1.3 to remain in the plan as an allocation.

Recommendation:

12.8.3. I recommend the plan be modified by PC368.

12.9. S1(4) Land adjacent Holywell Inner Ring Road, Holywell

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
167	202	Westrop	DEP	S	No
167	203	Westrop	DEP	O	No
1125	1561	Ward	DEP	O	No
2106	4598	Countryside Council for Wales	DEP	O	No
5191	17261	Somerfield Stores	DEP	O	No

Summary of Objections:

Rep No	Summary
203	Support principle of allocation but site area should be increased
1561	Allocation on wrong side of ring road relocate to either HSG1(13) or CF6c
4598	Part of site is registered common land
17261	Need for development and impact on centre not assessed. Regeneration does not equal need. Planning application premature and already permission to replace Kwik Save store

Key Issue:

12.9.1. Whether the allocation should be deleted or changed.

Conclusions:

12.9.2. The allocation is now a *fait accompli*. A Tesco store has been built and is operating from the site. It would therefore serve little purpose to comment on the merits of the objections. I shall however, recommend the deletion of the allocation as it has been implemented.

Recommendation:

12.9.3. I recommend the plan be modified by the deletion of allocation S1(4).

12.10. S1(5) Council depot site and adjacent former bus depot, Mold

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3867	Clwyd Powys Archaeological Trust	DEP	O	No
7411	18697	Development Securities plc	DEP	O	No

Summary of Objections:

Rep No	Summary
3867	Proximity to Mold Cape spot find may necessitate evaluation prior to development
18697	S1(5) is not town centre or edge of centre. It cannot meet unfilled qualitative demand. Delete

Key Issue:

12.10.1. Whether the allocation should be deleted.

Conclusions:

12.10.2. The allocation is now a *fait accompli*. A Homebase store has been built and is operating from the site. It would therefore serve little purpose to comment on the merits of the objections. I shall however, recommend the deletion of the allocation (in line with FPC623) as it has been implemented.

Recommendation:

12.10.3. I recommend the plan be modified by the deletion of S1(5).

12.11. S1(6) Land to the South of Chester Road, Mold**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3868	Clwyd Powys Archaeological Trust	DEP	O	No
7411	18698	Development Securities plc	DEP	O	No

Summary of Objections:

Rep No	Summary
3868	Proximity to Mold Cape spot find may necessitate evaluation prior to development
18698	S1(6) is not town centre or edge of centre. It cannot meet unfilled qualitative demand. Delete

Key Issues:

12.11.1. Whether the allocation should:-

- i) refer to archaeological concerns
- ii) be deleted.

Conclusions:

12.11.2. Archaeology - There are policies in Chapter 9 such as HE6, HE7 and HE8 that any development would have to meet. They provide sufficient protection for any archaeological interests on the site.

12.11.3. Allocation deletion – S1(6) is next to the Tesco store on the town centre side of the A541 and only a short walk from the bus station and the core retail area boundary. Across the road is the new Homebase store. To my mind it is appropriately located within the defined town centre. It is in a prominent location at the roundabout of the A541 and the A5119 and its development for retail will make a positive contribution to Mold town centre. The allocation is in line with the objectives of PPW (MIPPS 02/2005) which seek to promote town centres and enhance their vitality and attractiveness. Whilst the objector says

that the site cannot contribute to meeting the unfilled qualitative demand for retail space in Flintshire, there is no evidence to substantiate this assertion.

- 12.11.4. I do not consider either objection justifies amendment to and/or deletion of the allocation.

Recommendation:

- 12.11.5. I recommend no modification to the plan.

12.12. S1(7) Land adj Ffordd Llanarth Shopping Centre, Connah's Quay

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2232	4150	MacFarlane	DEP	O	No
5191	13426	Somerfield Stores	DEP	O	No

Summary of Objections:

Rep No	Summary
4150	Unlikely to be further need as difficult to fill existing shops. Create play area
13426	Not justified. Lack of commercial interest/demand and high vacancy rate. Develop for housing

Key Issue:

- 12.12.1. Whether the allocation should be deleted.

Conclusions:

- 12.12.2. I am told that outline planning permission was granted in 2008 for the regeneration and extension of the shopping centre. The application site includes allocation S1(7) and extends into housing allocation HSG1(9). Given these circumstances I do not share the objectors' pessimism that there is unlikely to be demand for the development of the site. Consolidation and upgrading of this local centre to serve both existing and potential new housing is in line with PPW (MIPPS 02/2005) which at para 10.1.2 recognises that local centres are amongst the best locations for new facilities and can provide the greatest benefit for communities.
- 12.12.3. In the light of these conclusions I do not consider the allocation should be changed to that of a play area. I note that there are 2 significant areas of green space to the east and west of S1(7) which the Council says could accommodate formal play space should a need be identified when HSG1(9) is developed. Neither do I support an allocation for housing. Whilst a residential use would be compatible with the surroundings, the site because of its location, is ideally suited for expansion of the local facilities in which the recent permission indicates that there is now developer interest.
- 12.12.4. In 2006, the Council proposed PC369 which says the allocation should be developed as a mixed use scheme. However, the Council's response to the objections indicates that the permission granted in April 2008 was for retail use. It does not therefore appear that the PC is justified or necessary. Given these circumstances, even though I conclude S1(7) should remain, I consider it would be logical to review the allocation at the modification stage to reflect the extent of the extant planning permission.

Recommendation:

12.12.5. I recommend the allocation and Table S1 be modified to reflect the extent of the allocation in the light of the planning permission granted in April 2008.

12.13. S1(8) Land adj. Sheridan Avenue, St David's Park, Ewloe**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
72	17275	Walkden	DEP	O	No
137	169	Coram	DEP	O	No
178	217	Maitland	DEP	O	No
330	404	Winter	DEP	O	No
1198	1653	Bending	DEP	O	No
1385	1930	Rivers	DEP	O	No
2295	4654	Bowey Homes Ltd	DEP	O	No
3832	9852	Colwell	DEP	O	No
3833	9854	Doherty	DEP	O	No
5354	13811	Parry	DEP	O	No
6720	15644	Coram	DEP	O	No
6720	15648	Coram	DEP	O	No

Summary of Objections:

Rep No	Summary
4654	A more central location (HSG1(30)) would be more suitable
All others	Delete the allocation. No need for more shopping in locality. It will increase traffic dangers, pollution, litter, anti-social behaviour. Develop instead for housing, nursery purposes, medical facilities, library or landscape

Key Issue:

12.13.1. Whether the allocation should be deleted.

Conclusions:

12.13.2. The allocation is now a *fait accompli*. A Co-op store and housing have been built on the site. It would therefore serve little purpose to comment on the merits of the objections. I shall however, recommend the deletion of the allocation as it has been implemented.

Recommendation:

12.13.3. I recommend the allocation be deleted from the plan.

12.14. S1(10) Land to the North of Broughton Retail Park, Broughton**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3202	Flintshire Green Party	DEP	O	No
501	640	Broughton & Bretton Community Council	DEP	S	No
1022	1345	Mold Town Council	DEP	S	Yes
2106	4599	Countryside Council for Wales	DEP	O	No

2239	4281	Clayton	DEP	O	No
2678	6416	North East Wales Wildlife Trust	DEP	O	No
3543	9005	Chester City Council	DEP	O	No
3556	9085	British Land Company plc	DEP	O	No
7411	18702	Development Securities plc	DEP	O	No

Summary of Objections:

Rep No	Summary
3202	Delete allocation; replace as green barrier and greenspace designation
4281	Objects to commercial allocation
4599	Includes great crested newt habitat. Amend boundary to follow newt barrier fence
6416	Extends into great crested newt mitigation site; delete allocation
9005	Conflicts with the UDP strategy which directs such development to town and district centres
9085 18702	Extend the allocation site; amend wording of S1 insofar as it relates to this site

Key Issues:

12.14.1. Whether:-

- i) the allocation conflicts with the UDP strategy
- ii) the allocation should be amended
- iii) the allocation conflicts with great crested newt habitat
- iv) the text in the table accompanying S1 should be amended.

Conclusions:

- 12.14.2. Strategy – The table accompanying S1 indicates that the allocation is *to be developed for non-retail commercial use*. STR5 indicates that sites for commercial development will be identified in Broughton as well as other locations. Because it is planned growth I do not consider the allocation conflicts with the strategy to the detriment of town and district centres.
- 12.14.3. Allocation - 9085 & 18702 refer to land to the north, west and east of the allocation. Since those objections were made planning permission has been granted to extend the retail park. The permission is a *fait accompli* and has a knock on effect on the green space to the north and west of S1(10) which I recommend for deletion in L3(5) in Chapter 7. It is also appropriate to delete that part of S1(10) which is the subject of the permission (FPC625).
- 12.14.4. As a result of the change to the green space designation, it would be logical to extend S1(10) to include the narrow strip of land fronting onto Chester Road to ensure it is taken into consideration as part of any development proposal.
- 12.14.5. Turning now to land to the east. The Council did not include this triangular area as part of S1(10) since it was considered that it did not provide any meaningful developable area. However it could be developed as part of S1(10). It would not need to be developable in its own right and I do not find this to be a sound argument to include the land in the green space.
- 12.14.6. S1(10) is for non retail commercial uses. However, in the light of the extant permission to extend the retail park, it is now uncertain whether it will be used to accommodate such development. Adding the objection land to the east would help compensate for the potential loss of non retail commercial uses.
- 12.14.7. The Council's argument that the land was *included in the green space designation partly to provide an additional area of protection and buffer between proposed development and the newt reserve* is somewhat confusing.

The County Ecologist indicates in a memo dated 8 April 2008 that *the creation of a buffer zone between the commercial allocation and the pocket nature reserve is desirable and would be so, whether protected species are present or not*. However, such a buffer zone is not indicated as being a necessity. There is no such buffer between that part of S1(10) which is adjacent to the newt reserve. The allocation comes up to the boundary which is marked by permanent amphibian fencing. It is not clear why a similar approach cannot be taken to the triangular parcel of land. Such an approach would be in line with the suggestion made by CCW.

- 12.14.8. The objection land forms part of a larger green space designation. However, it is different in character to the rest of the green space and separated from it by a substantial hedgerow and deep ditch. It is visually and physically separate and does not make such a significant contribution to, or have a significant role in, the network of open spaces in the vicinity.
- 12.14.9. Given these circumstances the green space designation is not justified and I consider the land should be included in S1(10).
- 12.14.10. Great crested newt habitat – The allocation does not intrude into the adjacent newt reserve and on the basis of the matters I have already considered above, the area is not a great crested newt mitigation site. I am informed that the amphibian fencing has been damaged and it may no longer function as intended. There is a possibility that great crested newts will be present on the triangular area of land and the allocation site. However, this is a land management issue. If newts are found on the land appropriate mitigation measures can be taken as part of the development control process as and when proposals come forward to develop the land. I do not consider the proximity of the newt reserve site is sufficient reason to delete the allocation.
- 12.14.11. Text accompanying S1 – I have commented in the introduction to this chapter and in my conclusions on S1 above on the need to define the terms *non retail commercial development* and *commercial development*. Defining these terms will clarify the type of uses envisaged as being appropriate to this allocation. *Adding or such uses that would be complementary to the adjacent shopping facility* as suggested in 9085 would weaken the policy and throw it open to challengeable interpretation. I do not support the objection.
- 12.14.12. Other Matters - I am unable to respond to 4281 given the absence of any indication of the basis for the objection. My conclusions regarding the green barrier are to be found in GEN5:15 in Chapter 4.

Recommendations:

- 12.14.13. I recommend the plan be modified by;
- i) deleting the portion of the allocation shown in FPC625
 - ii) extending the allocation to include the narrow strip of land fronting Chester Road and the triangular area of land to the east of the existing allocation up to the field boundary
 - iii) amending the site area shown in the Table accompanying S1 accordingly.
-

12.15. S1 - Saltney District Centre

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
4838	17684	Goldrock Investments Ltd	DEP	O	No

Summary of Objection:

Rep No	Summary
17684	Amend district centre boundary to include additional land to consolidate centre and provide mixed use development

Key Issue:

12.15.1. Whether the district centre boundary should be extended.

Conclusions:

- 12.15.2. There is no requirement for boundaries to follow land ownership and I see little benefit in making the negligible change to the western boundary requested by the objector in this case.
- 12.15.3. The land to the east of Bridge Street is larger and contains industrial/warehouse type units and a large older vacant property fronting High Street. The Council says that expansion of the boundary could permit an inappropriate level of retail development out of scale with the limited catchment of Saltney. This is not disputed by the objector, although I have seen no evidence to substantiate the Council's assertion. Whilst part of an integral development the newer units to the west of Bridge Street (one vacant and one containing an indoor play/party centre) are not usually associated with district centre locations. They are different in nature to the retail premises to the south of the access road and as a consequence I do not consider it would be appropriate to include them within the defined boundary.
- 12.15.4. I note that whilst seeking a change in the boundary the objector says it is to accommodate a mixed use development. Should such a scheme come along it could be assessed against other policies in the plan. A district centre location would not of itself enable such a development and any retail proposal could be assessed against other policies in Chapter 12. It follows I do not support the change requested.

Recommendation:

12.15.5. I recommend no modification to the plan.

12.16. S2 Shop Front Design

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3766	Clwyd Powys Archaeological Trust	DEP	S	No
2239	4282	Clayton	DEP	S	No
2350	5098	Welsh Assembly Government	DEP	O	Yes

Summary of Objection:

Rep No	Summary
5098	Adjacent buildings are not always of good quality

Key Issue:

12.16.1. Whether the policy should be changed to meet the objection.

Conclusions:

- 12.16.2. The Council accepts the concerns of the objector and PC370 includes additional wording to make it clear that it is only good design which should be emulated. I support this change which is sensible.
- 12.16.3. I would draw the Council's attention to the last sentence of the policy which requires all proposals considered under it to comply with the Council's design guide *Shop fronts and their advertisements* and I am concerned about this on 2 counts. Firstly it appears to be contrary to *Unitary Development Plans Wales* which says at para 2.15 that UDP policies should not attempt to delegate the criteria for decisions on planning applications to SPG. And secondly it is not clear whether the document has been through the appropriate procedures to make it SPG which can be afforded substantial weight as a material consideration. Moreover I note that Appendix 3 of the plan lists the design guide as being produced in 1980 and requiring updating. The combination of these factors leads me to suggest that the last sentence of the policy should be deleted and the status and age of the SPG be made clear in the text accompanying the policy.

Recommendations:

12.16.4. I recommend:-

- i) the plan be modified by PC370
- ii) the deletion of the last sentence of the policy and clarification of the status of the design guide in para 12.10.

12.17. S4 Small Scale Shopping Within Settlements**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2239	4284	Clayton	DEP	O	No

Summary of Objection:

Rep No	Summary
4284	Delete <i>and the development would not have an adverse impact on designated town or district centres</i> . It is too restrictive

Key Issue:

12.17.1. Whether the last part of the policy should be deleted.

Conclusions:

- 12.17.2. The policy is concerned only with small scale shopping developments, that is up to 300sqm (or 500 sqm gross if there is a demonstrable need to meet the needs of a local community). In such circumstances it would seem to me that if the criteria are met there would be no unacceptable impact on designated town and district centres. I therefore find the objection to have merit and agree the words are superfluous.
- 12.17.3. That being said I find a lack of clarity in the policy. The policy as written is not clear about what it seeks to achieve. There is an inconsistency between it and the accompanying text. The policy title is *small scale shopping within settlements* and *within the settlement boundary* in the policy reflects this. However, the accompanying text says such shops should be *within existing village and local centres ...where the ...effect of clustering retail uses is aimed at widening choice....* It is para 12.15 which refers to development outside centres and then only in 2 circumstances, as part of a large development or to address a deficiency on housing estates. Moreover in seeking to protect only town or district centres, I am not sure where the policy stands on adverse effects on local and village centres. Neither am I clear about what is meant by *the scale of the proposal is sympathetic to the locality*. It is not explained in the text and it could apply equally to visual or numeric/viability impact.
- 12.17.4. In the light of these findings I consider the policy should be redrafted. Perhaps along the following lines, if that is what the policy seeks to achieve:-
- New small scale shopping development will be permitted provided that outside town and district centres:-*
- i) It is below 300sqm gross or, in exceptional circumstances, up to 500sqm*
 - ii) it is to meet local everyday needs and relates to the role, scale and character of the centre and the community it is intended to serve.*
 - iii) it is located within or adjacent to a local or village centre or, if no sites are available within the nearest centre, it is within the settlement boundary and accessible by a variety of means of transport.*
- 12.17.5. Such rewording would reflect the objectives of national policy in PPW and would be clearer for users of the plan.

Recommendation:

- 12.17.6. I recommend the policy and the accompanying text be reviewed and rewritten to remove inconsistencies.

12.18. S5 Small Scale Shopping Outside Settlements**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2239	4285	Clayton	DEP	S	No
2350	5099	Welsh Assembly Government	DEP	O	No
2350	18353	Welsh Assembly Government	PC	O	No

Summary of Objections:

Rep No	Summary
5099	Criterion b should replace <i>ancillary and subsidiary</i> and be consistent with RE5. Criterion c should not be restricted to selling most of the produce over the counter. Criterion d should refer to planning conditions restricting type of goods sold to enable development
18353	PC372 does not make commensurate changes to para 12.17

Key Issue:

12.18.1. Whether the policy and text should be changed to meet the objections.

Conclusions:

12.18.2. The Council accepts the validity of the objections and PC371 proposes changes to criterion b along the lines suggested. It makes it compatible with RE5. PC372 changes the wording of criterion c and makes it clearer. This is accompanied by FPC624 which is necessary to ensure compatibility between the policy and the text. PC373 adds a sentence to the end of para 12.16 which refers to the use of planning conditions restricting type of goods sold to enable development. All these changes add clarity which will assist users of the plan.

Recommendations:

12.18.3. I recommend the plan be modified by:-

- i) PCs371, 372, 373 and FPC624
- ii) deleting the final 2 sentences of para 12.17 and replacing them by....*Where shops sell a greater amount of goods produced elsewhere, planning permission will be required. However, the policy seeks to ensure that a significant proportion of goods sold are produced or manufactured on the premises.*

12.19. S6 Large Shopping Developments**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
357	435	B&Q plc	DEP	O	No
2239	4286	Clayton	DEP	S	No
2350	5100	Welsh Assembly Government	DEP	O	Yes
2616	6056	J S Bloor (Services) Ltd	DEP	O	No
4823	12542	Tesco Stores Ltd	DEP	O	No
4823	12545	Tesco Stores Ltd	DEP	O	No
4823	12549	Tesco Stores Ltd	DEP	O	No
4838	12595	Goldrock Investments Ltd	DEP	O	No
5191	17262	Somerfield Stores	DEP	O	No
2753	18014	Cheshire County Council	PC	S	No
7407	18526	RPS plc	PC	O	No

Summary of Objections:

Rep No	Summary
435	Delete criterion b. It exceeds scope of PPG6. Criterion c is repetitious and unnecessary. Replace <i>convenient</i> in criterion e. Add new criterion on need
5100	PPW 10.3.1 says that consideration should be given to the need for a development
6056	Recognise that large scale urban extensions may require large scale shopping developments

12542	Criterion e should be changed to reflect national guidance which requires only accessibility by a variety of modes of transport
12545	Criterion b duplicates criterion d. Delete
12549	Policy does not accord with PPW. It equates core retail areas to town centres and is inconsistent with para 12.5 and STR5
12595	Out of centre locations form part of the search sequence in national policy. Include in policy and para 12.20
17262	It should first be ascertained if there is a need within a settlement before the location of development is considered
18526	Large shopping schemes may be inappropriate in district/local centres. Delete change. Existing out of town retail parks may be preferable to out of centre locations. Change criterion about need

Key Issue:

12.19.1. Whether the policy and its accompanying text should be changed.

Conclusions:

- 12.19.2. I have recommended changes to STR5 to bring it in line with national policy in PPW and/or to add justification to the plan to explain the divergence. My conclusions below should be read in conjunction with those to STR5.
- 12.19.3. Policy – In general I find S6 to be unclear. A basic problem is that it is concerned with large shopping developments, but there is no indication of what would constitute a large development. If the threshold is high then, it may mean that the development would be of an inappropriate scale and character for a local centre. This needs to be established.
- 12.19.4. Turning now to the wording of the policy. The policy wording should reflect the title. It would be more appropriate for it to refer to *large shopping developments* as the policy does not distinguish between food and non food proposals. Although the Council asserts that a key part of STR5 is the promotion of new retail development within existing shopping centres, even as set out in the draft deposit plan, STR5 simply does not say that. It, like PPW, seeks to promote and protect town, district and local centres, not shopping centres. Apart from the title of the policy STR5 does not mention shopping centres and is entirely silent on the core retail areas.
- 12.19.5. S6 is inconsistent with STR5 by establishing a new step in the sequential approach. The search sequence set out in S6 is core retail area, edge of centre, district/local centres, out of centre. The policy is also at odds with PPW where the search sequence is town centres, edge of centre, district/local centres, out of centre and by implication out of town comes last. There is no mention at all of town centres in S6 and the definition of edge of centre is different to that in TAN4. Whereas TAN4 says that edge of centre is *a location within easy walking distance of the centre, normally not more than 200-300m from existing town centre shops* the Council says edge of centre sites are *within easy walking distance of the CRA (ie within 200-300m)*. The core retail area has supplanted the town centre.
- 12.19.6. There is no substantive evidence from the Council to justify the different approach in Flintshire to national policy. The Council says it reflects the guidance in PPW (MIPPS 02/2005) but I do not agree. Whilst national policy recognises the need to protect primary shopping streets, in a similar way to UDP policy S7, it does not afford such streets priority for new large scale developments. National policy relates to centres generally.

- 12.19.7. I appreciate that the Council believes the pre-eminence of core retail areas is vital in promoting them as desirable locations for new retail development which can enhance the investment image of a town centre, but it is not the only way, there are new schemes within traditional town centres which complement the traditional shopping streets, are attractive and bring added vitality and viability to centres by offering a wider choice.
- 12.19.8. Even though there is no definition of large shopping development, it seems to me that there is no evidence base to suggest that the 5 identified core retail areas could support large shopping developments. It seems unlikely that given the size of most of these core areas, they could accommodate a large development, say for instance in the form of a supermarket, without significant demolition which is most unlikely, particularly in the 3 centres which are also conservation areas. Therefore from a practical point of view I do not consider as written the policy would promote or protect the shopping function of the town centres.
- 12.19.9. I have taken into account whether the search sequence should include out of town retail parks, but they are not mentioned in the national search sequence and, apart from Broughton Retail Park, which I deal with in my conclusions to paras 12.1 – 12.8 above I am not aware that local circumstances are sufficient to justify a departure from the search sequence set out in PPW. These findings lead me to conclude that the policy should be rewritten to reflect the search sequence to be found in national policy and I shall recommend accordingly.
- 12.19.10. Requiring retail developments to be on underused, vacant or brownfield land within town centres goes further than the sequential approach set out in PPW (MIPPS 02/2005). The reuse of brownfield land as a priority is one of the strategic aims of the plan to be found in STR10 and I do not consider it need to be repeated in S6. In these circumstances I support the deletion of criterion b which is proposed by PC376.
- 12.19.11. Whilst the search sequence in PPW (MIPPS 02/2005) does not specifically refer to out of town locations, the definition of *out of town* in TAN4 includes an out of centre development on a greenfield site. It is not clear whether the Council wishes to include such sites in the search sequence. If it does then it should be included and explained in the policy/text. If it does not then criterion c should remain in the plan and any application for a major shopping development outside the settlement boundary would be assessed to see if the material considerations justified an exception to policy. The Council should clarify the criterion at the modification stage.
- 12.19.12. It needs to be explained in criterion d what search sequence it relates to.
- 12.19.13. Criterion e as written is concerned with the convenient location of the site, it does not cover such matters as the layout and design which the Council refer to in its statement at para 4.1(iii). Those are different considerations which are addressed under D2. However, PPW (MIPPS 02/2005) 10.2.6 refers to *convenient movement* within town centres and consequently I see no reason why similar wording should not be used in this criterion. National policy also refers to *good access*. The word *accessible*, does not convey a level of ease of access. I do not support the suggested changes to criterion e.
- 12.19.14. It is appropriate that PC377 adds *significant* to criterion f as the term *adverse impacts* needs to be qualified to make the policy clearer.

12.19.15. PPW (MIPPS 02/2005) 10.3.1 says that consideration should be given to the need for retail, leisure uses and the like unless the proposal is for a site within a defined town centre. The change proposed by the Council PC376 does not reflect national policy in this respect. It says that in all cases a need for the proposal has been demonstrated. Therefore even though I consider it is appropriate to include a criterion about need, I consider it should say... *outside defined town centres a need for the proposal has been demonstrated*.

12.19.16. Insofar as 6056 is concerned I have concluded elsewhere (for example in relation to objections in the Sealand area), that in principle there is no need for large scale urban extensions. It is therefore unnecessary to make the change requested by the objector. In respect of HSG2A that is a strategic mixed use allocation which does not require further clarification under S6.

Recommendations:

12.19.17. I recommend the plan be modified by:-

- i) rewriting the preamble to the policy to reflect the search sequence set out in PPW (MIPPS 02/2005), to include a threshold for its application and to recognise that major developments should be in scale and character with a centre.
- ii) deleting criterion b
- iii) reviewing criterion c
- iv) ensuring the sequential approach in criterion d is satisfactorily defined
- v) PC377
- vi) the addition of a new criterion to read *outside defined town centres a need for the proposal has been demonstrated*
- vii) reviewing paras 12.18 – 12.21 to ensure they reflect the provisions of S6.

12.20. Paragraph 12.20

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1122	1710	Moore	DEP	O	No
4823	12547	Tesco Stores Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
1710	Should require impact assessment on poverty/social exclusion for retail developments
12547	The text does not reflect the definition of edge of centre site to be found in TAN4

Key Issue:

12.20.1. Whether retail developments should include assessment of poverty/social exclusion impact.

Conclusions:

12.20.2. My conclusions on 12547 are included with those to policy S6 above.

- 12.20.3. As national policy stands at the moment there is no requirement for new retail proposals to include social impact assessment nor have I seen any evidence base that local circumstances would justify such a requirement in the UDP. In these circumstances whilst I do not underestimate the objector's concerns, it would not be appropriate to include such a requirement in the UDP.

Recommendation:

- 12.20.4. I recommend no modification to the plan.

12.21. Paragraph 12.21

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
357	442	B&Q plc	DEP	O	No

Summary of Objection:

Rep No	Summary
442	Paragraph is unnecessary. <i>Exceptional circumstances</i> is inappropriate terminology. If a retail proposal meets the criteria in S6 it will not harm a town centre

Key Issue:

- 12.21.1. Whether the paragraph should be deleted or changed.

Conclusions:

- 12.21.2. Para 12.21 provides background information for the policy and explains the circumstances in which out of centre developments may be approved and why out of town ones are unlikely to be approved. It will be up to individual applications to demonstrate why a particular development would either comply with or should be regarded as an exception to policy. This is not an unusual situation and I consider para 12.21 should not be modified in response to this objection.

Recommendation:

- 12.21.3. I recommend no modification to the plan.

12.22. S7 Retail Frontages Within Town Centre Core Retail Areas

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1717	3096	Holywell Town Council	DEP	O	No
2234	4159	Roberts	DEP	O	No

Summary of Objections:

Rep No	Summary
3096 4159	Continuous street frontages in Holywell town centre are short and impractical. Change to the whole High Street/the retail core area

Key Issue:

12.22.1. Whether criterion a should be changed.

Conclusions:

- 12.22.2. I am puzzled by both the objectors' and the Council's assertion that the shopping frontages in Holywell core retail area are short, sometimes consisting of only one property. I saw at my visit to Holywell that if the Council's definition of appropriate frontage, that is *unbroken by roads*, is taken into account there are significantly less than 13 in the core area. Most of the breaks in the frontages are not defined by roads but by narrow accesses between properties. If the policy has been applied in a different way then the definition within para 12.24 requires changing.
- 12.22.3. That being said the Council say that the policy has been applied over a number of years and is considered to have worked well by ensuring that the predominant land use remains A1 and has not resulted in an excessive amount of vacant properties. Whilst 4159 says that it has been difficult to justify to applicants decisions taken in accord with the policy, there is no suggestion that the policy as applied has not achieved its objectives. At my visit there did seem to be a number of vacancies, but I have been given no information about trends in the centre and it is not appropriate to judge the success of a policy in a contextless snapshot in time.
- 12.22.4. Given these circumstances I do not consider the criterion should be changed as requested. To do so could result in further concentrations of non A1 uses that would weaken the shopping function and make it less attractive to shoppers. In any event, I note that should the policy result in vacancies criterion d will ensure that other uses are considered after an appropriate period.
- 12.22.5. The Council proposes 2 changes:- PC378 which makes criteria a and b both applicable and PC379 which substitutes *2 years* with *at least 1 year* in criterion d and para 12.25. The first change makes the policy more robust and the second brings it in line with changes to S11 which I deal with below.

Recommendations:

- 12.22.6. I recommend the plan be modified by:-
- reviewing the definition of *appropriate frontage* in para 12.24
 - PCs378 and 379.

12.23. S11 Retention of Local Facilities**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2239	4291	Clayton	DEP	S	No
2658	6237	Campaign for the Protection of Rural Wales	DEP	O	No
4838	12597	Goldrock Investments Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
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6237	Concern about whether policy can be delivered
12597	2 years is too long and potentially harmful

Key Issues:

12.23.1. Whether the policy :-

- i) is deliverable
- ii) should be changed.

Conclusions:

12.23.2. Deliverability - The policy has a positive approach and reflects the policy guidance in PPW (MIPPS 02/2005). What it cannot do is ensure that local facilities are retained in perpetuity if there is no longer a demand for them and/or they are unviable. Therefore criterion b recognises that in some cases such facilities will be lost, but not before it has clearly been demonstrated that businesses/premises have been offered on the open market at a reasonable price and for a reasonable period to potential buyers/new operators. A land use based planning policy can do little more.

12.23.3. Changes – The Council accepts that a marketing period of 2 years could be onerous and propose by PCs380 and 381 changing the policy and text to *at least 1 year*. I support these changes which propose both a reasonable period to test the market and also how it should be done.

Recommendation:

12.23.4. I recommend the plan be modified by PCs380 and 381.

13. Employment

13.1. General Issues

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
52	17273	Tomos	DEP	O	No
3543	9006	Chester City Council	DEP	S	No
3731	9582	Amicus	DEP	O	No

Summary of Objections:

Rep No	Summary
17273	Chapter does not properly address tourism issues. Council has poor past performance. Amend wording of paragraph 13.11. No mention of tourism in identifying land for development
9582	Should be safeguards when planning permission is given to ensure local labour is used. Manufacturing is the backbone of Flintshire and must be given a higher profile

Key Issues:

13.1.1. Whether the policies should:-

- i) give a greater profile to the tourism and manufacturing sectors
- ii) promote the use of local labour.

Conclusions:

- 13.1.2. Tourism - Para 13.3 sets out the concerns of Chapter 13. It says it is principally concerned with industry, offices and warehousing whilst other chapters deal with other sources of employment such as tourism. The contribution tourism makes to employment and the economy is recognised in Chapter 16 which deals with all tourism related matters. The plan should be read as a whole and to include too many references to tourism within this chapter would lead to unnecessary duplication. Para 13.11 sets out only those key themes from the Flintshire Economic Development Strategy that are pertinent to Chapter 13. Elements from that strategy which relate to tourism are to be more appropriately found in Chapter 16. It would not be correct to amend the wording as suggested since this would not properly reflect the strategy.
- 13.1.3. The authority's performance in attracting major tourism development and the manner in which planning applications are determined are not matters for the UDP.
- 13.1.4. It is one of the functions of a land use plan to allocate land for general employment purposes. However, the tourism industry is much more footloose in terms of its location needs in comparison to the types of employment dealt with in this chapter and I do not consider the plan is deficient in not allocating sites for tourism development.
- 13.1.5. Manufacturing - The plan recognises the role of the manufacturing sector in the local economy. Para 13.9 refers to the *high-value* manufacturing employment

at Deeside Industrial Park and Airbus at Broughton. The Flintshire Economic Development Strategy, which provides the context in which the plan's policies seek to continue the County's economic development and regeneration, identifies building on the manufacturing strength as one of the key themes. The plan allocates land for various employment generating activities and I do not find the policies encourage other businesses at the expense of manufacturing.

- 13.1.6. Local labour - As I indicate in response to objections to STR3 in Chapter 3, the UDP cannot control who takes up jobs that are created. As a consequence, it is not appropriate to amend the plan as suggested.

Recommendation:

- 13.1.7. I recommend no modification to the plan.

13.2. Paragraph 13.13 -13.20

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
477	921	Hawarden Estate	DEP	O	No
2334	4869	WAG - Dept Economy & Transport	DEP	O	No
3549	18356	Corus	PC	O	No

Summary of Objections:

Rep No	Summary
921	Inadequate provision - discount land held by companies for expansion. Allocated sites are unlikely to come forward at a rate to meet the assumed need. Allocate additional land
4869	Seeks an increase in allocated land
18356	This is dealt with below at EM1 Deeside with 9041

Key Issue:

- 13.2.1. Whether additional land should be allocated.

Conclusions:

- 13.2.2. Para 13.16 identifies an employment land need over the plan period *in the order of 300 hectares*. This figure includes an element of flexibility to cover various factors including delays in bringing sites forward. The employment land allocations have been reviewed in the light of the responses to the public consultation resulting in some allocations being deleted and others added.
- 13.2.3. Land held by companies for expansion forms part of the allocations rolled forward from existing plans. Such land could be developed within the plan period but the review acknowledges that these sites are not generally available. Additional land is allocated to compensate for the notional shortfall. I consider this is an appropriate methodology.
- 13.2.4. PC383 amends para 13.19 to reflect the revised situation and I support this change. PC382 and PC384 amend or replace the relevant text in paras 13.18 and 13.20. Whilst I support the editorial changes the figures will need to be further adjusted in the light of my recommendations relating to EM1(9) and EM1(24). The revised balance of allocations generally available does not

eliminate a slippage allowance and is not significantly out of line with the land requirements. My comments regarding the individual employment sites that make up these overall figures are to be found later in this chapter.

- 13.2.5. 4869 does not quantify how much additional land should be allocated or indicate how the trends should be included in calculating employment land requirements. It is not sustainable to allocate additional employment land without substantive and convincing evidence. A site specific objection is dealt with at EM1 land south of DARA below. EM4 would enable proposals for sites that are not allocated to be considered. Should, through monitoring, it become evident during the lifetime of the plan that a shortfall of employment land may occur, this could be addressed as part of the LDP process. This is more appropriate than allocating land which at present is not justified and which may not be as sustainable.
- 13.2.6. The land to north west of Garden City - EM1(14) accounts for some 34% of the allocations under EM1 (as amended). Given its strategic location and the allocations elsewhere in the County I do not consider this to be an over reliance on a single site. I acknowledge that the timing of delivery of HSG2A is tight. However, there is land within both the DZs and PEAs which although not specifically allocated under EM1 could nevertheless come forward for development under the criteria in EM3. Given these circumstances, it is not necessary for more land to be allocated under EM1.

Recommendations:

- 13.2.7. I recommend the plan be modified by
- i) PC 383
 - ii) adjusting the figures in paras 13.18 and 13.20 to reflect the revised situation.

13.3. EM1 General Employment Land Allocations

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
364	450	Wrexham County Borough	DEP	S	No
2106	4601	Countryside Council for Wales	DEP	O	No
2106	4828	Countryside Council for Wales	DEP	O	No
2239	4293	Clayton	DEP	S	No
2420	5931	RSPB Cymru	DEP	S	No
2753	6617	Cheshire County Council	DEP	O	No
3543	9010	Chester City Council	DEP	O	No
6718	15638	Brock plc	DEP	O	No

Summary of Objections:

Rep No	Summary
4601	Need to consider implications of flood hazard maps; cross reference to EWP16 & GEN6
4828	Comments re floodplain; hedgerows/trees; public rights of way; impact on protected species
6617	Seeks clarification of the level of employment land being provided
9010	Review large greenfield allocations rolled forward. Consider impact of Warren Hall and Broughton allocations on infrastructure/traffic; phasing should favour brownfield sites
15638	Object to development of greenfield sites when alternative brownfield sites exist

Key Issues:

13.3.1. Whether the policy:-

- i) should be cross referenced
- ii) indicates the level of employment land provision
- iii) has appropriate regard to flooding and the allocation of greenfield/brownfield sites.

Conclusions:

- 13.3.2. Cross referencing - PC395 acknowledges the need to assess the potential impact some sites could have on international nature conservation designations. This brings clarity to the plan and I support the change. The change includes adding a reference to WB2 as a key policy. It is appropriate to include this cross reference to gain a full understanding of the issues involved in the light of proposed amendments to the supporting text. However, the same cannot be said of the need to cross reference to the policies suggested in 4601. Para 1.34 in the introduction to the plan sets out the Council's position. It is stressed that policies should not be read in isolation and that the plan should be read as a whole. Therefore I do not consider it is necessary to include cross references to EWP16 and GEN6.
- 13.3.3. Provision of employment land – EM1 indicates the employment land allocated. 6617 does not say what else is required and I am unable to comment further on this matter. My conclusions on objections made to specific site allocations and omissions are to be found later in this chapter.
- 13.3.4. The changes to the site allocations have a knock on effect on the site area totals at the bottom of the employment allocations table. It also requires changes to the supporting text. I support PCs385 and 386 which make the necessary editorial changes. FPC626 amends the introduction to PC385 to provide a better explanation of the reason for the proposed change.
- 13.3.5. FPC627 inserts additional text to follow PC386 to address the take up of high grade agricultural land at Hawarden Park/Manor Lane. In the light of my conclusions at EM1(2) Manor Lane/Hawarden Park Extension, Broughton on the objections to this allocation I consider it is appropriate to insert this additional text.
- 13.3.6. Flooding – The Council has reviewed all the sites in the light of TAN15 issued in July 2004. The TAN classifies general industrial and employment development as less vulnerable and not precluded from Zone C areas. Where sites fall within the flood zones I am informed that the site has been considered against the appropriate justification test in TAN15. I note that this process included dialogue with the EAW, the responsible body for flood risk issues. It has not objected to the employment allocations. On this basis I am satisfied that the appropriate consideration has been given to this matter.
- 13.3.7. Greenfield/brownfield sites – The text that follows the heading Employment Land Provision indicates that a critical examination of the employment land allocations in the Alyn and Deeside Local Plan and the Draft North Flintshire Local Plan was carried out to identify those allocations suitable to be rolled forward into the UDP. 9010 does not indicate what further considerations should be included in the review of greenfield sites over and above what the Council has already done. My conclusions with regard to the Warren Hall

allocation are to be found in EM2(1) and the Broughton allocations in EM1(1) and EM1(2) below.

- 13.3.8. The plan indicates that where possible brownfield sites have been identified as part of the employment provision. Whilst previously developed land should, wherever possible, be used in preference to greenfield sites PPW recognises that not all brownfield land is suitable for development. Because it is necessary to distribute land for employment throughout the County not all this provision can be met by using previously developed land. However, over 60% of the allocations are brownfield and I am satisfied that appropriate consideration has been given to this matter.
- 13.3.9. Other Matters – 4828 relating to hedgerows, trees and public rights of way are matters of detail that will be considered as part of the development control process and will be assessed against TWH2 and AC2. No further submissions have been made with regard to protected species and I am unable to comment on this element of the objection.
- 13.3.10. I note that allocations EM1(8) Connah's Quay, EM1(21) Mold and EM1(22) Mostyn Port are not within Development Zones or Principal Employment Areas. These sites fall outside policies EM3 and EM4 and therefore there are no policies in this chapter against which to assess the acceptability of any development on them. I suggest this deficiency be addressed at the modification stage by setting out criteria, along the following lines: After *unless otherwise stated:* at the beginning of the policy insert *provided that the proposal:*
- i. *is of an appropriate type and scale for both the site and its surroundings;*
 - ii. *will not unacceptably harm residential or other amenity or restrict neighbouring land uses;*
 - iii. *provides satisfactory on-site parking, servicing and manoeuvring space and that the highway network (including access and egress) is adequate to safely cater for the type and volume of traffic generated by the proposal; and,*
 - iv. *has no significant adverse impact on the integrity of nature conservation sites, the landscape and historic features.*

Recommendations:

13.3.11. I recommend the plan be modified by:-

- i) PCs385, 386, 394, 395 and FPCs626, 627
- ii) Amending the total and sub total figures at the bottom of the General Employment Land Allocations Table in the light of the revised situation
- iii) establishing criteria that development in EM1 allocations will be tested against.

13.4. EM1(1) Chester Aerospace Park, Broughton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
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2106	4806	Countryside Council for Wales	DEP	O	No
2678	6423	North East Wales Wildlife	DEP	O	No

Summary of Objections:

Rep No	Summary
4806	Conservation of protected species should be safeguarded by an appropriate design brief
6423	Development design should safeguard water voles

Key Issue:

13.4.1. Whether the allocation is compatible with safeguarding protected species.

Conclusions:

13.4.2. The objections relate to matters of detail rather than questioning the principle of allocating this land. Development has already taken place on part of the site and I understand that appropriate nature conservation measures have been required as part of the planning process. The plan includes policies relating to wildlife and biodiversity. WB1 in particular will safeguard the concerns indicated by the objectors. Bearing in mind that development has already commenced and the safeguards that are already in place I do not consider it is necessary or appropriate to require the preparation of a development brief.

Recommendation:

13.4.3. I recommend no modification to the plan.

13.5. EM1(2) Manor Lane/Hawarden Park Extension, Broughton**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	78	Flintshire Green Party	DEP	O	No
477	693	Hawarden Estate	DEP	S	No
2106	4807	Countryside Council for Wales	DEP	O	No
2334	4896	WAG - Dept Economy & Transport	DEP	S	No
2350	5101	Welsh Assembly Government	DEP	O	Yes
2678	6425	North East Wales Wildlife	DEP	O	No
2750	6567	Clwyd Badger Group	DEP	O	No
3878	9971	Wakem	DEP	O	No

Summary of Objections:

Rep No	Summary
78	Important landscape and amenity area; questions the need; speculative and unsustainable; traffic problems and pollution; overdevelopment of Broughton
4807	Conservation of protected species should be safeguarded by an appropriate design brief
5101	Reason to believe that best and most versatile agricultural land affected by this allocation
6425	Development design should safeguard water voles
6567	Presence of badger sett; lovely wildlife area
9971	Adequate employment provision already; development will surround Broughton to detriment of the style of the village

Key Issue:

13.5.1. Whether the allocation is appropriate.

Conclusions:

- 13.5.2. The allocation is a logical extension to the existing Manor Lane Industrial Estate and adjoining Chester Aerospace Park allocation - EM1(1). It is acknowledged that the allocation includes the best and most versatile agricultural land. PPW indicates that such land should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable.
- 13.5.3. The allocation is identified as being *to cater for aerospace sector spin-offs*. I accept that, in view of its proximity to the aerospace activities at Hawarden airfield, the need to build on the strengths of the aerospace developments currently in the area and the absence of previously developed land or land of a lower agricultural grade, there is an overriding need for this allocation. I note that 5101 has been conditionally withdrawn. FPC627 adds additional supporting helpful text to address this issue.
- 13.5.4. My conclusions regarding the adequacy of the provision of employment land are to be found in my response to paras 13.13 – 13.20 above and I do not repeat them here. However, I support the overall levels of allocations. The allocation of land is not dependant on the identification of an end user. PPW states that land should be allocated *to meet both identified and as yet unidentified needs* (para 7.1.7).
- 13.5.5. The site is within reasonable proximity of settlements and is served by public transport it is not an unsustainable location. In the absence of any indication why 78 considers the allocation to be unsustainable I am unable to comment further. There is no evidence before me to support the assertion that the allocation will result in pollution or traffic problems. Indeed I understand that the Broughton Multi Modal Study found the traffic impact to be acceptable.
- 13.5.6. The airfield separates this area from the residential part of Broughton and I do not consider its development would have an unacceptable impact on the settlement's character or result in overdevelopment.
- 13.5.7. The Council indicates that a development brief will be produced which will include the protection of landscape and nature conservation features. I accept the need for such an approach and I consider it would be beneficial to make a reference to it in the supporting text.
- 13.5.8. Other Matters - PC387 deletes the eastern part of the allocation since this area is within the flight path area. I support this amendment which is in the interests of airport safety.

Recommendations:

- 13.5.9. I recommend the plan be modified by:-
- i) PC387
 - ii) FPC627
 - iii) including a statement in the supporting text that a development brief will be prepared for this site.
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13.6. EM1(3) Catherall's Industrial Estate, Buckley

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3796	Clwyd Powys Archaeological Trust	DEP	O	No
2106	18461	Countryside Council for Wales	PC	O	No
2678	6430	North East Wales Wildlife	DEP	O	No

Summary of Objections:

Rep No	Summary
3796	May require prior archaeological investigation
18461	Question whether PC388 results in need for further employment allocations
6430	Mitigation required to protect great crested newt

Key Issue:

13.6.1. Whether the allocation should be deleted.

Conclusions:

- 13.6.2. Since the UDP was published planning permission has been granted and house building commenced on the site. PC388 deletes EM1(3) to reflect the change of circumstance. In the light of these events I support the change.
- 13.6.3. The matters raised in 3796 and 6430 have been overtaken by events and I make no comments on these objections. The matter raised in 18461 is a general question regarding the consequences of the deletion of this site rather than an objection to its actual deletion. My conclusions to EM1 indicate that the supply of employment land is sufficient to meet anticipated needs in terms of both quantity and quality without this allocation.

Recommendation:

13.6.4. I recommend the plan be modified by PC388.

13.7. EM1(4) Mount Pleasant Road North, Buckley

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3799	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4810	Countryside Council for Wales	DEP	O	No
2678	6433	North East Wales Wildlife	DEP	O	No

Summary of Objections:

Rep No	Summary
3799	May require prior archaeological investigation
4810 6433	Adjacent to SSSI and mitigation required to protect great crested newt

Key Issue:

13.7.1. Whether modification is required to the plan in the light of the objections.

Conclusions:

- 13.7.2. This allocation is adjacent to, and a logical extension of, an existing employment development. The fact that the site is a former brickworks and adjacent to a SAC/SSSI does not preclude its development provided that appropriate measures are taken. The objections do not relate to the principle of allocating this site but draw attention to the need to take appropriate mitigation measures. These are matters of detail which can be addressed as part of the development control process.
- 13.7.3. My conclusions on the extension of the green space allocations made as part of 4810 are to be found at L3 Buckley in Chapter 7.

Recommendation:

- 13.7.4. I recommend no modification to the plan.

13.8. EM1(6) Drury New Road, Buckley**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4811	Countryside Council for Wales	DEP	O	No
2471	5482	Whitley Estates Ltd	DEP	O	No
2678	6437	North East Wales Wildlife	DEP	O	No
4110	10660	Peers	DEP	O	No

Summary of Objections:

Rep No	Summary
4811 6437	Adjacent to SSSI and mitigation required to protect great crested newt
10660	Main industrial area is to the north of Buckley and previous proposals to expand to north of factory have been rejected. Reduce in size and designate as green space
5482	Extend settlement boundary and allocation to include area of a previous planning permission

Key Issues:

- 13.8.1. Whether:-
- the allocation is compatible with the adjoining SSSI
 - the allocation should be extended or deleted.

Conclusions:

- 13.8.2. SSSI - This allocation is adjacent to, and a logical extension of, an existing employment development. The fact that the site is adjacent to a SAC/SSSI does not preclude its development provided that appropriate measures are taken. The objections do not relate to the principle of allocating this site but draw attention to the need to take appropriate mitigation measures. These are matters of detail which can be addressed as part of the development control process.
- 13.8.3. Extension/deletion – I am told the planning permission has now lapsed and circumstances have changed since the land was included within the settlement boundary in the Alyn & Deeside Local Plan. The requested extension to the allocation is part of the Deeside and Buckley Newt Sites SAC. The settlement

boundary proposed in the UDP has a firm defensible boundary and I do not consider the extension requested is justified or appropriate.

- 13.8.4. Neither do I consider the deletion of the site to be justified. EM1(6) is well related to existing industrial premises and will either allow expansion of an existing company or the introduction of new business, thus expanding the employment opportunities in this part of Buckley and making a positive contribution to the quality and quantity of employment land supply. The allocation is of a totally different scale to the proposed allocation in the Alyn & Deeside Local Plan which would in effect have left only objection site 5482 as the undeveloped gap between Drury and the existing factory.
- 13.8.5. My conclusions in respect of 10660 mean that I do not support the allocation of the site for designation under L3. Even were I to find otherwise in respect of EM1(6) I do not consider an L3 designation is justified. It is private land, bounded by mature planting which does not perform any particular amenity or recreational function. It is different to the wider area to the north and west which is used for informal recreation and which I note is not designated green space.

Recommendation:

- 13.8.6. I recommend no modification to the plan.

13.9. EM1(8) Former Power Station, Connah's Quay

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3807	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4812	Countryside Council for Wales	DEP	O	No
2232	4152	MacFarlane	DEP	O	No
2315	4752	Powergen plc	DEP	O	No
2315	17800	Powergen plc	DEP	S	No
2678	6439	North East Wales Wildlife	DEP	O	No
2752	6576	Deeside College	DEP	O	No

Summary of Objections:

Rep No	Summary
3807	Site needs archaeological assessment and suitable mitigation before development
4812 6439	Site requires buffer zone to safeguard nature conservation and provide a coastal footpath
4152	Industry to the south of the river changes nature of town. Site could accommodate expansion of Deeside College
6576	Support allocation but consideration should be given to expansion of training provision
4752	This objection is dealt with in Chapter 4 GEN2 Connah's Quay with 4751/17600

Key Issue:

- 13.9.1. Whether modifications should be made to the plan to meet the objections.

Conclusions:

- 13.9.2. 3807 – The CPAT does not have a fundamental objection to the allocation which would preclude development. Its concerns can be addressed as part of the development control process.
- 13.9.3. 4812, 6439 – I reach similar conclusions to those above in respect of these objections. I note the Council says that the coastal path is being progressed separately from the UDP.
- 13.9.4. 4152 – I do not agree with the objector. The allocation is a brownfield site which was used for industrial/energy related development. To the north of the railway and south of the river there may be expanses of open land, but there are also significant areas of employment/energy/industrial uses. And in general it seems to me that it is not the river but the railway which provides a firm readily identifiable boundary which marks the limits of the residential/retail areas of the town.
- 13.9.5. 4152, 6576 - There has been no further information provided by the objectors in the 5 years since the objections were made and it would appear that there are still no firm proposals for college expansion. In the absence of any specific proposals relating to Deeside College it is not necessary to allocate the land for expansion purposes. I note the Council says should a scheme come forward within the plan period, it would not necessarily be precluded, particularly if it was an employment training base as suggested by 6576.

Recommendation:

- 13.9.6. I recommend no modification to the plan.

13.10. EM1(9) Dock Road, Connah's Quay**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3421	Flintshire Green Party	DEP	O	Yes
2043	3808	Clwyd Powys Archaeological Trust	DEP	O	No
59	17925	Envirowatch	PC	S	No
2619	18599	Ministry of Defence	PC	S	No
7416	18634	Pochin Rosemound Ltd	PC	S	No

Summary of Objections:

Rep No	Summary
3421	Playing fields are still used for recreational purposes
3808	Site needs archaeological assessment and suitable mitigation before development

Key Issue:

- 13.10.1. Whether the allocation should be deleted.

Conclusions:

- 13.10.2. The Council acknowledges the allocation was based on inaccurate information and PC389 proposes its deletion and the redrawing of the PEA. In principle this is a sensible change given the playing fields are still in use. However, I saw at my site visit that not all the allocation appears to be in use for

recreational purposes. There are areas which have access and it may be possible that this land could be developed for industrial purposes. That being said I have no information about the status/extent of the overgrown/unused land and as a consequence I shall recommend the allocation be reviewed at the modification stage.

- 13.10.3. The concerns of 3808 can be addressed as part of the development control process.

Recommendation:

- 13.10.4. I recommend the allocation be reviewed at the modification stage.

13.11. EM1(10) Crumps Yard, Dock Road, Connah's Quay

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3810	Clwyd Powys Archaeological Trust	DEP	O	No

Summary of Objection:

Rep No	Summary
3810	Site needs archaeological assessment and suitable mitigation before development

Key Issue:

- 13.11.1. Whether the plan should be modified in the light of the objection.

Conclusions:

- 13.11.2. The CPAT does not have a fundamental objection to the allocation which would preclude development. Its concerns can be addressed as part of the development control process.

Recommendation:

- 13.11.3. I recommend no modification to the plan.

13.12. EM1(12) Land to North of Shotton Papermill, Deeside

EM1(13) Land to East of Shotton Papermill, Deeside

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4814	Countryside Council for Wales	DEP	O	No
2106	4815	Countryside Council for Wales	DEP	O	No

Summary of Objections:

Rep No	Summary
4814 4815	Allocations would be suitable for waste reclamation instead of nearby Broken Bank

Key Issue:

13.12.1. Whether the sites would provide an alternative for waste reclamation to Broken Bank.

Conclusions:

13.12.2. Events have moved on since the objections were made. The application for a waste management facility at Broken Bank, which was current in 2003, was withdrawn in 2005. However, the allocations are included within the Deeside Development Zone which is within an area of search for new waste management facilities by virtue of EWP6. Therefore although part of the allocations are held by existing companies for expansion of their operations, there remains the possibility that some of the allocated land could be used for waste management purposes should a specific proposal arise. Given these factors it would not be logical to allocate land for a scheme which does not exist on land which the owners would wish to safeguard for their own use.

Recommendation:

13.12.3. I recommend no modification to the plan.

13.13. EM1(14) Land to North West of Garden City**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3213	Flintshire Green Party	DEP	O	No
2106	4816	Countryside Council for Wales	DEP	O	No
2678	6442	North East Wales Wildlife	DEP	O	No
3549	17826	CORUS	DEP	O	No

Summary of Objections:

Rep No	Summary
3213	Wasteful use of agricultural land. Unsustainable speculative development. Relies on inward investment which does not help the local economy
4816	Endorse the need for a development brief as there are likely to be wildlife interests on the site. Site is in the floodplain and SUDS systems are recommended
6442	Site is in floodplain. Would like to see SUDS systems to provide wildlife conservation benefits
17826	Allocation should be mixed use residential led

Key Issue:

13.13.1. Whether the allocation should be changed to meet the objections.

Conclusions:

13.13.2. PC340 proposes the replacement of the allocation with a mixed use development HSG2A and I deal with this proposal in Chapter 11. I do not repeat my conclusions here, but would direct the objectors to them. In line with HSG2A, PC393 also recognises the mixed use allocation and revises the employment allocation down to 98 ha. I note that none of the above objectors objected to either of these 2 PCs. In the light of my conclusions to HSG2A, it is evident I support PC393.

- 13.13.3. 3213 - The site has been earmarked for development for a significant number of years and is regarded as a strategic site in national, regional and local policy. Whilst in part greenfield, the land in agricultural use is only low grade and is not the type which policy seeks to protect from development. My conclusions on other objections to the plan indicate that because of the nature of Flintshire and the location of previously developed land, it is not possible to meet the development needs of the County on purely brownfield sites.
- 13.13.4. There is no indication that development of the site would be speculative, but even if it were it does not follow that such development would be unsustainable. Moreover it seems to me that inward investment would by definition help the local economy as it would contribute to growth and be likely to have spin off effects. I can add no more in response to the objection as no reasons were given for the assertions made.
- 13.13.5. 4816 and 6442 – The objectors do not suggest any changes to the plan, but seek consideration of several factors at the development control stage. I note these are matters of acknowledged importance and development briefs will need to be prepared before development is permitted. No changes to the plan are necessary.
- 13.13.6. 17826 – HSG2A appears to meet the substance of the objection and I refer the objector to my conclusions in Chapter 11.

Recommendation:

- 13.13.7. I recommend the modification of the plan by PC393.

13.14. EM1 (15) Adj. Paper Mill, Oakenholt, Flint

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found at appendix A13			

Summary of Objections:

Rep No	Summary
4817	Allocation falls outside the settlement boundary
6445	Allocation lies outside settlement boundary and is inappropriate
18373	Objects to PC390 investment in the existing site and plans for further expansion on the basis of this allocation. Reliance on EM5 nothing like as strong as allocation in EM1
All others	Seek deletion of the employment allocation because of highway congestion and dangers, pollution, fire risk, harm to green barrier; disproportionate scale, visual harm, impact on possible archaeological remains; flooding; drainage problems, impact on water table, harm to residential amenity including property damage/devaluation, nuisance and the like, loss of Grade 1 agricultural land

Key Issue:

- 13.14.1. Whether the employment allocation should be deleted.

Conclusions:

- 13.14.2. This 4.1ha site is allocated for the expansion of the Paper Mill. The specific nature of the allocation is at variance with policy EM1. PC390 deletes it in view

of EM5 which deals with the expansion of existing concerns. I agree that it is inappropriate to allocate this land for a specific user.

- 13.14.3. My support for the PC390 is to the principle of allocating land for a specific user. It should not be taken to mean that an appropriate expansion cannot take place under EM5. It does not necessarily follow the deletion will disadvantage any future expansion plans or prejudice future employment possibilities, since any proposal would be subject to examination under EM5 to assess its acceptability.
- 13.14.4. The allocation resulted in a very large number of objections for the reasons I have indicated above. Since I consider that the allocation should be deleted it is not necessary to respond in detail to the points raised.
- 13.14.5. Other Matters – The Trustees of the late J A Thomas' Estate (1329) support the employment allocation. However, if the allocation is deleted they seek to have the land allocated for housing. My response to this representation is to be found in HSG1 Flint in Chapter 11.

Recommendation:

- 13.14.6. I recommend the plan be modified by the change set out in PC390.

13.15. EM1(16) Greenfield Business Park Phase I, Greenfield.

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1125	1553	Ward	DEP	O	No
1717	3092	Holywell Town Council	DEP	S	No
2043	3823	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4819	Countryside Council for Wales	DEP	O	No
2237	4177	Wilkes	DEP	S	No
2678	6456	North East Wales Wildlife Trust	DEP	O	No
5662	17697	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
1553	Plan should have strategy for flood protection. Develop site for business/housing/open space
3823	Allocation may affect recorded archaeological sites. May need assessment and mitigation
4819 6456	Allocation may affect SSSI. Development should incorporate a buffer with the coastal footpath
17697	Develop a flood protection strategy for Greenfield Park and allocate brownfield land for houses

Key Issue:

- 13.15.1. Whether the allocation should be changed as a result of the objections.

Conclusions:

- 13.15.2. Flooding – National guidance on flooding and development in flood risk areas is to be found in TAN15. It does not seek to prevent all development in all flood risk areas, but seeks a sequential approach and sets out a number of criteria that must be satisfied. It is also within that document that industrial use is categorised as *less vulnerable* whereas residential use is considered to be *highly vulnerable*. The allocation is in accord with the general principles of the

TAN. EM1(16) forms part of the well established Greenfield Business Park and as a consequence an employment allocation is an appropriate use. It would consolidate business/industrial use and widen job choice close to residential areas.

- 13.15.3. I appreciate the objectors' concerns about flood alleviation but development within flood risk zones needs to demonstrate that such risk has been taken into account by a flood consequences assessment. And this together with UDP policies such as EWP16 will ensure the issue is properly addressed when proposals come forward as part of the development control process. The provision/coordination of strategic flood defences is primarily a matter for the EAW.
- 13.15.4. Archaeology - 3823 does not seek to preclude development, but ensure that satisfactory regard is had to interests of archaeological importance. This is another matter which can be addressed as part of the development control process.
- 13.15.5. Nature conservation interests – Similarly 4819/6456 do not seek to prevent development, but ensure these matters are taken into account at the development control stage. The objections require no modification to the plan.

Recommendation:

- 13.15.6. I recommend no modification to the plan.

13.16. EM1(17) Greenfield Business Park, Phase II, Greenfield

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1125	1554	Ward	DEP	O	No
1717	3094	Holywell Town Council	DEP	S	No
2043	3826	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4820	Countryside Council for Wales	DEP	O	No
2237	4178	Wilkes	DEP	S	No
2678	6459	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
1554	Plan should have strategy for flood protection. Develop site for business/housing/open space
3826	Allocation may affect recorded archaeological sites. May need assessment and mitigation
4820	Allocation may affect SSSI. Development should incorporate a buffer strip with the coastal
6459	footpath

- 13.16.1. Insofar as these objections are concerned I would refer to my conclusions and recommendation in respect of EM1(16) above.

13.17. EM1(18) Greenfield Business Park, Phase III, Greenfield

Representations:

Personal	Representation	Individual or Organisation	Stage	Object or	Conditional
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ID	Number		of Plan	Support	Withdrawal
1125	1552	Ward	DEP	O	No
1125	1555	Ward	DEP	O	No
1717	3090	Holywell Town Council	DEP	O	No
2043	3827	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4821	Countryside Council for Wales	DEP	O	No
2237	4169	Wilkes	DEP	O	Yes
2678	6461	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
1552 1555	Football field should be deleted from allocation and allocated as either green space or community facility. Plan should have a strategy for flood protection. Develop site for uses such as business, housing or open space
3090 4169	Football field should be deleted from allocation and allocated as either green space or community facility
3827	Allocation may affect recorded archaeological sites. May need assessment and mitigation
4821 6461	Allocation may affect SSSI. Development should incorporate a buffer strip and the coastal footpath

Key Issue:

13.17.1. Whether the playing field should be deleted from the allocation.

Conclusions:

- 13.17.2. Insofar as 1555, 3827, 4821 and 6461 are concerned I would refer to my conclusions in respect of EM1(16) above.
- 13.17.3. The Council accepts that the allocation should be amended by deleting the playing field and identifying it as a green space under L3 (PC145). I support these changes which rectify an error. Designation as green space will help combat pressure for development within a PEA. As a consequence the area of the allocation will need to be changed to 6.4 ha to reflect this. Also I am told that the site is no longer constrained therefore *But 4.0ha not generally available* can be deleted from the comments column.

Recommendation:

13.17.4. I recommend the plan be modified by:-

- i) PC145
- ii) Changing the area of the allocation to 6.4 ha and deleting *But 4.0ha not generally available* from the comments column.

13.18. EM1(19) Greenfield Business Park, Phase III Extension, Greenfield

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1125	1556	Ward	DEP	O	No
1717	3095	Holywell Town Council	DEP	S	No
1742	17571	Dee Estuary Conservation Group	DEP	O	No
2043	3829	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4822	Countryside Council for Wales	DEP	O	No
2237	4179	Wilkes	DEP	S	No
2420	5945	RSPB Cymru	DEP	O	No

2678	6462	North East Wales Wildlife Trust	DEP	O	No
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Summary of Objections:

Rep No	Summary
1556	Plan should have strategy for flood protection. Develop site for business/housing/open space
3829	Allocation may affect recorded archaeological sites. May need assessment and mitigation
4822	Allocation may affect SSSI. It should incorporate a buffer with the coastal footpath
6462	
17571	Development must not disturb adjacent wading bird (eg oyster catchers) roost sites
5945	

13.18.1. Insofar as these objections are concerned I would refer to my conclusions and recommendation in respect of EM1(16) above.

13.19. EM1(21) Mold Business Park, Mold**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1022	1343	Mold Town Council	DEP	S	Yes
2106	4824	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4824	Reduce area of eastern block to protect the wildlife site, trees/scrub and enlarge L3 (81)

Key Issue:

13.19.1. Whether the boundary of the eastern block should be amended.

Conclusions:

13.19.2. The Council acknowledges that the land in question has nature conservation landscape and amenity value. A development brief for the employment land allocation prepared by the Council excludes the area from development and seeks positive management for nature conservation. I consider this approach provides the effective protection that the objector seeks and it is not necessary to amend the boundary of the allocation.

13.19.3. Matters relating to the green spaces in the vicinity of this site are dealt with in Chapter 7 L3(81).

Recommendation:

13.19.4. I recommend no modification to the plan.

13.20. EM1(22) Adjacent Mostyn Docks, Rhewl Mostyn**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1742	17572	Dee Estuary Conservation Group	DEP	O	No
2043	3861	Clwyd Powys Archaeological Trust	DEP	O	No

2106	4825	Countryside Council for Wales	DEP	O	No
2420	5958	RSPB Cymru	DEP	O	No

Summary of Objections:

Rep No	Summary
3861	The allocation overlies a former coal mine and will require assessment prior to development
4825	Needs an undeveloped buffer between allocation and SSSI. Need to consider vegetation
5958	Development may have adverse impact on SPA/Ramsar site
17572	Development must not disturb important wading bird roost sites

Key Issue:

13.20.1. Whether the allocation is compatible with nature conservation and archaeological interests.

Conclusions:

- 13.20.2. None of the objections seek to preclude development on the allocation site but ensure that it would be compatible with nature conservation and archaeological interests.
- 13.20.3. I am told that as the allocation adjoins the Dee Estuary SSSI any development on it will need to be screened for Environmental Impact Assessment. Moreover policies in the plan such as HE7, HE8, WB2, WB3, GEN6 and the like will ensure that any proposals pay proper regard to these interests of acknowledged importance. In these circumstances I am satisfied that the development control process is the appropriate place to address these matters when planning applications come forward in due course.
- 13.20.4. I note the addition to the justification for EM1 proposed by PC395 will highlight the need to pay due regard to nature conservation interests.

Recommendation:

13.20.5. I recommend no modification to the plan.

13.21. EM1(25) Antelope Industrial Estate, Rhydymwyn**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3864	Clwyd Powys Archaeological Trust	DEP	O	No

Summary of Objection:

Rep No	Summary
3864	Allocation overlies lead mining remains, may require assessment to frame suitable mitigation

Key Issue:

13.21.1. Whether the allocation should be amended.

Conclusions:

13.21.2. Although this is logged as an objection it does not question the underlying principles or the extent of the allocation. I regard this as drawing attention to a

matter that should be appropriately dealt with through the development control process.

Recommendation:

13.21.3. I recommend no modification to the plan.

13.22. EM1(26A) Land East of Saltney Ferry Road, Saltney

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
477	916	Hawarden Estate	DEP	O	No
2334	4894	WAG - Dept Economy & Transport	DEP	O	Yes
2420	18363	RSPB Cymru	PC	O	No

Summary of Objections:

Rep No	Summary
916	Include 11.3ha of land for employment purposes
4894	Include land at River Lane Saltney as an employment allocation
18363	Development brief required to deliver appropriate compensatory habitats for farmland birds

Key Issue:

13.22.1. Whether land should be allocated for employment use.

Conclusions:

13.22.2. An area of land to the east of Saltney Ferry Road, Saltney has planning permission and was overlooked during the preparation of the plan. The permission was renewed in 2007. The Council acknowledges that this area should have been rolled forward into the UDP. PC392 addresses the omission. Since it includes the land that is identified in 916 I make no further comment with regard to that objection. Whilst it does not include all the land that is identified in 4894 I note that the objection is conditionally withdrawn. I support the inclusion of the land identified in PC392 as an employment allocation. My conclusions regarding the effect of this change on the extent of the PEA are to be found in EM3 below.

13.22.3. The impact on farmland birds can be addressed through the development control process. I do not consider it is necessary or appropriate for this policy to require the preparation of a development brief for the site.

Recommendation:

13.22.4. I recommend the plan be modified by PC392.

13.23. EM1 - Alltami

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1743	17573	Robin Jones & Sons Ltd	DEP	O	No

6718	15640	Brock plc	DEP	O	No
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Summary of Objections:

Rep No	Summary
15640	Brock/D Morgan quarries are accessible, well located brownfield sites. Allocate for employment
17573	Zone site for industrial use after landfill takes place

Key Issue:

13.23.1. Whether the sites should be allocated for employment purposes.

Conclusions:

13.23.2. 15640 – The objection site, land off Pinfold Lane, may be adjacent to existing employment opportunities but it is essentially a countryside locality unrelated to a settlement and where workers would be likely to travel by private car. The site is extensive and allocation would consolidate and substantially extend built development in the countryside. Also the nature of the surrounding industrial uses would be likely to restrict the attraction of the site to prospective businesses. In a situation when there is a satisfactory supply of land already allocated within the County, I do not consider the objection site to be a priority for development, despite its brownfield status. I note however that PC549 includes the site within a list of areas of search for new waste management facilities.

13.23.3. 17573 – The objection site, Parry's Quarry, lies close to site 15640, but to the east of Pinfold Lane and is significantly larger. My conclusions above apply equally to it and I can usefully add no more.

Recommendation:

13.23.4. I recommend no modification to the plan.

13.24. EM1 - Buckley**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1506	2129	Jimsul Ltd	DEP	O	No
2296	17613	Hanson Brick/Leason Homes	DEP	O	No

Summary of Objections:

Rep No	Summary
2129	This objection is dealt with in Chapter 11 HSG1 Buckley with 2128
17613	This objection is dealt with in Chapter 11 HSG1 Buckley with 4668

13.25. EM1 - Coed Talon and Pontybodkin**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3125	Flintshire Green Party	DEP	O	No

3948	10158	Griffiths	DEP	O	No
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Summary of Objections:

Rep No	Summary
3125	This objection is dealt with in Chapter 11 HSG1(55) with 3123
10158	This objection is dealt with in Chapter 11 HSG1 Coed Talon & Pontybodkin with 10157

13.26. EM1 - Connah's Quay**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2315	4750	Powergen plc	DEP	O	No
2611	17637	Kelsterton Estate	DEP	O	No

Summary of Objections:

Rep No	Summary
4750	Land is next to existing use and employment would reinforce economy of sub region
17637	This objection is dealt with in Chapter 4 at GEN2 Connah's Quay with 5911

Key Issue:

13.26.1. Whether the site should be allocated for employment purposes.

Conclusions:

13.26.2. The objection site, land west of Connah's Quay Power Station, measures some 23ha and although it was previously tipped with pulverised fuel ash, it is now green and open in nature. It forms an intrinsic part of the coastal strip. In the situation where sufficient land has been allocated for employment purposes, I find no convincing reason why this large site which is in a sensitive location next to land which is a Ramsar site, cSAC, SPA and SSSI protected for its nature conservation interests should be allocated for employment purposes.

Recommendation:

13.26.3. I recommend no modification to the plan.

13.27. EM1 - Deeside**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3549	9041	CORUS	DEP	O	No
3549	9045	CORUS	DEP	O	No

Summary of Objections:

Rep No	Summary
9041	This objection is dealt with in Chapter 11 at HSG2A
9045	Allocate surplus landholdings at Shotton works for employment purposes

Key Issue:

13.27.1. Whether land should be allocated under EM1.

Conclusions:

- 13.27.2. When the objection was made in 2003 the surplus land within the Corus main site was identified by the objector. However, there has been no up date in the past 5 years about whether the areas identified as surplus are still available and are the same as the 100ha referred to in the objector's letter of December 2006. I do not doubt that the site still offers significant potential for reuse and redevelopment proposals, but in a situation where there is no substantive information about the type and extent of land/building available and when a sufficient supply of land has been identified to meet employment needs, I do not consider additional land should be allocated under EM1.
- 13.27.3. That being said the site lies within Deeside Development Zone where EM3 is permissive of employment uses. It is not a drawback that an EM3 designation does not state explicitly when land will become available, as neither does EM1. Both policies are permissive of development within the plan period. In these circumstances it would not be appropriate to include any of the areas identified as surplus in 2003 as EM1 allocations. Should the objector wish to pursue the matter there is nothing to prevent discussions outside the UDP process or as part of the preparation of the LDP.

Recommendation:

13.27.4. I recommend no modification to the plan.

13.28. EM1 - Ewloe**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2721	6486	UK Coal Mining Ltd	DEP	O	No
4791	12441	UK Coal Mining Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
6486 12441	Seeks allocation of land for B1, B2 and B8 use

Key Issue:

13.28.1. Whether the land should be allocated under EM1.

Conclusions:

- 13.28.2. For the avoidance of doubt I consider the objections on the basis of the land identified as *Proposed Development Site* by the objector and not the larger area denoted as the *Boundary of Ownership*.
- 13.28.3. The objection site is at Smithy Lane, Ewloe Barns. The objector argues that the land does not fall within any statutory designation, is free of environmental constraints and is in a good location with easy access to the key strategic road

corridor. This will be true of many sites and of itself does not justify allocating the land as suggested.

- 13.28.4. I am satisfied that the UDP makes sufficient provision of employment land, including high quality sites, to meet projected employment needs. I do not consider it is necessary to allocate additional land since an over supply would result in the inefficient and ineffective use of land with little if any realistic likelihood of it being taken up over the lifetime of the plan. I do not consider there is sufficient justification to delete an existing employment allocation in favour of this site. It follows that I do not support these objections.

Recommendation:

- 13.28.5. I recommend no modification to the plan.

13.29. EM1 - Ffynngroyw

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2334	4898	WAG - Dept Economy & Transport	DEP	O	No

Summary of Objection:

Rep No	Summary
4898	There are no employment allocations in north Flintshire. Site is within the development boundary and would provide a focus for new investment in an accessible location

Key Issue:

- 13.29.1. Whether the site should be allocated for employment purposes.

Conclusions:

- 13.29.2. The site is not within the defined settlement, but lies within an area of largely open land at the junction of the A548 and Main Road. In character it relates better to the open countryside and its appearance contributes to the setting of the settlement which is a designated conservation area.
- 13.29.3. Contrary to the objector's assertions there is a general employment allocation at Mostyn and UDP para 13.27 makes it clear that it is not only dock related activities which are to be encouraged within the Port Development Zone. In these circumstances I do not agree that the objection site would provide a suitable or necessary employment site.

Recommendation:

- 13.29.4. I recommend no modification to the plan.

13.30. EM1 – land adjacent to Aber Park, Flint

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
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1119	1520	Anwyl Construction Company Limited	DEP	O	No
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Summary of Objection:

Rep No	Summary
1520	The land should be rolled forward as an employment allocation

Key Issue:

13.30.1. Whether the land should be allocated.

Conclusions:

13.30.2. PPW indicates that local planning authorities should review existing allocations when preparing their UDP. This land was allocated in the Delyn Local Plan, was assessed for its suitability for rolling forward but was not included due to site constraints. The Council takes the view that there is no prospect of the site coming forward for development during the plan period. No substantive evidence has been produced to convince me otherwise. Adequate land has been allocated in the UDP for employment needs and I do not support this objection.

Recommendation:

13.30.3. I recommend no modification to the plan.

13.31. EM1 - Oakenholt**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
103	131	Hughes	DEP	O	No

Summary of Objection:

Rep No	Summary
131	Allocate land for employment uses on the same basis as EM1(15)

Key Issue:

13.31.1. Whether the land should be allocated.

Conclusions:

- 13.31.2. I recommend above at EM1(15) that the allocation be deleted. Even if that allocation continued I do not consider this objection site at 419 Chester Road could be allocated on a similar basis since the relationship with the Paper Mill is significantly different.
- 13.31.3. I am informed there is land available for development at the Aber Park Industrial Estate in Flint and no evidence has been produced to indicate there is a shortfall of land allocated for employment to justify the allocation of this land. I do not support this objection.

Recommendation:

13.31.4. I recommend no modification to the plan.

13.32. EM1 - Northop

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	15655	Flintshire Green Party	DEP	O	No

Summary of Objection:

Rep No	Summary
15655	This objection is dealt with in Chapter 11 HSG1(49) with 3183

13.33. EM1- Point of Ayr

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3865	9923	Evergreen Environmental Services Ltd	DEP	O	No

Summary of Objection:

Rep No	Summary
9923	Site is occupied by a waste management business refining oils which wishes to expand. It is also suitable for a variety of B1 uses. It is close to a workforce and road, rail and water transport. There would be no conflict with nature conservation interests as industry and nature have happily co-existed for 20 years

Key Issue:

13.33.1. Whether the site should be allocated for employment purposes.

Conclusions:

- 13.33.2. Firstly the situation has changed since the objection was lodged. I am told the existing use on the site, that is *metal recycling and recovery from plant for end of life vehicles, ferrous and non ferrous metals, redundant and scrap caravans* does not have planning permission. Therefore how applicable the arguments put forward in 2003 remain is open to debate. With the lack of more up to date information it is difficult to make meaningful conclusions about the suitability of an allocation based on an existing use, the details of which are sketchy and which does not appear to be lawful in planning terms.
- 13.33.3. Secondly I do not believe the site can rely on an allocation because it is previously developed and close to transport links. I understand industrial use of the site began with an experimental facility for the liquefaction of coal to produce oils in the 1980's when there was coal mining at the Point of Ayr colliery. Following the closure of the colliery a further permission was granted for the processing of used automotive engine oils and the production of white oil. The current permission expires in 2016.
- 13.33.4. The permissions on the site have only been granted on a temporary basis on the understanding that eventually the site would be cleared of buildings and structures in accord with the long term strategy of restoring the colliery/BHP gas terminal to open coastal land. A formal allocation under EM1 would

conflict with this long term aim, particularly as the site is within an extremely sensitive location popular with tourists, surrounded by a SSSI with a Ramsar site /SPA on 2 sides.

- 13.33.5. Thirdly irrespective of the planning merits of an allocation, identifying the land for employment purposes under EM1 would not accord with the Council's treatment of other sites as it is not vacant land which is generally available to accommodate new development.
- 13.33.6. The above lead me to conclude that the site is not suitable for an allocation under EM1.

Recommendation:

- 13.33.7. I recommend no modification to the plan.

13.34. EM1 - Queensferry

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2334	4889	WAG - Dept Economy & Transport	DEP	O	No
2334	4895	WAG - Dept Economy & Transport	DEP	O	No

Summary of Objections:

Rep No	Summary
4889	Delete EM1(24) as it has been developed for retail
4895	The site is a logical extension of EM1(14) and should be considered as part of the master plan for the Garden City site

Key Issues:

- 13.34.1. Whether :-

- i) EM1(24) should be deleted
- ii) Land to the south of the Dee should be developed for industrial purposes.

Conclusions:

- 13.34.2. Whilst part of EM1(24) has been developed for retail purposes, I am told the eastern part has planning permission for warehousing and distribution uses. I saw at my visit that the site is vacant and it seems to me that this part of the allocation should remain. I shall however recommend the modification of the allocation to reflect the situation on the ground.
- 13.34.3. 4895 – I do not agree that the site forms a logical extension to EM1(14) – which has in any event been modified by HSG2A. The objection site is separated from EM1(14)/HSG2A by the river Dee. The only river crossings are the Wrexham/Bidston railway which marks the western extremity of the site and the B5441 which links Queensferry to Garden City to the east. The river to the north and the Crewe-Holyhead railway line to the south effectively isolate the site from the built up area to the south and the proposed development to the north. The land is open in nature and to my mind forms an important visual break. In a situation where the plan has made satisfactory provision in terms of

mix and quantity of employment land I do not consider the site should be allocated for employment purposes.

- 13.34.4. I note in addition that the westernmost part of the site is used for recreational purposes. Both national and UDP policy seek to safeguard such land unless a number of criteria can be met. The objector has made no case which would in principle justify its loss from a recreational point of view.

Recommendation:

- 13.34.5. I recommend the plan be modified by the deletion of that part of EM1(24) which has been developed.

13.35. EM1 – Land east of Sandycroft

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
477	905	Hawarden Estate	DEP	O	No

Summary of Objection:

Rep No	Summary
905	Allocate land for employment in EM1

Key Issue:

- 13.35.1. Whether the objection site should be allocated for employment use.

Conclusions:

- 13.35.2. A number of arguments are put forward in favour of allocating an area of some 175ha.
- 13.35.3. My conclusions regarding the adequacy of the allocation of employment land are to be found in the section dealing with paras 13.13 – 13.20 above and I do not repeat them in detail here. Briefly, I do not find there is a need to allocate additional employment sites. EM1(1) and EM1(2) are adjacent to Hawarden airfield and are within the identified Airport Development Zone. EM1(2) is identified as being *to cater for aerospace sector spin-offs*. In addition to these two specific allocations EM3 enables further appropriate development within the Airport Development Zone. There is no indication before me that these allocations are insufficient to cater for the needs of the aerospace industry.
- 13.35.4. Part of the area is brownfield land with traces of hardstandings for aircraft storage. Whilst this may impact on the effectiveness of this area for agricultural purposes, it does not justify the allocation of the larger area that is not so affected. Furthermore, PPW recognises that not all previously developed land is suitable for development.
- 13.35.5. Both PPW and the UDP indicate that considerable weight should be given to protecting Grade 1, 2 and 3a agricultural land from development because of its special importance. A substantial portion of the land is identified as Grade 2 and the remainder as Grade 3. Further investigation would have to be carried out to indicate whether this latter area is Grade 3a. Whilst the objection questions the possibility of realising the land's full agricultural potential this

argument does not appear to apply to the substantial area of Grade 2 land. Land that has been allocated in the UDP for employment use includes brownfield and lower grade agricultural land. On this basis I do not consider there is an overriding need to allocate land which is classified as the best and most versatile for agricultural purposes.

- 13.35.6. There may be potential to transport material to and from the site by water and I accept that matters relating to site access and other matters of detail could be addressed through the development control process. I also note the relationship with nearby centres of population and the bus services in the area. However, these factors do not outweigh my objection to the principle of allocating this land as I have indicated above. For these reasons I do not support the objection.
- 13.35.7. My conclusions regarding the green barrier designation, encroachment into open countryside and the coalescence of settlements are to be found in Chapter 4 GEN5:14.

Recommendation:

- 13.35.8. I recommend no modification to the plan.

13.36. EM1 - Land South of DARA, Sealand

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2334	4866	WAG - Dept Economy & Transport	DEP	O	No
3638	9317	Jones Balers (Farms) Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
4866	Plan provides too few employment allocations and choice of sites. Not all of Garden City site will be developed before 2015. Site would make good extension to DARA for avionics sector. It is contiguous with development along the A550, will not encroach into countryside and will facilitate early construction of Drome Corner Link with Sealand Road (AC17(d)). Green barrier in vicinity of site is excessive and objection land does not prevent the coalescence of settlements
9317	The farm is no longer viable and ownership extends to over 160ha. Development for employment and affordable housing would enable building in a sustainable location which would consolidate existing uses/building in the locality. There are no ownership, availability or other constraints and allocation would permit significant landscape and environmental improvements. There is planning permission for development in the north west corner of the site which is already excluded from the green barrier

Key Issue:

- 13.36.1. Whether more land should be allocated for employment purposes.

Conclusions:

- 13.36.2. 4866 - The situation and employment figures have changed since the objection was made. My conclusions on paras 13.13-13.20 above indicate that I am generally satisfied sufficient employment land in terms of quality and quantity has been identified, whilst my conclusions on Garden City are to be found in Chapter 11 HSG2A. The Sealand link road has been constructed.

- 13.36.3. The objection site is about 30ha in extent and lies to the immediate east of the A550/A494(T) which forms a definite character break between the urban area to its west and the rural area to its east. The site forms part of the countryside which extends to the Wales/England border. In this border location where objections to the UDP indicate there is development pressure, land to the north of the Dee is designated as green barrier to protect its openness, to safeguard the rural area from encroachment and to prevent settlements from merging. The A550 provides a logical, readily recognisable boundary which is firm and defensible.
- 13.36.4. Apart from the extensive DARA complex and its environs to the north, all of the scattered developments to the east of the main road, are washed over by the green barrier. My conclusions to other objections in the Sealand area, principally in Chapters 4 and 11, indicate that there are no settlements in this area which are significant enough to form part of the spatial strategy. Given there is sufficient identified employment land in the locality, it seems to me that to make a further greenfield allocation on land which is protected for its openness and which is in a locality where there are already a number of employment allocations of differing size and type, would be both unnecessary and unsustainable. It could seriously compromise the thrust of the economic development strategy. The agricultural grade of the land and its location within C1/C2 flood zones also militate against an allocation. In the event that there should be slippage in site availability, the Development Zones and PEAs offer additional capacity in the form of undeveloped land.
- 13.36.5. 9317 – Whereas 4866 lies to the north of Sealand Road. This objection site lies immediately to its south and its western boundary is again contiguous with the A494(T)/A550. Whilst the locality to the east of the main road contains a number of uses such as the shooting school, a small industrial estate, the housing at Sealand Manor and along Sealand Road, the site is essentially seen as part of the countryside and development is substantially different from the urban area to the west. For the reasons given above I find this site to be equally appropriately designated as green barrier. Even if development were to only consolidate the uses along and around Manor Road it would compromise the effectiveness of the green barrier and result in a significant encroachment into the rural landscape. This was also the view reached by the Alyn & Deeside Local Plan Inspector when a similar objection was considered.
- 13.36.6. My conclusions on paras 13.13-13.20 above indicate that I am generally satisfied sufficient employment land in terms of quality and quantity has been identified to obviate the need for additional greenfield allocations. Because of its location to the east of the main road in a different character area I do not consider the land is as well placed for development as the allocations. HSG2A proposed by the Council as a mixed development of comparable size to the west of the A494(T) is better related to the urban fabric than the objection site.
- 13.36.7. In principle the provision of affordable housing is not dependant on an allocation. And although I note that in this instance the Council says the land is not appropriate for such a use under HSG11, there is nothing to stop an application for such housing coming forward as part of the development control process. However, for the purposes of UDP allocation, the evidence produced by the objector does not identify the extent of affordable housing that would/could be forthcoming and similarly there is no information which demonstrates that if there is a need for such housing the objection site would

provide the best option. Should it be the intention that the site would also provide open market housing, my conclusions at STR4 Chapter 3 indicate no further allocations are necessary to meet housing need. In this circumstance to allocate greenfield land would be contrary to the plan's spatial strategy and would be unsustainable.

- 13.36.8. There is no doubt that the farming industry has and is continuing to go through extensive change resulting in farms becoming uneconomic, but a similar argument could be applied to many other locations in Flintshire. It is not a matter which can be determinative of making an allocation. The planning permission which was granted for a hotel in 2002 has not been implemented and has expired. As the land can no longer be accessed and there is no permission on it, I have recommended at GEN5:16 in Chapter 4 that it be included within the green barrier. Without substantive evidence to the contrary the site's location within flood risk areas and its classification as amongst the best and most versatile of agricultural land also militate against its allocation.

Recommendation:

- 13.36.9. I recommend no modification to the plan.

13.37. EM2 High Quality Site Allocations

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3767	Clwyd Powys Archaeological Trust	DEP	O	No
2334	4897	WAG - Dept Economy & Transport	DEP	S	No
2753	6618	Cheshire County Council	DEP	O	Yes
3543	9013	Chester City Council	DEP	O	No
6718	15639	Brock Plc	DEP	O	No
59	18084	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
3767	Policy should consider the historic environment
6618	Seeks clarification of the level of employment land being provided
9013	Review large greenfield allocations. Phasing should favour brownfield sites. Need to consider the impact of Warren Hall and Broughton allocations on infrastructure/traffic
15639	Objecting to development of greenfield sites when alternative brownfield sites exist

Key Issues:

- 13.37.1. Whether the policy:-

- i) should refer to the historic environment
- ii) indicates the level of employment land provision
- iii) has appropriate regard to the allocation of greenfield/brownfield sites.

Conclusions:

- 13.37.2. PC397 amends criterion a to include reference to historic interests. It is appropriate to safeguard these interests and I support this amendment.

- 13.37.3. My conclusions regarding the level of employment land and the allocation of greenfield and brownfield sites are to be found at EM1 above and I do not repeat them here. For the reasons given there I conclude these objections do not justify changes to EM2.
- 13.37.4. My conclusions with regard to the Warren Hall allocation are to be found at EM2(1) below and the Broughton allocations at EM1(1) and EM1(2) above.

Recommendation:

- 13.37.5. I recommend the plan be modified by PC397.

13.38. EM2(1) Warren Hall, Broughton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3208	Flintshire Green Party	DEP	O	No
1096	1450	Hipkiss	DEP	O	No
2106	4809	Countryside Council for Wales	DEP	O	No
2239	4294	Clayton	DEP	O	No
2334	4878	WAG- Dept Economy & Transport	DEP	O	No
2350	5104	Welsh Assembly Government	DEP	O	Yes
2678	6428	North East Wales Wildlife	DEP	O	No
2750	6573	Clwyd Badger Group	DEP	O	No
3344	8412	Higher Kinnerton Community Council	DEP	O	No
3871	9936	Kinsella	DEP	O	No
3874	9963	Bradshaw	DEP	O	No
3883	11953	Mack	DEP	O	No
4699	17670	Parry	DEP	O	No
7387	18471	Airbus UK	PC	O	No

Summary of Objections:

Rep No	Summary
3208	Delete employment allocation and replace with green barrier
1450	Retain as farmland; inadequate road network
4809	Safeguard protected species, woodland, water bodies, watercourse and other semi natural vegetation
6428	
4294	Delete allocation and question the need
4878	Amend allocation to 78.9ha to ensure consistency between policy and proposals map
5104	Amend proposals map to reflect the true nature of the allocation
6573	Safeguard badger setts on part of the allocation
8412	Delete allocation and safeguard as open countryside
9936	Delete allocation
9963	Delete allocation in the light of malpractice in previous planning permissions
11953	Resist further commercial development in area
17670	Delete allocation; adequate B1 provision already; exacerbate existing traffic problems
18471	Acknowledge various aerodrome safeguarding restrictions

Key Issue:

- 13.38.1. Whether the allocation should be amended/deleted.

Conclusions:

- 13.38.2. In April 2008 planning permission (038744) was granted for the development, on part of the allocated land, of a business park (Class B1), hotel/leisure

facilities and associated infrastructure, including new slip roads from the A55(T). This is a *fait accompli* and cannot be changed by the development plan process. However, in view of the objections made to this allocation, I should point out that I support the principle of designating land for employment needs in this area. The allocation of a high quality employment site is in keeping with the WSP and the sub regional framework for West Cheshire and North East Wales. Allocating a number of dispersed small sites instead of this allocation as suggested in 4294 would not necessarily bring the benefits claimed.

- 13.38.3. PC396 amends the site area in the policy to 78.9ha to reflect the area identified on the proposals map. However, PC398 inserts additional text which states that *it is anticipated that the developable area of the site will extend to less than 30ha*. The imprecision of this figure is at variance with the change in wording proposed to the preceding text relating to employment land provision (PC382) which refers to *assuming a net area of 30ha at Warren Hall*. I find there is ambiguity about what the allocation actually amounts to and whether there has been a change from the 28.7ha originally identified in the deposit draft policy.
- 13.38.4. Furthermore, since neither the text nor the proposals map indicates which part of the allocation would comprise the *developable area* development could be distributed throughout the allocated land shown on the proposals map. This would not amount to the efficient or effective use of land or be a sustainable form of development. I do not support amending the wording of the policy to allocate a gross area of 78.9ha when in reality the net area is in the region of 30ha and it follows that I do not support PC398.
- 13.38.5. Since the plan's revised calculations of the amount of employment land needed within the plan period (para 13.20 - PC384) uses the net area at Warren Hall the allocation shown on the proposals map should be amended accordingly. Although I have no exact details, it seems to me that the area indicated for development in the recent planning permission would be a reasonable and realistic definition of the allocation. As the area covered by the planning permission may be slightly more or less than 30ha, the overall figure in the policy and supporting text will need to be adjusted accordingly. This matter should be addressed at the modification stage.
- 13.38.6. Other Matters – Some objections question whether development will actually take place given the long planning history. However, I note that the planning permission includes a scheme for off site works to provide an on/off slip road at the nearby A55 junction and that discussions are progressing with the appropriate highway bodies to ensure the local road network will cope satisfactorily with the anticipated traffic movements. On this basis it appears the development will be implemented during the plan period.
- 13.38.7. I have not been informed which part of the allocation shown on the proposals constitutes the best and most versatile agricultural land. If it is within the area of the recently granted planning permission, the Council has determined there is an overriding need for the development. If it is outside that area my recommendation means it will be preserved as a resource for the future. Similarly those areas that have nature conservation value and fall outside the area to be developed would no longer be allocated for development.
- 13.38.8. Given the extensive area of largely undeveloped open countryside to the west, development on the allocation (whether it be as the original or as I recommend

for modification) would not result in coalescence with Penyffordd/Penymynydd. No reasons have been put forward to justify designating the area a green barrier. It would not be appropriate to designate the area that has recently been granted planning permission green barrier since the permission overrides such a designation. The land to the east up to Lesters Lane is already green barrier. No evidence has been produced to indicate that the standard countryside policies are not robust enough to protect the area removed from the allocation or the surrounding countryside that is outside the green barrier designation. For the above reasons I do not support replacing the allocation with green barrier.

- 13.38.9. The allocation of land is not dependant on the identification of an end-user. PPW states that land should be allocated *to meet both identified and as yet unidentified needs* (para 7.1.7). As 3208 does not specify which government planning policies are breached I am unable to comment on this element of the objection. AC12 safeguards the safe and efficient operation of Hawarden airport. The plan should be read as a whole and I do not consider it is necessary to refer to the safeguarding restrictions in this policy.
- 13.38.10. My conclusions relate to the planning merits of allocating the land. It is neither the purpose nor function of a UDP inquiry to consider allegations of malpractice or to carry out detailed investigation of matters relating to the planning history of a site. I make no comments on these matters raised in 9963.

Recommendations:

13.38.11. I recommend the plan be modified by:-

- i) amending the proposals map to reflect the land which is subject to this policy rather than the gross area that is currently shown
- ii) amending the land area given in EM2(1) accordingly.

13.39. EM2(4) Mold Business Park Extension, Mold

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1022	1344	Mold Town Council	DEP	S	Yes
2750	6564	Clwyd Badger Group	DEP	O	No
4919	17674	Williams – Allan	DEP	O	No
4992	12949	V Collet	DEP	O	No
5027	17693	G Collett	DEP	O	No

Summary of Objections:

Rep No	Summary
6564	Need to safeguard badger sett
17674	Give priority to reuse of redundant industrial land. Mold is a market town rather than an industrial and commercial centre
12949	Suggest as an alternative location for Mold Alexandra Football club
17693	Premature since not all available industrial land has been developed

Key Issue:

13.39.1. Whether the land should be allocated.

Conclusions:

- 13.39.2. It is important to ensure there is an adequate supply of employment land to meet expected needs over the plan period. I conclude there is appropriate provision in my response to paras 13.13–13.20 above. To wait until the existing available land has been taken up before making further allocations could result in a shortage of sites. Allocating a range of employment sites in terms of location, size and type will enable the plan to respond positively to the varying needs of potential occupiers. The plan allocates previously developed land for various uses in many instances. However, these brownfield sites will not meet all the employment needs and it is necessary to allocate other land in addition.
- 13.39.3. This allocation is adjacent to an existing employment area and served by an estate road. It is a high quality employment site which will add to the range of employment opportunities in Mold. The substantial hedgerows in the vicinity of the site are safeguarded as green space under L3. As consequence of these factors I do not consider the allocation would undermine the market town activities and I support the allocation.
- 13.39.4. 12949 makes no reference to the proposed allocation but suggests this general area as a possible site for the relocation of the Mold Alexandra FC. However, I have seen no evidence which causes me to believe that the relocation of the football club is feasible in this location or justifies the deletion of a site which is suitable to contribute to the provision of a range of employment sites in Mold.
- 13.39.5. Other Matters - 6564 does not question the principle of the allocation. The development control system will require appropriate measures to safeguard any protected species identified as being present. And any proposals coming forward will be tested against WB1.

Recommendation:

- 13.39.6. I recommend no modification to the plan.

13.40. EM3 Development Zones and Principal Employment Areas**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3862	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4602	Countryside Council for Wales	DEP	O	No
2106	4826	Countryside Council for Wales	DEP	O	No
2239	4295	Clayton	DEP	S	No
2315	17601	Powergen plc	DEP	O	No
2420	5894	RSPB Cymru	DEP	O	No
2420	5933	RSPB Cymru	DEP	O	No
2753	6620	Cheshire County Council	DEP	O	Yes
3540	8969	Alan's Skip Hire	DEP	O	No
6717	15629	Deeside Power Development Company Ltd	DEP	O	No
6718	15631	Brock plc	DEP	O	No
6718	15636	Brock plc	DEP	O	No
59	17927	Envirowatch	PC	S	No
59	18085	Envirowatch	PC	S	No
2106	18463	Countryside Council for Wales	PC	O	No
2106	18540	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No	Summary
3862	Archaeological assessment prior to development needed in The Port Development Zone
4602	Questions how allocations justified over and above EM1 sites. Cross reference with WB2/WB3
4826	Exclude SSSI from Saltney Development Zone and provide buffer. Surface water concerns
17601	Include Power Station site Connah's Quay within Deeside Development Zone
5894	Replace <i>unacceptably harm</i> with <i>has a significant adverse impact on</i> in criterion iii
6620	Seeks clarification of the level of employment land being provided
5933	Development in Deeside Development Zone could harm the common tern colony
8969	Site at Broughton Mills Road should be extended; should facilitate growth and allow expansion beyond defined boundaries and criteria of EMP5 should be replicated
15629	Deeside Power Station has potential for waste management as well as B1, B2 and B8 uses
15631	Seeks reinstatement of the Ewloe Barn Development Zone
15636	Seeks to extend the boundary of the Ewloe Barn Development Zone
18463	Questions whether need further employment allocations as a result of PC400
18540	Questions need for further employment allocations as a result of PC401

Key Issues:

13.40.1. Whether:-

- i) the policy is justified in addition to EM1 and EM2
- ii) the allocations should be amended
- iii) the policy should be cross referenced.

Conclusions:

- 13.40.2. The policy – Whilst I note the Council supports the change to the wording of criterion iii suggested by 5894 I do not consider it brings greater precision or clarity. Indeed it could be seen to impose a less robust test than the existing wording. To my mind the wording of the second part of the criterion is unduly onerous since it does not necessarily follow that a restriction on neighbouring land uses will necessarily be unacceptable if for example that was an industrial site. The phrase should be qualified as stated in my recommendation below.
- 13.40.3. The policy identifies where in principle employment uses can locate/expand. It provides an enabling framework for areas which have been identified to take more industry and has a different function to EM1 and EM2 which identify/promote new sites for development.
- 13.40.4. A new policy EWP6 Areas of Search for New Waste Management Facilities identifies the Deeside Industrial Park and addresses the issue raised in 15629. My conclusions on this matter are to be found in EWP6 in Chapter 19.
- 13.40.5. Allocations – Whilst 4826 refers to a site at River Lane, Saltney as a *development zone* this is erroneous since the UDP allocates it as a PEA. The Council acknowledges a mapping error and PC403 amends the boundary of the PEA to exclude the SSSI and SAC. I agree with this correction to the plan.
- 13.40.6. PC402 extends a PEA at Saltney to include a new employment allocation to the east of Saltney Ferry Road. My findings with regard to the allocation of land are to be found in EM1(26A) above. Briefly I find in favour of including that area as an employment land allocation. It is appropriate to extend the PEA accordingly.
- 13.40.7. The Connah's Quay Power Station site was excluded from the Deeside Development Zone (DDZ) following a re-examination of the original designation in the Alyn and Deeside Local Plan. Whilst I accept that the power station is of

strategic importance it does not follow that the land has to be included within the DDZ. It does not reduce the significance of the facility and I do not support this objection. Part of the objection site is allocated as employment land and my conclusions with regard to that matter are to be found at EM1(8) above.

- 13.40.8. 8969 does not indicate the extent of the increased area to be included within the PEA. The eastern boundary between the PEA and the adjoining green barrier is a firm and defensible physical feature. Extending the PEA eastwards would result in development intruding into the open undeveloped countryside and would undermine the function of the green barrier. My conclusions regarding the green barrier designation are to be found in GEN5:15 in Chapter 4.
- 13.40.9. 15631 & 15636 (Ewloe Barn) relate to a large area of land that includes employment and quarrying sites interspersed with open undeveloped countryside and woodland areas. The plan identifies two PEAs within the area. The Development Zone designations in the Alyn & Deeside Local Plan have been reviewed to embrace only those areas considered to be truly strategic in nature. The Ewloe Barn area does not satisfy the review criteria and it would not be appropriate to designate it as a Development Zone. Sufficient land has been allocated for employment generating activities and it is not necessary to allocate further land.
- 13.40.10. PCs400 and 401 exclude land from the PEAs at the former Broncoed Works and Bromfield Industrial Estate in Mold respectively. Both sites have received planning permission for residential use since the publication of the plan. 18463 and 18540 do not question removal of these sites from the PEAs but seek clarification as to whether further employment land will be allocated as a result. No further allocations have been made in Mold and I have seen no substantive evidence which suggests there should be.
- 13.40.11. Cross referencing - In recognition that some of the zones and areas are adjacent to Natura 2000 sites PC404 inserts additional text to this effect and PC399 enables editorial changes to the policy to reflect this addition. PC405 adds reference to WB2 in *Other key policies* at the end of the text. In the light of the strong link between a number of the identified areas and sites of international importance together with the findings of the SEA/SA I support these changes. I also consider that reference should be made to WB3 for completeness.
- 13.40.12. Other Matters – Archaeological assessments (3862); the provision of buffer zones and surface water drainage arrangements (4826) and the impact of development on the common tern colony (5933) are matters of detail for the development control process which can be addressed under the individual criteria of the policy.

Recommendations:

13.40.13. I recommend the plan be modified by:-

- i) PCs399-405
- ii) inserting in criterion iii *unacceptably before restrict neighbouring land uses*
- iii) inserting *WB3 Statutory Sites of National Importance* under the list of *Other Key Policies*.

13.41. EM4 Location of Other Employment Development

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3769	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4603	Countryside Council for Wales	DEP	O	No
2239	4296	Clayton	DEP	S	No
2350	5106	Welsh Assembly Government	DEP	O	No
3865	9924	Evergreen Environmental Services Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
4603	Criterion c should define brownfield/underused/vacant land. Cross reference to GEN6/EWP16
5106	Clarify term <i>commercial development</i>
9924	Seeks inclusion of a brownfield site at Point of Ayr (see 9923 EM1 Point of Ayr above)

Key Issues:

13.41.1. Whether the policy should be:-

- i) amended
- ii) cross referenced.

Conclusions:

- 13.41.2. Policy – Whilst national policy gives preference to the use of previously developed land in preference to greenfield sites PPW recognises that not all brownfield land is suitable for development. I consider the amended wording in PC407 clarifies the situation. The criteria will provide guidance as to the suitability of a particular site or building.
- 13.41.3. The Council states that the policy is not intended to exclude consideration of brownfield sites outside settlement boundaries and puts forward PC406 to avoid such misinterpretation. However, I do not consider this proposed wording brings sufficient clarity to the policy. It should be made clear that criteria b and c apply to proposals that are outside defined settlement boundaries.
- 13.41.4. As I say in other parts of this report, the term *commercial development* is used in a number of places and there is no definition of what it is intended to encompass or whether it has the same meaning when used in the context of different policies. I consider the term requires definition. Whilst FPC628 would clarify the situation with regard to commercial leisure development it does not do so in respect of commercial developments which are commonly found in town centres. The change proposed by FPC628 does not to my mind go far enough to address the inconsistencies. I note that para 13.3 indicates the type of employment generating activities covered in this chapter. It would be helpful for the policy to state the types of development it deals with.
- 13.41.5. Cross reference - Para 1.34 in the introduction to the plan sets out the Council's position to cross referencing policies. It is stressed that policies should not be read in isolation. The objector does not suggest any particular overriding reason to single out GEN6 and EWP16 for mention. It seems to me that cross referencing would serve little purpose and add unnecessary bulk to a document which is meant to be read as a whole.

13.41.6. Other Matters - I consider the reference to towns or villages in criterion a is unnecessary and adds nothing to the clarity of the policy.

Recommendation:

13.41.7. I recommend the plan be modified by:-

- i) PC407
- ii) deleting *and commercial* in the first sentence of the policy and inserting , *office and warehousing*
- iii) deleting *of a town or village* in criterion a
- iv) inserting before criterion b *or if outside defined settlement boundaries*.

13.42. EM5 Expansion of Existing Concerns

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3771	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4605	Countryside Council for Wales	DEP	O	No
2239	4297	Clayton	DEP	O	No
59	18086	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
3771	Seeks cross reference to conserving, or recording of, the historic environment
4297	Objects to expansion of industrial concerns in open countryside
4605	Seeks cross reference to GEN6 and EWP16

Key Issues:

13.42.1. Whether the policy should:-

- i) include cross references
- ii) permit expansion in the open countryside.

Conclusions:

13.42.2. Cross reference - PC408 adds a new criterion to address environmental aspects in the light of the SEA/SA study and includes historic features. In principle I support the change which broadens the scope of the matters to be taken into consideration. It, together with, other policies in Chapter 9 addresses the issue raised in 3771. However, as proposed the PC is categorical that there should be *no* detriment and this is very difficult to achieve. Usually it is the acceptability of the degree of harm which is taken into account by decision makers. It would be more appropriate if the words *causes no detriment* were to be replaced with *does not cause unacceptable harm*.

13.42.3. Para 1.34 in the introduction to the plan sets out the Council's position to cross referencing policies. It is stressed that policies should not be read in isolation. 4605 does not suggest any particular overriding reason to single out policies GEN6 and EWP16 for mention. It seems to me that cross referencing would serve little purpose and add unnecessary bulk to a document which is meant to be read as a whole.

- 13.42.4. Open countryside - It would not be appropriate to preclude an existing concern located in the countryside from expanding. The policy enables the impact of such expansion to be assessed and criterion f (as amended) will ensure no unacceptable harm to landscape, nature conservation and the like. It would be overly restrictive to limit the policy to concerns which are within or on the edge of a defined settlement boundary.

Recommendation:

- 13.42.5. I recommend the plan be modified by adding a new criterion (f) *the proposal is appropriate to the location and does not cause unacceptable harm to residential amenity or areas and features of landscape, nature conservation and historic importance.*

13.43. EM6 Protection of Employment Land

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2239	4298	Clayton	DEP	S	No
2471	5480	Whitley Estates Ltd	DEP	O	No
3540	8970	Alan's Skip Hire	DEP	O	No
3541	8980	C W Whitcliffe & Co	DEP	O	No

Summary of Objections:

Rep No	Summary
5480	Seeks greater flexibility in terms of alternative uses for employment sites
8970 8980	Seeks more flexible approach; no justification for criterion c or how it could be addressed

Key Issue:

- 13.43.1. Whether the policy should provide greater flexibility.

Conclusions:

- 13.43.2. It is appropriate to ensure that an adequate supply of employment land and buildings is available throughout the plan period in order to facilitate a diverse and sustainable economy. One of the ways this can be achieved is through retaining existing employment sites and buildings.
- 13.43.3. EM6 recognises there may be circumstances where situations change and employment land would be better used for other purposes. It sets out criteria to assess such proposals. I do not find the criteria to be overly restrictive. They do not prevent particular types of development *per se* and they would not prohibit mixed use schemes if the circumstances met the criteria.
- 13.43.4. Criterion c seeks to ensure a level and range of employment sites in an area and this is in line with criterion b of STR3. It would be up to an applicant to seek advice from the Council about how criterion c could be satisfied. No doubt the requirements would vary depending on the location and nature of development proposed. In principle I do not find the criterion to be unduly onerous or unreasonable.

- 13.43.5. Other Matters - For reasons of clarity and consistency the supporting text should indicate that for the purposes of the policy, employment land and buildings relate to B1, B2 and B8 uses.

Recommendation:

- 13.43.6. I recommend the text accompanying the policy be modified by including the types of uses to which the policy relates.

13.44. EM7 Bad Neighbour Industry

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1017	1326	Ellesmere Port and Neston Borough Council	DEP	O	No
2239	4299	Clayton	DEP	S	No
2350	5112	Welsh Assembly Government	DEP	O	Yes
3540	8971	Alan's Skip Hire	DEP	O	No
4699	17671	Parry	DEP	O	No
59	18087	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
1326	Should identify specific sites for <i>bad neighbour industry</i>
5112	Reference to the precautionary principle in para 13.35 is not appropriate
8971	Should recognise that sites not exclusively on EM1 allocations. It is not possible to meet all criteria. EAs not always appropriate. Expansion should be allowed at existing premises
17671	Should safeguard use of local labour

Key Issues:

- 13.44.1. Whether the policy should be:-
- amended
 - promote the use of local labour.

Conclusions:

- 13.44.2. Policy – Criterion a is imprecise since it does not state what is meant by the appropriate employment sites. Since the criteria will determine whether or not a proposal will be appropriate the criterion should be amended and I recommend a change to this effect. It does not follow that such development would take place on most employment sites as suggested in 1326. The objection does not indicate upon what basis specific sites should be identified and I am unable to comment further.
- 13.44.3. The policy indicates that bad neighbour uses would be considered on sites allocated under EM1. However, it is not clear to me why the areas identified under EM3, EM4 and EM5 are excluded. It seems to me to be an anomaly that these are excluded. The criteria could satisfactorily be applied to these areas in just the same way. The Council should give further consideration to this matter at the proposed modification stage.
- 13.44.4. If a proposal cannot satisfy all the criteria it will be a matter for the decision maker to determine whether material considerations are sufficient to outweigh

the policy. The supporting text does not state that an environmental assessment will be required in all cases. On this basis I find no justification to alter the policy.

- 13.44.5. PC410 amends the wording with regard to the application of the precautionary principle. However, I do not consider the sentence (in its current or amended form) is necessary since the preceding text indicates that proposals will be subject to assessment. It follows that if the impacts are found to be unacceptable then the proposal should be refused.
- 13.44.6. Local labour - As I indicate in STR3 in Chapter 3, the UDP cannot control who takes up jobs that are created. It is not appropriate to amend the plan as suggested.
- 13.44.7. Other Matters – PC409 seeks to amend the wording of criterion iv. However, for the same reasons as I give in EM3 above I do not support this amended wording. It follows that I do not support the change.

Recommendations:

- 13.44.8. I recommend the plan be modified by;
- i) deleting *appropriate* in criterion a
 - ii) deleting the final sentence of paragraph 13.35 *Where there arein PPW.*
 - iii) the Council reviewing the scope of the policy to include policy areas EM3, EM4 and EM5.

13.45. EM8 Simplified Planning Zone

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3174	Flintshire Green Party	DEP	O	Yes
2106	4606	Countryside Council for Wales	DEP	O	No
2239	4300	Clayton	DEP	S	No
2350	5113	Welsh Assembly Government	DEP	O	Yes
2420	5895	RSPB Cymru	DEP	O	Yes
59	17928	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
3174	Objects to the designation
4606	Allocation should be deleted
5113	Redraft policy and indicate whether will continue after 2005
5895	Delete policy and all references to SPZ

Key Issue:

- 13.45.1. Whether the policy should be deleted.

Conclusions:

- 13.45.2. The Simplified Planning Zone expired in October 2006. PC411 deletes EM8 and its explanatory text together with the notation from the Proposals Map. On this basis it would be misleading to retain reference to it in the plan.

Recommendation:

13.45.3. I recommend the plan be modified by PC411.

14. Rural Enterprise and Agriculture

14.1 Paragraph 14.9

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
7220	17398	Jones	DEP	O	No

Summary of Objection:

Rep No	Summary
17398	Para 14.9 5 th bullet point omit <i>with an emphasis on encouraging tourist and craft activities</i> and all of bullet point 6

Key Issue:

14.1.1. Whether para 14.9 should be modified.

Conclusions:

14.1.2. Para 14.9 is a factual one. It reiterates key aspects of the Council's Economic Development Strategy which is a separate document to the UDP. Bullet points 5 and 6 are taken from the strategy and whilst they place emphasis on certain types of activities, they do not preclude other projects or schemes. Similarly UDP policies RE4 and 5 which set out the criteria against which rural enterprise/farm diversification will be tested, do not differentiate between types of proposed activity/use. It follows I do not find the need to change para 14.9 as suggested.

14.1.3. I note that PC412 seeks the deletion of part of para 14.7. It is a sensible and necessary change as the provision of small units by public bodies may change over time.

Recommendation:

14.1.4. I recommend the plan be modified by PC412.

14.2. RE1 Protection of Agricultural Land

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4607	Countryside Council for Wales	DEP	O	No
2239	4301	Clayton	DEP	S	No
2350	5116	Welsh Assembly Government	DEP	O	Yes
3540	8972	Alan's Skip Hire	DEP	O	No
5118	17700	RMC Group Plc	DEP	O	No
7220	17400	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
4607	Should be reference to the Environmental Impact Assessment Regulations 2002
5116	Delete <i>unacceptable</i> from policy. To reflect PPW, remove <i>which is suitable and available for the proposed use</i> from criterion b and add <i>which outweighs the agricultural considerations</i> to c. C does not accord with PPW 2.8.1. Modify 14.11 and 14.12 to reflect national policy
8972	No indication of where individual grades exist. Council need to recognise less land is farmed
17700	RE1 is a repetition of GEN1
17400	First statement is too restricting and not consistent with PPW

Key Issues:

14.2.1. Whether:-

- i) specific mention should be made of the EIA (uncultivated land and semi-natural areas)(Wales) Regulations 2002.
- ii) The policy and its accompanying text should be modified/deleted

Conclusions:

- 14.2.2. Regulations - As most farming practices do not require planning permission, and the plan is essentially concerned with development which does require planning permission, in my view it is not necessary to specifically mention the Regulations as suggested by the objector. They are separate to and work independently of the UDP.
- 14.2.3. The policy – In order to meet part of WAGs objection the Council proposes changes PC413-415 which have resulted in the conditional withdrawal of the objections. I agree that *unacceptable* is unnecessary as the application of the policy will demonstrate the acceptability of the loss of agricultural land. The changes to criteria b and c are appropriate as they more closely reflect the wording of PPW para 2.8.1 and strengthen the policy.
- 14.2.4. RE1 is an amplification of criterion k of GEN1. It is complementary to it and in my view should be retained. I see no inconsistency between RE1 (as proposed for modification) and PPW. Both recognise that grades 1, 2 and 3a land is a finite resource which needs to be conserved and that considerable weight should be given to protecting such land from development. Other policies within Chapter 14 such as RE4 and 5 set out the circumstances in which rural development may take place.
- 14.2.5. The justification – In respect of the objections by WAG to paras 14.11 and 4.12, PC416 more accurately reflects current procedures for consultation with WAG and PC417 improves the clarity of para 4.12 and makes the reasoning more robust.
- 14.2.6. I consider para 4.11 is sufficiently clear to explain the agricultural land classifications referred to in the policy and what is required of developers. There is no need for the UDP to duplicate the provisions of the Agricultural Land Classification Map and it would not be a good use of public resources for the Council to undertake a detailed survey of all agricultural land within the County on the basis that some of it may come forward for development at some time in the future.

Recommendation:

- 14.2.7. I recommend the plan be modified by PCs 413-417.

14.3. Paragraph 14.11

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2238	18328	Heesom	PC	O	No

Summary of Objection:

Rep No	Summary
18328	PCs 416 and 417 – reservations as to protection of quality of farm land

Key Issue:

14.3.1. Whether PCs 416 and 417 should be included in the plan.

Conclusions:

14.3.2. The objector does not say what his reservations are. I can therefore add nothing of substance to my conclusions above which support PCs 416 and 417.

Recommendation:

14.3.3. I recommend no modification to the plan.

14.4. RE2 New Agricultural and Forestry Buildings

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3772	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4609	Countryside Council for Wales	DEP	O	No
2239	4302	Clayton	DEP	S	No
2350	5118	Welsh Assembly Government	DEP	O	Yes

Summary of Objections:

Rep No	Summary
3772	Needs explicit reference to conservation/recording of historic environment
4609	Clarification needed of <i>reasonably</i> in criterion a. Policy should require landscaping. Criterion d should refer to Town and Country Planning (EIA)(England and Wales) Regulations 1999
5118	Delete <i>or are ancillary to the use of land for</i> from criterion a. In criterion d the requirement to minimise the impact of an agricultural building places an unnecessary burden on the farmer

Key Issues:

14.4.1. Whether:-

- i) there should be cross reference to the historic environment
- ii) the policy and its accompanying text should be modified.

Conclusions:

14.4.2. Historic environment - It is intended that the plan is read as a whole and it seems to me that the link between the historic environment and new

agricultural/forestry buildings is not sufficiently strong enough to justify an explicit cross reference at the end of para 14.15.

- 14.4.3. **Policy** – *reasonably* in criterion a reflects the terminology in PPW 7.6.8. Whether a building will be *required* requires a degree of judgement consequently I see nothing wrong with the qualification imposed by *reasonably*. However I find the words *or are ancillary to the use of land for* to be unnecessary and potentially confusing. I support PC418 which deletes the phrase.
- 14.4.4. Criterion c requires new buildings to harmonise with the surroundings and para 14.14 (as amended by PC420) expands on this. Because of this I see no need for the criterion to also seek to *minimise the impact* (PC419). These changes, although worded differently, in my view meet the objectives of the change suggested in 4609. The details of a landscaping scheme can be controlled by planning condition as part of the development control process and will need to comply with D4.
- 14.4.5. Criterion d deals with intensive livestock units which are the subject of RE3 and I deal with the EIA regulations under that policy below.
- 14.4.6. **Other matters** - Finally, in reading RE2 I find a lack of clarity. The preamble to the policy relates to both agricultural and forestry structures. However not all the criteria do. Criterion a requires any new structures to be required for agricultural purposes on a farm unit. It is not clear whether the criterion is intended to relate only to agricultural buildings. As written it suggests that forestry buildings should also be required for agricultural purposes which I would assume is not the intention. Similarly criterion b refers only to agricultural buildings within a farm unit. It seems to me to address the ambiguities the policy needs to be either rewritten or clarified at the modification stage to assist users of the plan.

Recommendation:

- 14.4.7. I recommend the plan be modified by PCs 418-420.

14.5. RE3 Intensive Livestock Units

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4610	Countryside Council for Wales	DEP	O	No
2239	4303	Clayton	DEP	S	No
2350	5123	Welsh Assembly Government	DEP	O	Part
59	18088	Envirowatch	PC	S	No
2350	18360	Welsh Assembly Government	PC	O	No

Summary of Objections:

Rep No	Summary
4610	Cross reference with GEN6. Needs criteria for utilities, water, waste etc. Policy should consider EC Environmental Liability Directive
5123	Add <i>large scale</i> to the policy title. 400m in criterion a needs qualification. Need to consider reference to environmental assessment for large scale intensive livestock proposals
18360	Maintain objection to lack of <i>large scale</i> in policy title

Key Issues:

14.5.1. Whether:-

- i) there should be cross reference with GEN6
- ii) the policy and its justification should be modified
- iii) there should be reference to the EC Environmental Liability Directive.

Conclusions:

- 14.5.2. GEN 6 - Not all intensive livestock units will need assessment under the EIA regulations. If they do the matter can be addressed as part of the development control process in the normal way. However, as proposed by the Council and recommended for modification in this report, GEN6 relates to those instances where assessment is not required by legislation, but where nevertheless a development could have significant environmental effects. As intensive livestock units are potentially a source of significant environmental impact I consider the link is strong enough to justify a cross reference between RE3 and GEN6. Together with the regulations, GEN6 and its explanatory text will satisfactorily address the matter of environmental assessment for all intensive livestock proposals.
- 14.5.3. Policy – As written the policy relates to all intensive livestock units. I find this to be acceptable as whilst problems are likely to be exacerbated by scale, they can nevertheless occur in smaller units. However in order to underline the problems of scale the Council by PC423 (as changed by FPC629) propose changes to para 14.16. These amendments add clarity for users of the plan.
- 14.5.4. PC421 proposes an addition to criterion a which makes it clear that 400m is not an absolute, but will depend on site specific circumstances. PC424, which sets out changes to para 14.17, amplifies this. I support these changes which reflect national guidance in TAN6 para 31.
- 14.5.5. There are in the plan sufficient robust policies dealing with pollution and potentially adverse environmental impacts to obviate the need for the policy to contain specific criteria dealing with water, waste and the like. However as intensive livestock units can be associated with problems such as smells and waste, it would be sensible to make reference to such environmental matters in a general way. This is acknowledged by the Council by PC422 which proposes a change to criterion b.
- 14.5.6. The Directive – has not yet been implemented. I am told that a consultation on draft legislation was issued in February 2008. The Council says that the Directive will only apply to damage from incidents after it comes into force in Wales and that in the interim, existing environmental protection legislation will remain in place. Given that there is, as yet, no formal national legislation it would in my view be premature for the policy to consider the implications of the Directive. However should the situation change, it is a matter which can be reviewed at the modification stage, not just in relation to RE3, but to other policies in the plan.

Recommendations:

14.5.7. I recommend the plan be modified by:-

- i) the addition of GEN6 Environmental Assessment after *other key policies* at the end of para 14.17

- ii) PCs 421-424 and FPC629.

14.6. RE 4 Small Scale Rural Enterprises

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3773	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4611	Countryside Council for Wales	DEP	O	No
2239	4304	Clayton	DEP	S	No
2350	5124	Welsh Assembly Government	DEP	O	Yes
7220	17402	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
4611	Insert <i>sustainable</i> between <i>small scale</i> and <i>rural enterprises</i> . Schemes should be subject to a viability test to ensure their sustainability. Refer to protected species under a(iii)
5124	Conflict between <i>small scale</i> in title and lack of definition in para 14.20
17402	Criteria ai, bi and para 14.22 are too restrictive. Criterion bii should not refer to rural activity

Key Issue:

- 14.6.1. Whether the policy and its explanatory text should be modified.

Conclusions:

- 14.6.2. The overriding vision of the plan is to bring about sustainable development. Through its criteria RE4 seeks to do this. I do not therefore consider it necessary to include *sustainable* in the title of the policy. The same conclusions apply equally to the need for a viability test to demonstrate sustainability.
- 14.6.3. It is not the objective of RE4 to be permissive of development in the open countryside *per se*. If it was it would be contrary to one of the main objectives of the UDP which is to restrict development in rural locations and concentrate growth within the larger more sustainable settlements. However PPW paras 7.3.1 and 2 acknowledge that small scale rural enterprises have a vital role in promoting healthy economic activity in the rural areas and that it may be appropriate to accommodate such enterprises in or adjoining small rural settlements. In line with national guidance, RE4 recognises that there may be occasions when small scale rural enterprises will be acceptable outside settlement boundaries and sets out the criteria to be used to assess such proposals in Flintshire. It is within this context that the restrictive nature of the policy must be seen.
- 14.6.4. Following on from this, I do not believe criterion a(i) encourages the demolition of buildings to enable brownfield development as the criterion relates only to buildings and criterion b is concerned with sites on the edge of settlements and not within the countryside generally. Inevitably it will be a matter of judgement for the decision maker to determine whether there are other more suitable sites available, but to delete b(i) would mean that a less sustainable site could come forward for development.
- 14.6.5. Whilst protected species are not specifically mentioned in the policy, criterion b and para 14.22 deal with nature conservation. Given other policies in the plan,

particularly in Chapter 8, I see no necessity for protected species to be specifically referred to in RE4.

- 14.6.6. Whilst there is no absolute definition of *small scale* or *rural enterprise* in relation to the policy, the Council are clear that such developments should not include activities which by their scale and type should be located in settlements, employment areas etc and PC426 explains that the policy is aimed at satisfying the needs of smaller scale developments which require a rural location perhaps because of proximity to a resource, site, workforce or the like. This explanation will assist users of the plan and is generally in accord with national guidance.
- 14.6.7. It will be evident from my conclusions that overall I do not consider the policy to be too restrictive.
- 14.6.8. In order to comply with the findings of the SEA/SA the Council proposes a change (PC425) to the wording, but not the intent of the second criterion b. This change adds clarity to the plan.

Recommendation:

- 14.6.9. I recommend the plan be modified by PCs 425 and 426.

14.7. RE5 Small Scale Farm Diversification

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3774	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4612	Countryside Council for Wales	DEP	O	No
2239	4305	Clayton	DEP	S	No
2350	5127	Welsh Assembly Government	DEP	O	Part
2627	6096	Farmers' Union of Wales	DEP	O	Yes
7220	17404	Jones	DEP	O	No
59	18146	Envirowatch	PC	O	Yes
2106	18541	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No	Summary
4612	Needs a criterion about protected species or cross reference to WB1
5127	<i>Only</i> implies a negative element to policy. Policy relates to all farm diversification, not just small scale. <i>Ancillary</i> in criterion a is confusing. Requiring diversification to be essential to long term survival of farm in para 14.26 is unreasonable. Criterion c is contrary to PPW 7.3.3. New build options should be cross referenced with criterion d. Need for building to be sound is not necessary. In para 14.27 planning should not be seen as restricting diversification to farms which are struggling to survive
6096	It is too restrictive for diversification schemes to be accessible by public transport
17404	Criterion a is not clear. Criterion c should not require public transport accessibility. Remove last part of criterion d. 14.27 -14.30 are too limiting
18541	Object to PC430 and would welcome criterion for adequate links to highway network
18146	Add to criterion h (PC430) <i>and one built within the farm complex if possible or adjacent to it</i>

Key Issues:

14.7.1. Whether:-

- i) there needs to be cross reference with WB1
- ii) the policy and its accompanying text should be modified

- iii) PC430 should be changed.

Conclusions:

- 14.7.2. WB1 – protected species are only one of the considerations which may or may not be material to the consideration of proposals for farm diversification. Consequently I do not consider the link between RE5 and WB1 to be strong enough to justify a specific cross reference. In any event nature conservation interests fall to be considered under criterion b.
- 14.7.3. Policy and accompanying paragraphs – The objections led to significant rewriting of the policy and the accompanying paragraphs. PCs 427-435 meet a number of the objections and largely ensure the policy is more compliant with national guidance. In brief PC427 gets rid of the negative *only* in the preamble to the policy and also includes reference to new build. This results in a more positive policy. PC428 changes criterion a to refer to diversification run *in conjunction with* the main farm enterprise and not *ancillary to* it. PC434 is complementary and does the same in para 14.27.
- 14.7.4. PC429 changes the wording but not the intent of criterion b. PC430 creates a new criterion (h) relating to new build and PC432 deletes the last part of the policy which as a consequence becomes redundant. PC431 deletes the necessity for a building to be sound from criterion g. I agree it may well be preferable to repair an unsound building than build new. PCs 433 and 434 delete references to the long term survival of a farm from paras 14.26/14.27 and the implication that only failing operations should be permitted to diversify. Finally PC435 is reflective of PPW para 7.3.3 which relates to the desirability, but not necessity for access by a variety of means of transport. I support these changes which make both the policy and the text clearer.
- 14.7.5. I note that FPC630 sets out a further change to criterion d which deletes *take place within an existing farm building*. In the light of the PCs this wording is in my view redundant.
- 14.7.6. Turning now to other outstanding objections. It is the thrust of national guidance in PPW paras 7.3.1 and 2 that new rural enterprises generally should be small scale and TAN6 para 25 refers to small on farm operations. It seems to me sensible that the title of the policy and the preamble to the criteria refer to small scale, particularly as the policy no longer refers to *ancillary* development. *In conjunction with* does not imply the same level of subsidiarity. I acknowledge that small scale is not defined, but given the multiplicity of farm enterprises and diversification schemes which could come forward, I share the view of the Council that each scheme should be treated on its merits in this respect.
- 14.7.7. With regard to criterion d it would be contrary to the thrust of PPW para 7.6.9 and TAN6 para 22 if the scale of a retail operation were to lead to a dispersal of activity which would prejudice the vitality of shops within villages. The policy does not preclude any activities *per se*, but requires schemes to meet the criteria set out. I do not find it restricts the type of permissible use in the way suggested by objection 17404.
- 14.7.8. PC430 – criterion h already requires new buildings to be well related to existing buildings in the main farm complex. It would add little of value to the meaning of the criterion if the additional wording suggested by 18146 were to be included. Similarly in respect of 18541, I consider the objector's concerns are already

satisfactorily addressed by criteria f, in respect of highway safety, and b if changes have a visual or environmental impact.

Recommendation:

14.7.9. I recommend the plan be modified by PCs 427-435.

14.8. Paragraph 14.26

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	18147	Envirowatch	PC	O	Yes

Summary of Objection:

Rep No	Summary
18147	Add to para 14.26 (PC433) <i>and one built within the farm complex if possible or adjacent to it</i>

Key Issue:

14.8.1. Whether PC433 requires change.

Conclusions:

14.8.2. I can usefully add no more to my conclusions above in respect of PC430. It follows I consider PC433 to be acceptable as proposed by the Council.

Recommendation:

14.8.3. I recommend no modification to the plan.

14.9. Paragraph 14.27

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	18148	Envirowatch	PC	O	Yes

Summary of Objection:

Rep No	Summary
18148	Add to para 14.27 (PC434) <i>and one built within the farm complex if possible or adjacent to it</i>

Key Issue:

14.9.1. Whether PC434 requires change.

Conclusions:

14.9.2. I can usefully add no more to my conclusions above in respect of PC430. It follows I consider PC434 to be acceptable as proposed by the Council.

Recommendation:

14.9.3. I recommend no modification to the plan.

15. Sport and Recreation

15.1. General Issues

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3422	Flintshire Green Party	DEP	O	No
2678	6463	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
3422	Objects to loss of urban open spaces to development unless site stays <i>green</i>
6463	Seek policy for outdoor play for older children who require open areas away from housing

Key Issues:

15.1.1. Whether:-

- i) all urban green spaces should be safeguarded from development
- ii) there should be an additional policy to provide open areas away from residential estates.

Conclusions:

- 15.1.2. Para 11.2.3 of PPW indicates that open space that has significant amenity or recreational value to the community should be protected from development. The blanket approach to protect all open spaces suggested by 3422 would not comply with that advice. The Council will assess the benefits and disbenefits of each proposal that involves the loss of urban spaces against SR4 and L3. This will provide safeguards and I support the approach.
- 15.1.3. Additional policy - The provision of new open space is most commonly achieved as part of a new development. Whilst SR5 (as amended) understandably relates to the provision of open space within a development, it does enable provision to be made off site in exceptional circumstances. The policy does not preclude the type of open space sought. Any specific proposal for such provision could be considered against other policies in the plan such as GEN1. Consequently I do not consider that a specific policy on the matter is necessary.

Recommendation:

- 15.1.4. I recommend no modification to the plan.

15.2. Paragraph 15.2

Representation:

Personal	Representation	Individual or Organisation	Stage	Object or	Conditional
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ID	Number		of Plan	Support	Withdrawal
2350	5129	Welsh Assembly Government	DEP	O	Yes

Summary of Objection:

Rep No	Summary
5129	Seeks reference to WAG's sport and active recreation strategy <i>Climbing Higher</i> within the National Planning Policy section.

Key Issue:

15.2.1. Whether reference should be made to the strategy.

Conclusions:

15.2.2. *Climbing Higher* which sets out WAGs long term strategy for sport and physical activity was issued in January 2005 after the consultation period of the plan. The strategy is not a land use based document. The objection, which is conditionally withdrawn, does not question the appropriateness of the plan in relation to the strategy. I do not consider including a reference to this document would improve the plan.

Recommendation:

15.2.3. I recommend no modification to the plan.

15.3. SR1 Sports, Recreation or Cultural Facilities

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
234	17319	Hatchett	DEP	O	No
235	17323	Hatchett	DEP	O	No
1506	2132	Jimsul Ltd	DEP	O	No
1717	3099	Holywell Town Council	DEP	S	No
1885	3567	Ramblers Association Wales	DEP	O	No
2106	4613	Countryside Council for Wales	DEP	O	No
2239	4306	Clayton	DEP	S	No
2350	5131	Welsh Assembly Government	DEP	O	No

Summary of Objections:

Rep No	Summary
17319 17323	HSG1(36) could provide outdoor facilities in a safe environment
2132	Seeks allocation of land at Spon Green, Buckley for a mixed use including recreation facilities
3567	The public rights of way network should be enhanced rather than disrupted
4613	The policy should be cross referenced to policies in Chapters 6, 7, 8 & 9
5131	Policy should include assessment of need for commercial leisure development

Key Issues:

15.3.1. Whether:-

- HSG1(36) should be allocated for sports, recreation or cultural purposes
- land at Spon Green, Buckley should be allocated for sports, recreation or cultural purposes

- iii) the policy should be amended.

Conclusions:

- 15.3.2. HSG1(36) - Insofar as 17319 and 17323 are concerned I deal with housing allocation HSG1(36) in Chapter 11. In brief I would say that since the objections were made the situation has changed, the school has been demolished and planning permission has been granted for 14 apartments and 5 bungalows on the site. The merits of sports, recreation or cultural use can therefore only be academic as an allocation for these purposes would not revoke a planning permission.
- 15.3.3. Spon Green, Buckley – I deal with the allocation of this site in HSG1 Buckley in Chapter 11. Since I do not support the allocation of the land for the mixed use development it follows that I do not support this element of the scheme. Furthermore, my conclusions below indicate that, in principle, such provision would be better located in more central locations within town centres.
- 15.3.4. Policy changes - Any proposal which may affect a public right of way will be subject to AC2. Since the plan should be read as a whole I do not consider it is necessary to deal with the protection of public rights of way in SR1 as well.
- 15.3.5. Para1.34 in the introduction to the plan sets out the Council's position to cross referencing policies. It is stressed that policies should not be read in isolation and that the plan should be read as a whole. 4613 does not suggest any particular reason why SR1 should refer to policies in a number of other chapters. In these circumstances cross referencing would serve little purpose and add unnecessary bulk to a document which is meant to be read as a whole.
- 15.3.6. Since 5131 was made MIPPS 02/2005 has been issued. Whilst in most instances it requires an assessment of need, it says consideration of need is not applicable to leisure uses best located in town centres, if the development is within a defined centre or on a site allocated in an up to date development plan. The current wording of the policy and criteria do not reflect this situation. The Council acknowledges the policy should be changed and puts forward FPC632 to address the matter. In addition, to reflect the requirement in MIPPS 02/2005 to adopt a sequential approach to site selection, the Council proposes FPC631. However, I am not satisfied that either of these changes are fully in line with national planning policy which at MIPPS 02/2005 paras 10.3.1 and 10.3.2 refers to leisure uses *best located in a town centre*. Therefore, whilst I agree that SR1 should be updated, I consider it can best be achieved by the changes set out in my recommendations below.

Recommendations:

- 15.3.7. I recommend the plan be modified by:-
 - i) in criterion a line 1 delete *they utilise* and replace with *leisure uses best located in town centres adopt a sequential approach to site selection utilising*
 - ii) after criterion d add the following new sentence *In the case of leisure developments outside the defined town centres, applicants will be required to demonstrate a need for the facility.*

15.4. SR2 Outdoor Activities

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3570	Ramblers Association Wales	DEP	O	No
2029	3691	National Trust	DEP	O	Yes
2043	3776	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4614	Countryside Council for Wales	DEP	O	No
2239	4307	Clayton	DEP	S	No

Summary of Objections:

Rep No	Summary
3570	This is dealt with at SR1 with 3567
3691	Delete <i>unnecessarily</i> from criterion a; direct noisy sports away from tranquil areas
4614	Policy should seek to control activities which do not require planning permission

Key Issue:

15.4.1. Whether the policy should be amended.

Conclusions:

- 15.4.2. PC436 amends the wording of criterion a. This addresses part of 3691 and brings greater clarity to the criterion. I support the revised wording.
- 15.4.3. PC438 inserts additional supporting text with regard to noisy sporting/recreation activities. It explains that noise generation will be taken into consideration when determining specific proposals. I support the change and note that the objection has been conditionally withdrawn.
- 15.4.4. Permitted development rights apply to some activities that are carried out on a temporary basis. Mechanisms exist which enable such rights to be withdrawn in exceptional circumstances. However, the UDP cannot remove such rights. If it is determined that permitted development rights should be removed, it would be as part of the development control and not the development plan process.
- 15.4.5. To comply with the findings of the SEA/SA, PC437 introduces an additional criterion relating to accessibility. This is in line with the plan's sustainable principles.

Recommendation:

15.4.6. I recommend the plan be modified by PCs436, 437 & 438.

15.5. SR3 Golf Facilities

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3362	Flintshire Green Party	DEP	O	No
1885	3572	Ramblers Association Wales	DEP	O	No
2043	3777	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4620	Countryside Council for Wales	DEP	O	No
2239	4308	Clayton	DEP	O	No

59	18089	Envirowatch	PC	S	No
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Summary of Objections:

Rep No	Summary
3362	Add <i>there will be no light pollution</i> to criterion f; new facilities should be located in or on the edge of a settlement boundary
3572	Fairways should be designed to retain and avoid public rights of way
4308	Seeks to minimise light pollution
3777	Policy should require an assessment of the historic environment; any approval should require a historic environment management plan
4620	Expand areas of exclusion in criterion a; include protection of nature conservation, wildlife interests and landscape quality in criterion f; additional criterion relating to the CROW Act; golf course developments should be required to undergo environmental/appropriate assessments

Key Issue:

15.5.1. Whether the policy should be amended.

Conclusions:

- 15.5.2. Para 5.5.5 of PPW indicates that a statutory designation does not necessarily prohibit development. The effect of such proposals on those natural heritage interests which the designation is intended to protect must be carefully assessed. Criterion a imposes a blanket exclusion on golf development and no explanation is given to justify why it does not comply with national policy. I do not consider criterion a is appropriate. Amending criterion d would provide the appropriate safeguard to such areas. The plan should be read as a whole and proposals will be subject to other policies in the plan which relate to the AONB, wildlife and biodiversity, and the historic environment.
- 15.5.3. Not all such developments will necessarily impact on historic environments and I consider the blanket approach that is suggested in 3777 is too onerous. IMP1 provides for the use of planning obligations and could include measures to safeguard the historic environment where this is considered necessary.
- 15.5.4. Light pollution - PC439 introduces a reference to minimising light pollution in criterion f. I consider this is a reasonable approach since it is not practicable to require no light pollution whatsoever. I support this amendment which strengthens the policy. Any concerns regarding the impact the operation of floodlights might have on amenity or the environment are matters for the development control process. It is unclear what would constitute *nuisance* in the criterion and I do not consider this wording or the reference to *other land users or local residents* are necessary since they add little to the plan. It follows that I do not support the amendment suggested in 4620.
- 15.5.5. Siting of facilities – It is not realistic to require facilities to be located in or on the edge of settlement boundaries since the golf course itself may be some distance away from such boundaries. The policy provides appropriate controls over development.
- 15.5.6. Public rights of way – The design of golf courses and their impact on public rights of way are detailed matters that are best dealt with through the development control process. A proposal would have to satisfy AC2 with regard to public rights of way. For the reasons given in SR1 above I do not consider it is necessary to refer to public rights of way in this policy.
- 15.5.7. CROW Act – It is not clear to me why it is considered necessary to include this criterion or what would be achieved by its inclusion.

- 15.5.8. Environmental Impact Assessments etc – Such assessments are a statutory requirement for certain forms of development. I see no reason why it is necessary to refer to these for this specific type of development.

Recommendations:

- 15.5.9. I recommend the plan be modified by:-

- i) deleting criterion a
- ii) deleting the text after *accommodated without* in criterion d and replacing it with *having a significant adverse effect on areas designated as being of international or national importance for biodiversity and landscape or on the site's historic or archaeological conservation value*
- iii) deleting *nuisance to other land users or local residents* in criterion f and replacing with *light pollution*.

15.6. SR4 Protecting Recreational Open Space

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3364	Flintshire Green Party	DEP	O	No
2106	4621	Countryside Council for Wales	DEP	O	No
2239	4309	Clayton	DEP	S	No

Summary of Objections:

Rep No	Summary
3364	Objects to loss of open space and seeks deletion of the policy
4621	Seeks inclusion of common land and access land under the CROW Act; CCW's <i>Standards for Accessible Natural Greenspace in Towns and Cities</i> should be considered when creating or designating greenspace

Key Issues:

- 15.6.1. Whether the policy should:-

- i) be deleted
- ii) include reference to common land and access land
- iii) take CCW's publication into consideration.

Conclusions:

- 15.6.2. Deletion – Circumstances may change over time so that some open space provision may become surplus to requirements or other more suitable alternatives may become available. I consider it is appropriate to include a policy that indicates the matters that will be considered where such a situation arises. I do not support the deletion of this policy.
- 15.6.3. Common land and access land – Access to common land is explained under L4 in Chapter 7. The objector does not say what purpose would be served by including a statement or policy relating to access land under the CROW Act and I consider it would add little of value to SR4. Without further details I can add no more.

- 15.6.4. Green space standards – There are various sources of advice available to the Council on ways to assess the level of provision. I do not consider including a reference to this document is necessary or will improve the plan.

Recommendation:

- 15.6.5. I recommend no modification to the plan.

15.7. Paragraph 15.19

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3549	9038	CORUS	DEP	O	No

Summary of Objection:

Rep No	Summary
9038	Provision of open space should take account of local factors and not rely on NPFA standards

Key Issue:

- 15.7.1. Whether the NPFA standards are appropriate.

Conclusions:

- 15.7.2. My conclusions here should be read together with those to SR5 below.
- 15.7.3. TAN16 indicates that there is no prescriptive national standard for recreational provision. The NPFA material provides an illustrative standard. The extent to which a standard is acceptable in an area is a matter for the local planning authority having regard to local circumstances.
- 15.7.4. The Council says that it will apply the NPFA *six acre standard* until it has produced and adopted alternative guidance based on local circumstances – this will be as part of the production of the LDP. In the interim there is no substantive evidence which demonstrates why the NPFA standard should not be used. No doubt if local circumstances suggest a variation of the standard, this will be taken into account as a material consideration when development proposals come forward. It follows I do not consider the text requires amending.

Recommendation:

- 15.7.5. I recommend no modification to the plan.

15.8. SR5 Play Areas and New Housing Development

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
767	1026	Hewitt	DEP	O	No
984	1390	George Wimpey Strategic Land	DEP	O	No
2239	4310	Clayton	DEP	S	No
2297	4683	Redrow Homes	DEP	O	Yes

2297	17955	Redrow Homes	PC	O	No
2411	5269	Home Builders Federation	DEP	O	No
2615	5973	Castlemead Homes Ltd	DEP	O	No
59	18090	Envirowatch	PC	S	No
59	18091	Envirowatch	PC	S	No
59	18093	Envirowatch	PC	S	No
2411	18462	Home Builders Federation	PC	O	No
4110	18307	Peers	PC	O	No

Summary of Objections:

Rep No	Summary
1026	NPFA standards are outdated and should have regard to PPG17. Provision should be based on local circumstances and avoid double counting of outdoor play space between SR5/SR7
1390	NPFA standards are outdated and should have regard to PPG17. Provision should be based on local circumstances
4683	Reduce the scale of play area provision. Requirement exceeds standard in TAN16 Annex A
5269	Blanket requirement of provision is inappropriate. Policy should take account of existing provision and need arising from proposed development. Policy should apply to developments of 50+ dwellings. Delete reference to SPG. Show areas of shortfall in an appendix
5973	Should be an audit of existing provision; new play areas should only be required where the existing provision does not meet the Council's standards
17955	PC442 supporting text should include reference to assessment of provision as well as need
18307	PC442 should refer to the detailed guidance document
18462	PC441 does not accord with the emerging TAN16; should not require provision of new play facilities without robust evidence to prove need and demand for the facility; should not require higher standards in new developments to make up for deficiencies in other areas

Key Issues:

15.8.1. Whether:-

- i) the policy applies appropriate standards
- ii) a minimum threshold for the size of development should apply
- iii) reference to the SPG should be deleted
- iv) areas with a shortfall should be shown in an appendix
- v) the wording of PC441 and 442 should be amended.

Conclusions:

15.8.2. I have been referred to a number of documents in various submissions. The consultation draft of a revision to TAN16 was issued in 2006. Whilst this draft document indicates the direction that WAG would wish to see authorities take in assessing the requirement or open space provision, at the time of writing this report, the final version is still awaited. Since the contents could change following the consultation I attach limited weight to the draft TAN. PPG17 and its companion guide do not apply in Wales. The NPFA's *Six Acre Standard* published minimum standards for outdoor playing space provision. In September 2008 Fields in Trust (the new name for the NPFA) published revised guidance *Planning and Design for Outdoor Sport and Play*. This introduces Benchmark Standards of Outdoor Sport and Play, to assist in the development of local standards. These Benchmark Standards are broadly similar to the six acre standard in terms of quantity but place greater emphasis on quality and accessibility. It would be unreasonable to delay the UDP to review the relevant policies in the light of this publication. However, it will provide useful guidance for the LDP.

- 15.8.3. PC440 amends the title of the policy so that it refers to *public open space*. The reason given for this change is *to ensure that new residential development provides open space as well as play space*. However, the policy applies the same minimum standard as the NPFA which relates to outdoor playing space. Outdoor playing space is not the same as public open space. Outdoor playing space is space that is safely accessible and available to the general public, and of a suitable size and nature, for sport, active recreation or children's play. It is a significant component, but not the only form of open space. The inappropriate use of the term *public open space* as opposed to *outdoor playing space* in the policy title and supporting text leads to confusion. I suggest the policy title should be *Outdoor Playing Space and New Residential Development* and the supporting text amended accordingly.
- 15.8.4. Standards – PPW indicates that UDPs should set standards of provision for sport and recreation so that local deficiencies can be identified and met through the planning process. TAN16 states that the Government does not prescribe national standards of recreational provision. It indicates that authorities may find material prepared by the NPFA helpful in formulating their own standards. An authority should carry out a local assessment of needs and audit existing provision to produce its own appropriate local standards. The Council indicates that this will be done as part of the preparation for the LDP but in the interim the NPFA minimum standards will be applied. I consider this is a reasonable approach as a starting point when assessing new developments.
- 15.8.5. The Council acknowledges that the policy as written requires inappropriate provision of play area in new housing development. PC441 inserts a replacement policy that relates to the provision of outdoor sport and recreation space and equipped play space. However, whilst it indicates the minimum standard of provision that will normally be expected, it does not break this down between outdoor sport and children's play space. Whilst I consider this replacement policy is more appropriate, indicating the breakdown between these two elements of outdoor playing space in the supporting text would bring greater clarity.
- 15.8.6. The policy seeks to ensure that where new housing development is provided adequate outdoor playing space exists to meet the needs of its occupiers. As proposed PC442 does not provide sufficient clarity due to the inappropriate reference to *open space*. Furthermore, the final sentence refers to *additional detailed guidance*. However, Appendix 3 of the UDP indicates that SPG on Open Space Requirements is to be prepared. The Council's web site includes *Local Planning Guidance Note No.13 Open Space Requirements* dated 19/04/06. This refers to the deposit draft policies and will require updating. Furthermore, it is at variance with the Council's submissions with regard to threshold levels which I address below. Appendix 3 also refers to *Play Areas - Produced 1994 - Requires updating*. It is inappropriate for the text to refer to additional detailed guidance which is out of date/does not accord with the policy. Therefore, whilst I agree that para 15.21 should be deleted to reflect the new policy, I do not support the replacement wording in PC442.
- 15.8.7. A replacement paragraph should be inserted indicating that new housing developments should include adequate outdoor playing space to meet the requirements of the residents. Where there is already sufficient outdoor playing area for the existing population and the occupiers of the new development, further provision will not be sought. It is a basic principle that any

provision must be fairly and reasonably related to the development proposed and it follows that it would not be appropriate to require new developments to make up any shortfall of provision that may already exist within a settlement.

- 15.8.8. Threshold – I do not accept the arguments that the policy should only be applied to substantial housing schemes since the piecemeal development of a number of small residential sites in a locality could cumulatively create a shortfall of appropriate outdoor playing space. As it stands this policy will apply to all residential developments, including single dwellings. However, it would be unreasonable and impracticable to expect a single dwelling (or even a development consisting of a small number of dwellings) to include outdoor playing space for public use. It is important that such spaces will be of a sufficient area to satisfy the purpose for which they are intended.
- 15.8.9. In smaller developments the provision is likely to be in the form of an off-site contribution rather than an on-site provision. It may be that where there are a number of housing sites within a settlement there could be benefits in pooling the provision to avoid the piecemeal provision of a number of smaller outdoor sport and recreation spaces. Such provision would be achieved through a planning obligation if it satisfied the necessity test set out in *Circular 13/97 Planning Obligations*.
- 15.8.10. In more rural settlements where the number of new houses being built over the lifetime of the plan may be very small and extended over a significant time period such an approach may be invalid unless there is a reasonable prospect of the contribution being spent and within reasonable proximity of the development to which the obligation relates. In such cases it may be that the contribution to open space is qualitative in the form of upgrading or improving existing facilities. The policy and supporting text are silent on these matters. They simply indicate that off-site provision or a contribution will be sought in exceptional circumstances. It is inevitable that these circumstances will arise and I consider it necessary for the text supporting the policy to clarify how such situations will be dealt with.
- 15.8.11. Areas of shortfall – I do not consider it is appropriate to show the areas where there is a shortfall in open space provision in an Appendix to the plan. The situation will change as new provision comes forward and new residential development takes place. In any case this policy relates to the provision of outdoor playing space required as a result of new housing developments and does not address areas where there is an existing shortfall of such provision.
- 15.8.12. The provision made under this policy is as a result of new residential development whereas that made under SR7 relates to the existing needs of the settlement. I do not consider there is double counting or duplication between these two policies.

Recommendations:

15.8.13. I recommend the plan be modified by:-

- i) changing the title of the policy to Outdoor Playing Space and New Residential Development
- ii) PC441 and replacing *open space* with *outdoor playing space* within the amended text
- iii) deleting para 15.21

- iv) inserting supporting text to indicate: the outdoor playing space required by the policy is intended to be commensurate with the scale of the development; the breakdown of provision (in terms of land area per 1,000 population) for outdoor sport and recreation space and equipped play space; how the policy will be applied to single dwellings or a development comprising a small number of dwellings; and, how the policy will be applied where it is appropriate to pool the provision to provide a more appropriate form of outdoor playing space
- v) deleting references to *play areas* in the supporting text and replacing it with *outdoor playing spaces*.
- vi) deleting the first sentence of para 15.23 and replacing it with *In all circumstances the Council will seek primarily to secure the provision of outdoor playing space as part of the development.*

15.9. SR6 Allotments

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4622	Countryside Council for Wales	DEP	O	No
2239	4311	Clayton	DEP	S	No
2350	5133	Welsh Assembly Government	DEP	O	Yes
59	18095	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
4622	Policy should be more proactive in its support for and provision of new allotments
5133	Delete <i>to the satisfaction of the Council</i> - superfluous text

Key Issue:

15.9.1. Whether the policy should be amended.

Conclusions:

- 15.9.2. PC443 deletes the text that is the subject of 5133. PC444 inserts additional text into criterion c to comply with the findings of the SEA/SA and ensure an appropriate level of replacement. I consider these amendments make the policy more robust.
- 15.9.3. The policy recognises the important contribution that allotments make to the local community and seeks to safeguard them from inappropriate development. Although the plan does not actively seek to promote the provision of new allotments within new development this could be considered if it formed part of a proposal. As a consequence it is not necessary to amend the policy in the light of this submission.

Recommendation:

15.9.4. I recommend the plan be modified by PCs443 and 444.

15.10. SR7 (a) Land adjacent to Wood Lane, Penyffordd/Penymynydd.**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
947	1245	Evans	DEP	O	No
1029	1357	Gallagher	DEP	O	No
1078	1430	Haworth	DEP	O	No
1177	1630	Gallagher	DEP	O	No
1189	1644	Leigh	DEP	O	No
1369	1902	Jones	DEP	O	No
1373	1908	Clark	DEP	O	No
1468	2034	Harris	DEP	O	No
4672	12123	Webb	DEP	O	No
4675	12131	Pen-y-ffordd Community Council	DEP	O	No
4681	12149	Jackson	DEP	O	No
4683	12155	Jackson	DEP	O	No
4688	12167	Jones	DEP	O	No
4692	12176	Jones	DEP	O	No
4717	12239	Jones	DEP	O	No
4721	17683	Red Lion Strollers (D Williams)	DEP	O	No
4740	12295	Thomas	DEP	O	No
767	18535	Hewitt	PC	S	No
4721	18375	Red Lion Strollers	PC	O	No
4721	18603	Red Lion Strollers	PC	O	No

Summary of Objections:

Rep No	Summary
18375 18603	Seek an enlarged recreation provision on revised allocation PC446
All others	Oppose the proposed outdoor playing space. Not in a central position, too far away from main population and too close to the bypass. Question the availability of the site. Site not large enough. Should leave the football pitch where it is; bearing in mind the 99 year lease and the money spent to date. Further development potential for recreation and amenities in the vicinity of the old primary school/scout hut/youth club

Key Issues:

15.10.1. Whether the allocation:-

- i) should be adjacent to Wood Lane (SR7a) or relate to the existing football pitch adjacent to Lilac Drive
- ii) is sufficient in size.

Conclusions:

- 15.10.2. Location – The Council accepts the points that have been raised with regard to SR7(a). PC446 deletes it and allocates the existing sports pitch off Lilac Drive instead. This amendment meets the objections made with regard to the original allocation in terms of its location and relative safety. I am satisfied that the settlement requires such a facility and that the land off Lilac Drive is an appropriate location.
- 15.10.3. Size –The PC446 allocation for outdoor sport and recreation is to meet existing community needs. It does not necessarily follow that the recreation area needs to be enlarged to meet the requirements of HSG1(52) (as amended) since SR5 requires the provision of appropriate outdoor playing space within new residential developments. The size and location of facilities on the allocation

are matters of detail that should be dealt with through the development control process.

- 15.10.4. The Council acknowledges there is a deficiency in the amount of youth and adult recreation space provision in the village and I note that the Open Space Survey does not include either the original allocation adjacent to Wood Lane or the land adjacent to Lilac Drive in its calculations. Allocation of the Lilac Drive site which, at 1.6ha, is larger than the site originally allocated would reduce the shortfall.
- 15.10.5. I am given to understand that further sports/recreational facilities are currently under consideration by the Council. However, it is not yet certain whether these discussions will result in firm proposals and if they do for which site. In these circumstances it is not appropriate to designate further land for outdoor playing space. Should this matter be resolved, it can be progressed outside the UDP or be considered as part of the LDP process.
- 15.10.6. PC447 is a necessary change to amend the wording of para 15.26 as a result of PC446.

Recommendation:

- 15.10.7. I recommend the plan be modified by PCs446 and 447.

15.11. SR7 (b) Land adjacent to Wepre Lane, Llwyni, Connah's Quay.

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4623	Countryside Council for Wales	DEP	O	No
2678	6464	North East Wales Wildlife Trust	DEP	O	No
2106	18542	Countryside Council for Wales	PC	S	No
2106	18543	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No	Summary
4623	Allocation incompatible with cSAC designation. Suggest alternative location for facility
6464	Site included in Connah's Quay and Woodlands SSSI
18543	Supports PC448 and suggests alternative location for facility

Key Issue:

- 15.11.1. Whether the allocation should be deleted and replaced by an alternative site.

Conclusions:

- 15.11.2. The Council acknowledges that the allocation may have a detrimental effect on a site which is internationally and nationally recognised for its nature conservation value. As a consequence PC446 deletes the allocation and PC448 amends the proposals map accordingly. For the reasons given by the Council I support these amendments.
- 15.11.3. It would not be appropriate to allocate land at Colomendy Farm as an alternative facility as it is not known whether it is available or deliverable within the plan period. However, I note the Council intends to undertake a detailed

assessment, separate to the UDP process, to identify a suitable alternative site. This will ensure that a facility is provided.

Recommendation:

15.11.4. I recommend the plan be modified by PCs446 and 448.

15.12. SR7(c) Land adjacent to the A541, Mold.

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found at appendix A15			

Summary of Objections:

Rep No	Summary
224	Not objecting to land being used for recreational purposes but football pitch not acceptable
575	Adequate provision in the area already
859	Existing play areas not used
All others	Object to the allocation and relocation of Mold Alexandra Football Club to the site. Would result in loss of privacy and peaceful life, increased noise levels, light pollution from floodlighting, traffic, litter and vandalism. Alternative sites suggested

Key Issue:

15.12.1. Whether the allocation should be deleted and replaced by alternative land.

Conclusions:

- 15.12.2. The site was allocated specifically to allow for the relocation of the Mold Alexandra Football Club thereby releasing the existing ground for residential development. However, in the light of subsequent events the Council accepts that the site will not be available for the relocation of the football club. PC446 deletes the allocation and PC449 amends the proposals map/redraws the settlement boundary. I support these amendments which reflect the up to date position.
- 15.12.3. A number of the objections suggest alternative sites where the football club could be relocated. Some of the sites are subject to constraints of one sort or another and there is no evidence before me to indicate whether or not the various sites would be available. Given these uncertainties it would not be appropriate to allocate an alternative site as part of this UDP inquiry process.

Recommendation:

15.12.4. I recommend the plan be modified by PCs446 and 449.

15.13. SR7 (d) Land adjacent to Lexham Green Close, Buckley.

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
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918	15660	Buckley Town Council	DEP	O	No
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Summary of Objection:

Rep No	Summary
15660	The site should be allocated for retail/commercial use

Key Issue:

15.13.1. Whether the allocation should be deleted.

Conclusions:

15.13.2. When the site was allocated, a skateboard park was proposed for Buckley. However, that facility has been provided elsewhere in the settlement and the Council considers SR7(d) is no longer necessary. PC446 deletes the allocation and PC450 amends the proposals map accordingly. In these circumstances it is not appropriate to continue with the allocation and I support the amendments.

15.13.3. My conclusions regarding the suggested allocation of the site for retail/commercial use are to be found in Chapter 12 S1.

Recommendation:

15.13.4. I recommend the plan be modified by PCs446 and 450.

15.14. SR7 – Land at Spon Green, Buckley.**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1506	2133	Jimsul Ltd	DEP	O	No

Summary of Objection:

Rep No	Summary
2133	This objection is dealt with in Chapter 11 at HSG1 Buckley under 2128

15.15. SR8 The Dee Estuary Corridor**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1885	3573	Ramblers Association Wales	DEP	O	No
2029	3689	National Trust	DEP	S	No
2043	3778	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4626	Countryside Council for Wales	DEP	O	No
2239	4313	Clayton	DEP	S	No
2409	12431	A D Waste Ltd	DEP	O	No
2753	6628	Cheshire County Council	DEP	S	No
2106	18544	Countryside Council for Wales	PC	S	No
2106	18545	Countryside Council for Wales	PC	O	No
2753	18016	Cheshire County Council	PC	S	No

Summary of Objections:

Rep No	Summary
3573	Criterion c should include <i>access on foot</i>
3778	Policy should refer to the historic environment of the Dee estuary
4626	Seeks greater clarity in the wording of the policy; amend criterion b
12431	The area should be clearly defined in the text and on the proposals map
18545	The defined area should be extended to include the canalized section as far as Saltney

Key Issues:

15.15.1. Whether:-

- i) the wording of the policy and its supporting text should be amended
- ii) the area of the Dee Estuary Corridor should be defined.

Conclusions:

- 15.15.2. Policy – Since the policy relates to all development proposals it would not be appropriate to amend the wording as suggested in 4626.
- 15.15.3. PC451 amends the wording of criterion b to comply with the findings of the SEA/SA. However, the wording goes further than WB2 since it seeks to preserve and enhance the integrity of international nature conservation sites. As it stands I consider the differences between the two policies are unacceptable and will lead to confusion. The criterion should be amended to reflect WB2. I also consider the term *areas* would be more appropriate than *features*. These matters should be addressed at the modification stage. The wording suggested as part of 4626 is imprecise.
- 15.15.4. In principle I support the clarification of the type of access referred to in criterion c as proposed by PC453. However, it is unduly onerous to require all developments to satisfy this criterion (whether in its original or amended form). For example, requiring developments within the Port of Mostyn or in the adjacent employment allocation to improve public access to the Dee Estuary Corridor could conflict with safety and security considerations. The wording of this criterion should be amended to take this into account.
- 15.15.5. Defining the Area – Amongst other things PC454 defines the area to which the policy applies. Whilst, in principle, I support the change, for reasons of consistency the wording needs to be amended to refer to the *Dee Estuary Corridor*. Since the corridor is clearly defined by a physical feature it is not necessary to indicate its extent on the proposals map.
- 15.15.6. The physical and visual character of the corridor defined by PC454 are markedly different to the canalized section of the River Dee to the south of the A548. I have seen no substantive evidence which justifies why the policy should be extended to include this area.
- 15.15.7. PC454 also inserts references to archaeology and the Dee Estuary Strategy in para 15.27. I support these changes which recognise the acknowledged archaeological value of the corridor and the relationship between the UDP and the Dee Estuary Strategy.
- 15.15.8. PC452 inserts an additional criterion, e, to comply with the findings of the SEA/SA. However, the reference in it to *any other identified interests* is too broad and imprecise. Whilst I recognise the need for the new criterion with regard to nature conservation and landscape I do not support the final element of this amendment.

15.15.9. Other matters - My conclusions above are drawn from the duly made objections as are my recommendations below. However, there is one further point which I would draw to the Council's attention and that is the consistency between the criteria in SR8 and L6. Both the draft deposit and PCs versions of the policies apply similar but not the same criteria to development within 2 areas which are largely the same. I question whether both policies are required. If it is determined they are, it would be of benefit to users of the plan and decision makers alike, if there was consistency between them. This is perhaps a matter the Council would wish to explore at the modification stage.

Recommendations:

15.15.10. I recommend the plan be modified by:-

- i) deleting criterion b and replacing it with appropriate wording that is in line with WB2 (as recommended for modification)
- ii) in criterion c inserting *Where appropriate* before *improves access to, and for pedestrians, cyclists and horse riders;* after *Corridor*
- iii) adding a new criterion e to read *preserves and enhances nature conservation and landscape assets*
- iv) inserting the following sentence at the beginning of paragraph 15.27. *For the purposes of this policy the Dee Estuary Corridor is regarded as being land and estuary to the north of the A548. In line 2 after historic insert archaeological. In line 8 after development add and is consistent with the aims of the Dee Estuary Strategy*
- v) Reviewing SR8 and L6 for consistency.

15.16. Paragraph 15.28

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2409	12425	A D Waste Ltd	DEP	O	No

Summary of Objection:

Rep No	Summary
12425	The terms <i>estuary experience</i> and <i>relatively soft developments</i> are vague and imprecise

Key Issue:

15.16.1. Whether the wording is appropriate.

Conclusions:

- 15.16.2. I agree that the understanding of the paragraph would be improved if examples of what might constitute *soft developments* were added. The Council's submissions indicate the type of developments envisaged and I shall use this as a basis for the suggested wording.
- 15.16.3. I do not consider there is a need to provide further clarification of the term *estuary experience* given the context in which it is written.

Recommendation:

15.16.4. I recommend the plan be modified by inserting after *soft developments* in para 15.28 the following text *such as the development of recreation areas, walking or cycling routes and environmental enhancement schemes.*

15.17. Paragraph 15.29**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4626	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4626	Should refer to additional sites

Key Issue:

15.17.1. Whether additional sites should be added.

Conclusions:

15.17.2. The sites identified in the text are qualified by the phrase *Sites such as ...* which indicates that this is not a complete list. No reason is given as to why the specified sites should be included. The inclusion of further sites will add to the text without any improvement to the plan. I do not support this objection.

Recommendation:

15.17.3. I recommend no modification to the plan.

16. Tourism

16.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in Appendix A16			

Summary of Objections

Rep No	Summary
9944	Need to be more supportive and flexible with regard to the use of brown signs
17551	Inconsistency between the plan and the North Wales Tourism Strategy; negativity towards tourism developments; detailed information should be provided to market attractions; new attractions also benefit local people; questions why factories not required to have a similar sustainable approach
3367	The Council has not formulated a Tourism Strategy; these policies should be replaced with the Green Party's tourism policies
9022	Seeks a specific policy allocation for the Duke of Lancaster ferry and associated land
15642	Seek additional policy recognising the importance of the new river crossing of the Dee (A548) as a prestigious tourist route into Wales and protect land against any form of development
All others	Inconsistency between the plan and the North Wales Tourism Strategy; seek additional policies on signage and homes linked to tourism facilities

Key Issues:

16.1.1. Whether:-

- i) there is inconsistency between this chapter and the North Wales Tourism Strategy
- ii) the chapter has a negative aspect towards tourism
- iii) the chapter should include additional policies
- iv) the policies should be replaced with those of the Green Party.

Conclusions:

16.1.2. North Wales Tourism Strategy - The UDP provides a framework to assess the land use planning implications of development proposals. It serves a different purpose to the North Wales Tourism Partnership's *Tourism Strategy North Wales 2003 - 2008 Planning Tomorrow's Tourism Today*. It is not a promotional document and it would be wholly inappropriate for it to promote specific tourist facilities.

16.1.3. The UDP seeks to ensure that a proposal is appropriate in terms of scale, type and character to its location and setting. In so doing it does not set out to limit, from the outset, the scale of any individual proposal. I find no evidence to support the view that the UDP presumes against the expansion of the tourism sector of the economy. The chapter and policies generally reflect the two objectives for tourism set out by WAG (PPW 11.1.2). I do not find

inconsistency between the UDP and the North Wales Tourism Strategy or that it will hinder the implementation of its aspirations.

- 16.1.4. Negativity - The sentence within para 16.1 to which 17551 refers merely indicates that tourism can have negative as well as positive impacts. This is true of most development in whatever sector and I do not consider this sentence should be deleted or amended. There is not a general negative theme to the chapter which indicates tourism developments are not welcomed.
- 16.1.5. Additional Policies - Signage – Outdoor advertisements that require consent are dealt with under D8. The policy reflects the guidance in PPW (section 4.5). The plan should be read as a whole and it is not necessary to repeat the policy within this chapter. The Council intends to produce SPG on signage (PC596) and I endorse this approach. It will help users of the plan.
- 16.1.6. Brown tourist signs erected on the public highway are for directional rather than advertising purposes. They are subject to the relevant Traffic Sign Regulations and are controlled by the highway authority. It would not be appropriate to include a policy on such signs in the UDP since they are controlled by other legislation. There seems to be the suggestion from the Council's proof para 4.4 that the SPG *will enable the broader issues relating to all forms of 'signage' and advertisements to be addressed*. But no doubt when it is prepared the SPG will not include signage for which the planning authority have no control.
- 16.1.7. Homes linked to Tourist Facilities – The issue of new dwellings in the open countryside is addressed above in HSG4 Chapter 11.
- 16.1.8. Land in the vicinity of the Dee Crossing – The objector refers to T9 only insofar as a similar policy is sought for this area. The Broken Bank site is adjacent to the Dee Estuary Ramsar Site, the cSAC and the SPA and is part of the open landscape of the Dee Estuary. Whilst its open character contributes to the wider landscape setting and expansive vistas of this part of the estuary, I understand the site itself has no inherent ecological or landscape value.
- 16.1.9. To preclude all forms of development in an area would be contrary to national policy since there may be instances where some form of development may be necessary. Because the site is outside any defined settlement boundary and the defined Deeside Development Zone, it falls to be considered under policies that relate to development in the open countryside as well as SR8 and WB2 (as amended). These policies provide satisfactory safeguards for the site and its environs and an additional policy for this area is not necessary.
- 16.1.10. The Duke of Lancaster – The objection seeks to allocate the land and disused ferry for a number of possible uses. However, given the relative isolation of the site, the significant access constraints and the proximity of the environmentally sensitive Dee Estuary I have serious doubts about whether the proposed uses could be satisfactorily located on the site. In these circumstances it seems to me that T1 together with other policies such as GEN1, L6 and AC13 provide a satisfactory framework to determine any proposals that may be forthcoming.
- 16.1.11. Green Party Tourism Policy – PPW indicates that Part 1 of a UDP must set out a strategic approach to the provision and enhancement of tourist facilities in the area (11.2.2). STR6 of the UDP relates to tourism. The fact that the Council had not prepared a Tourism Strategy at the time the objection was made does not undermine the UDP. I note that the Flintshire Tourism Strategy 2008 – 2013 has now been published and there is general conformity between it and the UDP.

- 16.1.12. For an authority to adopt the policies of a particular group or political party would fly in the face of the whole process of preparing an UDP since there is no certainty that those policies would necessarily reflect the local circumstances.
- 16.1.13. Sustainable development is one of the underlying strategic themes and is in line with WAG policy. This is given equal importance throughout the plan including employment.

Recommendation:

- 16.1.14. I recommend the plan be modified by PC596.

16.2. Paragraph 16.2 - 16.4

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
52	9940	Tomos	DEP	O	No
1120	1529	Flintshire Tourism Association (Jones)	DEP	O	No
1121	1530	Evans	DEP	O	No
1693	12315	Hulme	DEP	O	No
1694	12316	Zachary	DEP	O	No
1695	12317	Jones	DEP	O	No
1696	2892	Price	DEP	O	No
1697	2900	Pierce	DEP	O	No
1698	2908	Pastor	DEP	O	No
1699	2916	Cannon	DEP	O	No
1700	2924	Roberts	DEP	O	No
1701	2932	Afonwen Craft & Antique Centre	DEP	O	No
1702	2940	The Talacre Beach Group	DEP	O	No
1703	2949	North Wales Shooting School	DEP	O	No
1704	2958	Price	DEP	O	No
1706	2972	Walker	DEP	O	No
1707	2981	Shankar	DEP	O	No
1708	2988	Guy	DEP	O	No
1710	3010	Forkings	DEP	O	No
1714	3069	Holywell Golf Club	DEP	O	No
3875	12339	Hughes	DEP	O	No
3876	12338	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
All	No mention of documents to come out which may alter future planning needs. The plan needs to be flexible enough to deal with the changing needs of society in all areas

Key Issue:

- 16.2.1. Whether the plan should deal with future changes.

Conclusions:

- 16.2.2. The UDP can only be prepared in the light of existing documents. It would be wrong to try and anticipate or accommodate future documents since they may not see the light of day or may be subject to changes. To incorporate such flexibility would undermine the certainty that development plans are required to provide to the public and developers. IMP3 in Chapter 20 indicates that the

Council will regularly monitor and review the UDP. This is the mechanism through which it will respond to changing economic, social, environmental and legislative circumstances. It will ensure the UDP is kept up to date and I do not consider it is necessary to include a statement on flexibility.

Recommendation:

16.2.3. I recommend no modification to the plan.

16.3. Paragraph 16.3

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
52	9941	Tomos	DEP	O	No
52	17272	Tomos	DEP	O	No
52	17551	Tomos	DEP	O	No
1120	1523	Flintshire Tourism Association (Jones)	DEP	O	No
1121	1532	Evans	DEP	O	No
1693	2870	Hulme	DEP	O	No
1694	2878	Zachary	DEP	O	No
1695	2886	Jones	DEP	O	No
1696	2894	Price	DEP	O	No
1697	2902	Pierce	DEP	O	No
1698	2910	Pastor	DEP	O	No
1699	2918	Cannon	DEP	O	No
1700	2926	Roberts	DEP	O	No
1701	2934	Afonwen Craft & Antique Centre	DEP	O	No
1702	2942	The Talacre Beach Group	DEP	O	No
1703	2951	North Wales Shooting School	DEP	O	No
1704	2960	Price	DEP	O	No
1706	2974	Walker	DEP	O	No
1707	2982	Shankar	DEP	O	No
1708	2990	Guy	DEP	O	No
1710	3011	Forkings	DEP	O	No
1714	3071	Holywell Golf Club	DEP	O	No
3875	9949	Hughes	DEP	O	No
3876	9957	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
17551	Unrealistic attitude towards car use
All others	Literal interpretation of the wording implies permission will be refused if there is no public transport. This differs from PPW policy for rural tourism. The policies are neither practical nor sustainable and would result in no tourism development in the County

Key Issue:

16.3.1. Whether the paragraph correctly reflects national planning policy with regard to accessibility by various modes of transport.

Conclusions:

16.3.2. One of the underpinning themes of the UDP is to ultimately reduce the need to travel, especially by car and this reflects one of the key policy objectives of

PPW. Para 16.3 summarises national policy and in particular para 11.1.7 of PPW.

- 16.3.3. Para 7.3.3 of PPW states *Local planning authorities should adopt a positive approach to development associated with farm diversification in rural areas, irrespective of whether farms are served by public transport.* This cannot be taken to apply to all rural tourism proposals as is implied by many of the objectors. The most recent indication of WAG policy is given in TAN18 (March 2007) which states *Tourism proposals, particularly in rural areas, should demonstrate access by a choice of modes to avoid locking in the requirement for travel by car. Even small scale tourist facilities that rely on car based travel can offer public transport information or arrange pick-ups from rail stations or coach/bus stops. In rural areas a lack of public transport access needs to be balanced against the contribution tourism makes to the rural economy in the specific area.* This does not mean that planning permission will necessarily be refused if public transport is not available.
- 16.3.4. The wording of para 16.3 is not at variance with national policy.

Recommendation:

- 16.3.5. I recommend no modification to the plan.

16.4. Paragraph 16.4

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
52	3149	Tomos	DEP	O	No
1120	1521	Flintshire Tourism Association (Jones)	DEP	O	No
1121	1578	Evans	DEP	O	No
1693	2875	Hulme	DEP	O	No
1694	2883	Zachary	DEP	O	No
1695	2891	Jones	DEP	O	No
1696	2899	Price	DEP	O	No
1697	2907	Pierce	DEP	O	No
1698	2915	Pastor	DEP	O	No
1699	2923	Cannon	DEP	O	No
1700	2931	Roberts	DEP	O	No
1701	2939	Afonwen Craft & Antique Centre	DEP	O	No
1702	2947	The Talacre Beach Group	DEP	O	No
1703	2948	North Wales Shooting School	DEP	O	No
1704	2963	Price	DEP	O	No
1706	2979	Walker	DEP	O	No
1707	2987	Shankar	DEP	O	No
1708	2995	Guy	DEP	O	No
1710	12334	Forkings	DEP	O	No
1714	12335	Holywell Golf Club	DEP	O	No
3875	9947	Hughes	DEP	O	No
3876	9955	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
All	Does not accord with TAN13. Implies only low key, uninspiring projects will be permitted

Key Issue:

16.4.1. Whether the paragraph accords with TAN13.

Conclusions:

16.4.2. The introductory paragraphs set out national planning policy and apply to all forms of tourism development. They do not suggest to me that only low key uninspiring projects will be permitted. However the Council accepts that it is appropriate to provide a broader framework explaining the role of the plan and PC455 introduces an additional paragraph that refers to the relevant text from TAN 13. This amendment provides more context to the section dealing with national planning policy which I support. The policies encompass the elements identified in PC455.

Recommendation:

16.4.3. I recommend the plan be modified by PC455.

16.5. Paragraph 16.5 – 16.11**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
52	9939	Tomos	DEP	O	No
1120	1528	Flintshire Tourism Association (Jones)	DEP	O	No
1121	1531	Evans	DEP	O	No
1693	2868	Hulme	DEP	O	No
1694	2876	Zachary	DEP	O	No
1695	2884	Jones	DEP	O	No
1696	2893	Price	DEP	O	No
1697	2901	Pierce	DEP	O	No
1698	2909	Pastor	DEP	O	No
1699	2917	Cannon	DEP	O	No
1700	2925	Roberts	DEP	O	No
1701	2933	Afonwen Craft & Antique Centre	DEP	O	No
1702	2941	The Talacre Beach Group	DEP	O	No
1703	2950	North Wales Shooting School	DEP	O	No
1704	2959	Price	DEP	O	No
1706	2973	Walker	DEP	O	No
1707	2980	Shankar	DEP	O	No
1708	2989	Guy	DEP	O	No
1710	3009	Forkings	DEP	O	No
1714	3070	Holywell Golf Club	DEP	O	No
2631	6108	Tourism Partnership North Wales	DEP	O	No
3875	9954	Hughes	DEP	O	No
3876	9962	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
6108	Principle of reducing travel by car may mean that Flintshire will not take up its fair share of tourism development opportunities; should give greater emphasis to improvements to existing tourist facilities rather than the development of a series of additional attractions
All others	Queries whether the document Sport & Active Recreation in Wales will be taken into consideration when the final plan is published

Key Issues:

16.5.1. Whether:-

- i) seeking to reduce the need to travel by car will restrict tourism development
- ii) the plan should differentiate between existing and new tourism attractions
- iii) the UDP takes account of Sport and Active Recreation.

Conclusions:

16.5.2. Accessibility – 6108 is generally supportive of the principles of dispersing the economic benefit of tourism developments across the plan area and reducing the need to travel by car. It seems to me that the objection relates to the way in which these principles are applied to the relevant tourism policies rather than the text of the paragraph. I take account of this objection in the relevant tourism policies below.

16.5.3. New and Existing Attractions – The plan is concerned with the land use implications of development proposals and cannot seek to promote or influence one type of development over another on the basis of commercial considerations. As a consequence it sets out criteria based policies to assess all development against. All proposals are to be considered on their own merits regardless of whether they relate to an existing facility or a new attraction. Although 6108 is not supportive of the development of a series of new additional attractions it argues that an attraction with a capacity for over 100,000 visitors should be a priority provided that the product would draw in new visitors rather than displace and redistribute visitors to existing attractions. However, even if it were to be considered justified on tourism grounds, requiring a development not to displace or redistribute existing visitors is outside the scope of the planning system. It would not therefore be appropriate to amend the plan in the manner that is sought.

16.5.4. Sport and Active Recreation - These objections do not imply that the UDP is deficient but draw attention to an emerging document. The Council approved the Deposit Draft UDP in May 2003 whilst the WAG document referred to by the objectors was issued for consultation in July 2003. Clearly it was not possible to include this emerging document as part of the Deposit Draft UDP. WAG published the final form of the document *Climbing Higher – The Welsh Assembly Government Strategy for Sport and Active Recreation* in January 2005. It sets out WAG's long term strategy for sport and physical activity, setting out its strategic direction in Wales for the next twenty years. It recognises that sports tourism has the potential to make a bigger contribution to economic development (para. 3.7) and seeks to ensure that planning processes and transport policies support the strategy. Chapter 15 of the UDP relates to Sport and Recreation and I do not consider that the UDP's tourist related policies require modification in the light of this WAG strategy document.

16.5.5. Other Matters – The Council seeks to correct a typographical error in paragraph 16.5 (PC456) and to amend the wording of paragraph 16.7 (PC457) to broaden the scope of specific tourism packages. I support the proposed changes.

Recommendation:

16.5.6. I recommend the plan be modified by PC456 and 457.

16.6. T1 Tourist Attractions

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
52	9946	Tomos	DEP	O	No
1120	17239	Flintshire Tourism Association (Jones)	DEP	O	No
1121	17546	Evans	DEP	O	No
1693	17466	Hulme	DEP	O	No
1694	17461	Zachary	DEP	O	No
1695	17451	Jones	DEP	O	No
1696	17541	Price	DEP	O	No
1697	17536	Pierce	DEP	O	No
1698	17531	Pastor	DEP	O	No
1699	17526	Cannon	DEP	O	No
1700	17521	Roberts	DEP	O	No
1701	17515	Afonwen Craft & Antique Centre	DEP	O	No
1702	17510	The Talacre Beach Group	DEP	O	No
1703	17505	North Wales Shooting School	DEP	O	No
1704	17500	Price	DEP	O	No
1706	17491	Walker	DEP	O	No
1707	17486	Shankar	DEP	O	No
1708	17481	Guy	DEP	O	No
1710	17471	Forkings	DEP	O	No
1714	17559	Holywell Golf Club	DEP	O	No
2106	4627	Countryside Council for Wales	DEP	O	No
2239	4314	Clayton	DEP	S	No
2631	6111	Tourism Partnership North Wales	DEP	O	No
3548	9025	Solitaire (Liverpool) Ltd	DEP	O	No
3875	17659	Hughes	DEP	O	No
3876	17654	Jones	DEP	O	No
5224	17706	Whittaker	DEP	O	No
5235	17707	Lewis	DEP	O	No
59	18096	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
4627	Cross reference to policies in other chapters; criterion ii) should be amended
6111	Exacting conditions should not be put on the improvement of businesses with regard to access to public transport
9025	Should include additional criterion relating to underused assets and landmarks
17706 17707	These objections are dealt with in Chapter 4 GEN5.16 Sealand with 13527, 13571 & 13703
All others	Delete criterion v

Key Issues:

16.6.1. Whether:-

- i) the policy should be cross referenced to others
- ii) existing facilities should be considered differently to new developments
- iii) criteria should be deleted or added.

Conclusions:

- 16.6.2. Cross reference – Para 1.34 in the introduction to the plan sets out the Council's position to cross referencing policies. It is stressed that policies should not be read in isolation and that the plan should be read as a whole. The objector does not suggest any particular reason why T1 should refer to policies in a number of other chapters. It seems to me that cross referencing would serve little purpose and add unnecessary bulk to a document which is meant to be read as a whole.
- 16.6.3. Existing and new facilities – In land use terms the expansion of an existing facility can have just the same impact as a new development. All proposals should be considered in a consistent manner based on their merits including accessibility by various modes of transport. I do not consider that different standards should be applied as suggested.
- 16.6.4. Criterion v – I accept that it is appropriate to require attractions that attract considerable numbers of visitors to be accessed by a choice of modes of travel. However, the present wording applies to all tourism attractions regardless of their scale or nature. TAN18 recognises that in rural areas a lack of public transport access needs to be balanced against the contribution tourism makes to the rural economy in a specific area. I consider the present wording is unduly onerous to those small scale proposals in rural areas which by their nature would be unlikely to attract considerable numbers of visitors. Furthermore, the wording is more onerous than criterion g of GEN1 which is tempered by being applicable in appropriate circumstances. It is not appropriate to place a more onerous requirement on all forms of tourism development regardless of their scale and nature. The wording of this criterion should be amended accordingly.
- 16.6.5. Additional criterion – Underused assets and landmarks are not defined. The policy includes reference to the circumstances in which redundant and underused land will be considered. Para 2.7.1 of PPW recognises that not all previously developed land is suitable for development. The policy indicates those circumstances where development outside defined settlement boundaries will be permitted and accords with UDP para 4.10. The plan should be read as a whole and I am satisfied that the UDP provides a framework to consider such proposals. The suggested criterion would not be a meaningful addition to the policy.
- 16.6.6. Other Matters – The Council proposes an amendment to the wording of criterion a to remove an inappropriate policy requirement (PC458) and to include an additional criterion to comply with the findings of the SEA/SA (PC459). These changes are appropriate and necessary.

Recommendations:

- 16.6.7. I recommend the plan be modified by:-
- i) PC458 and 459
 - ii) inserting *where appropriate*, before *is accessible* in criterion v.
-

16.7. T2 Serviced Tourist Accommodation

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
52	12337	Tomos	DEP	O	No
1120	17240	Flintshire Tourism Association (Jones)	DEP	O	No
1121	17547	Evans	DEP	O	No
1693	17467	Hulme	DEP	O	No
1694	17462	Zachary	DEP	O	No
1695	17452	Jones	DEP	O	No
1696	17542	Price	DEP	O	No
1697	17537	Pierce	DEP	O	No
1698	17532	Pastor	DEP	O	No
1699	17527	Cannon	DEP	O	No
1700	17522	Roberts	DEP	O	No
1701	17516	Afonwen Craft & Antique Centre	DEP	O	No
1702	17511	The Talacre Beach Group	DEP	O	No
1703	17506	North Wales Shooting School	DEP	O	No
1704	17501	Price	DEP	O	No
1706	17492	Walker	DEP	O	No
1707	17487	Shankar	DEP	O	No
1708	17482	Guy	DEP	O	No
1710	17472	Forkings	DEP	O	No
1714	17560	Holywell Golf Club	DEP	O	No
2106	4628	Countryside Council for Wales	DEP	O	No
2239	4315	Clayton	DEP	S	No
2631	6113	Tourism Partnership North Wales	DEP	O	No
3875	17660	Hughes	DEP	O	No
3876	17655	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
4628	Not as robust or comprehensive as other policies; cross reference to GEN1 and GEN3
6113	No distinction between extending existing facilities and new development; contradiction between criteria a and d; criterion c is overly restrictive
All others	Delete criterion c

Key Issues:

16.7.1. Whether:-

- i) the policy is robust and should be cross referenced
- ii) the policy should distinguish between extending existing facilities and new developments
- iii) the criteria should be deleted, added to or changed.

Conclusions:

- 16.7.2. **Robustness** - The distinction between what is acceptable within and outside defined settlement boundaries is not evident from the wording of the policy as it stands. To avoid this ambiguity I consider it should be amended as I recommend below.
- 16.7.3. The plan should be read as a whole and I see no reason to cross reference T2 to other UDP policies.

- 16.7.4. Existing and new facilities – In land use terms the expansion of an existing facility can have just the same impact as a new development. All development proposals should be considered in a consistent manner based on the merits of each proposal.
- 16.7.5. Criteria – The supporting text to T2 indicates that serviced tourist accommodation can vary from large hotels to farm bed & breakfast. The wording of criterion c is the same as that used in criterion v of T1. I have already indicated under T1 above why the wording is unduly onerous. For similar reasons I conclude that the wording of criterion c should be amended so that it applies in appropriate circumstances.
- 16.7.6. PC460 deletes criterion d and the supporting text at para16.16. I agree that this criterion is unnecessary and it follows that the supporting text should also be deleted. The amendment removes the basis for the assertion of conflict between criteria a and d and it is not necessary for me to comment further. PC460 also introduces a new criterion to ensure regard is given to possible environmental impacts. This criterion would comply with the findings of the SEA/SA and I support the amendment.

Recommendations:

- 16.7.7. I recommend the plan be modified by:-
- i) terminating the opening sentence of the policy after *within settlements*.
Deleting *or outside settlement boundaries in the form of* and replacing with *Outside defined settlement boundaries development will be permitted in the form of*;
 - ii) PC460
 - ii) inserting *where appropriate*, before *is accessible* in criterion c.

16.8. T3 Self Catered Tourist Accommodation

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
52	17270	Tomos	DEP	O	No
1120	17241	Flintshire Tourism Association (Jones)	DEP	O	No
1121	17548	Evans	DEP	O	No
1693	17468	Hulme	DEP	O	No
1694	17463	Zachary	DEP	O	No
1695	17453	Jones	DEP	O	No
1696	17543	Price	DEP	O	No
1697	17538	Pierce	DEP	O	No
1698	17533	Pastor	DEP	O	No
1699	17528	Cannon	DEP	O	No
1700	17523	Roberts	DEP	O	No
1701	17517	Afonwen Craft & Antique Centre	DEP	O	No
1702	17512	The Talacre Beach Group	DEP	O	No
1703	17507	North Wales Shooting School	DEP	O	No
1704	17502	Price	DEP	O	No
1706	17493	Walker	DEP	O	No
1707	17488	Shankar	DEP	O	No
1708	17483	Guy	DEP	O	No
1710	17473	Forkings	DEP	O	No

1714	17561	Holywell Golf Club	DEP	O	No
2106	4629	Countryside Council for Wales	DEP	O	No
2239	4316	Clayton	DEP	S	No
2631	6117	Tourism Partnership North Wales	DEP	O	No
3875	17661	Hughes	DEP	O	No
3876	17656	Jones	DEP	O	No
59	18097	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
4629	Not as robust/comprehensive as other policies with regard to development outside settlement limits; cross reference to GEN1 and GEN3; include reference to protected species in biii
6117	Criteria bi, bii and c are overly restrictive
All others	Delete criterion c

Key Issues:

16.8.1. Whether:-

- i) the policy is robust and should be cross referenced
- ii) the criteria should be amended or deleted.

Conclusions:

- 16.8.2. Robustness – In its proof the Council indicates that new self catering tourist accommodation will be permitted within defined settlement boundaries whilst outside settlement boundaries development will be restricted to extending existing facilities or converting existing buildings. However, the distinction between what is acceptable within and outside defined settlement boundaries is not evident from the wording of the policy. To avoid this ambiguity I consider the wording should be amended as I recommend below.
- 16.8.3. The plan should be read as a whole and I do not consider the policy needs to be cross referenced to others in the UDP.
- 16.8.4. Criteria – PC465 adds a new criterion relating to features or areas of landscape, nature conservation and historic value. This addresses the concerns raised by 4629. It will ensure consistency with other policies in the UDP and I support the amendment.
- 16.8.5. The Council considers and I share the view that criterion b i is too onerous. PC463 deletes the criterion. Its deletion addresses the objection and I support the change.
- 16.8.6. It is appropriate to ensure that buildings to be converted are structurally sound and do not require extensive rebuilding, otherwise it would be tantamount to the erection of a new building in the countryside. The UDP presumes against new general housing development outside defined settlement boundaries and I see no justification to relax this approach with regard to this form of development. It is appropriate for the policy to safeguard the character and appearance of a building when considering modifications or enhancements. This is not an unreasonable restriction.
- 16.8.7. The wording of criterion c is the same as that used in criterion v of T1. I have already indicated under T1 above why the wording is unduly onerous. For similar reasons I conclude that the wording of criterion c should be amended so that it applies in appropriate circumstances.

- 16.8.8. **Other Matters** – The Council proposes to amend the title of the policy to maintain consistency of wording (PC461); delete reference to *small scale* in criterion a since scale is dealt with in another criterion (PC462); and, insert reference to the building and site in the second criterion a (PC464). These changes are appropriate and necessary.

Recommendations:

16.8.9. I recommend the plan be modified by:-

- i) terminating the opening sentence of the policy after *within defined settlement boundaries*. Deleting *or outside settlement boundaries in the form of* and replacing with *Outside defined settlement boundaries development will be permitted in the form of*;
- ii) PCs 461, 462, 463, 464 and 465
- iii) inserting *where appropriate*, before *be accessible* in criterion c.

16.9. T4 New Static Caravans and Chalets

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
52	17271	Tomos	DEP	O	No
366	453	Owen	DEP	O	No
1120	17242	Flintshire Tourism Association (Jones)	DEP	O	No
1121	17549	Evans	DEP	O	No
1496	2085	Bourne Leisure	DEP	O	No
1693	17469	Hulme	DEP	O	No
1694	17464	Zachary	DEP	O	No
1695	17454	Jones	DEP	O	No
1696	17544	Price	DEP	O	No
1697	17539	Pierce	DEP	O	No
1698	17534	Pastor	DEP	O	No
1699	17529	Cannon	DEP	O	No
1700	17524	Roberts	DEP	O	No
1701	17518	Afonwen Craft & Antique Centre	DEP	O	No
1702	17513	The Talacre Beach Group	DEP	O	No
1703	17508	North Wales Shooting School	DEP	O	No
1704	17503	Price	DEP	O	No
1706	17278	Walker	DEP	O	No
1707	17489	Shankar	DEP	O	No
1708	17484	Guy	DEP	O	No
1710	17474	Forkings	DEP	O	No
1714	17562	Holywell Golf Club	DEP	O	No
2029	3708	National Trust	DEP	O	No
2106	4631	Countryside Council for Wales	DEP	O	No
2239	4317	Clayton	DEP	S	No
2292	4616	British Holiday & Home Park Association	DEP	O	No
2327	17394	Hommersley	DEP	O	No
2631	6121	Tourism Partnership North Wales	DEP	O	No
3548	9027	Solitaire (Liverpool) Ltd	DEP	O	No
3875	17662	Hughes	DEP	O	No
3876	17657	Jones	DEP	O	No
59	18151	Envirowatch	PC	O	No
59	18157	Envirowatch	PC	O	No

1496	18532	Bourne Leisure	PC	O	No
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Summary of Objections:

Rep No	Summary
2085 4616	Should be separate policies dealing with new sites and extensions to existing sites; amend first criterion c
453	Blanket ban on chalets is unfair
3708	Add <i>and outside the Clwydian Range AONB</i> to criterion a
4631	As 3708 above plus amend first criterion d, add criterion relating to services and utilities and cross reference with EMP16
6121	Policy should not require development to be connected to other tourism attractions and activities; should include viability as an additional criterion; criterion e overly restrictive
9027	Amend wording of first criterion c
17394	Seeks holiday chalets on land at Gwernymynydd
18532	Delete <i>modest</i> from opening sentence of second part of policy
All others	Delete first criterion e.

Key Issues:

16.9.1. Whether:-

- i) there should be separate policies for new sites and the expansion of existing sites
- ii) criteria should be amended, added or deleted
- iii) the policy should be cross referenced
- iv) the policy facilitates chalet development.

Conclusions:

- 16.9.2. Splitting the policy – Whilst the Council argues that, in land use planning terms, similar considerations apply to the extension of existing sites as to proposals for new development, the policy applies different criteria to the two parts of the policy. Furthermore, the development of new sites excludes an area of the County whereas the part of the policy dealing with the extension of existing sites applies to the whole of the County.
- 16.9.3. These are two distinct planning matters and for reasons of clarity I consider the policy should be split into two separate policies. The first two paragraphs of the supporting text (paras 16.19 and 16.20) relate to the development of new sites whilst paras 16.21 and 16.22 relate to the expansion of existing sites. The wording of para 16.23 requires amendment to make it clear that it applies to both policies.
- 16.9.4. T4 and the supporting paragraphs should relate to New Static Caravans and Chalet Sites. The second part of the policy dealing with extending existing sites should be identified and numbered as a separate policy and inserted before para 16.21.

Policy as it relates to the development of new sites:-

- 16.9.5. Criterion a – The open character of the coast and sand dune system around Gronant, Talacre and Gwespyr has already been extensively affected by caravan site development and T4 seeks to restrict new caravan sites in this area. Because of the need to balance the tourism offer and the impact it can have on the landscape and wildlife value of the coast I consider this to be reasonable. However, as written criteria a seeks to restrict such development

on all land on the coastal/estuarine side of the A548. This area extends from the County boundary in the west to the Dee crossing at Connah's Quay to the east. From para 16.19 it is evident that this is not the intent of the policy. Therefore to clarify which areas the policy applies to, there will need to be changes to it. I would suggest that the beginning of the policy up to and including criterion a is deleted and the policy begins *In the Talacre, Gronant and Gwespyr area, development of new static holiday caravan or chalet sites will not be permitted in the area depicted on the proposals map. Elsewhere development of new static holiday caravan or chalet sites will be permitted where:*

- 16.9.6. Para 5.3.5 of PPW indicates that UDP policies affecting AONBs should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well being of the areas. There may be limited opportunities within the AONB where static caravan or chalet developments would be acceptable. L2 in Chapter 7 relates to development within or affecting the Clwydian Range AONB and it would not be appropriate for the policy to presume against such development in the AONB.
- 16.9.7. Criterion b – The economic viability of this form of development is a commercial matter and cannot be controlled through the planning system. It would not be appropriate to include viability as part of the criterion.
- 16.9.8. Criterion c - The Council seeks to remove the requirement for a development to be in the same ownership as a viable tourist attraction or activity since it considers this to be unduly onerous (PC466). I agree with the Council's reasons. However, the requirement that *the development is in connection with a tourist attraction or activity* will remain. Having removed the ownership link it is not clear what form the connection would take. I also question how it could be enforced – if, for example, the tourist attraction ceased operating or changed ownership for valid reasons what would then be the situation of the static caravan or chalet development? The other criteria in this policy and other policies in the plan are sufficiently robust to safeguard against sporadic development in the countryside. Having considered all the relevant objections I conclude this criterion is neither necessary nor appropriate.
- 16.9.9. Criterion d – PC467 seeks to amend the wording of this criterion in the light of the SEA/SA and to improve clarity. I do not consider the alternative form of words suggested by 4613 would add significantly to the meaning or application of this criterion. I support the wording as set out in PC467.
- 16.9.10. 4613 also seeks to include reference to landscaping as part of the criterion. The reference to landscaping in the second criterion c relates to the extension of existing sites and does not apply to new sites. It is appropriate to include reference to landscaping for new sites as well and it seems to me to be logical to add such a criterion.
- 16.9.11. Criterion e – I have already indicated under T1 above why a broadly similarly worded criterion is unduly onerous. For similar reasons I conclude that this criterion should be amended so that it applies in appropriate circumstances.
- 16.9.12. Additional criteria – The plan should be read as a whole. Other policies, in particular GEN 1, ensure that consideration is given to the adequacy of services and utilities. It is not necessary to repeat this requirement in T4.
- 16.9.13. PC469 introduces an additional criterion to safeguard amenity. Whilst it is reasoned this is to comply with the findings of the SEA/SA I am concerned that

the term *amenity* is too vague and the criterion lacks precision. It follows that I do not support this change. If a criterion is to be added I suggest it should be amended to clarify what is meant by *amenity* in the context of this policy.

Policy as it relates to extending existing sites:-

- 16.9.14. In recognition that existing holiday parks may need to fund significant improvements to the environment and facilities, the second part of T4 (as proposed by the Council) is supportive of the modest extension of existing sites. Bearing in mind the restrictive approach to new static caravan/chalet developments it is reasonable that extensions, whether in terms of the number of standings or physical area, should be limited in scale and are subservient to the existing development.
- 16.9.15. Whilst I acknowledge there is tension between this policy and GEN5 (green barriers) I do not find the two policies contradict each other. Resolving any tension between policies is a development control matter. My response to GEN5 in Chapter 4 is also relevant. I consider that GEN5 should be identified as a key policy at the end of the text associated with this policy.
- 16.9.16. PC470 introduces an additional criterion that is identical to PC469 which I have considered above. For the same reasons I do not support this change. If a criterion is to be added I suggest it should be amended to clarify what is meant by *amenity* in the context of this policy.
- 16.9.17. The Council acknowledges that the policy should also accommodate the upgrading and remodelling of existing holiday parks. PC471 seeks to insert the relevant additional text within the policy and I support this amendment. However, I do not support the contention that it should also be supportive of intensification. Whilst intensification may be a by product of upgrading and remodelling it may not always be so. It should not therefore be enshrined in policy.
- 16.9.18. Cross referencing – Para 1.34 in the introduction to the plan sets out the Council's position on cross referencing policies. It is stressed that policies should not be read in isolation and that the plan should be read as a whole. The objector does not suggest any particular reason why this policy should be cross referenced with policy EMP16. It seems to me that this would serve little purpose in a document which is meant to be read as a whole.
- 16.9.19. Chalet Development – The policy does not impose a ban on chalet development as asserted in 453. Such proposals will be assessed against the criteria listed in the policy. 17394 relates to a specific site and the merits of any proposal should be considered outside the development plan process. The objection does not raise a policy issue or question the validity of the UDP and it is not appropriate for me to comment further.
- 16.9.20. Para 16.20 indicates that the policy seeks *to prevent the development of large new caravan or chalet sites which would be a viable economic proposition in their own right*. However, whether a site is a viable economic proposition in its own right is not a planning matter and as I have indicated above I do not consider it is appropriate to require such developments to be connected with tourist facilities or attractions. With the exception of the final sentence of para 16.20 which does relate to planning matters and is reflected in criterion b, I consider this supporting text should be deleted.

Recommendations:

16.9.21. I recommend the plan be modified by:-

- i) splitting the policy in two; Policy T4 be renamed New Static Caravans and Chalet Holiday Sites; that part of the policy commencing *The modest extension of existing sites* onwards be renumbered as a separate policy entitled Extension of Existing Static Caravan and Chalet Holiday Sites and inserted before para 16.21
- ii) the beginning of the policy, for new sites up to, and including criterion a is deleted and the policy begins:-
In the Talacre, Gronant and Gwespyr area, development of new static holiday caravan or chalet sites will not be permitted in the area depicted on the proposals map. Elsewhere development of new static holiday caravan or chalet sites will be permitted where:
- iii) the area around Talacre, Gronant and Gwespyr referred to in (ii) be depicted on the proposals map
- iv) deleting the 1st criterion c
- v) inserting an additional criterion relating to new static holiday caravan/chalet sites *the scheme incorporates substantial internal and structural landscaping*
- vi) PCs 467 and 471
- vii) inserting *where appropriate*, before *the site is easily accessible* in the 1st criterion e
- viii) inserting reference to GEN5 in the list of *Other key policies*
- ix) deleting the first 3 sentences in paragraph 16.20
- x) amending paragraph 16.23 to indicate that it applies to both policies.

16.10. Paragraph 16.21**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1496	2088	Bourne Leisure	DEP	O	No
2292	4619	British Holiday & Home Park Association	DEP	O	No
2631	6121	Tourism Partnership North Wales	DEP	O	No

Summary of Objections:

Rep No	Summary
2088	Omit 10% margin
4619	Omit 10% margin on sites with less than 100 unit
6121	Margin should be 20%

Key Issue:

16.10.1. Whether a limit should be set for the extension of existing sites and if so the level at which it should be set.

Conclusions:

- 16.10.2. The plan is only supportive of expansion in order to fund on-site improvements. It is appropriate to indicate what increase in standings or physical area is considered acceptable since this provides a level of certainty and ensures that the overall scale of the operation is not significantly increased. It is not necessary for such a figure to be evidence based since it is intended as an indicator rather than a fixed quota. However, the current wording could be taken to be supportive of an increase of approximately 10% in all cases. The tone of the policy and the Council's submissions indicate that this flexibility relates to an upper limit. The text needs to be amended to avoid this ambiguity.
- 16.10.3. An increase up to 10% seems to me to be a reasonable level and provides a degree of flexibility that is suitable for both large and small sites. Proposals that exceed this indicative level would need to justify why more expansion was necessary. Since each proposal will be determined on its merits, having regard to the criteria, I do not consider removing this indicator from sites of less than 100 units is justified.
- 16.10.4. There is not necessarily a direct correlation between reducing the density of pitches on a site and land take as implied in 6121.
- 16.10.5. Other Matters – PC472 inserts additional text about the objective of landscaping schemes. I support this clarification.
- 16.10.6. There will need to be consequential changes to the last sentence of 16.21 to reflect my recommendations in respect of D1 and D2 in Chapter 5.

Recommendations:

- 16.10.7. I recommend the plan be modified by:-
- i) Deleting *approximately* at the start of line 14 and replacing it with *no greater than*
 - ii) PC472
 - iii) amending the final sentence in para 16.21 to reflect the recommended modifications to D1 and D2 in Chapter 5.

16.11. T5 Touring Caravans Sites**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1496	2087	Bourne Leisure	DEP	O	No
2029	3709	National Trust	DEP	O	No
2106	4634	Countryside Council for Wales	DEP	O	No
2239	4318	Clayton	DEP	S	No
2292	4617	British Holiday & Home Park Association	DEP	O	No
2631	6122	Tourism Partnership North Wales	DEP	O	No
2106	18546	Countryside Council for Wales	PC	O	No
2106	18547	Countryside Council for Wales	PC	O	No
2106	18548	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No	Summary
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2087	Combine T5 and T6 into single policy; delete criterion a; should apply north of the A548
3709	Add <i>and outside the Clwydian Range AONB</i> to criterion a
4634	Additional criteria relating to services and utilities; to safeguard natural and historic environment; cross reference with EMP16
18546	Disappointed with PC474
18547	Amend wording of PC475
18548	Clarify <i>modest extension</i> in PC476
4617	Combine T5 and T6; delete criterion a
6122	Should differentiate between new and existing sites; for viability should include minimum of 120-150 units in criterion b

Key Issues:

16.11.1. Whether:-

- i) there should be separate policies for new sites and the expansion of existing sites
- ii) criteria should be amended, added or deleted
- iii) the policy should be cross referenced with EMP16.

Conclusions:

16.11.2. I consider whether the policy should be combined with T6 in my response to that policy below.

16.11.3. Policy – The policy (as amended) applies to both new touring caravan sites and the extension of existing sites throughout the whole of the plan area. It is not necessary to have two separate policies dealing with new sites and the expansion of existing sites.

16.11.4. Criterion a – Touring caravans, by their transient nature, can have less of an impact on an area and I agree that limiting this policy to inland of the A548 would be unduly onerous. I support PC474 insofar as it deletes criterion a. However, it is not clear to me why it is necessary to replace it with another criterion that seems to duplicate the matters covered by the amended wording to criterion c introduced by PC475 which I consider below. Furthermore, the term *amenity* is too vague and the criterion lacks precision. If that criterion is included I suggest it should be amended to clarify what is meant by *amenity* in the context of this policy.

16.11.5. Criterion b – The criterion requires each proposal to be assessed in the light of its impact on the locality. The viability of a site will depend upon a number of factors many of which are outside the scope of planning legislation. It would not be appropriate to require a development to provide a minimum number of units.

16.11.6. Criterion c – The Council acknowledges that the criteria should include the conservation of the natural and historic environment and PC475 amends the wording accordingly. I support this amendment which brings clarity to the plan. 18547 suggests that the revised wording should be extended to require substantial internal and external landscaping. Whilst I accept that other policies in the plan take such matters into consideration I recommend that this is included as a criterion for Static Caravans and Chalets in T4 above and I see no reason why it should not be included in this policy.

16.11.7. Additional criteria - PC476 inserts a new paragraph and criteria to deal with extensions to existing touring caravan sites. I agree it is appropriate to include criteria to deal with this form of development. However, the term *modest* in the

opening line is superfluous since it is established in the criteria. Criterion e is the same wording as PCs469 and 470 and for the reasons I have already given in response to those PCs in T4 above I do not support the criterion.

- 16.11.8. The existing policy requires touring caravans to be removed from new sites when not in use. It would be logical for this requirement to also apply to sites which have been extended under this policy. I support PC473 which amends the wording of the opening sentence of the policy in the light of this change.
- 16.11.9. PC477 adds clarity to the plan and I support this amendment. PC478 inserts an additional paragraph in the supporting text in the light of the policy having been amended to include specific criteria for the extension of existing sites. As worded the text could be taken to require an increase of approximately 10% whereas the tone of the policy and the Council's submissions indicate that this flexibility, quite rightly in my view, relates to an upper limit. I recommend amended wording to avoid this ambiguity. The final sentence of the additional paragraph refers to D1. However, this needs to be amended to reflect my recommendations in respect of D1 and D2 in Chapter 5.
- 16.11.10. The plan should be read as a whole. Other policies, in particular GEN 1, ensure that consideration is given to the adequacy of services and utilities. It is not necessary to repeat this requirement.
- 16.11.11. Cross referencing - Para 1.34 in the introduction to the plan sets out the Council's position on cross referencing policies. It is stressed that policies should not be read in isolation and that the plan should be read as a whole. The objector does not suggest any particular reason why this policy should be cross referenced with EMP16. It seems to me that this would serve little purpose in a document which is meant to be read as a whole.
- 16.11.12. Other Matters – Para 5.3.5 of PPW indicates that UDP policies affecting AONBs should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social wellbeing of the areas. There may be some opportunities within the AONB where touring caravan sites would be acceptable. As L2 in Chapter 7 relates to development within or affecting the Clwydian Range AONB, it would not be appropriate for this policy to presume against such development in the AONB.

Recommendations:

16.11.13. I recommend the plan be modified by:-

- i) PCs 473, 475 and 477
- ii) deleting criterion a
- iii) inserting an additional criterion after c *the scheme incorporates substantial internal and structural landscaping*;
- iv) adding the following at the end of the policy:-
The extension of existing sites will be permitted only where:
 - a. *any increase in the number of pitches is marginal;*
 - b. *any physical extension of the site is modest;*
 - c. *the scheme incorporates substantial internal and external structural landscaping, demonstrates significant improvement to the environment of the site and a reduction of its impact on the surrounding landscape;*

- d. *the proposal involves improved on site facilities; and*
- e. *any touring caravans are removed when not in use.*
- v) inserting the following new paragraph at the end of the policy explanation:-
The policy allows for the modest extension of existing touring caravan sites. Any increase in the number of pitches or site area should be no greater than 10%. Increasing the site area will depend upon the suitability of utilising any existing boundary or screening or identifying a logical new boundary that will be appropriately landscaped. Particular attention will be given to proposals to extend existing sites in the coastal area, given its flat and open character, the prominence of developments and the difficulty of devising landscaping schemes that are appropriate for a coastal location yet provide satisfactory screening. As set out in policy D1 all applications should be accompanied by design information commensurate with the scale and type of development proposed.

16.12. T6 Tent Camping Sites

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
52	17816	Tomos	DEP	O	No
52	17817	Tomos	DEP	O	No
1120	17243	Flintshire Tourism Association (Jones)	DEP	O	No
1121	17550	Evans	DEP	O	No
1496	17722	Bourne Leisure	DEP	O	Yes
1693	17470	Hulme	DEP	O	No
1694	17465	Zachary	DEP	O	No
1695	17455	Jones	DEP	O	No
1696	17545	Price	DEP	O	No
1697	17540	Pierce	DEP	O	No
1698	17535	Pastor	DEP	O	No
1699	17530	Cannon	DEP	O	No
1700	17525	Roberts	DEP	O	No
1701	17519	Afonwen Craft & Antique Centre	DEP	O	No
1702	17514	The Talacre Beach Group	DEP	O	No
1703	17509	North Wales Shooting School	DEP	O	No
1704	17504	Price	DEP	O	No
1706	17494	Walker	DEP	O	No
1707	17490	Shankar	DEP	O	No
1708	17485	Guy	DEP	O	No
1710	17475	Forkings	DEP	O	No
1714	17563	Holywell Golf Club	DEP	O	No
2106	4635	Countryside Council for Wales	DEP	O	No
2239	4319	Clayton	DEP	S	No
2292	4618	British Holiday & Home Park Association	DEP	O	No
2631	6123	Tourism Partnership North Wales	DEP	O	No
3875	17663	Hughes	DEP	O	No
3876	17658	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
4618 17722	Combine T5 and T6 into single policy; delete criterion c

4635	Additional criteria relating to services and utilities and to safeguard natural and historic environment
6123	No distinction between new and existing sites: delete criterion c
All others	Delete criterion c

Key Issues:

16.12.1. Whether:-

- i) T5 and T6 should be combined
- ii) criteria should be added or deleted
- iii) there should be separate policies for new sites and the expansion of existing sites.

Conclusions:

- 16.12.2. Amalgamating T5 and T6 – The Council argues that a separate policy for camping sites is to facilitate small scale sites in rural and more sensitive locations. Camping sites are considered to have a lower key impact than touring caravan sites. On balance I accept the arguments in favour of separate policies. However, whilst the supporting text acknowledges that proposals will often involve a mixture of tent and touring caravan pitches, it does not state how such a proposal will be considered. The supporting text needs to be amended to indicate how such a proposal will be assessed.
- 16.12.3. Criteria – The Council acknowledges that criterion c is too onerous given the nature of this activity and PC479 deletes the requirement for accessibility by a choice of modes of travel. The PC introduces another criterion to safeguard the natural and historic value of an area and I support this amendment to ensure the policy has regard to the impacts on these matters.
- 16.12.4. The plan should be read as a whole. Other policies, in particular GEN 1, ensure that consideration is given to the adequacy of services and utilities. It is not necessary to repeat this requirement.
- 16.12.5. 6123 does not indicate how the policy restricts the improvement of existing sites. It is difficult to comment further other than to observe that it is not appropriate for the plan to seek to differentiate between proposals for extending existing sites and establishing new ones on the basis of commercial considerations.

Recommendations:

16.12.6. I recommend the plan be modified by:-

- i) PC479
- ii) amending the supporting text to clarify how proposals for a mix of touring caravans and tents will be considered.

16.13. T7 Holiday Occupancy Conditions**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
52	9942	Tomos	DEP	O	No

1120	1524	Flintshire Tourism Association (Jones)	DEP	O	No
1121	1533	Evans	DEP	O	No
1693	2871	Hulme	DEP	O	No
1694	2879	Zachary	DEP	O	No
1695	2887	Jones	DEP	O	No
1696	2895	Price	DEP	O	No
1697	2903	Pierce	DEP	O	No
1698	2911	Pastor	DEP	O	No
1699	2919	Cannon	DEP	O	No
1700	2927	Roberts	DEP	O	No
1701	2935	Afonwen Craft & Antique Centre	DEP	O	No
1702	2943	The Talacre Beach Group	DEP	O	No
1703	2952	North Wales Shooting School	DEP	O	No
1704	2961	Price	DEP	O	No
1706	2975	Walker	DEP	O	No
1707	2983	Shankar	DEP	O	No
1708	2991	Guy	DEP	O	No
1710	3004	Forkings	DEP	O	No
1714	3072	Holywell Golf Club	DEP	O	No
2239	4320	Clayton	DEP	S	No
2350	5137	Welsh Assembly Government	DEP	O	Yes
2631	6124	Tourism Partnership North Wales	DEP	O	No
3875	9950	Hughes	DEP	O	No
3876	9958	Jones	DEP	O	No

Summary of Objections:

Rep No	Summary
5137	Amalgamate the policy requirement within type specific policies
6124	The policy negates the development of the tourism industry
All others	Occupancy conditions should be omitted

Key Issues:

16.13.1. Whether the policy

- i) should be incorporated within the relevant policies or omitted
- ii) restrains the development of the tourism industry.

Conclusions:

- 16.13.2. The Council argues that incorporating the issue of occupancy conditions and the accompanying explanation in T3 and T4 would be repetitive. On balance I accept this argument.
- 16.13.3. The Council proposes listing other key policies at the end of the supporting text (PC481). Whilst this will bring clarity to the plan it requires amendment in the light of my recommendation to introduce a new policy for the extension of existing static caravan/chalet sites.
- 16.13.4. It is appropriate to restrict the occupancy of some types of tourism accommodation to prevent permanent occupation where this would contravene other policies aimed at safeguarding the countryside. Whether the restriction should be to holiday use or to a time of the year will depend upon the nature of the development. The Council proposes amending the text of para 16.31 (PC480). This will add clarity to the plan and I support this change.
- 16.13.5. There may be valid reasons why occupancy should be restricted to a particular period and I do not accept that the policy should be omitted or that it is in

conflict with the aim of extending the tourism season. 6124 is supportive of the use of enforcement to ensure that tourist accommodation is not used as a permanent residence and this policy provides the basis for that action.

- 16.13.6. In its proof the Council refers to extracts from the consultation draft TAN13. At the time of responding to these objections it had not been issued in its final form by WAG and there is no certainty that these extracts will be retained. I have based my considerations on TAN13 dated October 1997.

Recommendation:

16.13.7. I recommend the plan be modified by:-

- i) PC 480
- ii) Inserting the following at the end of the explanatory text.

Other key policies:

- *T3 Self Catering Tourist Accommodation*
- *T4 New Static Caravans and Chalet Holiday Sites*
- *T5 Extension of Existing Static Caravan and Chalet Holiday Sites.*

16.14. T8 Small Scale Tourism Based Farm Diversification

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4636	Countryside Council for Wales	DEP	O	No
2239	4321	Clayton	DEP	S	No
2350	5139	Welsh Assembly Government	DEP	O	Yes

Summary of Objections:

Rep No	Summary
4636	Should be additional cross referencing to other policies in the plan
5139	Should enable new build in exceptional circumstances

Key Issue:

16.14.1. Whether the policy should be amended as suggested.

Conclusions:

- 16.14.2. Para 1.34 in the introduction to the plan sets out the Council's position on cross referencing policies. It is stressed that policies should not be read in isolation and that the plan should be read as a whole. The objector does not suggest any particular reason why this policy should be cross referenced with WB1 or to relevant policies on historic buildings. Cross referencing is not necessary in this instance. It would serve little purpose in a document which is meant to be read as a whole.
- 16.14.3. To ensure consistency with RE5 in Chapter 14 the Council seeks to amend the wording of T8 by PC482. However, I consider it would be more straightforward to indicate that RE5 will apply to all such proposals rather than seek to define the categories of development. It follows I do not support the wording of the proposed change.

Recommendation:

16.14.4. I recommend the plan be modified by deleting *comprising the conversion of existing buildings or the limited extension of existing buildings* from the policy.

16.15. T9 Greenfield Valley**Representations:**

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
52	9943	Tomos	DEP	O	No
1120	1525	Flintshire Tourism Association (Jones)	DEP	O	No
1121	1534	Evans	DEP	O	No
1693	2872	Hulme	DEP	O	No
1694	2880	Zachary	DEP	O	No
1695	2888	Jones	DEP	O	No
1696	2896	Price	DEP	O	No
1697	2904	Pierce	DEP	O	No
1698	2912	Pastor	DEP	O	No
1699	2920	Cannon	DEP	O	No
1700	2928	Roberts	DEP	O	No
1701	2936	Afonwen Craft & Antique Centre	DEP	O	No
1702	2944	The Talacre Beach Group	DEP	O	No
1703	2953	North Wales Shooting School	DEP	O	No
1704	2962	Price	DEP	O	No
1706	2976	Walker	DEP	O	No
1707	2984	Shankar	DEP	O	No
1708	2992	Guy	DEP	O	No
1710	3005	Forkings	DEP	O	No
1714	3073	Holywell Golf Club	DEP	O	No
2043	3779	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4637	Countryside Council for Wales	DEP	O	No
2239	4322	Clayton	DEP	S	No
2334	4863	WAG - Dept Economy & Transport	DEP	O	No
2343	4857	W Hall & Sons(Holywell) Ltd	DEP	O	No
3875	9951	Hughes	DEP	O	No
3876	9959	Jones	DEP	O	No
4841	12621	Dept of Enterprise, Innovation and Networks	DEP	O	No
984	18424	George Wimpey Strategic Land	PC	O	No

Summary of Objections:

Rep No	Summary
4637	Reword the policy and extend it to include land around Gowdal and Holway
4863	Inclusion of the former Holywell Mill site and adjoining land inappropriate
4857	Land which is peripheral to the core tourism activities should be excluded from this policy
12621	Designation for solely tourism uses severely limits opportunities for inward investment
18424	PC483 - exclude land to west of Greenfield Road
All others	Object to policy for a single site, should be deleted to make way for other more important points

Key Issues:

16.15.1. Whether:-

- i) it is appropriate to have a policy for a single site
- ii) the policy wording of the policy should be amended

- iii) the policy area should be changed.

Conclusions:

- 16.15.2. Appropriateness - I am given to understand that in addition to its tourist attractions, Greenfield valley is important for its landscape, nature conservation and historic values. I agree that it is appropriate to safeguard the area from inappropriate development that would harm its linear and continuous form and character. The objections do not indicate what other attractions should be similarly safeguarded or what other important points are excluded as a result. The need for the policy is fully justified and I do not accept that it should be deleted.
- 16.15.3. Wording of policy – It is not necessary to amend the wording of T9 as suggested in 4637 since it would not improve the meaning or impact of the policy.
- 16.15.4. Extent of designation - The final sentence of the supporting text in para 16.34 indicates that development is not restricted to tourism activities within the designated area. However, to describe it as *Tourism Allocations* on the legend to the proposals map is misleading. The Council recognises the significant opportunity to regenerate the area in the vicinity of the Holywell Textile Mill and PC341 proposes HSG2B. Most of this area is within the T9 area. I consider the merits of HSG2B in Chapter 11 where I conclude that subject to satisfactory details there would be no unacceptable conflict between a mixed use regeneration scheme, tourism or the historic, landscape and nature conservation value of the valley which T9 seeks to protect. To reflect the overlapping provisions of HSG2B and T9 it would assist users of the plan if HSG2B was identified as a key policy at the end of T9.
- 16.15.5. PC483 proposes the extension of the T9 designation to include the part of HSG2B to the west of Greenfield Road. The Council says this will ensure development does not detract from the tourism potential of the valley, but criterion a of HSG2B already seeks to do this whilst criterion b protects the landscape and historic environment. As proposed the area of the PC would be the only part of T9 to the west of the road. It would to my mind be an illogical and unnecessary change. It follows I do not support PC483.
- 16.15.6. 4637 does not indicate the boundary of the additional area to which this policy should apply or why. However, the Gowdal/Holway area has a different character and appearance to the designated part of the Greenfield valley and as a consequence I do not support extending the designation as suggested.

Recommendations:

- 16.15.7. I recommend the plan be modified by:-

- i) amending the wording of the legend on the proposals map to *Greenfield Valley*
- ii) inserting the following at the of the explanatory text.

Other key policy:

HSG2B Former Holywell Textile Mill.

17. Community Facilities

17.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
359	519	TCC (Together Creating Communities)	DEP	O	No
2624	6085	HM Prison Service	DEP	O	No

Summary of Objections:

Rep No	Summary
519	Existing community facilities are inadequate and plan does not cater for either new ones or green spaces to be provided alongside new housing
6085	There should be provision for a new prison in Flintshire

Key Issues:

17.1.1. Whether:-

- i) the plan adequately addresses the need for community facilities
- ii) there should be a specific policy for prison development and/or a prison site should be allocated.

Conclusions:

- 17.1.2. Community facilities - There are within the plan several policies which deal with community facilities and/or green spaces. CF1 seeks to retain existing community facilities, whilst CF2 is generally permissive of facilities within settlements. Where it is known that facilities will be provided land is set aside within the UDP to accommodate that need. This is in line with para 1.23 of *Unitary Development Plans Wales* which makes it clear that a plan should only include proposals which are realistic and likely to be implemented during the plan period. It would be misleading and be contrary to national advice if the plan were to put forward proposals which realistically had no hope of implementation before 2015.
- 17.1.3. Insofar as new housing is concerned IMP1 sets out the Council's intention to secure facilities to meet community needs through the use of planning obligations. The retention/provision of open space is dealt with in policies such as L3 and SR5. A number of CF policies such as CF4 and 5 demonstrate the Council's commitment to ensuring community facilities are provided alongside new development. It seems to me that, even if there are perceived shortfalls in facilities in some areas, the plan goes as far as it can in providing a realistic framework for provision of future community facilities.
- 17.1.4. Prison - 6085 was made in 2003 and provides only broad information. At that time the situation was that the area covered by the plan was within an *area of strategic importance* for additional prison places and the objector sought discussions with the Council. So far as I know, no party has suggested any

potential land which could be allocated for a prison which the inquiry could consider. I have no details about the extent of the *area of strategic importance* nor anymore up to date information about whether discussions ever took place. None are mentioned by the Council and the apparent lack of dialogue between the parties in the past 5 years would suggest that, at the least, there is no urgency for a new prison in Flintshire. Given these circumstances it is not possible for a site to be allocated.

17.1.5. I have looked at the possibility of a criteria based policy. Although Circular 17/98 refers to criteria that may be used in the selection of prison sites, it also recognises that they are ideal criteria and that no one site is likely to satisfy them all. Given this factor I consider it would be extremely difficult for the Council to devise a realistic criteria based policy to test any potential development against. In the event that there was to be a delay in the production of the new LDP, and a prison was still required/brought forward, Circular 17/98 recognises that such a proposal may need to be treated as a departure from the development plan in the usual way. Therefore, if a site is identified in Flintshire, I see no reason why the lack of a suitable policy in the UDP should necessarily inhibit the development of a prison. Discussions with the Council can always take place outside the development plan process.

17.1.6. It follows from this that there should be no modification to the plan as a result of these objections.

Recommendation:

17.1.7. I recommend no modification to the plan.

17.2. CF1 Retention of Existing Facilities

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
235	17322	Hatchett	DEP	O	No
2237	17583	Wilkes	DEP	O	Yes
2239	4323	Clayton	DEP	S	No
5186	13421	The Parish of Holywell	DEP	O	No

Summary of Objections:

Rep No	Summary
17322	Retain school and use for community facilities instead of allocating for housing (HSG1(36))
17583	Football pitch within EM1(18) should be protected under CF1
13421	Policy should acknowledge where facilities are not considered appropriate by community/landowner

Key Issues:

17.2.1. Whether :-

- i) HSG1(36) and part of EM1(18) should be allocated for community purposes
- ii) The community/landowners should determine whether a facility is no longer required.

Conclusions:

- 17.2.2. HSG1(36) - Insofar as 17322 is concerned I deal with housing allocation HSG1(36) in Chapter 11. In brief I would say that since the objection was made the situation has changed, the school has been demolished and planning permission has been granted for 14 apartments and 5 bungalows on the site. The merits of community use can therefore only be academic as an allocation for community purposes would not revoke a planning permission.
- 17.2.3. EM1(18) – The Council acknowledges that the inclusion of the playing field within EM1(18) was an error and propose to rectify this by PC391 which deletes part of the employment allocation. PC145 includes the field as a green space under L3. Given the recreational use and need for such facilities I support the PCs. The objection has been conditionally withdrawn.
- 17.2.4. Community facilities – It seems to me that the responsibility to determine whether a community facility is still required should rest with the Council. It is in a position to take an overview and consider all the views, needs and sections of a particular community. Further, whilst casting no ulterior motives on 5186, less scrupulous land owners could pursue a course of deliberate neglect to achieve redevelopment of community facilities which ought to be protected by policy.

Recommendation:

- 17.2.5. I recommend the plan be modified by PCs145 and 391.

17.3. CF2 Development of New Facilities**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
178	17304	Maitland	DEP	O	No
234	1200	Hatchett	DEP	O	No
381	17362	Alexander-Vessey	DEP	O	No
381	17363	Alexander-Vessey	DEP	O	No
1022	1349	Mold Town Council	DEP	O	Yes
1118	1486	Wright	DEP	O	No
1506	2131	Jimsul Ltd	DEP	O	No
1717	3088	Holywell Town Council	DEP	O	No
2106	4638	Countryside Council for Wales	DEP	O	No
2236	4167	York	DEP	O	No
2237	4172	Wilkes	DEP	O	Yes
2239	4324	Clayton	DEP	S	No
2678	17820	North East Wales Wildlife Trust	DEP	O	No
2752	17643	Deeside College	DEP	O	No
5186	13422	The Parish of Holywell	DEP	O	No

Summary of Objections:

Rep No	Summary
1349	There is an urgent need to identify further burial provision in Mold
1486	Land should be allocated for allotments at New Brighton
13422	Allocate land on site of former church Holywell as replacement for former church hall

2131	This is dealt with in Chapter 11 HSG1 Buckley
3088 4172	CF2i should be extended to include the whole of the boundary of the new cemetery
4167	Allocate land for community/amenity use and possible community centre
17643	Consider training provision in connection with Deeside College on EM1(8)
17304	Allocations at Sheridan Avenue eg S1(8) should be used to provide community facilities
1200	This is dealt with at CF1 with 17322
4638	An alternative site should be found for CF2iii Lixwm
17362 17363	Hawarden and Ewloe need a health centre and dentist more than HSG1(31) and HSG1(32)
17820	CF2iii is a grassland of UK BAP priority habitat importance. Delete allocation

Key Issues:

17.3.1. Whether :-

- i) the plan should allocate land for a cemetery in Mold, allotments at New Brighton, community hall in Holywell, training purposes at EM1(8), a health centre/dentist and library at Ewloe
- ii) CF2i should be extended
- iii) CF2iii should be deleted.

Conclusions:

- 17.3.2. Cemetery in Mold – The Council says, and it is not disputed by the objector, that it is not yet known when or which part of the objection site will be required as a cemetery extension. Without a firm proposal it is not appropriate to allocate land under CF2. However, should a firm proposal come along during the lifetime of the plan CF2, would provide the policy framework against which to assess the scheme.
- 17.3.3. Allotments, New Brighton – Although I agree that allotments can be of benefit to communities, there is no substantive evidence submitted to demonstrate that there is a need for allotments either in the County generally or in New Brighton in particular. Whilst the objection refers to housing site HSG1(47) I have concluded in Chapter 11 that this site should go ahead for housing purposes. That being said, should a need for allotments be identified, then it is a matter which can be pursued outside the development plan inquiry. The UDP is generally supportive of allotments (SR6) and CF2 together with policies in Chapter 15 would provide the policy framework for consideration of such proposals.
- 17.3.4. Community Hall, Holywell – Since the objection was lodged, planning permission has been given, a building erected and is now in use by the local community. It is not necessary to comment further on 13422.
- 17.3.5. In respect of 4167, this site is outside the settlement boundary and I am given to understand that an existing community centre on Moor Lane is already available to serve the estate which could be refurbished under the provisions of CF2. For nature conservation or amenity purposes, the site could be considered under countryside and wildlife policies. It would not require designation under the CF policies. In these circumstances I do not consider it has been demonstrated that there is a need for additional land to be allocated for community use outside the settlement boundary. A linked objection is dealt with in Chapter 10.

- 17.3.6. Deeside College – So far as I am aware, the college has no firm plans for a training base, therefore it is not appropriate to make such an allocation on EM1(8) which is a brownfield site suitable for employment purposes. However, I note the Council's comment that the lack of a formal allocation under CF2 would not of itself preclude use of the site as an employment training base on an employment allocation.
- 17.3.7. Sheridan Avenue, HSG1(31), HSG1(32) Ewloe – The Council acknowledges that the proposed community centre did not go ahead as it would have been too close to the Wood Lane allocation. In its stead, and outside the UDP inquiry process, a housing/sheltered housing and local shop development has been developed. It would therefore serve little purpose to consider these objections in any detail as the site is now developed. I would note however, that HSG1(32) has also been developed and although not developed HSG1(31), which is earmarked specifically for sheltered housing to meet the needs of a mixed community, is now fenced off.
- 17.3.8. CF2i Cemetery Greenfield – The Council accepts that the boundary of the cemetery extension should be enlarged to include the whole of the safeguarded area and propose PC485 to address this error.
- 17.3.9. Lixwm – CF2iii – The land has the benefit of planning permission for a village hall and an all weather pitch. Development can therefore go ahead irrespective of the UDP allocation. However, in acknowledgement of the landscape and nature conservation value of the site the Council has also allocated the site as a green space under L3(66) which will afford it protection should the community facility not go ahead. In the circumstances there is nothing further the UDP can do to protect the site.

Recommendation:

- 17.3.10. I recommend the plan be modified by PC485.

17.4. CF4 New Primary School

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2239	4326	Clayton	DEP	S	No
4625	13699	Sargeant AM	DEP	O	No
5224	13516	Whittaker	DEP	O	No

Summary of Objections:

Rep No	Summary
13516 13699	CF4 is not consistent with CF2 and has been created for Croes Atti development. Such circumstances could be replicated at Sealand village

Key Issue:

- 17.4.1. Whether it is appropriate to retain policies CF4 and CF5.

Conclusions:

- 17.4.2. Croes Atti is a mixed use allocation for an urban extension to Flint carried over from the draft North Flintshire Local Plan. It is included within the settlement

boundary. Because of progress on the proposal it was shown as a commitment on the deposit plan and outline planning permission was granted in 2004. Whilst the development will have easy access to a range of facilities in Flint, its scale is such that there will be a need for a new school and health facilities and I am led to believe these services will be provided as part of the overall development. In these circumstances it is appropriate that the new school and health facilities are recognised in the UDP as allocations and I see no inconsistency with CF2. The merits of development at Sealand are addressed primarily in Chapter 4.

Recommendation:

17.4.3. I recommend no modification to the plan.

17.5. CF5 New Health Clinic

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
4625	13700	Sargeant AM	DEP	O	No
5224	13517	Whittaker	DEP	O	No
2239	4327	Clayton	DEP	S	No

Summary of Objections:

Rep No	Summary
13517 13700	CF5 is not consistent with CF2 and has been created for Croes Atti development. Such circumstances could be replicated at Sealand village

17.5.1. My conclusions on these objections are to be found above at CF4.

17.6. CF6 New Community Centres

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
275	17327	Dolphin	DEP	O	No
309	17333	Hatchett	DEP	O	No
368	17357	Strom	DEP	O	No
2239	4328	Clayton	DEP	S	No
7201	17341	Hatchett	DEP	O	No

Summary of Objections:

Rep No	Summary
All	Retain Greenfield School (HSG1(36)) and use as a community centre/crèche/clinic/play area, put housing on existing community centre

Key Issue:

17.6.1. Whether the Greenfield School site should be allocated as a community centre and/or for community purposes.

Conclusions:

- 17.6.2. Since the objection was made the situation has changed, the school has been demolished and planning permission has been granted for 14 apartments and 5 bungalows on the site. The merits of community use of the site can therefore only be academic as an allocation for community purposes would not revoke the planning permission. Moreover from the Council's response to the objections it is evident that it has no intention of providing a community centre on the site as there are alternative community facilities in the locality. Given these circumstances it would be unreasonable to allocate the site as a community centre.

Recommendation:

- 17.6.3. I recommend no modification to the plan.

17.7. CF6 (a) Gamfa Wen, Talacre.**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4639	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4639	Car parking provision should be dual use. Development should safeguard the natterjack toad

Key Issue:

- 17.7.1. Whether the plan should be changed as a result of the objection.

Conclusions:

- 17.7.2. The use of car parking and protection of wildlife species are matters which can be addressed as part of the development control and/or operation of the facility. They do not necessitate changes to the UDP. However, I understand the centre has now been built and as a consequence the Council wishes to delete the allocation. This will update the plan and is a matter which can be addressed at the modification stage.

Recommendation:

- 17.7.3. I recommend the plan be modified by the deletion of CF6(a).

17.8. CF6 (c) Strand Park, Holywell.**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2236	4168	York	DEP	O	No
2106	4639	Countryside Council for Wales	DEP	O	No
1717	3101	Holywell Town Council	DEP	S	No

Summary of Objections:

Rep No	Summary
4168	This is dealt with at CF2 with 4167
4639	Site supports semi-natural habitats. Seek alternative site or protect vegetation

Key Issue:

17.8.1. Whether the site should be deleted.

Conclusions:

- 17.8.2. As 4639 considers the site can be developed for a community centre if as *much of the wildlife interest as possible is protected*, I see no overriding reason to delete the allocation. This is a matter which can be addressed as part of the development control process.
- 17.8.3. However, the Council now proposes (PC486) the deletion of the allocation from CF6 and moving it to CF2 so that the land can still be protected for a general community facility. The reason given is a bald*a specific allocation for a community centre is no longer appropriate*... There is no explanation of why it is no longer required or what alternative community facility is considered to be appropriate. It is possible that an alternative facility could have a greater impact on the vegetation of the site and in these circumstances I consider it inappropriate to endorse the change without a reasoned justification from the Council. It follows neither do I support consequent amendment PC484 or the informal change to delete para 17.14 suggested in its written response to the objection.

Recommendation:

17.8.4. I recommend no modification to the plan.

17.9. CF6 (d) St David's Park and Wood Lane, Ewloe.**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
72	17274	Walkden	DEP	O	No
2295	4652	Bowey Homes Ltd	DEP	O	No
3832	9851	Colwell	DEP	O	No
3833	9853	Doherty	DEP	O	No
5354	13810	Parry	DEP	O	No
6720	15646	Coram	DEP	O	No

Summary of Objections:

Rep No	Summary
4652	A more central location on HGS1(30) would be more accessible
All others	Refurbish existing facilities. Community centre and shop will cause antisocial behaviour replace with health centre/dentist, school etc. There is no need

Key Issue:

17.9.1. Whether the Sheridan Avenue allocation as a community centre should remain in the plan.

Conclusions:

- 17.9.2. Events have overtaken these objections. The site of the St David's Park allocation has been built on. There is now a shop and housing on the site and irrespective of the allocation, community development cannot go ahead. Nor can any of the other community facilities suggested by the objectors. In these circumstances it would serve no useful purpose to respond in detail on these objections.
- 17.9.3. It follows I support PCs487 and 488 which delete reference to St David's Park Ewloe from CF6d and para 17.15. As I shall recommend the deletion of the site, the consideration of alternatives, such as HSG1(30), is not necessary which has in any event now been developed. A number of objectors have referred to the refurbishment of existing community facilities as an alternative, but have not said which. I saw at my site visit that there is an existing community centre on Level Road, but as I have no up to date information on either that or the Wood Lane allocation I can reach no meaningful conclusions on the existing/proposed facilities.

Recommendation:

- 17.9.4. I recommend the plan be modified by PCs487 and 488.

17.10. CF7 Reuse of Redundant Hospitals in the Countryside**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
767	1028	Hewitt	DEP	S	No
1103	1464	N A W (Welsh Health Estates)	DEP	O	No
2106	4641	Countryside Council for Wales	DEP	O	No
2239	4331	Clayton	DEP	S	No
2411	5270	Home Builders Federation	DEP	O	No
4699	17672	Parry	DEP	O	No

Summary of Objections:

Rep No	Summary
1464	Neither PPW 7.6.9 nor HSG7 preclude residential use. Policy should recognise prospect of redevelopment, potential for residential use and/or 2 sites be allocated for housing
4641	Cross reference with WB1 and WB5
5270	Policy does not accord with PPW which is subject, to provisos, permissive of residential
17672	Policy should contain a presumption against housing. If either site go ahead figures should be added to supply to ensure Penryffordd and Dobshill are not overdeveloped

Key Issues:

- 17.10.1. Whether:-
- CF7 should be retained in the plan and/or modified
 - It is necessary to cross reference with WB1 and WB5.

Conclusions:

- 17.10.2. The policy relates to only 2 sites within the County. At the time of writing this report planning permission has been granted for housing on the Meadowslea Hospital site. Therefore CF7 is no longer relevant and residential development

can go ahead irrespective of UDP policy. However, there is no decision on an application and subsequent appeal for the Dobshill Hospital complex. The policy therefore remains pertinent, at least in part and it is in the context of the Dobshill site that my comments below are made.

- 17.10.3. Policy – If a number of criteria can be met, PPW at para 7.6.9 is permissive of the reuse of existing rural buildings for uses such as employment. Para 7.6.10 goes on to say that in some circumstances residential conversion may be appropriate. However, 7.6.10 makes it clear that despite the brownfield nature of a site rebuilding for residential purposes is to be treated in a similar way as new house building in the countryside. There is therefore qualified national policy support for the residential reuse but none for the redevelopment of redundant buildings in the open countryside. HSG7 reflects national policy.
- 17.10.4. I see no especial conflict between HSG7 and CF7. HSG7 deals with buildings generally whilst CF7 relates specifically to a redundant hospital at Dobshill. It has an area of about 2.75ha and would accommodate a significantly larger scale of development than the bulk of applications which come forward for the conversion/redevelopment of redundant buildings in the countryside. To my mind it is appropriate that it has its own more restrictive policy.
- 17.10.5. In Chapter 11 HSG1 Dobshill I give reasons why the site should not be allocated for housing. In the present situation there is no need to identify further sites to meet the housing requirement. The site is located in the open countryside (designated as green barrier), at some distance from any identified settlement boundary and it would not be consistent with the plan's underlying sustainable principles to modify CF7 to enable residential conversion of the Dobshill hospital site. Should it prove uneconomic to convert the building to employment use then, there is nothing to stop an application coming forward as an exception to policy. But in the above circumstances it seems to me that such an eventuality should be treated as an exception to and not enshrined in policy. These arguments apply equally if not more so to a policy change which would support redevelopment and the erection of new dwellings on the site.
- 17.10.6. I am somewhat puzzled by the Council's position in this case, on the one hand it has resolved not to pursue the reasons for refusal on the appeal proposal to demolish the buildings and rebuild houses on the site, whilst on the other it does not support an amendment to the policy to cater for an eventuality when residential use would be appropriate. However, this matter does not affect my conclusions which are based on the information before me and the planning merits of the objections.
- 17.10.7. 5270 does not say which criteria are referred to in PPW. It is not therefore possible to respond in detail to the objection.
- 17.10.8. Cross reference – The link between CF7 and WB1/WB5 is not sufficiently strong to justify the cross reference of the policies in a plan which is meant to be read as a whole.
- 17.10.9. Whilst I do not believe the policy should be changed it seems to me that in the light of the decision at Meadowslea (Penyffordd), the text accompanying the policy should be modified to reflect the up to date position.

Recommendation:

- 17.10.10. I recommend paras 17.16 – 17.19 be modified to reflect the extant planning permission at Meadowslea.

17.11. CF9 Development by Utilities.

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4644	Countryside Council for Wales	DEP	O	No
2239	4330	Clayton	DEP	S	No
4834	12577	National Grid	DEP	O	No

Summary of Objections:

Rep No	Summary of Objections
4644	Add criterion to ensure that development will not harm wildlife, geological features. Cross reference with WB1,2 and 3. Development may require EIA
12577	The Council is not the determining authority for power lines. The first criterion is problematic as infrastructure often places restrictions on land. Rewrite policy

Key Issues:

17.11.1. Whether:-

- i) the policy should be changed
- ii) the policy should be cross referenced with WB1 etc.

Conclusions:

- 17.11.2. Policy – The Council accepts that there should be a criterion dealing with impacts on the environment and to my mind PC489 deals with this matter in a satisfactory way. I prefer the Council's wording. The objector's suggestion would be virtually impossible to meet as inevitably development would have some effects, but those effects need not necessarily be harmful or justify refusal of a development.
- 17.11.3. It would make the policy unnecessarily cumbersome for it to refer to the possibility of such developments requiring EIA. There is a statutory requirement which will apply to those developments covered by legislation irrespective of development plan policies. And GEN6 addresses those occasions which are not covered by legislation, but where there may be significant impacts.
- 17.11.4. CF9 is aimed not just at power lines, but at all structures/plant associated with infrastructure providers which require planning permission. Given the potential scope of application of the policy it rightly seeks to ensure that such development does not unnecessarily either, impose significant development restrictions, or result in development in the open countryside. There is however a degree of flexibility in the policy in that it refers to significant restrictions and is permissive of development outside settlement boundaries - if only as a last resort. In the light of these factors I consider the policy will satisfactorily guide development.
- 17.11.5. Cross reference - I do not consider the link between CF9 and WB1, 2 and 3 is sufficiently strong to justify the policies to be cross referenced in a plan which is meant to be read as a whole.

Recommendation:

17.11.6. I recommend the plan be modified by PC489.

18. Minerals

18.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3425	Flintshire Green Party	DEP	O	No
1712	17553	The Crown Estate	DEP	O	Yes
1713	17558	Tarmac Central Ltd	DEP	O	No
2350	5187	Welsh Assembly Government	DEP	O	Yes
2350	5189	Welsh Assembly Government	DEP	O	Yes
2350	5192	Welsh Assembly Government	DEP	O	No
2350	5194	Welsh Assembly Government	DEP	O	Yes
2420	5899	RSPB Cymru	DEP	O	No
3543	9014	Chester City Council	DEP	O	No
3703	9513	Quarry Products Association	DEP	O	No
4844	12614	Trustees of the Fourth Duke of Westminster	DEP	O	No
4844	12617	Trustees of the Fourth Duke of Westminster	DEP	O	No
4844	12635	Trustees of the Fourth Duke of Westminster	DEP	O	No
4844	17677	Trustees of the Fourth Duke of Westminster	DEP	O	No
4844	17678	Trustees of the Fourth Duke of Westminster	DEP	O	No
4844	17679	Trustees of the Fourth Duke of Westminster	DEP	O	No
4844	17680	Trustees of the Fourth Duke of Westminster	DEP	O	No
4844	17681	Trustees of the Fourth Duke of Westminster	DEP	O	No
4844	17682	Trustees of the Fourth Duke of Westminster	DEP	O	No
6718	15632	Brock Plc	DEP	O	No
6718	15633	Brock Plc	DEP	O	No
2753	18018	Cheshire County Council	PC	O	No

Summary of Objections:

Rep No	Summary
3425	Areas of search should be shown in the written statement and in the proposals maps
17553 17558	Include policy on provision of sites for recycling of construction and demolition waste
5187	Include policy on where mineral extraction might be considered
5189	Include policy on borrow pits
5192	Include policy on energy minerals
5194	Include an assessment of the current levels of the aggregates landbank and clarify future requirements
5899	Show size and location of mineral sites with extant planning permission
9014	Not allocating specific sites for mineral extraction could create uncertainty and lead to the unplanned and ad hoc development of sites
9513	Policies may need revision following final publication of Aggregates TAN
12614	Issues in relation to mineral extraction are not set out or analysed
12617	Identify specific areas for future working or where mineral deposits should be safeguarded
12635	MIN2 and MIN3 do not provide guidance on formulation of modern conditions pursuant to Schedule 13 of the Environment Act 1995
17677	Include policy to encourage sequential working and restoration of mineral sites
17678	Recognise the strategic advantage of the mineral reserves at Holywell and Halkyn Commons
17679	Include framework to deliver benefits to local people and the local economy

17680	Does not explain how potentially conflicting elements might be reconciled
17681	Access to and from principal mineral areas has not been addressed
17682	Indicate how any review of extant permissions within SAC will be undertaken and effect it might have on mineral reserves and resources
15632	Indicate all active and dormant quarry sites
15633	Include land off Pinfold Lane, Alltarni for mineral extraction; show extent of planning permissions rather than use of symbols
18018	Include policy to maintain landbanks for sand and gravel during the plan period in accordance with national guidance

Key Issues:

18.1.1. Whether the chapter should:-

- i) include additional policies
- ii) maintain landbanks
- iii) show the extent of mineral sites
- iv) reflect MTAN1.

Conclusions:

- 18.1.2. Policy – Policy MIN1 and the supporting text (as amended) refer to the use of secondary and recycled materials and resources. Policies EWP6 areas of search for new waste management facilities and the amended EWP9 (now EWP10) reusing development waste in Chapter 19 are also relevant. An additional policy on this matter would result in unnecessary duplication.
- 18.1.3. PC523 inserts a new policy dealing with Borrow Pits which reflects the advice in MPPW. I support this amendment and note that 5189 is conditionally withdrawn.
- 18.1.4. MIN4 and 5 relate to restoration and aftercare. The sequential working of a site is a matter of detail that is best dealt with through the development control process rather than the UDP. The same also applies to delivering benefits to the local community and economy having regard to IMP1 and MIN4.
- 18.1.5. Landbanks – Where landbanks already provide more than 20 years of aggregates extraction MTAN1 indicates that new allocations in development plans will not be necessary. The North Wales Aggregates Working Party Annual Report 2003 indicates that North East Wales (including Flintshire) had a landbank of 33 years for limestone and 14 years for sand and gravel (at a 2003 base date). Since there is no need for additional mineral extraction sites over the plan period I do not consider it is appropriate or necessary to identify either Preferred Areas or Areas of Search (MPPW para 14). The plan provides the necessary high degree of certainty the MPPW seeks without them.
- 18.1.6. Landbanks should be adequate but not excessive and MTAN1 indicates that a minimum 10 year landbank for crushed rock and 7 years for sand and gravel should be maintained during the entire development plan period. Whilst the landbank for limestone extends well beyond the lifetime of the plan, this is not the case for sand and gravel. In the present circumstances I consider the appropriate action is to closely monitor the situation and to identify Preferred Areas and Areas of Search through the LDP process if necessary at that time.
- 18.1.7. Extent of mineral sites – The proposals map indicates the broad location of mineral and quarry sites by means of a symbol. The impact of a mineral operation is not necessarily dependant upon the extent of the area with planning permission, many other factors such as the manner of working, transport routes

etc, will also be relevant. To my mind delineating specific site boundaries would not bring greater clarity to the plan or serve any useful purpose. The Proposals Map includes the appropriate symbols in the vicinity of Pinfold Lane, Alltami. 15632 does not indicate which sites have been omitted and I cannot comment further on this matter.

- 18.1.8. MTAN1 – In general the PCs indicate that the chapter has been reviewed in the light MTAN1 and provide an appropriate analysis of the relevant issues.
- 18.1.9. Other Matters - Since MIN2 and MIN3 relate to new mineral proposals appropriate planning conditions will be imposed in accordance with national policy and legislation as a matter of course. Planning conditions must satisfy all the tests in Welsh Office Circular 35/95. It is not the function of the UDP to include guidance on the formulation of modern planning conditions.
- 18.1.10. PC493 provides information on the aggregate minerals landbank in North Wales and North East Wales and the likely future mineral demands. This provides a context for the minerals policies that follow and accords with the advice in MPPW.
- 18.1.11. I consider matters relating to areas of search in my response to MIN8 below.
- 18.1.12. It is not appropriate for the policy to differentiate between the strategic significance of the mineral resource of different parts of Flintshire since, for the reasons I have given above, I do not consider the sequential approach to identifying Specific Sites, Preferred Areas and Areas of Search advocated in MPPW is necessary.
- 18.1.13. There may be instances where a development proposal results in tension between different policies in the plan. The plan should be read as whole and I do not consider it is feasible for the plan itself to reconcile all such tensions since their resolution will be dependant upon the particular circumstances of each proposal. Proposals will be determined on their own merits having regard to the relevant policies and other material considerations. It is for the development control process to resolve any such tensions.
- 18.1.14. The review of extant permissions within a SAC is subject to the European Habitat Directive and Habitat Regulations. The methodology is not an appropriate matter for the UDP. The subsequent impact on the mineral reserves can only be properly judged when the reviews have been completed. It would be premature to try and guess the effects on minerals reserves and resources at this stage.
- 18.1.15. Major traffic generating developments and road improvements/new road designs are subject to policies in Chapter 10. I am told there are no schemes for road improvements to serve the principal mineral areas. Given the respective roles of the LTP and the UDP, this matter would need to be pursued through the LTP before it could be included in the UDP.
- 18.1.16. I consider energy minerals in MIN8 below.

Recommendation:

- 18.1.17. I recommend the plan be modified by PC493 and 523.
-

18.2. Policy objectives

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4645	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4645	Seeks amendments to Policy Objectives a and b

Key Issue:

18.2.1. Whether the Policy Objectives should be amended.

Conclusions:

- 18.2.2. Sustainability is a core concept of the plan and applies to the extraction of the mineral rather than the provision of the mineral resource. I consider Policy Objective a would be improved if the wording was amended to reflect this. The suggested wording is not appropriate since it relates to mineral resources rather than mineral extraction. I do not consider it is necessary to amend the wording of the heading as well since the amended text provides adequate emphasis.
- 18.2.3. The suggested amendments to the wording of Policy Objective b seeks to *avoid, minimise and mitigate the impact*. These requirements contradict each other and impose an impossible demand on a development. I do not support this element of the objection.

Recommendation:

- 18.2.4. I recommend the plan be modified by deleting *provide* in Policy Objective a and inserting *enable the sustainable extraction of*.

18.3. Paragraph 18.1

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1712	3034	The Crown Estate	DEP	O	No
1712	3045	The Crown Estate	DEP	O	Yes

Summary of Objections:

Rep No	Summary
3034	Questions the appropriateness of the reference to <i>the Sustainable Development debate</i> ; should consider allocation of minerals in the same way as housing
3045	Should give minerals the same positive emphasis as energy in Chapter 19

Key Issue:

- 18.3.1. Whether the text should be amended.

Conclusions:

- 18.3.2. It is appropriate for the plan to recognise that minerals are an important element in the sustainability debate. However, the use of the word *key* in the opening sentence suggests that it has a greater bearing on the debate in comparison to other forms of development. I do not consider the use of this term necessary or helpful. In the interests of consistency I note there is similar wording in para 19.1 in Chapter 19.
- 18.3.3. Minerals are a finite non renewable resource whereas land can be redeveloped and reused. There are differences between mineral workings and other forms of development as indicated in MTAN1. For those reasons it is not appropriate to regard mineral allocations in the same way as housing. The objector does not indicate what changes are sought and I am unable to take this matter further.
- 18.3.4. When read as a whole the introductory chapters do recognise the importance and significance of minerals as a resource and the contribution to the economy. I do not consider the text should be amended.

Recommendation:

- 18.3.5. I recommend the plan be modified by deleting *key to* from the opening sentence.

18.4. Paragraph 18.2**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1690	2594	D P Williams Holdings Ltd	DEP	O	No
1712	3035	The Crown Estate	DEP	O	Yes
1713	3059	Tarmac Central Ltd	DEP	O	No

Summary of Objections:

Rep No	Summary
2594	Amend final sentence and add wording to recognise importance to local economy and benefits to local communities
3035	Insert reference to local context
3059	Amend wording of final sentence

Key Issue:

- 18.4.1. Whether the wording should be amended.

Conclusions:

- 18.4.2. I do not consider the paragraph ignores the contribution that mineral extraction makes to the local economy. In recognising that minerals are an important national resource, it follows that they are also important at a local level. The objections do not put forward additional wording about benefits to local communities for me to assess and I do not consider any would be necessary or would improve the plan.
- 18.4.3. PC490 amends the final sentence which brings clarity and addresses the objections.

Recommendation:

18.4.4. I recommend the plan be modified by PC490.

18.5. Paragraph 18.3 - 18.5**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1712	3036	The Crown Estate	DEP	O	Yes
1712	3037	The Crown Estate	DEP	O	Yes
1713	3047	Tarmac Central Ltd	DEP	O	No
1713	17556	Tarmac Central Ltd	DEP	O	No
1713	17557	Tarmac Central Ltd	DEP	O	No
2350	5174	Welsh Assembly Government	DEP	O	Yes
4844	18392	Trustees of the Fourth Duke of Westminster	PC	O	No

Summary of Objections:

Rep No	Summary
3036	Does not indicate where mineral extraction is likely to be acceptable
3037	Include reference to the 5 key principles from MPPW
3047	Objects to final sentence of para 18.3; should have regard to the expected Aggregates TAN
5174	Should refer to regional agreements between neighbouring authorities
17556	Plan does not comply with issues i and ii of the 1 st bullet point in para 18.4
17557	Para 18.5 ignores 1 st key objective set out in MPPW para 10
18392	Seeks to amend wording of 3 rd key objective inserted by PC492

Key Issue:

18.5.1. Whether the wording should be amended.

Conclusions:

- 18.5.2. My conclusions regarding identifying areas where mineral extraction is likely to be acceptable are to be found in 18.1 above. Briefly, since existing sites provide more than adequate opportunities for mineral extraction over the lifetime of the plan there is no need to identify further areas.
- 18.5.3. PC491 inserts a reference to the Aggregates TAN. This MTAN was issued after the deposit draft UDP and updates the reference to national planning policy. PC492 inserts the 5 key principles from MPPW. It is unclear to me on what basis it is asserted the plan ignores the first of these key principles and I am unable to make further comment on this objection. Since the key principles are extracted directly from MPPW it is not appropriate to amend the wording of key objective 3 as suggested. I am satisfied that when read as a whole the plan addresses the key principles.
- 18.5.4. PC494 deletes the final sentence of para 18.3 which is an inappropriate statement. The additional text introduced as a result of PC493, which I consider in 18.1 above, includes reference to neighbouring authorities. Furthermore, it refers to the work of the North Wales Regional Aggregates Working Party and the steer that will be provided by the RTS. This indicates how the mineral resources will be reviewed and assessed.

Recommendation:

18.5.5. I recommend the plan be modified by PCs491, 492 and 494.

18.6. MIN1 Guiding Minerals Development**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1501	2096	Barnston Estate	DEP	O	No
1690	2595	D P Williams Holdings Ltd	DEP	O	No
1712	3038	The Crown Estate	DEP	O	Yes
1713	3061	Tarmac Central Ltd	DEP	O	No
2106	4647	Countryside Council for Wales	DEP	O	No
2239	4332	Clayton	DEP	S	No
2350	5178	Welsh Assembly Government	DEP	O	Yes
2753	6644	Cheshire County Council	DEP	O	No
3862	9920	Mattward Ltd	DEP	O	No
5104	13182	Staddon	DEP	O	No
5118	13353	RMC Group Plc	DEP	O	No
59	18099	Envirowatch	PC	S	No
1690	18475	D P Williams Holdings Ltd	PC	O	No
2238	18331	Heesom	PC	O	No
4844	18393	Trustees of the Fourth Duke of Westminster	PC	O	No

Summary of Objections:

Rep No	Summary
2096	Refer to types of sand product and their uses in para 18.7; para 18.9 is contradictory
2595	Delete <i>preference will... resources</i> in policy; para 8.8 is imprecise and emotive
3038	Delete reference to secondary and recycled resources in policy; amend criteria; replace opening sentence of para 18.7
3061	Delete <i>preference will... resources</i> in the policy; <i>clear and demonstrable need</i> should not be applied outside AONB; replace <i>pose a threat to</i> in 18.8 with <i>unacceptable adverse impact</i>
4647	Delete <i>firstly</i> from policy; cross reference to GEN6; para 18.9 should refer to nature conservation interests
5178	Para 18.6 should indicate that minerals should be used efficiently and not exploited for lower grade purposes
6644	Seeks guidance/certainty about the assessment of need for and location of minerals
9920	No specific site provision is made for mineral working; such a site at Ddol
13182	Does not conform with MPPW due to failure to identify sites, policy is imprecise and ambiguous; seeks clarification how criterion c is to be applied
13353	Inadequate recognition of the importance of minerals to local economy and raw materials for local use; deepening workings is not always preferable to lateral extension or new workings
18475	Criterion c should not be deleted (PC496)
18331	Objects to absence of local community impact in PC497
18393	Criterion c should not be deleted (PC496) and para 18.9 reinstated

Key Issues:**18.6.1. Whether:-**

- i) the policy and supporting text should be amended and cross referenced
- ii) there is sufficient guidance and certainty regarding the future need and location of mineral development

Conclusions:

- 18.6.2. Policy – I agree that the term *firstly* in the policy is not necessary and I support its deletion. MPPW indicates that the contribution of recycled waste materials should be taken into account where these can be used satisfactorily and realistically instead of primary land won minerals. It is appropriate for the policy, (which deals with the recovery of minerals as well as winning and working) to refer to these sources. However, the use of the term *encouraging* is imprecise and it should be deleted.
- 18.6.3. One of the aims of minerals planning is to ensure the prudent use of natural resources. There is no indication in MPPW that approach is limited to national parks or AONBs. It is appropriate for the policy to require a clear and demonstrable need for the extraction of primary materials together with an indication of why secondary and recycled materials and mineral waste resources cannot meet the need.
- 18.6.4. Including a statement within the policy that refers to the importance of minerals to the local economy would not improve the plan since the supporting text recognises this.
- 18.6.5. PC496 deletes criterion c on the basis that it is imprecise. The advice in MPPW regarding the prudent use of resources and need to provide certainty about the future working of inactive sites reinforces the inappropriateness of this criterion. I understand that dormant sites are not included in the landbank calculation and that most inactive sites are already worked out. The Council is pursuing a programme to eliminate obsolete and inappropriately located sites with mineral planning permissions. In view of these factors and the extent of the landbank I see no reason why the criterion should be retained.
- 18.6.6. Location – My conclusions regarding where mineral extraction is likely to be acceptable are to be found in 18.1 above. Briefly, since existing sites provide more than adequate opportunities for mineral extraction over the lifetime of the plan there is no need to identify further areas where mineral development would be likely to be acceptable or allocate further sites.
- 18.6.7. The Council states that the policy stance is supported by the RTS. However, this is a consultation document and could be amended in the light of responses. The RTS reinforces the findings of the 2003 Annual Report referred to in PC493 and it is on the basis of that document and PC493 that I base my conclusions.
- 18.6.8. The land at Ddol is within a MSA (see MIN8 below). The acceptability of working this site is outside the scope of the UDP, but I note that 9920 agrees with the concept of MSAs.
- 18.6.9. Para 18.6 – The Council states that PC497 provides a wider context for the role of the Minerals Planning Authority. Whilst I support the additional text, I do not consider the paragraph fully reflects the advice in para 81 of MPPW which says it is important to ensure that high quality mineral resources are safeguarded from use as a lower grade material. No justification is given to depart from national policy. This paragraph should be amended to reflect this advice as I indicate in the recommendations below. It is not necessary to include reference to the impact on the local community since this is dealt with in MIN2 and MIN3.
- 18.6.10. Para 18.7 – I support PC498 which uses a more suitable terminology in the opening sentence. The suggested alternative wording put forward as part of 3038 would weaken the emphasis being placed on a sustainable approach to the use of mineral resources.

- 18.6.11. MPPW does not specify a need to provide a breakdown between types of minerals in identifying the 7 year landbank for sand and gravel. This plan is concerned with land use matters and it is not clear to me how references to the various types of sand product and their respective end uses would improve the plan.
- 18.6.12. Where landbanks provide for more than 20 years of aggregates extraction para 49 of MTAN1 indicates further extensions to existing sites or new extraction sites should not be permitted *save in rare and exceptional circumstances*. Para 18.7 is not as restrictive as MTAN1 and no justification is given to depart from national policy. This paragraph should be amended to reflect this advice as I indicate in the recommendations below.
- 18.6.13. Para 18.8 - PC499 indicates the sequential approach for new mineral development. Whilst the lateral extension of a working may be preferable to deepening in some cases, this is a matter of detail that should be addressed at the planning application stage. The amended wording brings clarity and removes the emotive and inappropriate terminology.
- 18.6.14. Para 18.9 – PC501 deletes this paragraph to take account of the deletion of criterion c which I support. On the basis that the paragraph is deleted I am unable to comment on this element of 2096 and 4647.
- 18.6.15. Cross referencing – PC502 inserts a cross reference to GEN6. Bearing in mind the likelihood that mineral applications will require environmental assessments I support this amendment which brings greater clarity to the plan.

Recommendations:

18.6.16. I recommend the plan be modified by:-

- i) deleting the second sentence of the policy and replacing it with *Preference will be given to the use of secondary and recycled materials and mineral waste*
- ii) PCs496, 497, 498, 499, 501 and 502
- iii) in para 18.6 deleting the third sentence and adding to the end of the second sentence *whilst safeguarding high quality mineral resources from use as lower grade material.*
- iv) inserting the following sentences at the beginning of para 18.7 - *Given the extensive landbank for aggregates, further extensions to existing sites or new extraction sites will not be permitted save in rare and exceptional circumstances. Such a situation could arise where, for example, the supply of an aggregate of a particular specification is clearly demonstrated or where operators are prepared to unilaterally surrender the consents relating to existing permitted reserves through planning agreements or Prohibition Orders*

18.7. MIN 2 Minerals Development

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3372	Flintshire Green Party	DEP	O	No
1501	2099	Barnston Estate	DEP	O	No

1690	2597	D P Williams Holdings Ltd	DEP	O	No
1712	3039	The Crown Estate	DEP	O	Yes
1713	3064	Tarmac Central Ltd	DEP	O	No
2029	3692	National Trust	DEP	O	Yes
2043	3780	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4648	Countryside Council for Wales	DEP	O	No
2239	4333	Clayton	DEP	S	No
2350	5181	Welsh Assembly Government	DEP	O	No
2721	6477	UK Coal Mining Ltd	DEP	O	No
2753	6647	Cheshire County Council	DEP	O	No
3543	9015	Chester City Council	DEP	O	No
3703	9516	Quarry Products Association	DEP	O	No
4699	12194	Parry	DEP	O	No
4844	12618	Trustees of the Fourth Duke of Westminster	DEP	O	No
4844	17676	Trustees of the Fourth Duke of Westminster	DEP	O	No
5104	13192	Staddon	DEP	O	No
5118	13359	RMC Group Plc	DEP	O	No
59	18101	Envirowatch	PC	S	No
1413	18234	Clwydian Range Joint Advisory Committee	PC	O	No
1690	18476	D P Williams Holdings Ltd	PC	S	No
4844	18395	Trustees of the Fourth Duke of Westminster	PC	S	No

Summary of Objections:

Rep No	Summary
3372	Insert additional criteria relating to wildlife habitat; sensitive landscape areas; use of rail
2099	Define <i>settlement boundary</i> in criterion b
2597	250m buffer zone is too restrictive and does not accord with MPPW; delete <i>quality of life</i> in criterion b; and <i>economic attractiveness</i> in criterion d
3039	Set out criteria to assess <i>direct and indirect adverse impact</i> in criterion a; criterion aiii minerals extraction is compatible and appropriate at Holywell Common and Halkyn Mountain; criterion b 250m buffer zone arbitrary; criterion c indicate how <i>quality of life</i> is to be assessed; delete criterion d; insufficient guidance regarding <i>alternative sources</i> in paragraph 18.11
3064	Criterion a insert <i>unacceptable</i> before <i>direct</i> ; criterion b buffer zone distance is arbitrary and not in accordance with emerging MTAN; delete criterion d
3692	Does not reflect MPPW policy on mineral extraction in the AONB
4648	Criteria aii, iii and iv should refer to additional sites; cross reference GEN6 and others; amend wording in para 18.11 with regard to mineral extraction in the AONB
5181	Criterion a should include matters referred to in para 34 of MPPW; criterion b does not accord with MPPW; show buffer zones on the Proposals Map
6477	Include flexibility in relation to buffer zones; insert additional criterion to avoid sterilisation of mineral reserves by surface development
6647	Seeks guidance/certainty about the assessment of need for and location of minerals
9015	Recognise possible impact on environment and traffic movements beyond the authority area
9516	Buffer zones should be considered on a site by site basis
12194	Not acceptable to lump all minerals under one simplistic set of guidelines; seeks full environmental impact study of all minerals that could be extracted; seeks presumption against open cast coal mining; extend buffer zone to 500m from a settlement boundary
12618	Protection given to AONB is too restrictive; 250m buffer zone inappropriate
13192	Amend buffer zone distance to comply with draft TAN; criterion d is ambiguous
13359	Recognise in criterion aiii that mitigation and habitat creation can offset adverse impacts; buffer zones should be assessed on a site by site basis
17676	Delete 250m buffer zone
18234	Introduction of <i>significant</i> in criterion a(PC503) does not adequately protect AONB landscape

Issues:

18.7.1. Whether:-

- i) the policy and criteria should be amended

- ii) the policy should be cross referenced.

Conclusions:

- 18.7.2. Policy – My conclusions on safeguarding surface and ground water resources are in MIN3 below. The policy does not include all the issues identified in para 34 of MPPW. Whilst I accept that some of the issues are appropriately dealt with in MIN3 I find the reliance on a number of other policies elsewhere in the plan results in a lack of clarity and should not be relied upon to deal with visual intrusion, land stability, the disposal of mineral waste or the cumulative impact of mineral operations. No reasoning is given to justify not including these matters as part of this policy and they should be included as additional criteria.
- 18.7.3. Criterion a. – I support PC503, which is in two parts. The first element uses more appropriate wording about the general applicability of the policy save with regard to minerals developments within, or adjacent to, the AONB which I address below. The second element improves the clarity of criterion a(iv). To list the various designations that relate to the named geographical areas would serve little purpose and add unnecessary bulk to the policy. I note that policy WB2 is cross referenced as one of the key policies. I consider it appropriate to include international designations as part of criterion a(iv) to ensure these areas are afforded the appropriate protection.
- 18.7.4. Criterion a(i) - Para 21 of MPPW states that minerals development should not take place in an AONB save in exceptional circumstances and para 22 relates to proposed minerals development adjacent or close to an AONB. This is not reflected in the policy. Furthermore, the accompanying text in para 18.11 does not include all the elements that para 21 of MPPW indicates should be assessed as part of the rigorous examination of such proposals. No justification is given to depart from national policy. The policy and supporting text should be amended to fully reflect paras 21 and 22 of MPPW.
- 18.7.5. Criterion b – PC504 deletes this criterion which is unduly restrictive and does not accord with MPPW or MTAN1. I support the deletion. My conclusions on buffer zones are to be found in MIN10 below.
- 18.7.6. Criterion c – I support PC505 which uses more appropriate wording.
- 18.7.7. Criterion d - I support PC506 which uses more appropriate wording.
- 18.7.8. Cross referencing - Para 1.34 in the introduction to the plan sets out the Council's position to cross referencing policies. It is stressed that policies should not be read in isolation and that the plan should be read as a whole. The objector does not suggest any particular reason why this policy should refer to a number of policies in other chapters. However, I consider that it is appropriate to refer to GEN6 as a key policy bearing in mind that it is referred to in MIN1 and MIN3. It seems to me that cross referencing the other policies referred to in 4648 would serve little purpose and add unnecessary bulk to a document which is meant to be read as a whole.
- 18.7.9. Other Matters – My conclusions with regard to allocating land for mineral developments are to be found in the opening section (The Whole Chapter) above and protecting mineral interest at MIN8 below. Since a presumption against open cast coal mining *per se* would be contrary to national policy I do not support this element of 12194.
- 18.7.10. Where appropriate, adjoining local authorities will be consulted on planning applications as part of the development control process. Any comments with

regard to the impacts beyond the authority area will be taken into account in the determination of the planning application. I do not consider it is necessary to amend the policy.

Recommendations:

18.7.11. I recommend the plan be modified by:-

- i) PCs503, 504, 505 and 506
- ii) amending the policy and supporting text to accord with paras 21 and 22 of MPPW
- iii) deleting *Other sensitive* in criterion a(iv) and after *sites of* insert *international*
- iv) inserting additional criteria relating to *visual intrusion, land instability, disposal of mineral waste and cumulative impact*
- v) adding GEN6 to the list of Other key policies.

18.8. MIN3 Controlling Minerals Operations

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1690	2598	D P Williams Holdings Ltd	DEP	O	No
1712	3040	The Crown Estate	DEP	O	Yes
1713	3065	Tarmac Central Ltd	DEP	O	No
2106	4649	Countryside Council for Wales	DEP	O	No
2239	4334	Clayton	DEP	S	No
2350	5184	Welsh Assembly Government	DEP	O	Yes
3543	9018	Chester City Council	DEP	O	No
3703	9521	Quarry Products Association	DEP	O	No
4844	12619	Trustees of the Fourth Duke of Westminster	DEP	O	No
5104	13194	Staddon	DEP	O	No
5118	13365	RMC Group Plc	DEP	O	No
59	18102	Envirowatch	PC	S	No
59	18158	Envirowatch	PC	O	Yes
1690	18477	D P Williams Holdings Ltd	PC	O	No
4844	18397	Trustees of the Fourth Duke of Westminster	PC	O	No

Summary of Objections:

Rep No	Summary
2598	Delete criterion a
3040	Criterion a is not capable of objective assessment; criterion c limits are too restrictive; criterion d should define noise sensitive locations; delete 1 st sentence of 18.13
3065	Criterion a delete <i>economic and investment potential of the locality</i> ; criterion b lorry movements too limiting; criterion c limits are too restrictive
4649	Add <i>and vegetation</i> to criterion e; add criterion to safeguard ground/surface water; cross reference to GEN6
5184	Indicate permission will be refused if harm cannot be overcome; give preference to transport by water or rail
9018	This is dealt with at MIN2 with 9015
9521 13194	Lorry movement restrictions too onerous; criterion c too onerous
12619	Criterion c too restrictive and potentially punitive; lorry movement restrictions too onerous; delete blanket restriction on night time working; to restrict criterion c too onerous

13365	Not appropriate to impose limits for site specific impacts
18158 18477 18397	Replace <i>unacceptable</i> with <i>significant</i> in PC508

Key Issue:

18.8.1. Whether the policy and criteria should be amended.

Conclusions:

- 18.8.2. Criterion a – PC508 limits the criterion to the impact on the highway network. I accept there is a need for such a criterion. This is a more appropriate wording and avoids duplication with other criteria in the policy. Whilst I consider there is little, if any, difference between *unacceptable adverse impact* and *significant adverse impact* since both require a subjective judgement I note the latter wording brings consistency. For this reason I support the revised wording .
- 18.8.3. Criteria b and c – Heavy goods vehicle movements to and from a site could impact on the living conditions of nearby residents. Likewise blasting operations could have an adverse impact on the surrounding area. Whilst it is appropriate for this policy to have regard to these matters, I find the level of detail in these two criteria too prescriptive. The hours during which lorries should arrive and depart from a site and the appropriate technical requirements associated with blasting operations should be determined as part of the development control process. I recommend a more appropriate form of wording for these two criteria below. It follows that PCs509 and 510 are not supported.
- 18.8.4. Criteria d and e – Criterion d does not define *noise sensitive locations* and the same is true of criterion e with regard to *sensitive locations*. These criteria lack precision. Guidance on the type of locations that the authority have in mind should be given in the supporting text.
- 18.8.5. Criterion e – Dust, smoke and fumes will have an impact on vegetation within a landscape rather than the landscape itself. I consider it would be more appropriate to amend the wording of the criterion accordingly rather than adding the word to the end of the criterion.
- 18.8.6. Additional criteria – PC511 adds two new criteria to the policy. One is to safeguard ground and surface water resources. Whilst this would broadly be in line with para 43 of MPPW it does not refer to the implications on land drainage or fully reflect the wording of the issue that must be addressed. Whilst I support the additional criterion in principle, I consider it should reflect MPPW. I find the second new criterion to be vague and imprecise. There is no indication of what *mitigation measures* are required, what they relate to, or how they will be assessed. It is also unclear what is meant by *long term safety*. I am also unclear as to the reasoning for its inclusion. I do not support this criterion.
- 18.8.7. Para 18.3 – PC512 deletes the first sentence and inserts replacement text. I accept that the existing sentence is inappropriate and the replacement wording provides a wider context for the role of minerals planning.
- 18.8.8. Cross referencing – Para 1.34 in the introduction to the plan sets out the Council's position to cross referencing policies. It is stressed that policies should not be read in isolation and that the plan should be read as a whole. Given the relevance of GEN6 and MIN10 I accept that these should be identified as *Other key policies*. It follows that I support PC513.

18.8.9. I do not consider it is necessary to state that proposals that fail to satisfy the policy will be refused. Such a statement would have to be repeated throughout the plan and would add unnecessary bulk.

18.8.10. There is no indication that the existing mineral operations are close to rail heads or wharves or that the movement of minerals by water or rail either now or in the foreseeable future would be economically feasible. Without basic information indicating otherwise I do not consider referring to a preference for such means of movement would be appropriate.

Recommendations:

18.8.11. I recommend the plan be modified by

- i) PCs512 and 513
- ii) deleting criterion a and inserting *the additional traffic burden can be accommodated by the existing highway network without significant adverse impact;*
- iii) deleting criterion b and replacing it with *the movements of vehicles to and from the site do not cause unacceptable harm to the living conditions of nearby residents*
- iv) deleting criterion c and replacing with *blasting operations do not cause unacceptable harm to the surrounding area by reason of vibration*
- v) inserting additional supporting text to indicate what is meant by *noise sensitive locations* in criterion d and *sensitive locations* in criterion e
- vi) deleting *landscape* in criterion e and replace with *vegetation*
- vii) adding an additional criterion to follow e..... *it would not result in significant adverse impact on land drainage, groundwater resources or water supplies.*

18.9. MIN4 Restoration and Aftercare

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3374	Flintshire Green Party	DEP	O	No
1690	2599	D P Williams Holdings Ltd	DEP	O	No
1712	3041	The Crown Estate	DEP	O	Yes
1713	3066	Tarmac Central Ltd	DEP	O	No
2106	4651	Countryside Council for Wales	DEP	S	No
2239	4335	Clayton	DEP	S	No
2350	5185	Welsh Assembly Government	DEP	O	No
2420	5900	RSPB Cymru	DEP	O	No
3703	9525	Quarry Products Association	DEP	O	No
59	18103	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
3374	Include additional wording referring to length of restoration period
2599	May not be possible to comply with criterion c; amend para 18.14 to enable range of after uses
3041	Delete <i>local environment</i> and <i>adjacent areas</i> ; adopt commonly used policies rather than invent a new approach
3066	
5185	Include reference to financial guarantees; delete second sentence in para 18.14
5900	Insert additional criterion to maximise restoration use for nature conservation

9525	Add <i>where appropriate</i> to criterion e
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Key Issue:

18.9.1. Whether the policy and criteria should be amended.

Conclusions:

- 18.9.2. Policy - It is not clear to me why a reference to the time scale should be included since the time taken to restore a site will vary according to the circumstances of each site. I do not support this suggested amendment.
- 18.9.3. IMP1 provides the appropriate mechanism to secure funding of restoration. For reasons of clarity and completeness it should be identified as an *Other key policy*.
- 18.9.4. Criterion c - Adjoining land may not be in the control of the developer and it is inappropriate for the policy to require the restoration of such land. It follows that I support PC515 which removes this criterion. PC514 involves an editorial change to the policy itself due to the deletion of this criterion.
- 18.9.5. Criterion e – It is not clear to me why the design of the final landform of a minerals development may not be determined at the time an application is made. Whilst I accept the exact details may need to be honed later in the process it should be possible to establish and agree on the basic principles and methodology of restoration and after use from the outset. I do not consider the criterion should be amended as suggested in 9525. I support PC516 which clarifies the factors that need to be taken into consideration.
- 18.9.6. Additional criterion – It does not necessarily follow that nature conservation will be the most appropriate after use in all cases. Requiring this after use as a criterion is too rigid and overly prescriptive. I consider the appropriate level of encouragement to this after use is given in para 18.14.
- 18.9.7. Paragraph 18.14 – There is no conflict between the reference to agricultural after use and to nature conservation. The paragraph does not exclude other appropriate uses. It indicates the preferred after uses. It is reasonable to indicate this preference in order to inform developers at the earliest possible stage. I do not consider the text requires amendment.

Recommendations:

- 18.9.8. I recommend the plan be modified by
- PCs514, 515 and 516
 - inserting IMP1 as an *Other key policy* at the end of this section.

18.10. MIN5 Dormant, Inactive and Interim Development Order Sites**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3141	Flintshire Green Party	DEP	O	Yes
1690	2601	D P Williams Holdings Ltd	DEP	O	No
1712	3042	The Crown Estate	DEP	O	Yes
1713	3067	Tarmac Central Ltd	DEP	O	No
1885	3577	Ramblers Association Wales	DEP	S	No

2239	4336	Clayton	DEP	S	No
5104	13196	Staddon	DEP	O	No

Summary of Objections:

Rep No	Summary
3141	Delete notation of quarry within SSSI between Drury and Buckley
2601 3042 3067	Delete the policy since adequate control under other legislation
13196	Delete/redraft policy to define dormant and inactive sites and reflect legislative requirements

Key Issues:

18.10.1. Whether:-

- i) the notation should be amended
- ii) the policy should be deleted.

Conclusions:

18.10.2. Notation - PC517 deletes the mineral symbol which appears between Drury New Road and the former track bed within the SSI/SAC to correct a mapping error. I support this change.

18.10.3. Policy – One of the objectives of MTAN1 is to eliminate any likelihood of future primary aggregate extraction at historically obsolete and long dormant sites. It is appropriate for the plan to seek appropriate planning standards for all mineral sites whatever their status. I do not consider the policy conflicts with, or duplicates, controls under different regimes.

18.10.4. Para 47 of MTAN1 requires development plans *to identify those sites that are 'dormant' where a further approval to recommence working is necessary and count them as 'dormant reserves' which should be clearly shown in the landbank calculations as a separate category.* The plan does not do either of these and no indication is given why national policy is not being followed. I consider these omissions should be addressed.

Recommendations:

18.10.5. I recommend the plan be modified by:-

- i) PC517
- ii) identifying those sites which are subject to this policy in the supporting text and showing the dormant reserves as a separate category in the landbank calculations.

18.11. MIN6 Review of Mineral Permissions**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1690	17450	D P Williams Holdings Ltd	DEP	O	No
1885	3578	Ramblers Association Wales	DEP	S	No
2106	4653	Countryside Council for Wales	DEP	O	No
2239	4337	Clayton	DEP	S	No
2350	5186	Welsh Assembly Government	DEP	O	Yes

2420	5901	RSPB Cymru	DEP	O	Yes
4844	12682	Trustees of the Fourth Duke of Westminster	DEP	O	No
5104	13199	Staddon	DEP	O	No
59	18104	Envirowatch	PC	S	No
1690	18479	D P Williams Holdings Ltd	PC	O	No
4844	18402	Trustees of the Fourth Duke of Westminster	PC	O	No
6718	18478	Brock Plc	PC	O	No

Summary of Objections:

Rep No	Summary
17450	Wording of the policy and para 18.16 is ambiguous
4653	Clarify the circumstances when permission would be reviewed
5186	Delete <i>and/or</i> from the policy
5901	Change policy title to <i>Extinguishing Minerals Permissions</i> : insert amended policy wording
12682	No objective framework upon which the review would be based
13199	Policy ignores whether site is likely to be reopened; does not identify sites or what is undesirable; does not adequately reflect MPPW
18402	Policy does not provide adequate guidance to judge the contribution sites make to the landbank and the likelihood of their reopening
18478 18479	Inadequate guidance on the criteria to assess sites; amend wording of PC518

Key Issue:

18.11.1. Whether the policy and supporting text should be amended.

Conclusions:

- 18.11.2. PC518 amends the wording of the policy. This improves the clarity and reflects the advice in MTAN1 for an annual assessment and review. It satisfies many of the objections that relate to the wording of the policy. The policy (as amended) indicates the circumstances when a review will be undertaken. The policy title does relate to the matter in hand and I do not consider it should be changed.
- 18.11.3. MTAN1 requires each mineral planning authority to assess and review reserves *that have not worked for 10 years*. To qualify the policy (as amended) further would not accord with national policy. The amended policy sets out the purpose of the assessment. It is not appropriate to provide further guidance on the criteria since each assessment will depend upon the particular circumstance of the site. MTAN1 indicates that mineral operators and landowners will be expected to assess objectively whether sites will ever be worked again and act in the spirit of the advice.

Recommendation:

18.11.4. I recommend the plan be modified by PC518.

18.12. MIN7 Exploration for Minerals**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4655	Countryside Council for Wales	DEP	O	No
1712	3043	The Crown Estate	DEP	S	No
2239	4338	Clayton	DEP	S	No

Summary of Objection:

Rep No	Summary
4655	Cross reference with policies WB1 – 5; seeks confirmation regarding a site Buckley

Key Issue:

18.12.1. Whether the policy should be cross referenced.

Conclusions:

18.12.2. Para 1.34 in the introduction to the plan sets out the Council's position to cross referencing policies. It is stressed that policies should not be read in isolation and that the plan should be read as a whole. Whilst policies WB1-5 provide the safeguards that are sought, it seems to me that the suggested cross referencing would serve little purpose and add unnecessary bulk to a document which is meant to be read as a whole.

18.12.3. Other Matters – The objector questions the notation of a site in Buckley even though it was related to this policy. My conclusions on the matter are to be found in MIN5 above.

18.12.4. PC519 amends the wording of the policy in the light of the SEA/SA. The amendment is necessary to improve the clarity of the policy and bring consistency of wording.

Recommendation:

18.12.5. I recommend the plan be modified by PC519.

18.13. MIN8 Protection of Mineral Interests**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1690	2603	D P Williams Holdings Ltd	DEP	O	No
1712	3044	The Crown Estate	DEP	O	Yes
1713	3068	Tarmac Central Ltd	DEP	O	No
2239	4339	Clayton	DEP	S	No
2753	6649	Cheshire County Council	DEP	O	Yes
3703	9527	Quarry Products Association	DEP	O	No
5104	13201	Staddon	DEP	O	No
5118	13376	RMC Group Plc	DEP	O	No
1413	18235	Clwydian Range Joint Advisory Committee	PC	O	No
1690	18480	D P Williams Holdings Ltd	PC	O	No
2029	18410	National Trust	PC	O	No
2106	18549	Countryside Council for Wales	PC	S	No
2106	18550	Countryside Council for Wales	PC	O	No
4844	18403	Trustees of the Fourth Duke of Westminster	PC	O	No

Summary of Objections:

Rep No	Summary
2603	Show safeguarded areas on the proposals map; seeks safeguarding of specific sites
3044 9527	Delete reference to <i>reserves</i> and replace with <i>resources</i> in the policy and text
3068	Identify the location and extent of resource areas
6649	Identify Mineral Consultation Areas

13201	Cross reference to minerals safeguarding areas
13376	Identify areas of known mineral resources on the proposals map
18235	PC522 should make clear that no preference given to minerals development within the minerals safeguarding area, especially the AONB
18480 18403	Mineral safeguarding areas should cover mineral reserves and resources; amend boundary of the minerals safeguarding area to include specific sites
18410	Regard environmental constraints in accordance with MPPW para 13
18550	Cross reference to WB2; question inclusion of area beyond the mean low water mark

Key Issues:

18.13.1. Whether the policy:-

- i) should identify MSAs
- ii) should refer to mineral reserves or resources
- iii) should be cross referenced
- iv) has appropriate regard to environmental constraints.

Conclusions:

18.13.2. Minerals Safeguarding Areas – PC520 replaces the policy. It establishes MSAs which are shown on the proposals map. In principle I consider the change addresses many of the objections. The new policy accords with MPPW and improves the clarity of the plan. Although the Council states that these areas will perform the same function as Minerals Consultation Areas, neither the policy nor the supporting text indicate this. I consider the supporting text should indicate that this will be the case.

18.13.3. Mineral reserves/resources - I support PC521 which refers to resources rather than reserves. This is the appropriate terminology since the minerals safeguarding areas relate to areas of mineral deposits. PC522 indicates how the policy will be applied to energy minerals and explains that coal extraction is unlikely to be a significant issue for the plan period. Whilst I support extending this policy to include energy minerals MTAN2 has now been published and part of PC522 is out of date. Whilst MTAN2 is relevant in Flintshire in view of the coal resources, given that it has only recently been issued and the exploitation of coal is unlikely to be a significant issue for the period the UDP, I do not consider the plan should be delayed in order to identify areas of protection and buffer zones around known coal resources. The strategy for the sustainable management of the coal resource should be addressed in the LDP.

18.13.4. Cross referencing – Bearing in mind the significance of international nature conservation designations it is appropriate to refer to WB2 as a key policy as per FPC635.

18.13.5. Environmental constraints – Para 13 of MPPW indicates the inclusion of land within a MSA does not indicate that a mineral working would necessarily be acceptable. Any such proposals within the MSAs would have to satisfy a number of policies including MIN2 and MIN3. If my recommendations for MIN2 are accepted the situation regarding minerals developments within, or affecting the AONB will be clarified. I do not consider further changes are necessary with regard to this matter.

18.13.6. Boundary – Decisions below the mean low water mark are generally outside the scope of the planning system. The seaward extent of the MSA should only extend as far as the mean low water mark.

18.13.7. The Council proposes an additional change which extends the MSA to include land at Bryn Mawr and Pen-yr-Henblas in the light of the objections that have been made. The amended boundary is shown on Appendix 1 to the Council's proof. Whilst the adjustments to the boundary appear to be reasonable, I have seen no justification for them and in this situation it would be irresponsible to recommend them as modifications. I would suggest it is a matter the Council pursues at the modification stage.

Recommendations:

18.13.8. I recommend the plan be modified by:-

- i) PCs520 and 521
- ii) indicating in the supporting text that when planning applications are submitted that may affect the MSAs consultation will be carried out with the appropriate bodies
- iii) inserting the following paragraph at the end of the policy explanation:-
Policy MIN8 seeks to ensure all mineral interests are adequately safeguarded from unnecessary sterilisation and loss. Whilst the Proposals Map only identifies Mineral Safeguarding Areas for hard rock and sand and gravel deposits, this policy will also apply to the protection of energy minerals. The exploitation of energy minerals such as coal is unlikely to be a significant issue for this Plan period but may have considerable future importance for Flintshire. Areas such as Point of Ayr and the site of the former Point of Ayr Colliery are perhaps the best examples of where it will be necessary to consider the protection of deep coal seams from unnecessary development and subsequent sterilisation.
- iv) inserting a reference to WB2 as an Other Key Policy at the end of the supporting text
- v) extending the seaward boundary of the MSA only as far as the mean low water mark.

18.14. MIN10 Mineral Buffer Zones

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1690	18482	D P Williams Holdings Ltd	PC	O	No
2350	18368	Welsh Assembly Government	PC	O	No
4844	18404	Trustees of the Fourth Duke of Westminster	PC	O	No

Summary of Objections:

Rep No	Summary
18482 18404	Buffer zones are unnecessary – based on flawed WAG advice; environmental impact is already controlled; conflicts with other MIN policies; minimum distances are arbitrary
18368	Buffer zones should be shown on the proposals map

Key Issue:

18.14.1. Whether the policy is appropriate.

Conclusions:

- 18.14.2. Para 40 of MPPW states that buffer zones *must be clearly defined and indicated in unitary development plans*. Paragraph 70 of MTAN1 states *After careful consideration, including consultation with a number of interested and informed parties, the Welsh Assembly Government take the view that the following minimum distances should be adopted unless there are clear and justifiable reasons for reducing the distance*. Challenges to the contents of MPPW and MTAN1 are not matters that can be dealt with through this inquiry process and it would not be appropriate for me to ignore or reject those documents. On this basis I find that it is appropriate to include a policy on buffer zones and to show the areas on the proposals map.
- 18.14.3. Buffer zones are a means of controlling conflict between mineral workings and other land uses and as such differ from other legislation relating to environmental impact. I do not consider a policy on buffer zones need necessarily be in conflict with other mineral policies in the plan. The development control process will resolve any tension between policies in the plan.
- 18.14.4. The policy is inserted by PC524 but the policy itself and the supporting text is subject to objections. In the light of the objections the Council has delineated buffer zones for each mineral working site to be shown on the proposals map. The buffer zones are based on the minimum separation distances given in MTAN1 for sand and gravel workings (and others where no blasting is permitted), and for hard rock quarries. It does not appear that regard has been given to whether there are clear and justifiable reasons for reducing the distances in some cases. For example, where buffer zones overlap adjacent mineral working.
- 18.14.5. Whilst I accept the principle of identifying the buffer zones prior to the adoption of the plan there does not appear to have been any consultation with interested parties to establish their appropriateness. Consequently there is inadequate information before me to enable me to consider whether the boundaries for the buffer zones are appropriate.
- 18.14.6. This should be considered at the proposed modification stage, when the results of a formal consultation exercise can be considered together with detailed justification for the particular boundaries proposed. Bearing in mind the need for development plans to show buffer zones I do not consider this matter should be left to be resolved through the LDP process.
- 18.14.7. Consideration should also be given at the proposed modification stage to other aspects of the policy. The definition of sensitive development included in the supporting text does not accord with para 40 of MPPW. For example, whilst an industrial or office building would be occupied by people on a regular basis it does not necessarily follow that such development should be excluded from a buffer zone. MPPW indicates that industrial and office development, amongst other things, may be acceptable within a buffer zone. The indication later in the paragraph that industry may be acceptable within a buffer zone is at variance with this earlier definition.
- 18.14.8. The Council suggests additional further proposed changes that include the deletion of the 5th sentence of the explanatory text and its replacement with alternative wording. The existing text sets out the types of matters that should be taken into consideration, whereas the wording suggested by the Council

does not satisfy the requirement in MTAN1 to consider the nature of the operation.

- 18.14.9. Bearing in mind that MIN5 includes the possibility of operations at those sites and that other sites might exceptionally be developed, consideration should be given to the creation of buffer zones around any mineral working sites that may become operational during the plan period.

Recommendation:

- 18.14.10. For the reasons given above I do not support PC524 and recommend that the matters I have identified above be considered at the proposed modification stage.

19. Energy, Waste and Pollution

I note, to avoid confusion, the policies numbers in this chapter of the report are those which appear in the draft deposit plan and not those proposed by PC549.

19.1. The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
1691	2612	Future Energy Solutions for DTI	DEP	O	No
2106	4657	Countryside Council for Wales	DEP	O	No
2350	5216	Welsh Assembly Government	DEP	O	No
2420	5916	RSPB Cymru	DEP	O	Yes
3206	7968	Environment Agency Wales	DEP	O	Yes
3206	7979	Environment Agency Wales	DEP	O	Yes
3543	9019	Chester City Council	DEP	O	No

Summary of Objections:

Rep No	Summary
2612	Benefits of renewable energy need to be balanced against adverse effects on local amenity
5916	UDP should refer to emerging TAN15
7968	UDP fails to consider future capacity/special technical requirements of waste arisings of FCC
7979	There should be a policy promoting water efficiency
9019	Objects to lack of non allocation of waste management sites
4657	Housing/employment sites lie in flood risk areas contrary to Target 9. Re examine allocations
5216	To accord with PPW the UDP should refer to regional waste plans and identify sites/areas for waste facilities

Key Issues:

19.1.1. Whether:-

- i) the plan identifies the benefits and problems of renewable energy
- ii) the housing/employment allocations are compatible with Target 9 and TAN15 (July 2004)
- iii) the plan should identify sites and/or areas for waste facilities
- iv) there should be a policy promoting water efficiency.

Conclusions:

- 19.1.2. Benefits/problems – I do not agree with 2612. It seems to me that policies such as EWP3 (as amended by FPC637), EWP4 and EWP5 all recognise the need to balance the benefits of renewable energy generation against potential harmful environmental impacts. I see no reason for Chapter 19 to contain additional references to the balance.
- 19.1.3. Target 9 – A new TAN15 has been issued since the objections to housing/employment allocations were made and in the light of this it seems to me that to reflect its provisions Target 9 should be changed along the lines of

PC525, but with slightly different wording to reflect the terminology of TAN15, to read - *No highly vulnerable development within areas of flood risk where there is an unacceptable risk of flooding.*

- 19.1.4. Where housing and employment allocations are subject to issues of flooding, these are addressed in response to site specific objections in Chapters 11 and 13 respectively. Briefly I am satisfied that the review which took place in 2006 means that the sites have been reassessed in the light of the provisions of TAN15.
- 19.1.5. I note here also that extensive changes are proposed to EWP16 and its accompanying text to reflect the changes introduced by TAN15 in 2004. I deal with these in detail below under EWP16 and do not repeat my conclusions or recommendations here.
- 19.1.6. Identification of waste sites – The UDP was drafted prior to the publication of the North Wales Regional Waste Plan and the Council accepts the merit of 5216 and 7968. As a result extensive changes are proposed to EWP6 with a new policy to identify areas of search for new waste management facilities. The changes have resulted in the conditional withdrawal of 7968. However, the changes do not satisfy 5216 who considers the UDP should confirm that the identified areas are adequate to accommodate the additional facilities required in accord with the North West Regional Waste Plan. I address the residual objection and proposed changes below under EWP6 18370 and do not repeat my conclusions or recommendation here.
- 19.1.7. Water efficiency – The Council acknowledges that consideration of water efficiency should be included within the plan and proposes PC570 which adds 2 criteria to EWP15. Whilst I have reservations about the wording of the criteria which I address below under EWP15, in principle, I support the objective of encouraging water efficiency and consider it should be included in the plan. I do not repeat my conclusions or recommendations here.

Recommendation:

- 19.1.8. I recommend the plan be modified by deleting Target 9 and replacing it with *No highly vulnerable development within areas of flood risk where there is an unacceptable risk of flooding.*

19.2. Policy Objectives

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4656	Countryside Council for Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
4656	Amend policy objective g to reflect TAN15. UDP should consider implications of climate change and projected sea level rises

Key Issues:

- 19.2.1. Whether:-
- i) policy objective g should be amended

- ii) there should be reference to climate change.

Conclusions:

- 19.2.2. Policy objective g – Whilst not adopting the wording suggested by the objector PC525 (relating to policy objective g) reflects up to date national policy in TAN15 and is complementary to the changes proposed to Target 9 and EWP16. I support the change.
- 19.2.3. Climate change – STR1 criterion e sets out flooding as a strategic matter and PC576 refers to global warming. It is also recognised as an issue which policies in Chapter 19 take into account. It would be of little benefit for users of the plan if climate change and specific reference to *The Shoreline Management Plan for Cell 11* were included within this chapter.

Recommendation:

- 19.2.4. I recommend the plan be modified by PC525 insofar as it relates to policy objective g.

19.3. Proposals Map

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5222	Welsh Assembly Government	DEP	O	Yes

Summary of Objection:

Rep No	Summary
5222	Clarify that 2 housing allocations in flood risk areas have been justified in accord with TAN15

Key Issue:

- 19.3.1. Whether the housing allocations accord with TAN15 in respect of flood risk.

Conclusions:

- 19.3.2. The objector does not name the 2 allocations which are of concern. The Council refers to one which has been built (HSG1(5)) at Connah's Quay. It would therefore serve little purpose to comment on this *fait accompli*. The Council goes on to say that it is the only residential allocation which is sited wholly within an area of flood risk. As I have no further details about the other site referred to, it is not possible to comment further.
- 19.3.3. I note however that the objector has conditionally withdrawn the objection and I assume from this that the other allocation does accord with TAN15 in respect of flood risk.

Recommendation:

- 19.3.4. I recommend no modification to the plan.

19.4. Paragraph 19.3

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5196	Welsh Assembly Government	DEP	O	Yes

Summary of Objection:

Rep No	Summary
5196	The paragraph should refer to the precautionary <i>approach</i>

Key Issue:

19.4.1. Whether the paragraph requires changing to meet the objection.

Conclusions:

19.4.2. The Council accepts that the reference should be to a precautionary *approach* and PC526 deletes the reference to *principle*. I support the change which is commonly used terminology in this context.

Recommendation:

19.4.3. I recommend the plan be modified by PC526.

19.5. Paragraph 19.9

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5197	Welsh Assembly Government	DEP	O	Yes
2420	5912	RSPB Cymru	DEP	O	Yes

Summary of Objections:

Rep No	Summary
5197	The WAG target for terawatt hours per annum is wrong
5912	Para should not refer to targets and terawatts. Should be replaced by terawatt/hours by 2020

Key Issue:

19.5.1. Whether changes need to be made to para 19.9.

Conclusions:

19.5.2. The Council accepts that there are drafting errors/inaccuracies in para 19.9 and proposes its deletion and replacement by PC527. The new paragraph more accurately refers to the targets of terawatt hours per annum which are set out in TAN8 (2005) and I support the change, although I note that there is still a minor drafting error.

Recommendation:

19.5.3. I recommend the plan be modified by PC527, apart from the references to *Terrawatts/hours per annum* which should be replaced with *terawatt hours per annum*.

19.6. EWP2 Energy Efficiency in New Development

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3379	Flintshire Green Party	DEP	S	No
2106	4659	Countryside Council for Wales	DEP	S	No
2239	4341	Clayton	DEP	S	No
2411	5273	Home Builders Federation	DEP	O	No

Summary of Objection:

Rep No	Summary
5273	Delete reference to construction of buildings which is the concern of building regulations

Key Issue:

19.6.1. Whether reference to *construction* of buildings should be deleted.

Conclusions:

- 19.6.2. PPW(MIPPS01/2006) requires, amongst other things, local planning authorities to promote the construction of housing with low environmental impact and this theme is repeated in TAN8 and TAN12. I agree there is a degree of overlap between EWP2 and the Building Regulations. However, it seems to me that the policy is in addition to the Building Regulations and complementary to them. It does not seek to either duplicate or supersede them. It would in my view be helpful to users of the plan if this was explained in the text accompanying the policy.
- 19.6.3. I note the Council proposes a small change to the policy so that it relates to the minimisation of the wasteful consumption of both energy and resources. This change PC528 comes from the SEA/SA and makes the policy more robust.

Recommendations:

- 19.6.4. I recommend the plan be modified by :-
- adding an explanation to para 9.12 explaining the relationship between EWP2 and the Building Regulations
 - PC528.

19.7. EWP3 Renewable Energy in New Development

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3380	Flintshire Green Party	DEP	O	Yes
1691	2607	Future Energy Solutions for DTI	DEP	S	No
2106	4660	Countryside Council for Wales	DEP	S	No
2239	4342	Clayton	DEP	S	No
2350	5198	Welsh Assembly Government	DEP	O	Yes
2411	5274	Home Builders Federation	DEP	O	No
2420	5904	RSPB Cymru	DEP	S	No

59	18160	Envirowatch	PC	O	Yes
2106	18552	Countryside Council for Wales	PC	O	No
2106	18553	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No	Summary
3380	Policy should refer to combined heat and power installations
5198	Needs interpretation to identify what would be <i>appropriate</i>
5274	UDP Wales advises that policies should be relevant to development/land use. EWP3 duplicates other legislation. Delete
18160	PC529 – policy only refers to non residential sites
18552	PC529 - Why does policy now relate to only non residential development
18553	PC530 - Why does para 19.13 now relate to only non residential development

Key Issue:

19.7.1. Whether the policy should be deleted and/or changed.

Conclusions:

- 19.7.2. It is now generally accepted that to contribute to the sustainability of development, matters such as design, layout, use of renewable energy are relevant matters to take into account and this is supported throughout national policy. It follows I do not support the deletion of EWP3. However, I consider the policy as originally proposed was far too vague and as proposed for change was selective, did not deal with development in its entirety and retained an element of vagueness. The Council accepts the criticisms which were received to both the draft deposit and the proposed change version of the policy (PCs529, 530 and 531). It seeks to rescind the PCs and proposes a new policy and text. As I find fault with the earlier versions of the policy, my comments below are based on the changes proposed by FPC637 (as amended by the Council's addendum statement).
- 19.7.3. As now proposed by the Council, EWP3 and its accompanying text would provide clear guidance for users of the plan about what is expected of them when putting forward schemes for major new developments. It is broadly in line with national policy objectives. It sets out the level of renewable energy production sought, followed by those occasions which will justify an exception to policy. The text gives a comprehensive background, sets the policy in context, defines *major* and makes it clear that further local guidance, to supplement the policy, will be produced. In principle I support a policy along the lines proposed by the Council.

Recommendation:

- 19.7.4. I recommend the plan be modified by the deletion of EWP3 and its accompanying text and their replacement along the lines set out by the Council in FPC637(as amended by the Council's addendum statement).

19.8. EWP4 Wind Turbine Development**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
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59	3382	Flintshire Green Party	DEP	O	Yes
1691	2608	Future Energy Solutions for DTI	DEP	S	No
2029	3706	National Trust	DEP	O	Yes
2043	3782	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4661	Countryside Council for Wales	DEP	O	No
2239	4343	Clayton	DEP	S	No
2350	5200	Welsh Assembly Government	DEP	O	Yes
2420	5902	RSPB Cymru	DEP	O	No
2420	5908	RSPB Cymru	DEP	O	No
2619	6070	Ministry of Defence	DEP	O	No
3652	9344	West Coast Energy Ltd	DEP	O	No
59	18105	Envirowatch	PC	S	No
2106	18554	Countryside Council for Wales	PC	O	No
2106	18555	Countryside Council for Wales	PC	O	No

Summary of Objections:

Rep No	Summary
3382	<i>Add affects migratory bird systems through electromagnetic fields to policy</i>
3706	Criterion a should distinguish between nationally and locally important sites and include impact <i>upon</i> not just <i>within</i> sites
3782	Schemes need to be accompanied by a full/proper assessment of the historic landscape. No large scale development should be approved without an appropriate and binding historic environment management plan
4661	Schemes likely to require EIA, therefore cross reference with GEN6. Include setting of AONBs in criterion a. Include new criterion to ensure all ancillary development is submitted with planning application
5200	The sensitivity of national, regional and local designations is unlikely to be the same. To reinforce aftercare refer to D4 under other key policies
5902	Criterion a - Implication is that turbines outside sensitive areas will not have adverse impacts. Criterion b – cumulative impacts can affect nature conservation. Criterion d implies development may be acceptable if significant adverse impacts
6070	Concern about any potential impact on turbines in Flintshire on RAF Shawbury and Warton and Woodford aerodromes
9344	Policy should be more proactive. Delete reference to <i>local environmental, landscape and/or heritage importance</i> in criterion a
5908	EWP4 should acknowledge enhancement of nature conservation is a key role of the planning system. Add <i>enhancing</i> to para 19.15. Nature conservation interest is not confined to designated areas
18554	PC535 – policy should take into account/refer to TAN8 2.12/2.13
18555	PC536 – policy should also be cross referenced with L2

Key Issues:

19.8.1. Whether:-

- i) the policy, its criteria and accompanying text should be changed to meet the objections
- ii) the policy should be cross referenced.

Conclusions:

- 19.8.2. **TAN8** - EWP1 creates a presumption in favour of sustainable energy generation and this is the context for EWP4. It is not appropriate or necessary for the policy to refer to TAN8 and paras 2.12/2.13, as EWP4 provides a sufficiently broad framework to consider turbine developments of varying scales. I see nothing significantly at variance with TAN8 in it which requires a change to the plan.

- 19.8.3. In criterion a the Council accepts the merit of 3706 and PC532 proposes changes which reflect this. These changes make the policy clearer and broadly reflect the degree of protection to be given to sites designated at different levels. As the policy relates to all national sites I do not consider there needs to be especial mention of AONBs or nature conservation sites. There are policies within the wildlife and landscape chapters which deal specifically with protection for such areas.
- 19.8.4. How the historic landscape is protected will form part of the consideration of any schemes which are brought forward as part of the development control process. Schemes will inevitably vary in terms of scale and impact. It would be far too prescriptive if every *large* development were required to produce a historic environment management plan as a matter of policy. It is unlikely that such a policy would meet the aims of tests set out in Circular 35/95 *The Use of Conditions in Planning Permissions* and 13/97 *Planning Obligations*. As written EWP4 identifies heritage/historic environment as a matter which needs to be taken into account and provides the context for consideration along with other policies in Chapter 9. Given these circumstances I do not consider 3782 justifies any changes to the plan.
- 19.8.5. It is not necessary for criterion b to specifically mention the cumulative effects on wildlife as there is sufficient protection given to these interests in policies in Chapter 8 and criterion d.
- 19.8.6. I agree that as worded in the draft deposit plan criterion d could be seen as sanctioning development which would have significant adverse effects. The rewording suggested by PC534 makes the criterion clearer. The Council acknowledges that turbines can have an impact on wildlife and as a consequence proposes adding this consideration to criterion d - also by PC534. This change reflects one of the matters set out in TAN8 Annex C and makes the policy more comprehensive.
- 19.8.7. As criterion e already refers to electromagnetic interference and transmitting and receiving systems I see no necessity for there to be mention of specific radar installations at various airfields. If one of these installations was potentially affected by a turbine development it would be taken into account during consideration of the planning application.
- 19.8.8. There is no necessity for a new criterion as suggested by 4661. Criterion f already relates to ancillary buildings and any other type of ancillary development which requires planning permission will need to satisfy other policies in the plan such as GEN1. The plan cannot control ancillary development which does not require planning permission.
- 19.8.9. Accompanying text - One of the strategic aims of the UDP para 2.7e is *to conserve and enhance the natural environment and its diversity - landscape, nature conservation and biodiversity*. However, another is *to stabilise and ultimately reduce non renewable energy consumption and encourage appropriate renewable energy* (para 2.7g). Such aims must be balanced against each other and as a consequence I do not consider that para 19.15 should *per se* seek to both protect and enhance nature conservation interests. The weight to be given to both these strategic aims will vary according to the type of the proposal put forward and its impact on and the nature of its surroundings. It follows I do not support the change proposed in 5908. That being said the text should recognise that the policy seeks to protect more than

sensitive areas and I do support PC535 which more accurately reflects the purpose of the criteria in the policy.

- 19.8.10. Cross reference – The policy is already cross referenced to GEN6. It is not appropriate to go further in a UDP policy and define what will be required in an EIA. That will be considered under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 when individual schemes come forward.
- 19.8.11. The Council agrees with 5200 and 18555 and considers the policy should be cross referenced to D4 and L2, but I do not consider it necessary in a plan which is meant to be read as a whole. Landscaping is likely to be an important consideration in most applications and after care is the subject of criterion g. Criterion a referred to nationally sensitive areas (which includes AONBs) before PC532. I do not see that the change proposes anything fundamentally different which requires a further modification to the plan. I reach similar conclusions in respect of cross reference with L1. Landscape is already specifically mentioned in criteria a and b. It follows I do not support PC536 or FPC638.
- 19.8.12. Other matters – The Council proposes one more change PC533, as a result of the findings of the SEA/SA, to criterion c to include reference to *recreation*. This addresses an omission and makes the policy more comprehensive. It is a minor addition which I support.

Recommendation:

- 19.8.13. I recommend the plan be modified by PCs532, 533, 534 and 535.

19.9. EWP5 Other Forms of Renewable Energy Generation

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3384	Flintshire Green Party	DEP	O	No
1691	2609	Future Energy Solutions for DTI	DEP	S	No
2043	3784	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4665	Countryside Council for Wales	DEP	O	No
2239	4344	Clayton	DEP	S	No
2350	5202	Welsh Assembly Government	DEP	O	Yes

Summary of Objections:

Rep No	Summary
3384	Policy should not allow renewable energy generation in EU/national protected areas
3784	Schemes need to be accompanied by a full/proper assessment of the historic landscape. No large scale development should be approved without an appropriate and binding historic environment management plan
4665	Cross reference with GEN6. Environmental statements should consider ancillary, cumulative and impacts during operation/decommissioning
5202	Criterion a appears to be a consideration at a different level to b-e. Include as a part of preamble to policy

Key Issues:

- 19.9.1. Whether the policy should be :-
- changed to meet the objections

- ii) cross referenced.

Conclusions:

- 19.9.2. International/national areas - Policies in Chapter 8 (as recommended for change), which are in line with international and national legislation, do not seek to prevent development entirely in EU and/or nationally protected areas and I see no reason why EWP5 should be any different. If for example the terms of WB2/WB3 and EWP5 are met, development would be acceptable in principle. It follows I do not support the change proposed by 3384.
- 19.9.3. Historic landscape - How the historic landscape is protected will form part of the consideration of any schemes which are brought forward as part of the development control process. Schemes will inevitably vary in terms of scale and impact. It would be far too prescriptive if every *large scale* development were required to produce a historic environment management plan as a matter of policy. It is unlikely that such a policy would meet the tests set out in Circular 35/95 *The Use of Conditions in Planning Permissions* and 13/97 *Planning Obligations*. As written EWP5 identifies heritage/historic environment as a matter which needs to be taken into account and provides the context for consideration along with other policies in Chapter 9. Given these circumstances I do not consider 3784 justifies any changes to the plan.
- 19.9.4. Environmental Statements – It is not appropriate to go further in a UDP policy and define what will be required in an EIA. That will be considered under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 when individual schemes come forward. I note here that para 19.18 refers to the 1988 Regulations no doubt this reference will be updated when the Council does its final editorial check prior to publication of the adopted plan.
- 19.9.5. Criterion a – The Council does not accept the criticisms, but nevertheless seeks to delete the criterion and replace it with *the proposed development should have no significant adverse impact on its surroundings in terms of landscape, nature conservation and heritage importance* (PC537). It is said that this is to comply with the findings of the SEA/SA, to improve clarity and to remove an inconsistency with L2.
- 19.9.6. However, I find the criterion in both its original or proposed form to be far from clear as there is a degree of overlap between criteria a and b. This is particularly so in respect of nature conservation. I am not sure what difference there is between a development being *compatible with nature conservation sites, having no significant adverse impact on nature conservation* and *not having an unacceptable effect on nature conservation*. It seems to me that the criteria need to be either amalgamated or redrafted to make it clear what the objective of each criterion is and I shall recommend accordingly.
- 19.9.7. Cross reference - The Council does not address the matter of cross referencing with GEN6. However, it seems to me that to be consistent with EWP4 there should be cross reference to GEN6.

Recommendations:

- 19.9.8. I recommend that the plan be modified by:-
 - i) inserting under para 19.18 a heading *Other key policies* and listing under it *GEN6 Environmental Assessment*

- ii) either amalgamating criteria a and b or if they have different objectives, redrafting them so their purpose is clear.

19.10. Paragraphs 19.20 – 19.23

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5204	Welsh Assembly Government	DEP	O	Yes

Summary of Objections:

Rep No	Summary
5204	Para 19.20 should refer to the National Waste Strategy for Wales; expand references in para 19.23; refer to the role of the EAW as a statutory consultee

Key Issue:

19.10.1. Whether the text should be amended.

Conclusions:

- 19.10.2. PCs 538, 539 and 540 replace these paragraphs and take account of the National Waste Strategy and the North Wales Regional Waste Plan which were published after the deposit draft plan was published. The changes result in the conditional withdrawal of the objection. I support the amendments which clarify the national and regional policy context in relation to waste matters. I also support PC542 which is an editorial change as a result of the above.
- 19.10.3. Although the Council states that the objections are accepted I note that the proposed changes do not include a reference to the role of the EAW. However, the objection does not indicate why reference should be made to the role of the EAW as a statutory consultee and I do not consider the plan will be improved by such a reference.
- 19.10.4. PC541 inserts a section headed *Other Key Policies* and identifies L2. Paragraph 1.34 in the introduction to the plan sets out the Council's position to cross referencing policies. It is stressed that policies should not be read in isolation and that the plan should be read as a whole. It is not clear why there is a need to refer L2 since there is no reference to the AONB in the preceding paragraphs. It seems to me that cross referencing would serve little purpose and add unnecessary bulk to a document which is meant to be read as a whole.

Recommendation:

19.10.5. I recommend the plan be modified by PCs 538, 539, 540, 542.

19.11. EWP6 Areas of Search for New Waste Management Facilities

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	18106	Envirowatch	PC	S	No

59	18107	Envirowatch	PC	S	No
59	18108	Envirowatch	PC	S	No
59	18166	Envirowatch	PC	O	No
2106	18637	Countryside Council for Wales	PC	O	No
2238	18334	Heesom	PC	O	No
2350	18370	Welsh Assembly Government	PC	O	No
2409	18489	A D Waste Ltd	PC	S	No
2753	18019	Cheshire County Council	PC	O	No
3543	18450	Chester City Council	PC	O	No
3543	18451	Chester City Council	PC	O	No
7389	18484	Banks Developments Limited	PC	O	No
7421	18641	Autolodge Hotel Ltd	PC	O	No
7422	18643	Data Properties Ltd	PC	O	No
7423	18645	Holiday Inn Chester West	PC	O	No

Summary of Objections:

Rep No	Summary
18166	No sites proposed in Mold or rural main towns and villages
18637	Cross reference to WB2 as some sites are in the vicinity of Natura 2000 sites
18334	Policy does not accord with policy guidance notes and directions
18370	Policy does not confirm that areas are adequate to accommodate the additional facilities required in accord with the NWRWP
18019	Questions whether approach will ensure delivery of the waste management facilities required
18450	Policy should set out the types of facilities considered appropriate at identified sites
18451	Seeks amendments to EWP7 & EWP8 in the light of PC549
18484	Seeks greater clarity of specific waste management uses that would be acceptable
18641 18643 18645	Does not identify types of facility that might be suitable on each site; introduced at a late stage in the UDP process; does not meet requirements of NWRWP or TAN21; lack of information about site selection process; areas not clearly shown on the proposals map (PC550)

Key Issues:

19.11.1. Whether:-

- i) the policy should be amended
- ii) the policy should be cross referenced
- iii) the areas are clearly shown on the proposals map.

Conclusions:

19.11.2. The policy - This new policy and accompanying text is inserted by PC549 and has been produced at the earliest opportunity following the issuing of the Policy Clarification Note issued by WAG in 2004. Whilst I support the need for such a policy, because more than adequate provision is identified in locations that are considered to have characteristics which are suitable to accommodate a waste management facility, I see no reason why it is necessary to include *ideally* in the opening sentence of the policy. This is confusing since it suggests there are other appropriate locations over and above the areas identified in the policy. The removal of this word would increase the robustness of the policy and result in greater clarity.

19.11.3. I find the policy, so far as it goes, is generally in accordance with PPW, TAN21, the Policy Clarification Note, the Waste Strategy 2000 and the National Waste Strategy for Wales. The policy does not follow the Policy Clarification Note since not all the sites listed for B2 employment use are identified as areas of search and other locations not listed for B2 employment use are included. However, the Policy Clarification Note indicates that other forms of the policy,

more suited to the local circumstances may well be acceptable. I consider the locations identified are appropriate and the policy reflects the situation in Flintshire.

- 19.11.4. The policy does not aim to provide a waste management facility for every settlement in Flintshire and since 18166 does not identify possible additional sites to be included I cannot take the matter further. Whilst it will involve longer journeys from some settlements to the nearest area of search, regard has been given to where the waste arisings are greatest in order to minimise the transport of waste. I consider this to be a reasonable approach.
- 19.11.5. The plan does not make explicit the capacity of the area to deal with waste, nor make accurate and quantified assessments about the waste arisings as required in para 5.5 of TAN21. There is no indication why national policy is not followed. Including this information would improve the clarity of the plan. However, this plan should not be delayed in order to await the finalisation of the North Wales Regional Waste Plan 1st Review. The LDP can address any changes as a result of that and subsequent reviews.
- 19.11.6. FPC640 inserts additional supporting text which indicates that more sites have been identified than will be required in order to ensure sufficient flexibility. Whilst I support this FPC, as far as it goes, the degree of overprovision is not quantified. I do not consider the plan provides sufficient guidance to enable the development of an integrated waste management infrastructure. It does not, for example, identify the number of the different types of waste management facilities that will be required during the plan period. Whilst the suitability of a site for a particular waste management facility will be determined through the development control process this cannot be relied upon to achieve an integrated waste management infrastructure.
- 19.11.7. Composting is identified as being within the terms of the policy. However, this process can include windrow composting. The Policy Clarification Note indicates that windrow composting is more suitable for rural locations than industrial sites. The reasoned justification should indicate whether or not this method of composting will be considered within the areas of search.
- 19.11.8. Whilst this new policy provides a starting point for these issues the LDP will provide an opportunity for further refinement.
- 19.11.9. Cross reference – Since some of the areas of search are in close proximity to international nature conservation designations I support FPC641 which inserts a cross reference to WB2.
- 19.11.10. Proposals Map – PC550 amends the proposals map to include *Preferred Areas of Search for New Waste Management Facilities* in the light of PC549. Whilst I support their inclusion on the proposals map, for the avoidance of doubt, and to ensure consistency with the policy the term *preferred* should not be used in the notation on the proposals map.
- 19.11.11. Since the areas of search are not specific allocations it is appropriate that they are shown by symbols. Further clarity would be achieved if each site were numbered and linked with the area of search identified in the policy.
- 19.11.12. Other matters – This new policy has been the subject of public consultation. Questions relating to the adequacy and/or extent of that consultation and the Council's internal procedures are not matters for this UDP inquiry process.

19.11.13. I consider resultant changes to EWP6 and EWP7 (renumbered EWP7 & 8) in the sections that follow.

Recommendations:

19.11.14. I recommend the plan be modified by:-

- i) inserting a new policy after the sub heading **Policies – Waste EWP6 Areas of Search for New Waste Management Facilities**
Proposals for new waste management facilities should be located within the following locations: (as listed in PC549). Where a proposal is made for the development of a site within any of the locations identified, as listed above, then permission will be granted subject to that proposal meeting other relevant plan policies, particularly EWP7 & EWP 8
- ii) inserting the reasoned justification in PC549 (as amended by FPCs 640 and 641)
- iii) amending the proposals map to include the areas of search for waste management facilities listed in EWP6
- iv) inserting additional text in the reasoned justification to indicate the capacity of the area to deal with waste, accurate and quantified assessments of the waste arisings, the extent of the overprovision of possible sites, the number of different types of waste management facilities required and to clarify whether windrow composting is acceptable in the areas of search
- v) renumbering the existing EWP6 to EWP7 and renumbering all subsequent policies in this chapter accordingly.

19.12. EWP6 - Land off Pinfold Lane, Alltami

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
6718	18465	Brock plc	PC	O	No

Summary of Objection:

Rep No	Summary
18465	Objects if land on western side of Pinfold Lane is not included

Key Issue:

19.12.1. Whether the boundary of the area of search should be defined.

Conclusions:

19.12.2. The policy identifies areas of search rather than defines specific sites. The use of a symbol rather than defined boundaries serves to reinforce that these are not allocations. I note the policy refers to *Parry's Quarry & Pinfold Lane Quarry, Alltami*. I consider this description provides sufficient information to establish the general location of this area of search.

Recommendation:

19.12.3. I recommend no modification to the plan.

19.13. EWP6 – Parry's Quarry, Alltami.

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
6718	18466	Brock plc	PC	O	No
7421	18642	Autolodge Hotel Ltd	PC	O	No
7422	18644	Data Properties Ltd	PC	O	No
7423	18646	Holiday Inn Chester West	PC	O	No

Summary of Objections:

Rep No	Summary
18466 18642 18644 18646	Delete site from the area of search

Key Issue:

19.13.1. Whether this site should be included within an area of search.

Conclusions:

- 19.13.2. The objections raised a number of issues. As I have already indicated I do not consider it appropriate to define the boundaries of the areas of search. Determination of the planning application at Parry's Quarry is a matter for the development control process and not the UDP inquiry. My consideration of this objection is confined to whether it is appropriate to include the site within an area of search.
- 19.13.3. EWP6 does not sterilise mineral reserves in the quarry or prevent their extraction. Neither the policy nor supporting text makes reference to the existence of clay. Issues relating to the development of waste management facilities at this site, including the impact on nearby development and the use for non inert landfill are not ones of principle in relation to the identification of the site as within an area of search. They are matters of detail that would be addressed through the development control process.
- 19.13.4. The policy is silent on the type of waste management facility that would be appropriate within an area of search. Such matters will be determined as part of the development control process. There is no evidence before me to indicate in what way identifying this as an area of search is in contravention of the Landfill Directive, NWRWP and TAN21 and I am unable to comment further on this element of the objections.
- 19.13.5. My conclusions relating to the identification of the type of waste management facility within areas of search are to found in EWP6 above.
- 19.13.6. None of these matters lead me to conclude that this site is not appropriate as an area of search.

Recommendation:

19.13.7. I recommend no modification to the plan.

19.14. EWP6 - Springhill Quarry, Bagillt**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
171	17873	Bagillt Community Council	PC	O	No

Summary of Objection:

Rep No	Summary
17873	Inappropriate site for new waste management facility

Key Issue:

19.14.1. Whether the site is appropriate.

Conclusions:

19.14.2. The objection does not indicate why this site should not be included within an area of search and does not indicate what aspects of the 1991 appeal decision are relevant. I should point out that I do not have sight of appeal decisions if they are not included as part of an objection.

19.14.3. On the information before me I have no reason to modify the plan.

Recommendation:

19.14.4. I recommend no modification to the plan.

19.15. EWP6 – Former Connah's Quay Power Station**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	18171	Envirowatch	PC	O	Yes

Summary of Objection:

Rep No	Summary
18171	Site is a migratory bird feeding and resting area adjacent to the SAC and SPA

Key Issue:

19.15.1. Whether the should be included as an area of search.

Conclusions:

19.15.2. The site is an employment allocation in the Alyn & Deeside Local Plan and is continued through into the UDP as EM8. The principle of development has already been established. Any planning application coming forward as part of the development control process would have to consider the impact on wildlife and the adjacent SAC and SPA. On the information before me in respect of this objection, I have no reason to modify the plan.

Recommendation:

19.15.3. I recommend no modification to the plan.

19.16. EWP6 - Parc Bychan Quarry, Rhosesmor

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
7389	18486	Banks Developments Limited	PC	O	No

Summary of Objection:

Rep No	Summary
18486	Site should be identified as being suitable for specific waste management facilities

Key Issue:

19.16.1. Whether the site should be identified for specific waste management facilities.

Conclusions:

19.16.2. The policy identifies areas of search and does not identify the type of waste management facilities that may be appropriate within those areas. This would be a matter for the development control process should any proposal come forward. On this basis it would not be appropriate to identify the type of waste management facility for this area of search.

Recommendation:

19.16.3. I recommend no modification to the plan.

19.17. EWP6 - River Lane, Saltney

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	18165	Envirowatch	PC	O	No

Summary of Objections:

Rep No	Summary
18165	Delete from areas of search

Key Issue:

19.17.1. Whether this area of search should be deleted.

Conclusions:

19.17.2. Whilst the objection argues that the facility would serve Chester City needs, the Council argues that provision should be made to cater for the significant commercial and industrial activities in Saltney. In the absence of any further evidence to the contrary I am satisfied the area of search is justified in principle. Whilst the types of waste management facilities that could be developed will be limited due to the environmental constraints in the area I do not consider this area of search should be deleted.

Recommendation:

19.17.3. I recommend no modification to the plan.

19.18. EWP6 Managing Waste Sustainably**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3386	Flintshire Green Party	DEP	O	No
359	513	TCC (Together Creating Communities)	DEP	O	No
1743	3148	Robin Jones & Sons Ltd	DEP	O	No
2106	4666	Countryside Council for Wales	DEP	O	No
2350	5205	Welsh Assembly Government	DEP	O	Yes
2409	5225	A D Waste Ltd	DEP	O	No
2409	12426	A D Waste Ltd	DEP	O	No
2409	12432	A D Waste Ltd	DEP	O	No
2409	12433	A D Waste Ltd	DEP	O	No
2409	12434	A D Waste Ltd	DEP	O	No
2409	12435	A D Waste Ltd	DEP	O	No
2753	6652	Cheshire County Council	DEP	O	No
3540	8973	Alan's Skip Hire	DEP	O	No
3865	9925	Evergreen Environmental Services Ltd	DEP	O	No
6717	17712	Deeside Power Development Company Ltd	DEP	O	No
6718	15634	Brock Plc	DEP	O	No
6718	15635	Brock Plc	DEP	O	No
6718	15637	Brock Plc	DEP	O	No

Summary of Objections:

Rep No	Summary
3386	Does not comply with zero waste sustainable policies; burning waste should be last resort
513	Incineration of waste should be left out of the plan
3148	Identify Parry's Quarry, Pinfold Lane, Alltami as suitable for waste management use
4666	Integrate decision making process where approval required from other authorities; cross reference to GEN6
5205	Revise the criteria in the light of regional waste plan to include information on location of required waste infrastructure; para 19.29 should not be limited to municipal waste; clarify how alternative uses for waste in para 19.31 relates to the policy
5225	Delete <i>traffic will be restricted to operate during appropriate hours of the day</i> in criterion e
12426	Substitute <i>principle</i> for <i>principal</i> in para 19.28
12432	Allocate land at Point Einion, Northop as location for waste management facility
12433	Allocate Castle Park landfill, Flint as location for waste management facility
12434	Allocate Rhosesmor Quarry as location for waste management facility
12435	Allocate former Broken Bank Tip, Deeside as location for waste management facility
6652	Identify suitable sites/areas for facilities to enable a planned approach to waste management
8973	Identify existing sites as these should be first priority for siting new facilities
9925	Refer to existing waste management facilities such as at Point of Ayr
17712	Allocate land at Deeside Power Station for waste management uses
15634	Identify site at Pinfold Lane, Alltami for recycling of waste and energy from waste
15635	Identify land off Pinfold Lane, Alltami as suitable future landfill and recycling location
15637	Identify site at Pinfold Lane, Alltami as site for hazardous waste

Key Issues:

19.18.1. Whether:-

- i) sites should be allocated/identified

- ii) the policy, criteria and accompanying text should be amended.

Conclusions:

- 19.18.2. Sites - It will be seen in the section above that a new policy (EWP6) is proposed that identifies areas of search for new waste management facilities (PC549). I support the principle of such a policy which addresses the basis of 6652.
- 19.18.3. Parry's Quarry (3148), Rhosesmor Quarry (12434), the Deeside Power Station (17712) and Pinfold Lane, Alltami (15634, 15635, 15637) are included in the new policy. With regard to objections seeking the allocation of sites at Port Einion, Northop (12432), Castle Park, Flint (12433), Broken Bank Tip, Deeside (12435) these sites are not included. No objections have been made to PC549 with regard to their non inclusion and no responses have been made to the Council's omission of the sites. I agree with the reasons given by the Council for their non inclusion in the areas of search.
- 19.18.4. Policy – It is not clear to me what *zero waste sustainable policies* means. TAN21 acknowledges *there is little scope for [the] planning [system] itself to achieve waste minimisation* (para 4.2). UDPs are required, amongst other things, to adopt a sustainable approach to waste management and make provision for a network of waste management facilities to treat, manage or dispose of waste. I am satisfied that the plan complies with this requirement and I do not support this objection.
- 19.18.5. Whilst WAG's preference is to minimise incineration it recognises that certain types of waste have a potential role as a fuel source. It would not be appropriate to exclude this form of treatment as a matter of course, particularly as such proposals would have to show they would be in accordance with the principles of the best practical environmental option.
- 19.18.6. PC544 amends criterion b to refer to the Regional Waste Plan. I support this linkage to the Regional Waste Plan which strengthens the policy. However, this approach is at variance with criterion a which relates to primarily meeting waste arising in Flintshire. Para 3.2 of TAN21 indicates that *local authorities should not attempt to restrict waste management developments within their boundaries to deal with arisings in their areas*. I consider criterion a (even as amended by PC543) does not comply with TAN21 and should be deleted. This also affects the text in paras 19.24 and 19.27 which make inappropriate reference to waste arising from Flintshire. I find PC548 to be equally inappropriate since it also refers to treating Flintshire waste arisings and it follows I do not support this proposed change.
- 19.18.7. PC547 deletes the wording in criterion e that is the subject of 5225 and it is not necessary for me to comment further on the matter. PC546 introduces a revised approach to matters relating to transport of waste. I support this change which reflects advice relating to sustainability principles.
- 19.18.8. Cross referencing - Para 1.34 in the introduction to the plan sets out the Council's position to cross referencing policies. It is stressed that policies should not be read in isolation and that the plan should be read as a whole. It seems to me that cross referencing to GEN6 would serve little purpose and add unnecessary bulk to a document which is meant to be read as a whole.
- 19.18.9. Accompanying text – PC552 amends the wording of para 19.29 to refer to the Flintshire Municipal Waste Management Plan. It also encompasses all waste

arisings and reflects the introduction of the new policy dealing with areas of search for new waste management facilities. The clarity of the plan is improved and I support the change.

19.18.10. I support PC551 which corrects the typo in para 19.28.

19.18.11. Since para 19.31 relates to EWP7, my conclusions with regard to that element of 2505 are to found under that policy.

19.18.12. Existing Sites – Existing waste management facilities such as Point of Ayr, are outside the scope of this policy. I do not consider that existing sites should be identified or that they should necessarily be the locations where new facilities should be sited since it does not necessarily follow that they are in the most appropriate location.

19.18.13. Other Matters – The comments made under 4666 relating to Environmental Impact Assessment are observations on the procedure rather than objections to the policy. They do not require changes to the policy or supporting text.

19.18.14. I support PC545 which clarifies the scope of criterion c.

Recommendations:

19.18.15. I recommend the plan be modified by:-

- i) PCs544 - 547, 551 and 552
- ii) deleting criterion a
- iii) deleting the second sentence in para 19.24 *To realisearising from Flintshire.*
- iv) Deleting para 19.27

19.19. EWP7 Control of Waste Development and Operations

Representations:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
359	440	TCC (Together Creating Communities)	DEP	O	No
1017	1327	Ellesmere Port and Neston Borough Council	DEP	O	No
1712	3046	The Crown Estate	DEP	O	Yes
2043	3786	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4667	Countryside Council for Wales	DEP	O	No
2239	4346	Clayton	DEP	S	No
2350	5208	Welsh Assembly Government	DEP	O	Yes
2409	12421	A D Waste Ltd	DEP	O	No
2753	17335	Cheshire County Council	DEP	O	No
3540	8974	Alan's Skip Hire	DEP	O	No
3543	9020	Chester City Council	DEP	O	No
2106	18556	Countryside Council for Wales	PC	O	No
3543	18452	Chester City Council	PC	O	No

Summary of Objections:

Rep No	Summary
440	A waste strategy is required otherwise policy will be formed by planning applications
1327	Might result in bad neighbour industry on employment sites; examine alternative sites for waste disposal facilities and identify suitable sites
3046	Clarify what is meant by <i>detract</i> in the policy
4667	Amend criteria a and b; add criterion to safeguard ground and surface waters; add criterion to

	exclude and control gulls, corvids and rats; cross reference with other policies; need to ensure most up to date technologies used
5208	Expand criterion e
12421	Policy assumes facilities will have adverse impact on the amenities of an area; fails to recognise that facilities vary in scale; delete reference to landscape quality of the Dee Estuary and Halkyn Mountain; delete part of criterion d; amend criteria e and f
17335	Identify suitable sites/areas for waste facilities to enable a planned approach to waste management
8974	Unrealistic criteria will preclude developments
9020	Recognise that facilities may impact on public health, pollution and traffic movements across neighbouring districts and the wider sub region
18452	
18556	Cross reference to WB2 in the light of PC553

Key Issue:

19.19.1. Whether the policy and criteria should be amended and/or cross referenced.

Conclusions:

- 19.19.2. The new policy EWP6 *Areas of Search for New Waste Management Facilities* will help to direct development to suitable locations. The areas of search only include those industrial estates where waste management facilities are considered to be acceptable in principle. Any proposal would have to satisfy the criterion (as amended) in the policy which includes mitigation measures to address any adverse impacts. With regard to EWP6 I recommend that waste management facilities should only be sited within the areas of search and to be consistent it will be necessary to amend this policy to reflect that change. As it stands at present it is applicable to any site whether within an area of search or not.
- 19.19.3. PC553 deletes criteria a and c. I support this change since the plan should be read as a whole and these matters are covered by other policies in (L2 and RE1). I support PC555 which deletes inappropriate and unnecessary wording in criterion d. In the light of these changes I do not consider it is necessary to cross reference to policy WB2.
- 19.19.4. I support PC554 which uses more appropriate terminology and brings greater clarity to criterion b. Because of this, the amended wording suggested in 4667 is not necessary to improve clarity.
- 19.19.5. EWP15 safeguards water resources and there is no need for an additional criterion in this policy to deal with this issue. Criteria b (was d) and d (was f) make provision for appropriate mitigation measures. It is not necessary to add a specific criterion to deal with pest species.
- 19.19.6. It is not practical for the policy to require the constant up dating of technology. When a proposal is being considered the criteria will ensure that the most appropriate technology available will be used.
- 19.19.7. An additional criterion is required to provide sufficient safeguards for water, air, soils, plants and animals as sought in 5208.
- 19.19.8. Whilst I support the need for a criterion to safeguard the matters identified in PC556 I find the term *and /or other related nuisance* to lack clarity and leads to confusion.
- 19.19.9. I support PC557 which brings greater clarity to criterion f.
- 19.19.10. It is appropriate for the policy to safeguard the amenities of an area and I do not accept that the criteria (as amended) are unrealistic and will preclude

development. If a proposal has no detrimental impacts then it will be supported by the policy. It also follows that if a proposal has an unacceptable impact then it should be refused. I consider the policy is applicable whatever the scale or nature of a development.

- 19.19.11. There is no suggestion that the policy will not have regard to the impact a development may have on neighbouring authorities or on the sub region. This does not need to be explicitly stated in the policy.
- 19.19.12. Cross referencing - Para 1.34 in the introduction to the plan sets out the Council's position to cross referencing policies. It is stressed that policies should not be read in isolation and that the plan should be read as a whole. The objector does not suggest any particular reason why this policy should refer to a number of other policies in other chapters. It seems to me that cross referencing would serve little purpose and add unnecessary bulk to a document which is meant to be read as a whole.
- 19.19.13. Other matters – I support PC558 which deletes an unnecessary sentence and replaces inappropriate wording in para 19.31.

Recommendations:

- 19.19.14. I recommend the plan be modified by;
- i) PC553, 554, 555, 557 and 558
 - ii) deleting criterion e
 - iii) adding the following additional criteria
 - *the development does not have a significant adverse impact on water courses, air and soil quality and on flora and fauna; -*
 - *the development and any associated traffic does not result in unacceptable disturbance to local communities, through noise, smell, vibration, smoke or air pollution*
 - *the development is within an Area of Search for New Waste Management Facilities identified in policy EWP6;*

19.20. EWP 8 New Development and Waste Management Facilities

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
359	512	TCC (Together Creating Communities)	DEP	S	No
2239	4347	Clayton	DEP	S	No
2350	5211	Welsh Assembly Government	DEP	O	Yes
2411	5275	Home Builders Federation	DEP	O	No
2753	17337	Cheshire County Council	DEP	O	No
59	18109	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
5211	Seeks additional policy guidance making a link to the general land allocation, though this would not cover all types of waste infrastructure
5275	Policy should refer to <i>major development schemes</i> ; housing schemes of over 40 do not fall into this definition; cannot require provision of facilities

17337	Identify suitable sites/areas for facilities to enable a planned approach to waste management
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Key Issue:

19.20.1. Whether the policy should be amended.

Conclusions:

- 19.20.2. PCC559 replaces the entire policy. Whilst I accept this improves the focus of the policy I have a number of concerns. Para 12.6.2 of PPW states that *Policies proposing any major new development should incorporate adequate and effective waste management facilities* whereas the amended policy refers to waste recycling facilities. The reference to recycling is more prescriptive than PPW. It is not clear whether the difference in wording is a matter of terminology or is a conscious decision to be more prescriptive. I have assumed it is the former as the text does not justify why the policy should be more prescriptive and my recommendation below reflects this.
- 19.20.3. As I have stated elsewhere in the plan I do not consider the term *commercial development* is particularly helpful and it should be defined. Although the policy no longer contains a reference to housing proposals the supporting text continues to do so. Para 6.3 of TAN21 clearly indicates that major development can include housing proposals. It appears to me that the policy would be just as effective if it were to apply to all applications involving the development of two or more hectares of land rather than specify those sectors that would be affected.
- 19.20.4. It is unclear how 5211 applies to this policy since it raises broader issues. Although 17337 has been drawn to my attention it does not specifically mention this policy and I do not understand how it relates to it. I note however I deal with the generalities of these objections at EWP6 Areas of Search for New Waste Management Facilities above.

Recommendation:

- 19.20.5. I recommend the plan be modified by replacing the existing policy with *Applications involving the development of two or more hectares of land will be required to make provision for appropriate waste management facilities.*

19.21. EWP 9 Reusing Development Waste**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4669	Countryside Council for Wales	DEP	S	No
2239	4348	Clayton	DEP	S	No
2753	17338	Cheshire County Council	DEP	O	No
59	18110	Envirowatch	PC	S	No

Summary of Objection:

Rep No	Summary
17338	Identify suitable sites/areas for facilities to enable a planned approach to waste management

Key Issue:

19.21.1. Whether the policy should be amended.

Conclusions:

19.21.2. PC560 replaces the policy and reasoned justification. I support this amendment since it improves the focus of the policy. I note that no objections have been made to PC560.

19.21.3. Although 17338 has been drawn to my attention it does not specifically mention this policy and I do not understand how it relates to it. I note however I deal with the generalities of the objection at EWP6 above.

Recommendation:

19.21.4. I recommend the plan be modified by PC560.

19.22. EWP10 Development On or Adjacent To Landfill Sites**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2239	4349	Clayton	DEP	S	No
3206	7969	Environment Agency Wales	DEP	O	Yes

Summary of Objection:

Rep No	Summary
7969	Policy should prevent some types of development on/near gassing landfill sites

Key Issue:

19.22.1. Whether the policy should be changed to meet the objection.

Conclusions:

19.22.2. The Council accepts the merit of the objection and PC563 introduces a new criterion which requires that where vulnerable developments are proposed, on or near landfill sites, it must be demonstrated that the site is inert, safe and no longer gassing. This change resulted in the conditional withdrawal of the objection. The PC addresses an omission in the plan and makes the policy more comprehensive.

19.22.3. The Council also propose 2 minor typographical changes by PCs561/562 which are necessary in the light of PC563.

Recommendation:

19.22.4. I recommend the plan be modified by PCs561, 562 and 563.

19.23. Paragraph 19.47**Representation:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
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359	438	TCC (Together Creating Communities)	DEP	O	No
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Summary of Objection:

Rep No	Summary
438	Needs policy to say homes should not be affected by high or low frequency noise/vibration

Key Issue:

19.23.1. Whether para 19.47 and EWP12 are robust enough to safeguard against harm from noise, vibration and the like.

Conclusions:

19.23.2. It would be unrealistic to say that homes should not be affected by noise, vibrations and the like. Inevitably some development will bring with it these types of effects. However, what EWP12 and its accompanying text seeks to do is ensure that noise sensitive developments are only located close to noise sources if it can be demonstrated that potential harmful effects can be mitigated. It is within this context that *as far as possible* in para 19.47 must be seen. The terminology is similar to that used in PPW13.14.1 and I do not consider it provides a loop hole for harmful development.

Recommendation:

19.23.3. I recommend no modification to the plan.

19.24. EWP12 Nuisance**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3387	Flintshire Green Party	DEP	O	No
359	509	TCC (Together Creating Communities)	DEP	O	No
2239	4351	Clayton	DEP	S	No

Summary of Objections:

Rep No	Summary
509	Responsibility for nuisance should not be left with the developer
3387	Amend wording so that no light pollution will be allowed

Key Issue:

19.24.1. Whether the policy should be changed in the light of the objections.

Conclusions:

19.24.2. As written it seems to me that whilst it may be a developer's responsibility to demonstrate that a development will not experience nuisance from or cause nuisance to neighbours, it is the Council's role to determine whether the evidence base put forward is sound enough to justify a developer's confidence. The ultimate responsibility therefore rests with the Council. This is appropriate for a policy such as EWP12.

19.24.3. As written the policy is not permissive of light pollution. My reading of the policy is firstly that development which may be sensitive to existing light

pollution will not be permitted unless measures can be taken to mitigate the potential adverse effects. And secondly any development which could potentially cause light pollution will not be permitted if it would be detrimental to users or nuisance sensitive uses. Together with the protection offered by other policies such as STR1f and D5 there should be no harmful light pollution from new development. I note that these policies are generally consistent with paras 13.14 and 13.15 in PPW.

Recommendation:

19.24.4. I recommend no modification to the plan.

19.25. EWP13 Derelict and Contaminated Land

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3788	Clwyd Powys Archaeological Trust	DEP	O	No
2106	4685	Countryside Council for Wales	DEP	O	No
2239	4352	Clayton	DEP	S	No
2350	5218	Welsh Assembly Government	DEP	O	Yes
59	18111	Envirowatch	PC	S	No
59	18112	Envirowatch	PC	S	No
59	18113	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
3788	Policy should refer to safeguarding historic fabric and archaeological context
4685	Criterion b should refer to historic interests
5218	Refer to historic interest in policy/text. Policy should refer to contaminated land. Substitute <i>are taken</i> with <i>can be taken</i> in criterion b

Key Issue:

19.25.1. Whether the policy should be changed to meet the objections.

Conclusions:

- 19.25.2. I accept that derelict land and contamination can often be as a result of past industrial activity which could have archaeological value and as a consequence there is merit in the objections. It follows I support the Council's proposed changes PC567 and 568 which add *historic interest* to criterion b and a sentence of explanation to the accompanying text.
- 19.25.3. Similarly it is necessary to add contaminated land to the policy (PC565) as this reflects its title and purpose. Substituting *are taken* with *can be taken* (PC567) makes it clear that measures can be taken to mitigate the effects of dereliction and/or contaminated land prior to planning permission being granted.
- 19.25.4. To comply with the findings of the SEA/SA the Council also proposes another change (PC566) which I agree makes criterion a more robust and sets out a more rigorous approach to the treatment of contaminated sites.

Recommendation:

19.25.5. I recommend the plan be modified by PCs565, 566, 567 and 568.

19.26. Paragraph 19.55

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	18557	Countryside Council for Wales	PC	O	No

Summary of Objection:

Rep No	Summary
18557	PC568 – policy should relate to land within settlement boundaries/employment areas

Key Issue:

19.26.1. Whether the policy should apply only to built up areas.

Conclusions:

19.26.2. I am somewhat at a loss to see how the objector's comments relate specifically to PC568. Before and after the change the policy relates to all derelict land. It did not nor does it say/imply that if derelict land is remediated it can be built on. Any after use would be the subject of other policies in the plan such as GEN3 and 5 which generally restrict development in the countryside/green barrier. I see no need to change the policy in the way suggested.

Recommendation:

19.26.3. I recommend no modification to the plan.

19.27. EWP14 Development of Unstable Land

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2239	4353	Clayton	DEP	S	No
2350	5219	Welsh Assembly Government	DEP	O	Yes
59	18114	Envirowatch	PC	S	No

Summary of Objection:

Rep No	Summary
5219	Should recognise development can cause instability and/or cross reference with GEN1i

Key Issue:

19.27.1. Whether the scope of the policy should be extended to include development causing instability.

Conclusions:

19.27.2. It would make for a more complete policy if instability caused by development were included in it. PC569 proposes adding a second limb to EWP14 which sets out how potential instability caused by a development will be addressed. This will assist developers and improve the safety of new development.

Recommendation:

19.27.3. I recommend the plan be modified by PC569.

19.28. EWP15 Water Resources**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3389	Flintshire Green Party	DEP	O	No
2106	4686	Countryside Council for Wales	DEP	O	No
2239	4354	Clayton	DEP	S	No
2350	5220	Welsh Assembly Government	DEP	O	Yes
59	18116	Envirowatch	PC	S	No
59	18118	Envirowatch	PC	S	No
59	18119	Envirowatch	PC	S	No

Summary of Objections:

Rep No	Summary
3389	Criterion a - do not qualify impact on groundwater. Criterion b - do not qualify impact on groundwater and change unacceptable to significant for surface and coastal waters. Add criterion to ensure development will not cause harm to the fresh water eco system
4686	Insert <i>only</i> between <i>will</i> and <i>be permitted</i> . Para 19.65 needs to explain role of EAW. Para 19.66 should refer to TAN15
5220	The purpose of criterion c is unclear

Key Issue:

19.28.1. Whether changes should be made to the policy and its accompanying text to meet the objections.

Conclusions:

- 19.28.2. Insofar as 4686 relates in part to para 19.66, I would refer to my conclusions to EWP16 below.
- 19.28.3. Policy - Changing the first part of EWP15 to *Development affecting water resources will only be permitted....* reflects the title of the policy and gives it more focus. I support PC570 in this respect. PC570 also proposes 2 new criteria (e) and (f) to ensure that the policy considers the potential for water conservation within developments. Whilst I support the principle of such an addition to the plan, I do not understand the distinction between the 2 criteria proposed. The first says *..would, as far as practicable, incorporate measures to conserve water by the use of an appropriate design and efficient use of water resources*. The second says *the incorporation of water efficiency and conservation measures in new development*. In this circumstance I cannot recommend this part of PC570 for incorporation into the plan.
- 19.28.4. Text - In the light of the role and statutory responsibilities of the EAW it will also assist users of the plan if this is spelt out succinctly in the text accompanying EWP15 and I agree that PC573 is a necessary addition which rectifies an omission.
- 19.28.5. Criterion a – As all ground surface development is likely to affect the flow of water, it seems to me that the criterion needs to be qualified to ensure that it is only that which would potentially harm human well being, property and the

environment which should be the subject of the criterion. Significant direct or indirect impact is a suitable qualification. The *direct or indirect* impact is proposed as an addition (PC571) to comply with the findings of SEA/SA.

- 19.28.6. Criterion b – I agree with the Council that the change suggested to this criterion is unnecessary as it does not change the thrust or add anything to the policy. I note this part of 3389 has been conditionally withdrawn, although I do not know on what grounds.
- 19.28.7. Criterion c – The Council says that criterion c *seeks to facilitate infrastructure developments that would enhance and improve the general availability and quality of water*, but that is not clear from the policy as written. The criterion lies amongst others which seek to control the adverse impact of development. The policy is prefaced by *development will only be permitted where...*, the implication is that if water treatment and supply is not enhanced, the development would not meet the terms of the policy.
- 19.28.8. It would improve the meaning of the policy if it were to be split in 2, deleting criterion c and replacing it with a new sentence at the beginning of the policy to the effect *Development which would enhance the existing water treatment and supply infrastructure will be permitted where it meets the following criteria*. I do not list any particular criteria as I do not have the local knowledge of the Council about the locations and types of development that would be likely to come forward under this policy. It may be that no criteria are necessary, but that is a matter for the Council to determine at the modification stage. The second part of the policy could then begin *All other development affecting...* with the criteria (as recommended to be modified) below.
- 19.28.9. New criterion – The general thrust of EWP16 is the protection of the water environment and this is one of the arms of strategic policy STR7. I see no necessity for a criterion to state this explicitly. It would add little of value to the plan.

Recommendations:

19.28.10. I recommend the plan be modified by:-

- i) Deleting the preamble to the policy and inserting a new part at the beginning of the policy
Development which would enhance the existing water treatment and supply infrastructure will be permitted (where it meets the following criteria:-).....
 followed by the second part to the policy beginning
All other development affecting water resources will only be permitted where the development meets the following criteria:
- ii) the Council determining what/if any criteria are necessary in the first part of the amended policy
- iii) retaining criteria a (as changed by PC571), b and d under the second part of the policy and adding to them a new criterion to ensure water conservation efficiency in development
- iv) PC573.

19.29. EWP 16 Flood Risk

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
358	521	Robson	DEP	O	No
2106	4688	Countryside Council for Wales	DEP	O	No
2239	4355	Clayton	DEP	S	No
2334	4890	WAG - Dept Economy & Transport	DEP	O	Yes
2350	5221	Welsh Assembly Government	DEP	O	Yes
2420	5915	RSPB Cymru	DEP	O	No
2420	5918	RSPB Cymru	DEP	O	No
2678	6465	North East Wales Wildlife Trust	DEP	O	No
3206	7957	Environment Agency Wales	DEP	O	No
3540	8975	Alan's Skip Hire	DEP	O	No
3541	8981	C W Whitcliffe & Co	DEP	O	No
3556	9084	Development Securities plc	DEP	O	Yes
3638	17647	Jones Balers (Farms) Ltd	DEP	O	No
7411	18701	Development Securities plc	DEP	O	No
3206	17966	Environment Agency Wales	PC	O	Yes

Summary of Objections:

Rep No	Summary
521	Include land adj to The Brambles Old Liverpool Road Ewloe Green within settlement boundary. Improvements have been made to the land and it is not at risk of flooding
4688	Revamp policy and paras 19.67/19.68 in light of TAN15. Clarify <i>unacceptable</i> in criteria a and b. Add <i>avoidance</i> to criterion c after <i>appropriate</i> . There should be a presumption in favour of SUDS. Make it clear in para 19.69 that primary objective is avoidance of hazard. Well designed/managed flood defences can bring environmental and recreational benefits
4890	Areas of flood risk take no account of flood defences. Text is not clear about what the areas at risk of flooding refers to. Policy at odds with draft TAN15 para 6.6. Take account of TAN15
5221	Add criterion to justify developments in high risk areas. Refer to role of EAW
5915	Criteria a and b imply development may be permitted in flood risk areas. The role of the EAW should be fully acknowledged
5918	Add policy on flood storage to promote sustainable management of floodplains, enhance storage capacity and biodiversity interest
6465	Employment allocations in floodplain should use SUDS
7957	Policy should not create a presumption in favour of development in flood risk areas. Mitigation measures may not be sustainable in the long term. Reword policy
8975 8981	Policy is not clear. It excludes development on land at flood risk which is short sighted
9084 18701	Areas at risk of flooding are too extensive and should not include S1(10) Broughton Shopping complex. Plan does not distinguish flood zones A, B and C
17966	PCs not acceptable. Reworded policy does not reflect TAN15 framework for considering development in different flood risk areas
17647	Land at Sealand is not at risk of flooding

Key Issues:

19.29.1. Whether:-

- i) sites at Ewloe Green, Broughton Shopping Park and Sealand should be deleted from the *Areas at Risk of Flooding* designation
- ii) the policy, its criteria and accompanying text require changes.

Conclusions:

19.29.2. Ewloe Green/Broughton Shopping Park/Sealand – PC574 deletes all the *Areas at Risk of Flooding* from the UDP because they were based on the EAWs 2003

Indicative Floodplain Maps which have now been replaced by Development Advice Maps. This achieves the objectors' wish if for different reasons and means any application submitted for development on the land in question would be tested against UDP policies in the context of TAN15. I support the PC which updates the plan. I shall not however recommend that the Development Advice Maps be shown on the UDP as the information is already in the public realm and it would be likely to add clutter to the proposals map.

- 19.29.3. The policy – The Council accepts generally that EWP16 would benefit from the policy approach set out in TAN15 which was published in 2004 and as a consequence PCs 575-577 delete the policy and replace a significant part of its accompanying text. More changes FPCs 642 and 643 are also proposed to address concerns of the objectors. I note that 4890, 5221, 9040, 9084, 18168 and 17966 have been conditionally withdrawn as a result of the changes.
- 19.29.4. The changes in general reflect national policy, are more up to date and in principle I support them. They mean that the policy deals with both development which would reduce the impact/frequency of flooding and sets out criteria whereby development which is justified by the test in section 6 of TAN15 will be considered. It is against this background that my comments below are made.
- 19.29.5. I support the intent of FPC642 which makes it clear that development in flood risk areas must be justified. Without this addition the policy would not reflect TAN15.
- 19.29.6. Criterion a – It is clear from TAN15 that there must be a degree of judgement in whether the risk of flooding is acceptable or not. However, it seems to me that to more accurately reflect the technical guidance in the TAN, criterion a should be reworded to say *the consequences of a flooding event can be effectively managed*. This will give robust guidance based on national policy in PPW.
- 19.29.7. Criterion b – It is also clear from TAN15, particularly section 9, that development should not increase flooding elsewhere. I have seen no substantive evidence from the Council which justifies a more relaxed policy in Flintshire. As a consequence to be consistent with national policy the final words in criterion b *to an unacceptable level* should be deleted.
- 19.29.8. Criterion c – The purpose of c is to ensure that appropriate alleviation/mitigation measures are built into a development and hence the risk of flooding avoided and/or managed in an acceptable way. I see no benefit in adding *avoidance* to the criterion in the way suggested.
- 19.29.9. Accompanying text- PC577 and FPC643 introduce into para 19.68 explanation about the use of SUDS in developments, particularly about their potential for bringing with them environmental and amenity benefits. It would be wrong to say they should be used in all instances, as it is not always feasible. The changes will assist users of the plan. The use of SUDS in new development will be a fundamental consideration when developments are brought forward in all locations not just areas of high risk for flooding. This matter can be satisfactorily addressed as part of the development control process when individual schemes are brought forward.
- 19.29.10. Although the primary aim of EWP16 is the avoidance of flood risk, it is acknowledged in both national and UDP policy that there may be some instances when development will take place in areas at risk of flooding. Para 19.69 recognises this and seeks to make provision for the most sustainable

solutions for such development, such as incorporating permeable surfaces and the like. Such recognition does not negate the underlying objective of directing development away from flood risk areas, but is complementary to it.

- 19.29.11. PC576 replaces para 19.67 and explains the role of the EAW. This is an important addition to the text given the role and powers of this organisation in respect of flood risk. However, I do not believe as proposed the new paragraph would fully reflect TAN15 and recommend below alternative wording.
- 19.29.12. Additional policy considerations - The actual detailed design of flood defences will fall to be considered as part of the development control process. Whilst this may include measures which would provide environmental and recreational benefits, the nature of schemes will vary and such benefits may not always be possible. As a consequence I do not consider this should be enshrined in policy. The management of flood defences and the inclusion of a flood plain management policy does not fall within the remit of the UDP. Whilst such schemes may be desirable they must be pursued outside the UDP process with the appropriate interested parties.
- 19.29.13. Overall I conclude that EWP16 and its accompanying text should be changed as set out below to more accurately reflect the provisions of TAN15.

Recommendations:

19.29.14. I recommend the plan be modified by:-

- i) replacing EWP16 and para 19.67 with:

EWP17 Flood Risk

Development which would seek to reduce the impact and frequency of flood risk to areas at risk of flooding will be generally supported provided:

- a) the design and character of the works is appropriate to the locality;*
- b) the works do not adversely impact on interests of acknowledged nature conservation and recreation importance; and*
- c) the works do not increase flood risk elsewhere*

Other development within areas at risk of flooding will only be permitted where the Council considers that the development is justified and is satisfied that:

- a) the consequences of a flooding event can be effectively managed*
- b) it would not increase the risk of flooding elsewhere*
- c) appropriate alleviation or mitigation measures have been incorporated into the proposal and will be available for the lifetime of the development;*
- d) it would not have any adverse effects on the integrity of tidal and fluvial flood defences.*

19.67 Global warming has clear implications for Wales' weather system and also increases the potential for extreme flooding events. TAN15: Development and Flood Risk (2004) has been adopted by the Welsh Assembly Government in recognition of the growing problem of flooding. When formulating proposals and/or submitting planning applications for development applicants should take account of the detailed advice and guidance in TAN15. The Council, in consultation with the Environment Agency, will resist development in areas at risk from flooding, unless it can be demonstrated that the proposed use is both suitable to and justified in the locality. For the purposes of EWP17, an area at risk of flooding is a zone C, C1, C2 flood risk area in TAN15. In such circumstances the proposal should make provision for flood protection and mitigation, or compensation as part of the development proposal which will last for the lifetime of the development; ensure there is no significant adverse impact on any vulnerable users; demonstrate that there will be no significant adverse impact on hydrological systems, including effects on capacity of, or flows within existing water channel and the nature conservation interests of these systems.

ii) PCs574, 577 and FPC643.

19.30. Paragraph 19.67

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3549	9040	CORUS	DEP	O	Yes

Summary of Objection:

Rep No	Summary
9040	Delete para 19.67. It places restrictions on development in contrast to EWP16 which is supportive of development in the flood plain

Key Issue:

19.30.1. Whether para 19.67 should be deleted.

Conclusions:

19.30.2. In respect of this objection I can add no more to my conclusions and recommendations to EWP16 above.

Recommendation:

19.30.3. I recommend no modification to the plan.

19.31. Paragraph 19.68-19.69

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	18168	Envirowatch	PC	O	Yes

2678	6468	North East Wales Wildlife Trust	DEP	S	No
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Summary of Objection:

Rep No	Summary
18168	PC577 add <i>also in all developments which are in wildlife sensitive areas</i>

Key Issue:

19.31.1. Whether the additional words should be added to the text.

Conclusions:

19.31.2. The Council agrees with the objector and addresses the matter in FPC643. I deal with the merits of this FPC in response to objections to EWP16 above and make no further recommendation here.

Recommendation:

19.31.3. I recommend no modification to the plan.

20. Implementation

20.1 The Whole Chapter

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2618	6071	Pantasaph Conservation Group	DEP	O	No
6824	16026	Hanson MP	DEP	O	No

Summary of Objections:

Rep No	Summary
6071	There is scant reference and a lack of commitment to enforcement in the plan, especially with regard to purposeful dereliction
16026	Satisfactory infrastructure should be an integral part of new development

Key Issues:

20.1.1. Whether:-

- i) the plan should have more regard to enforcement matters
- ii) infrastructure should be provided as an integral part of development.

Conclusions:

- 20.1.2. Enforcement - The purpose of the UDP is to set out a framework of policies to guide development in the County until 2015. The application of those policies is part of the development control process. It is not necessary for there to be a policy and/or additional wording in the UDP to ensure that breaches of legal agreements such as s106 obligations or non compliance with planning conditions can be adequately dealt with. The powers to address such matters exist independently of the UDP. If the objector is concerned about the Council's action or lack of action in respect of particular sites, then that is essentially a matter which should be pursued outside the UDP process.
- 20.1.3. Infrastructure – The availability/provision of adequate infrastructure is a material factor in determining planning applications and is referred to throughout the plan in specific policies such as AC8, SR5, EWP15 and the like. In addition Chapter 20 generally recognises that supporting infrastructure for development needs to be available and IMP1 provides the means for ensuring the provision/timing of the necessary infrastructure where it can be controlled by the planning authority. Whilst some facilities such as health facilities are outside the control of the Council, I note that there has been liaison with service providers such as local health boards in drawing up the plan. Given these circumstances it seems to me that the plan provides a satisfactory policy framework for the provision of adequate infrastructure.

Recommendation:

- 20.1.4. I recommend no modification to the plan.

20.2. IMP1 Planning Conditions and Obligations

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4690	Countryside Council for Wales	DEP	O	No
2239	4356	Clayton	DEP	S	No
2420	5920	RSPB	DEP	O	No
59	18120	Envirowatch	PC	S	No
2411	5276	Home Builders Federation	DEP	O	No

Summary of Objections:

Rep No	Summary
4690	S106s and planning conditions must be demonstrated to be adequately enforced
5920	The Council can require the negotiation of planning obligations with developers. Delete <i>seek to</i> and insert <i>will</i> in IMP1 and refer specifically to habitat management
5276	Policy is a shopping list of planning gain and not related to specific development

Key Issues:

20.2.1. Whether:-

- i) IMP1 will enable the enforcement of s106 obligations and planning conditions
- ii) IMP1 should be modified.

Conclusions:

- 20.2.2. Enforcement - A fundamental purpose of the UDP policies is to provide a context for making decisions on planning applications. Compliance with planning conditions/obligations imposed on those decisions is essentially part of the development control process. Therefore it is the satisfactory day to day use of enforcement powers which is ultimately responsible for ensuring breaches of the planning system are remedied. Within this context, IMP1 says broadly in what circumstances planning conditions will be imposed and obligations sought. Para 20.12 makes it clear that, irrespective of the UDP policies, it is the Council's practice to pursue effective and appropriate enforcement action to remedy the undesirable effects of breaches of planning control. Given the remit of the UDP, it can effectively do little more.
- 20.2.3. The Council proposes PC593 to meet 4690. However as planning obligations are part of the planning system, I consider the change to be superfluous.
- 20.2.4. IMP1 wording - The Council cannot *require* developers to enter into a s106 agreement. If a developer is unwilling to enter into an agreement, the sanction is the refusal of planning permission. The wording of IMP1 is therefore appropriate in this respect when it says *seek to*. It would be inappropriate and infer some kind of priority if the policy were to refer only to habitat management, restoration and creation and not other matters. It would also be duplication as a more comprehensive list of matters on which the Council will seek obligations is listed in Appendix 2.
- 20.2.5. IMP1 must be read together with its accompanying text (paras 20.6-20.10). Paras 20.9 and 20.10 (including PC588 – see para 20.3 below) in particular

make it clear that planning obligations will only be sought when reasonably necessary, relevant to planning and directly related to the development permitted. Because of this I do not regard the policy to be a list of planning gain and see no reason for its deletion or for further changes.

Recommendation:

20.2.6. I recommend no modification to the plan.

20.3. Paragraph 20.10

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2615	5932	Castlemead Homes Ltd	DEP	O	No

Summary of Objection:

Rep No	Summary
5932	Amend paragraph to reflect wording of legislation

Key Issue:

20.3.1. Whether the wording of the paragraph should be modified.

Conclusions:

20.3.2. The Council accepts the wording needs to be altered and PC588 changes the first sentence to read *...and must be relevant to planning and directly related to the development permitted...* I support this change which means 20.10 now more accurately reflects the provisions of 4.7.2 of PPW.

Recommendation:

20.3.3. I recommend the plan be modified by PC588.

20.4. IMP2 Compliance and Enforcement

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4693	Countryside Council for Wales	DEP	O	No
2239	4357	Clayton	DEP	S	No
2350	5223	Welsh Assembly Government	DEP	O	Yes
2420	5922	RSPB Cymru	DEP	S	No
2618	6055	Pantasaph Conservation Group	DEP	O	No

Summary of Objections:

Rep No	Summary
4693	S106 and planning conditions must be demonstrated to be adequately enforced
5223	Policy is a statement of intent it should be deleted or redrafted
6055	There is no mechanism to ensure a planning decision contrary to policy is not used as a precedent. The UDP devotes only 2 paras to enforcement

Key Issue:

20.4.1. Whether the policy should be deleted or redrafted.

Conclusions:

- 20.4.2. The Council agrees with 5223 and proposes PC592 which makes it clear that IMP2, 3 and 4 are not UDP policies as such but implementation statements explaining how the Council will ensure compliance with planning legislation, monitor the plan and produce supplementary planning guidance respectively. This is a sensible change to make because as written IMP2-4 are not land use policies.
- 20.4.3. My conclusions to 4693 are largely the same as those in response to IMP1 (4690) above. IMP2 is merely a statement of intent about what actions the Council will take. It would add unnecessary bulk for the statement to explain enforcement procedures in detail.
- 20.4.4. The framework for taking decisions on planning applications is to be found in the planning acts. S38 of the 2004 Act says that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. Therefore whilst the UDP is the starting point, it is acknowledged that there may be some instances when other considerations outweigh plan policies. That cannot be changed by a UDP policy as it is enshrined in primary legislation. In the development control context a precedent can be a material consideration. However it is up to the decision maker to determine how much weight to accord that precedent. It is not a matter for the UDP.
- 20.4.5. I deal with enforcement matters in paras 20.1 and 20.2 above and can usefully add nothing further in response to 6055.

Recommendation:

20.4.6. I recommend the plan be modified by PC592.

20.5. IMP3 Monitoring the Plan/Paragraph 20.17**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3391	Flintshire Green Party	DEP	O	No
1122	1538	Moore	DEP	O	No
2043	3790	Clwyd Powys Archaeological Trust	DEP	S	No
2106	4695	Countryside Council for Wales	DEP	O	No
2239	4358	Clayton	DEP	S	No
2350	5224	Welsh Assembly Government	DEP	O	Yes
2420	5929	RSPB Cymru	DEP	O	No
2420	5926	RSPB Cymru	DEP	S	No
3555	9058	David McLean Homes Ltd	DEP	O	No
4625	13701	Sargeant AM	DEP	O	No
5224	13519	Whittaker	DEP	O	No
5235	13568	Lewis	DEP	O	No
3556	9081	British Land Company plc	DEP	O	No
7411	18694	Development Securities plc	DEP	O	No
7411	18699	Development Securities plc	DEP	O	No

Summary of Objections:

Rep No	Summary
3391	Add <i>prevent</i> damage to Target 3 and change 30 to 90 in Target 6
1538	Target 9 should refer to no development <i>on flood plains and other land at risk of flooding</i>
4695	Add <i>geology</i> to Target 3
5224	This is dealt with at IMP2 with 5223
5929	Target 4 is too weak. It could result in loss of nature conservation sites. It should relate to more than designated sites. The targets are not quantifiable and are contrary to guidance on sustainability indicators
9058 18694	30% affordable housing on all large sites is not realistic and contrary to PPW 9.2.15. Change target to <i>achieve an appropriate provision of affordable housing on suitable sites where a demonstrable need has been established</i>
13519 13568 13701	The development at Croes Atti, amongst others, contradicts Target 2
9081 18699	Target 8 should be amended to include Broughton Retail Park

Key Issue:

20.5.1. Whether the targets or IMP3 should be changed.

Conclusions:

- 20.5.2. Although 5929 refers to Target 4 it is evident that it deals with nature conservation interests which are the subject of Target 3 and I have treated it accordingly.
- 20.5.3. Target 2 – The development at Croes Atti is the subject of HSG2. It is a large mixed use site with the benefit of planning permission and is carried forward from the North Flintshire Local Plan. As such it is not contrary to Target 2 as its development is in accord with policy. I can make no comment on unspecified sites.
- 20.5.4. Target 3 – is clear as written. The addition of *prevent* damage does not add clarity. However, adding *geology* to the target makes it more comprehensive and I support PC589 (duplication of PC191 in Chapter 8).
- 20.5.5. It seems to me that the target is realistic by both minimising loss/damage and the areas it encompasses. The alternative wording suggested by 5929, that is, *No significant loss or damage to sites, species or features of nature conservation interest* is to my mind weaker in that it refers only to significant damage, and the broadened scope of the target means it loses its focus and makes the target more difficult to monitor. The IPPs are quantifiable, will help measure the success of the policies and complement the targets. Given these circumstances I see no reason for further modification of the target.
- 20.5.6. Target 6 – PPW 9.2.12 (MIPPS 01/2006) says that strong pressure for housing development may give rise to inappropriately high densities if not carefully controlled and that higher densities should be encouraged on easily accessible sites. Given the diverse nature and rural characteristics of much of the County I consider a density of 90 dwellings per ha would be inappropriately high. As the objector does not say why the target should be set at 90 I can take my conclusions no further in respect of the objection. However I note that in response to an objection in Chapter 11 (relevant strategic aims) I recommend the target be modified to read achieve a minimum of 30 dwellings/ha on all allocated sites. There will need to be a similar change to Target 6 in Chapter 20 to reflect this.

- 20.5.7. Target 7 – National guidance has changed since 9058 was made. MIPPS 01/2006 para 9.2.15 now says development plans must include an authority wide target for affordable housing and can include either site thresholds or a combination of thresholds and site specific targets. The Council's approach is set out in HSG10 and Target 7 broadly reflects this. The change proposed is vague and does not reflect the more up to date national guidance.
- 20.5.8. Target 8 – The Council proposes changing the target (PC590 and PC366 in Chapter 12) to refer to town, district and local centres. This addition brings consistency with Chapter 12 and is in line with national policy in PPW10.1(MIPPS 02/2005). My conclusions regarding Broughton Retail Park are to be found in my response to paras 12.2 – 12.8 in Chapter 12 where briefly I conclude that although I believe the retail park should be recognised as a shopping location, it falls far short of a town centre. As a consequence it should not be mentioned as a specific location in Target 8.
- 20.5.9. The lack of a definition of what the 85% refers to leads to ambiguity. I assume that it refers to floorspace rather than the number of developments. If it is the former then this should be made clear in the wording of the target. If it is the latter I do not consider the target is sufficiently robust or challenging. This should be addressed at the modification stage.
- 20.5.10. Target 9 – Neither TAN15 nor EWP16 (as recommended for modification) prevent developments in areas of flood risk *per se*. It would not be in accord with TAN15 to set a more stringent target in the UDP. In Chapter 19 I recommend changing the target to read *No highly vulnerable development within areas of flood risk where there is an unacceptable risk of flooding*. This modification also needs to be made to Target 9 in para 20.17.

Recommendation:

20.5.11. I recommend the plan be modified by:-

- i) PCs589 and 590
- ii) making Target 6 compatible with Target 6 in Chapter 11
- iii) defining 85% in Target 8
- iv) replacing Target 9 with *No highly vulnerable development within areas of flood risk where there is an unacceptable risk of flooding*

20.6. IMP4 Supplementary Planning Guidance

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	3791	Clwyd Powys Archaeological Trust	DEP	O	No
2239	4359	Clayton	DEP	S	No
2350	5226	Welsh Assembly Government	DEP	O	Yes
2411	15628	Home Builders Federation	DEP	O	No

Summary of Objections:

Rep No	Summary
3791	Would welcome SPG for the historic environment
5226	This is dealt with at IMP2 with 5223

15628	IMP4 is superfluous. SPG should arise out of UDP policies
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Key Issue:

20.6.1. Whether there should be SPG on the historic environment.

Conclusions:

- 20.6.2. IMP4 sets out the Council's intention to prepare SPG in order to support and provide detailed guidance on UDP policies. Amongst those listed in Appendix 3 are ones relating to conservation areas, listed buildings and archaeology (PC595). These matters cover a significant part of the historic environment. Should 3791 wish to see more produced, the matter can always be discussed with the Council outside the inquiry process.
- 20.6.3. Changing IMP4 from a policy to a statement of intent (PC592) broadly provides an explanation of what SPG will be produced and how it should be regarded. In principle it is in accord with PPW and I support the retention of Implementation Statement 4. (see also conclusions on IMP2)

Recommendation:

20.6.4. I recommend no modification to the plan.

21. Remaining Plan Representations

21.1. The Whole Plan

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3234	Flintshire Green Party	DEP	O	No
59	3369	Flintshire Green Party	DEP	O	No
364	448	Wrexham County Borough	DEP	S	No
1122	1541	Moore	DEP	O	No
1122	1711	Moore	DEP	O	No
2350	4900	Welsh Assembly Government	DEP	O	Yes
2350	4901	Welsh Assembly Government	DEP	O	Yes
2753	6629	Cheshire County Council	DEP	O	Yes
2753	6642	Cheshire County Council	DEP	O	No
3356	8498	Queensferry Community Council	DEP	O	No
4625	13707	Sargeant AM	DEP	O	No
4985	12937	Jones	DEP	S	No
5224	13530	Whittaker	DEP	O	No
6718	15641	Brock plc	DEP	O	No

Summary of Objections:

Rep No	Summary
1711 1541	Plan does not refer widely to community strategy. Social impact assessments should be part of development proposals
3369	No policies on women and children
8498	No mention of arrangements to ensure dwellings not flooded, additional sewerage facilities, schools, doctors dentists, parking, footway lighting, litter, additional policing
15641	Plan should provide safeguards to prevent development on Broken Bank site
4900 4901	Change references to National Assembly for Wales to Welsh Assembly Government. Standardise references to the Council throughout the plan
6629 6642	Plan should refer to and endorse the Dee Estuary Strategy. Concern about impact of developments in Broughton area on local highway network
13530 13707	Plan should be withdrawn. It is incomplete and inaccurate. Redraw to reflect changes proposed for Sealand village. No documentation of changes implemented. Objectors not given same opportunity to object as others, since issues are not mentioned in the plan. Council has not acted democratically or in accordance with Human Rights Act
3234	Buchanan Broughton multi modal study identified unacceptable traffic problems. There has been no environmental assessment and all allocations objected to

Key Issues:

21.1.1. Whether:-

- i) the traffic impact of allocations requires further assessment
- ii) there should be policies for women and children
- iii) there should be social assessment of development proposals and more mention of the community strategy
- iv) there should be specific mention of the Dee Estuary Strategy
- v) there should be specific mention of flooding, sewerage, policing and the like
- vi) the plan is flawed and should be withdrawn

Conclusions:

- 21.1.2. Traffic impact – Whilst the Council accepts the Broughton multi modal study identified localised traffic issues at Saltney High Street, I am told it also identified a number of mitigating measures and follow up work to the study has concluded that traffic impact would be acceptable. The UDP was prepared in the light of the LTP, the Council's highways officers have looked at the allocations and the plan has now been subjected to SEA/SA. In the light of these factors I do not consider that any further transport assessment is required at this stage of the plan making process.
- 21.1.3. Women and children – The provision of crèche facilities in the workplace and the employment of women and children are matters which are covered by legislation other than planning. It would not be appropriate to include such policies in a land use based plan.
- 21.1.4. Social assessment – The plan has been subjected to sustainability appraisal and strategic environmental assessment as part of its preparation. One of the 4 main objectives of the appraisal relates to *social progress which meets the needs of everyone*. The situation has therefore progressed somewhat since the original objection was made, although I accept this falls short of poverty and exclusion impact studies. However given that there is no requirement to produce such studies as part of the plan's preparation, I do not believe it would be reasonable to make this a necessity for either the Council or developers as part of what is essentially a land use based plan. The Community Strategy has been published since the draft deposit plan was produced. PC5 (which I recommend for inclusion in the plan in Chapter 1 of this report) gives a succinct overview of the strategy. It is a satisfactory update.
- 21.1.5. Dee Estuary Strategy – The Council accepts that there should be specific mention of the Dee Estuary Strategy and PCs189 and 454 propose changes to address this matter in policies L6 and SR8 respectively. My recommendations on the policies indicate that the PCs should be incorporated into the plan.
- 21.1.6. Flooding, sewerage etc – The UDP provides a framework of policies against which proposals for new development will be considered. Therefore whilst EWP16 seeks to ensure that new development is not at risk of flooding/contribute to flooding elsewhere, the flooding of existing houses falls outside the scope of the plan and is a matter for the EAW. Similarly CF8 seeks to ensure utilities such as sewerage are available to serve new development and the local health board was consulted on the allocations to ensure adequate services will be available. Although it must be noted that the provision of health facilities does not lie with the Council and it cannot dictate that such services are provided.
- 21.1.7. Policies such as AC18 deal with parking provision for developments and D5 seeks to make sure sufficient lighting is provided in new development to ensure public safety and security. However the provision of litter bins and provision of policing are not matters which fall within the scope of the UDP. In the light of these factors it seems to me that where it is appropriate the UDP already seeks to guide development and I see no need for changes to the plan to meet this objection.
- 21.1.8. Flawed plan – I do not consider the objectors in respect of Sealand have been unfairly treated in any way. The information available to me demonstrates that the plan has been prepared largely in accord with WAG's guidance in UDPs

Wales. There is a paper trail of documents which illustrate how the Council's draft plan was issued for consultation. There is no necessity for all matters raised in pre deposit consultation drafts to be included in the deposit draft version of the plan.

- 21.1.9. The objectors have, in this case raised numerous objections to the UDP, particularly in respect of Sealand, and these are considered in this report as duly made objections. I see no inequity of treatment which demonstrates the Council has acted undemocratically or in contravention of the Human Rights Act. These findings lead me to conclude the objections do not justify the withdrawal of the plan.
- 21.1.10. Other matters - The Council accepts the need for updating references to the Welsh Assembly Government and no doubt this will be done as part of the Council's final editorial check before publication of the plan in its adopted form. Similarly in the final version of the plan the Council accepts it would be reasonable to refer to either the Council or the local planning authority, whichever wording is appropriate. Because of the editorial nature of the changes I do not recommend a formal modification although I agree it will add consistency to the plan.
- 21.1.11. Insofar as 15641 is concerned the issues regarding Broken Bank are addressed in detail in Chapter 16 in response to 15642 and I do not repeat either my conclusions or recommendation here. I would only note that the land is not identified as a development site/employment area and lies in the open countryside.

Recommendation:

- 21.1.12. I recommend no modification to the plan.

21.2. Appendix 1

- 21.2.1. The background to all Appendix 1 objections is that it was provided along with notations on the proposals map as a record of those sites which were committed and formed part of the housing supply along with the allocations. However the information is now out of date. The annual joint housing land availability studies will provide the correct information. As a consequence the Council propose the deletion of the appendix by PC594. I support the deletion as the appendix is now redundant. My conclusions below should be read in the light of this overall conclusion.

Recommendation:

- 21.2.2. I recommend the plan be modified by PC594.

21.3. Appendix 1 - Aberllanerch Farm & Field Farm, Buckley

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2043	17245	Clwyd Powys Archaeological Trust	DEP	O	No

2106	4770	Countryside Council for Wales	DEP	O	No
2678	6391	North East Wales Wildlife Trust	DEP	O	No
2678	6392	North East Wales Wildlife Trust	DEP	O	No
2750	6572	Clwyd Badger Group	DEP	O	No

Summary of Objections:

Rep No	Summary
17245	A committed housing allocation which has no archaeological planning conditions
4770	Site needs a green wedge through it for nature conservation and recreation
6391	Great crested newt ponds and terrestrial habitat lie within sites. Scale of developments will increase usage of SSSI. Improvement of road system across Lower Common required
6392	
6572	Site is important for badgers and great crested newts

Key Issue:

21.3.1. Whether the objections justify changes to the plan.

Conclusions:

21.3.2. I am told that the current position is that there is planning permission on the Field Farm site, although no applications have been submitted on the Aberllanerch Farm site. Consideration of those matters of concern to the objectors, such as archaeological and wildlife interests, have and will no doubt in the future influence any decisions made on reserved matters and/or planning applications coming forward for development. Whilst the UDP will provide the policy framework for those decisions, they will nevertheless be part of the development control process. Ultimately determining whether the details of a development are acceptable and what if any conditions to impose is not within the remit of the UDP process.

Recommendation:

21.3.3. I recommend no modification to the plan.

21.4. Appendix 1 - Croes Atti Land, Flint**Representations:**

Personal ID	Rep No	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
751	17389	Round	DEP	O	No
1100	1458	Evans	DEP	O	No
2334	4884	WAG - Dept Economy & Transport	DEP	O	No

Summary of Objections:

Rep No	Summary
17389	Growth of Flint is excessive, not justified and unsustainable. There is not the infrastructure. It will exacerbate congestion and highway problems. There is no phasing and in migration will result. The land is green barrier
1458	No development until an EIA is carried out
4884	Increase density from 477 to 550

Key Issue:

21.4.1. Whether the plan should be changed as a result of the objections.

Conclusions:

- 21.4.2. The Croes Atti site has the benefit of planning permission and I am told the Council is currently considering an application for reserved matters. The commitment is therefore a *fait accompli* and there would be no practical purpose in discussing the detailed points put forward in 17389. I note that the permission is for 637 units which is significantly higher than the density referred to in Appendix 1 and suggested by 4884.
- 21.4.3. I have not been told whether an EIA was required and/or accompanied the planning application on the site. Without evidence to the contrary it must be assumed that all statutory requirements were complied with and matters of acknowledged importance such as nature conservation were taken into account in the determination of the application.

Recommendation:

- 21.4.4. I recommend no modification to the plan.

21.5. Appendix 1 - Adjacent Glan y Don, Greenfield**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4787	Countryside Council for Wales	DEP	O	No
2678	6400	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4787	Badger populations may be affected by development
6400	Recommend a full ecological survey is carried out

Key Issue:

- 21.5.1. Whether the plan should be changed as a result of the objections.

Conclusions:

- 21.5.2. The objectors do not say that their objections are sufficient to preclude development and their concerns are ones which it is normal to take into account as part of the development control process. I am told that an extant planning permission on the site requires a detailed survey of protected species. In these circumstances the objections do not justify any change to the plan.

Recommendation:

- 21.5.3. I recommend no modification to the plan.

21.6. Appendix 1 - The Ridgeway, Milwr, Holywell**Representations:**

Personal ID	Rep No	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
		A full list of representations is to be found in			

		Appendix A21			
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Summary of Objections:

Rep No	Summary
All	Calcot Arms junction is dangerous and there are no pavements. Poor road configuration to The Ridgeway. Increased traffic will worsen problems and compromise safety. A different access from Brynford Road would be better. Contrary to some of UDP principles

Key Issue:

21.6.1. Whether the plan should be changed as a result of the objections.

Conclusions:

21.6.2. There is an extant planning permission on the site for 39 dwellings and I am told the issues raised by the objectors were considered as part of the determination of the application. Development can therefore go ahead and no changes to the plan could change that position. It would therefore serve no practical purpose to look at the details of the objections.

Recommendation:

21.6.3. I recommend no modification to the plan.

21.7. Appendix 1 - Pantasaph**Representations:**

Personal ID	Representation Number	Individual or Organisation r	Stage of Plan	Object or Support	Conditional Withdrawal
2618	6064	Pantasaph Conservation Group	DEP	O	No
2618	6067	Pantasaph Conservation Group	DEP	O	No

Summary of Objections:

Rep No	Summary
6064 6067	Inclusion of Pantasaph under Gorsedd heading implies settlement will no longer be washed over by open countryside designation. Information about Pantasaph in Appendix 1 is wrong

Key Issue:

21.7.1. Whether the plan should be changed as a result of these objections.

Conclusions:

21.7.2. It is clear from the proposals maps that Pantasaph remains in the open countryside and is not included in any settlement boundary. The deletion of Appendix 1 takes with it the inaccuracies. I see no reason to change the plan as a result of these objections.

Recommendation:

21.7.3. I recommend no modification to the plan.

21.8. Appendix 3 - Suggested Supplementary Planning Guidance

Representation:

Personal ID	Representation Number	Individual or Organisation r	Stage of Plan	Object or Support	Conditional Withdrawal
4699	17673	Parry	DEP	O	No

Summary of Objection:

Rep No	Summary
17673	Documents in Appendix 3 should have been available for the public to make comments on as part of UDP process. Fullst information needs to be available

Key Issue:

21.8.1. Whether changes should be made to the plan as a result of the objection.

Conclusions:

21.8.2. Whilst the UDP seeks to establish a framework of policies against which to assess development proposals, UDPs Wales (para 2.12) says that these policies should avoid excessive detail. Detail is more appropriately dealt with as SPG which, although it supplements a plan's policies (2.15), does not form part of it. Such documents are issued separately from the plan (para 2.13) usually following the plan's adoption when formal consultation on the SPG has been undertaken. In the interim the Council have a number of Local Planning Guidance Notes which are publicly available and used for development control purposes. The situation at Flintshire is not uncommon and I do not consider it means there has been a lack of information which has prejudiced proper comment on the plan. It follows I do not consider the objection justifies any changes.

Recommendation:

21.8.3. I recommend no modification to the plan.

21.9. Proposals Maps

Representations:

Personal ID	Rep No	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3257	Flintshire Green Party	DEP	S	No
1413	1964	Clwydian Range Joint Advisory Committee	DEP	O	No

Summary of Objection:

Rep No	Summary
1964	AONB boundary is inconclusive. Redraft and base on roads/rivers etc

Key Issue:

21.9.1. Whether the AONB boundary is wrong on the proposals map.

Conclusions:

- 21.9.2. The Council accepts that there are inaccuracies and will agree a boundary with CCW for inclusion on the adopted version of the plan. This will rectify the situation.

Recommendation:

- 21.9.3. I recommend the plan be modified by accurately depicting the AONB on the proposals maps.

21.10. Strategic Environmental Assessment

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	18565	Envirowatch	PC	O	Yes
2106	18569	Countryside Council for Wales	PC	O	No
3206	18567	Environment Agency Wales	PC	O	Yes
7412	18566	Cadw	PC	O	No

Summary of Objections:

Rep No	Summary
18565	Document is a SA and not a SEA. It fails to meet the Irish SEA guidelines and does not consider cumulative impacts. The EIA for FCC development sites fails to meet the EIA Directive as it has not looked at alternatives nor considered impact of areas of search for mineral extraction. Equal weight should not be given to social, economic and environmental considerations. The SA is in breach of Article 174 of the Treaty of Amsterdam
18566	The number of listed buildings on the buildings at risk register should be known and used as an indicator. It is not necessary to use the number of listed buildings as an indicator. It is the type of impacts on historic parks and gardens which needs to be monitored. An indicator of development adversely affecting ancient monuments would be useful
18567	Separate objective needed for flooding which should be directly related to the indicators
18569	The plan is likely to have cumulative adverse effects on environmental receptors/SEA topics which should be avoided/mitigated in UDP. Plan likely to have significant adverse effects on Natura 2000 sites, particularly employment allocations and development in floodplain

Key Issue:

- 21.10.1. Whether the plan should be altered in response to the objections.

Conclusions:

- 21.10.2. The Council acknowledges that the UDP was not subject to SEA assessment from the start. However in order to meet the requirements of the SEA Directive a combined SEA/SA was commissioned and produced in 2006. This resulted in a multitude of recommendations designed to improve the plan after such matters as the cumulative and synergistic effects had been considered. Whilst the Study has some reservations about omissions from and appropriateness of policies, impacts/cumulative impacts and the like, it concluded overall that with modifications the plan would guide development in an appropriate way.
- 21.10.3. The Council has taken on board the findings of the SEA/SA and considered the concerns of objectors and as a result propose over 600 changes to strengthen the plan and include policies to protect and where possible enhance interests of acknowledged importance. My conclusions overall generally agree that

these proposed changes make the plan more robust, particularly in respect of the floodplain and nature conservation designations, and should be included in the adopted plan. I now turn to the individual objections.

- 21.10.4. 18565 has been conditionally withdrawn following the Council's explanation of the need to *retrofit* the SEA to the UDP and the limitations it brings with it. My comments on this procedure are to be found in Chapter 1 in response to an objection to para 1.41 where I conclude in general terms that the UDP meets the spirit if not the letter of the law. The Habitats Directive is dealt with in Chapter 2 in response to objections to the whole chapter. I would only note further that Article 174 of the Treaty of European Union seeks (2) a high level of protection of the environment, taking into account (3) the economic and social development of the community as a whole and the balanced development of its regions.
- 21.10.5. 18566 – The indicators in the SEA/SA are similar, but not the same as the ones set out in the UDP. IPPs26 and 31 (as proposed for amendment by PC210 which I support) add reference to designated sites and historic landscapes. These changes go some way to meeting the objector's concerns. In respect of the buildings at risk register and the like, I am told that other information was not available at the time of the preparation of the SEA/SA report, but will, if available, be carried forward to the monitoring stage as an indicator and will feed directly into the preparation of the LDP. I do not know why the information is not available and in these circumstances little more can be done.
- 21.10.6. 18567 – Policy objective g and Target 9 in Chapter 19 are recommended for modification. The changes address the spirit of the objector's concerns and as a result the objection has been conditionally withdrawn.
- 21.10.7. The comments of CCW (18569) are many and varied. They range from the general, as set out in the summary above to very detailed almost line by line observations in parts. Because of the retrofit of the SEA, it seems to me it would serve little purpose if such suggestions as *...provide more explanation about opportunities in Table 3.1 of the Non Technical Summary ...* were to be pursued. The document is what it is. Other suggestions such as *...consideration of the physical function of soils in respect of infiltration, sealed surfaces, carbon sequestration etc...* are proffered as key issues with no explanation of why these matters should be included, what value it would add or changes it would recommend to the plan to do so. The typical Council response is that *... the objector was given the opportunity to comment on the key issues at the scoping stage and such changes would not significantly alter the outcome of the assessment.*
- 21.10.8. It is not helpful when the clarification provided by the Council has elicited no response as to whether it satisfies a particular concern. With such a dearth of information about the basic nature of the concerns it is not possible to come to any meaningful conclusions on the majority of representations and I shall not attempt to do so. I acknowledge it is always possible to tweak and improve a document, but I am not certain of the value of such an exercise in this instance. I shall confine myself to the broad principles raised. However, I would point out that in looking at all the representations to the plan I have been mindful of the duties imposed by international and national legislation and the need to promote sustainable development. And would note that the concerns of the objector are in many instances duplicated and dealt with under allocations/individual policy headings.

21.10.9. It is acknowledged in 18569 that it is not the role of the SEA process to determine whether a plan should go forward. Its purpose is to guide the plan and its policies towards the best environmental practice by identifying where policies are likely to have significant effects. Potential significant adverse effects have been identified for the UDP. However, I consider, in theory, the planning framework of policies is sufficiently flexible to address adverse effects. Robust monitoring of the plan will confirm if the predicted adverse effects occur and identify any changes necessary to enable the avoidance and/or remediation of such effects.

Recommendation:

21.10.10. I recommend no modification to the plan.
