

**Flintshire Local Development Plan 2015 – 2030
EXAMINATION IN PUBLIC**

Further Hearing Session

Wednesday 8th September 2021

Warren Hall Strategic Site STR3B

**Flintshire County Council's Response to the
Inspector's Post Hearings Letter (INSP010)**

Hearing Statement by Flintshire County Council

Flintshire Local Development Plan (2015 - 2030) Examination in Public

Flintshire County Council Statement: Further Hearing Session: Warren Hall Strategic Site STR3B

This statement has been prepared by Flintshire County Council (FCC) in response to the Inspectors' post hearings letter (INSP010) questions.

Introduction

This document presents the Council's response to the Inspector's Post Hearings Letter (INSP010). The Main Response is set out in the main body of this report below, however, this is supplemented by the following additional information:

- **Statement of Common Ground (SoCG) - Aerodrome safeguarding and agreed site development extents**

In parallel with the preparation of the Council's main response, the Council has worked closely with Welsh Government and Airbus to achieve an agreed Statement of Common Ground in respect of Aerodrome Safeguarding Matters. This is set out in a separate document provided alongside this statement. The conclusion of the SoCG is that there is sufficient agreement that aerodrome safeguarding has been sufficiently considered at the development plan stage, and from this the Council and Welsh Government consider that the principle of development on a slightly revised site area remains acceptable subject to more detailed assessments being carried out at subsequent detailed design and development management stages.

- **Action Point 3.2 – Revised policy wording**

The Council is aware that Action Point 3.2 referenced the inclusion 'of more detail on each site in terms of what FCC want to be achieved on the site'. A number of revisions are therefore proposed to the policy criteria as set out in Appendix 5. Subject to the Inspector's consideration these should then become part of the Matters Arising Changes (MACs).

- **Revised Position re Explanation to PC8 'Airport Safeguarding Zone'**

Following the detailed consideration of aerodrome safeguarding matters, the Council has reconsidered its original response to the representation by Airbus on PC8, and is agreeable to a more comprehensive revision to the explanatory wording that fully explains the safeguarding requirements. This is set out in

Appendix 6 of this document. The suggested changes have been shared with and agreed by Airbus.

The Main Response

The Council has presented its response to the Inspector's Post Hearings letter in table form with a response provided for each observation and question set out in the letter.

Inspector Letter observation/question	Council's Response
<p>The additional hearing with regard to Warren Hall will give us the opportunity for further discussion of those aspects of the allocation which we do not yet fully understand.</p>	<p>The Inspector will need to clearly define an agenda for the follow up session that focuses on what her concerns are rather than simply providing another platform for developer/land owner objectors to simply repeat the previous points already made which simply seek to deconstruct the concept of Warren Hall, to break it down to its component parts (most notably the housing element) in order that they can then provide an alternative. In reality no objector offers a suitable alternative to the concept of Warren Hall.</p>
<p>We are aware of the economic and employment objectives, and overall value of the Growth Deal to the Warren Hall site. It is important, however, that these pump-priming benefits do not have a disproportionate influence favouring the allocation of the site.</p>	<p>The economic objectives of the Growth Deal do not favour the allocation of Warren Hall as they are there to support its delivery, based on the long standing acknowledgement of the site's strategic location and function. Explicit in this is an acknowledgement that the major barrier to the site's development in the past has been the significant lead in costs of providing a development ready prospect with which to attract private investment. This is the whole ethos of the land and property theme within the Growth Deal, where Warren Hall is one of 5 similarly strategic but market constrained sites that need priming in order to be deliverable.</p> <p>The Growth Deal provides the comfort that the lead in costs to make the site attractive and development ready are capable of being funded via positive Government intervention, investing in key sites that otherwise the private sector are not prepared to consider in their present form. This is the same scenario as one of the KSS sites in the Wrexham LDP that requires a major junction upgrade of the A483 in order to be able to deliver the full benefits of the site. It is also</p>

the case that to bring the Northern Gateway site to its present delivery ready and delivering status, significant Government funding has paid for major flood defence and mitigation works, as well as the major internal road and services infrastructure for that site. In these respects and in comparison, Warren Hall does not appear to be any different and the mere fact that the site requires public subsidy to create investment interest is neither unique nor abnormal.

It is also inappropriate to divorce the site from the North Wales Growth Deal as it along with the five other strategic sites are all linked and committed to in terms of the common goal of enabling sites that have had long term potential to realise that potential through the funding of the necessary infrastructure to make them development ready and attractive to investment. Reference to the Growth Deal Business Plan helps to identify that the thrust behind this aim is to create investment opportunities that the private sector would not necessarily create itself on this scale, and to address a clear economic value/GVA gap that exists in North Wales. To deconstruct the LDP by removing this site would be to deconstruct the commitment now shown via the Growth Deal signed with UK and Welsh Governments, and where sites in similar non-viability circumstances at present, in Wrexham, Denbighshire and elsewhere, remain in respective LDPs and in the Growth Deal, but where Flintshire's communities would miss out on the benefits.

It has always been acknowledged that the historical lack of viability of the Growth Deal sites has been the barrier to investment and this is the specific ethos behind this theme within the Growth Deal that infrastructure funding was required to bring these sites into a position of being development ready and attractive to the market. This is what makes the principle of the allocation of the Warren Hall site so specific in the LDP, and why it is rightly linked to the Growth Deal as a delivery mechanism. Given the post-Covid direction of

	<p>national policy towards economic recovery, high quality development, and significant investment in affordable homes, none of these can be achieved by sitting back and placing sole reliance on the private sector to deliver these policy goals, without that is a recognition that it is the Welsh Government that must take the lead and set the example and create the conditions for private investment to follow. This is clearly embedded in the messages in Building Better Places as well as implicit in many aspects of Future Wales. Sites like Warren hall and the others in North Wales in the Growth Deal, are part of this lead taking, and example setting.</p> <p>Warren Hall’s location also provides an excellent example of where, through the intentions of the Growth Deal and positive place making, pressure could be taken from nearby communities that have already been recently harmed by unsustainable levels of housing development, forced on them by a now revoked policy (TAN1) and appeal decisions taken incrementally, that gave no real consideration to the cumulative harm being caused. This has affected both Penyffordd and Higher Kinnerton where pressure for further housing exists via LDP objections (and a planning application in Higher Kinnerton), and where for Broughton, objectors seek to capitalise on large scale housing built in that settlement in the last five years. In terms of providing a sustainable location for development, in this local context of planning pressure and harm, Warren Hall actually stands out as a highly sustainable means of providing quality development that will not add to the significant harm already caused to these nearby settlements.</p>
<p>Warren Hall is a greenfield site; it is not within a settlement boundary, nor immediately adjacent to a settlement; and it is bordered by an area of green wedge. It is has been shown to have biodiversity value, considerable tracts of Grade 3(a) agricultural land, and is adjacent to heritage</p>	<p>Greenfield site – The Examination process has heard evidence that there is a lack of brownfield land in the County suitable for large scale development due to constraints including flood risk, contamination and ecology. Brownfield site opportunities are likely to be at a scale of small or modestly sized windfall sites.</p> <p>PPW11 does not preclude the use of greenfield sites in such circumstances. Para 3.44 states</p>

assets. Its proximity to Airbus and Hawarden Airport places constraints on the location and height of development on the site, as well as resulting in high levels of noise at times. Furthermore, the site has had planning permission and been allocated in the UDP for employment use without any development having taken place for several decades.

'Where there is a need for sites, but it has been clearly demonstrated that there is no previously developed land or underutilised sites (within the authority or neighbouring authorities), consideration should then be given to suitable and sustainable greenfield sites within or on the edge of settlements. The identification of sites in the open countryside, including new settlements, must only be considered in exceptional circumstances and subject to the considerations above and paragraph 3.50 below. The search process and identification of development land must be undertaken in a manner that fully complies with the requirements of all relevant national planning policy'. The site is not a typical 'open countryside' site as it lies close to the edge of Broughton and Higher Kinnerton, at the heart of the National Growth Area. The site is not proposed as a new settlement but as a high quality mixed use development.

Para 3.50 states *'A broad balance between housing, community facilities, services and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Planning authorities should adopt policies to locate major generators of travel demand, such as housing, employment, retailing, leisure and recreation, and community facilities (including libraries, schools, doctor's surgeries and hospitals), within existing urban areas or areas which are, or can be, easily reached by walking or cycling, and are well served by public transport'.* The site seeks to provide a broad balance of employment, housing and commercial hub and is also close to facilities and services in Higher Kinnerton and Broughton. It is not a location which will result in long distance commuting and can be incorporated into existing Active Travel proposals in the locality.

The UDP Inspector acknowledged in para 13.37 of her [Report](#) that there was at that time an extant planning permission for the business park. However, in view of objections to the site, the Inspector commented *'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'. The UDP Inspector clearly recognised how the site contributed to the economic strategy for the sub-region and the benefits to be derived from allocating a large site compared to several smaller sites. It is evident that through the previous grant of planning permission, its allocation in the UDP, factors in relation to the site i.e. its location, proximity to settlements, Best & Most Versatile (BMV) agricultural land, ecology and landscape considerations have been considered in detail. Although there are new elements i.e. the housing, this is considered to improve the sustainability of the present proposals as a result of the recognised benefits of mixed use developments. Similarly, although national planning guidance has changed, most notably through sustainable placemaking outcomes, the site is still considered to perform well as is explained later in this response.

Settlement Boundary – The site does not immediately adjoin an existing settlement boundary. The southern end of the site is 290m from the edge of Higher Kinnerton along Kinnerton Lane and 270m along Lesters Lane. The northern edge of the site is 220m from the edge of Broughton. Although more distant the settlement boundary of Penyffordd / Penymynydd is 1km to the west. The site is not in a remote open countryside location, but in close proximity to Higher Kinnerton (Tier 3 Sustainable Settlement) with its local services and facilities (Higher Kinnerton [Settlement Audit](#)) and Broughton (Tier 2 Local Service Centre) and its substantial employment and shopping role, as well as other services and facilities (Broughton [Settlement Audit](#)).

It is of note that some 300m to the east of the housing element, an appeal (3156854) 'Land South of Kinnerton Lane' on land outside but adjoining the settlement boundary, was approved for the erection of 56 dwellings. The Inspector commented '*Higher Kinnerton has a range of facilities and services including primary school, public houses and shops and the Council considers it to be a settlement capable of accommodating further development in a sustainable manner*'. If a site on the edge of Higher Kinnerton is considered to represent a sustainable location then it is not understood why the housing element of a strategic mixed use site, located closer to the higher order settlement of Broughton, is not also a sustainable location. The fact that the site does not physically adjoin a settlement boundary does not, in this case render the site unsustainable, as there are particular health and well-being benefits to this site whereby it offers the opportunity for people to live and work as part of a high quality mixed use site, benefiting from a new commercial hub with local retail facility. These benefits are not offered by other 'alternative' sites advocated by objectors to the Plan.

Green Wedge – In the adopted UDP a green barrier is located to the east of the site (Lesters Lane). As part of the review of existing green barriers, this was extended slightly southwards to protect the open land between the County boundary, the northern edge of Higher Kinnerton and the edge of the Warren Hall strategic site allocation ([Appendix 15 Green Barrier LDP-EBD-BP1](#)). The green wedge seeks to protect the open land alongside the Chester Green Belt and is consistent with Policy 22 in Future Wales. Given that the site is physically well defined by the A5104 (and existing development at Warren Hall Court), Kinnerton Lane, Lesters Lane and junction 36 it is not considered that there is any inherent conflict between the allocated site and the adjacent green wedge.

Biodiversity – The allocation comprises 74ha but not all of the site is earmarked for built development and the more recent plan arising from discussions with Airbus indicates 27.1ha or 36.6% of the site would be developed. It was always intended that the employment ‘plots’ would need to be the subject of ‘cut and fill’ in order to create development platforms, cognisant of the need to control the height of development relative to the flightpath. Recent discussions with Airbus have provided more detail in this regard to ensure that built development sits into the landscape and does not compromise aircraft safety. The development management process will ensure (a) that cut and fill does not occur in sensitive parts of the site (e.g. areas of woodland) and (b) appropriate mitigation/management of retained habitat. The recent work on cut and fill does not change those principles. The indicative Masterplan for the site [LDP-EBD-STR3B.1](#) shows the western portion of the site remaining free from built development and the development ‘plots’ being set within an extensive green infrastructure network as well as ecological mitigation areas. The 2008 planning permission involved the creation of cut and fill to create development platforms and the revised cut and fill proposals can be assessed as part of the formulation of detailed development proposals as part of a planning application. There are no nature conservation designations (SAC, SPA, SSSI, or Wildlife Sites) within the site. However, within the site boundary are two woodland areas of landscape and biodiversity importance, as shown in Appendix 1. The first is Gravelhole Wood to the south and south west of the existing Warren Hall housing, which is a Restored Ancient Woodland Site and the second is Warren Dingle following the stream east-west through the southern portion of the site, a Plantation on Ancient Woodland Site. Both of these are designated by NRW but there is no objection to the allocation by NRW.

The Masterplan safeguards both of these areas from development. Gravelhole Wood sits within the part of the site free from built development

and Warren Dingle forms a linear green space between the employment and housing development with an accompanying buffer and ecological mitigation. The Masterplan is also informed by a comprehensive set of ecological survey reports as well as an arboricultural survey and these are all listed (with links) in para 4.2 of the Statement of Common Ground [SOCG007](#). A summary of the ecological surveys is contained in para 3.4.2 of the Masterplan [LDP-EBD-STR3B.1](#). This explains that ecological habitats / species can be accommodated as part of the development of the site through avoidance or where necessary, mitigation measures, with the intention of bringing about enhancement or net benefit. The ecological value of the site does not represent an overriding constraint to the development of the site.

BMV – Background Paper 09 [LDP-EBD-BP9](#) explains the Council's consideration of agricultural land quality as part of the assessment of candidate sites.

An agricultural land classification survey has been undertaken for the site [LDP-EBD-STR3B.3](#) which showed that 32ha of BMV would be lost which is less than half of the total site area. Fig 2 shows a patchwork of grade 3a, 3b, 5 and non-agricultural land. The western part of the site, where no built development is proposed, contains a large tract of 3a (approximately 7-8ha), and some of this part of the site could be retained as agricultural land.

A commentary on agricultural land is provided in section 3.5 of the Masterplan [LDP-EBD-STR3B.1](#) which explains that the main limiting factor for the quality of the agricultural land within the survey area was found to be wetness and workability but at a few sample points, dryness was found to limit land quality. Additionally, in a few locations, slopes in excess of 7° were found and hence gradient in these areas was limiting for the quality of the land.

The identification of a site of this size will inevitably involve the loss of some BMV. However, the patchwork effect of BMV across the site, the other limiting factors, and the retention of a large tract of BMV in the western (undeveloped) portion of the site, is considered to minimise the loss of BMV. There is no objection from Welsh Government Land, Nature and Forestry Division.

Heritage Assets – The built conservation features within and adjoining the site are shown on the map in Appendix 1. To the north of the site is Warren Hall a grade II listed building, set within grounds, and containing a number of outbuildings which have been converted to residential or offices and supplemented by new build residential to the north (Warren Hall Court). To the south of the Hall is an open area of land bounded by woodland and hedges which affords the listed building an open setting to the south. The strategic site allocation wraps around the grounds to the listed building and will not affect its existing immediate rural setting.

To the south of the site is Hillside Cottage a grade II listed building, located on the south side of Kinnerton Lane. The cottage is set back from the road and screened by hedgerow and trees. Further east along Kinnerton Lane is Kinnerton Lodge and Kinnerton Lodge Stables, both of which are grade II listed buildings, but visually separated from the strategic site, by a woodland belt (The Rookery – a restored Ancient Woodland Site).

Archaeology – The Council’s mapping records, as provided by Clwyd Powys Archaeological Trust (CPAT), identify a number of archaeological features within the site, but there is no objection from CPAT to the allocation.

Section 3.7 of the Masterplan [LDP-EBD-STR3B.1](#) provides a summary on archaeology and built heritage as contained in the Archaeological and Heritage Desk Based Assessment [LDP-EBD-](#)

[STR3B.6](#). It considers that the potential for archaeological activity and remains is low and is unlikely to be a significant constraint to development. In respect of the listed buildings the assessment considers that the proposals do not result in any direct impacts to designated heritage assets, with all impacts being indirect in relation to development within the assets' setting. The assessment concludes with regards to Built Heritage that levels of 'less than substantial' harm are identified in relation to historic assets in proximity to the site boundary, and to the potential non-designated heritage asset of Warren Hall Garden. With the levels of harm being demonstrably of a less than substantial nature and in the main at the lowest end of the scale of harm, the harm is required to be balanced against the public benefits arising from the development proposals.

Airport considerations – Airbus Operations made representations on the Deposit Plan in respect of STR3B (id351) but did not object stating 'Airbus does not object to the Warren Hall allocation, but expresses material concerns / reservations about the sustainability and full deliverability of the strategic allocation, in terms of Airfield Safeguarding and the potential effects on future residential amenity'. The representation also stated 'Airbus' position is that the future operation of Hawarden Airport will be protected by the proper application of draft LDP Policy PC8, as amended in accordance with the submitted Airbus objection'. Prior to this Airbus had written to Welsh Government on 15/01/19 stating that the 'initial IFP assessment results are encouraging which can now allow for further design work for development of the site'. This letter is contained in the appendices to the SOCG007. There are two issues in relation to the proximity of the site to the runway. The first is the effect of the flight path on the ability of the site to accommodate built development in terms of the location and height of buildings. The second is the effect of the flight path on the living conditions of residents in the proposed housing.

Issue 1 – Further work has been carried out by Welsh Government since the EIP hearing session 3 to demonstrate to Airbus the potential developable area for building heights up to 12m for employment/commercial and 8m for housing, that do not infringe the OLS safety surface. This results in slight reductions to the main development quantum in policy STR3B with the site now able to achieve 19.1 ha of employment land, a 1.3ha commercial hub and 6.7ha of housing, but this does not significantly affect or alter the strategic purpose or specific benefits of developing this site.

Critically this also meets Airbus’s requirements in terms of airport safeguarding as the height of development (12m for employment, 8m for housing) do not breach the OLS surface. WG, Airbus and the Council have produced a short SoCG to support this response, which reflects this mutually agreed position. There is more than sufficient flexibility in the employment and housing land provision in the plan to absorb these slightly amended development parameters for the Warren Hall strategic site, to retain its main purpose.

Issue 2 – One of the submission documents referenced in the Statement of Common Ground [SOCG007](#) is a NALO (Noise, Air Quality, Lighting and Odour) Constraints Assessment [LDP-EBD-STR3B.7](#). This recognises in section 4.1 that in the operational phase of the residential development there may be noise impacts from roads (A55 and A5104), Hawarden Airport and the North Wales Autograss Club (Lesters Lane) whereby noise levels in some parts of the residential development would exceed relevant internal noise guidelines levels. The report references the need for a noise survey to be undertaken to determine existing ambient noise levels and to characterise source noise from the nearby airport and automotive club. The report notes that it is expected that additional mitigation will be required (in the form of site layout and additional acoustic glazing / alternative means of ventilation) in worst-effect areas of the site (i.e. properties adjacent to the

A5104 and in the event a hotel is located adjacent to the A55). With appropriate mitigation, there is not predicted to be any potential impact on proposed residents. The report recognises that the residential element of the mixed use scheme is located at the southern extreme of the site and is unlikely to experience noise impacts from either the A55 or the A5104. In section 5.1 the report references that enhanced double glazing and trickle vents will be required.

Three recent residential developments alongside and close to A5104 Main Road have been the subject of conditions requiring enhanced double glazing and passive acoustic ventilation. The reasoning for these conditions does not refer to noise sources such as aeroplanes and the second scheme specifically mentions road noise on Main Road. The first scheme is at Smithy Farm [058793](#) close to the junction of Broughton Hall Road and Main Road and the second scheme which has now been built is Kings Court on Main Road [048133](#). The third scheme is adjacent to Hope Cottage (Green Lane Farm) on the north side of Main Road and was for an agricultural worker's dwelling [047988](#).

A recent planning application [061530](#) for 95 dwellings by Elan Homes on the western edge of Higher Kinnerton, fronting onto Kinnerton Lane was refused by the Council. The application is 160m to the east of the housing element of the strategic site. Airbus made an objection to the planning application seeking a 'Scheme of Aerodrome Safeguarding Measures' including details of construction cranes, lighting, control and disposal of waste, monitoring and control of bird activity on site and mitigation measures for the attenuation ponds to prevent bird activity. However, no matters were raised in respect of potential impacts of noise on living conditions of future residents as a result of planes landing or taking off.

The Council's Pollution Control Team have advised that there are rarely complaints about aircraft using the Airport. The only recent

	<p>complaint related to a light aircraft used for a flight school which was flying at a low level using the same route several times per day and this was resolved by Airbus and the CAA varying the route. The airport is not very active with only a small number of flights each day and flights do not go through the night. No complaints have ever been received from residents of the existing Warren Hall Court development. The Pollution Control Team consider that a more detailed noise assessment at planning application stage, combined with enhanced double glazing and passive acoustic ventilation can address any noise impacts associated with flights.</p>
<p>The Development Plans Manual (DPM) states that, if allocations are rolled forward from a previous plan, they will require careful justification for inclusion in a revised plan, aligning with PPW. There will need to be a substantial change in circumstances to demonstrate sites can be delivered and justify being included again. Clear evidence will be required that such sites can be delivered.¹ In addition, the DPM advises that viability appraisals should be prepared by the LPA in conjunction with developers and site promoters for key sites prior to their allocation².</p>	<p>Changes from previous allocations / planning permissions:</p> <ul style="list-style-type: none"> • Site area increased to include whole block of land between A1504, Kinnerton Lane and Lesters Lane • Development mix broadened to include housing • Funding provided via Growth Deal as this was not previously available and financially the previous development was not deliverable without external funding. <p>Warren Hall has always been seen as an appropriate strategically sustainable location for employment development which the UDP Inspector agreed with. That principle and the substantive footprint of the site allocated in the UDP, has been carried forward into the LDP on the basis that it still represents a site whose opportunity for higher quality employment development is not replicated either generally in the employment land portfolio in the plan or by suitable objection sites. Equally, the addition of the housing element is sustainable given that it affords the ability to live and work in very close proximity, and also where at 50% affordable the ability to demonstrate how national policy in Future Wales could be implemented and achieved given that no developer or land owner</p>

¹ Development Plans Manual, Table 18, p120

² Ibid

	<p>objector is either willing or able to viably provide such levels privately.</p> <p>The conclusion from the resistance at the EiP from private developers to provide above the 30% level of affordable housing required in the UDP, is that it would not be reasonable or realistic to achieve such levels of affordable as anticipated in Future Wales without there being a form of public subsidy and/or by using public land to mitigate the viability issues. Warren Hall is therefore both a sustainable location for development, and an opportunity to demonstrate how national policy can be implemented, thereby setting an example or developing new delivery models to follow in the future. Without this it will be difficult to break away from what the Minister comments on in Building Better Places and that is “quick build, poor quality” development.</p>
<p>In advance of a further hearing to discuss the Warren Hall site we would, therefore, be grateful if you would answer the following questions and provide the following information for us.</p>	<p>Following submission of responses, there is a need for a clear Inspector-led agenda to discuss the site and specific concerns, rather than allow discussions to be dominated again by objectors whose sole concern is to deconstruct the principle of Warren Hall, simply to isolate the housing component to argue for provision elsewhere, but where none can offer all of the components in one alternative site.</p>
<p>Site selection:</p>	
<ul style="list-style-type: none"> • What was the process and rationale for the selection of the site? 	<p>The Warren Hall site was registered as BROU011 in the Candidate Site Register and was assessed in the same way as other candidate sites. The key factors which led to the sites initial allocation in the Preferred Strategy were:</p> <ul style="list-style-type: none"> • Site well located in respect of growth hub in Wales Spatial Plan and growth area in NDF • Site in close proximity to settlements and to Airbus and broader employment offer at Broughton • Site offers opportunity for higher quality employment development and offers a different ‘product’ from other employment allocations and the B2/B8 development at Northern Gateway

	<ul style="list-style-type: none"> • Site already seen investment in the form of comprehensive upgrade to j36 of the A55(T) in the form a grade separated junction, as a result of the earlier planning permission • Site offers opportunity for benefits to be derived from an improved mixed use development with the introduction of housing.
<ul style="list-style-type: none"> • What are the reasons for it having been rolled over as an allocation from the UDP? 	<p>The site forms key part of economic growth strategy for North Wales and has done consistently for some time from West Cheshire North East Wales Sub Regional Strategy, WSP, NDF to Growth Deal. However, the site has not simply been rolled forward but has been reconsidered and reassessed in terms of its site area and mix of uses.</p>
<ul style="list-style-type: none"> • What are the substantial changes in circumstances demonstrating that it can be delivered? 	<p>The site’s identification as one of five similar sites in the North Wales Growth Deal (see para 7.1 in North Wales Growth Deal Overarching Business Plan), where the Growth deal does not influence the site’s allocation as that is a land use decision, but rather it ensures that the site is capable of being made development ready, and it utilises public land to demonstrate how current national policy for economic recovery and affordable, low carbon housing can be achieved, that if left to a solely private sector lead would not come to fruition.</p>
<ul style="list-style-type: none"> • What are the benefits of the development on the site which have been taken into account in making the allocation? 	<p>There are a number of benefits associated with the allocation of the site:</p> <ul style="list-style-type: none"> • Strategic location • Long standing acknowledgement of development at this location • Good connectivity – road and more sustainable modes including Active Travel • Proximity to local services and major centre of employment • One of several publicly owned sites in North Wales identified to drive economic recovery by generating private investment confidence • Ability to deliver national policy objectives that no private objection site offers • Pressure release on nearby settlements over-developed recently by unsustainable levels of housing
<p>Sustainable location:</p>	

<ul style="list-style-type: none"> • What transport and other links and services currently exist? 	<p>The settlement audits LDP-KSD-KM2 for Broughton, Higher Kinnerton and Penyffordd / Penymynydd document the level of services and facilities in the three nearby settlements and further commentary is provided below on the links to services and facilities in Higher Kinnerton, as it is the closest settlement to the housing element.</p> <p>The Masterplan LDP-EBD-STR3B.1 explains in section 3.3 that a Transport Feasibility Study LDP-EBD-STR3B.8.1 has been undertaken for the site which includes a review of existing walking and cycling routes within the area. The Review has shown that the site can be integrated into the local pedestrian and cycle network offering the opportunity for sustainable travel. A new shared cycleway / footway has been provided along the J36 interchange, which connects into the existing pedestrian footways on the A5104 Mold Rd into Broughton.</p> <p>The provision of bus services across the County has been affected over time as a result of budget cuts, and operator viability and more recently by Covid-19. However, the A5104 which runs past the site is part of the Strategic Core Bus Network (Appendix 2). There are presently 3 bus services in the vicinity of the site. Service 61 provides a link between Higher Kinnerton and Chester. Service LT8 provides a route from Caergwrle to Higher Kinnerton to Broughton and passes the site. Service X1 provides a route from Ruthin to Mold to Chester and passes the site along the A5104 (see map showing existing transport provision in Appendix 3). The Council's Transport Area Coordinator has advised that Arriva North Wales are always keen to be involved in new site developments in terms of road planning and layouts to incorporate bus stops if there is scope for a commercial service to be introduced. Arriva operated a commercial service along the A5104 until Jan 2020 but was withdrawn due to low passenger numbers. However, the provision of c250 dwellings, a business park and commercial hub provides scope for the enhancement or re-routing of existing bus services or a new bus</p>
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	<p>service, and this is something that can be progressed as part of a planning application.</p>
<ul style="list-style-type: none"> • What measures are proposed to provide links or, if links exists, enhance existing services to improve sustainability of the site? 	<p>The illustrative masterplan shows a network of green infrastructure and walking cycleway links throughout the site between the housing, employment and commercial hub. This network has the potential to link into broader Active Travel and Cycleway links and ensure sustainable transport links to nearby settlements. The Council’s Active Travel Map (South) shows a proposed route BR2/2 which forms part of a more strategic active travel route between Buckley and Broughton and the accompanying Integrated Network Map Schedule references an alternative route along the A5104 . The route is to the north of the site and utilises an existing footbridge to cross the A55, running along the Old Warren to join Mold Rd / Main Rd in Broughton. The Council is also proposing a Mold – Broughton Cycleway which will run along the A5104 alongside the site and utilising the existing shared pedestrian / cycle space at the j36 interchange. A strategic aim for the Active Travel Network is to create sustainable links between the main settlements of Buckley and Mold and Deeside and Chester. Broughton and the Warren Hall site is well placed on the strategic route between Mold / Buckley and Chester. The proposed routes are shown in the map in Appendix 4.</p> <p>An Active Travel route is proposed to a proposed park and ride facility at the nearby Penyffordd Railway Station. Lesters Lane also offers an opportunity for walking and cycling routes between Higher Kinnerton, the site and Broughton. Longer term Active Travel aspirations involve developing a feasibility study of re-using the former railway line between Broughton, Higher Kinnerton and Penyffordd as an active travel link. There is potential for the site, and its internal walking and cycling network, to link in with these proposed routes and to also ensure connectivity with Higher Kinnerton, as part of more detailed work associated with a planning application.</p>

<ul style="list-style-type: none"> Policy STR3 refers to the provision of a commercial hub but the masterplan and other documents identify only a hotel and pub/restaurant. A retail outlet and local centre could be essential to improving the sustainability of the site. What certainty is there that these would be provided? 	<p>Policy STR3 clearly references in criteria iii of STR3B the requirement for a 'commercial hub' including 'retail'. This is also repeated in para 6.1 of the agreed Statement of Common Ground SOCG007. Appendix 1 of the SOCG is a Placemaking Appraisal and under 'Outcome: Creating and Sustaining Communities' references that '<i>The co-location of employment and residential land will create a balanced community, with the commercial hub providing complementary local facilities for use by future residents and employees alike</i>'. The illustrative Masterplan in Appendix 1 of LDP-EBD-STR3.1 contains a notation in the north east corner for 'hotel / leisure' but para 1.1.1 references the wording of policy STR3B from the Deposit Plan. The legend / key for the illustrative masterplan can be amended to 'commercial hub'.</p> <p>The residential element, at the southern extent of the site is also in close proximity to facilities and services in Higher Kinnerton which includes two pubs, convenience store, village hall, scout hut, allotments and primary school. The 'Go Local' convenience store is 950m from the housing element of the strategic site, utilising the improved public right of way adjacent to and secured by the Elan Homes development on Kinnerton Lane. The school is located some 900m from the residential element.</p> <p>The site also benefits from its location on the edge of Broughton in terms of accessing its range of employment and shopping facilities, which are in excess of what would normally be expected of a Tier 2 Local Service Centre, as well as other services and facilities, including a further primary school.</p> <p>Given the excellent provision for facilities close to the site, including retail and local centre facilities, it is unlikely that provision of a retail outlet and local centre on the site itself could be considered as 'essential'. However, a commercial hub of some sort would further enhance the sustainability of the site and therefore remains a requirement of the policy.</p>
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<ul style="list-style-type: none"> • How would a significant increase in car journeys to and from the site, particularly the proposed housing, be avoided? • How would the allocation of the site measure up to National Sustainable Placemaking Outcomes, especially in the categories of Facilitating Accessible and Healthy Environments and Making Best Use of Resources? 	<ul style="list-style-type: none"> • The site involves a mixed use development comprising housing, employment and commercial development and therefore has the potential to reduce car based journeys. The illustrative masterplan highlights the green infrastructure network providing the basis for walking and cycling routes through the site, and also providing linkages off site to nearby settlements and active travel routes. The site is also close to other major employers including Airbus and other employment at Hawarden Park / Manor Lane Industrial Estate. It would be unrealistic to expect that car based travel will not be a factor in the accessibility of any site allocated in the plan but Warren Hall offers greater opportunities for integrated living and working opportunities in a quality environment, than any other allocation or alternative objection site. All objection sites are housing only, and it is a likely prospect that all will depend predominantly on the use of the private car for journeys to and from the sites. The inter-connectivity within the site to walking and cycling links and the accessibility from the site via public transport and the potential to connect to main active travel routes all provide further evidence of how interconnected and sustainable this site will be. • The SOCG007 references in Appendix 1 a Placemaking Appraisal undertaken for the site. The detailed Placemaking Appraisal is found at SOCG007 Addendum and looks at each of the sub headings associated with each Placemaking Outcome (fig 5 of PPW11) against the key sections of PPW and against the 7 well-being goals. The key findings are set out below: <p>Outcome: Creating and Sustaining Communities</p> <ul style="list-style-type: none"> • mix of uses will deliver a significant number of jobs located directly adjacent to new homes. • co-location of employment and residential land will create a balanced community,
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	<ul style="list-style-type: none"> • commercial hub will provide complementary local facilities for use by future residents and employees alike. • provision of a significant number of affordable homes (circa 50%) • phasing, mix, and integration of affordable and general market houses ensuring social inclusion and creating an inclusive and mixed community, promoting the wellbeing of future occupiers. <p>Outcome: Making Best Use of Resources</p> <ul style="list-style-type: none"> • site does not contain any grade 1 or 2 BMV, but a mosaic of grades 3a, 3b and 5 as well as non-agricultural land. • area of grade 3a land in the west of the site will remain free from development as indicated in the illustrative masterplan, minimizing the loss of BMV. • utilisation of the previous investment in the construction of the grade separated interchange to serve the business park element and commercial hub • scope to reduce journeys by car given the mix of uses on site. <p>Outcome: Maximising Environmental Protection and Limiting Environmental Impact</p> <ul style="list-style-type: none"> • incorporation of a substantial amount of open space and high-quality green spaces. • provision of a green infrastructure network throughout the site, through the retention of existing natural features as well as the provision of new or enhanced planting/hedgerows/footpaths. • A number of ecological enhancement measures are incorporated within the masterplan, including the protection of existing hedgerows and woodland; management works to waterbodies and woodland on site; wildflower corridor planting; a bat and bird box scheme; and reptile habitat creation. • incorporation of sustainable drainage, with the site allowing for a SuDS-compliant scheme.
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	<p>Outcome: Growing Our Economy in a Sustainable Manner</p> <ul style="list-style-type: none"> • provision of a substantial amount of high-quality employment land • opportunity to deliver a mix and type of high quality commercial development in Flintshire, to complement and enhance the type of employment development being provided on other sites in North East Wales. • contribution of the site, to facilitating economic growth and bringing about an increase in skilled / high-value employment. • opportunity to create a sustainable mix of jobs, homes and commercial hub <p>Outcome: Facilitating Accessible and Healthy Environments</p> <ul style="list-style-type: none"> • existing shared cycleway / footway along the j36 Warren Interchange to the north of the site, which provides a connection into the existing pedestrian footway along Mold Road and Main Road to Broughton, its employment areas and shopping park. • recently improved public footpath on the south side of Kinnerton Lane adjoining the Elan Homes development provides a link to facilities and services in Higher Kinnerton • public footpath on the western side of the A5104, opposite the site, provides a pedestrian route under the A5104 to Old Warren Road, providing an alternative link to Broughton. • ability for pedestrians to access Broughton, Higher Kinnerton, Kinnerton Green and Penyffordd within a 30-minute walk from the site (based upon a walk speed of 4.8 km/hr). • provision of walking / cycling routes within the site that will link the employment, housing, commercial hub and green spaces, utilising the proposed green infrastructure network. • proposed linking of the site with the Councils Active Travel and Cycleway proposals enabling the site to access a network of routes between key settlements • provision of walking and cycling links between the site and Higher Kinnerton
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- ability for cyclists to access Broughton, Buckley, Higher Kinnerton and Bretton within a 30-minute cycle from the site (based upon a cycling speed of 16km/hr).
- The provision of existing bus services with an ability for these to be improved or new services secured to serve the site.

The site was considered as part of the IIA on the Deposit LDP ([LDP-KPD-IIA4](#)). In the section 5.6 on strategic policies the IIA comments 'STR3B performs well against the housing and access objectives as well as the economy and employment objectives'. On p59 of the IIA is Table 6.6 which sets out the assessment of STR3B against the IIA objectives (reproduced below). The site scores well in respect of health, housing, access, economy and employment. The full assessment is on p51 of Appendix E of the IIA – [LDP-KPD-IIA4.2](#).

The IIA shows a potential major negative effect in respect of flooding and the commentary refers to flood risk associated with the presence of water bodies on the site. There are two waterbodies within the site – one is a small pond within Gravelhole Wood and the other is the former boating lake and neither of these will be affected by built development and will be retained as part of the green infrastructure network for the site. The Development Advice Map shows that the site is not affected by zone C1 or C2 and shows only small linear surface water flood risk areas which are capable of being addressed as part of a detailed drainage strategy for the site. There is no objection from NRW in terms of flood risk.

The IIA also shows a potential major negative effect on resources given the size of the greenfield site and the likely significant losses of ecologically and agriculturally important soils. However, as explained earlier, only approximately a third (36.6%) of the site is earmarked for built development and a large tract of grade 3a land in the western part of the site will remain free from development. There is no objection in respect of BMV from Welsh

Government. The site is also supported by a comprehensive suite of ecological surveys and the illustrative masterplan demonstrates visually how key landscape and ecological features will be retained, as part of a green infrastructure strategy, with ecological buffer areas. The approach to avoiding ecological harm or mitigating impacts, in order to bring about a net benefit to the site overall can be developed further as part of detailed development proposals. There is no objection from NRW to the site on ecological grounds.

Scores recorded against each IIA Objective for both mixed-use sites are presented in Table 6-6.

Table 6-6: Scores recorded for each mixed-use strategic site allocation against each IIA Objective

Policy	IIA Objectives																		
	1 Crime	2 Education	3 Health	4 Housing	5 Access	6 Communities	7 Economy	8 Employment	9 Rural life	10 Biodiversity	11 Landscape	12 Heritage	13 Water	14 Flooding	15 Emissions	16 Energy	17 Resources	18 Welsh	
STR3A	+/-	++	+	++	++	-	++	++	0	-	-	-	-	-	-	-	-	-	0
STR3B	0	-	+	++	+	-	++	++	0	-	-	-	-	-	-	-	-	-	0

Community Facilities

Given the nature of community facilities, effects on most IIA Objectives are expected to be neutral or negligible. The provision of these facilities, which are generally in accessible locations, would be likely to deliver benefits to the local community and could help to reduce the risk of crime or anti-social behaviour. Each site could potentially pose a minor risk to the local ecological connectivity and landscape/townscape character. The scores recorded for each community facilities allocation for each IIA Objective are presented in Table 6-7.

Housing & employment uses:

- Given its distance from everyday facilities such as schools and shops, and other potential constraints such as noise, is the site suitable for housing development?

The strategic site sits close to a number of settlements in terms of accessing services and facilities. As commented on above a range of facilities and services, including a school and shop are located in Higher Kinnerton, less than 1km from the residential element. The site will also deliver on-site facilities as part of the commercial hub and this will be of use to both employees and residents alike.

In terms of schools there is a primary school in Broughton and two in Penyffordd / Penymynydd. Secondary schools are available in Hope (Castell Alun – 4.5km), Hawarden (5.7km) and Buckley (Elfed – 5.5km) and it is

	<p>understood that children from Higher Kinnerton also attend secondary schools in Chester.</p> <p>In terms of a weekly shop Broughton has two supermarkets – Tesco and Aldi. Residents of Higher Kinnerton and Penyffordd / Penmymynydd would be likely to drive to these supermarkets for a weekly shop yet are considered to represent sustainable locations for development as per previous appeal decisions. The housing element of the strategic site is at no greater disadvantage than these sites and is considered to represent an equally sustainable location for development.</p> <p>Noise impacts have been considered, as reported above, and subject to commonly encountered mitigation measures (acoustically attenuated glazing and ventilation) is considered acceptable.</p> <p>The Council is not aware that there are other potential constraints which would question the site’s suitability for housing. The housing part of the site is separated from the employment development by the existing linear woodland (Warren Dingle) which is retained in the illustrative masterplan. Furthermore, there is no inherent conflict between B1 development and high quality B2 development and housing development in terms of impacts on living standards. Both are capable of co-existing as part of a high quality mixed use development.</p>
<ul style="list-style-type: none"> • How will the housing development proposed make the site more attractive for employment and commercial development? 	<p>There are clear sustainability benefits of locating housing in close proximity to employment provision in a quality environment which offers sustainable inter-linkage within the site which is compact and easily accessible on foot/cycling. None of the housing only objection sites offer this.</p>
<ul style="list-style-type: none"> • Is it appropriate to provide housing in a location affected by aircraft noise? Will the dwellings, and their gardens, be attractive 	<p>The issue of potential noise problems is commented on in detail above and it is considered that any impacts can be addressed through enhanced double glazing and passive acoustic ‘trickle’ ventilation. It is accepted that the flightpath will have some impacts on quiet enjoyment of gardens, but this is only for a</p>

<p>and comfortable for occupiers?</p>	<p>limited number of occasions per day and for a short duration. The flight path is close to extensive existing and committed housing areas in Broughton and other nearby settlements and this does not give rise to issues, complaints or objections to FCC.</p>
<ul style="list-style-type: none"> How important is the site for employment use in the light of the amount of employment land already available? What are the characteristics of the site which make it particularly valuable for the uses proposed? 	<p>This is a high quality site better suited to B1 and high quality B2 uses than the Plan's other more general employment allocations. The strategic site offers a quality of employment offer not matched by other sites in the employment land portfolio or by objectors and quality of location and living/working environment. In terms of placemaking principles:</p> <ul style="list-style-type: none"> • People and community – integration of living and working environment in a sustainable manner that benefits well-being, need to travel, etc • Location – long standing acknowledgement of strategic location, main difference in LDP via Growth Deal is that the site is capable of being made development ready for the first time • Mixed uses – offers integrated living/working environment and allows for national policy principles to be brought forward and demonstrated – economic recovery, 50% affordable housing, zero carbon • Public realm – quality environment to integrate development into incl significant green infrastructure • Identity – ability to design a quality development in a quality environment thereby rising to Minister's challenge in Building Better Places to avoid quick build, poor quality developments
<p><i>Viability</i></p> <ul style="list-style-type: none"> Please will you provide evidence of a complete viability appraisal of the site. If such evidence has been prepared for the site's consideration by Welsh Government but is subject to confidentiality 	<p>In respect of housing delivery, and as part of demonstrating the deliverability of housing sites, PPW11 notes that a high level plan-wide viability appraisal is required at the Deposit stage to give certainty that the development plan and its policies can be delivered in principle and that site specific viability appraisal is required for housing delivery sites which are key to the delivery of the plan's strategy (para 4.2.19).</p>

<p>restrictions, a summary or overall conclusions will be adequate.</p>	<p>While important, and while the Warren Hall site as a whole is a strategic site within the Plan, the housing component of this site on its own (unlike the employment component) is not considered “key to the delivery of the plan’s strategy”. At c250 dwellings it is no greater than the scale of several of the Plan’s non-strategic allocations and benefits from the findings of the Viability Study LDP-EBD-HP6.1. Accordingly, PPW does not require a site specific viability appraisal.</p> <p>Notwithstanding this point, paragraph 4.2.19 goes on to note that <i>‘planning authorities must also consider whether specific interventions from the public and/or private sector, such as regeneration strategies or funding, will be required to help deliver the housing supply.’</i></p> <p>The above position is echoed in the Development Plan Manual. Paragraph 3.44 notes that a key element of the consideration of housing delivery in the development plan process is ensuring financial viability is assessed at the candidate site stage <i>with ‘the level of detail and information required for this assessment [being] meaningful and proportionate to the site’s significance in the development plan.’</i> The diagram which follows para 3.45 notes that <i>‘LPAs will need to consider the proportionate level of viability information required to demonstrate the delivery of all allocations. For example, is the information submitted as part of the candidate site stage and the preparation of a high level viability study sufficient in itself to demonstrate the delivery of allocated sites? Will some allocations need specific viability work? Are alternative funding mechanisms required to bring them forward?’</i></p> <p>Under the heading ‘What is a Deliverable Candidate Site?’ on page 36 of the DPM, it is noted that <i>‘If the site is in public ownership it is identified in a published disposal strategy ... There should be a clear commitment to bring the site forward at a point in time within the plan period, including where relevant,</i></p>
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identified/committed funding streams'. Under the heading 'What is a Financially Viable Candidate Site?' it is noted that 'Where there are financial shortfalls inhibiting development from coming forward, funding mechanisms are, or can be secured, to make the site financially viable'. As set out at length above, Warren Hall does have identified and committed funding streams and a clear commitment to bring the site forward within the plan period. This funding stream (delivered via the NWEAB) is secured and makes the site financially viable.

Chapter 5 of the DPM defines viability as '*...if, after taking account of all known costs including: Government policy/regulations, all construction and infrastructure costs, the cost of and availability of finance, other costs such as fees and a contingency sum, the value of the development will generate a surplus sufficient to provide both an adequate profit margin for the developer and a land value sufficient to encourage a land owner to sell for the proposed use. Development can also be made viable through the availability of Government grants.*' (underlining added). Given the ownership and delivery mechanism of Warren Hall, considerations of profit margins and incentives to sell are simply not relevant. It is the availability of Government grants which is relevant and which demonstrates viability.

Economic Viability is covered in section 5 of the SoCG ([SOCG007](#)). High level cost estimates for preparing development plots on the employment and commercial parts of the site are set out, including £4m for enabling works and £3.73m in provisional sums and risk contingencies. The total costs are estimated as £14.17m. The Welsh Government will provide the land and work with the NWEAB to deliver the necessary planning consents and enable the site for development subject to all necessary approvals.

The North Wales Growth Deal has allocated £15m to Warren Hall to deliver the agreed works on site with the target outputs of new

	<p>FTE jobs, capital investment, GVA uplift, employment land and premises provided and the delivery of residential development land.</p> <p>Whilst the North Wales Growth Deal is still in its early stages, there are indications from other projects within the Land and Property Programme that allocated capital funding could be released to provide additional capital for other projects where costs appear as if they could exceed the allocated capital budget. The potential for re-allocated funding from other projects would of course be limited to that which is available within the Programme and would also require the Boards approval.</p> <p>The Outline Business Case would be developed in tandem with the initial hybrid planning application post LDP adoption. The outline/full business case would require passing the governance process of Project Board - Programme Board - Portfolio Board and finally NEWAB approval to ensure the business case is robust. The full business case approval process post planning consent, cost and delivery certainty should take approximately two months (less if relevant dates fall appropriately).</p> <p>In respect of delivery of the housing element, this is again covered in the SoCG. The housing element will be delivered by the Land Division of the Welsh Government, set up to deliver the policy objective set by Ministers to deliver more, well designed, affordable and sustainable homes and places.</p> <p>The requirements of 50% affordable homes, Lifetime Home Standards for all units, higher energy and carbon standards and other social and community benefits can create significant viability challenges. Social Housing Grant could be one way of assisting with viability, however this is allocated by the Local Authority and its availability can be uncertain. That said current levels of SHG are significantly higher, providing greater scope to support imaginative developments like this. Revenue from private</p>
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sales could also be used to cross subsidise the less financially viable elements of a scheme.

There is also the potential for additional funding to be provided using the Welsh Government's Land Release Fund. This is a fund held by Land Division with the purpose of accelerating the development of public sector sites, particularly those with financial viability challenges. The level of grant which would be identified could be the total required to fund affordable housing (in lieu of Social Housing Grant, if unavailable) and other public benefits, less any benefit from cross subsidy from private sales.

Elsewhere in Wales, Land Division have tested two models for delivery; (a) where the site is put to the market with a series of primary and secondary requirements in terms of affordable housing percentage, space standards, sustainability/low carbon etc and (b) where Land Division leads on master planning the site before going to market.

At Warren Hall, where constraints information and initial masterplanning has taken place to inform the LDP, the intention is to engage with the market (delivery model 'A').

A current Pilot Project (the Stadium Site, St Athan) is testing the ability and willingness of the market to deliver more, well designed, sustainable and affordable homes on public sector land. A procurement exercise is currently underway and a number of proposals have been received from developers/housing associations with a proven track record in delivering quality homes. If the scheme itself proves not to be viable (due to the size of the development (65 units), or the absence of Social Housing Grant being prioritised by the Local Authority), Welsh Government grant funding will be available given the Welsh Government's objective of delivering exemplar developments.

Ministers are keen to maximise the delivery of policy objectives from public sector land. While needing to work within the parameters set

	<p>within 'Managing Welsh Public Money' (Welsh Government, 2016) the development of Welsh Government owned land is not driven by the levels of profit that may be achieved. More important is the delivery of policy objectives such as higher numbers of affordable homes and better energy efficiency.</p> <p>Accordingly, while the primary and secondary requirements necessary to achieve exemplar development will affect the receipt for the land, the absence of a need to make a profit or provide an incentive to sell the land renders this a secondary consideration. The Ministerial objective of affordable housing delivery and low carbon homes etc (i.e. the public benefit) is the principal objective rather than capital receipt.</p>
<p><i>Soundness implications</i></p> <ul style="list-style-type: none"> We would like you to address the matter of the soundness of the LDP should we find that the Warren Hall site is not suitable for allocation, either in terms of the housing element or the mixed use package as a whole. We will discuss the implications for the LDP at the additional hearing. 	<p>The purpose and intention behind the allocation of the two strategic sites in the LDP (one of which is Warren Hall) are the same and inextricably linked with the principle of enabling large sites in strategic locations that have been identified with an intention to develop for some time, to come forward. The aim of the two strategic sites in the LDP is to deliver development that is not just in line with local ambitions but that also contributes to a wider regional ambition, as well as enables new national policy intentions to be showcased as exemplars to the private sector, and delivered.</p> <p>Whilst the deliverables within the Warren Hall mixed use development are key components of the LDP strategy, the principle of enabling sites such as Warren Hall to deliver economic recovery is also central to the purpose of the land and buildings theme of the North Wales Growth Deal that has been recognised and supported by UK and Welsh Governments, and funded accordingly. Economy and North Wales Minister Ken Skates has stated that the securing of the Growth Deal for North Wales is "<i>is good news for the region after a difficult year with many challenges ahead. The Growth Deal will be pivotal in the region's recovery from the pandemic as it has the potential to unlock £1bn investment and create thousands of jobs</i>".</p>

The Growth Deal and the sites it promotes, is not aimed at providing a perceived advantage over private sector sites and the Inspector will have already noted that no realistic sites that could be said to be in any way comparable to Warren Hall have been put forward by objectors/the private sector as part of the LDP process. This is because developer-led investors do not want to invest in greenfield sites, but need serviced development ready sites to consider. This also provides a better guarantee of delivery of jobs and investment. These can only be provided with public intervention and enabling actions, which is entirely the ethos behind Warren Hall, not only by its allocation in the LDP but coordinated with that, its role as one of five sites in North Wales that are all interdependently identified to fulfil the Minister's expectations for the region as set out above.

Whilst the intention to develop the site at Warren Hall is a long standing one – the lack of development to date is not because of any issue with the location or intentions for the site per se, but with the ability to deliver such a strategic site viably related to the economic conditions and market attractiveness of a previously non-serviced greenfield site. The clear intention now behind the site's allocation in the LDP, and supported by the Growth Deal, is different and that is to provide development-ready investment plots for high quality sustainable development.

This qualitative emphasis on provision is an important consideration given that no realistic 'competing' sites exist to provide the 'above-average' or exemplar development options that Warren Hall seeks to provide, and to avoid offering an 'any development anywhere' approach. The Inspector will have already noted that the main basis for objection is predominantly housing-centric, where objections to Warren Hall are not in the main to the overall concept, but to just one element. All that is being sought by objectors is to cast doubt on the housing element to simply seek to

promote the allocation of land in their client's control. This approach is not embedded in any strategic planning approach to identifying where development should take place nor the benefits of mixed use development.

It has already been demonstrated that no objection site could realistically offer a suitable alternative to Warren Hall either in scale, mix, concept/ethos, policy aims, or ability to be funded and delivered. It is an important site in a number of related contexts including the renewed ambition behind its development, its regional importance and prominence as one of just a few sites being relied on to promote sustainable economic recovery.

The Council (and WG) are certain that this unique offer and opportunity adds positively to the development intentions and credentials of the LDP, and promotes a sustainable development where the opportunities for positive place making are clearly identified. The Council acknowledges that the Inspector has further questions relating to the site as a whole, which the Council (and WG) have responded to within this document. The Council considers that the allocation, as previously evidenced, and as further explained in this response, is sustainable, viable (with the committed Growth Deal funding) and deliverable.

In terms of trying to address this final scenario posed by the Inspectors ahead of a further discussion of the site's sustainability at a further hearing session, it is the Council's position that the site should both be retained in the plan for the contribution it makes to sustainable development and place making, as well as the fact that there are more than sufficient flexibility safeguards in place both in terms of provision for housing and employment development, to ensure that the key development commitments in the site are covered by identifiable fall back positions, if required. This allows the intention behind the site's allocation to be fully realised, as well as allowing the plan to raise the bar in terms of the

quality of development it proposes, given the site's overall role in the plan, its strategic significance, regional prominence and collaborative dependency, and its ability to deliver on national policy objectives at a scale and in a manner not achievable by any objection sites, or other allocation in the plan.

If all aspects of aspiration and ambition are to be removed from development plans, particularly at the local level, then there is very little point or opportunity to even attempt to exercise a level of local policy based planning, even in the context of a site like Warren Hall that has had a clear intention to develop for a long time, is presented in this plan in the most flexible and dynamic way it has ever been brought forward, has a strategic importance to promoting Sustainable Development and Place Making, and is a key component of a regional and mutually dependent strategy to promote economic growth and recovery, that also has the direct financial support of the Government funded Growth Deal.

This does not impart any form of advantage for this site over others, as plainly no others like it have emerged as part of the plan making process that in any way could be said to be serious contenders to its allocation. Equally, and from the experience of many similar strategic site allocations in LDPs in Wales, what many strategic sites such as this suffer from is the lack of private investment interest in developing a green field site. As has been demonstrated by the larger strategic site at Northern Gateway in the plan, and will be applied here, private investment requires and responds to development ready serviced sites, and that is what WG and the Growth deal will provide for this site.

The Plan is therefore sound with the allocation retained, and also on the basis that if for whatever reason key elements of its deliverables (housing, employment) were not provided within the plan period, then there is more than sufficient housing and employment

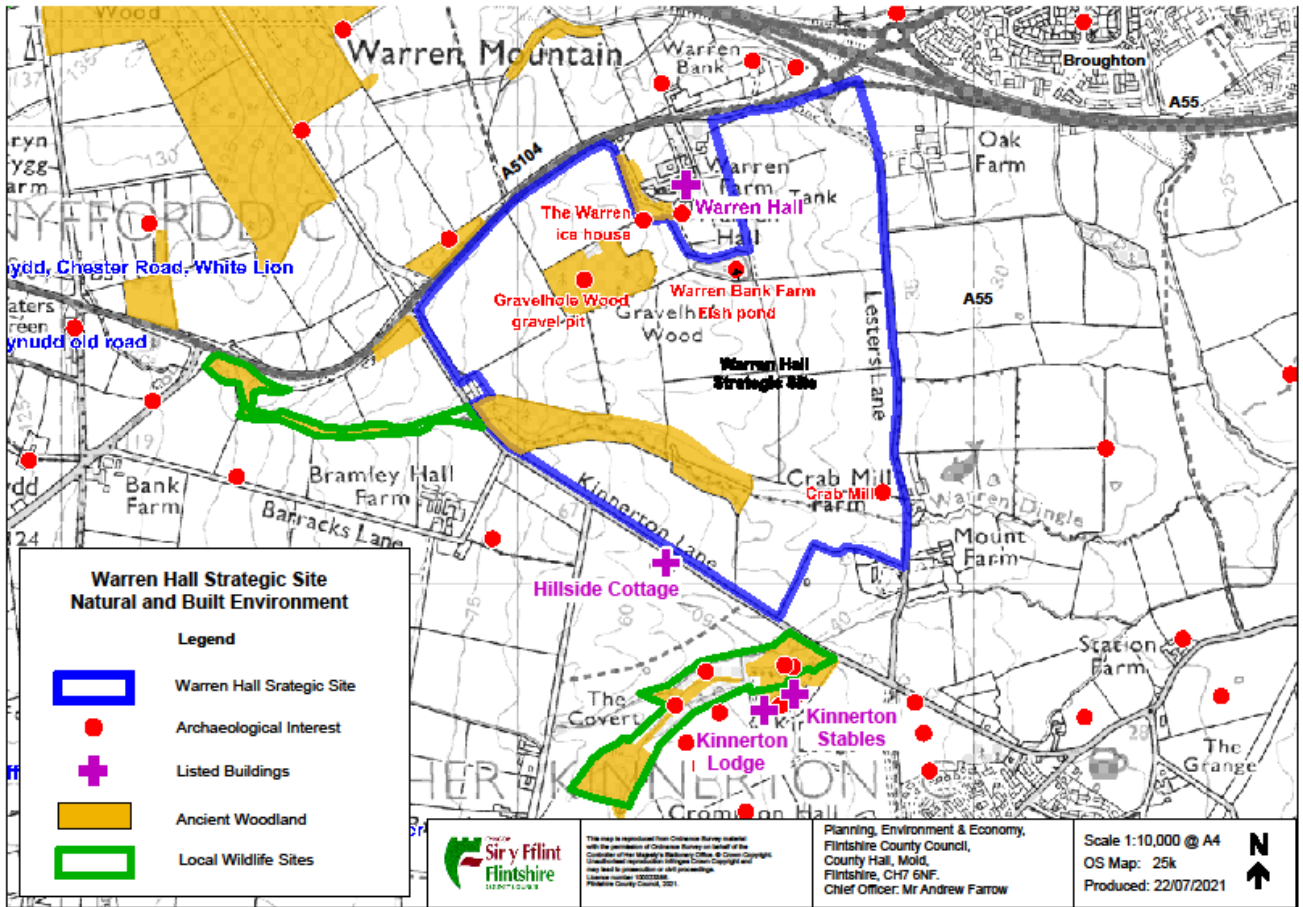
flexibility bound into the plan to cater for this. This also means that in such a scenario, it is unlikely that alternative housing options will achieve the 50% affordable, energy efficient exemplar that is to be provide at Warren Hall. Any such alternative provision would still need to be more generally policy compliant with the policies in the plan, but just not at these higher levels of new national policy intent as illustrated by the stance taken by objectors at the EiP session relating to Matter 13 on affordable housing.

The position of retaining this important site in the plan as well as having quantifiable fall back flexibility is not a weakness or counter to the principles of Sustainable Development and soundness, it is in fact a position of strength given that the plan (unlike many that have reached examination) remains on track particularly in terms of housing delivery against its planned trajectory. As the Inspector already knows, the plan has a healthy housing delivery flexibility allowance of 18%, which is well above that prescribed in the LDP Manual (10%), and also that there is significant certainty of delivery of the larger strategic site at Northern Gateway, indicated by the continuing progress in securing reserved matters permissions, and developing on site.

Equally, as has been confirmed by the examination to date, the plan makes sustainable provision for range of deliverable employment sites where the overall level of provision (100+ha) significantly exceeds the level of provision identified by the more ambitious job growth projections prepared for the Council by its advising consultants (51ha). Whilst this is deliberate and allows for all opportunities to be maximised, this is dependent on the employment elements of the two strategic sites making a significant contribution to investment, as well as in raising the investment profile of Flintshire from the perspective of offering quality sites and environments to invest in.

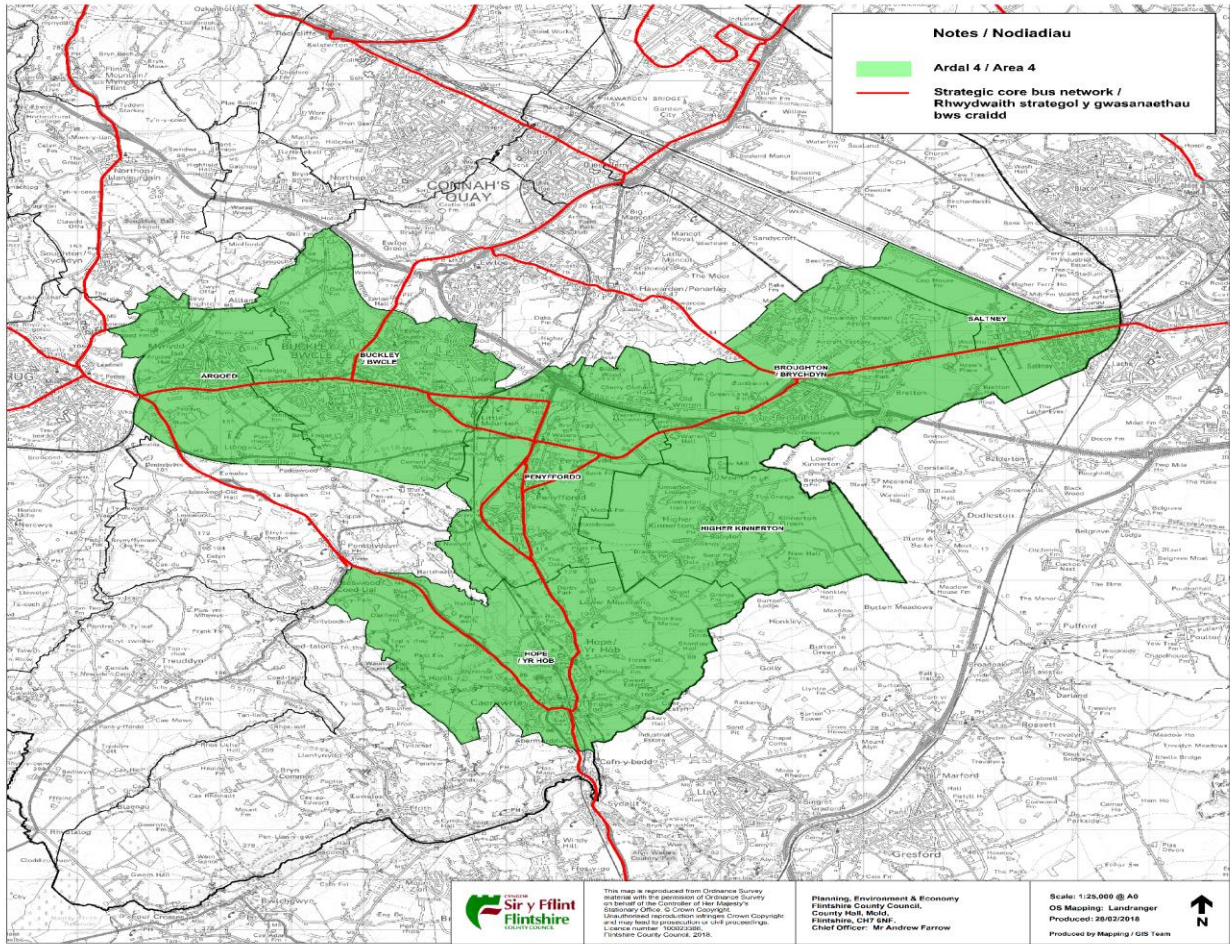
	<p>Given that it is the Council's continuing position that the Warren Hall site is sustainable and deliverable and is properly allocated in the LDP, it has been difficult to answer this final question at this stage, when all other questions relate to an ongoing discussion of the site's sustainability and deliverability. The last question is different and causes the Council to have to envisage a scenario it neither supports, and nor has the appropriate stage in the examination of the Plan and specifically this site yet been reached i.e. that it is proposed that the site is not allocated.</p> <p>Should this become an interim conclusion of the Inspector following a further hearing session and consideration relating to this site, then the Council would wish to reserve the right to submit further evidence relating specifically to maintaining the soundness of the LDP at that point.</p>
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Natural and Built Environment Designations



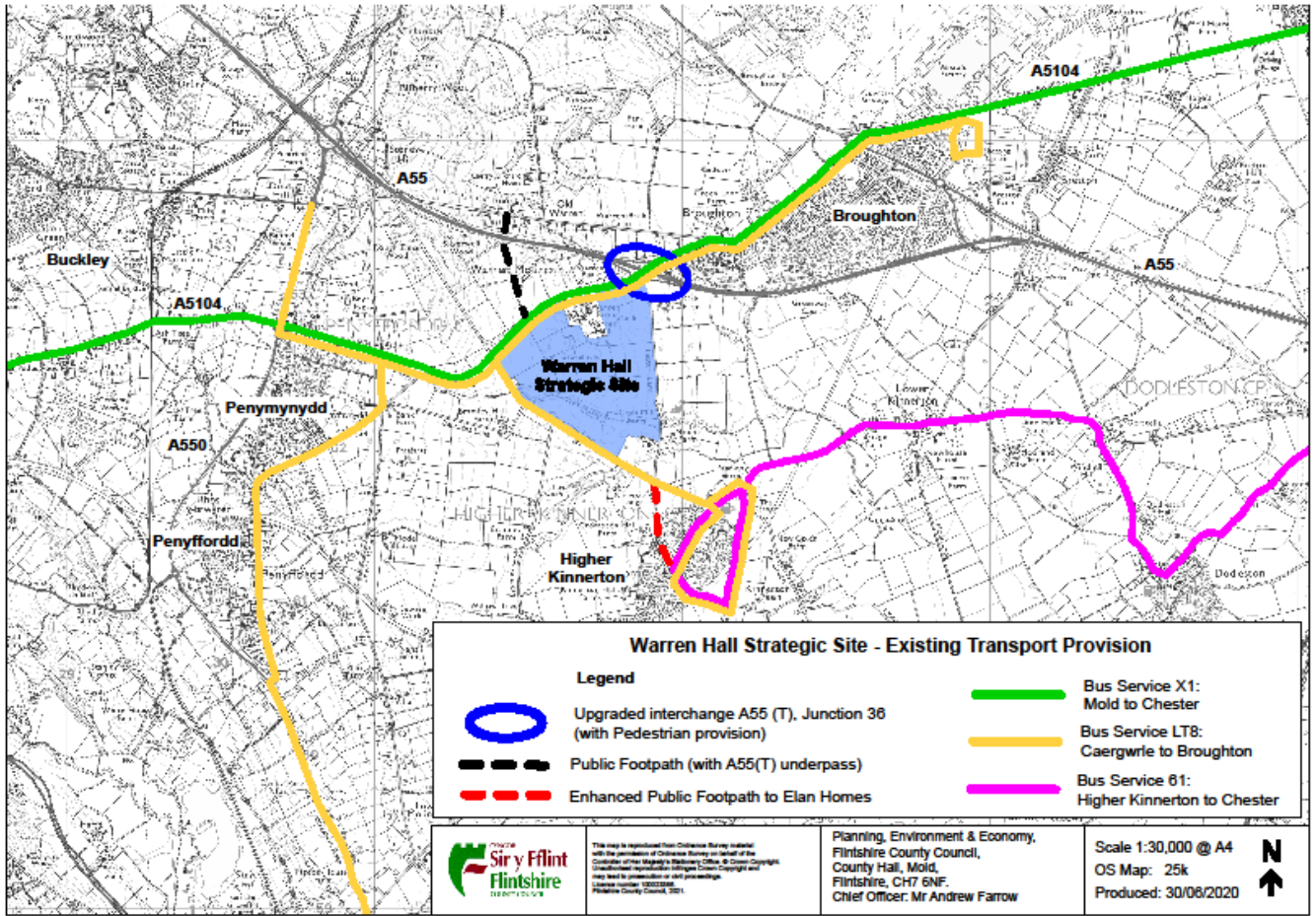
Appendix 2

Core Bus Network

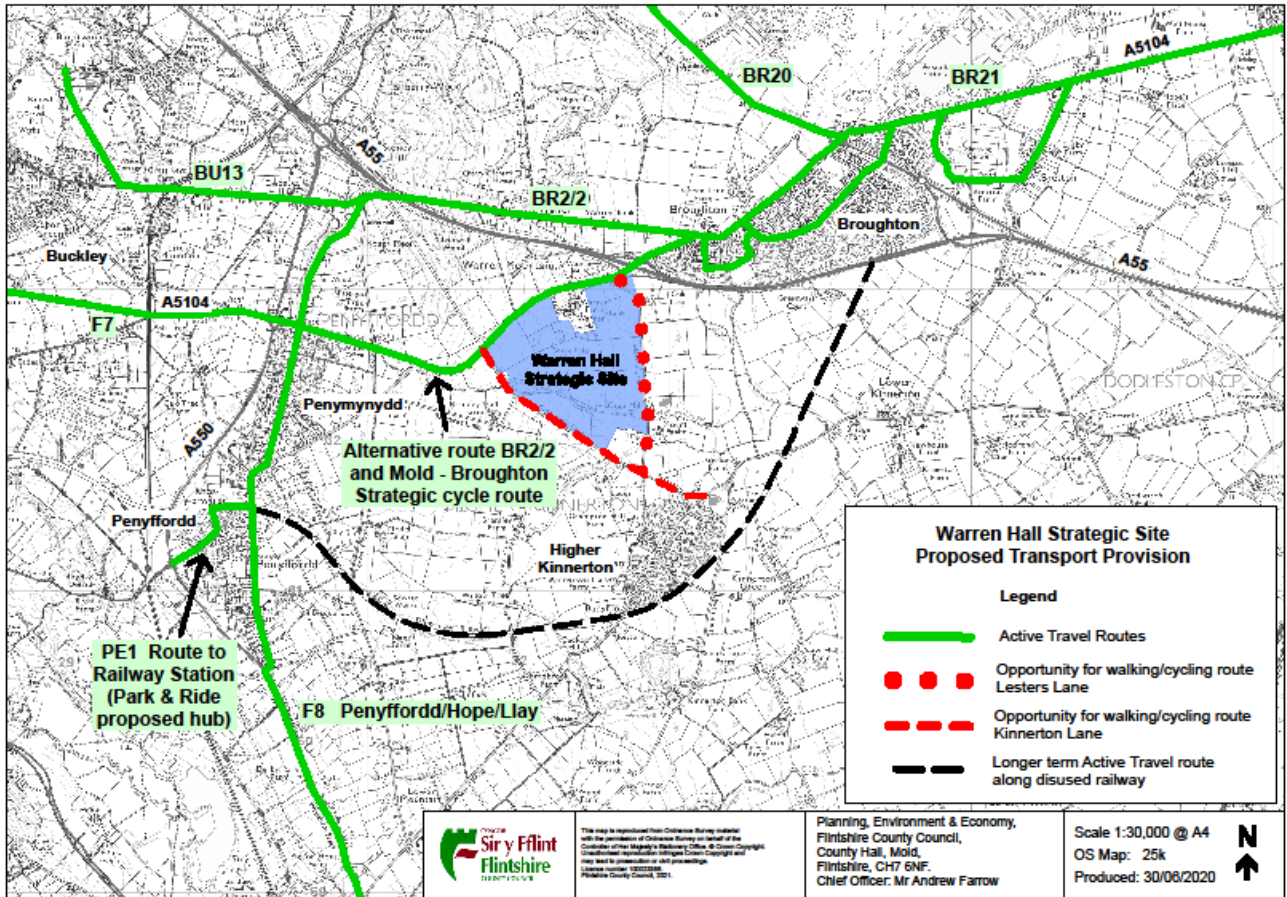


Appendix 3

Existing transport Provision



Proposed Active Travel Routes



Revised Policy Wording STR3B as per Action Point 3.2

Warren Hall – policy wording

Action Point AP3.2

‘Separate STR3 into two policies, one for each Key Strategic Site. Include more detail on each site in terms of what FCC want to be achieved on the site. Include Masterplan diagram within the reasoned justification of each policy to illustrate the potential of each site’.

For Warren Hall the Council proposes to amend the policy wording to provide more information and certainty on particular issues / aspects, as follows:

- Amend criteria i to read ‘240 new homes, including **50% affordable**’
- Amend criteria ii to read ‘~~22.7~~**20.4**ha of B1 and high quality B2 employment land’
- Amend criteria iv to read ‘Strategic landscaping and **multi-functional** green infrastructure network **including open space**’
- Amend criteria iii to read ‘Commercial hub involving hotel, leisure, local centre and retail **with high quality public realm as a focal point for the development**’
- Amend criteria v as follows ‘Sustainable transport links **within the site in terms of walking and cycling and provision for bus service** and links with nearby settlements...’
- Built heritage – new criteria – ‘**safeguarding built heritage assets within and adjoining the site**’
- Ecology – new criteria – ‘**ecological avoidance and mitigation measures**’
- Noise – new criteria – ‘**incorporation of appropriate noise attenuation measures within new housing element**’.
- Height of buildings / structures – new criteria – **employment development not to exceed 12m in height and housing not to exceed 8m in height?**
- Aerodrome safeguarding – new criteria – ‘**Appropriately designed SuDs, landscaping, waste management and lighting as part of a scheme of aerodrome safeguarding measures**’

Revised Position relating to policy PC8 explanatory text

PC8 Additional Amendments

Airbus made a representation on the Deposit Plan relating to the wording of the reasoned justification to policy PC8 in para 9.24 (id ref 348). The representation is set out in Appendix A. In its response the Council stated 'The Council would be agreeable to an amendment to the wording of the final sentence of Para 9.24 to read 'Consultation will be carried out with the Airport operator and the Civil Aviation Authority' if the Inspector considers that this would improve the implementation of the policy'.

In the light of the further consideration of aerodrome safeguarding matters it is considered by the Council that para 9.24 should be the subject of a more fundamental redrafting as suggested by Airbus.

This will result in the following changes to the Deposit Plan:

9.24 Airbus **currently** owns the airport and is the main user. However, other uses include police, air ambulance and military helicopters, military training jets and private business jets, as well as flight training. Alongside Airbus other companies based at Hawarden include Aerocare, Raytheon UK and NWMAS all of whom provide aircraft maintenance facilities on site. Aviation Park Group offer a range of services including Aircraft handling, overnight parking, hangerage and passenger services. ~~There is a need to control the location and scale of development in the vicinity of the flightpaths of aircraft in order to prevent physical obstacles or distraction. A Safeguarding Zone has been identified for Hawarden Airport within which development proposals will be closely scrutinised to ensure that they would not affect the safe and efficient operation of the airport and airfield. Consultation will be carried out with the Civil Aviation Authority.~~

9.25 The safeguarding zone for Hawarden Airport is defined on a safeguarding map issued by the Civil Aviation Authority. This defines certain types of development that, by reason of their height, attraction to birds or inclusion of or effect upon aviation activity, require prior consultation with the Airport owner or operator. Government advice in OPDM Circular 1/2003 'Advice to Local Planning Authorities on Safeguarding Aerodromes and Military Explosives Storage Areas' sets out the detailed guidance on how safe and efficient operations can be secured.

9.26 In accordance with this Circular, the owner or operator of Hawarden Airport is a statutory consultee for certain planning applications for developments that require safeguarding to protect the safety of the airport's operation.

9.27 The owner or operator of Hawarden Airport will assess planning applications and consider their potential impact on whether the development causes: an obstacle; an attraction to birds; any light or reflection that might be confused with or interfere with aerodrome lighting or present a visual hazard; interference with communication systems including radar systems and ground to air communication and whether its construction will present any hazard to flight safety.

Appendix A – Airbus Original Representation - Suggested Changes to para 9.24

‘Comments on the Representation

Paragraph 9.24 is the only explanatory text within the draft LDP which relates to Policy PC8: Airport Safeguarding Zone. The paragraph is not consistent with national policy and both the paragraph and LDP, as a consequence, fail to properly and clearly explain the implications of the Policy and its application. As such, it fails to properly address a key issue.

The aerodrome safeguarding process is included in UK legislation / guidance as an integral part of the planning system. The relevant national policy is set out in Circular 01/2003 Safeguarding of Aerodromes, Technical Sites and Military Explosive Storage Areas; and The Town and Country Planning (Safeguarded aerodromes, Technical Sites and Military Storage Areas) Direction 2002 (updated December 2016).

The Direction identifies, contrary to the current wording of paragraph 9.24, that the consultation process operates between Flintshire County Council, as the Local Planning Authority (LPA), and the ‘consultee’ defined as the owner or operator of the aerodrome (in this case Airbus). Further, the Civil Aviation Authority (CAA) is only consulted, by the LPA, in circumstances where it proposes to grant permission subject to conditions, contrary to the advice of the consultee.

As above, the LDP also needs to better explain safeguarding in order that the requirements are fully transparent to future applicants for planning permission.

Airbus would also note, for the Authority’s information, that airfield safeguarding is not a ‘fixed’ regime and may well change over the LDP period. In brief:

- The ICAO (International Civil Aviation Organization) is reviewing the current OLS (Obstacle Limitation Surfaces) which determine the safeguarding criteria for aerodromes at present. The new surfaces are going to be approved in 2021 and become effective from 2024;
- The CAA and DfT are currently reviewing the status of Public Safety Zones(PSZ) in the UK. Although a PSZ is not yet established at Hawarden Airport, there is a possibility that in the next few years such an area could be established and this

will bring further constraints to this area, as no new developments would be allowed. This would negate any high-density developments. (as referenced in DfT Circular 1 / 2010 Control of Development in Airport Public Safety Zones)

Changes Required to the Plan

Paragraph 9.24 should be amended as follows and supplemented with further paragraphs as set out below.

9.24 Airbus currently owns the airport and is the main user. However, other uses include Police, Air Ambulance and Military helicopters, Military Training Jets and Private Business Jets, as well as flight training. Alongside Airbus other companies based at Hawarden include Aerocare, Raytheon UK and NWMAS all of whom provide aircraft maintenance facilities on site. Aviation Park Group offer a range of services including Aircraft handling, overnight parking, hangerage and passenger services.

9.25 The safeguarding zone for Hawarden Airport is defined on a safeguarding map issued by the Civil Aviation Authority. This defines certain types of development that, by reason of their height, attraction to birds or inclusion of or effect upon aviation activity, require prior consultation with the Airport owner or operator. Government advice in OPDM Circular 1/2003 'Advice to Local Planning Authorities on Safeguarding Aerodromes and Military Explosives Storage Areas' sets out the detailed guidance on how safe and efficient operations can be secured.

9.26 In accordance with this Circular, the owner or operator of Hawarden Airport is a statutory consultee for certain planning applications for developments that require safeguarding to protect the safety of the airport's operation.

9.27 The owner or operator of Hawarden Airport will assess planning applications and consider their potential impact on whether the development causes: an obstacle; an attraction to birds; any light or reflection that might be confused with or interfere with aerodrome lighting or present a visual hazard; interference with communication systems including radar systems and ground to air communication and whether its construction will present any hazard to flight safety.

Why the Plan is Not Sound / Changes Required to Make it Sound

The draft LDP is not sound as:

- The Plan does not fit, insofar as it is inconsistent with national policy; and
- The Plan is not appropriate as it fails to properly address a key issue.

The changes proposed by Airbus in relation to the modification of paragraph 9.24 and the provision of additional paragraphs 9.25-9.27 would have the effect of making the Plan sound'.