

M10.01

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

Hearing Session Matter 10

Tuesday 11th May 2021

**Matter 10 Implementing Sustainable
Development**

**Development Management Policies - Creating
Sustainable Places and Communities;**

PC1 Relationship of Development to Settlement Boundaries

PC2 General Requirements for Development

PC3 Design

PC4 Sustainability and Resilience of New Development

PC5 Transport and Accessibility

PC6 Active Travel

PC8 Airport Safeguarding Zone

PC10 New Transport Schemes

Hearing Statement by Flintshire County Council

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

Flintshire County Council Statement: Matter 10: Implementing Sustainable Development

This statement has been prepared by Flintshire County Council (FCC) in response to the Inspectors' hearing questions:

Key Issue: Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy? Are they based on robust and credible evidence?

Council's Response:

1. The Development Management Policies that relate to the theme 'Creating Sustainable Places and Communities' are the detailed policies that support the strategic policies STR1 to STR6. It is important that the policies in this section are read in conjunction with the plan overall. These policies reflect the sustainable development principles and placemaking objectives set out within PPW11 and are an important part of the framework designed to achieve the objectives set out within the LDP. In particular the implementation of the requirements of policies PC1 to PC12, will significantly contribute towards achieving the following strategic objectives:

Objective 3. Promote a sustainable and safe transport system that reduces reliance on the car.

Objective 4. Facilitate the provision of necessary transport, utility and social / community infrastructure.

Objective 7. Create places that are safe, accessible and encourage and support good health, well-being and equality.

Objective 12. Ensure that housing development takes place in sustainable locations where sites are viable and deliverable and are supported by the necessary social, environmental and physical infrastructure.

Objective 13. Promote and enhance a diverse and sustainable rural economy.

Objective 18. Promote good design that is locally distinct, innovative and sensitive to location.

2. The 'Creating Sustainable Places and Communities' Development Management policies, in conjunction with the strategic policies provide a framework with which the Plan can achieve sustainable development and placemaking outcomes. Collectively they aim to improve the well-being of communities through appropriate developments that are based upon the placemaking principles set out

within national guidance. Paragraph 3.1 of PPW11 highlights the importance of embedding placemaking principles at the outset of policy formation. Policies PC1 to PC12 ensure that the design of new development as well as the impact upon everyday life are at the core of the decision making process. In particular policies PC1 to PC4 are based upon the fundamental principles of placemaking, sustainable development and good design set out within national guidance.

3. The Active and Social Places theme in PPW11 contributes towards the seven well-being goals as set out in the Wellbeing of Future Generations Act (2015). Policies PC1 to PC12 are closely aligned with PPW11 and seek to locate and design new developments so that they minimize the need to travel, particularly by private car and promote more sustainable transport options. The transport policies PC5 to PC11 are supported by a robust evidence base including the [Deeside Plan, Local Transport Plan, Active Travel](#) and a series of [Strategic Highways Improvement Schemes](#).
4. The following is a brief summary of each policy being examined and how it complies with national guidance, and highlighting some of the issues raised by objectors;
5. Policy PC1 sets out the relationship of development to the settlement boundaries establishing a general presumption within, and also highlighting the need to protect the open countryside from inappropriate development by defining the few exceptions to permissible development outside. These exceptions to development are then picked up by their own specific policy guidance. This approach is in line with the principles set out in paragraph 3.60 of PPW11 to strictly control development within the open countryside. Objections to this policy at Deposit stage in the main do not object to the purpose of the policy as written, but are seeking an extension of specific settlement boundaries to include alternative sites that have not been allocated within the plan. In addition, some representations are seeking the removal of allocated sites from within the settlement boundary to prevent their development. The Council's Matter 4 Hearing Statement [Matter-4/M4.01](#) deals with specific issues relating to the settlement boundaries. A small number of repeated objections have been made to the policy wording itself, describing it as 'vague', however the objection is itself vague as it requests more scope to extend 'facilities' beyond settlement boundaries, without defining what is meant by 'facilities'. It is therefore difficult to understand the point being made. The plan must be read as a whole, and policy PC1 clearly references policies elsewhere in the plan whereby guidance is provided on specific types of development which may be permitted outside of settlement boundaries.
6. PC2 sets out the general requirements for development, providing a single reference point for commonly used criteria and removing the need to repeat this set of sustainability criteria in other detailed policies within the plan. It is important that this policy is read in conjunction with the plan as a whole, but in particular

with policies PC3 and PC4 which provide further guidance on the design and resilience of new development. Collectively these policies are in line with the fundamental principles of the Active and Social Places theme of PPW11. Objectors have raised issues with the wording of PC2, “should, where appropriate” and expressed concerns that the policy is not needed as the issues are covered by other strategic and detailed policies within the plan. The Council does not accept these objections as the wording “should, where appropriate” ensures that only relevant criteria is applied to developments. This policy sets out important sustainability criteria to ensure that developments are contributing to the fundamental principles of PPW11 and towards the seven well-being goals as set out in the Wellbeing of Future Generations Act (2015). It is therefore necessary in addition to other policies within the plan. The Council do not consider that they duplicate matters set out within other policies, but provide relevant guidance to ensure only sustainable and resilient development takes place. In terms of sustainability and place making, these principles should not be considered as conditional, as some objectors seem to be promoting. Objectors have also raised concerns that some allocated employment and residential sites will not comply with this policy, in particular the Warren hall strategic site. Policy PC2 will ensure that the development of Warren Hall will be done so in a sustainable manner, mitigating against any potential adverse impacts through the careful layout and design of the scheme.

7. PC3 provides general design guidance for new development. PPW11 paragraph 3.3 emphasizes the importance of good design in achieving sustainable development. The criteria of policy PC3 closely aligns with the objectives of good design as set out within figure 8 of PPW11 to ensure that new development in Flintshire is sustainable. Objections have been raised regarding the flexibility of wording under paragraph 9.8 of the reasoned justification under policy PC3, the objector considers that the text should be amended in relation to employment areas to enable larger schemes that may not reflect the current scale of existing buildings. The Council considers that there is flexibility within the policy and the reasoned justification to determine applications involving employment uses through the use of the wording “should, where appropriate”. The policy covers all development proposals therefore does not need to specifically reference employment areas. Further detail will be provided through a Design SPG to address design and scale issues within employment areas.
8. In addition another Objector has raised concerns that the wording of PC3 is too general and not implementable, specifically criteria e.) the space around dwellings and g.) the incorporation of sustainable drainage systems. The Council will provide further detail on these two issues via SPGs. As explained in [DPM Edition 3](#) SPGs have a key role in interpreting and expanding on generic policies, they can provide the numerical detail which may change during the lifetime of an LDP and therefore can be more easily updated if they are reserved for publication within an SPG. The lack of this detail within this generic policy does not diminish the value of the policy or mean that it is not implementable. Also the policy is not

simply to guide developers by providing a check list approach to all design requirements, and is intended to serve as a guide for decision makers to judge the design merits of a development proposal. The challenge is for developers to sufficiently employ a level of creative thinking in designing new development, guided by the plan's policies, in order to avoid more predictable outcomes that produce uninspiring pattern book style development. In line with Schedule 3 of the Flood and Water Management Act 2010 (FWMA) which requires surface water drainage for new developments to comply with mandatory National Standards for Sustainable Drainage, developers should be fully engaged in the provision of sustainable drainage systems on sites with two or more properties or with over 100m² construction area, giving clear thought to the design and layout of compliant drainage infrastructure as part of their planning application. Therefore criterion d is not considered to be too general or un-implementable.

9. PC4 is concerned with the sustainability and resilience of new development. Objectors have highlighted the importance of enforcing policy PC4 and the need for all new housing to use sustainable energy sources. PPW11 recognises the important role that the Planning System has to play in reducing the demand for energy and promoting energy efficiency measure within new buildings, however it does not set out a requirement for every new home to incorporate renewable energy as requested by the objectors. Notwithstanding this, policy EN12 for example seeks to ensure that larger scale developments maximize the potential for renewable energy. The energy efficiency of new dwellings is incorporated into current Building Regulations.
10. PC5 seeks to ensure that new development proposals are assessed in terms of the sustainable transport hierarchy as set out in figure 9 of PPW11, reducing the need to travel by private motor vehicles and utilizing active travel such as walking and cycling in the first instance. Objectors have raised issues regarding the criteria of this policy, specifically criterion d and the requirement for 10% of parking spaces to have electric charging points. Question c.) sets out the response to this but in short the objector appears to have misread the policy as applying to residential development, when the criteria is clear that it applies to non-residential development.
11. PC6 promotes active travel within new developments in line with the requirements set out under paragraphs 4.1.31 to 4.1.33 of PPW11. An objector has raised concerns regarding the wording of this policy and the need for more flexibility, the Council would have no objection to the inclusion of "wherever possible" after "should" in the first line of the policy. It is accepted that the criteria of PC6 may not apply to all developments, particularly smaller rural developments therefore this proposed additional wording could add some flexibility into the policy to address such schemes. An objector has also stated that the strategic site at Warren Hall cannot meet the requirements of this policy, but does not go into any more detail than this or set out how and to which criteria it would 'fail'.

The Warren Hall site is able to link in with proposed Active Travel routes which will provide a sustainable link to nearby settlements.

12. In line with the second strand of the PPW11 sustainable transport hierarchy (Figure 9), PC7 seeks to encourage the use of public transport through the location and scale of new developments.
13. Policy PC8 implements an airport safeguarding zone around Hawarden Airport in line with national guidance. An objector has raised concerns that paragraph 9.24 of the plan needs to be amended to ensure that it is more consistent with national policy and better explains consultation procedures. The Council have no objections to the inclusion of this additional wording.
14. PC9 seeks to protect disused railway lines from development that would prejudice their re-use for active travel purposes such as walking and cycling, or for the re-use of the line for light rail purposes. This approach is supported by paragraph 5.3.8 of PPW11, which also recognises the important contribution of disused railway lines towards green infrastructure and tourism (paragraph 5.5.5).
15. PC10 safeguards a number of new transport schemes as shown on the proposals map. The line of these designated routes will be protected from development that could prejudice the planned transport improvements within Flintshire. These are all schemes that are programmed or listed in appropriate approved transport strategies. This contrasts with an objection to the lack of inclusion of a site for a new station at Greenfield, however this idea, has yet to be the subject of feasibility testing and is not identified in any transport plan or strategy.
16. PC11 seeks to enhance the transport and employment role of the Mostyn Docks but also protect the Dee Estuary from harm in terms of ecology, landscape, and pollution in line with paragraph 5.3.16 of PPW11. No objections have been raised against this policy.
17. PC12 promotes the development of new community facilities in appropriate locations and seeks to protect existing ones in line with the principles set out within the Active and Social theme of PPW11.

Question a) Has the special character of Mold been adequately considered in drawing up the settlement hierarchy/boundaries?

Council's Response:

- a.1 Yes. The Council set out in its response to Q8 of the Inspectors Preliminary Questions [FCC001](#), the approach to defining the settlement hierarchy, and Q11 for defining the settlement boundaries. Mold has always been in the highest tier of settlements from the Clwyd Structure Plan through to the Delyn Local Plan and the UDP. The LDP adopts a consistent approach as the settlement audit and settlement hierarchy work in the Key Messages document clearly shows that

Mold meets the criteria for being classed in the upper tier of the settlement hierarchy, along the other settlements identified within Tier 1.

- a.2 During the early stages of Plan preparation the Council undertook a robust review of the settlement hierarchy within the adopted UDP. This was informed by a comprehensive survey and assessment of 72 settlements called [settlement audits](#). This process involved looking at the character and role of all of Flintshire's settlements, identifying any 'special' characteristics that would directly inform their position within the proposed settlement hierarchy. This settlement audit highlighted that Mold has a considerable number of community facilities and services to offer which strongly justify its position within Tier 1 of the sustainable settlement hierarchy. The history of Mold which is a fundamental part of the town's character is clearly identified within the commentary of the [settlement audit](#), and has been carefully considered as part of developing the settlement hierarchy.
- a.3 The initial set of settlement audits were issued to elected Members and also Town and Community Councils in 2015 to invite comment on the content of each document, as explained in section 8 of the [Consultation Report](#). The results and findings of the settlement audits informed the development of the settlement hierarchy, including the attributes of Mold which firmly put it as a Tier 1 settlement. Following consultation on the [Key Messages](#) document the Council published a [Summary of Comments and Responses](#) and this contained no representations opposing the categorisation of Mold as a Tier 1 settlement.
- a.4 Mold is a vibrant town which is the administrative centre for the County and sits well in terms of the growth triangle concept of Wrexham Chester and Deeside in the former Wales Spatial Plan and the principle of Wrexham and Deeside as a focus for growth in the draft NDF. It is not considered that the settlement hierarchy and spatial strategy in respect of Mold is contrary to PPW11.
- a.5 There is also the local context provided by the [Mold Town Plan](#) to consider which covers the period 2017 to 2030. It is noted that it is presented as a 'Town' Plan and not a 'Place' Plan. Section 6 of the document sets out a vision for Mold which was derived from an earlier 'Mold Sense of Place Study' 2010 and states *'By the year 2025, Mold will be an economic driver for North East Wales and a must-see destination for visitors to the region. The local community, their families, friends and tourists will be able to enjoy the benefits offered by the Town's heritage and its natural and economic assets. This will be supported by the shopping experience offered by the range of successful customer-focused retail, tourist and professional businesses creating wealth and new job opportunities'*. Section 0.7 sets out a number of themes which include;
- An attractive and thriving town,
 - A strategy for housing growth,
 - Environment, Open space and connections

- Empowering communities and enhancing services

- a.6 The [Mold Town Plan](#) clearly recognises the varied and distinctive attributes and character of the town, but its general tone and vision of Mold is one of creating a positive and thriving future for the town. The Mold Town Plan was also informed by an earlier [Mold Opportunity Sites Assessment \(LDP-EBD-OCD4\)](#) which evaluated a large number of sites for a variety of land uses in order to identify preferred areas for development, and the Study involved Mold Town Council. This context does not correlate with the concept of downgrading the settlement's position in the settlement hierarchy from a Tier 1 Main Service Centre.
- a.7 During the Deposit consultation an objector (id Rep 258) raised concerns that the 'special' character of Mold has not been taken into consideration as part of defining Mold's position within the settlement hierarchy and the allocation of two sites for housing. The objector does not identify what the 'special' character relates to and how that special character may be damaged by being a Tier 1 settlement. The objector does specify that Mold lacks a railway station, but Mold is not the only Tier 1 settlement to not have a railway station as Saltney, Connah's Quay, Queensferry and Holywell also do not, and this fact does not diminish their role as main service centres for the County. The Council are therefore satisfied that the settlement audit identified all the necessary attributes to clearly and soundly place Mold within Tier 1 of the settlement hierarchy.

Question b) Is it clear how proposals in the open countryside will be treated, in particular that new building will generally be strictly controlled?

Council's Response:

- b.1 Policy PC1 relates to the relationship of development to the settlement boundaries and development within the open countryside. The [Candidate Sites Assessment Methodology](#) sets out how the settlement boundaries were reviewed and defined in paragraphs 3.11 to 3.14, providing a clear and robust evidence base to support their designation.
- b.2 Policy PC1 establishes a clear distinction where there is a general presumption in favour of development within settlement boundaries, but then seeks to strictly control new development within the open countryside in line with paragraph 3.60 of PPW11. The policy defines the limited circumstances in which development in the open countryside may be acceptable, and guides the plan user to other relevant policies within the plan where development within the open countryside can be permitted under exceptional circumstances such as for an agricultural workers dwelling (HN4-A/B/C/D). Applicants for development within the open countryside must provide robust supporting evidence to demonstrate the need for the development within this location, and meet a set of strict criteria as set out within each policy. The plan must be read as a whole, and policy PC1 clearly references policies elsewhere in the plan whereby guidance is provided on specific types of development which may be permitted outside of settlement boundaries.

Question c) Is the requirement for electric charging points in non-residential development in Policy PC5 consistent with national guidance?

Council's Response:

- c.1 Yes. Criterion d of policy PC5 seeks to provide appropriate levels of parking, and in non-residential development a minimum of 10% of parking spaces should have electric charging points. This minimum threshold is supported by policy 12 of Future Wales, which states that "Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have electric vehicle charging points." PPW11 paragraph 4.1.40 also encourages the use of Ultra Low Emission Vehicles through the provision of charging points.
- c.2 In February 2020, the UK Government announced plans to bring forward the end of the sale of new petrol and diesel cars and vans from 2040 to 2030 or earlier if a quicker transition appears feasible, therefore infrastructure such as charging points must be integrated into new developments now to be ready for this significant change. In December 2020 Welsh Government published the [Electric Vehicle \(EV\) Charging Strategy for Wales](#) for consultation, this strategy sets out a vision for charging in Wales that "all users of electric cars and vans in Wales are confident that they can access electric vehicle charging infrastructure when and where they need it." The strategy highlights that between 30,000 and 50,000 fast chargers will need to be available across Wales over the next ten years, which is in addition to home charging