

M11.01

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

**Hearing Session Matter 11
Wednesday 12th May 2021**

Employment Land and Sites, Retail Hierarchy

**PE1 General Employment Land Allocations
PE2 Principal Employment Areas
PE3 Employment Development Outside Allocated
Sites and Principal Employment Areas
PE6 Protection of Employment Land
PE7 Retail Hierarchy**

Hearing Statement by Flintshire County Council

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

Flintshire County Council Statement: Matter 11: Employment Land and Sites

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?

Are the policies and requirements clear, reasonable and sufficient?

Response:

Employment Policies

1. The Council's overall strategic approach to growth and the economic emphasis in the Plan's strategy is set out in the Council's statement to Matter 6. The broad approach to employment development is set out in strategic policies STR7 Economic Development, Enterprise and Employment and STR8 Employment Land Provision. This is then supplemented by a set of more detailed policies PE1 to PE6. In respect of the policies referenced by the Inspector the Council would comment as follows:

Policy PE1 General Employment Land Allocations:

2. This sets out the Plan's employment allocations which comprise two mixed use strategic employment sites and 12 employment allocations. This provides a portfolio of employment land provision in the Plan which provides for choice in terms of location, type and size of site. The policy enables B1, B2 and B8 employment uses. The provision of adequate employment land is consistent with the Plan's objectives and with PPW11, the Wales Spatial Plan and the national development plan, [Future Wales](#). The portfolio of sites provides sufficient flexibility to deliver the Plans growth ambitions and the Plan is not dependant on all employment allocations being delivered. It is not considered further allocations are either necessary or appropriate.
3. NRW submitted a representation (id1052) which raised concerns about the lack of a FCA on a number of employment allocations, given flood risk concerns. As a result of discussions with NRW and the commissioning of bespoke Flood Risk Appraisals for the affected sites the Council has agreed two sets of actions in its Statement of Common Ground with NRW:
 - i) Additional wording at the end of para 10.1 of the written statement as set out in Appendix 1

ii) The deletion of the following sites on the basis of the present lack of technical evidence to demonstrate that the risk from and consequences of flooding can be managed in an acceptable way:

- PE1.4 Greenfield Business Park Phase II
- PE1.5 Greenfield Business Park, Phase III
- PE1.6 Broncoed Industrial Estate, Mold
- PE1.8 Adjacent Mostyn Docks
- PE1.10 Antelope Industrial Estate, Rhydymwyn
- PE1.12 Rowleys Drive, Shotton

4. These are long standing small legacy sites which had been reassessed via the ELR whose conclusions led to their retention. The total area of land that these sites represent is only 9.6ha or 6.9% of the overall employment land allocation in the Plan. As 5.2ha of this will be retained within Principal Employment areas, this still provides an opportunity for their economic development to be considered, subject to an acceptable FCA. The loss of the 6 employment allocations is not therefore considered to undermine the Plan Strategy in terms of facilitating employment growth. Four of the sites (PE1.4, PE1.6, PE1.10 and PE1.12) remain within PEA boundaries and part of PE1.5 remains within a PEA. This means that planning applications could still come forward on those sites subject to being accompanied by a satisfactory FCA. Only one site would be 'lost' from the Plan which is PE1.8 Adj Mostyn Docks, and this is only 3ha or 2% of the total land allocated.

Policy PE2 Principal Employment Areas:

5. This identifies 30 Principal Employment Areas which are identified on the proposals maps. The policy explains that within the PEA's B1, B2 and B8 employment development will be permitted provided that the proposal is of an appropriate type and scale for both the site and its surroundings. These are existing employment / industrial areas where it is possible to define them with a boundary. The policy seeks to protect and safeguard these areas for employment development in order to safeguard their primary role or function. The PEA's also enable the basis for windfall employment proposals to be permitted provided that they are 'of an appropriate type and scale for the both the site and its surroundings' and comply with other Plan policies.

6. NRW submitted representations (id1053) regarding flood risk and (id1043) regarding the Habitats Regulations Assessment given that several of the PEA's raise concerns about flood risk and proximity to European Sites. Through discussions with NRW changes to the policy wording and explanatory text have been agreed as set out in the Statement of Common Ground NRW. The changes to the policy and explanation are set out in Appendix 1.

Policy PE3 Employment Development Outside Allocated Sites and Principal Employment Areas:

7. This policy recognises that during the Plan period, development proposals will arise which are located outside the allocated areas and Principal Employment Areas. The policy provides guidance in respect of proposals within settlement boundaries and outside of settlement boundaries through i) the conversion of existing buildings and ii) an 'exceptions' scenario on sites adjoining settlement boundaries. Proposals would have to satisfy the relevant criteria within the policy wording.

PE6 Protection of Employment Land:

8. This policy adopts a criteria based approach in respect of development proposals which would result in the loss of existing, designated or allocated employment land and buildings.
9. In conjunction with policy PE4 Farm Diversification and PE5 Expansion of Existing Employment Uses, the Plan has a comprehensive policy framework which reflects the objectives of the Plan of facilitating employment development both in urban and rural areas and which is based on robust evidence in terms of the Employment Land Review and broader context provided by the Wales Spatial Plan and Future Wales, and reflects a sustainable approach to employment development and Placemaking.

Retail Policies

10. The broad approach to retail development in the County is set out in STR9 and this follows the 'town centres first' approach in para 4.3.18 of PPW11. The policy recognises the changing role of town centres and this is likely to be exacerbated by the effects of the Covid-19 pandemic. The strategic policy is supported by a suite of detailed policies which flow from the retail hierarchy in policy PE7. The policies reflect the objectives of the Plan and are based on the robust evidence provided by the Retail Study [LDP-LBD-RET1](#).
11. An objection (id800) has been made to the exclusion of the Broughton Shopping Park from the Retail Hierarchy identified in policy PE7. The Broughton Shopping Park has been outside the retail hierarchy in previous development plans based on the fact that it is an out of town regional shopping park. The Plan's [Preferred Strategy](#) in section 6.3 did explore the reconsideration of the inclusion of the Shopping Park within the Retail Hierarchy as a town centre. This picked up on the fact that the 'offer' of the Shopping Park had broadened over time, particularly in respect of the cinema and leisure / restaurant developments.
12. The findings of the Retail Study and the continued 'town centres' first principles within PPW11 led to a reconsideration of the Retail Hierarchy whereby Broughton Shopping Park was recognised as a sub-regional shopping centre. The Retail Study states in para 6.17 'Broughton Shopping Park comprises an out-of-town retail park rather than a traditional town or district centre,...

13. Whilst the retail offer of the park has broadened over time, it does not fulfil the role of a town centre nor does it have the character of a town centre. In a typical town centre it is usual to find a range of uses including retail, other commercial, employment, leisure uses and public / civic facilities and services. Broughton Shopping Park does not have this multi-function role and is still predominantly retail and has a different type of destination focus and 'experience' than a town centre. It also does not have the character of a typical town centre whereby the town centre is the focal point of a surrounding residential neighbourhoods. By contrast the Broughton Shopping Park is very much on the edge of the settlement, and it is this distinction and the outcome of the retail Study that has informed the status of Broughton Shopping Park outside of the retail hierarchy in the deposit LDP.
14. The Retail Study comments on the Retail Hierarchy as follows: *'However, we advise that currently, Broughton Shopping Park should not be allocated as a defined town centre. BSP is an out-of-centre facility with no policy protection and there is no justification for BSP to be a defined centre within the Development Plan. As set out in Paragraph 4.6 of Technical Advice Note 4 (November 2016), through time, destinations [such as out-of-centre retail parks] should be assessed as to whether these centres have matured into retail and commercial centres in their own right, offering the same level of service provision and being as accessible as traditional centres. Main town centre uses typically include retail, leisure, entertainment, and more intensive sport and recreation uses, offices, arts, culture and tourism development. The offer at BSP is predominantly retail, cinema and restaurant uses. In our view, BSP does not contain the same level of service provision as traditional centres and until it does, BSP should not be a defined centre within the Development Plan. BSP should be monitored and further assessments on this issue should be made in the future'*.
15. In view of the findings of the Retail Study and in the context of national policy in PPW11 which has a town centres first principle, the reconsideration of the status of BSP outlined in the Preferred Strategy, has been undertaken in the preparation of the deposit Plan. The park's non-inclusion in the retail hierarchy is fully justified.

Question a) How would proposals for non-employment, ancillary uses in employment areas be treated?

Council's Response:

- a.1 On the basis that Policy PE1 specifically allocates sites for B1, B2 or B8 employment uses, it is not considered that non-employment, ancillary uses would be appropriate within allocated sites. The exception to this are the Council's two strategic site allocations where provision is made as part of the policy wording for retail, leisure and community facilities in order to support major mixed use development proposals.

- a.2 The areas identified in Policy PE2 as Principal Employment Areas are existing concentrations of employment which involve predominantly employment uses. The policy seeks to protect the primary role of these areas for employment uses so that existing businesses can continue unfettered by other land uses. It would be inappropriate for the policy to specifically reference that 'other' land uses would be appropriate in these areas as it would undermine their primary function.
- a.3 The Council recognises that there may be instances where other development proposals and land uses may be appropriate, particularly where they might be ancillary to or supporting the existing uses. Policy PE6 therefore adopts a criteria based approach to considering other land use development proposals which would result in a loss of existing, designated and allocated land and buildings. The policy criteria allows proposals to be assessed in a transparent and consistent manner on their individual merits. It is not considered any further amendment to the Plan is either necessary or appropriate.

Appendix 1 – Amendments to PE1 / PE2

Policy PE1: General Employment Land Allocations:

Add the following explanatory text at the end of para 10.1:

“Any development proposals on sites that may be located within a flood risk zone causing constraint will require further investigation in terms of firstly, avoidance of flood risk through layout and design measures and secondly, through a detailed site specific FCA at the development management stage. The SFCA undertaken in respect of employment allocations and areas does not assess each allocation in detail as this can only be done as part of the project design and development management stages. This seeks to ensure that flood risk areas can be avoided and mitigation measures can be put in place to address flood risk and comply with the relevant national flood risk policy and policy EN14”.

Policy PE2: Principal Employment Areas

Within principal employment areas, as defined on the proposals map and listed below, the following types of employment development will be permitted:

- B1 business use;
- B2 general industry;
- B8 storage and distribution

provided that the proposal is of an appropriate type and scale for both the site and its surroundings **and satisfies other Plan policies. Within these areas, development must also avoid adverse effects on European Sites. Any development proposals on sites that may be located within a flood risk zone causing constraint will require further investigation in terms of firstly, avoidance of flood risk through layout and design measures and secondly, through a detailed site specific FCA at the development management stage.**

10.3 10.3 Through policy PE2 it is considered that by identifying key areas where primarily existing employment development can be safeguarded and where new employment development in relation to this will generally be acceptable, the Plan aims to provide a greater degree of certainty and consistency and avoid the need to identify numerous small allocations or commitments. The policy is applicable to the use of land, new build, conversion, redevelopment and extension or expansion. Within these areas, employment development will generally be acceptable, unless it is allocated for a specific use by virtue of another policy. However, it will still be necessary for proposals to be of a type and scale which respects the local environment and amenity of other

land uses and residents and satisfies other policies throughout the Plan. **In particular, development proposals must demonstrate at planning application stage how flood risk considerations can be fully assessed through further detailed assessment. The SFCA undertaken in respect of Principal Employment Areas is a high level assessment and does not assess each area in detail as this can only be done as part of considering individual development proposals as part of the specific project design and development management stages. This seeks to ensure that flood risk areas can preferably be avoided and mitigation measures can be put in place to address flood risk and the consequences of flooding, comply with the relevant national flood risk policy and policy EN14.**