



**Matter 11 – Employment Land & Sites**  
**PE1 – General Employment Allocations**  
**PE2 - Principal Employment Areas**  
**PE3 – Protection of Employment Land**  
**Hearing Statement – Rep ID 1234645**

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## 1.0 INTRODUCTION

1.1 This statement is submitted on behalf of F G Whitley & sons in advance of the hearing session on 12 May 2021, covering Matter 11 – Employment Land & Sites.

1.2 The relevant Deposit Plan policies are as follows:

- PE1 – General Employment Allocations
- PE2 – Principal Employment Areas
- PE6 – Protection of Employment Land

1.3 With reference to document INSP006A-Schedule-of-Matters-Issues-and-Questions, the key issue is as follows:

***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?***

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

1.4 Representations have been submitted to the Deposit Local Development Plan on behalf of FG Whitley & Sons in respect of the Former Dimplex site, Drury New Road, Buckley, to the effect that the land in question should be removed from the principal employment land designation / employment allocation and be considered more appropriately as a residential allocation site.

1.5 The Plan itself must be led by its own evidence base, of which the Employment Land Review (2015) is a key document in this case. It is clear from Flintshire County Council's own consultants' analysis that there is a substantial surplus of allocated employment land in the County. In the intervening period, significant progress has been made with regard to the delivery of the employment land allocations at Northern Gateway and these are now finally coming on stream.

1.6 A detailed assessment of the employment land position has been undertaken by local commercial agency Legat Owen. This is submitted in support of these representations, the outcome of which highlights the Council are not working to a robust / credible evidence base and the proposed employment designation relating to the land in question is not justified.

- 1.7 The designation question aside, any proposal for a non-employment use on the site should be supported in light of the evidence base quashing any future employment use on the site and the promotion of the principles of sustainable development.

## 2.0 SITE AND CONTEXT

- 2.1 Refer to separately submitted commercial assessment document for detailed information.

## 3.0 NATIONAL PLANNING POLICY

- 3.1 Planning Policy Wales Edition 11 (PPW) was published in Feb.2021. PPW sets out the Welsh Assembly Government’s planning policies for Wales and how these should be applied. This provides local government with the guidance to prepare their own local development frameworks and guidance in decision making.
- 3.2 Alongside PPW sits a number of Technical Advice Notes (TAN) which form planning guidance at a national level on various topics.
- 3.3 This section will set out a summary of national planning policy guidance taken from PPW and from the TAN documents. This will provide assistance when considering the development options for the site.

## PLANNING POLICY WALES

- 3.4 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015.
- 3.5 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted and kept under review. Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.
- 3.6 The planning system should be efficient, effective and simple in operation. It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land. It should not discriminate against or favour any particular group or members of society.
- 3.7 Planning authorities should work with landowners to ensure that suitably located previously developed sites are brought forward for development and to secure a coherent approach to their development.
- 3.8 Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites. For example, sites and allocations which are no longer likely to be needed for office, industrial or retail purposes may be appropriate locations for housing. The de-allocation of underused and underperforming sites must be considered through the development plan process and could make a contribution to the housing supply if it can be demonstrated that they are deliverable for housing.
- 3.9 Development plans and development management decisions should be based on up-to-date local and sub-regional evidence. It is important that such evidence demonstrates the suitability of the existing employment land supply as well as future provision in relation to the locational and development requirements of business.
- 3.10 Planning authorities should aim to:
- promote the re-use of previously developed, vacant and underused land;
  - control and manage the release of unwanted employment sites to other uses;

## TECHNICAL ADVICE NOTES

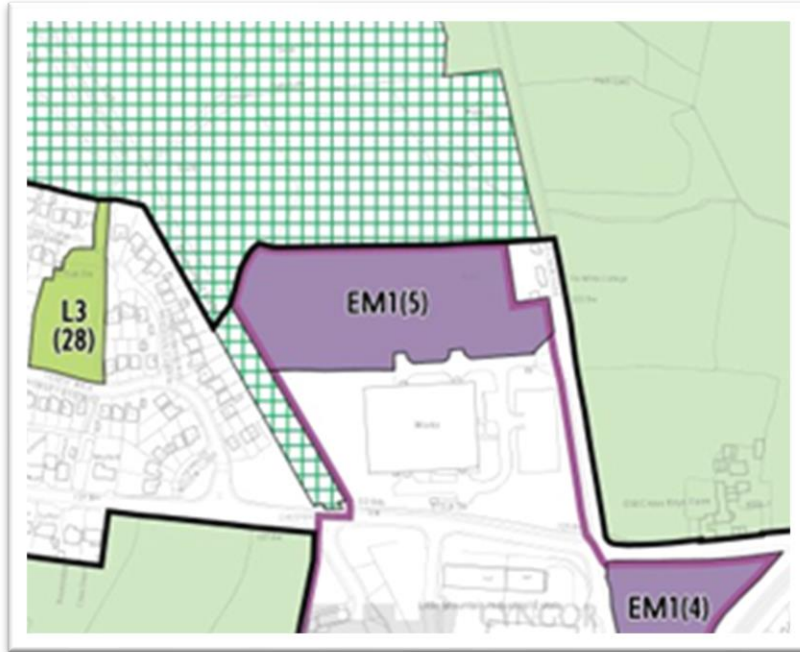
3.11 Technical advice notes (TANs) provide detailed planning advice. Local planning authorities take them into account when they are preparing development plans. Of those available, the most pertinent to the proposal are as follows:

3.12 **Technical Advice Note 23 – Economic Development (2014)** - Existing employment sites should only be released for other uses if one or more of the following apply:

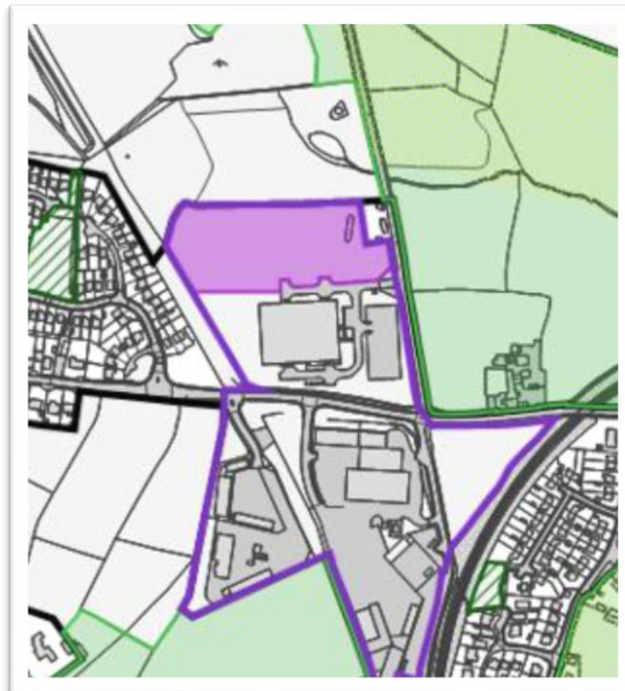
- they have poor prospects of being re-occupied for their previous use;
- the particular market that the site is part of is oversupplied;
- the existing employment use has unacceptable adverse impacts on amenity or the environment;
- the proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained;
- other priorities, such as housing need, override more narrowly focussed economic considerations; and/or
- land of equal or better quality is made available elsewhere, even if this is not within the local planning authority boundary.



## 4.0 LOCAL PLANNING POLICY



**Extract from UDP Proposals Map**



**EXTRACT FROM DEPOSIT LDP POLICIES MAP**

## 5.0 PLANNING APPRAISAL

### 5.1 Housing Land Supply

- 5.2 It is accepted that the Council, within the terms of Technical Advice Note 1, cannot demonstrate a 5-year housing land supply. This does not necessarily mean that the Council has a zero-supply given that it has a supply of commitments (permissions). This is demonstrated by the first three years of the Local Development Plan period where completions have averaged 548 units per annum compared to the Plan's requirement of 509 per annum.
- 5.3 Welsh Government Technical Advice Note 1 states that "The housing land supply figure should also be treated as a material planning consideration in determining planning applications for housing. Where the current land supply shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study. The need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies."
- 5.4 The disapplication of Paragraph 6.2 of TAN1 in July 2018 however specifically refers to the notion of affording "considerable" weight to the lack of a 5-year housing land supply as a material consideration in determining planning applications for housing. The disapplication took effect on the 18th July 2018.
- 5.5 Whilst this does not mean that a lack of land supply is no longer a material planning consideration to be weighed in the planning balance, it does redress the previous bias emphasised by the use of the term "considerable weight", and also leaves the weight to be applied to this issue, for the Local Planning Authority (LPA) to determine. Therefore, the weight that should now be attributed to the need to increase supply is dependent on the planning balance providing that the development would otherwise comply with the development plan and national planning policies.
- ### 5.6 Principle of development / impact on employment land availability
- 5.7 Whilst the site is located within the settlement boundary of Buckley, it does form part of a larger employment allocation at Little Mountain by virtue of Policy EM1.
- 5.8 In support of the proposal, a Commercial Viability Assessment has been completed by Legat Owen and submitted by the applicant which concludes that:
- There is a surplus in the supply of commercial land within Buckley.

- The site had been activity marketed for commercial development for an extended period without success.
- Commercial development is not viable.

5.9 On this basis the conclusion must be reached that it would be difficult to secure retention of this area of land for employment development and the issue of employment land supply will be addressed further as part of the Local Development Plan (LDP). There is therefore no policy objection in these circumstances to the principle of residential development as an alternative land use on the site, subject to the safeguarding of relevant development management considerations.

## 6.0 SUMMARY AND CONCLUSIONS

- 6.1 The site is located within the settlement boundary on a sustainable previously developed site. The use of the existing access and the expected traffic generation from the proposed development has been demonstrated to be acceptable.
- 6.2 The extant use of the land and also the previous allocation of the wider site for future employment use has been carefully considered and has been demonstrated that this use would not be likely or viable and there is presently a surplus of such sites.
- 6.3 The proposed development can integrate well with the wider settlement and will provide much needed family homes including the appropriate level of affordable housing.
- 6.4 The general principle of housing development is considered acceptable within a settlement boundary (subject to acceptability of detailed matters). However, in this application it is also proposed that an area of additional land adjacent to but outside of the settlement boundary is also included within the application site, with this land being designated habitat within the open countryside. The impact of this aspect of the development is considered in detail both in terms of acceptability from a co-ordinated development management perspective, and its impact on the landscape. The habitat area will be improved upon through regular maintenance and footpath links through this area will be created to connect to existing PROW and promote walking within the area.
- 6.5 The designation question aside, any proposal for a non-employment use on the site should be supported in light of the evidence base quashing any future employment use on the site and the promotion of the principles of sustainable development.

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