

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

Hearing Session Matter 12

Thursday 13th May 2021

New Housing Development Proposals (HN1)

**Well Street, Buckley
Highmere Drive, Connah's Quay
Northop Road, Flint
Land between Denbigh Rd & Gwernaffield Rd, Mold
Holywell Rd/Green Lane, Ewloe
Ash Lane, Hawarden
Cae Isa, New Brighton
Wrexham Road, HCAC**

Density and Mix of Development (HN2)

Hearing Statement by Flintshire County Council

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

Flintshire County Council Statement: Matter 12: New Housing Development Proposals (including density and mix)

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

Key Issue:

Have relevant alternatives been considered; is the identification of the housing sites based on a robust and rational site selection process? Are the sites deliverable within the plan period and will they make an appropriate contribution towards the housing requirement?

Response:

Site Selection Methodology / Consideration of alternatives

1. The Council has set out its approach to the site selection methodology and process in its response to Q10 in the Council's response to the Inspector's Preliminary Questions ([FCC001](#)). In summary the Council:
 - assessed some 734 candidate sites in the Register [LDP-KPD-CS1](#)
 - consulted upon and used a candidate site assessment methodology [LDP-KPD-CS1.2](#) as the basis for site assessment
 - filtered candidate sites into large and small sites
 - undertook stakeholder consultations (external and internal) and detailed site assessments
 - assessed candidate sites against the Preferred Strategy – Background Paper [LDP-KSD-PS4](#)
 - facilitated the submission of alternative sites as part of Preferred Strategy consultation [LDP-KSD-PS4](#)
 - assessed some 97 alternative sites in the Register [LDP-KPD-AS1](#) using the [same methodology](#)
 - identified a list of potential allocations based on above and consultations undertaken with key stakeholders
 - discussed the list of potential allocations with Members of the Planning Strategy Group
 - considered sites against the spatial strategy and initial spatial apportionment of growth in policy STR2 of the Preferred Strategy (allocations in Tier 1, 2 and 3)
 - allocations and 'reasonable alternatives' assessed as part of the sustainability appraisal (appendix E of the Integrated Impact Assessment) [LDP-KPD-IIA4.2](#)
 - Publication of summary assessment of all candidate and alternative sites in Deposit LDP Background Paper 08 Candidate Alternative Sites ([LDP-EBD-BP08](#))
 - Publication of final allocations in the Deposit LDP.

2. The Council has undertaken a logical and sensible approach to the assessment of those sites which were presented at the appropriate stages in the Plan's preparation. The detailed assessment of sites and the comparison against the Preferred Strategy has resulted in a set of housing allocations which sit comfortably with the Plan's need for new allocations set against other sources of supply, as set out in the Housing Balance Sheet and which closely maintained the spatial apportionment of growth to the settlements tiers which was set out initially in the Preferred Strategy.

Deliverability / Contribution to Housing Requirement

3. The Council has set out in Background Paper 10 Housing Land Supply ([LDP-EBD-BP10](#)) and the recent update of the Background Paper [BP10A](#), the housing balance sheet and the various elements of supply which seek to meet the Plan's housing requirement. This includes completions to date, commitments, small and large site windfall allowances, strategic sites and non-strategic allocations. The Plan, in its first five years is delivering housing at the rate required and there is no 'shortfall' which needs to be made up or added to future years remaining post adoption. Sufficient sites have been allocated in the Plan's Housing Balance Sheet in order to achieve a flexibility allowance of approximately 14% which has now increased to 18% as evidenced in [BP10A](#). The Northern Gateway strategic site is progressing at pace and delivering on site and is the subject of interest by a number of different housebuilders. The delivery of the housing element at the Warren Hall site is being progressed by Welsh Government through its newly formed Land Division and through the North Wales Growth Deal. All of the non-strategic sites are considered to be available, viable and deliverable and all now have developer interest. The allocations will help ensure the Plan's housing requirement figure of 6,950 dwellings will be met.

Key Issue: Are the policies for the housing sites clear and reasonable?

- a) **Did the presence, or otherwise, of Best and Most Versatile agricultural land (BMV) influence the selection of housing sites?**

Response:

Are the policies for housing sites clear and reasonable

- a.1 The Plan is to be read as a whole and both strategic and topic / criteria / area based policies under the three 'themes' will be applicable to the housing allocations. They will also apply to subsequent windfall site development proposals. Policy HN1 also contains brief design guidance for each site and a number of the allocated sites are supplemented by a Statement of Common Ground available in the Examination library.

Agricultural Land

- a.2 The Plan's position in respect of Best and Most Versatile Agricultural Land is set out in the Council's response to Matter 2 Plan Strategy Question g). In summary, the Council worked closely with Welsh Government (Agricultural Land Use and

Soil Policy - Land, Nature and Forestry Division) to establish the predicted loss of BMV agricultural land on candidate sites (and later alternative sites). In respect of potential site allocations, site proposers were requested to undertake detailed site surveys in order to establish whether or not sites involved the loss of BMV.

- a.3 The Council sought to minimize the loss of BMV throughout the process of assessing sites and identifying potential allocations and this was presented and explained in Background Paper 09 Agricultural Land. It is stressed that the safeguarding of BMV agricultural land is an important planning consideration when identifying housing allocations but it is not the only consideration as it is also necessary to have regard to a wide range of planning considerations. Given that many of the Plan's Tier 1, 2 and 3 settlements have BMV agricultural land around them, and also the lack of available and suitable brownfield sites, it is not unexpected that the LDP would necessitate the loss of some BMV. However, the Plan has sought to minimise that loss and the approach taken by the Council has been 'supported in principle' by Welsh Government Development Plans Division.

The rest of this response deals with each of the allocations identified in the Inspectors' questions.

Policy HN1.1 Well Street, Buckley

Question a)

Is it clear why the sites have been selected over other candidate and alternative sites?

Council's Response

- a.1 The general approach to the consideration of alternatives and the site selection process is set out in the response to the opening question above.
- a.2 The site lies on the edge of Buckley which is a sustainable location as reflected in its designation as a Tier 1 Main Service Centre given its range of services and facilities. The site is considered to represent a logical and well defined extension to the settlement given the presence of housing on two sides and Well Street on the third side.
- a.3 The site has previously been considered to represent a sustainable housing allocation by the UDP Inspector, but did not come forward for development although there are no abnormal constraints to its development. In its response to Q10 of the Inspector's Preliminary Questions ([FCC01](#)) the Council referenced the recent change in ownership of the site, the undertaking of a Pre-application Consultation and a planning application for EIA Screening. Since then an outline planning application (062458) has been lodged by Clwyd Alyn Housing Association for residential development. This demonstrates the Council's confidence when re-allocating the site in the Deposit Plan that it was viable and deliverable.

a.4 The previous owners were Welsh Government and their recent disposal of the site to Clwyd Alyn Housing Association signals the objective of using publicly owned land to bring forward housing development to assist with economic recovery, both for market and affordable housing. Buckley as a settlement has experienced significant housing growth in the last decade and through the UDP period, and the approach of ensuring that a sustainable site within the settlement boundary, where the expectation of development is established by its previous allocation, is a sound one and sufficient for this settlement to make a contribution (with outstanding commitments) to LDP supply.

a.5 Notwithstanding the submission of other candidate and alternative sites for Buckley, given the site's sustainable location and its previous consideration as part of the UDP Public Inquiry, there are no constraints to the development of this site and locally, there is a clear expectation of the site's development for housing given its previous allocation and the modest public objection to the site's allocation in the LDP. Given its proven sustainability the Council is clear that there should be a preference to develop this established site first, in advance of making unnecessary greenfield allocations.

Question b)

Are the numbers of units identified realistic and achievable?

Council's Response

b.1 The number of units is based on a site density of 30 dwellings per hectare which gives an estimated yield of 159 units for this site. Appendix 1 sets out the densities of development achieved on a number of housing sites and the 'target' of 30 dwellings per hectare is considered to be realistic and achievable on the majority of the allocations. On sites where there is a deviation from this, a specific commentary will be provided where relevant below.

b.2 In a Pre Application Consultation document for this site a figure of 150 dwellings was put forward which is 28 dwellings per hectare. The current planning application is for up to 140 dwellings. The agent has advised that the lower number of dwellings in the application reflects a variety of matters including PAC feedback, detailed assessments, footpath links, SUDS and open space. Furthermore the need for retaining walls and levels to achieve satisfactory access has informed the layout which meets DQR standards and mix.

Question c)

What are the various constraints affecting the sites? In the light of constraints, and other matters, where is it set out what the requirements are for each site? Is there sufficient clarity and certainty?

Council's Response

c.1 There is not considered to be any overriding constraints to the development of this allocated site whose development potential has already been confirmed via the UDP Public Inquiry.

c.2 The Plan's framework of policies sets out the key policy requirements and policy HN1.1 sets out summary design guidance in relation to the site. The Council set out in Appendix 2 of Background Paper 3 Infrastructure Plan [LDP-EBD-BP3](#) a number of infrastructure requirements relating to this site. None of these requirements are considered to be abnormal, or what a site of this type shouldn't normally provide. This is supplemented by the Welsh Water / Hafren Dyfrdwy Statement of Common Ground ([SOCG005](#)) and subsequent addendum [SOCG005A](#) (which now confirms that there is capacity at the Buckley WWTW to accommodate this allocation) and the Education Position Statement [SOCG009](#).

c.3 As referenced above in the response to Question a) a planning application has been lodged but not yet validated and this will contain a full range of background and technical reports.

Question d)

Having regard to constraints, where they exist, as well as the need to provide for affordable housing and infrastructure, are the sites viable?

Council's Response

d.1 The site lies within the Mold and Buckley Sub Market area whereby policy HN3 requires 40% affordable housing. This is informed by the findings of the District Valuer Services (DVS) Viability Study [LDP-EBD-HP6.1](#) and [LDP-EBD-HP6.2](#). Further explanation is provided in Background Paper 7 Affordable Housing [LDP-EBD-BP7](#).

d.2 There are no overriding constraints relating to this site which would inhibit its delivery and this is demonstrated by the submission of a planning application by Clwyd Alyn Housing Association for a scheme of up to 140 affordable and open market housing, including 40% affordable housing.

Question e)

Are the delivery mechanisms for each site clearly identified? Is the timing and/or phasing of each site clearly set out?

Council's Response

e.1 The revised Background Paper [BP10A](#) sets out the anticipated build rates for this site which are 53 dwellings per year for the 3 years 2022/23, 2023/24 and 2024/25. This is based on feedback from the developer who has a clear development strategy to build this site out, in line with their programming of developments in relation to WG capital funding, as well as WG's general desire to increase housebuilding in Wales to assist with economic growth and recovery. The submission of an outline application by Clwyd Alyn, in the context of the site being allocated for housing and within the settlement boundary of Buckley in the adopted UDP, provides a positive direction of travel. Subject to the planning application being satisfactory and being approved, the delivery of completions by April 2023 by Clwyd Alyn is considered to be realistic and achievable as they are experienced in progressing schemes promptly and efficiently in relation to utilising Welsh Government Housing funding.

Policy HN1.3 Highmere Drive Connah's Quay

Question a)

Is it clear why the sites have been selected over other candidate and alternative sites?

Council's Response

- a.1 The general approach to the consideration of alternatives and the site selection process is set out in response to the opening question above.
- a.2 The Highmere Drive site sits on the edge of a Tier 1 Main Service Centre and represents a logical and physically well-defined extension to the settlement, being within the settlement boundary and allocated for housing in the adopted UDP. The site is close to the Ffordd Llanarth local shopping centre and other facilities and services and is in a sustainable location.
- a.3 The site has previously been considered to represent a sustainable housing allocation by the UDP Inspector. It did not come forward for development but there are no abnormal constraints to development. The site owners have provided a renewed commitment to the availability of the site. Since the Council's response to representations relating to this site and subsequent publication of the Council's Response to the Inspector's Preliminary Questions [FCC001](#), the site owner has entered into an agreement with a preferred developer Edwards Homes Ltd, as referenced in the Statement of Common Ground [SOCG001](#).
- a.4 Notwithstanding the submission of other candidate and alternative sites for Connah's Quay, given the site's sustainable location and its previous consideration as part of the UDP Public Inquiry, there are no constraints to the development of this site and locally, there is a clear expectation of the site's development for housing given its previous allocation and the lack of public objection to the site's allocation in the LDP. Given its proven sustainability the Council is clear that there should be a preference to develop this established site first, in advance of making unnecessary greenfield allocations.

Question b)

Are the numbers of units identified realistic and achievable?

Council's Response

- b.1 The number of units (150) is based on a site density of 30units per hectare and is considered to be realistic and achievable as set out in the [SOCG001](#).

Question c)

What are the various constraints affecting the sites? In the light of constraints, and other matters, where is it set out what the requirements are for each site? Is there sufficient clarity and certainty?

Council's Response

- c.1 There is not considered to be any overriding constraints to the development of this site, whose development potential has already been confirmed via the UDP Public Inquiry.
- c.2 The Plan's framework of policies sets out key policy requirements and policy HN1.3 sets out summary design guidance in relation to the site. The Deposit Plan was supported by Background Paper 3 Infrastructure Plan [LDP-EBD-BP3](#) which set out a number of infrastructure requirements relating to the site. None of these requirements are considered to be abnormal, or what a site of this type shouldn't normally provide. This is supplemented by the [SOCG001](#), the Welsh Water / Hafren Dyfrdwy Statement of Common Ground [SOCG005](#) and the Education Position Statement [SOCG009](#).
- c.3 The preparation of the [SOCG001](#) has identified one area of disagreement. The Council considers that the number of units to be derived from the site in addition to the existing large number of dwellings is significant when served by a single road Ffordd Llanarth. The north eastern part of the site provides an opportunity, via Council owned land, to secure a pedestrian and cycling link from the site to Courbett Drive in order to provide sustainable transport links to Connah's Quay High School and Deeside College. This pedestrian and cycle link should be designed to also serve as an emergency access to and from the site. The site owner / developer do not agree with this provision. Further work needs to be undertaken in respect of ecological matters but this is not considered to raise fundamental matters and there is no objection from NRW or the Council's Ecologist and the [SOCG001](#) contains a commitment from the developer to commission this work.

Question d)

Having regard to constraints, where they exist, as well as the need to provide for affordable housing and infrastructure, are the sites viable?

Council's Response

d.1 The site lies within the Connah's Quay Sub Market area whereby policy HN3 requires 35% affordable housing, amounting to 53 units. This is informed by the findings of the District Valuer Services (DVS) Viability Study [LDP-EBD-HP6.1](#) and [LDP-EBD-HP6.2](#). Further explanation is provided in Background Paper 7 Affordable Housing [LDP-EBD-BP7](#). This equates to 53 affordable units based on the site yield of 150 units. The level of affordable housing is an agreed matter in the Statement of Common Ground ([SOCG001](#)). The site is not considered to raise any viability issues.

Question e)

Are the delivery mechanisms for each site clearly identified? Is the timing and/or phasing of each site clearly set out?

Council's Response

e.1 The [SOCG001](#) has explained how the landowner has recently entered into agreement with Edwards Homes Ltd as the preferred developer for the site. The site has an existing context for development given that it is allocated for housing in the adopted UDP and within the settlement boundary of Connah's Quay. The

trajectory for the site shows completions first being achieved by April 2023 and at a rate of 30 dwellings per ha over a period of 5 years and this is considered to be realistic and achievable.

e.2 Edwards Homes have completed a number of schemes in the County and some of the larger schemes are detailed below:

- Former Allied Bakery, Saltney – 74 units with planning permission issued on 29/09/17. During the 12 months to April 2018 3 units were built and during the 12 months to April 2019 35 units were built and during the 12 months to April 2020 the remaining 36 units were built.
- Land at 142 High Street, Saltney – 54 units with permission issued on 27/08/14. During the 12 months to April 2015 11 units were built, with the bulk of the units (39) built during the 12 months to April 2016 and the remaining 4 units built by April 2017.
- Wood Lane, Ewloe – 23 units with permission issued on 11/09/18 and the site complete by April 2020.
- Broad Oak Holding, Connahs Quay – This site for 32 units is allocated in the LDP (HN1.2) and received planning permission on appeal on 24/09/19 and by April 2020 all units were under construction.

e.3 Based on the above analysis of some of Edwards Homes Ltd developments in terms of lead in times and rates of completions, the forecast completions in the trajectory of 30 per year over a five year period, and with first completions secured by April 2023 is realistic.

Policy HN1.4 Northop Road, Flint

Question a)

Is it clear why the sites have been selected over other candidate and alternative sites?

Council's Response

a.1 The general approach to the consideration of alternatives and the site selection process is set out in response to the opening question above.

a.2 The Northop Road site sits on the edge of a Tier 1 Main Service Centre and represents a logical and physically well-defined extension to the settlement. It is bounded by existing housing to the north, by existing housing and Halkyn Rd to the west and by the A5119 and commercial development partly to the east. The site lies on a main road into Flint with frequent bus services, close to a school, a local shopping centre and other facilities and services and is in a sustainable location.

a.3 The site has previously been considered by the UDP Inspector and although not recommended to be allocated in the UDP was recommended to be excluded from the green barrier. This gave the site a clear context with which to be considered as part of the LDP. There is active developer interest on both the smaller eastern part of the site (Edwards Homes) and the larger western part of the site (Anwyl

Land), as demonstrated by planning applications. Since the Council's response to representations relating to this site and subsequent publication of the Council's Response to the Inspector's Preliminary Questions [FCC001](#), the Council has been informed that Anwyl Land have not renewed their Option for the western part of the site and the planning application has been withdrawn. However the site owner has advised that advanced discussions are taking place with a number of developers, as explained in the Position Statement [SOCG010](#) and this is not considered to affect the availability, viability or deliverability of the site. The previous application was by Anwyl Land who would have passed on the site to a housebuilder, whereas discussions are now taking place directly with housebuilders.

- a.4 Notwithstanding the submission of other candidate and alternative sites for Flint, given the site's sustainable location and its previous consideration as part of the UDP Public Inquiry, there are no constraints to the development of this site and locally, there is a clear expectation of the site's development for housing given the modest public objection to the site's allocation in the LDP. Given its sustainability the Council is clear that there should be a preference to develop this site first, in advance of making unnecessary greenfield allocations.

Question b)

Are the numbers of units identified realistic and achievable?

Council's Response

- b.1 The number of units (170) is based on a conservative estimate of the site's yield having regard to the sites topography which slopes down from east to west. On the smaller eastern part of the site Edwards Homes have submitted a full planning application ([061919](#)) for 18 dwellings (which is currently the subject of an appeal) and on the larger western part of the site Anwyl Land submitted an outline planning application ([058314](#)) for 145 dwellings, which has now been withdrawn. However, initial indications from discussions between the agent / landowner and potential housebuilders for the larger portion of the allocation is that the site is likely to be able to accommodate more units. This has the potential to be regarded as additional flexibility within the Plans housing supply.

Question c)

What are the various constraints affecting the sites? In the light of constraints, and other matters, where is it set out what the requirements are for each site? Is there sufficient clarity and certainty?

Council's Response

- c.1 There is not considered to be any overriding constraints to the development of this site.
- c.2 The Plan's framework of policies sets out key policy requirements and policy HN1.4 sets out summary design guidance in relation to the site. The Deposit Plan was supported by Background Paper 3 Infrastructure Plan ([LDP-EBD-BP3](#)) which set out a number of infrastructure requirements relating to the site. None of these

requirements are considered to be abnormal, or what a site of this type shouldn't normally provide. This is supplemented by the Position Statement for the site ([SOCG010](#)), the Welsh Water / Hafren Dyfrdwy Statement of Common Ground ([SOCG005](#)) and the Education Position Statement [SOCG009](#).

- c.3 The site is clearly in two ownerships as reflected by the two planning applications. The Council has sought to secure a coordinated approach to the development of the site whereby the two sites have a single vehicular access onto the A5119 Northop Rd thereby enabling a more sustainable approach to the layout and design of the allocation, having regard to the placemaking principles in PPW. The planning application [061919](#) by Edwards Homes on the smaller eastern part of the site was refused on 15/01/21 on the basis of its lack of coordinated approach to bringing forward the site as a whole including vehicular access, ecological mitigation and lack of affordable housing, and an appeal has now been lodged. The planning application [058314](#) has been withdrawn pending discussions between the landowner and developers to identify a preferred developer to take this part of the site forward, as set out in the Position Statement ([SOCG010](#)). There is clearly scope, with a new developer, to secure a more coordinated approach to the development of this allocation. The recent change in circumstances is not considered likely to affect delivery rates on the site as set out in the Background Paper 10A [FCC02](#). This is because the trajectory always anticipated the small part of the site coming forward ahead of the larger part of the site, and even with the change in circumstances, is still the case.

Question d)

Having regard to constraints, where they exist, as well as the need to provide for affordable housing and infrastructure, are the sites viable?

Council's Response

- d.1 Background Paper 07 Affordable Housing ([LDP-EBD-BP7](#)) identifies that the site, in accordance with policy HN3, will provide 15% affordable housing, as informed by the Viability Study ([LDP-EBD-HP6.1](#)). This equates to 26 affordable units based on the site yield of 170 units. The site is not considered to raise any viability issues.

Question e)

Are the delivery mechanisms for each site clearly identified? Is the timing and/or phasing of each site clearly set out?

Council's Response

- e.1 The trajectory for the site in Background Paper 10A ([FCC002](#)) shows completions first being achieved of 20 units for 2022/23 then 40 dwellings per year for the next 3 years followed by the remaining completions of 30 for 2026/27 and this is considered to be realistic and achievable.
- e.2 The response above on HN1.3 Highmere Drive Connah's Quay has identified that Edwards Homes has completed a number of developments in the County and is capable of making a quick start on the site and securing early completions. In response to question C) the Council has referenced that the smaller part of the

<p>site is capable of delivering early completions by Edwards Homes and that the change in circumstances relating to the larger part of the site should not slow down the delivery of the allocation as a whole, if it is in the control of a housebuilder.</p>
<p>Policy HN1.6 Land between Denbigh Rd & Gwernaffield Rd, Mold</p>
<p>Question a) Is it clear why the sites have been selected over other candidate and alternative sites?</p>
<p>Council's Response</p> <p>a.1 The general approach to the consideration of alternatives and the site selection process is set out in response to the opening question above.</p> <p>a.2 The site sits on the edge of a Tier 1 Main Service Centre and represents a logical and physically well-defined extension to the settlement. It is bounded by Gwernaffield Road and existing housing development to the south, by existing residential development to the east, by Denbigh Rd to the north and partly by Factory Pool Lane to the west. The site lies close to a local shop and health centre and a wide range of other facilities and services in Mold and is in a sustainable location.</p> <p>a.3 Notwithstanding the submission of other candidate and alternative sites for Mold, the site's sustainable location, lack of constraints, and willing developer is considered to make it a logical and sensible housing allocation. Unlike other sites around Mold it avoids the need to erode the green barrier. It represents the only logical direction of growth in Mold given constraints such as flood risk and green barrier and this has also been recognised in the approved Mold Town Plan produced by the Town Council. Given its sustainability, the Council is clear that there should be a preference to develop this site first, in advance of making other unnecessary greenfield allocations.</p> <p>a.4 The site is also the subject of a planning application (061994) for 238 dwellings from Anwyl which demonstrates its availability, viability and deliverability.</p>
<p>Question b) Are the numbers of units identified realistic and achievable?</p>
<p>Council's Response</p> <p>b.1 The number of units (246) is based on a site density of 30units per hectare for the main parcel of land between Factory Pool Lane, Gwernaffield Road and the edge of existing housing development and is considered to be realistic and achievable. The submitted planning application (061994) provides for 238 dwellings.</p>
<p>Question c) What are the various constraints affecting the sites? In the light of constraints, and other matters, where is it set out what the requirements are for each site? Is there sufficient clarity and certainty?</p>
<p>Council's Response</p>

c.1 There is not considered to be any overriding constraints to the development of this site. The planning application is accompanied by a comprehensive set of background and technical reports.

c.2 The Plan's framework of policies sets out key policy requirements and policy HN1.6 sets out summary design guidance in relation to the site. The Deposit Plan was supported by Background Paper 3 Infrastructure Plan [LDP-EBD-BP3](#) which set out a number of infrastructure requirements relating to the site. None of these requirements are considered to be abnormal, or what a site of this type shouldn't normally provide. This is supplemented by the Welsh Water / Hafren Dyfrdwy Statement of Common Ground [SOCG005](#) and the Education Position Statement [SOCG009](#).

Question d)

Having regard to constraints, where they exist, as well as the need to provide for affordable housing and infrastructure, are the sites viable?

Council's Response

d.1 The site lies within the Mold and Buckley Sub Market area whereby policy HN3 requires 40% affordable housing, amounting to 98 units on a yield of 246 units. This is informed by the findings of the District Valuer Services (DVS) Viability Study [LDP-EBD-HP6.1](#) and [LDP-EBD-HP6.2](#). Further explanation is provided in Background Paper 7 Affordable Housing [LDP-EBD-BP7](#).

d.2 The submitted planning application provides for 30% affordable housing which equates to 72 units and references that the affordable housing policy (HN3) will need to be reviewed in the context of viability at Examination.

Question e)

Are the delivery mechanisms for each site clearly identified? Is the timing and/or phasing of each site clearly set out?

Council's Response

e.1 The trajectory for the site in Background Paper 10A ([FCC002](#)) shows completions first being achieved of 40 units for 2022/23 then 40 dwellings per year for the next 3 years followed by completions of 43 units per year for remaining two years. Given the present planning application and willing developer who has a track record of delivering schemes in the County, this is considered to be realistic and achievable.

Policy HN1.7 Holywell Rd/Green Lane, Ewloe

Question a)

Is it clear why the sites have been selected over other candidate and alternative sites?

Council's Response

a.1 The site sits on the edge of a Tier 2 Local Service Centre and the two component candidate sites work well together in representing a logical and physically well-

defined extension to the settlement. It is bounded by ribbon development along Green Lane, by existing estate development to the east and by Holywell Road and the western boundary follows existing hedgerow boundaries. The site lies close to a range of facilities and services in Ewloe and nearby settlements, public transport and is in a sustainable location. It also lies within the Deeside growth area defined by the Wales Spatial Plan and Future Wales – [The Wales National Plan](#). Ewloe is one of the largest Tier 2 settlements and has a range of facilities to support sustainable growth, including local employment at St David’s Park, and good accessibility to Deeside nearby.

a.2 The majority of other sites around Ewloe involve the loss of green barrier. However, the release of the site from the green barrier in this location does not undermine the role of the green barrier in terms of preventing coalescence between Ewloe and Northop Hall as explained in the Green Barrier Review [LDP-EBD-BP1](#) as this is achieved by two distinct physical features which are designated as wildlife sites – New Inn Brook and Brook Park Farm Wood that are west of the allocation and naturally contain the extent of development. Given its sustainability, lack of constraints and willing owners / developer, the Council is clear that there should be a preference to develop this site first, in advance of making other unnecessary greenfield or green barrier allocations.

Question b)

Are the numbers of units identified realistic and achievable?

Council’s Response

b.1 The number of units (298) is based on a site density of 30units per hectare and is considered to be realistic and achievable as set out in the Statement of Common Ground [SOCG002](#).

Question c)

What are the various constraints affecting the sites? In the light of constraints, and other matters, where is it set out what the requirements are for each site? Is there sufficient clarity and certainty?

Council’s Response

c.1 There is not considered to be any overriding constraints to the development of this site. The allocation is accompanied by a comprehensive set of background and technical reports submitted by the site agent and none of these have identified insurmountable constraints to the delivery of the site. No objections have been made by relevant statutory service providers or consultees.

c.2 The development of the site will deliver improved infrastructure which will comprise an improvement junction arrangement at the Holywell Rd / Mold Rd junction utilizing highways land, and an improved junction arrangement at the junction of Green Lane and Mold Rd utilizing land owned by one of the site owners. These improvements will not only facilitate the development of the site but also alleviate long standing local concerns about traffic, particularly relating with the Holywell Rd junction.

c.3 The Plan's framework of policies sets out key policy requirements and policy HN1.7 sets out summary design guidance in relation to the site. The Deposit Plan was supported by Background Paper 3 Infrastructure Plan ([LDP-EBD-BP3](#)) which set out a number of infrastructure requirements relating to the site. None of these requirements are considered to be abnormal, or what a site of this type shouldn't normally provide. This is supplemented by a site specific [SOCG002](#), the Welsh Water / Hafren Dyfrdwy Statement of Common Ground [SOCG005](#) and subsequent addendum [SOCG005A](#) and the Education Position Statement [SOCG009](#).

Question d)

Having regard to constraints, where they exist, as well as the need to provide for affordable housing and infrastructure, are the sites viable?

Council's Response

d.1 Background Paper 07 Affordable Housing [LDP-EBD-BP7](#) identifies that the site, in accordance with policy HN3, will provide 40% affordable housing, as informed by the Viability Study [LDP-EBD-HP6.1](#). This equates to 119 affordable units based on the site yield of 298 units. The Statement of Common Ground ([SOCG002](#)) identifies that this is an area of disagreement between the parties but contains a commitment to deliver the amount of affordable housing that arises from the Examination Hearing Session in respect of affordable housing (Matter 13). It is considered that the site is viable and deliverable.

Question e)

Are the delivery mechanisms for each site clearly identified? Is the timing and/or phasing of each site clearly set out?

Council's Response

e.1 The two candidate sites which make up the allocation have been progressed as a single entity by the respective landowners and a large amount of background work has been undertaken to support the allocation. A preferred developer Anwyl has recently also been established by the owners via a developer selection process and the Council then made aware, as explained in [SOCG002](#).

e.2 The trajectory for the site in Background Paper 10A ([FCC002](#)) shows completions first being achieved of 28 units for 2023/24 then 45 dwellings per year for the next 6 years. Given the preferred developer who has a track record of delivering schemes in the County, of varying sizes including Cae Eithin, Northop Hall (94 units), Greenhill Avenue, Ewloe (41 units), Alltami Road, Buckley (21 units), Cymau Lane, Abermorddu (35 units) and Croes Atti, Flint (636 units – part delivered by Persimmon), this is considered to be realistic and achievable.

Policy HN1.8 Ash Lane, Hawarden

Question a)

Is it clear why the sites have been selected over other candidate and alternative sites?

Council Response

- a.1 The site sits on the edge of Hawarden, a Tier 2 Local Service Centre and Mancot, a Tier 3 Sustainable Settlement and the site represents a logical and physically well-defined extension to the two settlements. The two settlements are already conjoined and the site is bounded by development at Park Avenue and Gladstone Way to the west, a mix of residential, community and recreation facilities to the north and partly by residential along Ash Lane to the east, and the remaining boundary follows existing hedgerows. The site lies close to a range of facilities and services in Hawarden and nearby settlements, public transport and is in a sustainable location. It also lies within the Deeside growth area defined by the Wales Spatial Plan and the Future Wales – Wales National Plan.
- a.2 The site has previously been considered by the UDP Inspector who recommended that a slightly smaller site be deleted from the green barrier and allocated for housing. Although the site was not allocated in the adopted UDP nor withdrawn from the green barrier, the Inspector’s favourable recommendation is considered to have established that the principle of development is acceptable. The site has been re-assessed thoroughly and revised with a slightly larger area to facilitate an additional vehicular access onto Gladstone Way, and is still considered to represent a sustainable extension to the two settlements.
- a.3 The majority of other sites around Hawarden/Mancot involve the loss of green barrier. However, the release of this site from the green barrier does not undermine the role of the green barrier in terms of preventing coalescence between Hawarden and Mancot as the two settlements are already conjoined. The allocation therefore takes the form of a wedge shaped infill development and the remaining green barrier retains the higher more prominent and open land either side of Gladstone Way which ensures separation from the historic core of Hawarden as explained in the Green Barrier Review [LDP-EBD-BP1](#). The UDP Inspector commented in para 11.124.13 of her Report ‘The land although allocated as green barrier is to my mind so contained by the built up area that it is not strategically important in separating settlements’.
- a.4 Given its sustainability, lack of constraints and willing owner / developer, the Council is clear that there should be a preference to develop this site first, in advance of making other unnecessary greenfield or green barrier allocations.

Question b)

Are the numbers of units identified realistic and achievable?

Council’s Response

- b.1 The number of units (288) is based on a site density of 30units per hectare and is considered to be realistic and achievable as set out in the Statement of Common Ground [SOCG003](#). Clearly not all of the site area is to be developed as the Plan specifies the requirement to deliver a strategic landscaping buffer to protect the setting of the listed building.

Question c)

What are the various constraints affecting the sites? In the light of constraints, and other matters, where is it set out what the requirements are for each site? Is there sufficient clarity and certainty?

Council's Response

c.1 There is not considered to be any overriding constraints to the development of this site. The allocation is accompanied by a comprehensive set of background and technical reports and none of these have identified insurmountable constraints to the delivery of the site. No objections have been made by relevant statutory service providers or consultees.

c.2 The Plan's framework of policies sets out key policy requirements and policy HN1.8 sets out summary design guidance in relation to the site. The Deposit Plan was supported by Background Paper 3 Infrastructure Plan [LDP-EBD-BP3](#) which set out a number of infrastructure requirements relating to the site. None of these requirements are considered to be abnormal, or what a site of this type shouldn't normally provide. This is supplemented by a site specific [SOCG003](#), the Welsh Water / Hafren Dyfrdwy Statement of Common Ground [SOCG005](#) and subsequent addendum [SOCG005A](#) and the Education Position Statement [SOCG009](#).

Question d) Having regard to constraints, where they exist, as well as the need to provide for affordable housing and infrastructure, are the sites viable?

Council's Response

d.1 The site lies within the Connah's Quay Sub Market area whereby policy HN3 requires 35% affordable housing, amounting to 101 units on a yield of 288 units. This is informed by the findings of the District Valuer Services (DVS) Viability Study [LDP-EBD-HP6.1](#) and [LDP-EBD-HP6.2](#). Further explanation is provided in Background Paper 7 Affordable Housing [LDP-EBD-BP7](#). The [SOCG003](#) identifies that this is an area of disagreement between the parties but contains a commitment to deliver the amount of affordable housing that arises from the Examination Hearing Session in respect of affordable housing (Matter 13). It is considered that the site is viable and deliverable.

Question e)

Are the delivery mechanisms for each site clearly identified? Is the timing and/or phasing of each site clearly set out?

Council's Response

e.1 A large amount of background work has been undertaken to support the allocation and submitted by the site agent, and a preferred developer Anwyl has also been established by the owners.

e.2 The trajectory for the site in Background Paper 10A ([FCC002](#)) shows completions first being achieved of 18 units for 2023/24 then 45 dwellings per year for the next

6 years. Given the preferred developer who has a track record of delivering schemes in the County of varying sizes including Cae Eithin, Northop Hall (94 units), Greenhill Avenue, Ewloe (41 units), Alltami Road, Buckley (21 units), Cymau Labe, Abermorddu (35 units) and Croes Atti, Flint (636 units – part delivered by Persimmon), this is considered to be realistic and achievable.

Policy HN1.9 Wrexham Road, HCAC

Question a)

Is it clear why the sites have been selected over other candidate and alternative sites?

Council's Response

- a.1 The site sits on the edge of Abermorddu which is one of the four villages (Hope, Caergwrle, Abermorddu, Cefn y Bedd) which are defined together as a Tier 2 Local Service Centre. The site represents a logical and physically well-defined extension to the settlement being bounded by Wrexham Road and housing development to the east, the school to the south and the physical break of slope to the west. The site lies close to a range of facilities and services in HCAC and nearby settlements, public transport and is in a sustainable location.
- a.2 The site has previously been considered by the UDP Inspector who recommended that it be allocated for housing. Although the site was not allocated in the adopted UDP the Inspector's favourable recommendation is considered to have established that the principle of development is acceptable.
- a.3 The site was also the subject of a previous planning application ([058163](#)) which was subsequently withdrawn and was accompanied by a comprehensive set of background and technical reports. More recently, Castle Green (formerly MacBryde Homes) has been established as the preferred developer as set out in the Statement of Common Ground [SOCC004](#).
- a.4 Notwithstanding the submission of other candidate and alternative sites for HCAC, given the site's sustainable location and its previous consideration as part of the UDP Public Inquiry, there are no constraints to the development of this site. Given its proven sustainability the Council is clear that there should be a preference to develop this established site first, in advance of making unnecessary greenfield allocations.

Question b)

Are the numbers of units identified realistic and achievable?

Council's Response

- b.1 The allocation is for 80 dwellings on a site of 3.5ha and this recognises that not all of the site will be developable given adjacent nature conservation interests. The [SOCH004](#) recognises that further work is necessary to refine the layout of the site in respect of the relationship to nature conservation features and habitats. However, the site is considered able to deliver the identified number of units.

Question c)

What are the various constraints affecting the sites? In the light of constraints, and other matters, where is it set out what the requirements are for each site? Is there sufficient clarity and certainty?

Council's Response

- c.1 There is not considered to be any overriding constraints to the development of this allocated site whose development potential has already been confirmed via the UDP Public Inquiry.
- c.2 The Plan's framework of policies sets out the key policy requirements and policy HN1.9 sets out summary design guidance in relation to the site. The Council set out in Appendix 2 of Background Paper 3 Infrastructure Plan [LDP-EBD-BP3](#) a number of infrastructure requirements relating to this site. None of these requirements are considered to be abnormal, or what a site of this type shouldn't normally provide. This is supplemented by the site specific Statement of Common Ground [SOCG004](#) Welsh Water / Hafren Dyfrdwy Statement of Common Ground [SOCG005](#) and the Education Position Statement [SOCG009](#).

Question d)

Having regard to constraints, where they exist, as well as the need to provide for affordable housing and infrastructure, are the sites viable?

Council's Response

- d.1 Background Paper 07 Affordable Housing ([LDP-EBD-BP7](#)) identifies that the site, in accordance with policy HN3, will provide 30% affordable housing, as informed by the Viability Study ([LDP-EBD-HP6.1](#)). This equates to 24 affordable units based on the site yield of 80 units. The level of affordable housing is an agreed matter in the [SOCG004](#). The site is not considered to raise any viability issues.

Question e)

Are the delivery mechanisms for each site clearly identified? Is the timing and/or phasing of each site clearly set out?

Council's Response

- e.1 A large amount of background work has been undertaken to support the allocation and this was contained in the previous planning application and a preferred developer Castle Green has also recently been established by the owners.
- e.2 The trajectory for the site in Background Paper 10A ([FCC002](#)) shows completions first being achieved of 20 units for 2023/24 then 30 dwellings per year for the next 2 years. Given the preferred developer who has a track record of delivering schemes in the County, including sites under construction at Issa Farm, Mynydd Isa (59 dwellings) and Hawarden Rd, Penyffordd (32 dwellings), this is considered to be realistic and achievable.

Policy HN1.10 Cae Isa, New Brighton

Question a)

Is it clear why the sites have been selected over other candidate and alternative sites?

Council's Response

- a.1 The general approach to the consideration of alternatives and the site selection process is set out in response to the opening question above.
- a.2 The site sits on the edge of a Tier 3 Sustainable Settlement and represents a logical and physically well-defined extension to the settlement. It is bounded by development and the A5119 to the south, by residential development at Argoed View to the west, and existing residential development at Cae Isa and New Brighton Rd to the east and north. Only a narrow section along the north western part of the site bounds open countryside and the site takes the form of a rounding off of the settlement form. The site lies close to a local shop (petrol filling station), hotel / bar and community centre and is close to a wide range of other facilities and services in Mold, Sychdyn and Mynydd Isa and is in a sustainable location.
- a.3 The site has previously been considered by the UDP Inspector and although not recommended to be allocated in the UDP (housing allocation on another site in settlement - now built by Elan Homes) was recommended to be excluded from the green barrier and for the southern portion to be retained within the settlement boundary. This gave the site a clear context with which to be considered as part of the LDP. There is active developer interest as demonstrated by the submission of a planning application ([060220](#)) shortly before the start of the Deposit LDP consultation exercise.
- a.4 Notwithstanding the submission of other candidate sites for New Brighton, the site's sustainable location, lack of constraints, and willing developer is considered to make it a logical and sensible housing allocation. Given its sustainability, the Council is clear that there should be a preference to develop this site first, in advance of making other unnecessary greenfield allocations.

Question b)

Are the numbers of units identified realistic and achievable?

Council's Response

- b.1 The number of units (105) is based on a site density of 30units per hectare and is considered to be realistic and achievable. The submitted planning application ([060220](#)) provides for 92 dwellings which, considering the area of surface water flood risk in the north eastern part of the site is acceptable, and the implications of the appeal decision has indicated a further reduction to 84 units.

Question c)

What are the various constraints affecting the sites? In the light of constraints, and other matters, where is it set out what the requirements are for each site? Is there sufficient clarity and certainty?

Council's Response

c.1 There is not considered to be any overriding constraints to the development of this site, and the planning application ([060221](#)) was accompanied by a comprehensive set of background and technical documents. The application was refused by planning committee, not in terms of the broader principle of development but over matters of detail as set out in the [decision certificate](#). An appeal ([3260460](#)) was dismissed on 02/02/21 and the Inspector commented on the key issues:

- Great Crested Newts – The Inspector concludes in para 18 *'My overall conclusions in respect of GCNs are that the proposed development would not conflict with development plan or national policy or with the requirements of the Habitats Regulations'*.
- On-site Play and Recreation Space – The Inspector concludes in para 27 that *'.. the proposed development makes inadequate provision for outdoor play and recreation space and conflicts with UDP Policy SR5 in this respect'*.
- Safe Route to School – The Inspector notes in para 31 that the Council considers it would be possible to negotiate a fairly simple scheme or measures to overcome its concerns in relation to achieving a safe route to Sychdyn School. In this context the Inspector states in para 32 *'Thus, whilst not a reason for refusal in its own right, I consider it supports the conclusion I have reached on the previous issue'*.

c.2 It is notable in para 41 that the Inspector considers the site to be in a sustainable location on the edge of the settlement. It is also important to stress that in relation to the matters at issue above, the Inspector considered in para 48 *'These are matters that it should be possible to resolve quite readily, but no mechanism for doing so has been put forward'*. The Council is aware that the applicant is involved in discussions to overcome these detailed matters (see update in Appendix 2) and it is still considered that the site is viable and deliverable.

c.3 The Plan's framework of policies sets out key policy requirements and policy HN1.6 sets out summary design guidance in relation to the site. The Deposit Plan was supported by Background Paper 3 Infrastructure Plan ([LDP-EBD-BP3](#)) which set out a number of infrastructure requirements relating to the site. None of these requirements are considered to be abnormal, or what a site of this type shouldn't normally provide. This is supplemented by the Welsh Water / Hafren Dyfrdwy Statement of Common Ground ([SOCG005](#)) and the Education Position Statement [SOCG009](#).

<p>Question d) Having regard to constraints, where they exist, as well as the need to provide for affordable housing and infrastructure, are the sites viable?</p>
<p>Council's Response d.1 The site lies within the Mold and Buckley Sub Market area whereby policy HN3 requires 40% affordable housing, amounting to 42 units on a yield of 105 units. This is informed by the findings of the District Valuer Services (DVS) Viability Study LDP-EBD-HP6.1 and LDP-EBD-HP6.2. Further explanation is provided in Background Paper 7 Affordable Housing LDP-EBD-BP7. The site is not considered to raise any viability issues.</p>
<p>Question e) Are the delivery mechanisms for each site clearly identified? Is the timing and/or phasing of each site clearly set out?</p>
<p>Council's Response e.1 A large amount of background work has been undertaken to support the allocation as part of the planning application by Stewart Milne Homes. The trajectory for the site in Background Paper 10A (FCC002) shows completions first being achieved of 25 units for 2021/22 then 40 dwellings per year for the following 2 years. Given that Stewart Milne have a track record of delivering schemes in the County of varying sizes including St Marys Park, Mold (48 units) and Ffordd Eldon (39 units) this is considered to be realistic and achievable. However, in view of the appeal decision delays, the developer is proposing revised delivery rates of 15 (2022/23), 30 (2023/24), 30 (2024/25) and 9 in 2024/25. The site is easily deliverable within the Plan period.</p>

Appendix 1 – Site Densities

Settlement	Site	Units	Gross Area (ha)	Density
Tier 1 Main Service Centres				
Buckley	Holmleigh, Cheshire Lane	16	0.52	32 dpha
Connah's Quay	Broad Oak HOlding	33	1.3	25 dpha
Holywell	East of Halkyn Rd	45	1.62	28 dpha
Mold	Former Broncoed Works	88	2.6	34 dpha
Mold	Maes Gwern	160	5.7	28 dpha
Mold	Upper Bryn Coch	23	1.23	19 dpha
Mold	West of St Marys Park, Ruthin Rd	50	1.5	33 dpha
Saltney	Former Bakery	74	2.5	30 dpha
Saltney	142 High Street	54	1.48	36 dpha
			Average 29.5 dpha	
Tier 2				
Broughton	South of Retail park	272	9.3	29 dpha
Broughton	South of Retail park (extension)	36	1.78	20 dpha
Ewloe	Greenhill Avenue	41	1.99	21 dpha
Ewloe	Side of 51 Wood Lane	23	0.8	29 dpha
Greenfield	Glan y Don	58	1.93	30 dpha
HCAC	Bridge Farm, Fagl Lane	59	1.9	31 dpha
HCAC	West of Abermorddu School, Cymau Lane	35	1.65	21 dpha
Mynydd Isa	Isa Farm, Bryn y Baal	59	3.0	20 dpha
Mynydd Isa	Rose Lane	58	1.9	30 dpha
			Average 26 dpha	
Tier 3				
Caerwys	Summerhill Farm	67	1.87	36 dpha
Coedtalon/Pontybodkin	Station Yard	49	1.7	29 dpha
Drury	Clydesdale Road	49	1.7	29 dpha
Drury	Woodside Cottages, Bank Lane	23	0.85	36 dpha
Gronant	Nant y Gro	41	1.16	35 dpha
Higher Kinnerton	Kinnerton Lane	51	2.91	19 dpha
Higher Kinnerton	Main Rd	34	1.22	28 dpha
Mostyn	Ffoprdd Pennant West	73	1.8	40 dpha
New Brighton	Argoed Service Station	24	0.94	26 dpha
Northop	Connah's Quay Rd	36	1.8	20 dpha

Northop Hall	Cae Eithin	96	3.71	26 dpha
Penyffordd/Penymynydd	Chester Rd	186	7.7	24 dpha
Penyffordd/Penymynydd	Hawarden Rd	21	1.3	25 dpha
Penyffordd/Penymynydd	Rhos Rd (North)	40	1.4	29 dpha
Penyffordd/Penymynydd	Wood Lane Farm	224	7.1	32 dph
Sychdyn	Ffordd Eldon	43	2.0	22 dpha
				Average 29.5 dpha



Chartered Town Planners

Your Ref :
Our Ref : 2021-04-09 Farrow
Date : 9 April 2021

WeWork
1 St. Peter's Square
Manchester M2 3DE

e - info@houriganconnolly.com
w - www.houriganconnolly.com
t - 0333 939 8057

m/ 07825 032630
e/ marc.hourigan@houriganconnolly.com

A Farrow
Chief Officer (Planning & Environment)
Flintshire County Council
County Hall
Mold
Flintshire
CH7 6NF

BY EMAIL ONLY: andrew.farrow@flintshire.gov.uk

Dear Mr Farrow

LAND TO THE SOUTH OF NEW BRIGHTON ROAD, NEW BRIGHTON, MOLD, CH7 6RB

PINSW REFERENCE: APP/A6835/A/20/3260460 & FCC REFERENCE: 060220

FLINTSHIRE LDP REFERENCE – LAND AT CAE ISA, NEW BRIGHTON – NEW HOUSING DEVELOPMENT PROPOSALS - HN1.10

I hope this letter finds you well.

As you may know we are instructed by Stewart Milne Homes in respect of the above mentioned site. You will no doubt be aware that our clients appeal against the Council's refusal of planning permission was dismissed by Decision Letter (DL) dated 2 February 2021.

I am now instructed to write to you to outline our client's intentions going forward and this is set out below in detail but in summary terms our client hopes that the Council will now engage with us regarding the enclosed revised scheme and thereafter we will quickly move to a Pre Application Consultation (PAC) exercise for the revised proposals followed by the submission of a revised full planning application.

With regard to the Examination of the LDP we are instructed to offer assistance to the Council as may be necessary in supporting the proposed allocation of the site and in that respect, I hope that the points set out below are of helpful to Officers and the Inspectors examining the LDP.

Registered in England & Wales
No. 06949990

Registered Office:
Jack Ross Chartered Accountants
Barnfield House, The Approach
Manchester, M3 7BX

Implications Of The Appeal Decision Letter (DL)

Whilst my clients were naturally disappointed with the Inspector's findings the appeal DL is helpful in:

- Confirming that the principle of development is acceptable in this location having regard to the existing Settlement Boundary and Green Barrier designations in the UDP (the latter not being offended as the site is not within the Green Barrier).
- Establishing that the ecological survey effort deployed by the Appellant was reasonable and adequate (DL 12), extensive compensatory measures for Great Crested Newts (GCN) is not justified (DL 14), the derogation tests of the Habitats Regulations are not engaged as disturbance of GCN is unlikely (DL 17) and the proposed development would not conflict with the Development Plan, national policy or with the requirements of the Habitats Regulations (DL 18).
- That approval of a scheme would not raise issues of prematurity (DL 42 – 44).
- That surface water can be dealt with via the separate statutory SuDs approval process (DL33 – 36).

Open Space & Public Right Of Way

In respect of the open space reason for dismissing the appeal this is straightforward to deal with in a revised scheme by reducing the overall number of homes previously proposed (92) and providing a single area of open space. Accordingly, please find enclosed a revised layout for 84 dwellings. Under the provisions of existing UDP policy and LPGN13 this would require 4,758.6m² of open space (84 x 56.65).

You will note that the open space in the revised proposals is proposed as a single area comprising 4,766.271m² of open space in line with comments made on the first application.

The appeal scheme included a Local Area of Play (LAP). The revised proposals enclosed herewith provide for the provision of a Locally Equipped Area of Play (LEAP) (comprising a 400m² activity zone with at least a 20 metre stand off to all dwellings in line with Fields In Trust (Wales) best practice and comments made on the first application.

For ease of reference, I have also enclosed a copy of the open space plan for the appeal scheme which the Inspector used to assess the proposal. You will note from the DL that in respect of the appeal scheme the Inspector took no issue with Area 1, comprising 1,339.922m². Accordingly, I consider that Area 1 should also count towards the overall quantum of open space provided on the site.

The revised open space plan that accompanies this submission shows a revised calculation for Area 1 of 1,341.473 m² giving an overall quantum of 6,107.744m² (4,766.271 + 1,341.473) of open space on the site significantly in excess of the Council's requirements.

In moving forward, it would be helpful if you or your Officer's could please advise whether the proposed open space provision shown in the revised proposals is acceptable in terms of its quantum and composition.

The added advantage of the revised proposals is that they would not require the diversion of the existing Public Right of Way traversing the north west section of the site and would not require the diversion of overhead electricity lines. The appeal scheme had required diversion of both of these routes.

With regard to the Inspector's points about sports provision it is material to note that the Council did not require any sports provision as part of the scheme either during previous pre application discussions or during consideration of the application. We were therefore surprised at the Inspector's comments on this issue particularly as the appeal was accompanied by a Unilateral Undertaking which the Council's solicitor acknowledged was acceptable and would mitigate the impact of the development (see enclosed copy email). Notwithstanding the foregoing it would be helpful if the Council could please confirm its position on sports provision as part of the revised scheme.

Safe Route To School

With regard to the safe route to Sychdyn Primary School the Inspector's points are noted.

Our client's highways engineer did seek to engage with the Council's highways department during the application but a final solution was not forthcoming from the authority which obviously left us in a difficult position particularly given that there was also a dispute at appeal regarding which was the nearest suitable school to the site for the purpose of calculating education contributions.

Moving forward our client's highways engineer has made contact with Colin Simpson in your Highways Department as the Council's position during the application and appeal was that a relatively simple solution should be possible. I know that Colin Simpson is relying on others within the Council to arrive at a solution and I hope that between the Planning and Highways Departments that the Council will be able to revert to us shortly on this point.

To assist in moving matters forward my client is amenable to funding a physical intervention, by way of a footpath constructed by the Council, along New Brighton Road within the adopted highway verge or in the alternative they are amenable to the possibility of funding a bus service to Sychdyn Primary School. In that respect I note that there is an existing school bus service providing a link from outside of Sychdyn Primary School to the High School in Mynydd Isa (details attached) and perhaps this could be altered to facilitate appropriate transportation of children to Sychdyn also. Should neither of these options be feasible then my clients would be prepared to undertake the highway works themselves via a Section 278 Agreement.

Education Contributions

In light of the Inspector's DL on the safe route to school point there really isn't any point in continuing the dispute over which is the *nearest suitable primary school* as the education contribution is the same in respect of either school so in that respect any future Section 106 Agreement will make provision for the primary school monies to be direct to Sychdyn Primary School which is the Council's preference.

Summary – Implications Of The Appeal DL

I hope that you will find the above points helpful and I look forward to your response in respect of the matters raised and the revised scheme more generally.

LDP Examination

With regard to the LDP Examination and my client's duly made objections I am instructed as follows:

Policies STR2, STR4, STR11, PC6, HN2 and EN7

In respect of Policies STR2, STR4, STR11, PC6, HN2 and EN7 my clients simply propose to rely upon their duly made objections and no longer wish to participate in the Hearing sessions considering these policies.

Policy HN3 and the Council's Viability Study

With regard to Policy HN3 and the Council's Viability Study my client's duly made objections are hereby withdrawn. My client's previous position that the development would not be viable with 40% affordable housing is hereby withdrawn. That statement was made because at the time my client was facing the prospect of significant off and on site GCN mitigation works which are now not required in line with the Inspector's DL.

Policy HN1 (10)

Turning then to Policy HN1 (10) which allocates my client's site for 105 dwellings. The policy has been supported by our clients but in respect of the Schedule of Matters Issues and Questions issued by the Inspectors on 9 February 2021 and the points raised in respect of Matter 12 we comment as follows:

- The site is fully deliverable within the Plan period. Indeed, if the Council were to grant planning permission within 13 weeks of submission of the revised full planning application the development is likely to begin later this year/early next year and therefore make an immediate contribution towards the housing requirement.
- The previous application was accompanied by an Agricultural Land Quality Assessment (Document 19 in the appeal bundle) which following a site specific survey confirms that the land is Grade 3b and hence not best and most versatile agricultural land.
- As noted in the enclosed draft layout 84 dwellings are proposed and it is acknowledged that this is less than the 105 dwellings identified in the LDP. It is noted that the revised proposals are very similar in terms of layout to the previous scheme which the Council raised no objection to in design terms other than in respect of open space which is dealt with in the revised proposal.
- The Inspector that considered the recent appeal was presented with a comprehensive suite of documents covering all relevant technical issues. Objections were also raised by third parties on various technical issues. However, save for the open space issue the Inspector identified no technical issues with the proposals and no conflicts with the Development Plan or other material considerations. There are no constraints that would prevent a scheme from coming forward in the future. Relevant appeal documents can be made available to the LDP Inspectors if necessary, but it is hoped that this should not be required as their colleague Inspector has hitherto and very recently found residential development acceptable in respect of all technical issues and those outstanding issues (open space and the safe route to school) can be addressed as noted above.
- The site will be able to provide for requisite planning obligations and infrastructure as necessary.

Summary

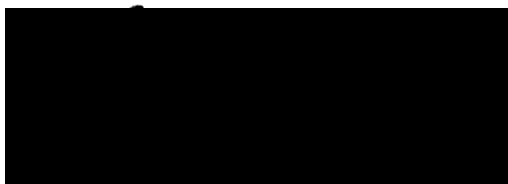
I hope that the above is helpful and I look forward to hearing from you/colleagues shortly.

I have copied this letter to your colleagues in Development Management, Highways and the Recreation Department as well as Planning Policy.

I will also be writing to the Inspectors examining the LDP shortly so that they have our client's thoughts on the appeal DL and are clear as to our client's intentions going forward¹.

Kind regards.

Yours sincerely



MARC HOURIGAN BA (Hons) BPI MRTPI
Executive Director

¹ The proposed allocation of the site is being considered under Matter 12 on 13 May 2021 (the deadline for Hearing Statements is 26 April 2021).

cc: Glyn D Jones } FCC
Mandy Lewis }
James Beattie }
Andy Roberts }
Linda Bletcher }
Colin Simpson }
Dave Roberts SCP Transport
Louise Redgrave Ecology Services
Stephen Daintith Stewart Milne Homes
Carl Davis Lingfield Homes

Encl. Appeal DL
Appeal POS Plan
Appeal Email Section 106 Agreement
School Bus Services Between Sychdyn and Mynydd Isa
Revised Site Layout
Revised POS Plan

Marc Hourigan

From: James Felton <James.Felton@flintshire.nwalescls.com>
Sent: 23 December 2020 10:34
To: 'Myers, David'
Cc: Niall Mellan; Stephen Daintith; Alex Lee; DMajor@stewartmilne.com; Marc Hourigan; Ward, Jonathan; Glover, Richard
Subject: RE: Appeal reference APP/A6835/A/20/3260460 - Planning Application No 060220 Land to the south of New Brighton Road, New Brighton, Mold

David/Jonathan,

Further to my previous email I can confirm that my instructing officer has emailed me this morning regarding the draft UU and note I sent him. Whilst we have no formal authority to agree to the content of the UU due to the committee resolution I can confirm that we are satisfied that the correct land is bound by the UU and that the necessary obligations to mitigate against the effects of the Development are secured in the UU too.

I trust this assists and once again apologies for not being able to come back to you sooner on this.

Best,

James

From: Myers, David <david.myers@squirepb.com>
Sent: 18 December 2020 12:36
To: James Felton <James.Felton@flintshire.nwalescls.com>
Cc: Niall Mellan <niall.mellan@houriganconnolly.com>; Stephen Daintith <SDaintith@StewartMilne.com>; Alex Lee <ALee2@StewartMilne.com>; DMajor@stewartmilne.com; Marc Hourigan <marc.hourigan@houriganconnolly.com>; Ward, Jonathan <jonathan.ward@squirepb.com>; Glover, Richard <richard.glover@squirepb.com>
Subject: RE: Appeal reference APP/A6835/A/20/3260460 - Planning Application No 060220 Land to the south of New Brighton Road, New Brighton, Mold

Dear James

I write further to previous correspondence.

Unfortunately, as we have not heard anything from the Council and due to the upcoming appeal deadlines our Client has no choice but to now proceed to execute and complete the Unilateral Undertaking.

Please accordingly find attached a form of agreement that has been slightly adapted to allow for immediate execution.

I also attach up to date copies of title for your information.

Please note that I am on holiday from the end of today. My colleague Jonathan Ward (copied in) will be in the office up until 23 December (being the deadline specified by my Client's planning consultant for submission of the final statement).

Regards

David



David Myers
Senior Associate
Squire Patton Boggs (UK) LLP
6 Wellington Place
Leeds
LS1 4AP
England
T +44 113 284 7257
O +44 113 284 7000
M +44 792 160 0186
M Mobex 257257

david.myers@squirepb.com | squirepattonboggs.com

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From: Myers, David

Sent: 15 December 2020 13:25

To: 'James Felton' <James.Felton@flintshire.nwalescls.com>

Cc: 'Niall Mellan' <niall.mellan@houriganconnolly.com>; 'Stephen Daintith' <SDaintith@StewartMilne.com>; 'Alex Lee' <ALee2@StewartMilne.com>; 'DMajor@stewartmilne.com' <DMajor@stewartmilne.com>; 'Marc Hourigan' <marc.hourigan@houriganconnolly.com>

Subject: RE: [EXT] Appeal reference APP/A6835/A/20/3260460 - Planning Application No 060220 Land to the south of New Brighton Road, New Brighton, Mold [I-EUR.FID9513086]

Hi James

Are you able to get back to me on the s.106 agreement? Can it be this week?

Regards

David



David Myers
Senior Associate
Squire Patton Boggs (UK) LLP
6 Wellington Place
Leeds
LS1 4AP
England
T +44 113 284 7257
O +44 113 284 7000
M +44 792 160 0186
M Mobex 257257

david.myers@squirepb.com | squirepattonboggs.com



From: Myers, David

Sent: 04 December 2020 15:18

To: 'James Felton' <James.Felton@flintshire.nwalescls.com>

Cc: 'Niall Mellan' <niall.mellan@houriganconnolly.com>; Stephen Daintith <SDaintith@StewartMilne.com>; Alex Lee <ALee2@StewartMilne.com>; 'DMajor@stewartmilne.com' <DMajor@stewartmilne.com>; 'Marc Hourigan' <marc.hourigan@houriganconnolly.com>

Subject: RE: [EXT] Appeal reference APP/A6835/A/20/3260460 - Planning Application No 060220 Land to the south of New Brighton Road, New Brighton, Mold [I-EUR.FID9513086]

Hi James

Thank you for your email.

As requested I have amended the agreement so that it is now in the form of a UU.

Please accept this email as the Firm's Undertaking to pay the Council's reasonable and proper legal fees in relation to the s.106 agreement limited to £1,750 whether or not the matter proceeds to completion.

I look forward to hearing from you.

Regards

David



David Myers

Senior Associate
Squire Patton Boggs (UK) LLP
6 Wellington Place
Leeds
LS1 4AP
England

T +44 113 284 7257

O +44 113 284 7000

M +44 792 160 0186

M Mobex 257257

david.myers@squirepb.com | squirepattonboggs.com



From: James Felton <James.Felton@flintshire.nwalescls.com>

Sent: 03 December 2020 10:26

To: Myers, David <david.myers@squirepb.com>

Subject: [EXT] Appeal reference APP/A6835/A/20/3260460 - Planning Application No 060220 Land to the south of New Brighton Road, New Brighton, Mold

Hello David,

I am a locum solicitor working for Flintshire Council and have been forwarded your email of 1st December to my colleague James Beattie in the Development Management Section along with a copy of a draft s.106 agreement and evidence of title to the appeal site.

Due to the application being refused at committee the Council has no authority to enter into a bilateral agreement with your client/the landowners and the necessary planning obligations will have to be secured via a Unilateral Undertaking. Can you therefore arrange for a Unilateral Undertaking to be sent through and an undertaking for the Council's legal fees in the sum of £1,750 payable regardless of whether or not the matter proceeds to completion?

Thank you,

James Felton

45 Offices in 20 Countries

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#UK



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/01/21

gan Clive Nield, BSc (Hon), CEng,
MICE, MCIWEM, C.WEM

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 2nd February 2021

Appeal Decision

Site visit made on 12/01/21

by Clive Nield, BSc (Hon), CEng, MICE,
MCIWEM, C.WEM

an Inspector appointed by the Welsh Ministers

Date: 2nd February 2021

Appeal Ref: APP/A6835/A/20/3260460

Site address: Land to the south of New Brighton Road, New Brighton, Mold, CH7 6RB

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Stewart Milne Homes (North West England) Limited against the decision of Flintshire County Council.
 - The application Ref: 060220 dated 10 July 2019, was refused by notice dated 28 October 2020.
 - The development proposed is residential development for the erection of 92 dwellings including the provision of affordable units, areas of public open space, landscaping and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was originally made for 97 dwellings but was subsequently amended to 92, and it is the amended scheme that is subject to appeal.
3. The appeal was originally made against the failure of the Council to determine the application within the prescribed period of time. However, the Council then refused the application during the period of dual determination, and so the appeal is now considered to be against that refusal.
4. The Appellant has submitted a Section 106 Unilateral Undertaking covering the provision of affordable housing, the payment of contributions towards education costs, and the provision of an open space management plan.
5. An application for costs was made by Stewart Milne Homes (North West England) Limited against Flintshire County Council. This application is the subject of a separate Decision.

Main Issues

6. The Council was not opposed to the principle of the proposed development and refused it on just 2 matters of detail: firstly, it was not possible to demonstrate that the proposal would take adequate account of the possible presence of great crested
-

newts, a European Protected Species; and secondly, that the proposal provides an inadequate level of on-site play and recreational space. Consequently, the 2 main issues to be considered are: whether or not the proposal would be likely to be detrimental to the favourable conservation status of the great crested newt, a European Protected Species; and whether or not the proposal would provide adequate on-site play and recreational space.

7. The local residents group, several local residents and their representatives have also raised a number of other matters, in particular whether there is a "safe route to school", the difficulties of draining the land, the location of the site outside the settlement boundary and partly within a designated Green Barrier; and whether making a decision would be premature in view of the stage reached in the emerging Local Development Plan. These are also important issues that need to be considered.

Reasons and Conclusions

Great Crested Newts

8. The Council has relied on advice from Natural Resources Wales (NRW), as well as its own ecologist, in formulating its first reason for refusal, which says "*the proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places*" and that "*In the absence of adequate surveys, mitigation and reasonable avoidance measures it is not possible to demonstrate that the proposal adequately takes account of the European Protected Species and as such is contrary to policies GEN1 and WB1 of the Flintshire Unitary Development Plan*".
9. In considering this issue, it is pertinent to be clear what the relevant policies say. UDP Policy GEN1 requires, amongst other things, that development should not have a significant adverse effect on recognised wildlife species and habitats. Policy WB1, Species Protection, says "*Development which would have a significant adverse effect on important species or their habitats will not be permitted unless appropriate measures are taken to secure their long term protection and viability*". Great Crested Newts (GCNs) fall within the definition of "*important species*". These policies are consistent with national policy in Planning Policy Wales, which refers to development proposals which would be likely to result in disturbance or harm to the species or its habitat, and with similar wording in national guidance document Technical Advice Note 5 (TAN5), Nature Conservation and Planning.
10. It is clear that assessment against these policies should consider whether the proposed development would be likely to disturb or harm the species or habitat and whether any effects would be significantly adverse.
11. The Council's refusal is couched in much more precautionary terms, "*the potential to cause disturbance*", and NRW's advice is that "*it is possible that the species utilises the site for foraging, dispersal and sheltering purposes*". It is not surprising that NRW's consultation response was expressed in those terms as it was based on just 4 records of sightings of GCNs in the vicinity of the site. The Appellant has investigated the details of those sightings and explained that 3 of them no longer have much relevance and that the 4th has not been confirmed as being a GCN (as opposed to some other type of reptile). In the absence of any comments on this from the Council, I have no reason to doubt the Appellant's assessment.
12. The Appellant has also carried out several surveys to assess the likelihood of GCNs being present on the site for foraging, dispersal and sheltering purposes. There are 2 ponds near to the site, and the Appellant has been able to sample one of those and carry out a DNA investigation, which shows no evidence of any use of the pond by

GCNs. Access to the second pond has not been possible but the Appellant has carried out a remote study to assess its suitability for use by GCNs. That study concluded that the second pond was unlikely to provide a suitable habitat. A study has also been carried out on the site itself and found no evidence of GCNs on the site. Whilst NRW has criticised the quality of these studies, I consider them to be reasonable and adequate.

13. Some evidence has been provided by local residents which is intended to show that GCNs have been seen in the local area. However, even taking these at face value, they do not materially change the paucity of evidence of GCNs using the appeal site.
14. NRW also considers the compensatory element of the proposed scheme to be unsatisfactory. However, if the evidence of any use of the site by GCNs is highly questionable, as in this case, then extensive compensatory measures cannot be justified.
15. Although it is possible that the site does provide useful GCN habitat, I consider the lack of meaningful evidence indicates it is more likely that it does not. I do not consider the proposal conflicts with the policy requirements that development should not be likely to disturb or harm the species or its habitat and that any effects should not be significantly adverse. I conclude that the proposal would not conflict with development plan or national policies in respect of GCNs.
16. In addition to consideration against planning policies, as the competent authority for the appeal, I have a legal duty to have regard to relevant legislation, in this context the Conservation of Species and Habitats Regulations 2017 (as amended). I have considered the requirements of these Regulations and have taken a precautionary approach to my assessment. However, on the basis of the evidence described above, I conclude that the proposal would not be likely to offend the Regulations.
17. There has been some disagreement amongst the parties on the tests required by the Habitats Regulations, particularly those involved in a licence pursuant to derogation powers. However, as I have concluded that disturbance would be unlikely, those tests are not engaged.
18. My overall conclusions in respect of GCNs are that the proposed development would not conflict with development plan or national policy or with the requirements of the Habitats Regulations.

On-Site Play and Recreational Space

19. Turning to the second reason for refusal, the Council says that the provisions for on-site play and recreational space are inadequate for the number of dwellings proposed. UDP Policy SR5 says "*New residential development will be expected to include outdoor playing space at a minimum rate of 2.4 hectares per 1000 population*" and that "*this provision will include outdoor sport and recreation space together with equipped play space*". The policy also says provision can be off-site in exceptional circumstances, but that is not being proposed in this case.
20. The supporting text explains that outdoor playing space is split into 2 types of land: children's playing space at 0.8 hectares per 1000 population; and sports grounds for use by all at 1.6 hectares per 1000 population. The former should comprise formal equipped playing space and informal playing space (0.25 and 0.55 hectares respectively). The latter should be split into land for sports pitches (1.2 ha) and other outdoor recreation (0.4 ha).

21. LPGN 13, Open Space Requirements, provides supplementary planning guidance that is a material consideration and expresses the minimum standard for this size of development as 56.65 square metres per dwelling, which for 92 dwellings equates to 5,211.8 square metres. This requirement is not in dispute. In its committee report the Council says there is a shortfall of approximately 3,000 square metres of public open space, though it provides no details of how this has been calculated.
22. The Appellant, on the other hand says the proposal includes 7,044 square metres of outdoor play space if the area earmarked for the SUDS pond is included or 5,492 square metres if the pond is excluded, both of which are in excess of the calculated requirement. These calculations are based on 7 areas within the development (though Area 4 seems to have been excluded from the calculation):
 - Area 1 – 1340 square metres, around the SUDS pond;
 - Area 2 – 969 square metres, landscaped area along southern boundary of site;
 - Area 3 – 1270 square metres, equipped play area and surrounding open area;
 - Area 4 – 243 square metres; small open space near equipped play area;
 - Area 5 – 1280 square metres, informal area with small pond and PROW diversion in north west corner of site;
 - Area 6 – 634 square metres; narrow strip along northern boundary;
 - Area 7 – 1552 square metres; the SUDS pond.
23. In the absence of information from the Council on how they have assessed the provision of playing space, I have considered the suitability of these areas myself, taking into account the UDP policy and the Council's planning guidance note on open space requirements (LPGN 13), which is a material consideration. The latter is currently under review, but an updated version has not yet been adopted.
24. It is clear that there is no provision for adult sports pitches, as required by the policy, and that some of the areas do not meet the wider definition of public recreation space. Certainly, the SUDS pond falls outside this definition, as does the very narrow strip of land along the northern boundary, which has no recreational value other than as a green corridor. Although it is not quite so limited, I reach the same conclusion on the landscaped area along the southern boundary. Thus, I consider there to be a substantial shortfall in the provision of on-site play and recreation space, contrary to the requirements of UDP Policy SR5.
25. The Appellant has drawn my attention to provisions in LPGN 13 such that, in some instances, particularly where site constraints are such that the provision of an outdoor recreational area is not possible or because of the type of residential development proposed (e.g. retirement homes), other types of space may be considered to be appropriate replacements. The guidance includes "*woodlands, ponds and other amenity green spaces*" and "*green corridors*" as possible replacements. However, there are no significant site constraints or qualifying type of development here, and the possibility of alternative space provision does not apply.
26. The Appellant has also mentioned that the policy can sometimes be met by off-site provision or financial contributions towards it and that the Council has not been helpful in responding to approaches by the Appellant to try to agree suitable provisions. Nevertheless, although the policy does make that allowance (and the Council's guidance describes a sequential approach to the consideration of such matters), the

Appellant has made it clear that the appeal proposal is based solely on on-site provision of playing space, and no alternative arrangements have been put forward.

27. Whilst the basis of the Council's reason for refusal is not fully explained, my overall conclusion on this issue is that the proposed development makes inadequate provision for outdoor play and recreation space and conflicts with UDP Policy SR5 in this respect.

Safe Route to School

28. I turn now to a number of other matters raised by local residents, the first of which is whether or not provision is made for a "safe route to school". The Council says that Sychdyn is the closest primary school and that travel to that school (along New Brighton Road) would be along a route considered "hazardous" in its assessment of potential "safe routes to school". Local residents say it is a busy road at times, lacks footways and lighting, and is dangerous for pedestrians.
29. The Appellant maintains that Mynydd Isa is the closest primary school to the site and that it is the route to that school that should be taken into account, particularly as that route is through a 30 miles per hour area with streetlights and footways. The assessment is complicated by the fact that the infant school at Mynydd Isa is further away from the appeal site, and it is this school that leads the Council to argue that Sychdyn primary school is the closest.
30. I notice that the Council's supplementary planning guidance (SPGN 23) uses the term "*nearest suitable school*", and there are arguments in favour of adopting both of the alternatives as the preferred option. There is also, of course, the element of parental choice of school, and it is entirely possible that some of the children of future residents of the proposed new development would attend one school and some the other. Thus, the question of whether the route to Sychdyn school is safe or not is a matter that is relevant in any case.
31. Notwithstanding this conclusion, the Council explains that it considers it would be possible to negotiate a fairly simple scheme or measures to overcome its concerns such that it was not considered to amount to a reason for refusing the application. However, no information has been provided to indicate what that scheme or measures might be. The Appellant says the Council originally had in mind possible safety improvements to New Brighton Road but now does not seem to be pursuing that option.
32. I agree with the Council that, if there is a relatively simple solution, this matter is not one that warrants refusal of the application. However, I do not know whether the solution could be achieved by means of a suitable planning condition or would require a legal undertaking. The set of planning conditions suggested by the Council does not address this matter, and it has not been satisfactorily addressed in any other way. Thus, whilst not a reason for refusal in its own right, I consider it supports the conclusion I have reached on the previous issue.

Drainage

33. Local residents have raised concerns about the drainage of the site. The Appellant indicates that a sustainable drainage scheme (SUDS) is proposed to deal with surface water drainage, and that scheme would include a pond near the western corner of the site, next to the Cae Isa development. That is the lowest part of the site and is known to become waterlogged at times. Indeed, when I visited the site, that part of the field was covered by standing water. Some residents have said the Appellant intends to

discharge water to another pond nearby, which that landowner is unlikely to permit. In the light of these various uncertainties, concern has been expressed that a satisfactory scheme would not be achievable and so there would be harmful effects on adjoining properties.

34. It is Welsh Government policy that all new development above a certain size is served by sustainable drainage arrangements, and since January 2019 the SUDS proposals for all qualifying developments have been subject to requirements for approval by the SUDS Approval Body (SAB) before construction work begins. Thus, SUDS proposals are no longer part of planning permission procedures. SUDS approval would be required for this development.
35. The Welsh Government advises developers that applications for SUDS approval ought to be made at the same time as the planning application, as the maximum benefits and opportunities can only be achieved if the SUDS scheme is an integral part of the design of the overall development rather than a retrofit. However, in this case, the Appellant has chosen not to do that and would intend to pursue the necessary SUDS approval at a later date. Whilst this involves an element of risk that it may not be possible to gain approval for a SUDS scheme which meets the standards required within the constraints of the current housing scheme design, it is an approach that is permitted. Should SUDS approval not be gained, it would not be possible to implement any corresponding planning permission.
36. Clearly, on a greenfield site such as this it is entirely feasible to provide a satisfactory SUDS scheme so that the effect of the development on surface water drainage is entirely neutral. However, in the absence of details of the scheme, I cannot judge whether or not the intended SUDS scheme would meet the required Welsh Government standards, and it is outside the scope of this appeal to consider the matter any further.

Settlement Boundary and Green Barrier

37. The third matter raised by local residents is the relationship of the site to the settlement boundary and the designated green barrier. It is explained in the Council's committee report that most of the site lies outside the settlement boundary and that it is adjacent to the edge of the green barrier. The Council considers the proposed development would be a relatively small urban extension, rounding off the existing settlement form, and that it would not conflict with the purpose of the green barrier between New Brighton and Sychdyn. Nothing has been raised that leads me to disagree with that assessment.
38. Nevertheless, the fact that most of the site is outside the settlement boundary means there is a conflict with UDP Policy GEN3, which says that development proposals outside settlement boundaries will not be permitted, except under certain circumstances; and none of those exceptions apply to this proposal.
39. The Council has addressed this policy conflict by reviewing the principle of the development in terms of its sustainability on the edge of a category B settlement in the adopted UDP and in a Tier 3 sustainable settlement in the emerging Local Development Plan. On this basis it has concluded that the principle of residential development of the site is acceptable.
40. The appeal site is also being proposed as a candidate site for housing in the emerging LDP. However, it has not yet been subject to examination by a Planning Inspector, and so that possible designation carries little weight at present.

41. My conclusions on this matter are that the proposal would be contrary to UDP Policy GEN3 on account of its location partly outside the settlement boundary, but that this should carry only limited weight on account of its (otherwise) sustainable location on the edge of the settlement of New Brighton.

Emerging Local Development Plan

42. Finally, I turn to the question of prematurity with regard to the emerging Local Development Plan. It has been submitted that it would be premature to grant permission for the proposed development whilst the emerging Flintshire Local Development Plan is still subject to examination procedures. The appeal site is under consideration as a candidate housing development site in the draft Plan.
43. Prematurity can be an important consideration. However, Welsh Government Guidance (the Development Plans Manual) advises that: *"Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant planning permission would be to predetermine decisions about the scale, location or phasing of new development which ought to be properly taken in the LDP context"*.
44. In this case, the proposal for 92 homes represents less than 5% of the allocations for new housing in the emerging Plan. As such, it is not considered to go to the heart of the Plan, and it would not be premature to grant planning permission.

Overall Conclusion

45. In addition to the issues above, a number of other matters have also been raised by local residents and their representatives, and I have taken these into account so far as they are material.
46. I have concluded above that the proposed development would make inadequate provision for outdoor play and recreation space, contrary to the requirements of UDP Policy SR5, and that the need to provide a "safe route to school" in respect of Sychdyn school has not been addressed in accordance with the Council's supplementary planning guidance, SPGN 23. The development would also be contrary to UDP Policy GEN3 as most of the site is outside the settlement boundary. In all other respects I consider the proposal would be in accord with development plan policy, and my overall conclusion involves balancing the benefits and conflicts.
47. Whilst the provision of much needed housing, including affordable dwellings, in a location that is sustainable in many respects would provide useful benefits, I consider the shortcoming in the provision of outdoor play and recreation space to be a serious matter that outweighs the benefits of the scheme. This shortcoming is also reinforced by the failure to adequately address the need for a "safe route to school".
48. These are matters that it should be possible to resolve quite readily, but no mechanism for doing so has been put forward. I have considered whether they could be resolved by the use of suitable planning conditions but am not satisfied that would be possible. Certainly, the draft conditions suggested by the Council would not provide any help. In addition, they are not matters that are covered by the Appellant's Section 106 Unilateral Undertaking.
49. Overall, and for the reasons given above, I conclude that the appeal should be dismissed.

50. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of promoting good health and well-being for everyone and building healthier communities and better environments.

Clive Nield

Inspector



**CYNGOR SIR Y FFLINT / FLINTSHIRE COUNTY COUNCIL
AMSERLEN Y BWS YSGOL / SCHOOL BUS TIMETABLE**

**Ysgol Uwchradd Argoed High School,
Ffordd y Bryn Road, Mynydd Isa CH7 6RY**


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B293J


SAFLE BWS / BUS STOP	AMSER/TIME		SAFLE BWS / BUS STOP	AMSER/TIME
Sychdyn, Primary School	08:30		Mynydd Isa, Argoed High School	15:10
Sychdyn, Ffordd Las Junction	08:35		Sychdyn, Ffordd Las Junction	15:34
Mynydd Isa, Argoed High School	08:40		Sychdyn, Primary School	15:37


LLWYBR Y BWS YSGOL / SCHOOL BUS ROUTE:


 Sychdyn County Primary School, Vownoe

 Argoed High School, Bryn Rd, Mold CH7

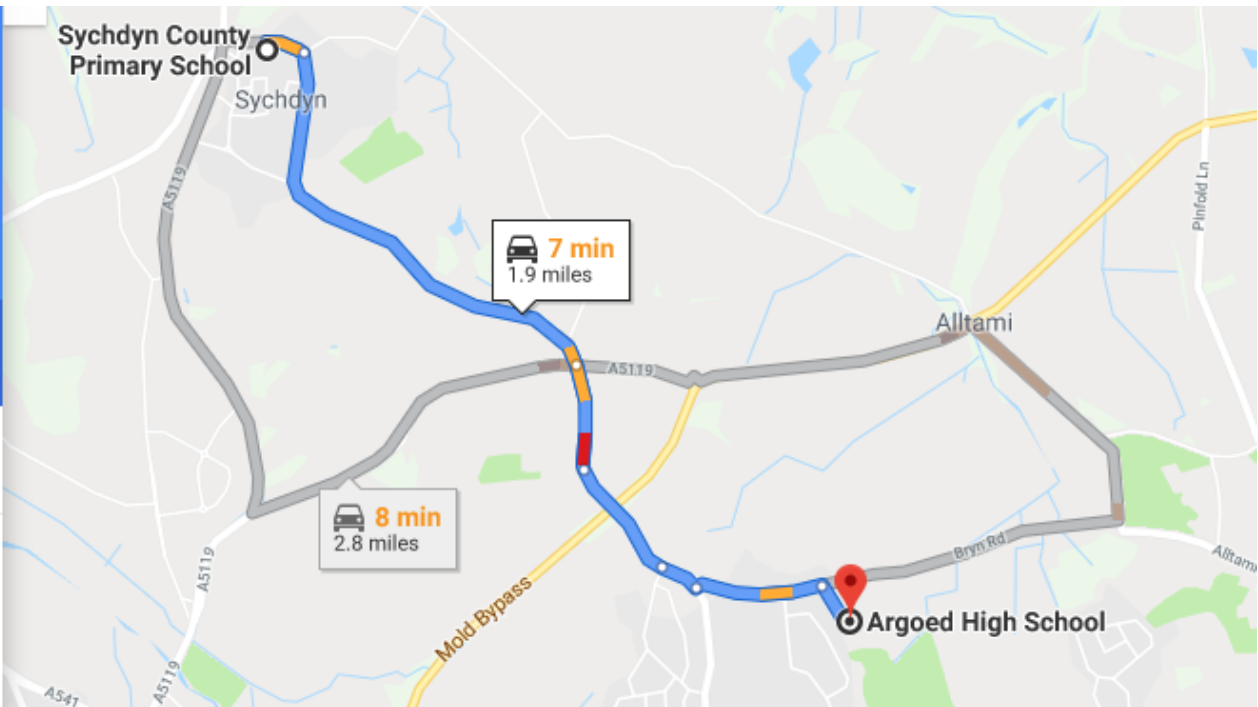
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 **via New Brighton Rd** **7 min**
Fastest route, despite the usual traffic 1.9 miles

[DETAILS](#)

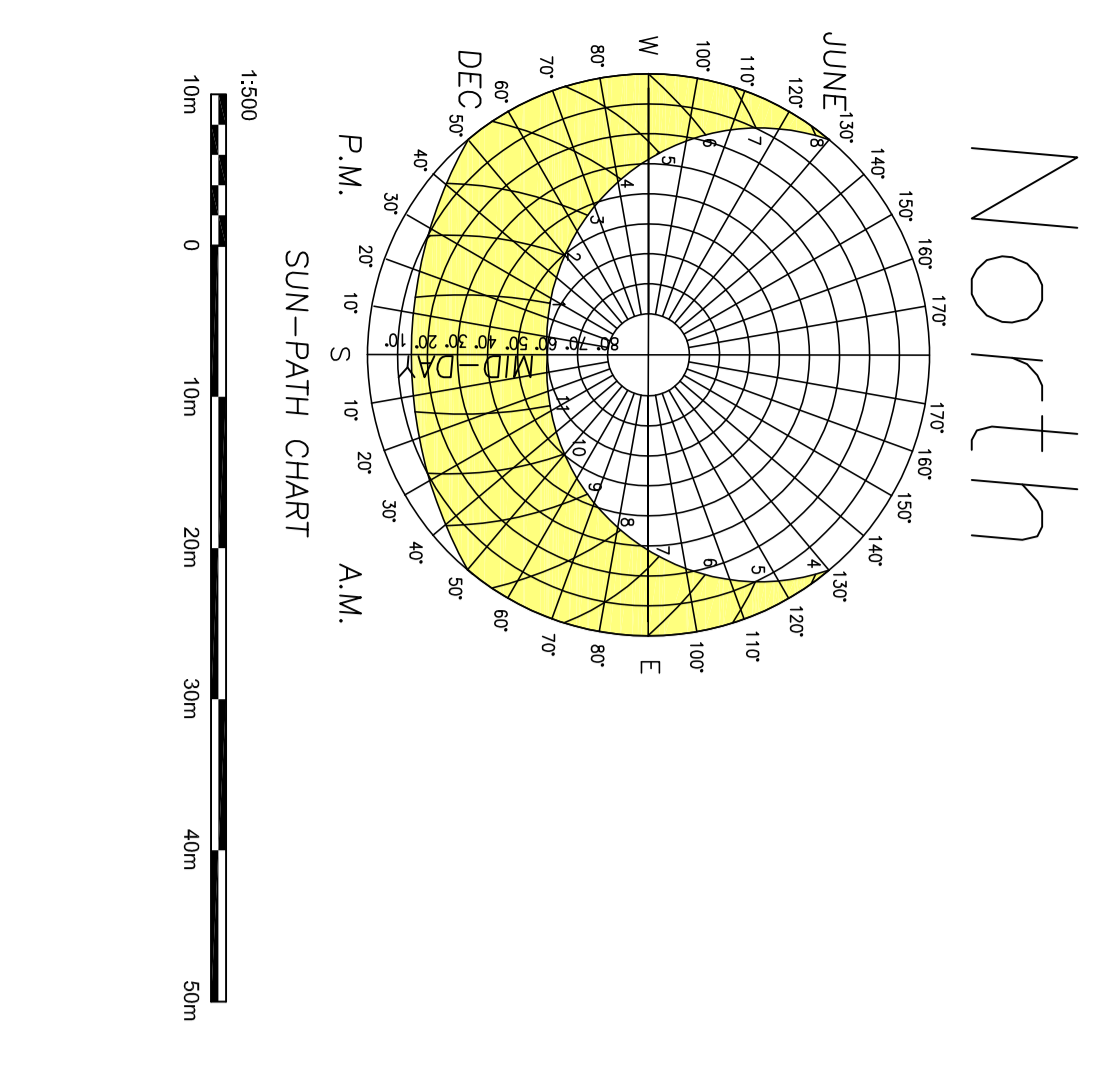


Argoed View, Nr Mold

Proposed POS Area's Plan 1:500



	SITE AREA GROSS: 8.3 acres
1	SITE AREA POS: 0.331 acres 1341.419 m ²
2	SITE AREA POS: 1.177 acres 4766.271 m ²



<p>Revised Details</p> <table border="1"> <tr> <td>DATE</td> <td>04.2021</td> <td>DRAWN</td> <td>CMC</td> </tr> <tr> <td>SCALE</td> <td>1:500</td> <td>CHK</td> <td>DM</td> </tr> </table>		DATE	04.2021	DRAWN	CMC	SCALE	1:500	CHK	DM
DATE	04.2021	DRAWN	CMC						
SCALE	1:500	CHK	DM						
<p>Argoed View, Nr Mold</p>									
<p>POS Areas Plan</p>									
DWG No	SK296/NBM/AP03	Rev							
<p>STEWART Wine HOMES</p> <p>Stewart Wine Homes Harrier House 2 Lumsdale Road Cobra Business Park Trafford Park Manchester Telephone (0161) 866 6900 fax (0161) 866 6909</p>									

Argoed View, Nr Mold

Proposed Sketch Layout - 1:500

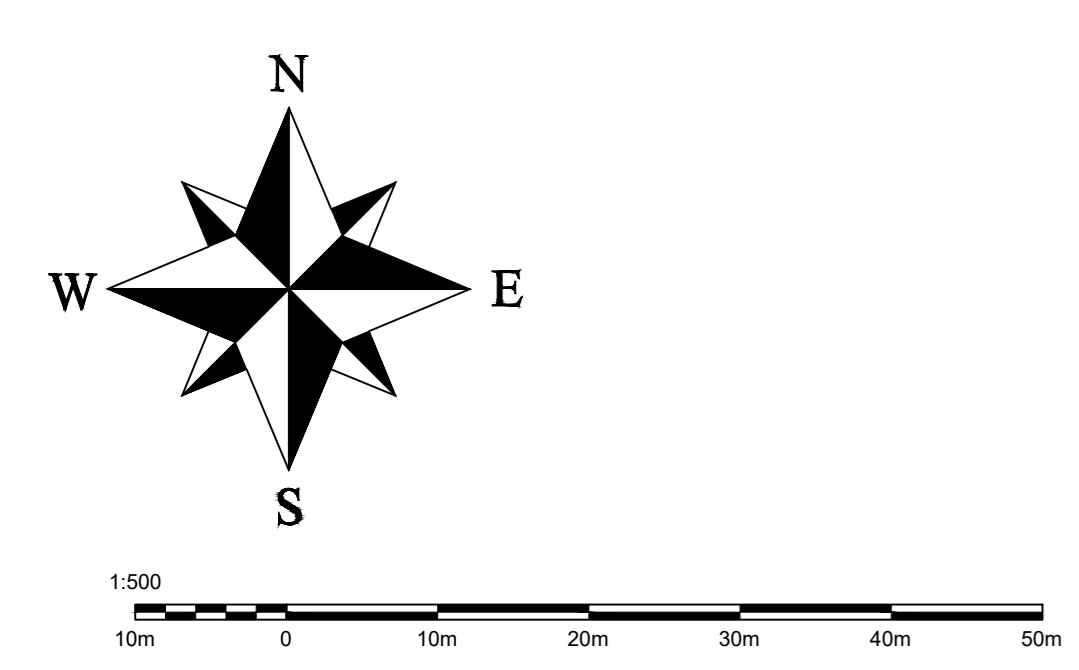


- SITE AREA GROSS: 8.3 acres
- 1 SITE AREA POS: 0.231 acres / 1,338.822 m²
- 2 0.239 acres / 1,668.851 m²
- 3 0.314 acres / 2,289.881 m²
- 4 0.060 acres / 243.499 m²
- 5 0.316 acres / 1,279.956 m²
- 6 0.157 acres / 634.017 m²
- 7 SUD's area to remain dry between rain events: 0.384 acres / 1,551.996 m²
- Total POS: 1.801 acres / 7,044.627 m²

STEWART
Milne
HOMES

Schedule of Accommodation

Mews Dwelling Types	AFFORDABLE	SQFT	No	Total Sqft			
ES	11%	Esthwaite	653	10	6530	30%	
TD	18%	Torrey	799	17	13583		
RYD	2%	Rydal	630	1	630		
Total dwellings and sqft				28	20,743		
Mews Dwelling Types							
AT	3%	Aston	750	2	1500	58%	
AR	19%	Argyll	891	12	10692		
CW	13%	Castlewellan	1032	8	8256		
CO	1%	Corrywood	1026	1	1026		
CP	22%	Caplewood	955	14	13370		
3 Bed Detached Dwellings				SQFT	No	Total Sqft	
CV	6%	Castlevale	950	4	3800	6%	
4 Bed Detached Dwellings							
CA	3%	Carlton	1079	2	2158	27%	
WES	5%	Westwood	1145	3	3435		
PW	3%	Parkwood	1190	2	2380		
DU	5%	Dukeswood	1260	3	3780		
GL	3%	Glanmore	1358	2	2716		
HA	8%	Hampfield	1386	5	6930		
5 Bed Detached Dwellings				SQFT	No	Total Sqft	
HE		Heddon	1504	1	1504	9%	
LA		Laurieston	1598	2	3196		
KI		Kingsmoor	1607	3	4821		
Total dwellings and sqft - OMS				64	61,547		
Total dwellings and sqft - Including Affordable				92	90,307		
Gross Site Area in Acres				8.30			
Undevelopable area in acres				2.101			
POS				1.801			
SSR				0.3			
Net Site Area in Acres				6.20			
Density (units per acre)				15			
Density (units per hectare)				37			



Area's amended to show square meters
Amended following NM comments

28.10.20 DJM
26.10.20 CMc

DATE	07.2018	DRAWN	CMc
SCALE	1:500	CHK	DJM

Argoed View, Nr Mold

Area Plan

Dwg No	SK296/NBM/AP03	Rev	B
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STEWART
Milne
HOMES

Stewart Milne Homes
Harrier House
2 Lumsdale Road
Cobra Business Park
Trafford Park Manchester
Telephone (0161) 866 6900
fax (0161) 866 6909