

Contents of this Hearing Statement: Matter 12

My comments are structured as follows:

- 1) Lack of disclosure of a key document
- 2) Lack of public consultation on this key document and evidence
- 3) Failure to protect Grade 2 land of HN1.6 due to incorrect assumptions and lack of evidence of the sequential test of BMV land
- 4) Poor methodology for site selection
- 5) Unacknowledged site constraints:
 - 5.1 Proximity to a COMAH-registered chemical factory
 - 5.2 Highways problems: access issues, road safety and roads without pavements
 - 5.3 Water and flooding issues: Groundwater, high-pressure pipeline and the Mold Flood Alleviation Scheme
- 6) **Part A:** Detailed case-by-case analysis of the inconsistent assessments and benchmarking of candidate sites against HN1.6
 - Part B:** A specific example of inconsistent scoring/judgements
- 7) Other documents and their comments on the HN1.6 site
- 8) Current planning status of HN1.6 site
- 9) Conclusions

Appendices

App 1 Map showing ALC of HN1.6

App 2 Photo of groundwater across the site and into adjacent Llyn y Glyn Field, making up the Valley Lake

App 3 Site map highlighting other unacknowledged problems of the site

App 4

1) Lack of disclosure of a key document: [LDP-EBD-HN1.6.2 Denbigh Rd Mold \(flintshire.gov.uk\)](https://www.flintshire.gov.uk)

“Assessment of Agricultural Land at Pwll-Glas, Mold” - scientific report commissioned by Welsh Government, July 2019

- The missing document concerns site HN1.6 Gwernaffield /Denbigh Rd in the north west corner of Mold, currently outside the settlement boundary and considered to be “open countryside” under the UDP.
- This key document, dated July 2019, was not put into the public domain until January 2021
- In the document, Welsh Government-appointed scientists rebutted Anwyl’s claim that site HN1.6 should be downgraded from Grade 2.
- This means that a fundamentally important dimension of this site - **that there is no scientific justification for downgrading its ALC classification and it remains Grade 2** - has not been made available either for the public consultation for the LDP in Nov 2019 nor the public consultation for the premature planning application 061994 by Anwyl in Nov 2020.
- Trawling through the trail of documentation running up to the Deposit stage of the LDP it is easy to see that there is a ongoing narrative that seeks to downgrade the quality of this agricultural field. FCC have indicated that this land is inferior in quality compared to other sites in Mold, yet it lies in the established sweep of Grade 2 land, as shown in the accompanying map (see App 2). Crops have been grown here in the past but it is currently cultivated for silage, two or three times a year, plus grazing for dairy cattle.
- Based upon this faulty narrative of inferiority, FCC have benchmarked against HN1.6 numerous times within the Candidate Site Assessment document, on the unproven basis that it is not BMV land. Given that we now know – but only since January 2021 - that this narrative (of the site’s inferiority) has been contradicted by the Welsh Government’s scientific report, the use of Site HN1.6 as a Grade 3a, or 3b or lower benchmark makes the other assessments unsound.
- The comparisons made in the CSA, and the process adopted by FCC make the Candidate Site assessment unsound.
- FCC claim that they have carried out the sequential test on releasing BMV land, but there is no documented evidence in the Plan for the Inspector to see. Without that, we cannot know whether the test was done in the context of HN1.6 being uncontaminated Grade 2 or whether it was done in the context of it being contaminated Grade 3a or 3b or lower land.
- I will also highlight some unacknowledged site constraints such as proximity to a chemical factory, the inadequate roads/ pavements and issues to do with water on the site.
- I will also document some of the inconsistencies, anomalies and omissions in the comparative assessments in sections 6 and 7 (Table 1 and Table 2).
- The conclusion following the analysis is that the plan is unsound

2) Lack of public consultation on a key document and evidence

The critical document [LDP-EBD-HN1.6.2 Denbigh Rd Mold \(flintshire.gov.uk\)](https://www.flintshire.gov.uk) was not published during the statutory six week consultation period of relevant documents. Nor was it available for the premature planning application put forward by Anwyl in late 2020. **So, there has been no public**

consultation whatsoever on this document, nor any consultation on the close proximity of the site to a chemical factory. This would appear to breach of planning law and policy.

The Development Plan Manual Ed 3 (extracts) states:

- 3.79 The foundation of a development plan is the evidence base. A robust evidence base that is relevant, proportionate to the issues the plan is seeking to address and focussed on key issues and sites is critical.
- DPM 3.84 Relevant TimingThe appropriate detail of evidence should be available at the relevant time in the process. Evidence should be kept up-to-date throughout the process. Updates should be clearly identified along with the implications arising from any changes, clearly documenting how they have shaped the plan/policies.
3.86Consultation with specific and general consultation bodies as required by LDP Regulation 14(1)(a) and (1)(b) is essential.
- 3.92....The documentation must contain... Reference to supporting technical and background papers.

Conclusion: The missing document and lack of consultation makes the Candidate Site Assessment unsound under Tests 1, 2, 3, also the additional “Test 4” mentioned by the Inspector i.e. not “properly prepared” due to the lack of consultation

3) Failure to protect Grade 2 land of HN1.6, due to incorrect assumptions and lack of evidence of sequential test of BMV land

Anwyl’s consultants, Reading Agricultural have asserted that HN1.6 is contaminated land and have sought to have its ALC adjusted downwards to Grade 3b or lower. We now know that the survey was poorly conducted in terms of the correct ways of testing/sampling agricultural land, and that the analysis and conclusions are not valid or reliable. Grade 2 BMV standard is now confirmed.

FCC should have demonstrated a well-documented and rigorous assessment of each BMV site under the sequential test, so that the relative merits of each site could be seen. FCC claim they have already done this but there is no documented evidence to confirm it for the Inspector within the LDP document, so there is insufficient reasoned justification provided.

(N.B. The plot sandwiched between Denbigh Road and Factory Pool Lane is a separate issue – it is agreed to be contaminated land and on the flood plain, but is considered suitable as open space and children’s play area. Whether contaminated land is suitable for a children’s play area is another question.)

Conclusion: The lack of evidence and incorrect assumption underpinning the analysis makes the plan unsound under Test 1, 2 and 4

4) Poor methodology for site selection

FCC had described the Candidate Site selection process in the Deposit LDP documentation as an objective process. I have read the SA report, also the Candidate Site Assessment Methodology descriptions; I have noted the red/amber/green form for recording assessments (Appendix C); and I have looked at the individual entries in Candidate Site Assessment documents. What I cannot find is

the actual analysis that comes from the this process, as described i.e. the raw data where the Yes/No/Other answer is considered, weighed up, rated for relevance and its importance to the overall picture established. In my original representation, I also criticised the SA for its very odd conclusions in its plus and minus scores.

In my representation of November 2019, I also challenged the lack of objective criteria and proper explanation of the exact methodology of the process given by FCC to support its claim that this was an “objective process”. Subsequently, FCC replied that the decisions were a matter for the judgement of planning officers. This is not an objective process so it is wrongly described in the LDP. Also FCC’s position is untenable in describing it as an objective process, with objective criteria, but then conceding, when challenged, that is a subjective process based upon the experience of the planning officer. If the latter, then according to the DPM Edition 3, it must still be bounded by agreed methods of weighing the evidence. Indeed, FC chose to conduct their employment land sites using a weighting/rating system, so why not use the same methodology for housing sites?

Development Plan Manual Ed 3 states:

3.70 LPAs should clearly set out all relevant criteria against which sites will be assessed. **Any scoring system or value judgement** should be expressed overtly. This will ensure there is a clear audit trail of how candidate sites have progressed through to the preferred strategy.

My comment: There is no systematic outline of the value judgement or a scoring system. The IIA/SA/SEA suffers from the same fault – it describes a scoring scale but the actual process of scoring seems to be wilfully subjective. Also the scoring methodology of the Candidate Site Assessment document is different to the IIA scoring system. The process lacks clarity.

The value judgement that are made in these documents (juggling a very long list of criteria and issues and many different methodologies which are then lumped together) are, unsurprisingly, inconsistent. In defence of an assessing officer tasked with this job, it would seem that the judgements are too many and too complex, cumulatively, hence the problem lies with the weakness of the methodology. Complex decisions like this either need full documentation, step-by-step, guiding human value judgement, culminating in a highly detailed analysis of value against the relevant criteria, or should be done by an agreed and tested computerised algorithm. FCC’s approach has resulted in inconsistent assessments. These inconsistencies are examined in detail in section 6), Table 1

Conclusion: without an overt and clear expression of how the value judgements are to be made, the process is unsound. Test 1, 3 and 4 failed.

5) Unacknowledged site constraints

There are a number of constraints to HN1.6 site that have not received any attention within FCC’s analysis. When the LDP was first published, people in the north-west corner of Mold became aware that this land (site HN1.6) had been allocated as a site for new housing development. At a public meeting, tempers ran very high at the sheer size and scale of the proposed development at 246 houses. A petition was signed by 102 people expressing their objection to the development. Of these,

46 people went on to make written representations nearly all objecting to the LDP. Only 2 representations were made in support of the proposal. Given that this development proposal concerns an edge-of-countryside site, with fewer houses than the typically more urbanised setting, this is a very significant number of objectors.

People were worried about increased traffic, the difficulty of getting appointments with doctors, the fact that this development is in the wrong place i.e. in the ruralised north west - rather than the already urbanised south east of Mold where most of the services, and the Ring Road are accessible). Concerns were raised about road safety for walkers and children, also air and noise pollution for residents. So, I will now focus on some of the other problems that come with this site:

5.1 Proximity to a COMAH-registered chemical factory means this is not a safe or sustainable site

North east corner of HN1.6 is situated 150 metres away from a COMAH-registered chemical factory.

Relevant Planning Law	My comment
<p>Town & Country Planning Act (Wales) 2005 states: <u>Section 13: LDP : additional matters to which regard to be had:</u></p> <p>(c) the objectives of preventing major accidents and limiting the consequences of such accidents;</p> <p>(d)the need—(i) in the long term, to maintain appropriate distances between establishments and residential areas, buildings and areas of public use, major transport routes as far as possible, recreational areas and areas of particular natural sensitivity or interest, and (ii)in the case of existing establishments, for additional technical measures in accordance with Article 5 of Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances(2) so as not to increase the risks to people;</p> <p><u>The Act also states that in the pre-deposit public consultation period:</u></p> <p>15. Before an LPA finally determines the content of a deposit LDP in accordance with regulation 17, it must—(a) make copies of the pre-deposit proposals documents and a statement of the pre-deposit matters available for inspection and (b) on its website.... and (c)send to those bodies identified under regulation 14(a) and (b).. <i>..(goes on to list documents/notices)</i></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>) Proximity of the site to Synthite is not assessed</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>Lack of consultation with general consultation bodies such as Synthite and HSE breaches the legal requirements: “Bodies identified under Reg 14a and b”</p>
<p>Conclusion: Due process not followed, so failure to pass Tests 1, 2 , 3 & Test 4</p>	

5.2 Highways problem: Access issues, road safety and roads without pavements

Inadequate transport infrastructure, lack of pavements in the right places (see App 4) means that both Gwernaffield Road and Denbigh Roads require significant improvements, which will affect viability. This is not a sustainable site.

Relevant Planning Point	Comment
<p>Development Plan Manual Ed 3 states 5.109 Where there are costs associated with infrastructure requirements, for example, access improvements or the provision of affordable housing, these should be factored into a viability assessment.</p> <p>5.115 LPAs should have a clear understanding of capacity issues within the existing infrastructure network. Knowing where no further capacity exists at specific locations, potential limitations in the network (which through investment or changes to operational practices could free up capacity) or where there are areas of additional capacity, should be key factors in determining the location of future development.</p>	<p>Given that (1) these problems are unacknowledged and (2) we cannot see the detailed analysis, then the viability of the site is unclear.</p>
<p>BP3 states: “infrastructure planning and provision is essential in ensuring sustainable growth is delivered in a way that enhances the area (S4.4.1) and necessary infrastructure “must happen to make the development acceptable in planning terms” (S4.14).</p>	<p>The road, Dreflan, is a major constraint but is not mentioned by FCC, except in one of the responses to representations where it says Dreflan is “known to be problematic” There needs to be significant road/pavement improvements on both Gwernaffield and Denbigh Road to make it safe for drivers and pedestrians. Air and noise pollution from traffic are also ignored. The reliance on car use means that it is not , in any case, a sustainable site.</p>
<p>RE Transport, BP3 p68 states: that development on this site would require “New access onto Denbigh Road over and above what would be normally required to serve the site, which has the potential to serve further parcels of land”.</p>	<p>This is a reference to the Gwernaffield & Denbigh Road Link Road which would probably open up the even bigger site south of Gwernaffield Road (adding on another 700 plus houses to the 238 houses on the HN1.6 site). It suggests FCC need to improve infrastructure before any development takes place as a developer would have to reach higher standards than would normally be needed.</p>
<p>Conclusion: Problems not properly assessed in a transparent process means failure to pass Tests 1,2,3 & 4</p>	

5.3 Water and flooding issues: Groundwater, high-pressure pipeline and the Mold Flood Alleviation Scheme

The storm of January 2012 reminded us that this site has a groundwater problem that is likely to get worse with climate change and the increase of intensive rainfall events. (See photo in App 3). This area of groundwater connects up to the “Valley Lake” in Llyn y Glyn field, and the bungalow development (specifically Meadowside) adjacent to HN1.6 suffered flooding in January 2021.

During the same storm, the Denbigh Road – at the exact point where a new development’s access road would enter – was under water due to drainage issues. This area suffers when the River Alyn the river is at flood level, as the drains cannot cope and flooding ensues. HN1.6 slopes north/north-east so will be overbearing in scale and height next to a bungalow development and there is a great danger that intensive rainfall run-off will exacerbate the problems on Meadowside.

The LDP does not seem to have paid any attention to the Mold Flood Alleviation Scheme, which is surprising as HN1.6 is identified as being a piece of land which may be able to be part of the solution. (See Waterco report: [Appendix D - Feasibility Study report by Waterco Ltd.pdf \(flintshire.gov.uk\)](https://www.flintshire.gov.uk/Document/Appendix-D-Feasibility-Study-report-by-Waterco-Ltd.pdf)). It is surprising that this was not a consideration within the Candidate Site Assessment and in the LDP.

The site is also traversed by a 100-year-old high pressure water pipe that bursts and floods on a regular basis, posing a threat to householders on the proposed development. A burst occurred a couple of years ago which took 5 days to sort out. Bottled water had to be brought on lorries to parts of Mold as tap water had to be closed off to fix the problem. At the moment, there is plenty of space on the field for heavy machinery to be deployed but once houses are in place this will become more problematic.

Relevant Planning Point:	Comment
BP12, p21 stated of Llyn y Glyn Fields, Denbigh Rd Greenfield site: “ Site not likely to come forward – surface water and flood risk /proximity to Synthite chemical works. No developer interest.”	* HN1.6 suffers from the same body of surface water as Llyn y Glyn field which is adjacent. (see App 3 & 4) * Proximity of HN1.6 to Synthite. These two points are not mentioned in the documentation for Candidate Site Assessment
BP3 Re Drainage, BP3 on p69 states: “The Mold Flood Alleviation Scheme requirements should be explained clearly in order to understand the potential of the development to assist in implementing the scheme.” (Any) “scheme to be devised so as to dovetail with the Mold Alleviation Scheme”	FCC has nothing to say about the Mold Flood Alleviation Scheme in its LDP
Conclusion: Insufficient attention to ground water and drainage, Also insufficient attention to adjacent bungalow development and the Alwen Aqueduct water pipe. Failure to pass. Tests 1,2,3 & 4 failed.	

6) Part A: Detailed case-by-case analysis of the inconsistent assessments and benchmarking of candidate sites against HN1.6

I highlight in ***bold/italics*** those comments that show the obvious benchmarking against the HN1.6 site. This was a risky strategy for FCC, due to the HN1.6 site's unacknowledged Grade 2 status and its other numerous constraints, which are generally not mentioned at all in what is supposed to be a robust analysis. NB Please note that I have selected these sites purely to demonstrate the lack of consistency in the assessments being made, in order to demonstrate the lack of validity of the process. I am not making any comments on the suitability, or otherwise, of these other sites.

LDP-EBD-BP8 Background Paper 8 states:	My comments highlighting anomalies, contradictions, and omissions
<p>Plas Aney site MOL002 “The site sits in a prominent location on Ruthin Rd which is a key route into the town. Development would extend built development south westwards from Mold and would significantly weaken the green barrier between Gwernynydd and Mold. <i>A further consideration is that there is land along the north western edge of the settlement which does not involve the loss of green barrier land. In sequential terms the land off Ruthin Rd is less preferable than the land outside the green barrier in the vicinity of Denbigh Rd and Gwernaffield Rd.</i>”</p>	<p>NB BP1 “Green Barrier Review” of Sept 2019 states that it is not the case that “every single urban edge requires a green barrier to prevent encroachment, but more a consideration of settlement form and the nature of the urban edge and adjoining countryside”</p>
<p>MOL007 Cilnant, Queens Park “Although the western edge of Mold offers a longer term opportunity for future growth In comparison, <i>this site is considered to be less preferable than the land to the north, between Gwernaffield Rd and Denbigh Road. These sites (MOL 025/044/045) bring the option of a road link between Denbigh Rd and Gwernaffield Rd which will bring wider benefits.</i> (MOL007) appears more as an isolated urban extension, <i>which at present does not deliver the benefits that the sites to the north can.</i>”</p>	<p>This shows that the assessment of HN1.6 is dependent on the new Link Road so the lack of such new access – over and above that needed to service an new development has to be delivered to justify this comparison.</p>
<p>MOL008 Llyn y glyn Fields “The site relates well to the form and pattern of built development in this part of Mold. Development would represent a logical extension / rounding off of existing development. However there are a number of issues in relation to flood risk, landfill and proximity to Synthite which would require considerable technical background studies in order to be allocated for residential. <i>On the basis that the adjoining candidate sites are to be allocated,</i> then the site, by implication, will be included within the settlement boundary and could be considered as a large windfall site, possibly in the latter stages of Plan period.”</p>	<p>A location adjacent to flood risk (from Llyn y Glyn fields in the east and from the River Alyn flood plain north of Factory Pool Lane) . “Llyn y Glyn” translates as Valley Lake, a water catchment field where in January 2021 ground water flooded two houses in Meadowside. The lake extended half way across site HN1.6 at its lowest contour point. No mention of the surface groundwater issue in assessing</p>

	<p>HN1.6. * Proximity to Synthite (COMAH registered chemical factory) not mentioned at all in connection with HN1.6</p>
<p>MOL009 Mold Alex football ground “The site is well defined by existing development and strong physical boundaries but does suffer from a number of constraints including a location adjacent to flood risk areas, proximity to Synthite and access constraints.”</p>	<p>Proximity to Synthite (COMAH registered chemical factory) considered a relevant factor for MOL009 but not in the case of HN1.6 which is just as close (see map on App 4). Adjacent to flood risk comment also applies to HN1.6</p>
<p>MOL 019 Penybont Farm “...Woodlands Road presently forms a strong edge to built development and the size of the site results in it having the appearance of open countryside, despite the outer boundary formed by the A494(T). <i>Within the wider context of Mold there are other options for housing development outside of the green barrier i.e. on land between Denbigh Rd and Gwernaffield Rd. Sequentially, land within the green barrier has to be less preferable than land outside of the green barrier.</i>”</p>	<p>UDP Inspector noted that the HN1.6 site feels like open countryside. And is outside the settlement boundary. NB BP1 “Green Barrier Review” of Sept 2019 states that it is not the case that “every single urban edge requires a green barrier to prevent encroachment, but more a consideration of settlement form and the nature of the urban edge and adjoin countryside”</p>
<p>MOL23 Land north of Queens Park/Hendy Road “Site for Protection - It is not possible or practicable to designate land in the development plan on the basis of it being agricultural land. Information relating to agricultural land quality is held by Welsh Government but accurate results require on site survey work to establish the exact quality. Any development proposals arising in such sites may be likely to be required to undertake detailed on-site assessments to establish whether it is best and most versatile agricultural land. This information would then be considered in the planning balance in assessing development proposals.”</p>	<p>If this applies to MOL23 it should also apply to HN1.6. Accurate tests were ready by July 2019 and could have been incorporated into the analysis</p>
<p>MOL024 Land south of Gwernaffield Road, 13.17 acres (opposite side of road to HN1.6/MOL025/MOL045) “The north east corner of the site would represent a small urban extension which would relate well to the existing form and pattern of built development, being screened by existing built development along the southern edge of Gwernaffield Rd. The bulk of the site though would represent an extension of built development into open countryside and extend development along the southern side of Gwernaffield Rd. <i>Although the north western edge of Mold offers a longer term opportunity for future growth the site is considered to be less preferable than the land to the north,</i>”</p>	<p>There is already a narrow lane between Gwernaffield Road and Denbigh Road i.e. Factory Pool Lane. Currently the developer in its premature planning application is proposing to close this lane and also to offer a wholly inadequate substitute solution: a housing estate service road is offered as the new “Link Road”.</p>

<p><i>between Gwernaffield Rd and Denbigh Rad. These sites (MOL 025/044/045) bring the option of a road link between Denbigh Rd and Gwernaffield Rd which will bring wider benefits. In comparison, this site appears more as an isolated urban extension, which at present does not deliver the benefits that the sites to the north can.”</i></p>	
<p>MOL040 Land between Upper Bryn Coch and Llys Ambrose, off Ruthin Road, Mold. “The site is bounded by development to the north and east and by Ruthin Rod to the west and Upper Bryn Coch to the south. However, despite this developed context, the site has strong landscape features, sitting above the land to the north and forms part of the wider open countryside. Development would be highly prominent adjacent to Ruthin Rd and would weaken the green barrier gap between Mold and Gwernymynydd. The site would also be difficult to secure an adequate vehicular access.”</p>	<p>Gwernaffield Road presently also forms a strong edge to built development and the size of HN1.6 site results in it having the appearance of open countryside, with the outer boundary formed by the hedgerows and Factory Pool Lane</p> <p>HN1.6 sits in a prominent location between two key routes from open countryside into town which embody the sense of place of Mold as a market town. The site has strong landscape features, sitting above the land to the north and forms part of the wider open countryside. Development would be highly prominent adjacent to Gwernaffield Road and from Denbigh Road.</p>
<p>MOL041 Land west of Hawthorn Avenue and Elm Drive, Mold “Although the north western edge of Mold offers a longer term opportunity for future growth the site is considered to be less preferable than the land to the north, between Gwernaffield Rd and Denbigh Rad. These sites (MOL 025/044/045) bring the option of a road link between Denbigh Rd and Gwernaffield Rd which will bring benefits. In comparison, this site appears more as an isolated urban extension, which at present does not deliver the benefits that the sites to the north can. The site in isolation also has highways constraints.”</p>	<p>HN1.6 also has highway constraints on both of the eastward routes towards Mold town. Both routes have to join up with Dreflan which FCC state is “known to be problematic”. But there is no analysis of this as a site constraint.</p>
<p>MOL44 Land opposite Pool house, Denbigh Road “The site is the one of a series of candidate sites along the western edge of Mold. The site is the northern most of these sites and has the potential for an access onto Denbigh Road. It forms the basis for a longer term urban extension along the western edge of Mold, given that elsewhere Mold is constrained by flood risk, green barrier and the line of the A494(T). On its own the constraints presented by C2 flood risk and possible contamination would result in the site being unlikely to be considered acceptable for development.</p>	<p>This part of the HN1.6 site is now shown in the premature planning application as a contaminated area (not disputed) designated as Open Space and Children’s Play area. The presence of this smaller piece of land north of Factory Pool Lane has skewed the analysis of the larger Grade 2 portion designated for housing.</p>

<p><i>However, the site could possibly accommodate a reduced amount of development and provides vehicular access to further potential development land to the south. This could potentially enable the linking of Denbigh Road with Gwernaffield Rd, thereby relieving pressure on surrounding roads, and avoiding existing cul-de-sacs being used to access development land. In conjunction with MOL024 and MOL045 which is the land between Pool House Lane and Gwernaffield Rd, the site is considered to be a potential allocation.”</i></p>	<p>This parcelling up of HN1.6 together with land south of Gwernaffield Road represents a huge upscaling of housing development, that has not been consulted upon at all - around 1000 houses.</p>
<p>MOL47 (almost identical to MOL24) Land south of Gwernaffield Road and east of Maes Garmon Lane.12.78 acres. (The assessment differs from the words used to assess MMOL 24 despite it being almost the same site)</p> <p>“The site adjoins the western edge of a ribbon of development along Gwernaffield Rd. However the bulk of the site is detached from existing development at Hawthorn Avenue. Development of the site would result in a large block of development which would extend into open countryside yet would be detached from the existing form and pattern of development. Although the north western edge of Mold offers a longer term opportunity for future growth the site is considered to be less preferable than the land to the north, between Gwernaffield Rd and Denbigh Rad. These sites (MOL 025/044/045) bring the option of a road link between Denbigh Rd and Gwernaffield Rd which will bring wider benefits. In comparison, this site appears more as an isolated urban extension, which at present does not deliver the benefits that the sites to the north can. The site in isolation also has highways constraints. However, in conjunction with adjoining sites it could represent a possible allocation.”</p>	<p>Development of the site would result in a large block of development which would extend into open countryside yet would be detached from the existing form and pattern of development.</p> <p>The comment on “isolated urban extension” could equally apply to the protrusion of housing on HN1.6.</p>
<p>BP8 states regarding HN1.6 “<u>The site potentially represents grade 2 BMV agricultural land but this is questioned given the implications of historic land uses.</u> The strong physical features ensure that it can be considered separately from the wider agricultural landscape. In conjunction with MOL044 the site is considered suitable for allocation”</p>	<p>FCC are questioning the Grade 2 classification, without supporting evidence. WG scientific report states in July 2019 that downgrading “is not justified”</p>

6) Part B: A specific example of inconsistent scoring/judgements:

LDP-KPD-IIA4 Deposit IIA Sept 2019

Section 5.1 on scoring system states: “Where there is no clear relationship between the option and/or the achievement of the IIA Objective or the relationship is negligible, then the judgement can be “No Impact / Neutral”. Trawling through the document, shows the following comments within the explanatory text show that “Welsh language” as an objective gets a ++ score in relation to HN1.6 (and HN1.5) presumably because the sites

are in Mold. But the picture portrayed below shows very mixed results, so how did site HN1.6 get a ++ score on this objective?

P47 “STR4 performs well against the majority of the IIA Objectives although there are uncertain effects on the objective on rural life as it is not clear how such development will reflect within a rural context. Similarly, seeking to protect heritage sites may be beneficial to the objective on Welsh language as it could encourage a renewed interest in Welsh culture, but **this is unclear and of low probability....**”

And next para on p47)....

“... The **Welsh language objective has an uncertain impact applied to it** – provision of new employment sites to help stimulate growth could attract new residents to Flintshire and also encourage local, potentially Welsh speaking people, to stay but it is **difficult to judge** this at this strategic level.”

P65 the Environment Objective section, Welsh Language is awarded a single + in this analysis: A key Objective of the LDP is to protect and support the Welsh Language. This has been carried through to Policy STR4 on the Principles of Sustainable Development, Design and Placemaking i.e. new development must ensure that it supports and sustains the long-term wellbeing of the Welsh language. New sites allocated for development in the LDP, for the most part, would cumulatively provide new residents with access to Welsh-language learning opportunities at schools. Some sites are within proximity to Welsh medium schools. New development is situated within a range of communities, with differing levels of Welsh speaking. **Where the rate of Welsh speaking is relatively high there could be a risk of new residents diluting these rates or, alternatively, it could be an effective means of encouraging a greater uptake. It is generally considered that no single community or settlement would be subject to development of a scale that could discernibly dilute rates of Welsh speaking**

Page 72 “Environmental Report” table/Row 18:

18. To encourage the protection and promotion of the Welsh Language:

- The LDP could **risk diluting rates of Welsh speaking** in sensitive areas

1. % increase in the number of Welsh speakers in the County; *(target)*

2. CIL or **S106** Agreement contributions from large developments in areas where there is a high percentage of Welsh speakers in the Ward – for lessons or community activities in Welsh or Education. *(target)*

Development management, FCC Every three years

P 28 On employment objective, App E states:

“Site is located within 1km of key employment area.(And) site is unlikely to have a discernible effect on the variety of employment opportunity. **Cumulative Score ++**”

P 28 On Welsh language objective, App E states: The Site is within 2km of Ysgol Maes Garmon, a Welsh-medium secondary school in Mold. Other info: The Site is within 2km of Ysgol Glanrafon, a Welsh-medium primary school in Mold. **Score ++**

But also states in Cumulative and synergistic effects: Rates of Welsh speaking in Mold are some of the highest in the County, at approximately 30.6% in 2011, and there is a risk that these rates would be diluted to some extent due to the cumulative effect of development in Mold, although given the good access to Welsh-language medium schools here it could also be an effective means of providing a large number of residents in Flintshire with Welsh learning opportunities depending on the capacity of schools

Note that in 2011, the rate of Welsh language speaking in Mold was 30.6 % but the figure today is slightly over 20% - a significant fall over the last decade.

7) Other documents and their comments on the HN1.6 site:

<p>LDP-KPD-IIA4.2 (Page 28):“The proposed development would result in the loss of a large greenfield site (>0.4 ha) that contains ecologically valuable <u>and Grade 3b ALC soils</u> (i.e. not BMV) which would be lost as a result of the proposed development. The construction and operation phases of the proposed development would be likely to cause a moderate increase in the demand and use of raw material.”</p>	<p>My Comments:</p> <p>This once again demonstrates the “inferiority narrative” that FCC and the developer assigned to this field: just to reiterate, this is a confirmed Grade 2 field.</p>
<p>Background Paper 9 (LDP-EBD-BP9), Section 7.10: “.....A constraint to the westerly expansion of Mold is that the existing road network is poor in terms of its capacity and suitability to serve further development. The land between Denbigh Road and Gwernaffield Rd has the advantage in that it can be served by a new road directly off Denbigh Road. This can not only serve the proposed allocation but adjoining parcels of land in a future development plan.....”</p> <p>“..... The site has a predicted loss of grade 2 BMV although a Site Survey by Reading Agricultural has identified that due to chemical limitations arising from previous development, the loss would not involve land of higher than grade 3b. Verification by Welsh Government is awaited.”</p>	<p>Access onto the Denbigh Road does offer a solution but also has its own problems: the volume of heavy traffic and large lorries on the A541; vehicles approaching the access point around a blind bend; lack of pavement necessitating crossing the road at/on that blind bend; drainage/flooding problems at that point.</p> <p>But with regard to Anwyl’s Vision for the site (which it now calls the “Gwernaffield Road site”) it is shifting the focus towards Gwernaffield Road, which lacks capacity, and Anwyl does not seem willing to include the proper Link Road which FCC have stated is needed. A major problem is where Gwernaffield Road meets Dreflan, which as FCC noted during its response to representations, is “known to be problematic”.</p> <p>Survey results rebutted. ALC Grade 2 confirmed.</p>
<p>Mold Opportunity Sites Assessment 2013(p48) RE HN1.6: “there are significant planning issues to overcome and market confidence issues”; “any development would have to be assessed to look at the harm posed to the character and appearance of open countryside” and “there are access issues to be overcome”.</p> <p>RE: the alternative site on the south of Gwernaffield Road, there are “highways issues to overcome and “achieving access to the site appears to be challenging”.</p>	<p>Note the reference to access issues and open countryside.</p> <p>Note that Gwernaffield Road is not considered a viable access route, so logically this must also apply to HN1.6</p>
<p>In LPD-KPD-CR1 Consultation Report, Oct 2020:</p>	

<p>P179 Anwyl noted that “houses in east of Flintshire are more attractive, marketable and deliverable than the western part, where much slower build rates occur”</p> <p>P221: It is recorded that CPAT (Clwyd Powys Archaeological Trust) had concerns relating to the quality of the sustainability appraisal. FCC stated they had passed this on to ARCADIS. CPAT apparently sensed a cut and paste exercise rather than a tailored assessment of heritage assets</p>	<p>Questions the deliverability of a large site in the west of Flintshire</p> <p>No feedback seen yet on how ARCADIS justified their report. Site HN1.6 is surrounded by heritage assets: Rhual House (Grade 1 listed) & estate, Gwysaney estate, a baptismal pool, Tumulus, St Mary’s Church (Grade 1 listed), Bailey Hill & Mold Castle (Scheduled Ancient Monument) , and more, so a rich historical and cultural environment</p>
<p>BP3 Infrastructure, Highways, p68: New access onto Denbigh Road will require a new road “over and above what would normally be required to serve the site which has the potential to serve further parcels of land”Also: BP3 Drainage, p69: “The Mold Flood Alleviation requirements should be explained clearly in order to understand the potential of the development to assist in implementing the Scheme. Scheme to be devised so as to dovetail with the Mold Alleviation Scheme”</p>	<p>While the specifics of the need for extra/over road access and the need to assist in developing the Mold Alleviations Scheme may be a matter to be considered in response to a planning application, it is still surprising that it is not listed within the LDP as a site constraint.</p>
<p>Development Plan Manual Ed 3 states: 3.69 “To demonstrate the plan is sound at examination, LPAs will need to justify their criteria and associated site assessments. The criteria must be in accordance with the principles of sustainable development and placemaking as set out in PPW. The SA must document the assessment and provide a reasoned justification for the site status (rejected, reasonable alternative or preferred)..... This must be a transparent process clearly documented in the final SA Report for the deposit plan.”</p>	<p>As I stated in my original representation, it is not the transparent process described in DPM. Despite extensive reading of LDP and its support documents, I still have no idea how (1) the SA came to its decisions based upon agreed value systems; (2) the BMV sequential test was undertaken and (3) how the red/amber/green forms (i.e. the data collection & organisation instruments) were together processed to produce the result.</p> <p>My conclusion is that the plan is not sound.</p>

8) Current planning status of HN1.6 site

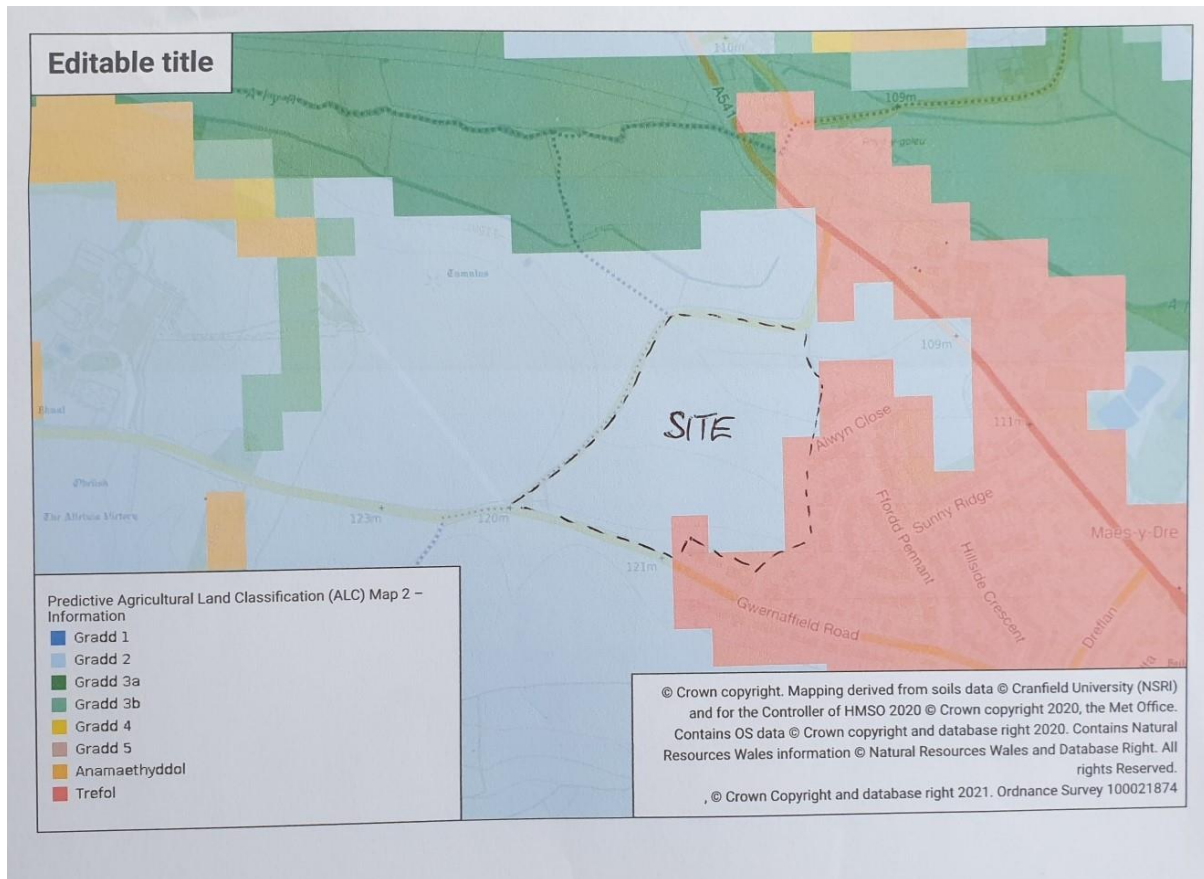
- The HN1.6 Gwernaffield/Denbigh Road, Mold proposed allocated site now has a premature planning application in the system for 238 houses.
- This application 061994 is currently under a Welsh Government Holding Direction, following a Calling-In request. The Welsh Government is awaiting the local Planning Authority Officer’s report.

9) Conclusions

- Test 1 asks whether the LDP plan fits national policy. The examples/points offered above, which show where planning law and policy have been breached, suggest the answer is “Not sound”.
- This LDP seems to give the reader very detailed descriptions of how sites are to be assessed and many assurances that it is a robust and objective process. It outlines a plethora of different methodologies to do this. It then skips on to outlining its decisions. However, what is missing is the presentation of actual data for checking purposes e.g. no documented evidence of:
 - the analysis/discussion underpinning the BMV sequential test and HN1.6 site;
 - nor of the analysis/test being done on the basis that HN1.6 is BMV Grade 2;
 - nor of the data collected on the red/amber/green candidate site assessment process.Without this information we are left guessing what the data shows. The process is unsound.
- FCC have not followed the guideline of DPM Ed 3, section 3.70: “LPAs should clearly set out all relevant criteria against which sites will be assessed. Any scoring system or value judgement should be expressed overtly. This will ensure there is a clear audit trail of how candidate sites have progressed through to the preferred strategy.” FCC’s audit trail is not clear and therefore the process cannot be shown to be sound.
- Test 2 asks whether the LDP is appropriate for the area. The analysis above suggests the answer is “Not sound” for the north-west corner of Mold and Site HN1.6:
 - It is Grade 2 BMV land, a finite asset to be protected for future generations
 - The roads/pavements are unsuitable and unready for more cars/pedestrians.
 - The proposed “Link Road” in the premature planning application does not fulfil the brief.
 - The proximity to a chemical factory has not been factored into the LDP for this site.
 - The groundwater and drainage issues are unacknowledged.
 - The effect on the adjacent bungalow development is unacknowledged.
 - See also my submission on Matter 10 with regard to the special sense of place of Mold and the falling rates of Welsh language in Mold, and FCC’s decision not to adopt any special policy.
- Test 3 asks if the LDP is deliverable. Site HN1.6 is not a sustainable site, and has not been properly assessed, as demonstrated above. It has also been used – incorrectly - as a direct comparator for other Mold allocated sites. So the overall Candidate Site Assessment process/document, certainly for Mold sites, is fundamentally flawed and unsound. The answer on Test 3 - taking all the points I made in this statement into consideration - is “Not sound”.
- Table 1 and 2, in section 6) and 7), offered a detailed critique of the inconsistencies, anomalies and omissions in respect of the candidate site assessment process. LDP process again unsound.
- During the hearing sessions, the Inspector mentioned a fourth test: a test that asks whether the plan has been properly prepared. The missing key document on HN1.6/ALC, plus flawed analysis, plus breaches of the Development Plan Manual Ed 3 means “Not sound”.

Appendix 1 Map of Agricultural Land Classification as at 2020 (Source: Lle portal)

Note that in the key that the pink area (“Trefol”) refers to the built up area (of Mold) and (due to pixellation) is shown incorrectly spilling over into the site. The site is a green field. Site HN1.6 sits within the swathe of BMV (Grade 2 ALC) on this map.



Appendix 2

Groundwater in the north east of the site HN1.6 in January 2021 (Source: Resident's photo, January 2021)

The body of water on HN1.6 connects up to groundwater of the next field, Llyn y glyn Field, which regularly forms a lake during extended periods of rainfall. The clue is in the name of the field, which translates as Valley Lake, a water catchment field. In January 2021, two houses on Meadowside (within the adjacent bungalow development, see map in App 3) had to be evacuated due to flooding. The development has many elderly residents and a 93 year old woman was one of the evacuees.



Appendix 3 –Problems and issues unacknowledged within LDP for any proposed development on HN1.6

