

M15.01

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

Hearing Session Matter 15

Tuesday 18th May 2021

**Matter 15 – Natural and Built Environment
Development Management Policies – Valuing the
Environment**

Hearing Statement by Flintshire County Council

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

Flintshire County Council Statement: Matter 15:

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

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

Where appropriate, have alternative strategies been considered, is the identification of any sites based on a robust and rational site selection process?

Response:

1. The Development Management Policies 'Valuing the Environment' are the detailed policies that support the strategic policies under the same heading. They reflect the sustainable development principles and placemaking objectives set out within PPW11, and are an important part of the framework to achieve the objectives set out within the LDP. In particular these policies play an important role in achieving the 'Safeguarding the Environment' objectives;

Objective 15. Minimise the causes and impacts of climate change and pollution.

Objective 16. Conserve and enhance Flintshire's high quality environmental assets including landscape, cultural heritage and natural and built environments.

Objective 17. Maintain and enhance green infrastructure networks.

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

Objective 19. Support the safeguarding and sustainable use of natural resources such as water and promote the development of brownfield land.

2. These detailed policies have been prepared in line with national guidance and are supported by a robust evidence base including;

- [Habitats Regulation Assessment](#),
- Background Paper 1 [Green Barrier](#)
- Background Paper 2 [Green Infrastructure Assessment](#),
- [Regional Technical Statement](#) for the North and South Wales Regional Aggregate Working Parties
- Background Paper 4 [Minerals](#)
- Background Paper 5 [Waste](#),

- [Renewable Energy Assessment](#)
- Background Paper 13 [Renewable Energy](#),
- [Strategic Flood Consequence Assessment](#)
- [Open Space Assessment](#)

3. This evidence sets out the opportunities for renewable energy generation in the County and helps to focus on what can be achieved. It also highlights the important contribution of green infrastructure and play spaces to improving the health and well-being of Flintshire's residents and the wider range of social, economic and environmental benefits that they can bring to communities. The approach taken by the 'Valuing the Environment' Development Management policies is in line with the fundamental principle of both PPW10 and the Well-being of Future Generations Act (2015) of trying to create resilient places.
4. Please see Matter 12 regarding the site assessment and selection methodology. Specifically, the Council worked closely with Cofnod, the North Wales Environmental Information Service in assessing Candidate Sites. For each settlement, Cofnod mapped ecological habitats and species alongside candidate site boundaries and created a dataset of environmental information to feed into the candidate site assessments as set out in Candidate Site Assessment Methodology Background Paper [LDP-KPD-CS1.2](#). This mapping resource has not been published as it contains sensitive environmental information which should not be in the public domain. The Council has also consulted NRW throughout the Plans preparation on candidate sites, alternative sites and potential allocations.

Question a) Should Policy EN1 include more detail on the amounts of new open space required to be provided?

Council's Response:

- a.1 An open space assessment (FCC04) has recently been completed for the County which shows that overall Flintshire has a deficit in open space, particularly within the children's play space category. The open space SPG will be updated and consulted on in due course, it is the Council's intention to complete this following the adoption of the LDP. The Council has no objection to adding further clarity to policy EN1 by including the open space provision threshold. In line with the Fields in Trust (FIT) recommendations Flintshire will apply the 2.4 hectare per 1,000 population standard on new open space provision, this is the same standard applied through the UDP policy. This level balances the need to provide affordable housing and any other relevant community infrastructure on new residential sites without compromising site viability or deliverability. The viability assessment has been based upon a requirement for 2.4 Hectares of open space per 1,000 population.
- a.2 On site open space contributions will be applicable at 50 dwellings or more, and this is to ensure that new open spaces are a sufficient and usable size for the local community. In exceptional circumstances or where it is not reasonably

practical to provide open space on site, a commuted sum towards off site provision or the improvement of existing local open space facilities will be acceptable. Where the application is for less than 50 dwellings then a commuted sum towards off site open space provision or the improvement of existing facilities will be payable. The forthcoming SPG will detail the mechanism for calculating this payment based upon up to date costs, and will be secured with a S106 legal agreement.

Question b) Are the requirements for the provision of open space in new development, as currently set out in the draft SPG, reasonable?

Council's Response:

b.1 The open space SPG will be updated and consulted on in due course, it is the Council's intention to complete this prior to the adoption of the LDP. Having reviewed the open space SPG the overall standard of 2.4 hectares per 1,000 population will remain the same, the requirement for additional open space over and above the 2.4 hectare standard on sites over 200 dwellings will not be a planning requirement in the updated SPG, and is therefore less onerous than the current SPG.

Question c) Are the requirements, as currently set out in the draft SPG, reasonable?

Council's Response: Please refer to the answer to question b above.

Question d) Should all open space inc play areas be designated?

Council's Response:

d.1 Not all children's play spaces have been designated as green spaces on the proposals map as they are already protected under policy EN1. Equally some playing fields belonging to schools have not been included as these are also protected under EN1 but they may either have restricted or no public access, limiting their role as publicly accessible green infrastructure.

d.2 The plan has sought to designate green spaces (policy EN2) which fulfil a broader function than simply being a play area or sports facility, with each designated site assessed on their merits including their contribution to green infrastructure, and the broad amenity and well-being value within this. Green spaces were identified in the UDP and these have been reviewed as part of the preparation of the LDP and new green spaces designated where appropriate. The result of this work has been to increase the number of green spaces from 159 in the UDP to 173 in the LDP. Green spaces are designated for a variety of reasons including:

- For their landscape quality
- For their value as a character feature
- As a visual break in a developed area
- As a buffer between incompatible uses
- For their importance as part of an existing or proposed network of open areas or as a link to open countryside

d.3 Some children's play spaces and playing fields have been included on the proposals map where these form part of larger areas of green space and also act as an important part of local green infrastructure. However, there are numerous play areas which may contain play equipment but which do not meet the criteria for designation as a green space. Across the County there are hundreds of play areas and their inclusion on the proposals map under policy EN2 would represent a major mapping exercise and in some cases a cluttered appearance to proposals maps. This is not considered a proportionate response when these play areas are already adequately protected by virtue of policy EN1.

Question e) What is the up to date position in respect of the open space designation at Maes Gwern, Mold?

Council's Response:

e.1 An application to extend an existing industrial building on land at Maes Gwern, Mold (060270) was approved in October 2019. The application involved building on the north east corner of the site which is designated as a greenspace in both the UDP and LDP and relocating this designation to the south west corner of the site. An application for approval of the details of this land swap was approved in February 2020 (060777) as the principle of the swap was considered to be acceptable. Map 1 in the appendices outlines the location of this land swap. As this site is now under construction the Council recognizes the need for, would have no objection to amending the proposals map to show the new green space designation and removing the original green space from where the extension is taking place.

Question f) Is it clear that the requirements of Policy EN2 relate only to the proposed development site and its immediate surroundings?

Council's Response:

f.1 Improving and extending green infrastructure cannot be limited to just the immediate site boundaries as this will prevent a meaningful increase in the green infrastructure network. The focus of the policy is to ensure that new development provides sufficient and appropriate green infrastructure in terms of seeking to protect, maintain and enhance existing green space or through the creation of new green infrastructure. In looking at a new development it is also necessary to look beyond the site boundaries to ensure that the development connects into the wider network. The policy is only concerned with the green infrastructure in the immediate vicinity of the site rather than elsewhere in the County. Criterion a) clearly refers to '... linkages from the proposed development'. The Council would have no objection the addition of the word 'local' to criteria a if the Inspector agrees this would add clarity to the policy.

Question g) Is it correct to identify the Mold cemetery extension as green space? If so, why?

Council's Response:

- g.1 The green spaces designated on the proposals map have been assessed and identified for inclusion based upon their individual merits. The Mold Cemetery extension has been identified and designated as a green space on the proposals map due to the positive visual and community value it adds to the area. The cemetery provides a large area of open green space close to the town centre, and this area of open land is complimented by neighbouring playing fields and play facilities, which together represent a continuous open area containing both direct recreational uses, as well as (in the cemetery's case) a landscaped, well maintained space for peaceful reflection and remembrance. The Ysgol Bryn Coch playing field is also to the north west of the Mold Cemetery site, this has not been included as a designated green space on the proposals map as it is not available for the public to use outside of school hours. As detailed in the response to question d, the plan has sought to designate green spaces (under policy EN2) which fulfil a broader function than simply being a play area or sports facility.
- g.2 The current designation of Mold Cemetery under EN2.127 on the proposals map would not prevent the extension of the cemetery. The Council would have no objection to the inclusion of the entire cemetery area as a designated green space under EN2.127 on the proposals map if the Inspector feels this change is necessary to make the plan sound. The map in appendix two shows the proposed additional area to be included.

Question h) To be effective, should Policy EN4 be supported by a landscape character assessment?

Council's Response:

- h.1 Policy EN4 does not designate any landscape areas and for this reason it is not considered necessary to be accompanied by a landscape character assessment. The policy is merely seeking to ensure that new development has regard to the character and appearance of the landscape in which it sits in line with national guidance in Para 6.3.12 of PPW11.
- h.2 The policy recognises that LANDMAP is the all Wales landscape assessment resource which will also be used to determine planning applications in terms of identifying the landscape impacts of new development in line with para 6.3.20 PPW11. This online resource identifies the character and features of the landscape, its quality and its susceptibility to change. Not having a landscape character assessment in addition to the use of LANDMAP data does not reduce the effectiveness of this policy, the principles of this policy would remain the same, to protect the character and appearance of Flintshire's landscape.

Question i) Should Policy EN5 include further references to the setting of the AONB?

Council's Response:

i.1 Yes. The Council would have no objection to the inclusion of “and it's setting” after AONB in the first line of policy wording for EN5. The Council agree that this addition would clarify that the policy also applies to development outside of the designated AONB, where that development has the potential to affect the setting of the AONB. This approach is supported by the paragraph 12.19 in the reasoned justification to policy EN5.

Question j) Is Policy EN7 sufficiently flexible? What is meant by a 'significant' loss? Is criterion c correct and reasonable?

Council's Response:

j.1 Policy EN7 aims to protect trees, woodland and hedgerows from the damaging impacts of development, recognizing their important contribution to the biodiversity, amenity and character of an area. The policy is sufficiently flexible as it permits some loss of trees and hedgerows where the impact is considered to be acceptable and can be sufficiently mitigated through suitable replanting and minimizing the loss of existing trees through sensitive design measures to ensure a net gain in biodiversity. The Council's tree officer will be consulted on all applications involving trees, woodlands or hedgerows and will determine the severity of the loss proposed. It is difficult to quantify a significant loss of trees within the policy wording or the reasoned justification of the plan as this will depend upon the particulars of the application and the site and surroundings. The Trees and Development SPG will provide detailed guidance on what is considered to be a significant loss, for example the value of the existing trees or hedgerows need to be considered against the impact that their loss may have on the visual amenity of the area and local biodiversity.

j.2 Section 6 of the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (the 'S6 duty') on Welsh Authorities in the exercise of their functions. The S6 duty requires them to maintain and enhance biodiversity in so far as it is consistent with the proper exercise of their functions and in so doing to promote the resilience of ecosystems, including in the policies and preparation of LDPs. This is supported by PPW11 paragraph 6.4.3 which highlights that the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems. In addition, paragraph 6.4.5 states that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

j.3 In October 2019 the Chief Planner for Wales wrote to all local planning authorities in Wales regarding [securing biodiversity enhancements](#), highlighting that where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission. This

letter emphasizes that securing a net benefit for biodiversity is not onerous, and can be achieved through understanding the local context and identifying new opportunities to enhance biodiversity. The Council would have no objection to a change of wording of criteria c from 'net gain' to 'net benefit' if the Inspector agrees this would align more closely with current national guidance.

Question k) Is the classification of 'The Fron' as 'Reclaimed Ancient Woodland' accurate and correct?

Council's Response:

k1. The designation of ancient woodlands is not within the remit of the Council as they are designated by NRW. The LDP constraints map (which does not form part of the development plan) is merely representing the NRW ancient woodland dataset. The site is shown on the Welsh Government Lle Map Browser as a Restored Ancient Woodland. Any concerns that the objector has about the boundary of the designation must be made by the objector to NRW. A screenshot of the Lle map showing the current boundary of the reclaimed ancient woodland at the Fron can be seen in appendix three.

Question l) How are 'Buildings of Local Interest' identified? Does the method allow for contributions from owners and other interested parties? Is it reasonable?

Council's Response:

l.1 Buildings of local interest (BLI) have been defined from an existing list held by the Local Authority, the majority of which are the former Grade 3 listed buildings which ceased to be formally listed when the grading structure was reviewed by Cadw. There are currently 211 buildings on the list which demonstrates their significance as a heritage asset and the need for policy protection.

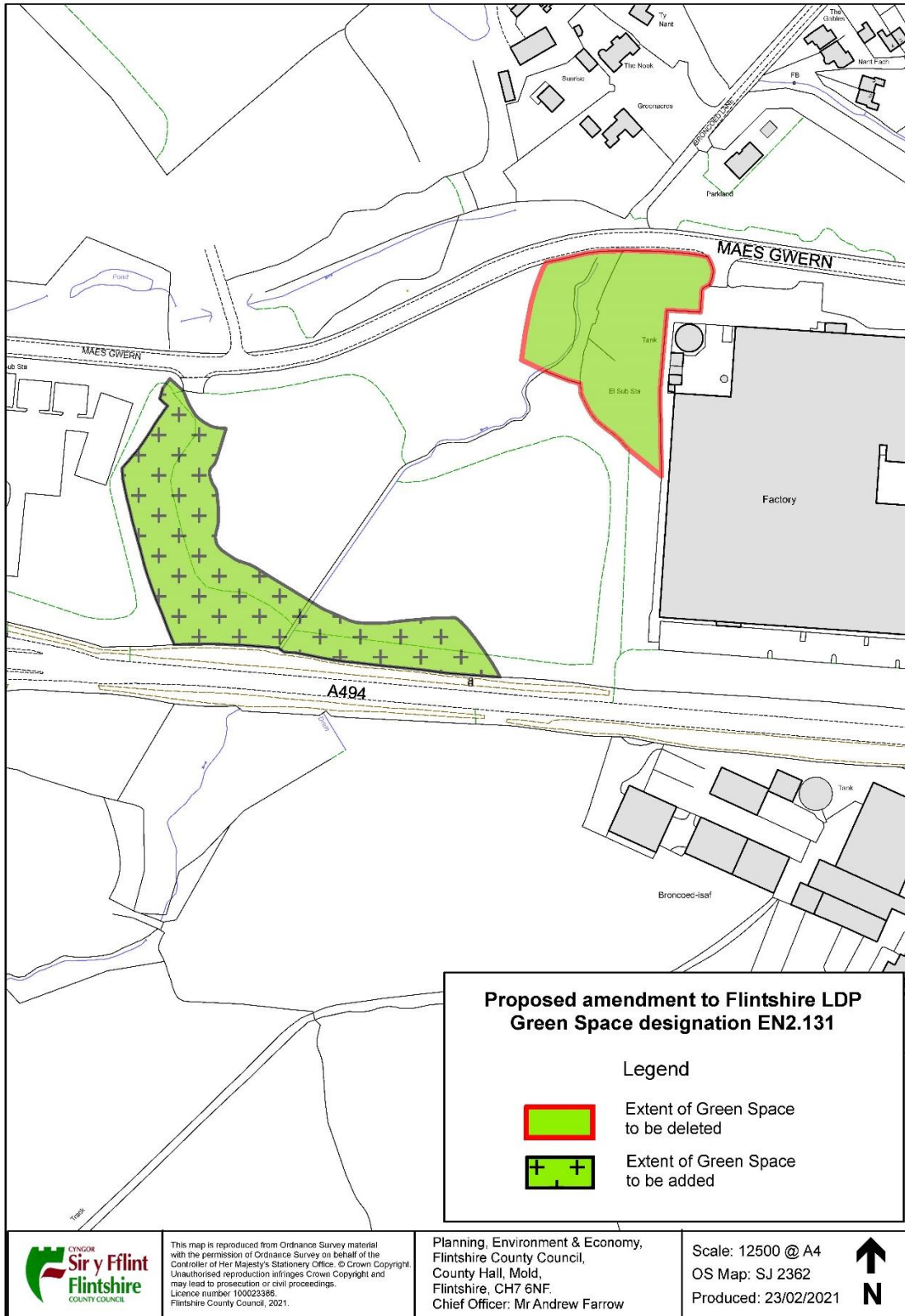
l.2 Policy EN10 is considered to be reasonable as it provides protection for buildings or structures which are not statutory listed but otherwise worthy of retention because of the significant contribution they make to their local environment. This is considered to accord with para 6.1.29 of PPW11 which allows development plans to consider including locally specific policies relevant to the historic environment. However, it does permit the demolition of such buildings or structures where it can be demonstrated that it is structurally unsound and it cannot be made safe without extensive alteration or rebuilding, and is incapable or refurbishment at a cost which is reasonable in relation to its degree of interest.

l.3 Potential new BLI's are likely to arise from the submission of a pre-app enquiry, as part of the service provided by the Development Management Team or through a specific pre-application and 'pre-purchase' service provided by the Council's Conservation Officer, the latter to be implemented shortly. The Council has previously prepared a procedure note for designating buildings of local interest which was adopted in 2013 which sets out the criteria for designating a BLI and the procedures to be followed including consultation and the opportunity for representations to be made. The document refers to a Panel being convened to adjudicate on any disputed cases. The document needs to be the subject of

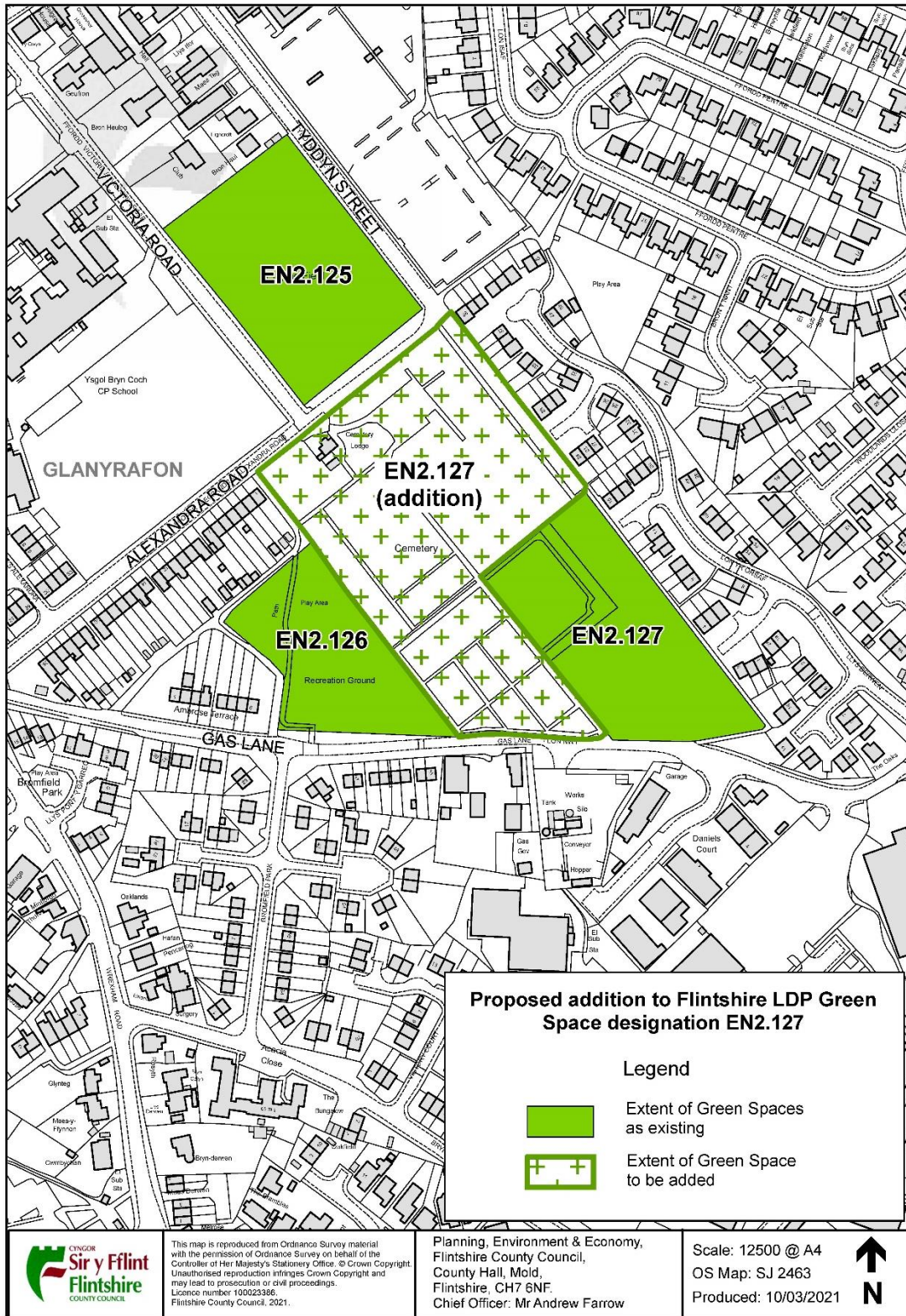
further review and updating following the adoption of the LDP, which will set out clear guidelines on how owners and other interested parties can recommend a building of local interest for designation, and how the Council will assess the proposal.

I.4 The administrative arrangements relating to the designation of BLI's, although an important matter in its own right, is not considered to affect the implementation of the policy nor affect the soundness of the Plan.

Map 1. Maes Gwern Open Space Proposed Alteration



Appendix Two. Mold Cemetery Green Space designation proposed amendments



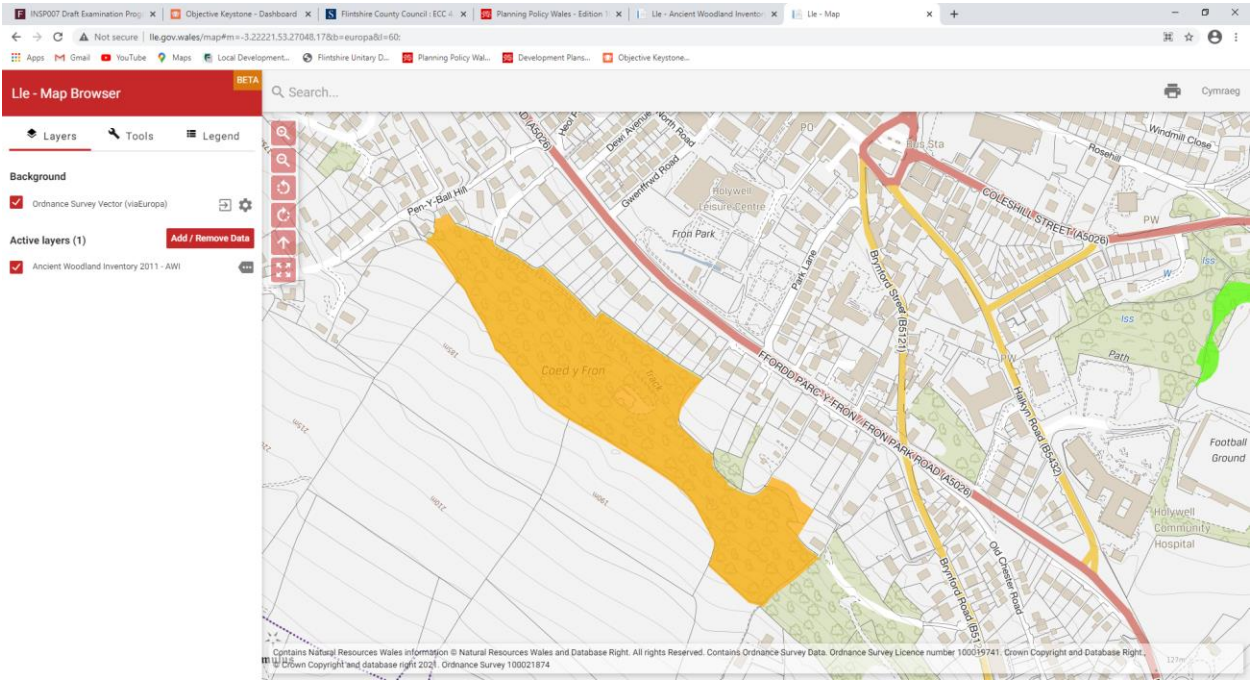
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Scale: 12500 @ A4
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Appendix Three. Lle Mapping



<http://lle.gov.wales/map#m=-3.2221,53.27048,17&b=europa&l=60;>