

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

Hearing Session Matter 5

Thursday 15th April 2021

Principles of Sustainable Development

**STR4 Principles of Sustainable Development, Design
and Placemaking**

STR5 Transport and Accessibility

STR6 Services, Facilities and Infrastructure

Hearing Statement by Flintshire County Council

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

Flintshire County Council Statement: Matter 5: Principles of Sustainable Development (inc STR4 Principles of Sustainable Development, Design and Placemaking; STR5 Transport and Accessibility; STR6 Services, Facilities and Infrastructure)

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 fully achieve the sustainable development and placemaking objectives of the LDP consistent with national policy? Are they based on robust and credible evidence?

Council's Response:

1. The Plan's strategic and detailed policies are split into four themes of Creating Sustainable Places and Communities, Supporting a Prosperous Economy and Meeting Housing Needs and Valuing the Environment, which are considered to reflect the sustainable development and placemaking objectives in PPW. The three policies STR4, STR5 and STR6 set out the Plan's strategic policy principles and requirements in respect of creating sustainable places and communities. Each policy is accompanied by a 'Policy Context' table which shows how it relates to:
 - The LDP objectives
 - PPW10 (will require updating to PPW11)
 - Well-being Goals
 - Key Evidence
 - Monitoring
 - Detailed Policies
2. The strategic policies, in conjunction with detailed development management (topic, criteria and area based) policies provides a framework with which the Plan can achieve sustainable development and placemaking outcomes. The policies are considered to be in accordance with PPW11 and there are no representations from Welsh Government to the contrary. Policy STR4 is not based on any particular evidence base other than to ensure that the Plan is in conformity with national policy. Policy STR5 has regard to Welsh Government transport strategy and schemes and local transport strategy as contained in the [Local Transport Plan](#), [Deeside Plan](#) and [Active Travel](#). Policy STR6 reflects the evidence within Background Paper 3 Infrastructure Plan [LDP-EBD-BP3](#) in setting out a range of possible infrastructure requirements.
3. Whilst placemaking as a concept is given significant prominence in PPW11, what it embodies in terms of sustainable development and good design, are principles

that should be and are already embedded in the development plan and Development Management, and should be being applied on a day to day basis. Given this, there should be nothing new or particularly onerous in how the policies that relate to this matter set out to define this concept at the local level in Flintshire, that should cause developers concern in terms of either requiring them to consider, design, and carry out development following these principles, or that should pose a threat to the cost of development and viability.

Question a)

Does the LDP place sufficient emphasis on the benefits to sustainability of the use of brownfield land for development? How does the LDP encourage this?

Council's Response:

- a.1 PPW11 references in para 3.5.5 that previously developed land (also referred to as brownfield) should, wherever possible, be used in preference to greenfield sites where it is suitable for development. The guidance recognises that in settlements, such land should generally be considered suitable for appropriate development but that not all previously developed land is suitable for development and states *'This may be, for example, because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated'*.
- a.2 The existence of brownfield land is noted in the 8th issue following para 3.30 of the Deposit LDP written statement [LDP-EBD-DEP1](#) with the commentary *'The County has extensive areas of brownfield land but this is generally located in and around the River Dee and Dee Estuary, in areas at risk of flooding and / or of international nature conservation importance and this is likely to result in the need for greenfield site allocations'*. The 19th objective for the Plan in the table following para 3.41 states *'and promote the development of brownfield land'*. Para 7.13 of the written statement explains that given the lack of suitable brownfield land in the County it has been necessary to identify greenfield sites for new housing allocations. However, the fact that the Council has been unable to allocate suitable brownfield new allocations, does not mean that brownfield land will not contribute to meeting the Plans housing requirement figure. The allowance for small and large windfall sites clearly provides scope for brownfield land and buildings to deliver housing over the Plan period, and this is highlighted in para 8.17 of the written statement. The Council's Urban Capacity Study [LDP-EBD-HP8](#) involves an assessment of such sites in terms of Tier 1, 2 and 3 settlements.
- a.3 Policy STR14 Climate Change and Environmental Protection states in criterion ii *'Supporting the use and development of appropriate or suitable brownfield land'*. The extent to which this can be achieved will depend on the consideration of development proposals against the Plan's framework of policies including, settlement boundaries, flood risk, nature environment, historic environment and contamination. Other policies which specifically mention brownfield land are PC12 Community Facilities and PE3 Employment Development Outside

Allocated Sites and Principal Employment Areas. The Plan's framework of policies will support appropriate development proposals on suitable brownfield land.

Question b)

Is the wording of Policy STR4 unduly onerous; should it be qualified by 'where appropriate'? Will it have a serious, detrimental effect on the viability of development proposals?

Council's Response:

b.1 The policy has seen a small number of representations which consider that not all developments will be able to meet all the criteria and that it should be amended by adding 'where appropriate' and one representation questions whether it will have an impact on viability of development. The context for the policy is set by PPW11 which places great emphasis on 'sustainable placemaking design principles'. It is therefore vitally important for this strategic policy and the more detailed policies associated with it, to form the basis of all planning decisions and set out how development should aim to achieve positive sustainable, design and placemaking outcomes and minimise any adverse outcomes. Policy STR4 establishes the key planning principles for all development and reflects the aims of PPW11. The policy clearly states, 'should' not 'must'. All of the criteria are material planning considerations, some are more relevant than others depending on the type of development, (not all the criteria will be applicable to all developments) the weight to be attached to each issue will be recognised and considered at the planning application stage.

b.2 One representor considers the policy sets an unrealistically high bar to development, but without providing a single example as to how the policy is inappropriate. Another representor considers some of the criteria are vague and ineffective and provides two examples:

- Criterion i "respond to climate change" – The Council stresses that this is a strategic policy which is clearly 'flagging up' early in the Plan, the need for development to have regard to 'climate change'. The 'policy context' at the end of the explanatory text to the policy clearly references 'Detailed Policies' and one of these is 'PC4 Sustainability and Resilience of New Development'. Climate Change is a key theme throughout PPW11, particularly the need for new development to be 'resilient to climate change' and in this context it is not considered that the criteria is either inappropriate or unduly onerous.
- criterion ix 'manage water and waste sustainably' – Clearly, the Plan needs to be read as a whole given that policy EN15 Water Resources provides guidance in respect of the impact of new development on water resources. PPW11 in para 6.6.5 clearly references the need for new development to manage water. Similarly, policy EN19 Managing Waste Sustainably' provides guidance as to how new development should minimise and manage waste. This is clearly in line with para 5.12 of PPW11 which provides guidance in

respect of waste. In the context of guidance in PPW11 it is not considered inappropriate for a strategic policy to flag up early in the Plan, the need to manage water and waste in a sustainable manner.

- b.3 One representor questions whether the policy will have an impact on the viability of development but offers no evidence as to how this might be the case. The Plan has clearly set out the requirements in respect of new development through policy STR6 and the Infrastructure Plan [LDP-EBD-BP3](#). Given that the criteria in STR4 are all in broad accord with guidance in PPW11 it is not considered that the policy will impact on the viability of development.
- b.4 PPW11 makes reference to placemaking on 90 occasions which demonstrates that it is a central theme of national policy, which applies as much to developers as it does to plan makers. Paragraph 2.8 of PPW states “*Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Ways of Working, as required by the Well-being of Future Generations Act. This will include seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act’s Sustainable Development Principle*”. The use of the term “maximise” is instructive as this does not imply a piecemeal, or conditional, or ‘only when you can’ policy approach to meeting these requirements. Paragraph 2.9 goes on to say that “*The most appropriate way to implement these requirements through the planning system is to adopt a placemaking approach to plan making, planning policy and decision making*”. This is what the Council has done through policy STR4.
- b.5 To assist objectors who seek to limit or make conditional the approach to sustainable placemaking, PPW helpfully defines what placemaking is as follows:

What is Placemaking?

*“Placemaking” is a **holistic approach** to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area’s potential to **create high quality development and public spaces that promote people’s prosperity, health, happiness, and well being** in the widest sense.*

*Placemaking **considers the context, function and relationships** between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.*

***Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking** to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in **benefits which go beyond a physical development boundary** and embed wider resilience into planning decisions.*

b.6 The Council has emphasised some key elements of this definition in bold as they serve to highlight that the intentions and emphasis of policy STR4 (and those DM policies that flow from it) are in line with the ethos and principle behind placemaking, and the policy places the correct emphasis on its achievement in development. The Council does not consider the guidance in PPW11 or STR4 to be unduly onerous as they simply reflect what should be being achieved from all development with the consequent benefits that are set out in PPW that flow from this. The Council is unclear and has struggled to envisage circumstances where it would be appropriate or acceptable to consider and approve development that did not or could not meet these requirements. The whole basis for placemaking is that communities should end up with development that is right for everyone, and not simply what a few wish to provide.

Question c)

Has sufficient consideration been given to the need for Flintshire's transport infrastructure to align with those of neighbouring authorities?

Council's Response:

c.1 The Council has sought to include in the Plan those transport infrastructure projects where it is necessary to safeguard land in order to facilitate their delivery. The Plan has had regard to the instruction from Welsh Government to protect the line of the A494(T) / A55(T) / A5848 road improvement (the red route) and also other schemes either in the Local Transport Plan or as requested by the Council's Streetscene Service. Clearly, there are other transport initiatives, strategies and projects being actively pursued by the Council in terms of road, rail and bus and active travel and these are set out succinctly in the Deeside Plan [LDP-EBD-TR3](#) in terms of facilitating a sustainable and integrated transport system for the Deeside area. However, these are schemes capable of being implemented without the need for them to be highlighted or safeguarded in the LDP. This also includes reference to the concept of a North Wales Metro which is a policy in the forthcoming Future Wales plan, and whilst at an early stage serves to illustrate the broader regional considerations being given to sustainably connect Flintshire, the wider North Wales area, and across the border to the Mersey Dee area. Schemes such as the Welsh Government Red Route are still only at a preliminary stage of inception, governance and design and there is little information or certainty with which to assess the need for any development that may benefit from or directly relate to the development and use of the route once constructed and completed. Whilst the line of the route is protected in the plan under direction from Welsh Government, it is extremely premature to consider any specific proposals related to the route in the context of this plan given this lack of advancement of the scheme, and any such proposals are therefore highly speculative and should be subject to proper assessment and evaluation of alternative options once there is more certainty about the scheme.

c.2 The Council is unaware of the need for the Plan to align with any transport infrastructure projects in either Wrexham or Denbighshire. In respect of Cheshire West and Chester Council (CWAC), there has been a long standing desire to

achieve a western road link from the A483 / A55(T) to Chester in order to improve accessibility to Chester and relieve pressure on Wrexham Rd. In Flintshire there is also a long held desire to secure improvements to junction 36A of the A55(T) in order to bring about improved accessibility for Broughton and Saltney. A cross – border study ‘The Chester-Broughton Growth Corridor Study’ is presently underway to look at options for improved accessibility along this stretch of the A55(T) and is a collaboration between Welsh Government, Transport for the North, Highways England, CWAC and FCC. However, the Study has yet to be finalised and published and until this happens there are no agreed schemes to be safeguarded in the Plan. Equally though, it would not make sense to potentially sterilise future opportunities with potential widespread community benefits, for the sake of very localised gain with no perceptible comparable community benefits, when the Plan already sustainably meets the needs for housing and growth elsewhere.

- c.3 A representation by CWAC (id1002) considers that the reference in criteria iv of policy STR5 to ‘the local highway network’ should be widened to include the highway network outside of Flintshire and include the strategic highway network. The Council considers that the term ‘local highway network’ is a generic term referring to the highway network in the vicinity of a new development and further modification is not necessary or appropriate. Equally, if the plan made reference to considerations relating to the wider network beyond the remit of its direct control, then it is questionable how it could comply with the requirements of the policy in that context.

Question d)

Is it clear that there will be sufficient new facilities, for example for education, health, everyday shopping, public transport and so on, to meet the needs of future residents?

Council’s Response:

- d.1 The Plan has sought to allocate land for new housing development in sustainable settlements or locations where services, facilities and public transport exist. The two strategic sites both include provision for a new local shopping facility and in the case of Northern Gateway a new community facility. It is necessary to have regard though to the general economic climate and the pressure on local services and facilities in terms of them being retained due to financial and viability considerations and sometimes lack of patronage. This is particularly the case in recent years with the loss of or reduction in bus services and the loss of pubs, shops and other community facilities. The long term effect of the present Covid-19 pandemic is unclear but there does seem to have been a renaissance in the importance of local convenience shops.

- d.2 The Plan contains policy PC12 Community Facilities which permits new community facilities and also adopts a criteria based approach to development proposals which result in the loss of existing facilities. Policy PC2 General Requirements for Development seeks in criteria d to maximise sustainable transport choice by having safe and convenient access by foot, cycle, public

transport and vehicles and further guidance is provided in PC5 Transport and Accessibility, Active Travel and PC7 Passenger Transport. The Plan's retail policies PE7 to PE11 seek to permit retail development in appropriate locations. In particular policy PE10 encourages small scale retail uses in local centres and it is suggested that the policy could be broadened to include small scale convenience stores in settlements which do not have a defined local centre.

d.3 A large number of typically similar objections have been made to the Deposit Plan, particularly in respect of new housing allocations, in terms of the capacity of education and health facilities. The Council, in its capacity as Local Planning Authority has no remit in respect of the provision of either, although the Council as Local Education Authority is responsible for the provision of education in the County. The provision of health facilities and services is the responsibility of Betsi Cadwaladr University Health Board (BCUHB). The Council has worked with the Local Education Authority and BCUHB throughout the preparation of the Plan. For instance, the Health Board were a key member of the Key Stakeholder Forum which met regularly during the earlier stages of engagement and consultation. It is important to stress that neither has objected to the Plan in terms of health and education capacity in relation to the amount and location of proposed development in the plan.

d.4 These concerns were also commented on in the Wrexham LDP Inspector's Interim Findings letter where the Inspector stated 'The final reason for reducing the housing requirement was that the level of growth identified was considered to place too much strain on infrastructure such as highways, education, schools, council services and health providers. Again, we are not convinced that this is relevant to the assessment of need. Moreover, it is always a requirement for developers to make provision, through planning obligations, for infrastructure to be provided where existing capacity would not meet the additional demands and needs of new development. This would be commensurate with the scale of development'. The Council considers that this applies equally in the context of the Flintshire LDP.

Health

d.5 No objection to the Plan has been made by BCUHB who were a member of the Key Stakeholder Forum and have been involved in the preparation of the Plan from the first stages. Flintshire has a number of relatively new Primary Health Care Centres and the issue is one of lack of sufficient staff including GPs, rather than a lack of facilities. Whilst the planning system can help to deliver new or expanded facilities it cannot contribute to staffing levels. The development of the allocated sites will not happen in one 'hit' but over a number of years and there is ample time for the Health Board to plan for how it intends to meet the health care needs of the Plan's growth levels. The Council continues to work with the Health Board in securing the appropriate provision of health infrastructure and health services for the delivery of LDP sites. The effect of the Covid-19 pandemic has

inevitably diverted resources within BCUHB towards directly dealing with the pandemic but a Position Statement has been provided from BCUHB.

d.6 Similar concerns were expressed in respect of the Wrexham LDP, and the Inspector commented in her interim findings “*We heard during the sessions of the shortcomings in the County Borough in the provision of health facilities. The local Health Board, which does not object to the LDP, states in its consultation responses that it is not the provision of buildings for additional services which is the issue but the availability of the required workforce. We have little evidence, therefore, that the availability of health services is a compelling reason to prevent or limit residential development.*”

Education

d.7 No objection to the Plan has been made by the Local Education Authority. The commentary of the Wrexham LDP Inspector referenced in detail above, establishes that it is normal practice for new development to address capacity issues through developer contributions. The development of allocated sites will not deliver completed houses in one go and will take several years to be completed. The impact on infrastructure will therefore be gradual and will not be in ‘one hit’. This gives the Local Education Authority time to address how the growth in the Plan can be accommodated in terms of school capacity. It is only at the time of a planning application that the assessment of school capacity and the impact of a development can be determined but the Statements of Common Ground on allocated sites have provided indicative amounts for financial contributions towards school capacity improvements, in line with the existing [SPG23](#) Developer Contribution’s to Education. The Planning Service continues to work with the LEA to secure appropriate mitigation for the delivery of planned LDP sites. A Position Statement has been prepared by the Local Education Authority.

d.8 The Council produced an Infrastructure Plan ([LDP-EBD-BP3](#)) to support the public consultation on the Deposit LDP in consultation with all of the key infrastructure providers. From this none of the key providers have any fundamental issues with the growth set out in the Plan, and none have objected to the plan.

Question e)

How will infrastructure for new development be provided and through what mechanisms? How will contributions be calculated? What is the position with regard to CIL?

Council’s Response:

e.1 Policy STR6 sets out a range of key infrastructure types which may be necessary as part of mitigating the impacts of new development, but this will depend on the specifics of each case. At present the Plan seeks to achieve this through s106 agreements or planning obligations having regard to the three tests. Financial contributions will need to address a specific impact through a specific project and these contributions cannot be pooled for use on other sites or projects, other than

that which is directly related to the development. The Deposit LDP was accompanied by Background Paper 3 Infrastructure Plan [LDP-EBD-BP3](#) which provided an overview of key types of infrastructure and also requirements for allocated sites, following extensive consultation with infrastructure providers.

- e.2 There is not considered to be anything abnormal being raised in the infrastructure requirements being asked of new development generally and more specifically the Plan's allocations. No objections have been made to the Plan by statutory service and infrastructure providers in terms of a lack of infrastructure to deliver the Plan. The Warren Hall strategic site will require investment in infrastructure but this is documented in the Preliminary Utilities Appraisal Report [LDP-EBD-STR3B.9.1](#) and the Statement of Common Ground and this is to be publicly funded through the Growth Deal. The Council has also progressed Statements of Common Ground or infrastructure plan updates in respect of health, education and water supply / treatment. These Statements of Common Ground/updates seek to also address the matters raised by objectors to allocated sites, particularly in terms of the commonly made objections based on health and education capacity.
- e.3 Following adoption of the LDP the Council will give consideration to the feasibility of devising a Community Infrastructure Levy (CIL). At present the Council understands that there are only a small number of LPA's in Wales which either have an adopted CIL scheme in place or are actively progressing one. In North Wales the Council is only aware of Conwy CBC progressing a CIL scheme, but they are also now undertaking a plan review. For the initial period following adoption of the Plan, the Council will continue to address infrastructure deficiencies through planning obligations.
- e.4 Policy STR6 lists a number of different types of infrastructure and it is not the case that each of these will apply to every development. The basis for infrastructure requirements is set out in policies throughout the Plan and supported by SPG. These are not considered to be 'abnormal' requirements and will vary depending on site location and context, and the need for and measures required will more clearly emerge at the Development Management stage. For allocated sites the appendix to the Infrastructure Plan provides for each site a broad assessment of what may be required.