

M1.01

Flintshire Local Development Plan 2015 – 2030
EXAMINATION IN PUBLIC

Hearing Session Matter 1

Tuesday 13th April 2021

Plan Preparation

- Procedural Requirements

Hearing Statement by Flintshire County Council

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

Flintshire County Council Statement: Matter 1: Plan Preparation – procedural requirements

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

Key Issue: Has the Flintshire LDP been properly prepared?
Response: 1. The Plan has been prepared in accordance with the statutory procedures under section 64(5) (a) of the Planning and Compulsory Purchase Act (2004), and associated LDP Regulations (2005) and as amended (2015). It is supported by an Integrated Impact Assessment (IIA) LDP-KPD-IIA4 incorporating a Sustainability Appraisal and Strategic Environmental Assessment, and has also been the subject of a Habitats Regulations Assessment LDP-KPD-HRA2 . A revised HRA has been undertaken in response to representations from NRW and this is contained in the Statement of Common Ground: NRW. It is the Council's view that the Plan complies with the requirements of the Well-Being of Future Generations Act, and is broadly compliant with other national and regionally policy, as confirmed by the Welsh Government in their formal comments on the Deposit LDP. The plan has also had regard to the Wales Spatial Plan and is in broad conformity with the draft National Development Framework. A soundness self-assessment LDP-EBD-BP11 has been undertaken and is part of the submission library that supports the Examination of the plan.
Question a) Has the LDP been informed by a robust consideration of reasonable alternatives?
Council's Response: a.1 A robust consideration of reasonable alternatives underpins the Plan, in accordance with the requirements of the SEA Directive and Regulations. a.2 Throughout the Plans preparation the Council has sought to devise and consult upon alternative approaches and options and these include: <ul style="list-style-type: none">• Assessment of the 734 sites arising from the Call for Candidate Sites between the 28/02/14 and 30/05/14 - see Candidate Sites Register and associated documents: LDP-KPD-CS1, LDP-KPD-CS1.1, LDP-KPD-CS1.2, LDP-KPD-CS1.3, LDP-KSD-PS4• assessment of the Minerals sites as submitted during the Further call for Minerals and Waste and Gypsy and Traveller sites LDP-KPD-CS2, August 2017 and as set out in BP04 Minerals LDP-EBD-BP04• In March 2016 the Council produced a 'Key Messages' document KPD-KSD-KM1 which set out the vision, issues and objectives for the Plan. Alongside

this a set of Settlement Audit Reports [KMD-KSD-KM2](#) were presented for all settlements and this informed the presentation of and consultation upon a number of alternative options for defining a settlement hierarchy.

- In October 2016 a Strategic Options document [LDP-KSD-SO1](#) was consulted upon and this set out 6 Growth Options and 5 Spatial Options. The outcome of this consultation informed the development of the 'Preferred Strategy
- The Preferred Strategy consultation in November 2017 - 21st was accompanied by an Invitation to submit alternative sites. The 90 Alternative Sites [LDP-KPD-AS1](#) were submitted across a range of settlements on the basis of being 'alternatives' to the candidate sites and were assessed in the same manner as candidate sites.
- A sustainability Appraisal has been undertaken at Strategic Options, Preferred Strategy and Deposit LDP stages and included a robust assessment of options and alternatives. These have been presented in the IIA documents [LDP-KPD-IIA2](#), [LDP-KPD-IIA3](#), [LDP-KPD-IIA4](#)
- A sustainability appraisal of the Plans possible allocations and reasonable alternative sites was undertaken as part of the IIA for the Deposit Plan [LDP-KPD-IIA4.2](#) in order to establish that the Plan was allocating the most sustainable sites.

a.3. The preparation of the Plan has involved the formulation and consideration of reasonable alternatives. The involved the formulation and consultation on elements which ultimately led to the Preferred Strategy including the settlement hierarchy, growth options and spatial options. This has been a logical and gradual process where consensus has been sought, as far as possible, at each stage on the most appropriate option. The process of considering candidate sites and then alternative sites, combined with the consideration of allocations and reasonable alternatives sites through the IIA has ensured that the most sustainable sites have been taken forward as allocations in the Plan.

Question b)

Has the LDP had full regard to the Well-Being of Future Generations Act with regard to the well-being goals and ways of working?

Council's Response:

b.1 The Well Being of Future Generations Act places a duty on all public bodies in Wales to "carry out sustainable development " and as part of the LDP a Sustainability Appraisal / Strategic Environmental Assessment in the form of an Integrated Impact Assessment (IIA) has been undertaken at key stages in the Plans preparation to ensure that the plan is sustainable. The IIA went through a re-scoping exercise to ensure that it had regard to the Well-being goals as explained in paragraph 1.3. and Table 1.1 page 1 and Table 4.3 page 30, in the Deposit Plan IIA [LDP-KPD-IIA4](#) Also all strategic policies in the plan have been considered against the seven Well Being Goals and these have been identified in the plan under the 'policy context' table for each policy, as explained in para 3.18 and the accompanying table in the written statement.

Question c)

Has the LDP been subject to an Equality Impact Assessment?

Council's Response:

- c.1 In terms of The Equality Act, consultation was carried out throughout the plan making process with a multidisciplinary group already in existence and hosted by Flintshire County Council, the Equalities Impact Assessment (EIA) Quality Assurance Group, and where all the relevant meetings are set out in page 17 and Appendix 13 of the Consultation Report [LDP-KPD-CR1](#).
- c.2 In addition to this as part of the LDP Preferred Strategy, Flintshire County Council carried out its own Integrated Impact Assessment of the LDP ([Flintshire Integrated Impact Assessment – Welsh Language, Health and Equalities](#)). Also as part of the Deposit LDP the IIA [LDP-KPD-IIA4](#) explains in para 1.6 how it considered the issue of Equality. The relevant well-being goals are provided at the end of the reasoned justification to each strategic policy in the Deposit LDP.

Question d) Is the LDP consistent with *Future Wales: The National Development Framework*, which is likely to be finalised shortly?

Council's Response:

- d.1 The draft National Development Framework (dNDF) was published for consultation by Welsh Government 7th August 2019 shortly before the Deposit LDP consultation started on 29th September 2019. By the time the dNDF was published, the content of the Deposit LDP had been agreed and it was not possible for the Deposit LDP to formally comment on it in the written statement.
- d.2 The Spatial Strategy map on p25 of the dNDF clearly identifies Flintshire (alongside Wrexham) as a 'National Growth Area'. On p49 the dNDF sets out 'Policy 17 – Wrexham and Deeside' which states:
- 'The Welsh Government supports Wrexham and Deeside as the primary focus for regional growth and investment. Wrexham and Deeside's role within the North region and the wider cross-border areas of Cheshire West and Chester and Liverpool City Region should be maintained and enhanced. Strategic and Local Development Plans across the region should recognise Wrexham and Deeside as the focus for strategic housing and economic growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure; and consider how they can support and benefit from Wrexham and Deeside's regional role. The Welsh Government will work with cross border authorities to promote Wrexham and Deeside's strategic role and ensure key investment decisions support Wrexham and Deeside and the wider region'.*
- d.3 The Strategic Context for the LDP in para 3.25 of the Deposit LDP [LDP-KSD-DEP1](#) identifies the economic significance of the County and region and this is further recognised in the Key Issues and Drivers table in para 3.30 and the section 'In Flintshire, we need to plan for:' in para 3.35. The Preferred Strategy for

the Plan is summarised in the table following para 3.65 in terms of jobs growth, housing growth, spatial strategy, managing growth, infrastructure and deliverability. The Plans approach is considered to be broadly in line with the dNDF. In their formal representations on the Deposit Plan Welsh Government commented '*The Welsh Government is broadly supportive of the strategy, level of homes and jobs proposed, considers it aligns with national policy and is in general conformity with the emerging NDF*'. Unless the final version of the NDF has changed significantly, it is considered that the Deposit LDP is in conformity.

- d.4 The Council acknowledges that the draft NDF was incorporated into the draft of Future Wales – The National Plan in September 2020 and is aware that the final version of this plan is intended to be published in late February 2021. From the September draft, and comparing back with the original draft NDF, it is not anticipated that the context of broad compliance with the draft NDF will be any different with the Future Wales Plan when published in its final form. [Future Wales - The National Plan](#)

Question e)

How will the LDP be updated in the light of the revocation of TAN1? Will this lead to significant changes in LDP policies?

Council's Response:

- e.1 On 26th March 2020 the Minister for Housing and Local Government Julie James issued a [letter](#) to Heads of Planning at Local Planning Authorities advising of the permanent revocation of TAN1 and associated changes to PPW10 alongside Development Plans Manual 3. The letter advised that the housing trajectory within adopted LDP's will form the basis for monitoring the delivery of development plan housing requirements. As a result of this change the Council has produced an updated Background Paper 10A Housing Land Supply with a revised housing trajectory reflecting the new approach. Policy STR11 will need to be amended to reflect the new approach and the council will be making suggested changes to STR11 as part of the Matter Arising Changes stage of the examination. This will also lead to minor editing changes to parts of the plan (para 3.3, 5.12, 5.18, 7.0, 7.9, 7.12, 7.19, 11.2, 11.4, 13.4, Glossary and Monitoring Chapter) and can be set out as a MAC. There are no significant changes to the policies in the LDP.

Question f)

Were consultation exercises and tools user friendly and easy to engage with?

Council's Response:

- f.1 An extensive programme of engagement and consultation has been undertaken involving key stakeholders and members of the public. Engagement events were held with key stakeholders and forums with exhibitions displayed across the County at Key Message, Strategic Options, Preferred strategy and Deposit stages. These sessions helped to identify the key issues facing the County, consider the strategic options for the amount and location of growth, establish the objectives for the future of the County, consult on the strategic policies and

ultimately reach consensus on the best way forward. The Council worked closely with Planning Aid Wales to assist with the consultation on the Strategic Options and this included PAW facilitating workshop sessions with Members, Town and Community Council's and Key Stakeholders as well as designing easy to read documents. The Council sought to use this experience as part of later consultations.

f.2 Importantly, the 'drop—in' events held at the Deposit stage allowed the public and other interested parties to have face to face contact with officers in order to ask questions and gain an understanding of the emerging plan. These events were well attended particularly at the Deposit stage, where over 600 participants in total attended the drop in sessions.

f.3 All elements of the engagement process have been recorded, with the comments received helping to inform the Deposit LDP. Consultation has gone over and above the requirements of the LDP Manual, for example the Key Messages stage was not a requirement of the regulations, but one that the Council felt important and helpful.

f.4 The public consultation on the Deposit LDP utilised a wide range of consultation methods, inclusive of:

- Publication of an interactive version of the Deposit Plan written statement on the Council's online consultation portal 'Objective Keystone'. The system provided the opportunity to read the Deposit Plan online and to submit representations electronically (a Portal User Guide was made available on the Deposit consultation page of the Website and also two guidance notes, titled 'How to register on the Portal' and 'How to comment on the Deposit Local Development Plan') ;
- An interactive version of the proposals map plus a hard copy and Pdf versions and a Constraints map;
- Site notices placed at all proposed housing and Gypsy & Traveller allocated sites during week commencing 30th September 2019 to raise awareness of the consultation.
- Fully bilingual display in the main reception area of the County Hall , Mold at Ty Dewi Sant, Ewloe, at Jade Jones Pavilion Flint and all the libraries in the County.
- Bilingual Leaflets setting out the dates, times and venues for all the engagement sessions.
- Guidance Notes and Site maps of the housing Gypsy & Traveller allocated sites for the exhibitions.
- Press releases on the Councils website and using social media via the Council's Twitter Site.
- Bilingual representation forms made available at all Council offices, Contact Centres and libraries.
- 3 'tailored' bilingual e-mail notifications and updates sent to Members, Town and Community Councils and to all consultees on LDP mailing list,.

- Statutory consultee and Stakeholder/Member forums were also consulted;
- 10 'drop in' sessions held at venues throughout the County typically last 4 hours each, exhibiting information and offering an opportunity to discuss Deposit Plan issues with members of the Planning Policy Team face to face. Copies of Deposit Forms were available and advice given on how to submit Deposit Representations. Promotional posters were also sent to all event venues in advance.

f.5 All key stages of the plan have been publicized by public notices, direct mailings to consultees, direct mailings to those on mailing list, availability of documents on web and advance notification to Council Members and Members of Town and Community Councils with an expectation that they would assist in publicizing the Plan locally. The Council's PR Officers have also used social media to publicise the Plan. The Council has taken all reasonable steps to publicise the various stages of the Plan where the public and stakeholders needed to be involved.

f.6 The Council placed a lot of emphasis on early and regular contact and briefings with Town and Community Councils ahead of all key stages in the plan making process. Officers visited all but 4 of the 34 Town and Community Councils during the plan preparation process and held specific briefing sessions prior to a specific consultation event.

f.7 There is no requirement in the regulations to consult on Candidate Sites, but the Council nevertheless made the Register of Candidate Sites publicly available as soon as it was compiled, to ensure early awareness of submitted sites. The Council also complied with changes to Welsh Government development plan Regulations to indicate and publish at the Preferred Strategy Stage an assessment as to whether the candidate sites generally conformed with the Preferred Strategy or not, and then published a summary of the assessment and planning view of all candidate sites at the deposit stage.

f.8 The Council used an industry leading specialist consultation portal (Objective Keystone) which is used by a large and growing number of planning authorities in Wales and England. It is disappointing that some objectors found it difficult to use but the Council made it clear that the portal was not the only means of making representations as they could also be made (and were) via letter, representation form and e-mail. The Council produced two 'step by step' guides to illustrate how to i) register on the portal and ii) how to comment on the portal, and these were available both on the website and in hard copy, at deposit venues and distributed at drop-in sessions. The Plan was also made available to physically view at consultation venues including FCC offices at Dewi Sant, Ewloe, and County Hall Mold, and at libraries and Connects Centres.

f.9 The Deposit Plan was accompanied by an easy to understand leaflet explaining the Plan and the consultation process. The Plan was made publicly available several months prior to the commencement of the consultation exercise, at the

time that it was reported for approval to Cabinet and Council in July 2019. Considerable publicity was given to the consultation in good time before the start of the 6 week period involving direct mailings to people on the mailing list, press notice, articles on the Council website and social media posts. Advance briefings were also given to all elected members as well as to Town and Community Councils.

- f.10 The consultation involved permanent exhibitions, a full range of documents at Ewloe and County Hall and key documents at libraries and Connects Centres. The full range of documents were available on the Council's website through the consultation portal. The consultation exercise was in full conformity with Welsh Government requirements and was also in line with the Council's Statement of Community Involvement as set out in the Delivery Agreement.
- f.11 Welsh Government require that a development plan is supported by a range of background documents which forms the evidence base for the Plan. The range of documents accompanying the Plan is in accordance with these requirements. They were clearly listed within the Public Notice. Several of these documents are technical in nature but are written with introductions or executive summaries which seek to explain their context and purpose. The Plan is by definition a complicated document, but residents did not need to read the whole plan or all supporting documents, to understand the Plan, or to make their views known.
- f.12 During consultation at the Deposit stage some members of the public found it difficult to negotiate the Council website so adjustments and additions to highlight pathways to find information were made during the consultation period to enable more easy access. A telephone helpline and e-mail helpline was manned both before and throughout the consultation and provided assistance and guidance on any aspect of the Plan, the Website or consultation process.
- f.13 Also the Tests of Soundness Self-Assessment [LDP-EBD-BP11](#) clearly demonstrates that the Plan preparation and consultation process has been thorough and effective and that it meets all of the procedural/preparation requirements.
- f.14 Further detail is contained in the Consultation Report [LDP-KPD-CR1](#)

Question g)

How were consultation responses considered by the Council and taken into account?

Council's Response:

- g.1 During the Deposit Plan 6 week consultation period, 1281 representations from 657 separate respondents were received. Details of these representations and a summary of the proposed Council's response to them can be found in the Deposit LDP Representations and representation documents [LDP-KPD-RR1](#) and [LDP-KPD-RR2](#)

g.2 The Consultation report also sets out the main issues arising out of the consultation process and gives details of the numbers of objections to each issue. None of the representations are considered to challenge the soundness of the plan or the specific areas objected to, and have in the main not been accepted. There are a few instances where in responding it has been accepted that a policy or its reasoned justification could be enhanced and made even clearer with the addition of wording, and the Inspector at examination will be invited to consider these changes.

g.3 Also in response to the representations received the Council has undertaken some additional work in relation to the following:-

- A Flood Risk Consequences in respect of a small number of employment allocations
- An Open Space assessment
- Statements of Common Ground with NRW, Dwr Cymru Welsh Water, BCUHB, FCC Education section, and allocated sites that were more significantly challenged
- Renewable Energy

g.4 This work will be made available to the Inspectors as efficiently as possible prior to the relevant EiP sessions in the run up to Examination.

g.5 Local Members have been made aware of all the representations and have been given the opportunity to consider the Council responses. Firstly the Planning Strategy Group (who act as an internal steering group for the plan) met virtually from May to July 2020 to consider the Councils responses to all the representations received.

g.6 At their meeting on 30th July 2020, the PSG endorsed all of the recommended responses made to representations received to the Deposit LDP and recommended that these be considered by the Cabinet and Full Council as part of agreeing to Submit the Plan to Welsh Government and the Planning Inspectorate for Examination in Public.

g.7 A report on all the Representations and Response was subsequently taken to a Cabinet meeting on 22nd September 2020 and to Full Council meeting on 29th September 2020 where Members endorsed the responses and agreed that they be forwarded to the Welsh Government and Planning Inspectorate for consideration as part of the Submission of the Plan for Examination in Public.

Question h)

When is the addendum to the HRA and accompanying Statement of Common Ground likely to be submitted to the examination?

Council's Response:

h.1 The SoCG with NRW has been agreed in respect of representations relating to the HRA and also flood risk and has been submitted to the Examination.

Appendix 1 of the SoCG is a revised HRA which takes account of the changes agreed to policies PE2, PE13, PE14 and consequential changes to policy EN6. As a result of the SoCG, NRW are content that their concerns have been addressed and overcome.

Question i)

Does the HRA take account of NRW's recently published interim advice regarding phosphate levels in river SACs?

Council's Response:

- i.1 This is a relatively recent matter raised by NRW in relation to new phosphate standards for river SAC's, which are 50% to 80% tighter than previous. NRW have undertaken a compliance assessment and found a failure to meet the new targets in the Dee. NRW advise that any development within the catchment or waterbody that might increase the amount of phosphate should be screened through a HRA to determine whether they are likely to have a significant effect on the site's qualifying features. This is then clarified where NRW provide specific guidance for planning applications, and then sites in LDPs.
- i.2 The interim planning advice in respect of LDP's is that 'The types of development allocations which are unlikely to increase phosphate levels, and can be screened out in relation to phosphate contributions include:
 - i) Development which are proposed to be connected to a mains waste water treatment works with capacity to accommodate the additional waste water and any additional phosphate from the proposed development (in combination with other planned development) within discharge permit limits.
 - ii) Where sufficient treatment capacity does not currently exist but will be implemented within the current Asset Management Plan period and will be in place in time to ensure the treatment works stay within permitted discharge levels'.
- i.3 Discussions are continuing between the Council, Dwr Cymru Welsh Water (DCWW) and NRW in order to establish a position statement on this matter. There is also work underway to ensure a consistent approach is taken across Wales in respect of this matter. The Council would therefore suggest that it may be prudent to return to this matter later in the Examination Programme if required, in order to establish the most up to date position.
- i.4 The Council understands that the extent of the R. Dee within the County all relates to the tidal range of the estuary as far as Chester weir. Tidal sections of the SACs have been excluded, as the evidence base underpinning the targets applies to freshwaters only. Clearly there are a number of inland catchment rivers that other WWTW drain to, and which eventually drain to the upper (freshwater) reaches of the Dee out of County, to which the new phosphate standards apply. DCWW have advised on the headroom capacity and whether these have phosphate consents (see below).

i.5 The Council’s initial position is that its HRA published alongside the Deposit Plan has not specifically addressed phosphates. However policy EN15 ‘Water Resources’ in the Deposit LDP ensures that new development would not adversely affect the water environment and would have access to adequate sewerage and sewage treatment facilities, which either already exist, or will be provided in time to serve the development without detriment to water quality. The HRA provides a commentary in respect of Policy EN15 (p28) “*These policies are designed to steer change in such a way as to protect European sites from adverse effects. The implementation of these policies is considered to have no adverse impacts and potentially some beneficial effects on European sites*”. The HRA records the policy as ‘category E’ (screened out). This would seem to be in line with the interim guidance provided by NRW, particularly when the position clarified by DCWW below in relation to WWTW headroom and phosphate consents, is taken into account.

i.7 DCWW have advised on the position with respect to the housing allocations in the LDP in the table below:

Site ref	Settlement	Site Name	units	WWTW Catchment	Existing Capacity	Phosphate Consent
STR3A	Garden City	Northern Gateway	1325	Queensferry	Yes / AMP8	
STR3B	Broughton	Warren Hall	300	Chester	Yes	
HN1.1	Buckley	Well Street	159	Buckley	Yes	Yes
HN1.2	Connah’s Quay	Broad Oak Holding	32	Connah’s Quay	Yes (planning permission)	
HN1.3	Connah’s Quay	Highmere Drive	150	Connah’s Quay	Yes	
HN1.4	Flint	Northop Rd	170	Flint	Yes	
HN1.5	Mold	Maes Gwern	160	Mold	Yes (planning permission)	Yes
HN1.6	Mold	Denbigh Rd / Gwernaffield Rd	246	Mold	Yes	Yes
HN1.7	Ewloe	Holywell Rd / Green Lane	298	Queensferry	Yes / AMP8	
HN1.8	Hawarden	Ash Lane	288	Queensferry	Yes / AMP8	
HN1.9	HCAC	Wrexham Rd	80	Hope	Yes	Yes
HN1.10	New Brighton	Cae Issa	105	Mold	Yes	Yes
HN1.11	Penmynydd	Chester Rd	186	Hope	Yes	Yes

i.8 The Hope, Mold and Buckley Waste Water Treatment Works all have phosphate permits in place. The remaining waste water treatment works (Chester, Connah’s

Quay, Flint and Queensferry) do not raise the same issues with phosphate given that they discharge into the tidal section of the R. Dee.

i.9 It is therefore the Council's initial view that it is not necessary to amend the HRA in respect of this matter.