



**FLINTSHIRE LOCAL DEVELOPMENT PLAN 2015-2030 EXAMINATION**

**MATTER 4:  
LOCATION OF DEVELOPMENT (SETTLEMENT  
HIERARCHY, SETTLEMENT LIMITS)**

**STATEMENT IN RESPONSE TO INSPECTOR'S QUESTIONS**

**BY**

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**KEY ISSUE:**

**IS THE SPATIAL STRATEGY COHERENT AND BASED ON A CLEAR AND ROBUST PREPARATION PROCESS? ARE THE SPATIAL STRATEGY AND RELEVANT STRATEGIC POLICIES REALISTIC, APPROPRIATE AND LOGICAL IN THE LIGHT OF ALTERNATIVES AND ARE THEY BASED ON ROBUST AND CREDIBLE EVIDENCE?**

**A. THE SETTLEMENT HIERARCHY**

- 1.1 We have no issues with the settlement hierarchy set out by the Local Planning Authority in the Deposit Draft Plan and believe the hierarchy identifies the most sustainable locations for residential development.

**B. THE RATIONALE FOR PROPORTIONS OF DEVELOPMENT SPLIT ACROSS THE TIERS**

- 1.2 We have no comment in relation to this matter.

**C. WHY IS IT NECESSARY TO ASSESS THE COMMENTS OF THE UDP INSPECTOR WITH REGARD TO THE DEFINITION OF SETTLEMENT BOUNDARIES?**

- 1.3 No comment at this stage as this is for the Council to respond to. However, we reserve the right to comment at the Hearing in relation to any response provided by the Council.

**D. WHERE IS THE METHODOLOGY FOR THE ASSESSMENT OF THE SETTLEMENT BOUNDARIES DESCRIBED? HAS IT BEEN APPLIED CONSISTENTLY? WHERE ARE THE RESULTS OF THE ASSESSMENT SET OUT?**

1.4 Our main concern here is that the Council's approach to defining settlement boundaries (and, in particular, the boundary in Penyffordd) has not been consistent and does not follow logical boundaries.

1.5 Policy PC1 seeks to locate development within settlement boundaries as defined on the Proposals Maps. It is important therefore that the settlement boundaries are drawn realistically to reflect the character of the settlement and to follow long term defensible physical boundaries. If settlement boundaries do not follow firm and defensible physical boundaries on the ground, it is likely to lead to developments being approved outside settlement boundaries during the plan period (particularly if the housing delivery falls short). This would weaken the ability of policies in the Local Plan to perform towards the end of the plan period as it did with the under delivery towards the end of the UDP period which lead to planning by way of appeal.

1.6 Our specific concern in relation to this policy relates to the settlement boundary drawn around Penyffordd, and in particular site PEN037. The site's location is shown at **Appendix 1**. As part of the alternative sites assessment undertaken by the Council, this site was only one of two given the "green" notification in the traffic light system. The site was therefore identified by the Council as one of the best sites within Penyffordd to meet the Council's Preferred Strategy. As part of the candidate sites assessment (Background Paper 08) in relation to this specific site, the Council commented that:-

*"The site would represent a continuation of the principles embodied in the Wood Lane Farm scheme whereby, in this location, the A550 is considered to represent a firm and defensible outer edge to the settlement. A similar principle was also applied*

*in the Rhos Road (North) site which was allowed on appeal. Development would not harm the wider open countryside nor would it harm the character and form of the settlement”.*

- 1.7 It is clear therefore that the Council (at the stage of the Candidate Site Assessments) considered the site to be part of the settlement, contained within firm defensible boundaries and to “*form part of the settlement*”.
- 1.8 Since that time the site immediately to the north (Site PEN009) has been granted planning permission (on appeal) meaning the site is even more contained. The site is currently under development and is now included in the settlement. A plan showing site PEN009 is attached at **Appendix 2** and a plan showing both sites PEN037 and PEN009 together (identified as PEN040) is attached at **Appendix 3**.
- 1.9 The Council’s own assessment of the site, even before the development of site PEN009, therefore indicates that it should be included within the settlement boundary of Penyffordd rather than being identified as open countryside. The current settlement boundary is now contrived and leaves a site surrounded on 3 sides by existing development and on the 4<sup>th</sup> side by the A550 (which is acknowledged by the Council to represent a firm and defensible outer edge to the settlement). Even if the site is not allocated for residential development, it clearly forms part of the settlement rather than the open countryside beyond the A550. We attach at **Appendix 4** an aerial photograph of the location taken in June 2020 which clearly demonstrates that the site forms part of the settlement rather than the open countryside beyond the A550. It also shows the adjoining site (PEN009) clearly under construction.
- 1.10 The site characteristics were addressed by the Inspector in relation to the adjoining site PEN009. A copy of the Inspector’s Decision is attached at **Appendix 5**. In that appeal (APP/A6835/A/17/3182034) the Inspector assessed the visual containment of the site. He confirmed that, in visual terms, the site fell within the defined visual envelope of the village. He noted that Penyffordd already touches the A550 bypass

over a considerable length and that the proposed development would not significantly affect views of the countryside from that road or further afield. The Inspector's conclusion was that the loss of the field would not materially affect the rural character and appearance of the area and that *"the A550 would provide a defensible boundary"*. That assessment can be applied equally to the adjoining site (PEN037). The A550 would provide a long term defensible boundary for both sites (as it does for the remainder of Penyffordd).

- 1.11 The lack of a realistic assessment of the settlement boundary in Penyffordd in this location, on the basis of the above points alone, means that the settlement boundary for Penyffordd fails soundness test number 2 in that it is not supported by credible evidence and the rationale behind the settlement boundary cannot be demonstrated. There is no logic to the boundary drawn by the Council, particularly in the light of the additional development which has taken place since the UDP boundary. The draft boundary also fails test 2 on the basis that it is not *"logical, reasonable or balanced"*.
- 1.12 In addition, the approach taken by the Council to the settlement boundary in Penyffordd is inconsistent (a further element of soundness test 2). We refer specifically to the Council's approach in relation to site PEN10 and PEN027 (see plan at **Appendix 6**). This is the same site but was put forward for two different purposes and was therefore assessed twice. In that case, the Council have decided to include the site within the settlement boundary. The reason they have given is that:-

*"Given the existing embankment and vegetation screening from the A550, it is considered illogical that the settlement boundary, in this particular instance, should not follow the line of the A550 and include the site as a minor rounding off. It is therefore reasonable for the site to be included within the settlement boundary"*.

- 1.13 In the Council's Background Paper Number 8, their assessment of site as PEN010 was as follows:-

*“The site sits within the line of the A550 which acts as a westerly bypass to the settlement. Development would not harm the wider open countryside and would relate to the existing residential development. However, the presence of mature trees would need to be given careful consideration in designing any residential scheme. In principle, it is therefore considered that the site is suitable to be included within the settlement boundary in order that it may be considered as a windfall site. To the south of the candidate site, the present boundary cuts across several gardens and does not follow any features on the ground. In conjunction with the candidate site, it is considered that a more logical and defensible settlement boundary in this part of the settlement would be to follow the line of the A550. The acceptability or otherwise of any development proposal on the site would need to be considered against National and Local Policies and in the context of the level of development permitted on the three speculative sites. The site is considered suitable to be included in the settlement boundary”.*

- 1.14 There is no logical justification for the Council taking a different approach to site PEN037 to that they have taken in relation to site PEN010/PEN027. Both sites should be included within the settlement boundary of Penyffordd. There is therefore a clear inconsistency in the way the Council are treating these sites. In each case the A550 is the logical boundary to the settlement and would provide a firm and defensible outer edge (as acknowledged by the Council in relation to this site in their initial assessment, and in relation to site PEN010/PEN027 and by the recent Inspector in relation to the site PEN009).
- 1.15 It is important that Development Plans are consistent and fair in the way they treat sites in order to meet the requirements of soundness test 2 as set out above. An appraisal of the same circumstances in relation to the 3 sites in this case has led to different conclusions by the Council as to whether the sites should be included or excluded from the settlement limit. Reaching different conclusions in such similar circumstances is not coherent and consistent nor is it logical, reasonable or balanced

or supported by proportionate and credible evidence. The Council have produced no evidence to demonstrate why a different approach should be taken to site PEN037.

1.16 In order to be consistent site PEN037 should therefore be included within the settlement limit of Penyffordd such that the A550 forms the long term defensible outer edge of the settlement.

1.17 Including the site within the settlement limits would allow it to come forward as a sustainable site during the plan period should there be a need for additional housing. Indeed, this is consistent with guidance set out in PPW. In particular, we refer to paragraph 3.60 which indicates that, in the countryside, development should be located within and adjoining those settlements where it can be accommodated and that infilling and minor extensions to existing settlements may be acceptable. It is also consistent with paragraphs 3.43 and 3.44 which set out a sequential test in relation to development sites including previously developed land and/or underused sites located within existing settlements followed by sites on the edge of settlements considered at the next stage.

1.18 Excluding the site is also contrary to the Council's own assessment of its characteristics in Background Paper 8 (Candidate Site Assessments) referred to above. Failure to include the site within the settlement boundary therefore runs directly contrary to the Council's evidence base and their own appraisal and is therefore unsound.

**E. ARE THE SETTLEMENT LIMITS DRAWN SUFFICIENTLY WIDELY TO ENABLE THE PREDICTED AMOUNT OF GROWTH?**

1.19 Our comments in relation to the overall level of housing required under Matter 3 demonstrate that we do not believe that sufficient land has been allocated for housing. Drawing settlement limits in a contrived way which does not follow established boundaries and recognised boundaries (recognised by the Council and Planning Inspectorate) purely to

limit the opportunities for a site to come forward will mean that opportunities for windfall sites later in the plan period will be substantially reduced. Should any of the allocated sites or the Council's assumptions in relation to windfalls be found lacking towards the end of the Plan, drawing illogically tight settlement boundaries (for example around site PEN037) will mean that the settlement limits are not drawn sufficiently widely to enable growth.