

Flintshire County Council**Local Development Plan Examination: Hearing Statement for Matter 12, HN1.10 Cae Isa New Brighton.**

Date: 25th April 2021

From: Derek Walters (ID 1230681), For and on Behalf of The New Brighton Residents Group.

**Matter 12: New Housing Development Proposals (inc Density and Mix)
HN1.10 Cae Isa New Brighton.****Are the policies for the housing sites clear and reasonable**

a) Did the presence, or otherwise, of Best and Most Versatile agricultural land (BMV) influence the selection of housing sites?

Site is agricultural land, we believe type 3

BACKGROUND

There was a speculative planning application 060220 for this site, after 14 months the developers went to appeal for non-determination, under the dual jurisdiction process the application was refused and this was confirmed at the October 28th 2020 planning committee.

The appeal APP/A6835/A/20/326046 was dismissed by the Inspector appointed by the Welsh Ministers on 2nd February 2021

Key Issue:

Have relevant alternatives been considered; is the identification of the housing sites based on a robust and rational site selection process? Are the sites deliverable within the plan period and will they make an appropriate contribution towards the housing requirement.

And

a) Is it clear why the sites have been selected over other candidate and alternative sites?

SCALE OF SITE ALLOCATION

The site HN1.10 at Cae Isa, New Brighton in the draft LDP has been allocated for housing by the Council, the methodology to determine the allocated site we believe stems from the Settlement Audit followed by Candidate site assessment with a degree of judgement by the planning team (Reference discussion during Matter 4 of recent hearing). The rationale driving the degree of judgement is down to individual perception which is subjective.

The majority of the proposed site is outside the settlement boundary. The UDP inspector made this white land in 2011 and said development should be discouraged due to its limited facilities, the inspector also said: (page 134, 4.84.3 of the inspectors report) "The lack of green barrier protection for this land should not be seen in any way sanctioning development. It is a matter which must be fully explored as part of the LDP. In the interim period the site forms part of the **open countryside** and is subject to the restrictive policies of GEN3 which would not permit further growth on this undeveloped land. In these circumstances the sites lack of green barrier recognition should not be seen as a precedent for development."

It should be noted that the allocated site is far bigger than the site that was removed from the UDP by the Inspector in 2011, around 3 times the size

Since 2011 New Brighton has lost facilities, its only Shop, Post Office and Public House and this is acknowledged by the Council, but in their judgement they still believe it is a tier 3 settlement with services and facilities to support growth. In terms of growth in New Brighton since the start of the LDP period the council say this:

'In the first few years of the LDP Plan period completions have occurred at the allocated service station site (24 units) as well as a windfall site within the settlement at Rock Bank (13 units). Taken in conjunction with the allocated Cae Isa site it is acknowledged that cumulatively there appears to be a relatively high growth level'

The New Brighton settlement service audit (<https://www.flintshire.gov.uk/en/Resident/Planning/Key-Messages-Settlements/supporting-settlement-audit-reports.aspx>) gives the number of dwellings in 2014 as 328 and since this date there have been 24 + 13 = 37 additional houses built, this gives an increase of **11%**. If we now add the allocation of 105 houses, New Brighton would have a **43%** increase. New Brighton with limited facilities, no active travel (or proposed active travel) and no safe route to Sychdyn primary school, becomes unsustainable.

There is inconsistency in the councils judgement, for example development in Sychdyn (700 metres distance from New Brighton) had candidate site (SYCH007) for 53 houses refused, because the council say 'delivery of 43 units had occurred during the LDP Plan period i.e. since April 2015. The settlement of Sychdyn has therefore contributed towards meeting the Plans County wide housing need and there is no obligation within the Plan Strategy for a further allocation to be made'. Clearly New Brighton with 37 houses has also contributed to meeting the plans county wide housing need and similarly to Sychdyn there should be no obligation within the plan strategy for a further allocation to be made.

Sychdyn had 707 dwellings in 2014 the delivery of 43 homes gives an increase of **6%** contrast this to 11% for New Brighton. If we now add the 53 homes for the candidate site SYCH007 Sychdyn has a potential **14%** increase

Sychdyn is also is on an active travel route, F4 which links Mold with Sychdyn, Northop and Flint.

The settlement service audit for Sychdyn says this:

'Sychdyn is a large village situated to the North of Mold. The village has a reasonable range of services and facilities to satisfy daily needs of its resident population. Mold and its

town centre are situated very close by, and residents of Sychdyn will benefit from the services and facilities therein’.

So if we now compare the two villages:

Sychdyn – Reasonable services and facilities, On Active Travel Network, Primary school, **6% (43 houses)** growth since start of LDP.

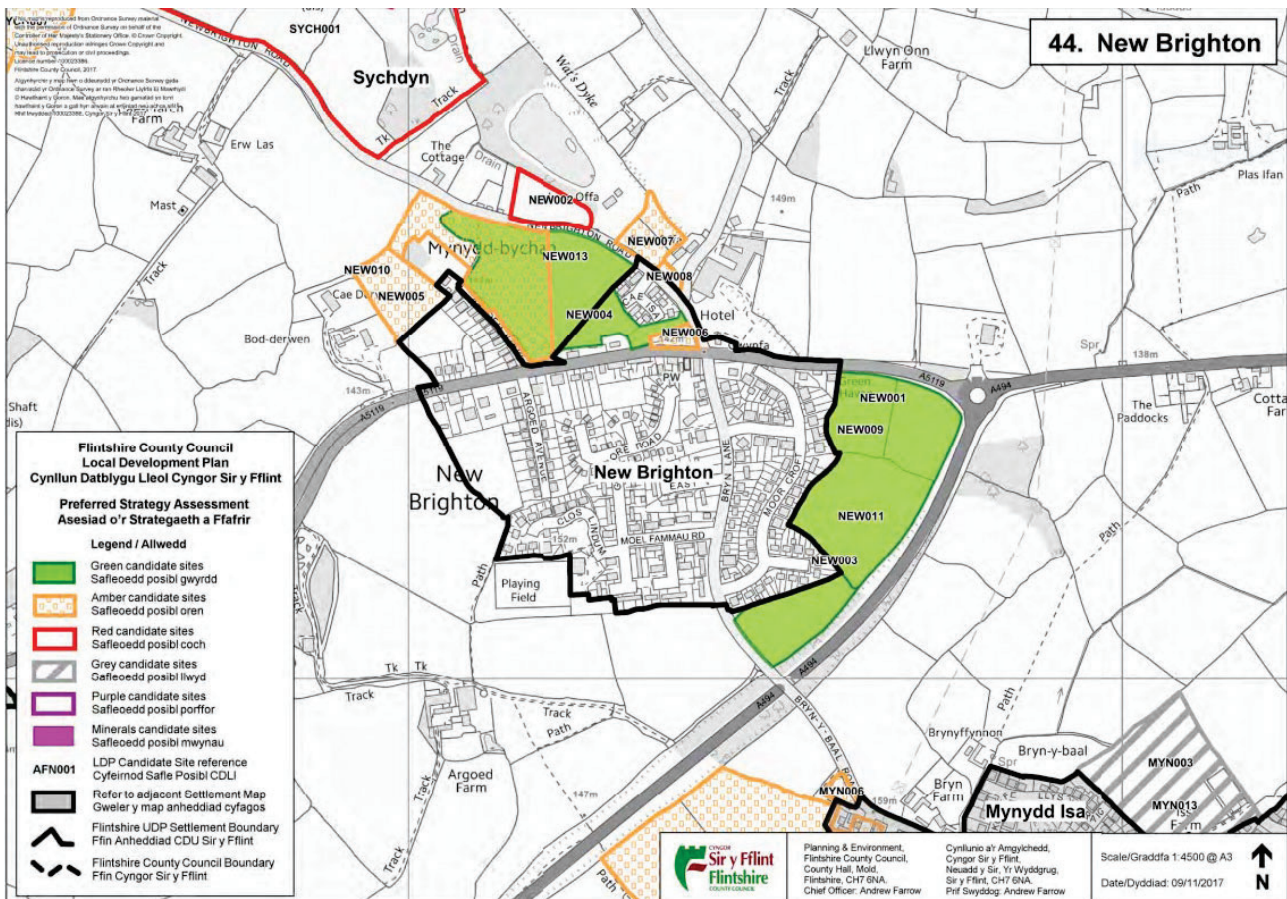
Additional 53 houses 14% growth was refused.

New Brighton – Some services and facilities, No active travel or planned active travel, no primary school, **11% (37 houses)** growth since start of LDP.

Additional 105 houses allocated in LDP will give 43% growth

The above comparison shows the inconsistency in the councils judgement. (Note this comparison is in no way to promote Sychdyn for site allocations, it is to show the inconsistent judgement of the site allocation process)

The bulk of New Brighton lies on the southern side of the A5119, the allocated site is on the north side and would extend into the open countryside. (see map below)



Hundreds of residents throughout New Brighton, not just those surrounding the site, objected to the recent speculative planning application 060220.

b) Are the numbers of units identified realistic and achievable?

Density of Development

The allocation of 105 houses gives a density of 30 houses per hectare, which is the preferred density.

The speculative planning application 060220 was originally for 97 houses, subsequently reduced to 92 houses.

One of the reasons for rejection by the council was insufficient public open space, and this was confirmed by the appeal Inspector who said there was a 'substantial shortfall'. We would expect the number of houses would need to be reduced further to meet the open space requirement, consequently this site allocation would not meet the preferred density requirement.

c) What are the various constraints affecting the sites? In the light of constraints, and other matters, where is it set out what the requirements are for each site? Is there sufficient clarity and certainty?

And

d) Having regard to constraints, where they exist, as well as the need to provide for affordable housing and infrastructure, are the sites viable?

Car Dependent Site Allocation

Future Wales Published 24th February 2021, replaces the Wales Spatial Plan

From Future Wales pages 85.

<https://gov.wales/future-wales-national-plan-2040>

Transport in Wales is currently dominated by the car. Our reliance on travelling by car is limiting the opportunity for physical activity and social contact to be built into people's everyday lives and is exacerbating air and noise pollution, particularly along major routes and at busy destinations. This has an adverse impact on people's health and well-being, contributing to life-limiting illnesses associated with physical inactivity, loneliness and isolation. This is also exacerbating health disadvantages for certain groups such as the elderly, those caring for young children, children themselves, people with disabilities and people in poverty. Road transport is a major cause of air and noise pollution and it accounts for the vast majority of greenhouse gas emissions produced from the transport sector. The changes in the way people moved around towns and cities during the COVID-19 pandemic are a sign of the widespread potential to reduce our use of cars and to allocate more space for walking and cycling. We will also be making 20mph the new default speed limit for most streets. The Welsh Government will be investing significantly to improve active travel and public transport. This needs to be combined with the implementation of policies in Planning Policy Wales which require development to be directed towards sustainable locations and designed to make it possible for everyone to make sustainable and healthy travel choices for their daily journeys. **It will also require**

planning authorities to refuse planning permission for car-dependent developments which would otherwise encourage car use and undermine sustainable travel

Developing Active Travel:

The Active Travel (Wales) Act 2013 seeks to bring about a substantial increase in active travel and forms a key driver in the delivery of the **Welsh Government's ambition to create sustainable places where people can walk and cycle as part of their everyday activity**. Since the Act was made, local authorities have developed plans for active travel networks for their area. The Active Travel Network Maps are a tool for local authorities to enhance their forward planning of active travel and should be used to inform, as well as be informed by, the location and design of new development.

PPW Edition 11 - 4.1.31 Planning authorities must support active travel by ensuring new development is fully accessible by walking and cycling. The aim should be to create walkable neighbourhoods, where a range of facilities are within walking distance of most residents, and the streets are safe, comfortable and enjoyable to walk and cycle.

New Brighton has not been designated an active travel area by Flintshire County Council

In LDP-KPD-RR1 Deposit Reps and Responses Page 1048 : <https://www.flintshire.gov.uk/en/PDFFiles/Planning/Key-Process-Documents-Policy/LDP-KPD-RR1-Deposit-Reps-and-Responses.pdf>

The Council say the following:

The fact that New Brighton has not been designated as an Active Travel area does not mean that's it is not suitable for development. Active Travel routes are proposed in close proximity to New Brighton, from Mold to Northop Hall and Mold to Ewloe. The Active Travel Integrated Route Map shows that New Brighton sits between two strategic 'connecting settlements' routes. Route F6 lies to the south of New Brighton and seeks to link, Mold, Mynydd Isa, Buckley and Ewloe. Route F5 lies to the north of New Brighton and provides a link from Mold to Northop Hall and Connah's Quay. A further route F4 links Mold with Sychdyn, Northop and Flint. Although there are presently no Active Proposals for New Brighton there is potential to link in with these other routes.

The above information from National Policy and the councils response to objections shows development in New Brighton would be car dependent and not in conformance with Future Wales Policy

Safe Route to School.

The Flintshire Education Department have specified Sychdyn Primary School as the appropriate school for the site, in line with their policies, also confirmed in SOCG 009 Flintshire Local Education Authority Position Statement

New Brighton Road is the most direct route to Sychdyn Primary School and it has failed the 'Safe routes to School assessment' by Flintshire County Council.

The FCC planning officer for speculative planning application 060220 stated by email that the safe route to school concern was in his initial draft report, but after advice from Highways and discussions held with them it was felt by Senior Officers that this reason for refusal should not be advanced and in his report said 'It is acknowledged by Highways Development control that it may be possible to negotiate a fairly simple scheme or measures that overcomes these concerns but at present no such details have been agreed with the developer' (Case Officers report 7.29 to Planning Committee)

Our ward councillor was unable to determine what this simple scheme or measures was to overcome the safe routes to school concern or any contact details of the people who made this decision (Highways and Senior officers).

We contacted FCC Highways to see if they could supply information on this 'simple' method their reply is shown below, to summarise, in their reply, they say 'The wording in the report is that of the planning officer and not mine', and that the preferred option was a one way system with pedestrian/cycle facilities but lack of grant funding prevented progress.

Planning Application 060220

3 messages

Derek Walters

23 October 2020 at 13:35

To: Colin Simpson <colin.simpson@flintshire.gov.uk>

Hello Colin,
I hope you are keeping safe and well.

The above planning application is on the agenda for next Wednesday 28th October, the case officer is recommending refusal, in his report under Highways 7.29, concerning a safe route to school on New Brighton Road it says the following:

" It is acknowledged by Highways Development control that it may be possible to negotiate a fairly simple scheme or measures that overcomes these concerns but at present no such details have been agreed with the developer".

Do you know what this "fairly simple scheme" is?

Many thanks

Derek Walters
For and on behalf of the New Brighton Residents Group

Colin Simpson <colin.simpson@flintshire.gov.uk>

27 October 2020 at 08:31

To: Derek Walters

Morning Derek

Apologies for this delayed response; an IT failure yesterday prevented access to emails.

Wording in the report is that of the planning officer and not mine.

Within the submitted Transport Assessment, the developer has identified (and proposed improvement to) a safe route to Mynydd Isa School but it would appear that there is inadequate spare capacity on that site to accommodate additional pupils from the proposed development. On that basis, Sychdyn School has been identified as the appropriate school; the route between New Brighton and Sychdyn has previously been assessed and classified as hazardous.

During the early stages of the planning process, colleagues in the Streetscene dept were investigating the alternative options available to deliver a "safe route". The preferred option was the introduction of a one-way traffic restriction to facilitate introduction of pedestrian/cycle facilities but lack of grant funding prevented progress.

Regards, Colin

Colin Simpson BTEch CEng MICE MCIHT
Senior Engineer | Uwch Beiriannydd
Highways Development Control | Rheoli Datblygu Priffyrdd

<https://mail.google.com/mail/u/0/?ik=2e018d550b&view=pt&search=all&permthid=thread-a%3A2050898048159337020&siml=msg-a%3A2049...> 1/3

23/04/2021

Gmail - Planning Application 060220

Planning and Environment | Cynllunio a'r Amgylchedd
Flintshire County Council | Cyngor Sir y Fflint

County Hall | Neuadd y Sir

Mold | Yr Wyddgrug

CH7 6NF | CH7 6NF

The Flintshire Infrastructure Plan LDP-EBD-BP3 does not state any action to resolve the 'safe route to school' concern and for the recent speculative planning application 060220 the council did not request any section 106 monies to resolve the concern.

The allocated site does not have a Safe Route to Sychdyn Primary School

Flooding

The Council say the following:

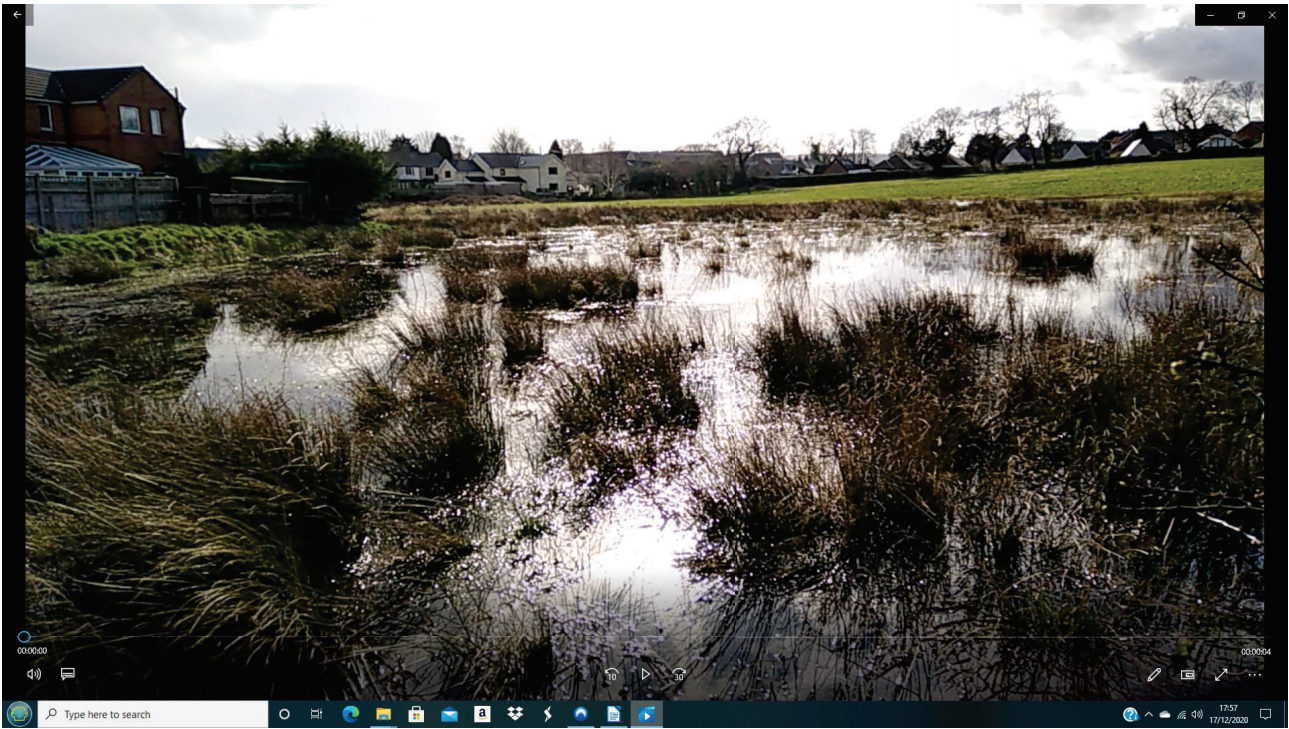
The FCA concludes that the site is at low risk of flooding, and that through the management of surface water runoff there is no increased flood risk elsewhere (off site) as a consequence of the development. The site is not in a flood risk area according to the Development Advice Maps, and the Planning Authority is not required to impose conditions that draw attention to flood risk.

Therefore the Authority are satisfied that there are no flood risk issues with the site that would prevent it from being allocated within the LDP. Any potential surface water flooding can be mitigated through SUDs as part of a detailed scheme of development for the site and by **seeking advanced/in tandem SAB approval for such a scheme**

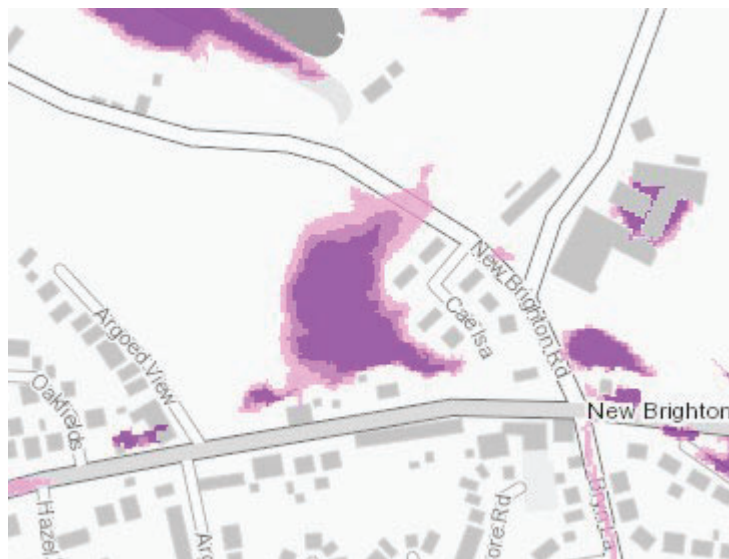
In the recent rejected speculative planning application 060220, the council did not request 'in advanced/in tandem SAB approval' from the developer, the proposal was a SUDS pond with the surface water eventually draining into Lake Offa pond, the owners of Lake Offa pond have submitted documentation to the council and the Wales Planning Inspectorate (recent appeal) saying they would not allow this to happen, and would take legal action, this response from the owners of Lake Offa was noted by the Appeal Inspector in his report.

The Inspector appointed by the Wales Government to decide on the appeal by the developer (application 060220 appeal number APP/A6835/A/20/326046) visited the site on 12th January 2021 and would have seen the site as shown in the photograph below, The site is flooded with surface water from October to March each year

We have no confidence or evidence that the site can be drained successfully. Indeed the Welsh Government UDP inspector stated, 'The area is liable to flood/has a marshy nature and is close to newt habitat'.



Natural Resource Wales have identified the site as high surface water flood risk, below is an extract from NRW surface water flood risk map



A PROW crosses the site, and below is the objection made by Ramblers Cymru (Mr Howard White who took part in the Matter 4 hearing on 14th April)

Ramblers Cymru Objection to Speculative planning application 060220.

The impact on a public right of way is a material consideration at planning application stage, and a separate Path diversion order is required before work starts. At present we are likely to maintain an Objection to any path diversion proposal - so we would encourage

any developer to seriously consider designing a layout that does not require a path diversion. (This would avoid delays/Public Inquiry later).

Open Space

FCC004 Open Space Assessment – This states that the ward of New Brighton has an open space deficit of 5.44 Hectares, the open space of the allocated site is 3.52 Hectares.

One of the reasons for the rejection of the speculative planning application 060220 was lack of public open space.

NRW objected to the speculative planning application 060220 as they were concerned as to the potential impacts of the development on protected species, and in particular on the great crested newt (GCN) (*Triturus cristatus*), which are afforded strict legal protection under Directive 92/43/EEC 'the Habitats Directive' and the Conservation of Habitats and Species Regulations 2017 (as amended)

Health Services

There is no Health Centre or GP practice in New Brighton,

Facilities

There are no shops in New Brighton, the Shell Garage is outside of the village and outside of the settlement boundary, and its function is to service car users. It did have an ATM machine but this facility has now been removed.

e) Are the delivery mechanisms for each site clearly identified? Is the timing and/or phasing of each site clearly set out?

Please see answers to c) and d)

TESTS OF SOUNDNESS

Test 1

The site allocation is not in accordance with Future Wales Policy, Planning Policy Wales edition 11, and the Active Travel (Wales) Act 2013

Test 2

The site allocation is not supported by robust, proportionate and credible evidence.

The site has been shown to have many issues, the recent speculative planning application 060220 was not resolved after 14 months, leading to an appeal by the developer for non-determination, and subsequent refusal by the Planning Committee and supported by the Appeal Inspector.

The allocation is for 105 units, but there is no clear evidence of delivery yet clear evidence of constraints.

The allocation of 105 houses does not contribute to the achievement of sustainable development as it would be a massive over-development of New Brighton which has already contributed 37 houses during the LDP time frame.

Test 3

The site will not be effective as it will introduce a car dependent development into New Brighton against National Policy and with no planned infrastructure improvements.

The numerous constraints identified in this submission document, were not picked up by the councils selection process, and will make the allocation not viable and not possible to implement.

Conclusion

The New Brighton Residents Group believe site allocation HN1.10 Cae Isa New Brighton, should be removed from the LDP, due to the non-conformances detailed in this submission.