

Development Local Plan Examination: Hearing Statement

Our Ref: 2016-041-EIP/M5

Date: 22 March 2021

From: NJL Consulting (Consultee ID – 1149350) on behalf of Bloor Homes

Matter 5: Principles of Sustainable Development, Design and Placemaking (inc. Transport and Accessibility STR5; Services, Facilities and Infrastructure STR6)

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?

Question 5a) 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?

- 1.1 Policy STR14 (Climate change and environmental protection) sets out clear policy support for brownfield development in the context of achieving sustainable development and mitigating environmental impacts. Paragraph 8.16 reinforces the key role of the LDP is to ensure a spatial strategy put in place that reflects *'resilient locational choices which embed considerations of climate change, biodiversity and ecological resilience, sustainable use of resources and protecting the health, amenity and wellbeing of communities'*¹.
- 1.2 One of the Key Issues set out within the LDP does however recognise the constraints with brownfield land across the Borough as *'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'*². Paragraph 8.17 continues by stating that within the County's market towns and a large number of smaller villages, there are not significant amounts of brownfield land. Rather, redevelopment of brownfield land will be focused through small site or windfall developments, and as part of the Council's Strategic Housing and Regeneration Programme. Evidence from the Employment Land Review also confirmed that there is 'little potential' for existing employment allocations being redeveloped for housing.
- 1.3 While the benefits of adopting a brownfield-first approach are recognised, it is important that housing needs can be properly addressed, especially for an authority which is already faced with an accrued housing shortfall. These constraints reinforce our concerns over the delivery rates of windfall sites over the Plan Period (see response to Matter 7), given how tightly defined the settlement boundaries have been drawn. The Council are therefore right in accepting that the Plan's strategy for identifying new

¹ Planning Policy Wales (2021) Para. 3.47

² Flintshire Deposit LDP (2019) Page 21

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sites should come from new greenfield allocations on the edge of settlements as required by PPW11³.

Question 5b) 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?

- 1.4 Bloor Homes are broadly supportive of the criterion for achieving good place-making and design under Policy STR4 but would request that policy flexibility is applied in order to account for site-specific circumstances and constraints which may have wider viability implications.

Question 5c) Has sufficient consideration been given to the need for Flintshire's transport infrastructure to align with those of neighbouring authorities?

- 1.5 The site being promoted by Bloor Homes (Land at Bretton Rd, Broughton Ref: BRUO001) has been identified by the Council as being part of the Boughton Chester Growth Corridor Study; emphasising the site's strategic location and the growth aspirations for Broughton. The Council also accept that *'the site is well located in terms of access to facilities and services and is well served by public transport'* with no technical constraints⁴.
- 1.6 Despite the above factors which weigh strongly in favour of the proposed allocation at Bretton Road, the Council claim that development of the site *'could potentially threaten future economic growth within the wider area, as the site may be needed as a possible new slip road from the A55 into Broughton'*⁵. We are aware that a high level transport study has been commissioned by Cheshire West and Chester Council with neighbouring authorities (inc. Flintshire County Council) to set out a strategic business case for a potential transport corridor.
- 1.7 To date, no such study or evidence has been published demonstrating how the site could in any way have implications on the routing of a proposed transport corridor. This highlights the lack of consideration that has been given towards cross-boundary, transport infrastructure requirements. Further evidence should be provided by the Council in order to support the LDP.

³ Planning Policy Wales (2021) Para. 3.44

⁴ Council Response to Bloor Homes Deposit-LDP Representations (Candidate Sites Register) Page 1401

⁵ Council Response to Bloor Homes Deposit-LDP Representations (Candidate Sites Register) Page 1401

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Question 5d) 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?

- 1.8 The Council's comments on the site suggestion at Bretton Road, recognises the good provision of existing services, facilities and public transport within Broughton. The LDP reinforces this point by stating that '*the biggest retail and leisure offering within the County is that of Broughton Shopping Park*'⁶, and recognises the sub-regional role it plays in terms of commercial and retail provision⁷. In being located immediately to the south of the Broughton Shopping Park, the Land at Bretton Road represents a highly sustainable site benefitting from excellent accessibility to services and facilities capable of meeting the everyday needs of future residents.
- 1.9 Previous Deposit-LDP representations submitted by British Land Company PLC⁸, refer to the importance of aligning retail and commercial provision to the considerable planned growth in and around Broughton. In this context the Broughton Shopping Park will continue to play a key role in meeting the needs of a growing local workforce. It therefore can only follow that in order to retain local employment and promote sustainable development in Broughton, that deliverable housing development is also secured in Broughton.

Question 5e) 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?

- 1.10 Infrastructure for new development should be secured either by planning condition or Section 106 Agreements. The use of planning obligations must be legally compliant in fulfilling the tests set out under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 as amended (CILR) which provides that:
- 1.11 '*A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –*
- *Necessary to make the development acceptable in planning terms; Directly related to the development; and*
 - *Fairly and reasonably related in scale and kind to the development.'*

⁶ Flintshire Deposit LDP (2019) Para. 6.23

⁷ Flintshire Deposit LDP (2019) Para. 6.20

⁸ Consultee ID - 1234331

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1.12 These tests are also reflected in Paragraph 7 of 'Planning Obligations', Welsh Office Circular 13/97 which requires that planning obligations are:

- Necessary;
- Relevant to planning;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development;
- Reasonable in all other respects.

1.13 In terms of calculating developer contributions, these are limited to Supplementary Planning Guidance Notes and on education⁹, open space¹⁰ and public art¹¹. No further information is provided in calculating planning obligations relating to infrastructure.

1.14 Moreover, Community Infrastructure Levy (CIL) has not been adopted by the Council, with paragraph 5.50 of the LDP stating that consideration of viability implications, infrastructure priorities and how contributions are spent will be worked up post-adoption of the LDP. Given CIL Regulations came into force on 6th April 2010, it would have been prudent of the Council to provide more clarity over their position on CIL in advance of submitting their Plan for examination, so that more certainty could be provided on viability implications and infrastructure delivery across the Borough.

⁹ SPGN No 23. Developer Contributions to Education

¹⁰ PGN No 13. Open Space Requirements (Revised Draft SPGN No 13. Outdoor Playing Space and New Development currently under review)

¹¹ SPGN No. 30 Public Art