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Flintshire County Council
County Hall
Mold
Flintshire
CH7 6NF

MAC097rep4

Date: 29 July 2022

Our ref: 04051/28/NT/EBo/

Dear Mr Farrow,

Flintshire Local Development Plan 2015 – 2030: Inspectors Matters Arising Changes

On behalf of our client, [REDACTED] please find below representations on the Flintshire Local Development Plan Inspectors Matters Arising Changes, published for comment until 29 July 2022. These representations follow comments made in response to earlier stages of the plan-making process.

By way of background to these representations, [REDACTED] operates more than 50 holiday sites in the form of holiday parks, family entertainment resorts and hotels in Great Britain and is therefore a significant contributor to the national tourist economy as well as local visitor economies. Within Flintshire, [REDACTED] operates [REDACTED]


The Company needs to regularly invest in [REDACTED] to continue to attract new and repeat visitors to the local area. Such investment supports the local economy directly and indirectly through the provision of jobs and spending. The need to be able to upgrade the property and invest in the site/estate underpins the comments on the draft policies.

Our client's representations relate to:

- 1 Policy PC3 (Design) (ref. MAC 050);
- 2 Policy EN2 (Green Infrastructure) (refs. MAC 090 and MAC 091);
- 3 Policy EN11 (Green Barriers) (refs. MAC 097);
- 4 Policy STR16 (Strategic Planning for Minerals) (refs. MAC 045, MAC 046 and MAC 047);
- 5 Policy PC6 (Active Travel) (ref. MAC 056);
- 6 Policy PE13 (Caravan Development in the Open Countryside) (refs. MAC 069 and MAC 070);
- 7 Policy EN13 (Renewable and Low Carbon Energy Development) (refs. MAC 098 and MAC 099); and,
- 8 Policy PE15 (Telecommunications and Digital Technology Infrastructure) (ref. MAC 073).

Policy PC3 (Design) (ref. MAC 050)

The modification to the policy has deleted the phrase 'where appropriate' in the opening sentence and as a result the requirements are considered to be onerous.




The proposed MAC does not recognise that the policy needs to be capable of being met but does not recognise that there are different types of development. The emerging policy took a proportionate and pragmatic approach to delivering development, recognising that the criteria may not be applicable to every project. The modification to the policy is no longer practical or reasonable.

Under the heading “Tourism”, PPW states that planning authorities should “...enable complementary development such as accommodation and access to be provided in ways which limit negative environmental impacts and consider the opportunities to enhance biodiversity.” (Paragraph 5.5.6). Paragraph 6.4.21 of PPW also states that enhancements should be achieved *wherever possible*.

Therefore, the modification to Policy PC3 is inconsistent with national policy and the phrase ‘where appropriate’ should be re-instated within the opening sentence to the policy, which will help to allow sufficient flexibility to deliver the Objectives of the Plan.

Policy EN2 (Green Infrastructure) (refs. MAC 090 and MAC 091)



endorses the Council’s approach to ensuring that Flintshire has a high-quality green infrastructure network. However, requiring non-designated green spaces be given the same weight, in planning terms, as designated green spaces such as green wedges is more onerous than the wording of national policy and therefore fails the first test of soundness. Development Plans Manual (2020) states development management policies should “*be clear about designated areas for protection, conservation and constraint.*” (Page 18).

Moreover, ‘non-designated green spaces’ is ambiguous and open to interpretation. Planning policies which are ambiguous can deter development and therefore prevent investment into the community. Policies should be prepared to be unambiguous to provide clarity to local planning authorities and members, stakeholders and the community. As such, it is considered the modification to the policy fails the second test of soundness, which requires plans to be “*clear and focussed*”.

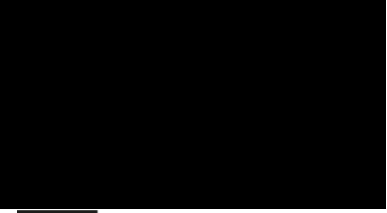
In addition, the modification is contrary to PPW and the sustainable use of land within settlement boundaries by requiring the same weight be applied to ‘non-designated green spaces’ as those which are designated green spaces. PPW states “*manage urban form through controlled expansion of urban areas*” (paragraph 3.67 bullet point 2). It is considered preventing development from areas of non-designated green space within settlement boundaries will therefore encourage the expansion of urban areas, beyond their settlement boundaries and into previously undeveloped land. As such, the modification fails the first test of soundness.

Taking a more onerous position than set out in PPW risks undermining the ability of businesses to invest in Flintshire and planning permission to be secured with the consequences that would have on the local economy. Further, the emerging plan has not demonstrated why taking a deviated approach is appropriate. As such, the proposed the inclusion of ‘non-designated green space’ should be deleted from the draft policy to align this element of the emerging Plan with national policy.

Policy EN11 (Green Barriers) (refs. MAC 097)

We recognise that there are no substantive changes proposed to emerging Policy EN11. However, it’s important to reiterate representations previously made as it goes to the soundness of the plan. We also draw the Inspectors’ attention to an error in the drafting of the Green Wedge boundary in the event the Inspectors choose not to revisit the concerns raised.

As set out in PPW, “the main aim of Green Belts [and by association Green Barriers] is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and



their permanence” (Paragraph 3.61). Presthaven Sands Holiday Park is located adjacent to the Gronant-Talacre-Gwespyr-Ffynnongroyw Green Barrier (as it was called in the Deposit Plan). As part of LDP preparation, Flintshire Council has undertaken a process to review the green barrier designations, which PPW requires it to do.

In reviewing the designations, the Council has concluded that the Gronant-Talacre-Gwespyr-Ffynnongroyw Green Barrier meets only one of the five purposes of a green belt i.e. to assist in safeguarding the countryside from encroachment. It is recognised that this does not necessarily mean that such a designation should not be retained in principle and further consideration is required. The Council’s methodology provides five further matters for consideration:

- *“not be designated where normal open countryside policies would be sufficient*
- *not be drawn wider than necessary to achieve their purpose*
- *be drawn where there is significant and sustained development pressure*
- *not unnecessarily duplicate other policy designations*
- *not need to possess any intrinsic inherent landscape, nature conservation or other quality.”*

Having reviewed the Council’s evidence base in detail, the Council proposes to remove the green barrier designation to the east as there is limited development pressure, the settlement boundary policy is sufficient, and the designation would duplicate other policy controls. However, despite a very similar context, and indeed similar conclusions, the western part of the designation will be retained.


This approach appears to be inconsistent with the only difference being the topography between the two areas. The Council considers that the more flat and open land to the west is sufficient justification for the difference in approach. Yet the council has provided no visual or other evidence but still recognises otherwise that the control of development can be met through other policy designations. There is no evidence to suggest there is significant or sustained development pressure which the Council describes as comprising UDP omission sites, LDP candidate sites and alternative sites and planning applications or pre-application enquiries. Further, the land to the west has a significant level of environmental constraint including the Dee Estuary SSSI and SPA, the relationship with the AONB and flooding constraints.


The Inspectors agree with the Council’s decision to remove the eastern portion of the green wedge but have not proposed to amend the extent of the green wedge further. It is considered the western portion of the green wedge should also be removed from the designation as it is consistent with the criteria cited for removing the eastern portion of the green wedge. Currently the modification does not meet the second test of soundness which requires plans to be robust, proportionate and be supported by credible evidence.

In addition, and most critical, if the Inspectors continue to ignore the concerns set out above, the western portion of the green wedge has extant planning permission where some of the approved development has already taken place – which is evident from aerial photography. It is therefore considered appropriate to remove the western-most extent of the Gronant-Talacre-Gwespyr-Ffynnongroyw from the green wedge for this reason.


Overall, the inspectors cannot adequately justify the difference in approach and therefore there is no evidential need to maintain the green barrier designation in the western part. As such the emerging policy is not sound and the green barrier should be removed in this area.

Policy STR16 (Strategic Planning for Minerals) (refs. MAC 045, MAC 046 and MAC 047)

 recognises the importance of ensuring that the County has sufficient access to its mineral resources. However, the modifications to Policy STR16 fail to acknowledge the impact upon the amenity of




all nearby sensitive receptors, including holiday accommodation, which should be protected from any adverse impacts associated with resource recovery activities and minerals extraction, such as noise, odour and visual impacts. Failing to protect amenity risks adverse impacts upon operators if they cannot attract new and repeat visitors. This would have direct and indirect consequences for the local economy, including the retention of jobs. This in turn would undermine delivery of the emerging Plan.

As such,  proposes the following addition to Policy STR16:




“Whilst meeting the needs of mineral resource management, the amenity of residents and other neighbouring land users will be protected from the potential adverse impacts of existing or proposed mineral extraction/processing facilities.” (Proposed additions underlined)

The proposed amendment will align Policy STR16 with PPW which states that, “minerals workings should not cause unacceptable adverse environmental or amenity impact...” (paragraph 5.14.42). The proposed amendment to Policy STR16 would mean that these elements of the Plan would satisfy the first test of soundness which requires plans to have regard to the well-being goals.

Policy PC6 (Active Travel) (ref. MAC 056)

 endorses the change to this emerging policy, and it reflects the position taken in our previous letter of representation.

Policy PE13 (Caravan Development in the Open Countryside) (refs. MAC 069 and MAC 070)

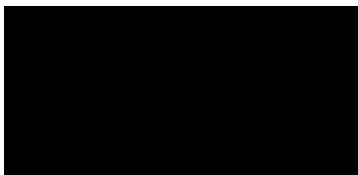
 to continue to attract customers and respond to changing market conditions, the Company must invest regularly to maintain a product offer, so as to meet increasing customer expectations. In particular,  seeks to ensure that the accommodation and facilities at all of its sites are of good quality and well maintained, necessitating a programme of replacement and enhancement. Significant investment by  is made at its parks, resorts and hotels to achieve this. Should planning policies fail to support such investment the ability of the Company to continue to attract new and repeat visitors will result in stagnating facilities which will be a harmful outcome for the Company and would, in turn, have wider detrimental effects on the local economy (e.g. reduced employment and local spending). It is vital therefore for the Local Development Plan [LDP] to have a positive planning framework to facilitate the delivery of this investment and the delivery of the Plan objectives.

There are elements of the emerging policy that are positive and provide a positive framework for applications for extensions to caravan parks. However, there are two matters of concern with regard to the MACs made by the Inspectors.

Firstly, the Council has an overarching objective to support tourism in the area (LDP obj. 14). It is considered, the modification (MAC 069), as proposed is negatively worded and also conflicts with other policies within the same policy and elsewhere in the emerging plan that are supportive of tourism development in this area. The proposed modification therefore fails the second test of soundness which requires plans to be positive and sufficiently aspirational.

Secondly, the modifications to Policy PE13 include the addition of “...no adverse effects on European sites...” under sections (a)(i) and (c)(vi). In order to ensure the modification is found sound, it is considered the modification should be amended as follows:

“(a)(i) there would be no material harm to the landscape character and environmental quality of the surrounding area and the development does not affect the integrity of a ~~no adverse effects on~~ European Site, either individually or cumulatively with other sites in the vicinity, and if necessary, taking into account any additional measures, planning conditions or obligations.; and’...



(c) the extension of existing caravan related sites will be permitted only where...

...

(c)(vi) the proposal does not impact upon the integrity of a ~~has no adverse effects on European site, if necessary, taking into account any additional measures, planning conditions or obligations.~~ (Proposed changes underlined and strikethrough).

██████████ considers that the proposed amendment would align Policy PE13 with national policy (PPW). Specifically, paragraph 6.4.18 which relates to Special Protection Areas, Special Areas of Conservation and Ramsar Sites and states, “*The development can normally only be authorised or the plan adopted, if the planning authority ascertains that it will not adversely affect the integrity of the site, if necessary taking into account any additional measures, planning conditions or obligations.*” The proposed amendments to draft Policy PE13 would mean that this element of the Plan would be aligned with national policy, thereby satisfying the tests of soundness.

Policy EN13 (Renewable and Low Carbon Energy Development) (refs. MAC 098 and MAC 099)

██████████ recognises the importance of ensuring that renewable and low carbon energy generation can play a key role in Flintshire’s overall energy generation. However, ██████████ considers that the unacceptable loss of amenity and accessibility to the area as stated in part ii of draft Policy EN13 should not be limited to “public” loss.

The amenity of any nearby sensitive receptors, including holiday accommodation, should be protected from any adverse impacts associated with renewable or low carbon energy activities, such as visual, noise and odour impacts. Failing to protect amenity risks operators not being able to attract new and repeat visitors to the local area with direct and indirect consequences for the local economy, including retaining jobs.

The following amendment to draft Policy EN13:

“...All renewable or low carbon energy proposals will be permitted provided that:

- i the siting, design, layout, type of installation and materials used do not have a significant adverse effect on the character and features of the proposed location;
- ii there would not be unacceptable loss of public amenity or accessibility to the area or to sensitive neighbouring receptors... (proposed amendment underlined).

██████████ considers that the proposed amendment would align Policy EN13 with national policy (PPW) which states “*proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum, to limit or constrain any effects that do occur. In circumstances where impacts are unacceptable, for example where adequate mitigation is unlikely to be sufficient to safeguard local amenity in terms of air quality and the acoustic environment it will be appropriate to refuse permission.*” (Paragraph 6.7.14). The proposed amendments to draft Policy EN13 would mean that this element of the Plan would be robust and would satisfy the tests of soundness.

Policy PE15 (Telecommunications and Digital Technology Infrastructure) (ref. MAC 073)

The inspectors have proposed the addition of a new telecommunications policy to be located under the Supporting a Prosperous Economy section.

██████████ seeks to ensure that its parks are in attractive locations to encourage new and repeat custom. Should planning policies fail to appreciate the adverse impacts upon amenity of neighbouring uses caused by



certain types of development to its holiday parks and hotels, the ability of the Company to continue to attract new and repeat visitors will result in stagnating facilities which will be a harmful outcome for the Company. This would, in turn, have wider detrimental effects on the local economy (e.g. reduced employment and local spending). It is vital therefore for the LDP to have a positive planning framework to facilitate the delivery of this investment and the delivery of the Plan objectives.

██████████ supports the addition of Policy PE15 as it provides clarity for future development proposals for telecommunications infrastructure within the Borough. However, ██████████ consider section (iii) needs to include other neighbouring uses in addition to the natural heritage, historic environment, or the amenity of neighbouring residents.

The following amendment is proposed:

“Proposals for telecommunications and digital technology infrastructure will be assessed in the context of technical and operational requirements and permitted where:

...

iii. There would be no significant adverse effect on natural heritage, the historic environment, or amenity of other neighbouring uses; residents; ...” (Proposed amendments underlined and with strikethrough).

██████████ considers that the proposed amendment would align Policy PE15 with national policy (PPW) which states “*infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.*” (Paragraph 3.61) and TAN15 (telecommunications) which states development plans should include policies on “*the siting and external appearance of apparatus, including any location and landscaping requirements designed to minimise the impact of such apparatus on amenity, without inhibiting operational efficiency.*” (Paragraph 33, bullet point one). The proposed amendments to draft Policy PE15 would mean that this element of the Plan would be robust and satisfy the tests of soundness.

Conclusion

We trust that these representations are clear and will assist in finalising the Flintshire Local Development Plan 2015 - 2030 Deposit Plan. Should you have any questions regarding any aspect of the representations please do not hesitate to contact me or my colleague ██████████

We would be grateful if you would ensure that we are notified of any future consultations on the emerging Local Development Plan or other planning policy, or guidance documents being prepared for Flintshire County Council.

Yours sincerely,

