

# Public Document Pack



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To: Cllr Rosetta Dolphin (Chair)

Councillors: Sean Bibby, Chris Dolphin, David Evans, George Hardcastle, Patrick Heesom, Cindy Hinds, Dennis Hutchinson, Joe Johnson, Vicky Perfect, Paul Shotton and Owen Thomas

3 February 2021

Dear Sir/Madam

**NOTICE OF REMOTE MEETING**  
**ENVIRONMENT & ECONOMY OVERVIEW & SCRUTINY COMMITTEE**  
**TUESDAY, 9TH FEBRUARY, 2021 at 10.00 AM**

Yours faithfully

Robert Robins  
Democratic Services Manager

Please note: Due to the current restrictions on travel and the requirement for physical distancing, this meeting will not be held at its usual location. This will be a remote meeting and 'attendance' will be restricted to Committee Members. The meeting will be recorded.

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

# AGENDA

## 1 APOLOGIES

**Purpose:** To receive any apologies.

## 2 MINUTES (Pages 3 - 18)

**Purpose:** To confirm as a correct record the minutes of the meetings held on 8 December 2020 and 12 January 2021.

## 3 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

**Purpose:** To receive any Declarations and advise Members accordingly.

## 4 FORWARD WORK PROGRAMME AND ACTION TRACKING (Pages 19 - 26)

Report of Environment and Social Care Overview & Scrutiny Facilitator

**Purpose:** To consider the Forward Work Programme of the Environment & Economy Overview & Scrutiny Committee and to inform the Committee of progress against actions from previous meetings.

## 5 COUNCIL PLAN 2020/21 (Pages 27 - 42)

Report of Chief Executive - Leader of the Council and Cabinet Member for Education

**Purpose:** To consider the proposed Council Plan for 2020/21 with specific focus on the Committee's respective portfolio(s).

## 6 FLEET ELECTRIFICATION (Pages 43 - 52)

Report of Chief Officer (Streetscene and Transportation) - Deputy Leader of the Council and Cabinet Member for Streetscene and Countryside

**Purpose:** To consider proposals for fleet electrification.

## 7 PLANNING ENFORCEMENT (Pages 53 - 88)

Report of Chief Officer (Planning, Environment and Economy) - Cabinet Member for Planning and Public Protection

**Purpose:** To receive a progress report

## **ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE** **8 DECEMBER 2020**

Minutes of the remote meeting of the Environment & Economy Overview & Scrutiny Committee of Flintshire County Council held on Tuesday, 8 December 2020

**PRESENT: Councillor Rosetta Dolphin (Chair)**

Councillors: Sean Bibby, David Evans, George Hardcastle, Patrick Heesom, Cindy Hinds, Dennis Hutchinson, Joe Johnson, Vicky Perfect, Paul Shotton and Owen Thomas

**SUBSTITUTION:** Councillor Christopher Dolphin for Councillor Kevin Hughes

**APOLOGIES:** Councillor Kevin Hughes

**ALSO PRESENT:** Councillor Haydn Bateman

**CONTRIBUTORS:** Councillor Carolyn Thomas, Deputy Leader and Cabinet Member for Streetscene & Countryside; Councillor Chris Bithell, Cabinet Member for Planning & Public Protection; Councillor Derek Butler, Cabinet Member for Economic Development, Chief Executive, Chief Officer (Planning, Environment & Economy); Chief Officer (Streetscene & Transportation), Transport Manager, and Service Delivery Manager

**IN ATTENDANCE:** Environment & Economy Overview & Scrutiny Facilitator, and Democratic Services Officer

### **20. DECLARATIONS OF INTEREST**

None.

### **21. MINUTES**

The minutes of the meeting held on 13 October 2020 were submitted.

The minutes were moved for approval by Councillor Paul Shotton and seconded by Councillor Owen Thomas.

The minutes of the meeting held on 10 November 2020 were submitted.

Councillor Owen Thomas thanked the Chief Officer (Streetscene and Transportation) for his update on progress concerning the Rhydymwyn – Mold cycleway.

The minutes were moved for approval by Councillor Owen Thomas and seconded by Councillor Joe Johnson

**RESOLVED:**

That the minutes be approved as a correct record and signed by the Chairman.

**22. EMERGENCY SITUATION BRIEFING (VERBAL)**

The Chief Executive gave an update on the current situation and referred to the regional vaccination programme. He explained that the outcome was awaited on the review of the current restrictions on hospitality by the First Minister of Wales on 17 December. He commented that the rise in new cases of Covid across Wales (specifically South Wales) was a cause of concern and could result in further restrictions being put in place during Christmas and New Year. Referring to data analysis he explained that Flintshire had seen a gradual increase in the number of cases of infection during the last few days but it was not a significant rise and said the vast majority of positive tests had come from community settings.

The NHS capacity in North Wales was stable and the number of Covid admissions were stable on a weekly basis. He gave an update on the current situation and capacity at the Rainbow Hospital, Deeside, and said it was anticipated it would be used as a centre for the forthcoming mass-vaccination programme and would be supported by a number of local vaccination centres across North Wales. The Chief Executive gave a brief update on the latest information and arrangements around the mass-vaccination programme in Wales which was currently expected to take 6-8 months to complete

In response to questions from Councillor George Hardcastle the Chief Executive gave an update on the position at the Rainbow Hospital, Deeside, and referred to the positive comments which had been received from staff and patients. He said all patients currently staying at the Rainbow Hospital had been discharged from hospital and were in convalescence.

**RESOLVED:**

Noted.

**23. VARIATION IN ORDER OF BUSINESS**

The Chair advised that item 10 on the agenda: Feedback on Welsh Government Proposals to Introduce Corporate Joint Committees would be brought forward. This was moved by Councillor George Hardcastle and seconded by Councillor Owen Thomas

## **24. FEEDBACK ON WELSH GOVERNMENT PROPOSALS TO INTRODUCE CORPORATE JOINT COMMITTEES**

The Chief Executive introduced a report to seek comments on the Welsh Government's (WG) proposals to include the review of the Regional Transport Plan and the proposals to introduce Corporate Joint Committees (CJCs). He provided background information and referring to section 1.12 in the report said the Authority did not have an objection in principle to the proposal of a CJC as a better alternative to the reorganisation of local government in Wales and the consequential cost and disruption involved. However, there were concerns around the scope and function which would be initially assigned to CJCs, any future powers, and the impact on local capacity to undertake and manage local functions and schemes. The Chief Executive referred to the Council's further responses to the consultation paper on the proposals as detailed in the report.

The Chief Officer (Planning, Environment & Economy) reported that the closing date for comments on the WG consultation on the proposals was 4 January 2021. He advised that the CJCs would be comprised of the six local authorities in North Wales and Snowdonia National Park. He explained that the CJCs would have the following three related functions: the improvement of Economic Development and Well Being; Strategic Planning, and Regional Transport Planning. He gave an overview of the first two functions and advised that, in principle, the Council supported the proposals, but had concerns around timescales, finance, and other matters.

The Chief Officer (Streetscene and Transportation) provided background information and reported on the Council's position in response to the proposals from a transport planning perspective which was supportive in principle of a regional model but with some concerns as detailed in the report.

Councillor Carolyn Thomas advised that the New Transport Strategy had been published on the WG website. She commented that she had regularly raised concerns around funding and resources being kept locally but supported a regional approach for rail and bus transport strategic routes. She also expressed concerns around the implications on the appointment of officers for CJCs FROM the local authorities for each region and the WG expectation that the roles would require a commitment of 1-5 days a week. She emphasised the value and need for the local knowledge of officers to be retained.

Councillor Chris Bithell expressed concerns around the proposed timescales and potential difficulties involved to develop a regional Strategic Development Plan.

Councillor Patrick Heesom spoke of the need for a transport infrastructure to meet the economic and social requirements of Flintshire.

The Chief Executive responded to Members' comments and agreed on the need to avoid duplication of administration and cost and gave an example of how this would be avoided.

Councillor Carolyn Thomas reiterated the need to feedback the Authority's concerns to the WG on the proposals around resources, funding, and the need to retain local officer knowledge and experience.

In response to the concerns raised by Councillor Patrick Heesom concerning the impact of Brexit on Holyhead Port the Chief Executive explained that significant work was being undertaken at regional level around border control capacity and temporary parking.

The Chief Officer (Streetscene and Transportation) explained that following approval and agreement of the national transport strategy, local transport plans and policies would need to be reviewed and would be presented to this Committee for comment before Cabinet approval.

Councillor Derek Butler commented on the arrangements that were already in place and working on a regional level and emphasised the need to present a case to the WG for finance for CJs.

The recommendation was moved by Councillor Joe Johnson and seconded by Councillor Paul Shotton

**RESOLVED:**

That the Committee supports the response to the Welsh Government's proposals for CJs in respect of the strategic transport function, the economic development function, and the proposals for the production of a Strategic Development Plan as set out in the report to and response of the Planning Strategy Group.

**25. FORWARD WORK PROGRAMME AND ACTION TRACKING**

The Facilitator presented the current Forward Work Programme. She referred to the Ditches and Watercourses Workshops to be held on 16 December, and reported that the Digital Programme Workshops from the Economic Ambitions Board would be held on 12 January 2021. She drew attention to the items listed for consideration at the next meeting of the Committee to be held on 12 January 2021 and advised that an additional item on the Welsh Government Transport Strategy would be included on the agenda for the meeting.

The Facilitator advised that a request had been made to add an item to the Programme on electric car charging points in the County for future consideration.

Reporting on progress against actions from previous meetings the Facilitator advised that there were currently three actions outstanding and progress was ongoing.

The recommendations were moved by Councillor Chris Dolphin and seconded by Councillor Paul Shotton.

**RESOLVED:**

- (a) That the Forward Work Programme be approved;
- (b) That the Facilitator, in consultation with the Chairman of the Committee, be authorised to vary the Forward Work Programme between meetings, as the need arises; and
- (c) That the Committee notes the progress made in completing the outstanding actions.

**26. UPDATE ON THE MOLD TO BROUGHTON CYCLEWAY SCHEME AND THE DEVELOPMENT OF THE COUNTY CORE CYCLEWAY NETWORK**

The Transport Manager explained that the initial purpose of the report was to provide the Committee with an update on the Mold to Broughton Cycleway Scheme, however, due to the interest raised during recent Scrutiny on the Council's wider strategic Active Travel aspirations the report was expanded to include an update on progress made in developing the County 'core' Cycleway Network. He also referred to the opportunity to extend the scope of the Mold to Broughton Cycleway Scheme to include Chester as the end destination and to seek the Committee's support for the submission to rebrand the scheme to the 'Mold to Chester Strategic Cycleway Scheme' as the Council's Strategic Active Travel application to Welsh Government in the forthcoming financial year.

The Transport Manager provided background information and gave a brief overview of the national cycle network and an update on the Mold cycle scheme. He explained that the development of a strategic cycle network as outlined made active travel a plausible option which enabled people to access work, leisure, and tourism, not only within County but also into England. The Chief Officer (Streetscene and Transportation) endorsed the comments expressed by the Transport Manager concerning the opportunities to be gained through the development of a national cycle network and said it was hoped that it would become as well known and well used as the road map in Flintshire.

Councillor George Hardcastle raised concerns around the removal of trees on the Aston Hill area. He also raised concerns that there were no barriers to provide protection for users on cycle-ways on Aston Hill. The Chief Officer acknowledged the concerns raised and gave an assurance that he would be speaking directly to the Trunk Agency to ensure the same consultation process was followed as that undertaken by the Authority.

Councillor Carolyn Thomas thanked officers for their work on the transport strategy. She concurred with the views expressed by Councillor Hardcastle on the need for the Trunk Agency to engage in full consultation.

Councillor Dennis Hutchinson also expressed thanks to officers for their hard work on the County Core Cycleway Network, and also commented on the support and co-operation provided by Alistair Stubbs, Headteacher, Elfed High School, on the local proposals for development. Councillor Hutchinson raised concerns regarding a local highway in his Ward. The Chief Officer responded to the points made and said he would provide a more detailed response to Councillor Hutchinson following the meeting on the proposals for a link from Buckley to a dedicated cycleway on the road.

Councillor David Evans referred to the Mold to Deeside Industrial Park (DIP) Strategic Cycleway Link and sought clarification on how access would be gained across the Flintshire Bridge if this was the intended route. He spoke in support of the further local proposals which were welcomed. The Chief Officer provided an update on consultation taking place around proposals for the Sandycroft to Broughton link, and a link from Mold to Flint and Deeside Industrial Park.

The recommendations were moved by Councillor Christopher Dolphin and seconded by Councillor Dennis Hutchinson

**RESOLVED:**

- (a) That the progress made to date on the progression of the Mold to Broughton Strategic Cycleway Scheme, including the development of the County's Strategic Active Travel schemes on the County's Core Cycleway Network be noted; and
- (b) That the opportunity to extend the scope of the Mold to Broughton Cycleway Scheme to include Chester as the end destination be noted and the submission of the rebranded 'Mold to Chester Strategic Cycleway Scheme' as the Council's Strategic Active Travel application to WG in the forthcoming financial year be supported.

**27. RECOVERY STRATEGY (PLANNING, ENVIRONMENT & ECONOMY PORTFOLIO)**

The Chief Officer (Planning, Environment and Economy) introduced a report to give an oversight on the recovery planning for the Committee's respective portfolio areas. The Chief Officer provided background information and explained that updated versions of the risk register and risk mitigation actions for the Planning, Environment and Economy portfolio were attached to the report.

The Chief Officer advised that an update was also provided in the report on progress against each of the portfolio's 14 recovery objectives. He referred to



progress on compliance with the new Local Development Plan, support for local town centres, community and business protection statutory and enforcement duties in relation to Covid-19, Ash die-back, and restoration of the development Management function.

The Chief Officer reported on the changes in the updated risk register as appended to the report and referred to the following risks: PE02, PE13, PE14, and PE16.

The recommendations were moved by Councillor Dennis Hutchinson and seconded by Councillor George Hardcastle.

**RESOLVED:**

- (a) That the Committee notes the progress made with respect to recovery planning for the Planning, Environment and Economy portfolio; and
- (b) That the content of the updated portfolio risk register and mitigation actions be noted.

**28. RECOVERY STRATEGY (STREETSCENE AND TRANSPORTATION PORTFOLIO)**

The Chief Officer (Streetscene and Transportation) introduced a report to give an oversight on the recovery planning for the Committee's respective portfolio area. He provided background information and explained that the latest version of the risk register and set of risk mitigation actions for the Streetscene and Transportation portfolio were attached to the report.

The Chief Officer advised that In addition an update was detailed in the report on progress against each of the portfolio's 9 recovery objectives. He referred to progress on recycling performance, the development of waste infrastructure to support increased recycling potential, and maintenance of the highway network during the winter period.

The Chief Officer reported on the changes in the updated risk register which would be circulated to the Committee following the meeting and referred to funding from the Welsh Government for loss of income from car-parks due to Covid-19 restrictions; well-being of employees, compliance matters around recycling of waste material, and preparations to respond to emergency situations.

Councillor Carolyn Thomas expressed thanks to all staff in Streetscene and Transportation for their hard work throughout the pandemic. The Chair added her thanks to the Chief Officer and his staff for their work during very difficult circumstances.

Councillor Dennis Hutchinson asked for an update on Standard Waste Transfer Station, the Chief Officer advised that the land would be vacated before Christmas with the hope of having a new building in June/July and operational before end of Summer 2021. The new facility would include an education centre which Members of the Committee would be invited to attend when completed.

In response to the further concerns raised by Councillor Hutchinson around road markings the Chief Officer explained that any defects would be identified by local street co-ordinators during highway inspections and a specialised contractor would be brought in to undertake a programme of work. He suggested that Councillor Hutchinson raise the specific defects he was aware of with his local Streetscene co-ordinator for action.

In response to questions from Councillor George Hardcastle the Chief Officer gave an update on winter maintenance arrangements, and confirmed there was a residual stock of rock salt to cover winter period. Councillor Hardcastle thanked the Chief Officer and his team for their hard work during the winter months.

The recommendation was moved by Councillor Christopher Dolphin and seconded by Councillor Joe Johnson.

**RESOLVED:**

That the Committee notes the progress made to support the Recovery Strategy by the Streetscene and Transportation portfolio.

**29. UPDATE ON ALLTAMI DEPOT STORES**

The Service Delivery Manager introduced a report to provide an update on progress following a previous report presented to the Committee in February 2020 in line with the Committee's recommendations. She provided background information and referred to the development of a new electronic stock control system which was intended to simplify stock management issues and provide greater accountability and reporting functions. It was anticipated that the new system would be in operation by end of March 2021 and in the meantime stock control would continue to be managed through a paper based system to ensure all stock items were issued and recorded on the Tranman system.

The Service Delivery Manager also reported on work undertaken to identify the location of all items of plant and equipment, including equipment held at remote sites, and advised that the central plant inventory was updated daily and all items registered and use authorised by Supervisors. She explained that as part of this work the service had employed the use of a group of hardware and software components which allowed for the collection, organisation, and analysis of HAV (Hand Arm Vibration) risk exposure data relating to the use of vibrating equipment. The software ensured that the Council adheres to legal requirements applicable to workplace health and safety and to determine vibration magnitudes

that are representative of the actual vibration emissions applicable during tool use.

The Service Delivery Manager advised than an action plan (appended to the report) had been introduced to ensure that working arrangements and processes continued to be adhered to within the Service and referred to the key actions as detailed in the report.

The recommendation was moved by Councillor Christopher Dolphin and seconded by Councillor Paul Shotton.

**RESOLVED:**

That the ongoing working arrangements within the Streetscene and Transportation depot stores be noted and the actions undertaken to control material, plant, and equipment held within the stores be supported.

**30. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There was one member of the press in attendance.

(The meeting started at 10.00 am and ended at 11.59 am)

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**Chairman**

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**ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE**  
**12 JANUARY 2021**

Minutes of the remote meeting of the Environment & Economy Overview & Scrutiny Committee of Flintshire County Council held on Tuesday, 12 January 2021

**PRESENT: Councillor Rosetta Dolphin (Chair)**

Councillors: Sean Bibby, David Evans, George Hardcastle, Patrick Heesom, Cindy Hinds, Dennis Hutchinson, Joe Johnson, Vicky Perfect, Paul Shotton and Owen Thomas, Christopher Dolphin

**ALSO PRESENT:** Councillors::Haydn Bateman, Marion Bateman, Christopher Dolphin and Rob Davies

**CONTRIBUTORS:** Councillor Carolyn Thomas, Deputy Leader and Cabinet Member for Streetscene & Countryside; Councillor Chris Bithell, Cabinet Member for Planning & Public Protection; Councillor Derek Butler, Cabinet Member for Economic Development, Chief Officer (Planning, Environment & Economy); Chief Officer (Streetscene & Transportation), Transport Manager, and Head of Democratic Services

**IN ATTENDANCE:** Environment & Economy Overview & Scrutiny Facilitator, and Democratic Services Officer

Prior to the start of the meeting the Chair expressed her condolences on the recent sad loss of Councillor Kevin Hughes. She advised that there would be an opportunity for Members to pay tributes to Councillor Hughes at the next meeting of the County Council. She invited Members to join her in applause to celebrate his life and achievements.

**31. DECLARATIONS OF INTEREST**

None.

**32. ADDITIONAL ITEM**

The Chair advised that it had been agreed that the Committee would receive an additional item at the meeting to enable the Chief Officer (Streetscene and Transportation) to provide an update on the waste collection service during the Christmas period.

**33. FORWARD WORK PROGRAMME AND ACTION TRACKING**

The Facilitator presented the current Forward Work Programme. She explained that an item on the Council Plan which had been scheduled for consideration at today's meeting had been deferred to a future date as development of the Plan

was ongoing. She drew attention to the items listed for consideration at the next meeting of the Committee to be held on 9 February 2021 and said that it was suggested that the items on Ash Dieback surveys and Borderlands Line Train Services be deferred to future meetings of the Committee. The Facilitator also advised that updates on the Integrated Transport Plan and Climate Change would be scheduled onto the agenda as appropriate.

Referring to actions from previous meetings the Facilitator advised that there was no update to report on the actions outstanding and progress was ongoing.

The recommendations were moved by Councillor Paul Shotton and seconded by Councillor Chris Dolphin.

**RESOLVED:**

- (a) That the Forward Work Programme be approved;
- (b) That the Facilitator, in consultation with the Chairman of the Committee, be authorised to vary the Forward Work Programme between meetings, as the need arises; and
- (c) That the Committee notes the progress made in completing the outstanding actions.

**34. FLINTSHIRE COUNTY COUNCIL RESPONSE TO WELSH GOVERNMENT (WG) TRANSPORT STRATEGY CONSULTATION**

The Transport Manager introduced a report on the Council's response to the WG Transport Strategy. He advised that the existing Transport Strategy had expired and the WG had published a new draft Strategy entitled 'Llwybr – Newydd – A New Wales Transport Strategy' with a request for comments/suggestions from interested parties by 25 January 2021. He said the report provided an overview of the content of the WG's revised Transport Strategy whilst also sharing details of the Council's proposed response to the formal consultation process for Scrutiny comment and additions.

The Transport Manager provided background information and reported on the main considerations as detailed in the report. He advised that following review of the new draft strategy the Consultation Response Form had been completed and was appended to the report for information and comment.

Councillor Patrick Heesom referred to the Joint Local Transport Plan (JLTP) and said it would be helpful if the current provision of the JLTP was made available to Members. He also referred to paragraph 1.09 in the report and the adoption of a revised Transport Strategy and commented that the current transport system in North Wales was not fit for purpose. He expressed a number of concerns around the issue of transport corridors.

Councillor Heesom referred to WG proposals to introduce Corporate Joint Committees (CJCs) which would undertake the preparation of the Regional Transport Plan and asked for clarification of the Authority's role on this. Councillor Heesom asked if he could be sent a blank copy of the Consultation Response Form to enable him to make his own comments and suggestions on the consultation.

The Chief Officer (Streetscene and Transportation) responded to the local and strategic concerns which had been expressed by Councillor Heesom. He provided further explanation around the JLTP, the role of CJCs, and the Trunk Road network. The Chief Officer also provided an update on the concerns raised by Councillor Heesom regarding the Red route. The Chief Officer gave an assurance that the Authority was well represented on the Transport Network Groups for North Wales and commented that the work done by Flintshire was recognised by the WG as a model for good practice across North Wales.

In response to the further questions raised by Councillor Heesom concerning the Mostyn Dock area the Chief Officer explained that the Authority's transport plan had been expanded to include all areas in Flintshire. He advised that funding had been received from the WG to look at transport links in the north of the County which included Mostyn Docks.

Councillor Paul Shotton asked for an update on the Quality Bus partnerships, maintenance arrangements and signage on the Flintshire Dee Bridge, and the Red Route. In his response the Chief Officer explained that the WG were proposing that Transport for Wales take on the role across Wales of introducing quality partnerships on core networks and that a report was to be submitted to the next meeting of Cabinet for consideration. The Chief Officer said clarification was being sought on the red route and that the Authority supported it.

Councillor David Evans referred to the responses provided to Questions 5 (targets for Active Travel usage) and 9 (road charges) in the Response Form (appended to the report). Acknowledging the comments and suggestions made by Councillor Evans the Transport Manager gave an explanation of the rationale and points made in the consultation response. In respect of Q9 it was noted that any road charge should not disadvantage rural communities who rely more heavily on their cars, due to the lack of regular public transport and local Active Travel routes.

In response to the comments made by Councillor Owen Thomas regarding the A55 and diversion routes the Chief Officer advised that the WG was looking at pressure points and capacity along the route.

Councillor Carolyn Thomas commented that the WG New Wales Transport Strategy was aspirational and would require behavioural change by people to take forward. She referred to progress on hydrogen, provision of electric car

charging points, the Flintshire corridor (formerly the Red Route), the Dee Bridge crossing, and the bus network.

Councillor Derek Butler spoke of the need for greater public transport opportunities/integration to be made available to enable people to travel across Cheshire, Wrexham and Merseyside. He said the pandemic had changed how people lived and worked and reinforced the need for resources to be directed towards improving the public transport network for employment and economic purposes.

Councillor George Hardcastle expressed concerns regarding delays in progressing the A494 improvements

Councillor Carolyn Thomas explained that a petition had been put forward. Work was progressing with information on traffic flows and the environmental impact.. The Chief Officer advised that regular meetings were being held with officers in WG to identify the start date for the A494 and other proposed schemes

Councillor Chris Bithell referred to bus services and said many of the bus timetables at bus stops were out of date and some services had ceased. He commented on the need to encourage the general public to use public transport and said the lack of up to date information was a problem that discouraged this. Councillor Bithell referred to the Council's proposed response to question 10 as detailed in the Response Form concerning the impact on the Welsh language. He felt more emphasis needed to be made on the importance of maintaining transport links in Welsh speaking areas and commented on the importance of the tourist and hospitality industry. He emphasised the need for bilingual signage for both highway and tourism purposes in order to further promote the Welsh language and culture.

The recommendation was moved by Councillor Owen Thomas and seconded by Councillor Chris Dolphin.

**RESOLVED:**

That the Committee recommends that Cabinet approves the Council's response to the formal consultation process for the WG's revised Transport Strategy.

**35. UPDATE ON WASTE RECYCLING DURING THE CHRISTMAS PERIOD**

Prior to the update the Chair asked the Chief Officer to pass on her thanks to the Streetscene team for their sterling work during the Christmas period. She also expressed thanks to Officers in the Streetscene Team for their work and professionalism to keep herself and Members regularly informed of the waste collection arrangements throughout.



The Chief Officer (Streetscene and Transportation) commented on the impact of Covid-19 across the Streetscene and Transportation Service. He provided background information and reported on the decision making arrangements which had to be made in September 2020 around the collection of waste materials (including food waste) throughout the Christmas period (excluding Christmas Day, Boxing Day, and New Year's Day). He spoke of the united team effort that was made to address the substantial increase in waste collection during the festive period and explained that there had been 130 vehicle waste collections per day which was 3 times more than the normal volume. The Chief Officer explained that (with few exceptions) all waste had been collected by the Streetscene Team by 8 January. He paid tribute to the hard work and commitment of his staff who had worked in different roles (some voluntarily) and unsocial hours during the period to support colleagues in extremely challenging circumstances.

Members expressed their thanks to the Chief Officer and all his Team for their hard work throughout the Christmas and New Year holiday period and spoke in appreciation of the excellent service provided. Councillor Dennis Hutchinson commented on the additional difficulties experienced by the Streetscene and Transportation service arising from the harsh Winter conditions and the current serious pandemic.

**36. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There were no members of the press in attendance.

(The meeting started at 10.00 am and ended at 11.38 am)

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**Chairman**

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## ENVIRONMENT & ECONOMY OVERVIEW & SCRUTINY COMMITTEE

<b>Date of Meeting</b>	Tuesday, 9 February 2021
<b>Report Subject</b>	Forward Work Programme and Action Tracking
<b>Report Author</b>	Environment & Economy Overview & Scrutiny Facilitator
<b>Type of Report</b>	Operational

### EXECUTIVE SUMMARY

Overview & Scrutiny presents a unique opportunity for Members to determine the Forward Work programme of the Committee of which they are Members. By reviewing and prioritising the Forward Work Programme Members are able to ensure it is Member-led and includes the right issues. A copy of the Forward Work Programme is attached at Appendix 1 for Members' consideration which has been updated following the last meeting.

The Committee is asked to consider, and amend where necessary, the Forward Work Programme for the Environment & Economy Overview & Scrutiny Committee.

The report also shows actions arising from previous meetings of the Environment & Economy Overview & Scrutiny Committee and the progress made in completing them. Any outstanding actions will be continued to be reported to the Committee as shown in Appendix 2.

### RECOMMENDATION

1	That the Committee considers the draft Forward Work Programme and approve/amend as necessary.
2	That the Facilitator, in consultation with the Chair of the Committee be authorised to vary the Forward Work Programme between meetings, as the need arises.
3	That the Committee notes the progress made in completing the outstanding actions.

## **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING THE FORWARD WORK PROGRAMME AND ACTION TRACKING</b>
1.01	Items feed into a Committee's Forward Work Programme from a number of sources. Members can suggest topics for review by Overview & Scrutiny Committees, members of the public can suggest topics, items can be referred by the Cabinet for consultation purposes, or by County Council or Chief Officers. Other possible items are identified from the Cabinet Work Programme and the Improvement Plan.
1.02	<p>In identifying topics for future consideration, it is useful for a 'test of significance' to be applied. This can be achieved by asking a range of questions as follows:</p> <ol style="list-style-type: none"><li>1. Will the review contribute to the Council's priorities and/or objectives?</li><li>2. Is it an area of major change or risk?</li><li>3. Are there issues of concern in performance?</li><li>4. Is there new Government guidance of legislation?</li><li>5. Is it prompted by the work carried out by Regulators/Internal Audit?</li><li>6. Is the issue of public or Member concern?</li></ol>
1.03	In previous meetings, requests for information, reports or actions have been made. These have been summarised as action points. Following a meeting of the Corporate Resources Overview & Scrutiny Committee in July 2018, it was recognised that there was a need to formalise such reporting back to Overview & Scrutiny Committees, as 'Matters Arising' was not an item which can feature on an agenda.
1.04	It was suggested that the 'Action tracking' approach be trialled for the Corporate Resources Overview & Scrutiny Committee. Following a successful trial, it was agreed to extend the approach to all Overview & Scrutiny Committees.
1.05	The Action Tracking details including an update on progress is attached at Appendix 2.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None as a result of this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	In some cases, action owners have been contacted to provide an update on their actions.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None as a result of this report.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Draft Forward Work Programme Appendix 2 – Action Tracking for the Environment & Economy OSC.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	Minutes of previous meetings of the Committee as identified in Appendix 2.  <b>Contact Officer:</b> Margaret Parry-Jones Overview & Scrutiny Facilitator <b>Telephone:</b> 01352 702427 <b>E-mail:</b> <a href="mailto:Margaret.parry-jones@flintshire.gov.uk">Margaret.parry-jones@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Improvement Plan:</b> the document which sets out the annual priorities of the Council. It is a requirement of the Local Government (Wales) Measure 2009 to set Improvement Objectives and publish an Improvement Plan.

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## Environment & Economy Overview & Scrutiny Forward Work Programme 2020/21

Date of Meeting	Subject	Purpose of Report/Presentation	Scrutiny Focus	Responsible/Contact Officer	Submission Deadline
<b>9 March</b> <b>10.00 am</b>	Recyclable materials income/increased expenditure on disposal of residual waste (ST10)	To receive a progress report	Assurance	Chief Officer, Streetscene & Transportation	
	Borderlands Line Train Services – Additional Services and Potential Impact on Stops	To receive a progress report on developments. Representative from Transport for Wales to be invited.	Assurance	Chief Officer Streetscene & Transportation	
	Recovery Strategy Updates	To provide oversight on the recovery planning for the Committee's respective portfolio(s).	Assurance	Chief officer Planning, Environment & Economy and Chief Officer Streetscene and Transportation	
	Economic Recovery	To update members on the major transitions and on the regional and local responses being established	Assurance	Chief Officer Planning, Environment & Economy	
<b>12 May</b> <b>10.00 am</b>	Highway Asset Management Plan	To receive an update on how Flintshire County Council manages the maintenance of its highways to fulfil its statutory obligations.	Assurance	Chief Officer Streetscene & Transportation	
	Ash Dieback surveys update (PE12)	To receive a progress report	Assurance	Chief Officer Planning, Environment & Economy	

Date of Meeting	Subject	Purpose of Report/Presentation	Scrutiny Focus	Responsible/Contact Officer	Submission Deadline
	Town Centre Regeneration	To update members on the current challenges facing town centres and to set out regional and local responses being put in place.	Assurance	Chief Officer, Planning, Environment & Economy	
8 June 10.00 am	Year-end Council Plan and Monitoring Report 2020/21	To enable Members to fulfil their scrutiny role in relation to Performance Monitoring	Performance Monitoring	Facilitator	
6 July 10.00 am					

Page 24

Items to be added: **Integrated Transport Plan & Climate Change updates as appropriate**

**Site Visit to Parc Adfer (deferred due to COVID-19) – virtual meeting to be held in the 2021**



**ACTION TRACKING FOR THE ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE**

Meeting Date	Agenda Item	Action Required	Action Officer(s)	Action taken	Timescale
17.09.19	Forward work programme/action tracking	Steve Jones to provide feedback to Committee when pothole trial is completed.	Steve Jones		Ongoing
10.03.20	Minutes	Re: Demand Response Transport roll-out. Cllr Owen Thomas referred to changes to bus services leaving areas without public transport, e.g. Llys Alyn, Rhydymwyn. Steve Jones agreed to arrange for Sarah Blake to meet with Rhydymwyn residents regarding demand responsive transport.	Steve Jones	Sarah Blake to meet with residents once Covid Crisis is over	Ongoing
13.10.20	Forward Work Programme	Parc Adfer - virtual meeting with Project Manager and Management Team to be arranged in 2021.	Steve Jones		Ongoing
12:01:21	Forward Work Programme	Defer Ash Dieback surveys update to May meeting and defer Borderlands Line Train Services to March meeting.	Facilitator	Update Forward Work Programme	Complete
12:01:21	FCC response to WG Transport Strategy Consultation	Joint Local Action Plan to be circulated.	Steve Jones	Circulated	Complete
		Copy of consultation form to be provided to Cllr Heesom	Facilitator	Provided	Complete

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## ENVIRONMENT & ECONOMY OVERVIEW AND SCRUTINY COMMITTEE

<b>Date of Meeting</b>	Tuesday 9 <sup>th</sup> February, 2021
<b>Report Subject</b>	Council Plan 2021-22
<b>Cabinet Member</b>	Cabinet Member for Corporate Management and Assets;  Deputy Leader of the Council and Cabinet Member for Streetscene and Countryside;  Cabinet Member for Planning and Public Protection; and  Cabinet Member for Economic Development
<b>Report Author</b>	Chief Executive
<b>Type of Report</b>	Strategic

### EXECUTIVE SUMMARY

The Council Plan for 2017-23 was adopted by County Council to show the key priorities of the Council for the five year term of the new administration. The Plan is subject to annual review.

The content of the Council Plan for 2021/22 will continue to take into account continued recovery in addition to our longer-term strategic objectives.

The initial framework for Part One of the next version of the Council Plan is built around six themes:

- Economy
- Education and Skills
- Green Society and Environment
- Affordable and Accessible Housing
- Personal and Community Well-being
- Poverty

Each of these six themes is accompanied by a strategic statement. The statements lend themselves to being Well-being objectives.

The six themes will be mapped out against the respective lead portfolios for reporting to the Overview and Scrutiny Committees. Corporate Resources Overview and Scrutiny Committee have supported the timeline for the development of the plan.

Following Cabinet agreement the next stage of development for the Plan's outline content is for Scrutiny Committees to review and consider its contents. All comments and suggestions will then be collated and shared at Corporate Resources Overview and Scrutiny Committee.

## RECOMMENDATIONS

1	To review and agree the further developed themes of the Council Plan 2021-22 prior to sharing with Cabinet in March 2021.
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## REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE COUNCIL PLAN 2021/22</b>
1.01	<p>The Council Plan for 2021-22 has a refreshed structure of six themes and supporting priorities which both set ambition with measured realism as follows:</p> <p><b>Theme: Poverty</b>          Priorities:</p> <ul style="list-style-type: none"> <li>- Income Poverty</li> <li>- Child Poverty</li> <li>- Food Poverty</li> <li>- Fuel Poverty</li> <li>- Digital Poverty</li> </ul> <p><b>Theme: Affordable and Accessible housing</b>          Priorities:</p> <ul style="list-style-type: none"> <li>- Housing support and Homeless prevention</li> <li>- Housing Needs and Housing Options</li> <li>- Social Housing</li> <li>- Private Rented Sector</li> <li>- Empty Properties</li> </ul> <p><b>Theme: Green Society and Environment</b>          Priorities:</p> <ul style="list-style-type: none"> <li>- Carbon Neutrality</li> <li>- Fleet Strategy</li> <li>- Green Environment</li> <li>- Renewable Energy</li> <li>- Active and Sustainable Travel Options</li> <li>- Circular Economy</li> </ul> <p><b>Theme: Economy</b>          Priorities:</p> <ul style="list-style-type: none"> <li>- Town Centre Regeneration</li> <li>- Business</li> <li>- Transport and digital infrastructure</li> <li>- LDP Targets</li> <li>- Spending money for the benefit of Flintshire</li> <li>- Reducing Worklessness</li> </ul>

	<p><b>Theme: Personal and Community Well-being</b></p> <p>Priorities:</p> <ul style="list-style-type: none"> <li>- Independent Living</li> <li>- Safeguarding</li> <li>- Direct Provision to support people closer to home</li> <li>- Local Dementia Strategy</li> <li>- A well-connected, safe and clean local environment.</li> </ul> <p><b>Theme: Education and Skills</b></p> <p>Priorities:</p> <ul style="list-style-type: none"> <li>- Educational Engagement and Achievement</li> <li>- Digital Learning Opportunities</li> <li>- Learning Environments</li> <li>- Learning Community Networks</li> <li>- Specialist Educational Provision</li> <li>- Welsh Education Strategic Plan (WESP)</li> </ul>
1.02	The work on the detail behind the priorities has progressed well and is attached at Appendix 1. Cabinet have agreed to the content. The next step is for all Scrutiny Committees to be consulted with over the next cycle.
1.03	Following this cycle of consultation, the Plan will be presented to Cabinet in its second stage prior to adoption by the County Council in April/May.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	Council planning and service portfolio business planning is dove-tailed with the periodic review of the Medium Term Financial Strategy and Capital Programme.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	<p>Consultation has been carried out with Chief Officers, Cabinet members and the wider internal senior management network on the framework of the Plan.</p> <p>Overview and Scrutiny committees will have the opportunity to be engaged in the development of the Plan.</p>

<b>4.00</b>	<b>IMPACT ASSESSMENT AND RISK MANAGEMENT</b>						
4.01	<p><b>Ways of Working (Sustainable Development) Principles Impact</b></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">Long-term</td> <td rowspan="5">Throughout the 2021/22 Council Plan development we will ensure the five ways of working are embedded within our ambitions and easily reported on.</td> </tr> <tr> <td>Prevention</td> </tr> <tr> <td>Integration</td> </tr> <tr> <td>Collaboration</td> </tr> <tr> <td>Involvement</td> </tr> </table>	Long-term	Throughout the 2021/22 Council Plan development we will ensure the five ways of working are embedded within our ambitions and easily reported on.	Prevention	Integration	Collaboration	Involvement
Long-term	Throughout the 2021/22 Council Plan development we will ensure the five ways of working are embedded within our ambitions and easily reported on.						
Prevention							
Integration							
Collaboration							
Involvement							

<b>Well-being Goals Impact</b>								
<table border="1"> <tr><td>Prosperous Wales</td></tr> <tr><td>Resilient Wales</td></tr> <tr><td>Healthier Wales</td></tr> <tr><td>More equal Wales</td></tr> <tr><td>Cohesive Wales</td></tr> <tr><td>Vibrant Wales</td></tr> <tr><td>Globally responsible Wales</td></tr> </table>	Prosperous Wales	Resilient Wales	Healthier Wales	More equal Wales	Cohesive Wales	Vibrant Wales	Globally responsible Wales	Throughout the 2021/22 Council Plan development we will be ensuring we capture our contributions to the seven well-being goals within our ambitions.
Prosperous Wales								
Resilient Wales								
Healthier Wales								
More equal Wales								
Cohesive Wales								
Vibrant Wales								
Globally responsible Wales								
<b>Council's Well-being Objectives</b>								
These are under review as part of this work.								
<b>Risk Management</b>								
The risks to the statutory requirements of the Plan include not publishing the Plan within statutory timescales and not adhering to the prerequisite content.								
Both these risks are managed through adherence to well established procedures for publishing the Plan.								

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1: Draft Council Plan (Part 1) 2021-22

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None.

<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
7.01	<b>Contact Officer:</b> Jay Davies, Strategic Performance Advisor <b>Telephone:</b> 01352 702744 <b>E-mail:</b> <a href="mailto:jay.davies@flintshire.gov.uk">jay.davies@flintshire.gov.uk</a>

<b>8.00</b>	<b>GLOSSARY OF TERMS</b>
8.01	<p><b>Council Plan:</b> the document which sets out the annual priorities of the Council. It is a requirement of the Local Government (Wales) Measure 2009 to set objectives and publish a Plan.</p> <p><b>Medium Term Financial Strategy:</b> a written strategy which gives a forecast of the financial resources which will be available to a Council for a given period, and sets out plans for how best to deploy those resources to meet its priorities, duties and obligations.</p>

## Draft Council Plan 2021/22

Priority Name	Poverty
Description/ Well-being Objective	Protecting people from poverty by supporting them to meet their basic needs
<p><b>Income Poverty</b></p> <p>Definition: People on low income who are unable to meet day to day living costs</p>	<ul style="list-style-type: none"> <li>• Families are supported to be financially resilient by:               <ol style="list-style-type: none"> <li>a) Maximising the number of people signposted for support to facilitate longer term behavioural change</li> <li>b) Ensuring that take-up to benefit entitlements is maximised in a timely way by processing claims efficiently</li> <li>c) Maximising take up of the Discretionary Housing Payments scheme and other financial support</li> <li>d) Continuing to offer our community hub (Contact Centres) approach bringing access to a range of programmes, services and agencies together in one place</li> </ol> </li> </ul>
<p><b>Child Poverty</b></p> <p>Definition: Children who don't have access to adequate food, clothing, shelter and education to lead a healthy and active life</p>	<ul style="list-style-type: none"> <li>• The cost of sending children to school is reduced by:               <ol style="list-style-type: none"> <li>a) Making the processes for claiming free school meals as simple and straightforward as possible to increase the percentage of take-up against entitlement</li> <li>b) Encouraging take-up of the free school breakfast for year 7 pupils eligible for free school meals</li> <li>c) Maximising the take-up of the school uniform grant</li> </ol> </li> <li>• Free access to books, ICT networks and devices and library services are maintained by:               <ol style="list-style-type: none"> <li>a) Maintaining the network of six libraries in partnership with Aura</li> <li>b) Increasing online access for books by children and young people</li> </ol> </li> </ul>
<p><b>Food Poverty</b></p> <p>Definition: People who are not able to access food that meets their daily nutritional needs and requirements</p>	<ul style="list-style-type: none"> <li>• Everyone in Flintshire has access to affordable, good fresh food by:               <ol style="list-style-type: none"> <li>a) The development of a "Well Fed at Home service" by March 2022</li> <li>b) The development and delivery of a "Hospital to Home" meals service by March 2022</li> </ol> </li> </ul>

	<ul style="list-style-type: none"> <li>c) The introduction of a transported and delivered food service “Mobile Meals” to those who are vulnerable by March 2022</li> </ul>
<p><b>Fuel Poverty</b></p> <p>Definition: Households that have higher than average fuel costs and meeting those costs will cause them to experience poverty.</p>	<ul style="list-style-type: none"> <li>• Reducing the risk of fuel poverty for residents by increasing the energy efficiency of all homes by increasing the energy efficiency of homes</li> <li>• Engaging, supporting and referring vulnerable households to reduce fuel poverty and improve health and wellbeing</li> </ul>
<p><b>Digital Poverty</b></p> <p>Definition: Inability to interact fully in a digital world</p>	<ul style="list-style-type: none"> <li>• Support and enable access to the internet and devices to ensure people are not excluded from a digital world by: <ul style="list-style-type: none"> <li>a) Supporting people to use appropriate digital technology through the Digital Champions Scheme</li> <li>b) Providing free of charge public access to the internet at Connects Centres and Aura library services</li> <li>c) Increasing uptake of access to devices through the Aura Library Loan Scheme</li> <li>d) Increasing take-up of ‘Learn my Way’ digital learning opportunities supported by Aura by Autumn 2021</li> </ul> </li> <li>• Support people to access information digitally by: <ul style="list-style-type: none"> <li>a) Providing access to council services on the internet in a responsive way (information can be accessed using different devices)</li> <li>b) Promoting initiatives to help people to use digital technology now and in the future.</li> <li>c) Increasing access to information online to support people to retain their digital skills</li> <li>d) Promote the range of digital training and skill development provided by Coleg Cambria</li> </ul> </li> </ul>



<b>Priority Name</b>	<b>Affordable and Accessible Housing</b>
<b>Description/ Well-being Objective</b>	Housing in Flintshire meeting the needs of our residents and supporting safer communities
<p><b>Housing support and homeless prevention</b></p> <p>Definition: Offering support at the right time, so people can sustain their housing, prevent homelessness and live well</p>	<ul style="list-style-type: none"> <li>• Commission a wide range of housing related support that meets the needs of the people of Flintshire</li> <li>• Promoting housing support and homeless prevention services with our residents and partners</li> <li>• Ensure there is a multi-agency partnership approach to homeless prevention and develop a culture where homelessness is “everyone’s business”</li> <li>• When homelessness does occur, ensure that it is rare, brief and non-recurring</li> <li>• Develop and extend our Housing First and Rapid Rehousing approaches for those who do experience homelessness</li> <li>• Remodel the “emergency beds” Homeless Hub accommodation offer and service delivery</li> <li>• Explore opportunities to develop a young person’s homeless hub offering accommodation and support services</li> </ul>
<p><b>Housing Needs and Housing Options</b></p> <p>Definition: Empowering people to explore their housing options so they can access the right homes to meet their needs</p>	<ul style="list-style-type: none"> <li>• Promote the Single Access Route to Housing (SARTH), Common Housing Register, Affordable Housing Register and Housing Support Gateway within the community and with professionals</li> <li>• Develop self-service approaches that enable people to identify their own housing options through online support</li> <li>• Pilot a risk assessment process to identify pre tenancy support needs to reduce risk of tenancy failure</li> <li>• Review our sheltered housing stock to ensure that it continues to meet the need and aspirations of current and prospective tenants</li> <li>• Explore opportunities to develop a young person’s homeless hub offering accommodation and support services</li> </ul>
<p><b>Social Housing</b></p> <p>Definition: Working with housing partners to develop and invest in affordable housing, with modern methods of construction,</p>	<ul style="list-style-type: none"> <li>• Working with housing association partners to build 142 new social housing properties and 32 additional affordable properties</li> <li>• Increasing Flintshire Council’s housing portfolio by building 50 social housing properties and 50 affordable properties for North East Wales (NEW) Homes</li> </ul>

<p>and a commitment towards carbon neutral</p> <p><b>Poverty</b></p> <p><b>Green and Environment</b></p>	<ul style="list-style-type: none"> <li>• Ensure that Flintshire Council housing stock meets the Welsh Housing Quality Standard and achieves a minimum SAP energy efficiency rating of 65 <a href="#">Link</a></li> <li>• Develop plans for the de-carbonisation of Flintshire Council homes in line with Welsh Government guidance to ensure their thermal efficiency is optimized and the cost of heating homes are minimized <a href="#">Link</a> <a href="#">Link</a></li> <li>• Working with residents to ensure our communities are well managed, safe, and sustainable places to live <a href="#">LINK</a></li> <li>• Supporting our tenants to access technology and create sustainable digital communities</li> <li>• Listening to our tenants and working with them to improve our services, homes and communities</li> </ul>
<p><b>Private Rented Sector</b></p> <p>Definition: Supporting the private sector to raise standards in the management and condition of housing and promote tenancy sustainment in our communities</p>	<ul style="list-style-type: none"> <li>• Engaging with private sector tenants, giving them a voice and responding to their needs</li> <li>• Working in partnership with landlords and private sector agents to better understand their needs</li> <li>• Develop a “landlord offer” that encourages landlords to work with the Council to raise standards of property management and condition of homes where needed</li> <li>• Improve access to private sector properties for those who are homeless, at risk of homeless and in housing need</li> <li>• Map all Houses of Multiple Occupation (HMO’s) across Flintshire to ensure legal minimum housing standards are met and to improve residents’ quality of life</li> </ul>
<p><b>Empty Properties</b></p> <p>Definition: Bringing empty homes back into use to enhance the local housing market and improve our local communities</p> <p><b>Economy</b></p>	<ul style="list-style-type: none"> <li>• Bring empty homes back into use thorough the Empty Homes Loan</li> <li>• Explore opportunities to develop a project management service for non commercial landlords to encourage take up of the Empty Home Loan Scheme</li> <li>• Target problem empty homes in our communities and use enforcement powers where appropriate to improve our communities and increase housing supply</li> <li>• Explore opportunities to maximise housing and revitalize our towns through the redevelopment of the High Street <a href="#">Link</a></li> </ul>

<b>Priority Name</b>	<b>Green Society and Environment</b>
<b>Description/ Well-being Objective</b>	Limiting the impact of the Council’s services on the natural environment and supporting the wider communities of Flintshire to reduce their own carbon footprint.
<b>Carbon Neutrality</b>  Definition: A net carbon zero Council by 2030 and supporting wider decarbonisation actions across the County, making this central to Covid-19 recovery	<ul style="list-style-type: none"> <li>• Governance structure (Carbon Programme Board) in place by 30 September 2021</li> <li>• Net carbon zero action plan developed and approved by 31 March 2022</li> <li>• Gather information on annual Council greenhouse gas emissions to submit to Welsh Government and the Carbon Programme Board by 30 June each year</li> <li>• Review of procurement policy to reduce greenhouse gas emissions from suppliers agreed by 31 March 2022</li> <li>• Develop a policy for sustainable and long term energy usage in capital projects where this can be achieved</li> </ul>
<b>Fleet Strategy</b>  Definition: Reducing the environmental impact of our fleet by maximising the opportunities to utilise sustainable forms of transport across the Council’s fleet	<ul style="list-style-type: none"> <li>• Journey Management and driver training: Ensure that all business journeys are subject to proper planning, and avoided wherever possible to minimise unnecessary mileage and environmental impact through use of remote meetings, home working, route optimisation, control of vehicle logs, capture corporate mileage figures etc.</li> <li>• Reduced ‘grey’ mileage through continued use of virtual meeting attendance and reduction in unnecessary journeys through the adoption of new ways of working</li> <li>• Conversion of authority’s fleet to electric and alternative fuels (hydrogen etc) where technically and economically feasible</li> </ul>
<b>Green Environment</b>  <b>Definition:</b> The promotion, good management and protection of our green spaces to deliver multiple benefits to the environment and our residents and visitors	<ul style="list-style-type: none"> <li>• Delivery of the Urban Tree and Woodland Plan</li> <li>• Enhancement of the natural environment through the delivery of the Section 6 Environment Act Wales biodiversity duty</li> <li>• Develop a strategy to improve biodiversity and carbon sequestration on the agricultural estate by 31 December 2021</li> </ul>

<p><b>Renewable Energy</b></p> <p>Definition: The promotion and support of renewable energy opportunities across the Council Estate and wider communities.</p>	<ul style="list-style-type: none"> <li>• Assess feasibility of renewable energy and land assets and link to wider carbon ambitions by 30 September 2021</li> <li>• Determine appropriate investment strategy for future renewable energy developments by 31 March 2022</li> </ul>
<p><b>Active and Sustainable Travel Options</b></p> <p>Definition: Provide opportunities for increasing levels of walking and cycling (active travel) and enable access to other alternative and sustainable methods of travel</p>	<ul style="list-style-type: none"> <li>• Promote the use of public transport through the further development of the Council’s core bus network</li> <li>• Promote active travel and further develop the Council’s cycleway network</li> <li>• Promotion of multi modal transport journeys and the development of strategic transport hubs</li> <li>• Development of the County’s electric car charging network</li> <li>• Development of the Council’s walking and cycling network</li> </ul>
<p><b>Circular Economy</b></p> <p>Definition: Support and promote the Welsh Government’s strategy to create a sustainable, circular economy in Flintshire</p>	<ul style="list-style-type: none"> <li>• Achievement of Welsh Government recycling targets</li> <li>• Development and extension of the Standard Yard Waste &amp; Recycling Transfer Station by investing in infrastructure to enable future growth and capacity in terms of increasing the volume and quality of recyclable materials processed and reducing material contamination, thereby maximising potential income for recyclable materials for the Authority</li> <li>• Development and extension of the Greenfield Composting Facility and Waste Transfer Station to future proof the site for increased garden waste tonnages and explore the potential to offer the facility as a regional garden waste composting solution and re-use collection point from our Household Recycling Centres</li> <li>• Support and promote the development of Re-Use and Repair Cafés within the County and encourage charities to adopt our Household Recycling Centres in order to re-use and recover products and materials</li> <li>• Through partnership working, actively support and engage with community led groups by developing initiatives such as plastic free/zero waste</li> </ul>

	<p>communities, environmental projects and re-use and recycling initiatives</p> <ul style="list-style-type: none"> <li>• Support local businesses in their efforts to reduce their carbon footprint and become more resource efficient</li> <li>• Phase out single-use plastic within the Council</li> </ul>
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Priority Name	Economy
Description/ Well-being Objective	Enabling a sustainable economic recovery
<p><b>Town Centre Regeneration</b></p> <p>Definition: Regenerate and re-invent our town centres</p>	<ul style="list-style-type: none"> <li>• Monitor the health and vitality of town centres to support effective management and business investment decisions.</li> <li>• Promote town centre, hospitality and tourism businesses to help with their post-Covid recovery.</li> <li>• Encourage and support investment in town centre properties especially to facilitate more sustainable uses.</li> <li>• Improve the environment in town centres.</li> <li>• Support the growth of community enterprises in town centre locations.</li> </ul>
<p><b>Business</b></p> <p>Definition: Enable business continuity and encourage appropriate investment</p> <p style="background-color: #5cb85c; color: white; padding: 2px;"><b>Green Society and Environment</b></p>	<ul style="list-style-type: none"> <li>• Engage small businesses and improve support packages available to them.</li> <li>• Support the post-Covid recovery of Flintshire's street and indoor markets.</li> <li>• Support the growth of the local and regional food and drink business sector through marketing and collaborative projects.</li> <li>• Support the recovery of the tourism and hospitality sectors and rebuild confidence in the industry.</li> <li>• Increase the scale and impact of the social business sector.</li> <li>• Support local businesses in their efforts to reduce their carbon footprint and become more resource efficient</li> </ul> <p style="background-color: #5cb85c; color: white; padding: 2px;"><b>Link</b></p>
<p><b>Transport and digital infrastructure</b></p> <p>Definition: Ensure that the transport and digital networks</p>	<ul style="list-style-type: none"> <li>• Complete the connection of all eligible public buildings through the Local Full Fibre Network Project.</li> <li>• Start the delivery of the Flintshire elements of the North Wales Growth Deal investment in digital infrastructure.</li> <li>• Connect further rural communities to improved digital infrastructure.</li> </ul>

<p>facilitate and support recovery and growth</p> <p><b>Green Society and Environment</b></p>	<ul style="list-style-type: none"> <li>• Develop and deliver transport infrastructure improvements as part of North Wales Metro programme and the Council's Integrated Transport Strategy.</li> <li>• Ensure Flintshire strategic transport priorities are well-represented in the Regional Transport Plan from the forthcoming Corporate Joint Committee development.</li> </ul> <p><a href="#">Link</a></p>
<p><b>LDP Targets</b></p> <p>Definition: Achieve LDP policy objectives for growth, protection and enhancement</p>	<ul style="list-style-type: none"> <li>• Ensure timely adoption of the LDP once Inspector's Report received</li> <li>• Monitor overall Plan performance via the Annual Monitoring Report (AMR) and submit to Welsh Government</li> <li>• Maintain and update the LDP housing Trajectory in line with planning decisions made</li> <li>• Make decisions at Planning Committee in line with the adopted LDP</li> <li>• Reference the LDP growth strategy in early work on a North Wales Strategic Development Plan (SDP)</li> </ul>
<p><b>Spending money for the benefit of Flintshire</b></p> <p>Definition: Grow our local economic vitality through social value commitments and procurement strategy</p>	<ul style="list-style-type: none"> <li>• Encourage and support commissioners and suppliers to generate additional well being outcomes.</li> <li>• Increase the ability and confidence of local businesses to supply the public sector.</li> <li>• Collate and celebrate the achievement of strategic well being outcomes.</li> </ul>
<p><b>Reducing worklessness</b></p> <p>Definition: Work with our partners to support individuals to gain employment</p> <p><b>Poverty</b></p>	<ul style="list-style-type: none"> <li>• Co-ordinate a multi-agency approach to support businesses to recruit staff from disadvantaged groups</li> </ul> <p><a href="#">Link</a></p> <ul style="list-style-type: none"> <li>• Deliver mentoring and wider support programmes to assist disadvantaged people to re-engage with the labour market. <a href="#">Link</a></li> </ul>

Priority Name	Personal and Community Well-being
Description/ Well-being Objective	Supporting people in need to live as well as they can
<p><b>Independent Living</b></p> <p>Definition: People will be supported to live as independently as possible through the right type of support, when they need it.</p>	<ul style="list-style-type: none"> <li>• Provide an additional 32 placements at Marleyfield House Care Home to support older people, with a focus on independence.</li> <li>• Develop and extend our approach to Micro Care so there are more Providers supporting more people in their own homes</li> <li>• Increase the number of people who are able to make their own care arrangements through a Direct Payment</li> <li>• Ensure services for families with children aged 0-7 are better integrated through the 'Early Years Pathfinder' project</li> </ul>
<p><b>Safeguarding</b></p> <p>Definition: Implement and promote the new safeguarding procedures so our employees understand how they can help safeguard people in the community</p>	<ul style="list-style-type: none"> <li>• Develop and relaunch our corporate e-learning package to reflect the new safeguarding procedures. This will include extending access to the safeguarding e-learning module to key partners</li> <li>• Promote the 'duty to report' so our employees understand their responsibility to report safeguarding concerns</li> <li>• Implement an 'active offer' of advocacy support for people involved in the safeguarding process</li> </ul>
<p><b>Direct Provision to support people closer to home</b></p> <p>Definition: The services we provide so people can access the support they need in their local community</p>	<ul style="list-style-type: none"> <li>• Set up a registered Children's Home to help avoid the need for residential placements outside Flintshire</li> <li>• Grow our in-house homecare service to support more people to live at home</li> <li>• Grow our in house fostering service to support more looked after children</li> <li>• Extend Croes Atti Care Home for older people, with a focus on dementia care.</li> <li>• Develop the services we offer to provide respite for families with disabled children</li> </ul>
<p><b>Local Dementia Strategy</b></p> <p>Definition: Continuing to improve the lives of people living with dementia in Flintshire</p>	<ul style="list-style-type: none"> <li>• Work with registered Care homes providers and health partners to develop more long term nursing care placements for people who have dementia.</li> <li>• Develop a Flintshire Dementia strategy that sets a shared vision, and action, for the next phase of developing good dementia support for individuals, families, carers and communities</li> </ul>

<p><b>A well-connected, safe and clean local environment.</b></p> <p>Definition: Resilient communities where people feel connected and safe</p>	<ul style="list-style-type: none"> <li>• Protect residents and our environment from pollution and other public health and safety hazards by achieving the Streetscene Standard</li> <li>• Keep our local communities clean and safe through engagement, education and environmental enforcement</li> <li>• Work with local communities to inform a long term vision and delivery plan for using the Flexible Funding Grant programme to achieve positive outcomes for people</li> </ul>

<b>Priority Name</b>	<b>Education and Skills</b>
<b>Description/ Well-being Objective</b>	Enabling and Supporting Learning Communities
<p><b>Educational Engagement and Achievement</b></p> <p>Definition: Providing diverse learning opportunities to support educational achievement in schools and communities</p>	<ul style="list-style-type: none"> <li>• Maintain support for the rollout of the revised curriculum for pupils from 3-16 which better prepares them for their future lives and employment</li> <li>• Continue to support the raising of standards at all key stages to enable onward learner progression</li> <li>• Continue to improve attendance and reduce exclusions to maximise educational achievement</li> <li>• Continue to broaden the offer of alternative education opportunities to support learner engagement</li> </ul>



<p><b>Digital Learning Opportunities</b></p> <p>Definition: Supporting education engagement and achievement through proactive use of accessible digital media</p>	<ul style="list-style-type: none"> <li>• Support schools and wider education services to increase their digital offer for children and young people.</li> <li>• Develop a new delivery plan for Integrated Youth Services with a greater focus on digital engagement to increase participation</li> <li>• Increase the range of digital material hosted on the North East Wales Archive website and other digital services to encourage greater participation with the service</li> <li>• Continue to support learners who are ‘digitally disadvantaged’ to access IT devices to promote equity and engagement</li> <li>• Delivery of ‘Learn My Way Free’ IT courses in all Libraries from April 2021</li> <li>• From January 2021 provide in partnership with Adult Community Learning informal community training for groups of 6 people in Flint Library to access Zoom and other online learning platforms</li> <li>• Arts Council Funded partnership with Gladstone Library and visual artist to provide digital art workshops based on collections at Gladstone Library</li> </ul>
<p><b>Learning Environments</b></p> <p>Definition: Creating aspirational and flexible learning environments</p>	<ul style="list-style-type: none"> <li>• Provide high quality learning environments through the Council’s capital investment programme and WG grant funding streams</li> <li>• Progress the North East Wales Archive funding bid through the Stage 1 Heritage Horizons Award of the National Heritage Lottery Fund</li> <li>• Increase usage of community spaces in re-developed Flint Library and Wellbeing Hub by 15%</li> </ul>
<p><b>Learning Community Networks</b></p> <p>Definition: Supporting our learning communities to engage and achieve through extensive partnership working unpinned by common safeguarding practices</p>	<ul style="list-style-type: none"> <li>• Complete the contractual arrangements for the North East Wales Archive between Flintshire CC and Denbighshire CC to provide a sustainable and resilient service</li> <li>• Establish a sub-regional partnership for the delivery of Adult Community Learning with Wrexham CBC to maximise opportunities for participants and providers</li> <li>• Develop a Delivery Plan for Adult Community Learning with new partners to increase</li> </ul>

	<p>engagement and improve skills within local communities</p> <ul style="list-style-type: none"> <li>• Work with Adult Community Learning and Flintshire Learning Recovery &amp; Wellbeing Network Partners to share best practice and maximise opportunities for learning within the community. Opportunities to be available in all Aura libraries from Summer 2021.</li> <li>• Work in partnership with Open University Wales to support and signpost library users to OpenLearn courses and subsequent learning pathways. OpenLearn Champions in each library from October 2020.</li> </ul>
<p><b>Specialist Educational Provision</b></p> <p>Definition: Extending local capacity to support learners with additional learning needs (ALN)</p>	<ul style="list-style-type: none"> <li>• Continue to embed the implementation plan to deliver a new statutory approach for supporting children and young people with learning needs from 0-25 years</li> <li>• Complete the build project for Plas Derwen (Pupil Referral Unit) to transform the delivery of this specialist service</li> <li>• Increase the capacity of Plas Derwen staff to delivery more outreach work to share their expertise across the schools workforce</li> <li>• Develop a long term strategy to ensure sufficient and appropriate capacity to support learners with a range of additional educational needs that maximises local expertise and financial resources</li> </ul>
<p><b><u>Welsh Education Strategic Plan (WESP)</u></b></p> <p>Definition: Working with schools and partners to support the Welsh Government’s strategy to enable one million Welsh speakers by 2050</p>	<ul style="list-style-type: none"> <li>• Increase the capacity and take up of Welsh medium education to achieve Welsh Government targets</li> <li>• Further Improve the Welsh language skills of staff in schools to more effectively support learners and the delivery of the curriculum</li> <li>• Continue to improve pupils’ standards of Welsh in all schools to encourage greater bilingualism</li> <li>• Extend the range of youth services which can be delivered bilingually to encourage young people to retain and use their Welsh language skills into early adulthood</li> <li>• Maintain Welsh Government Quality Indicator for Welsh Language resources in Aura libraries</li> </ul>



## ENVIRONMENT AND ECONOMY OVERVIEW & SCRUTINY COMMITTEE

<b>Date of Meeting</b>	Tuesday 9 February 2021
<b>Report Subject</b>	Fleet Electrification
<b>Cabinet Member</b>	Deputy Leader and Cabinet Member for the Streetscene and Countryside
<b>Report Author</b>	Chief Officer (Streetscene and Transportation)
<b>Type of Report</b>	Strategic

### EXECUTIVE SUMMARY

Welsh Government (WG) made a climate emergency declaration in April 2019 with a stated aspiration of achieving a carbon neutral public sector by 2030. Fleet emissions account for approximately 6.5% of the Council's greenhouse gas emissions which is the 3<sup>rd</sup> largest contributor, after goods and services (57.7%) and energy (19.5%). Developing technologies offer the Council significant opportunities to reduce this figure by the utilisation of low emission vehicles but in order to adopt this approach, the Council needs to change the way it procures, operates and fuels its frontline operational and public service vehicles.

There has been a significant increase in electric vehicle ownership over the last 5 years with many businesses and public sector organisations now investing heavily in electric vehicles. This is in response to the change in Government policy and rising concerns over poor air quality in some areas as well as the wider drive to reduce carbon emissions, operating costs and develop sustainable travel options.

The Streetscene and Transportation portfolio is constantly seeking to adopt alternative vehicle technologies in order to reduce its vehicle emissions, whilst continuing to deliver its frontline services however, it is not always clear which is the best way forward and new technologies are fast changing and expensive. The service is continually reviewing future energy options, including taking a leading regional role in developing new hydrogen fuelling facilities in the County.

This report sets out the ambition of the service and identifies the various projects that are being progressed to introduce low emission vehicles within the fleet and the development of infrastructure to support that uptake.

### RECOMMENDATIONS

1	That Scrutiny notes the content of this report, and supports the ambition of the Council to introduce low emission vehicles across the Council's operational vehicle fleet.
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## REPORT DETAILS

1.00	<b>EXPLAINING THE BACKGROUND TO THE REPORT</b>
1.01	WG is committed to achieving a carbon neutral public sector by 2030 and made a climate emergency declaration in April 2019. In recognition of this, the Council is seeking to change the way we procure, operate and fuel our frontline operational and public service vehicles as we move forward. The move to low carbon transport options is also well rooted within Welsh Government Policy and the Environment (Wales) Act stipulates an 80% reduction in carbon emissions by 2050.
1.02	UK Government had set out an ambition to see at least 50% of new cars and 40% new van sales to be Ultra Low Emission Vehicles (ULEV) by 2030, with all cars and vans achieving zero emissions by 2050. This was accelerated in November 2020 with the announcement that the phase-out date for the sale of new petrol and diesel cars and vans was to be brought forward to 2030, with all new cars and vans to be fully 'zero emission at the tailpipe' from 2035.
1.03	The environmental impact of climate change, the (pre-COVID) rising cost of petrol and diesel, government penalties and targets imposed for carbon emissions along with the need to promote green travel makes environmental responsibility and carbon reduction a priority for this and every Council.
1.04	In recent years, there has been a significant increase in the demand for electric vehicles (EVs) in the UK with 3,500 plug-in cars registered in 2013, rising to more than 373,600 in October 2020, of which 164,000 were pure-electric cars. There have also been 10,300 plug-in vans registered in the UK by October 2020. There has also been significant developments in technologies for low emission vehicles across all other sectors but significantly for Refuse Collection Vehicles (RCVs), buses and electrically powered street sweepers.
1.05	Clearly it is essential that the charging infrastructure is developed at the same pace as the roll out of electric vehicles. The local District Network Operator's (DNO), Scottish Power Energy Networks (SPEN), provides mapping to help forecast the growth in electric vehicles and the capacity of the local grid to support such growth and has recently published their Transport Capacity Map which shows a swathe of high and very high areas of relative private car energy demand in many areas of Flintshire. Whilst it is expected that the majority of this demand will be met by the commercial sector, the Council is currently seeking UK government grants to enable the provision of electric charging points across the area to support this predicted growth.
1.06	<p><b>Developing EV Charging Points across the County.</b></p> <p>Flintshire County Council have been working closely with WG in order to explore the benefits of adopting a regional and national approach to ensure consistency for users of the EV charging network in Wales. Whilst a regional strategy has yet to be developed, it is essential that local authorities and partners work collaboratively when considering the</p>

	<p>requirements of a regional EV strategy, which should consider the following:</p> <ul style="list-style-type: none"> <li>• Ensuring a consistent arrangement exists at every site to ensure maximum availability to users.</li> <li>• Integrating low emission transport into a range of local authority policy areas: e.g. air quality, planning, parking and taxi licensing;</li> <li>• Setting performance standards for a local authority’s own vehicles and their contractors;</li> <li>• Targeting and supporting taxis and car club fleets which have high usage and visibility;</li> <li>• Demonstration and promotional activities to increase awareness;</li> <li>• Providing incentives, such as free or reduced cost parking;</li> <li>• The adoption of a coherent regional operating model for charge-points to achieve a publically accessible network in all areas of the County.</li> </ul>																														
1.07	<p>Not only does a regional approach recognise the relationship between cross-border travel movements and sustainability of local economies, it would also have the advantage of injecting a much needed element of consistency in the availability of the charging infrastructure. Should a standardisation of the region’s EV charging network be achieved, there is no doubt that this will be the catalyst required to increase local confidence, thus providing a further boost to EV ownership across the region.</p>																														
1.08	<p>A number of sites have been identified across the County for the installation of charging points which can be used by the general public, alongside pay and display parking and funding opportunities have been obtained to facilitate this.</p> <p>Car Park sites for which funding has been secured for the implementation of charging points are listed below:</p> <table border="1" data-bbox="320 1335 1238 1753"> <thead> <tr> <th>Car Park</th> <th>Town</th> <th>Charger</th> </tr> </thead> <tbody> <tr> <td>Plas-Yn-Dre</td> <td>Holywell</td> <td>2 x Dual 7kW Fast Chargers</td> </tr> <tr> <td>Castle Street</td> <td>Flint</td> <td>2 x Dual 7kW Fast Chargers</td> </tr> <tr> <td>Richard Heights</td> <td>Flint</td> <td>1 x Dual 7kW Fast Chargers</td> </tr> <tr> <td>Alt Goch - Large</td> <td>Flint</td> <td>2 x Dual 7kW Fast Chargers</td> </tr> <tr> <td>Pierce Street</td> <td>Queensferry</td> <td>2 x Dual 7kW Fast Chargers</td> </tr> <tr> <td>Precinct Way</td> <td>Buckley</td> <td>2 x Dual 7kW Fast Chargers</td> </tr> <tr> <td>Griffiths Square</td> <td>Mold</td> <td>2 x Dual 7kW Fast Chargers</td> </tr> <tr> <td>New Street</td> <td>Mold</td> <td>2 x Dual 7kW Fast Chargers</td> </tr> <tr> <td>Bridge Street</td> <td>Shotton</td> <td>2 x Dual 7kW Fast Chargers</td> </tr> </tbody> </table> <p>Invitations to Tender via the Crown Commercial Framework have been issued, with an expectation that the charge-points being implemented during spring 2021.</p>	Car Park	Town	Charger	Plas-Yn-Dre	Holywell	2 x Dual 7kW Fast Chargers	Castle Street	Flint	2 x Dual 7kW Fast Chargers	Richard Heights	Flint	1 x Dual 7kW Fast Chargers	Alt Goch - Large	Flint	2 x Dual 7kW Fast Chargers	Pierce Street	Queensferry	2 x Dual 7kW Fast Chargers	Precinct Way	Buckley	2 x Dual 7kW Fast Chargers	Griffiths Square	Mold	2 x Dual 7kW Fast Chargers	New Street	Mold	2 x Dual 7kW Fast Chargers	Bridge Street	Shotton	2 x Dual 7kW Fast Chargers
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1.09	<p><b>Charging Capacities at County Workplaces</b></p>																														

	<p>The Council has also engaged with our Fleet contractor to review the usage and journeys of our own vehicle fleet to identify optimum locations for 'charging hubs' at sites such as Alltami Depot and Ty Dewi Sant to support service delivery. The contractor is reviewing the tracking data to identify vehicles and journeys that are best suited to electric vehicles and the charging infrastructure required to support the vehicle movements in daily use by individual services (i.e. power supply, fast charge units etc.)</p>
1.10	<p>To facilitate this potential move the electric vehicles, work has been commissioned from the local DNO to assess the capacity within the local supply mains at each depot/site for the additional demand created by vehicle charging points. This would identify any limitations on charging units or whether additional development of the site and its supply would be necessary.</p>
1.11	<p>Given both the National targets for decarbonisation and the Council's vision to become a Carbon neutral organisation by 2030, we are conscious that any procurement of new vehicles must follow this required shift to more sustainable modes of travel.</p>
1.12	<p>We are currently starting discussions with our incumbent Fleet supplier regarding the expiry of the existing contract in 2023 and the option to extend the contract to 2030. As part of these discussions, we are exploring the aspirations of both FCC and the supplier to ensure that every aspect of new technologies are considered and built into any extension and that we are prepared for the step-change in procurement, maintenance, tooling, diagnostics, training and vehicle life that a move to a predominantly EV fleet would bring.</p>
1.13	<p><b>Developing Standard Recycling Facility</b></p> <p>The Standard Yard, Buckley site contains a waste transfer station, a material recovery facility (MRF) and a 647kWp solar PV array (Solar Farm), generating approximately 485,000kWh of electricity per annum and a gas turbine engine generating electricity from the landfill gas on the site.</p> <p>The solar array was commissioned in October 2016 and provides a private wire connection to the MRF, with the remaining energy sold to the national grid via a Power Purchase Agreement.</p>
1.14	<p>Following a successful bid to WG, funding has been secured to introduce a limited number of EV charging points at the site however, the future expansion of Standard Yard's EV capability offers an exciting opportunity for the Council to develop a 'Sustainable Transport Hub' at the site which would support the move to an all-electric fleet, powered by a 'home grown' source of renewable energy. Such an opportunity would greatly compliment the Council's vision for a sustainable transport future.</p>
1.15	<p><b>Operating Electric Buses on the County Bus Network</b></p> <p>The service has been successful in obtaining funding to purchase two Electric Busses which will enable the Council to lead by example with a view to encourage both operators and residents to become more</p>

	environmentally responsible in both the way we choose to travel and also the lifestyle choices we make in the community.
1.16	<p>Having investigated current passenger numbers, the needs of the local communities and projected passenger growth, the Optare Solo (EV) has been identified as the most suitable vehicle for operations on the Council's Local Travel Arrangement. It offers the following advantages:</p> <ul style="list-style-type: none"> <li>• The Optare Solo is powered fully by electric;</li> <li>• The eco-friendly buses look identical to a conventional bus but have an electric power pack instead of a conventional gearbox and engine. The buses are operated using the Magtec P144 zero emission vehicle drive system;</li> <li>• The Optare is powered via two x26 Valance Lithium Iron Magnesium Phosphate batteries. These can be charged fully in six hours using the 15.2kW on-board charger;</li> <li>• Using a fast charger the buses can reach full charge in just two hours. The Optare Solo can run between 70-95 miles per full charge with additional demand and up to 125 miles in normal conditions;</li> <li>• Regenerated energy is controlled through the brake system. The energy is stored and used to maximise the distance the bus can travel before recharging;</li> <li>• The controls of the Optare Solo are almost identical to conventional diesel buses. The vehicle's top speed is 56mph (90km/h).</li> </ul>
1.17	<p>Journey times and journey reliability should not be affected when compared to the diesel powered vehicles. Provision of an electricity supply, topography and climate conditions (e.g. requirement for heating during the winter will mean increased electricity usage) have been considered but with a range of up to 125 miles on a full charge, this should be sufficient to allow for all daily operations. Electric buses also offer a reduction in noise compared to alternative solutions. This reduction can be particularly prevalent when used in urban areas or areas in which there are higher proportions of large vehicles or heavy traffic. Studies have shown that in quieter, residential areas electric buses can offer a reduction in noise of up to five decibels.</p>
1.18	<p>The introduction of the Council's first electric bus fleet will allow for familiarisation of the technology prior to an increased roll-out in the future, as is inevitably going to occur given the National Grid's Future Energy Scenarios and Central Government's plans to cease the sale of vehicles powered by combustion engines. This will provide increased in-house education of the skills required to service the vehicles.</p>
1.19	<p>Although the capital cost of both the vehicle and the associated charging infrastructure is considerably higher than that of a standard euro 6 diesel vehicle, the ongoing savings can be significant, providing some payback on the additional purchase cost of the vehicle, particularly in this instance as the electricity to be used to charge the vehicle will be from locally sourced renewable generation. The main benefit of course would be the zero carbon emissions created whilst operating the vehicle.</p>

	<p>The proposed charging point for the vehicles will be located at Standard Yard in Buckley which will be able to provide electricity to the charging point overnight from the landfill gas engine. The running costs will be significantly less than having to purchase fuel and even at the current rate grid electricity provides a cheaper alternative than diesel. Revenue operating costs are also generally lower than for conventional buses, with less moving parts and a lower maintenance requirement.</p>
1.20	<p><b>Waste Vehicles</b></p> <p>The Council's waste vehicles are the largest vehicles operated by the Council with the highest emissions. Given the distances covered each day by the vehicles and the stop/start nature of the work, the suitability of electrically powered vehicles is still in doubt. Options to utilise Hydrogen fuel cells to charge batteries during the day, which will allow the routes to be completed on one charge, are being considered.</p> <p>The Council has recently submitted an expression of interest for funding to support the conversion of an existing refuse diesel vehicle to a fully electric motor arrangement and we have also secured 50% contribution to the purchase of a fully electric recycling vehicle to support collections in Flintshire and the vehicles will provide information on the future and suitability of these vehicle types in the work that we do. These vehicles will enter service in the summer 2021.</p>
1.21	<p><b>Hydrogen Fuel Aspirations</b></p> <p>Whilst it is clear that electric vehicles will provide the main fuel option for the vehicle fleet in future years, doubts remain regarding the ability of this solution to fuel larger LGV vehicles, such as waste vehicles.</p> <p>With WG support the Council has commissioned consultants to develop a Strategic Outline Business Case to develop a potential Hydrogen Hub on Deeside Industrial Park (DIP). The commission will consider hydrogen production and storage at the facility with capacity to provide fuel to both the Council, businesses on DIP, other North Wales Councils and private vehicles and LGV's using the North Wales coast road.</p> <p>The commission will also consider sustainable production options to create a hydrogen plant which produces 'green' hydrogen through the use of nearby renewable energy sources.</p>
1.22	<p><b>Opportunities to work with our existing forecourt fuel provider to look at innovative new costing models.</b></p> <p>We currently make use of Allstar fuel card to facilitate forecourt purchase of diesel and petrol. Discussion with the supplier have identified their recognition of the changing market place, and they are now offering services that include management of charging costs including innovations such as at-home charging reimbursement, and site-survey and installation services for at-work charging points.</p>



<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	There are a number of streams of investigation and applications of funding being explored in relation to the information above, and each will consider the impact on resource in its own right.
2.02	Capital investment in vehicles and infrastructure will be required to support WG funding bids, and to enable the uptake of new technologies.

<b>3.00</b>	<b>IMPACT ASSESSMENT AND RISK MANAGEMENT</b>	
3.01	<b>Ways of Working (Sustainable Development) Principles Impact</b>	
	Long-term	<b>Positive</b> – The move to low carbon transport options aligns itself with the long term aspirations of The Environment (Wales) Act, The Well-Being of Future Generations (Wales) Act & The Air Quality Standards (Wales) Regulations. The concept is also strongly endorsed within the Council’s Council Plan under the priority of a ‘Green Council’ for which is reinforced by the Council’s approach to integrated and sustainable transport.
	Prevention	<b>Positive</b> – The introduction of EV charging points will reinforce the Council’s commitment to climate change whilst also facilitating a vision for a zero carbon future as defined within Welsh Government legislation. Implementation of the required infrastructure will also boost the Council’s status as a ‘key player’ within the region thus reducing the risk of public abandonment in terms of tourism, residential and business growth.
	Integration	<b>Positive</b> – The adoption of electric vehicles is key to the success of a sustainable, integrated transport network.
	Collaboration	<b>Positive</b> – Implementation of charging infrastructure will provide an opportunity for FCC to work with local authorities across the region in order to standardise the provision of charging infrastructure, operating models and maintenance. The nature of this approach recognises the importance of strategic cross-border movements to the local economy in terms of commuter movements, business and tourism.

Involvement	<b>Positive</b> – completion of studies thus far demonstrates the Council’s engagement with key stakeholders both cross border and within Welsh Government.
<b>Well-being Goals Impact</b>	
Prosperous Wales	<b>Positive</b> - Implementation of the required infrastructure will boost the Council's status as a 'key player' within the region thus reducing the risk of public abandonment in terms of tourism, residential and business growth.
Resilient Wales	<b>Positive</b> - The adoption of electric vehicles is key to the success of a sustainable, integrated transport network.
Healthier Wales	<b>Positive</b> - The adoption of electric vehicles for use on the highway network has obvious benefits to air quality through the reduction of Co2 emissions. This will also greatly assist the Council to achieve decarbonisation targets set within Central and Welsh Government legislation.
More Equal Wales	<b>Positive</b> – Improved air quality will benefit the Council’s most deprived communities, often associated with densely populated areas. Implementation of the infrastructure will also benefit tourism, residential and business growth.
Cohesive Wales	<b>Positive</b> – The visible presence of EV charging points within the County will have a positive effect on public awareness whilst displaying the Council’s outward commitment to climate change.
Vibrant Wales	<b>Positive</b> – The implementation of much needed EV charging infrastructure will improve EV uptake thus improving the quality and sustainability of the natural environment whilst providing benefits to the local and regional economy in terms of tourism, residential and business growth.
Globally Responsible Wales	<b>Positive</b> - the introduction of EV charging points will reinforce the Council’s commitment to climate change whilst also striving to achieve a zero carbon future as defined within Central and Welsh Government legislation.

<b>4.00</b>	<b>CONSULTATIONS REQUIRED/CARRIED OUT</b>
4.01	With Cabinet Member
4.02	With incumbent Fleet supplier and other specialist vehicle suppliers

<b>5.00</b>	<b>APPENDICES</b>
5.01	None
<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None
<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
7.01	Contact Officer: Stephen Jones Telephone: 01352 704700 E-mail: <a href="mailto:stephen.o.jones@flintshire.gov.uk">stephen.o.jones@flintshire.gov.uk</a>
<b>8.00</b>	<b>GLOSSARY OF TERMS</b> <b>These are provided corporately on the Infonet (link) and maintained by the Executive Office</b>
8.01	<p>(1) <b>EV</b>– Electric Vehicle:</p> <p>(2) <b>Hybrid Vehicle:</b> A vehicle which utilising both electricity and conventional energy sources e.g. petrol or diesel.</p> <p>(3) <b>Council’s Approved Strategy:</b> An agreed approach to act as an ‘enabler’ rather than a direct provider of electricity charging points and facilitates the upgrade of the existing electricity supply network at economically viable locations on the highway network and other key locations.</p> <p>(4) <b>The Environment (Wales) Act:</b> Sets targets to achieve 80% reduction in carbon emissions by 2050.</p> <p>(5) <b>The Well-Being of Future Generations (Wales) Act:</b> A legal framework for improving social, economic, environmental and cultural well-being of current and future generations in Wales.</p> <p>(6) <b>The Air Quality Standards (Wales) Regulations:</b> Requires the implementation of measures to improve air quality at any location at which national standards are not met.</p> <p>(7) <b>Leader Study:</b> LEADER is a fund for rural areas in Wales and aims to explore innovative new approaches and experimental technologies to tackle poverty, create jobs and drive sustainable economic development. It is part of the Welsh Government Rural Communities – Rural Development Programme (RDP) 2014 – 2020, which is financed by the Welsh Government and European Agricultural Fund for Rural Development (EAFRD).</p>

(8) **Office for Low Emission Vehicles (OLEV) Fund:** Funding stream allows local authorities to receive funding towards the costs of installing on-street residential charge points for plug-in electric vehicles. This grant scheme will cover up to 75% of capital costs of procuring and installing the charge-point with the remaining 25% being funded via the individual Council.

(9) – **Brown Hydrogen:** This is hydrogen that is produced as a by-product of another industry.

(10) – **Green Hydrogen:** This is produced using electrolysis powered by renewable energy, like offshore wind, to produce a clean and sustainable fuel.



## ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY COMMITTEE

<b>Date of Meeting</b>	Tuesday 9 <sup>th</sup> February 2021
<b>Report Subject</b>	Development Management - Enforcement
<b>Cabinet Member</b>	Portfolio holder for Planning and Public Protection
<b>Report Author</b>	Andrew Farrow Chief Officer (Planning, Environment and Economy)
<b>Type of Report</b>	Operational

### EXECUTIVE SUMMARY

This report sets out the structure of the Planning Enforcement team and where it sits within the Development Management service and the Planning, Environment and Economy portfolio. The adopted Planning Enforcement Policy is attached; the report advises how that policy has been implemented and our performance against the Welsh Government Planning Enforcement indicators. The report outlines the implications of the Covid 19 pandemic on service delivery; the mitigating actions taken and further actions that are proposed.

### RECOMMENDATIONS

1	Members note the report and support the further mitigating actions which are proposed.
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### REPORT DETAILS

<b>1.00</b>	<b>Explaining the Development Management – Enforcement Service</b>
1.01	<b>Introduction</b> When the Forward Work Programme was produced with the Committee in the Autumn of 2020, it was agreed that a report examining performance of

	<p>the Planning Enforcement team should be prepared and timetabled. The production of the report was supported at a recent Group Leaders meeting.</p>
1.02	<p><b>Structure of the Enforcement Service</b>          Planning enforcement is part of the Development Management Service within the Planning, Environment and Economy portfolio. The service has 14 permanent officers split into two teams, one managing the North and the other the South of the County. The Enforcement Service is staffed by two full time officers, one in each team. A small amount of enforcement and/or compliance complaints are dealt with by other officers in the team, but those are limited to up to five cases which are normally compliance cases which that officer has historically dealt with.</p>
1.03	<p><b>Volume of complaints</b>          The service receives approximately 400 enforcement complaints a year and an enforcement officer will be dealing with approximately 80 to 100 live complaints at any one time. These levels are similar to Wrexham's planning enforcement service, but much greater than other authorities in North Wales who receive approximately 150 to 180 cases a year and have officer caseloads of approximately 30 to 40 complaints.</p>
1.04	<p><b>Enforcement Policy update</b>          The service operates in accordance with the adopted Planning Enforcement Policy dated January 2019. This policy was developed in consultation with Planning Strategy Group, Environment Overview and Scrutiny Committee and was approved by Cabinet. The policy was adopted in January 2019. The policy sets out the priority criteria for the various types of complaint which may be investigated by the enforcement service. It also sets out what happens as part of that investigation. The document also includes guidance about what matters do not constitute a breach of planning regulation. A copy of the policy is attached at Appendix 1.</p>
1.05	<p><b>How performance of the Planning Enforcement team is measured</b>          The performance of planning enforcement is measured by Welsh Government since 2018 using two main indicators, firstly cases investigated in less or more than 84 days and secondly, where positive action has been taken in less or more than 84 days.</p> <p><b>ENFORCEMENT CASES</b></p> <p>The table lists the number of enforcement cases, including those where positive enforcement action has been taken, within the quarter.</p> <p>Welsh Government provide the following definitions:</p> <ul style="list-style-type: none"> <li>• 'Investigated' means that the authority has considered the alleged breach of planning control and advised the complainant of the outcome of their investigation.</li> <li>• 'Positive Action' means that, following investigation, it is decided that a breach has occurred, and one of the following has also occurred:</li> </ul>

	<p>(a) informal negotiation removes the breach;  (b) an Enforcement Notice is issued;  (c) planning permission is subsequently granted through an application or enforcement appeal;  (d) prosecution is brought (with the date the case is first heard deemed as the "positive action" date);  (e) direct action by the authority removes the breach of control.</p> <p>The date is measured from the date the complainant is notified that the case is expedient to take forward and to the case reaching one of points (a) to (e) above.</p>																								
1.06	<p>The performance statistics since these indicators were introduced are as follows;</p> <table border="1" data-bbox="320 723 1385 1171"> <thead> <tr> <th data-bbox="320 723 876 835">Year</th> <th data-bbox="876 723 1023 835">2018/19</th> <th data-bbox="1023 723 1166 835">2019/20</th> <th data-bbox="1166 723 1385 835">2020/21 Q4 still to report</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 835 876 909">Number of cases investigated In 84 days or less</td> <td data-bbox="876 835 1023 909">98</td> <td data-bbox="1023 835 1166 909">161</td> <td data-bbox="1166 835 1385 909">73</td> </tr> <tr> <td data-bbox="320 909 876 983">Number of cases investigated In more than 84 days</td> <td data-bbox="876 909 1023 983">61</td> <td data-bbox="1023 909 1166 983">87</td> <td data-bbox="1166 909 1385 983">61</td> </tr> <tr> <td data-bbox="320 983 876 1021">Total number of cases investigated</td> <td data-bbox="876 983 1023 1021">159</td> <td data-bbox="1023 983 1166 1021">248</td> <td data-bbox="1166 983 1385 1021">134</td> </tr> <tr> <td data-bbox="320 1021 876 1095">Average time taken to investigate Enforcement cases in days</td> <td data-bbox="876 1021 1023 1095">78</td> <td data-bbox="1023 1021 1166 1095">131</td> <td data-bbox="1166 1021 1385 1095">116</td> </tr> <tr> <td data-bbox="320 1095 876 1171">Average time taken to take positive action in days</td> <td data-bbox="876 1095 1023 1171">110</td> <td data-bbox="1023 1095 1166 1171">48</td> <td data-bbox="1166 1095 1385 1171">79</td> </tr> </tbody> </table> <p>The years 2018/19 and 2019/20 are both fully completed and were unaffected by the pandemic, so they are good comparators in terms of workload and cases handled.</p>	Year	2018/19	2019/20	2020/21 Q4 still to report	Number of cases investigated In 84 days or less	98	161	73	Number of cases investigated In more than 84 days	61	87	61	Total number of cases investigated	159	248	134	Average time taken to investigate Enforcement cases in days	78	131	116	Average time taken to take positive action in days	110	48	79
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1.07	<p>There was a significant increase in the amount of cases investigated and closed in 2019/20. This can be attributed to the introduction of proper recording and administering of all enforcement complaints and the full appointment to posts in the new structure with the introduction of two full-time, dedicated enforcement officers embedded in Development Management Team.</p> <p>There was an increase in the average time taken to close a case following investigation, however, each case now has an expediency report and is signed off by a senior member of staff which takes more time than the previous Enforcement Team Leader's approach, where a case would be closed without any full audit trail. It is clear that the service is quicker to take positive action than previously recorded. This is evidence that the service now secures resolutions and outcomes quicker than previously.</p>																								
1.08	<p>The year 2020/21 is still not complete so there is no data yet for the final quarter, January to March 2021. The service was hugely impacted in the first quarter of 2020/21 when the first full lock-down occurred. There is more specific detail about what occurred during the first lockdown later in the report, but the performance statistics for the first quarter of 2020/21 show only 16 cases were closed compared to an average of 50 to 60</p>																								

	<p>cases closed normally within a quarter. Quarters 2 and 3 show how the mitigation measures which were put in place had a positive effect, along with officers being able to begin site visits again. As a result, 118 cases were closed in the six months up to the end of December 2020. This demonstrated how the service returned to more “normal” levels of performance with accelerated performance from September 2020 onwards.</p>
1.09	<p>To conclude, the performance statistics show that an increasing number of complaints are being recorded and investigated appropriately in accordance with the adopted policy. .</p>
1.10	<p>A further assessment of the complaints that are recorded shows that during 2020 approximately 70% of cases which are recorded have no breach of planning regulation and approximately 15% of cases are very minor breaches for which it is not considered expedient to take enforcement action. This means that only 15% of complaints made form a breach of planning control.</p>
1.11	<p>However, each case, regardless of whether it is a breach, is recorded, acknowledged, digitised, given a priority status and allocated to an officer. An investigation is undertaken; an expediency report prepared; a discussion with a senior officer takes place and then the case is either authorised for no further action; steps to regularise the breach; or to progress to take enforcement action. Some complaints have been significantly exaggerated and levels of concern and can be escalated to the Leader of the Council, Chief Executive, Cabinet Members, MS and MPs. When an emergency visit is undertaken, the works do not reflect the nature of the complaint made and the concern levels escalated. These incidents have a huge impact on resources and have a significant negative impact on service delivery.</p>
1.12	<p><b>What happened during the first lock-down</b> Below sets out of time-line of the immediate impact of the pandemic:</p> <p><b>Timeline</b></p> <ul style="list-style-type: none"> <li>• <b>23 March</b> – Lock down commenced: Schools closed – staffing capacity at 58% due to officer caring responsibility</li> <li>• Development Management, including planning enforcement was not identified as a critical service by the Council in response to Covid 19. Development Management is not reflected as a priority in the Council Plan.</li> <li>• Welsh Government advised not to carry out site visits.</li> <li>• Whole service lifted to operate fully from home. All processes re-written (again) to accommodate this. ML continued to attend TDS, triage enforcement site visits, erect site notices and print neighbour notification letters for over 5 weeks to keep publication running. The only Council in North Wales to continue to do this. AF hand delivered the letters for the first Virtual Committee</li> </ul>



- **1 April** –Reduced capacity to 53% following south team enforcement second family bereavement in a number of weeks. The service is now reduced to one full time officer who is at home schooling 3 children and unable to undertake site visits.
- **29 April** - Welsh Government announced could undertake site visits. Two month back-log of site visits. ML took 3 weeks to develop Risk Assessments (4 versions), get approval, obtain PPE and train all staff on new site visit procedures. These risk assessment were then shared across the Council and will DM managers across all Wales. One of the first Council's to formally commence site visits. Wrexham did not being visits until July in planning and building control.
- **14<sup>th</sup> June** – Eden Consulting employed to progress 120 outstanding enforcement cases
- **30 June** Reduced capacity to 44% following the sickness of a planner due stress
- **1 July** Reduced capacity to 36% following sickness of team leader due to stress. Senior Planning Officers step in to take over key duties of team leader, including allocation of work, casework meetings and sign off of planning applications. Service Manager deal with providing enforcement guidance and all complaints.
- **9<sup>th</sup> July** – Critical Management Team meeting – service on verge of closure. Re-deployed two officers full time from regional mineral and waste team (both to undertake casework and one officer to support appeal and specific enforcement work) and one officer from the Planning Strategy / LDP Team. 126 applications and enforcement existing cases were held by absent staff which were accommodated within the team.
- **1 August** South Team enforcement officer returned to post
- **25 August** Planner returned to post – back to 44% capacity
- **September.** Schools fully re-open. Senior Planner called on two weeks Jury Service. A month of recovery despite on-going personal criticism.
- **12<sup>th</sup> October** Appointed to additional DM Planner post and 12 month secondment post
- **14<sup>th</sup> October** North Team Leader returns on phased basis with an agreed plan to manage his behaviour and approach within the service
- **28<sup>th</sup> October.** North Team Leader resigns.
- **2<sup>nd</sup> November** recruitment process for North Team Leader starts

	<p>DM Team Leader post advertised in the first week of 2021 and interviews have taken place on 1<sup>st</sup> February 2021 and the successful candidate has accepted the role. That candidate is currently a senior officer at Flintshire and therefore their post will need to be filled to deal with significant strategic development sites such as Northern Gateway. The senior officers and the current Team Leader for the South team have been shouldering the responsibility of the North Team Leader post for seven months. The role of the senior planner is crucial in maintaining service levels in a service which has been described by the Leader and Chief Executive as under the most pressure and greatest scrutiny of the whole Council.</p>
1.13	<p><b>Pressures on the Service during lock down</b></p> <p>As outlined above, there was a significant lack of staff resource during the period of March to August 2020 until children returned to school for three months in September 2020.</p>
1.14	<p>During that time of the two members of staff dedicated to enforcement, the Enforcement officer for the South Team was absent due to immediate family bereavements in March and April 2020. The capacity of the remaining North Team enforcement officer was significantly reduced due to the schools shut-down. As the service capacity reduced the Service Manager prioritised the progression of planning applications which have a shorter statutory timescale for action and the requirement to pay back the fee if the application is not determined within the timescale. This was a deliberate managerial decision. The Service Manager triaged enforcement complaints and those cases which were urgent were continued to progress and notices served.</p>
1.15	<p>The officers were unable to undertake site visits for planning applications and enforcement activities for two months initially and then during the “firebreak”. Substantial criticism was made of officers, however, this was a clear and direct mandate from Welsh Government.</p>
1.16	<p>It is also critical to note the development management and enforcement process relies on internal and external consultees who have been struggling to work remotely and therefore there were and still continues to be delays in responses to consultations.</p>
1.17	<p>During a continuing period of heightened anxiety there was a consistent misunderstanding of our Planning Enforcement policy by interested parties, particularly when it became apparent that a complaint did not relate to planning enforcement, or that the development did not require planning permission. Planning officers were repeatedly accused of using the pandemic as an excuse not to progress matters or to take enforcement action. Throughout the pandemic we have sought to implement the Planning Enforcement policy on a consistent and transparent basis.</p>
1.18	<p>There was, and remains, restricted access to the main office in Ewloe for most officers, however, it is important to note that Development</p>

	Management were the first non-critical service within the Council to return to the work place.
1.19	Throughout the pandemic, and continuing to this day, new processes have had to be introduced and then refined. The service has depended on the remaining Team Leader who stayed in work to pro-actively drive these changes, with the Business Manager and the Service Manager.
1.20	Processes continue to be refined as the service increases in knowledge and experience about remote working and the Council provides increasing IT solutions. The service has managed remote working with a back-office system which was installed in 1996 and has significant limitations. Nevertheless, the service continues to register and process planning application, enforcement enquiries and appeals.
1.21	There has been significant, relentless pressure and complaint from Members and the Public regarding Virtual Planning Committee and site visits which continues and is unlike any other pressure experienced by other planning services throughout North Wales. A significant amount of time is given over each month by the Service Manager responding to claims that the service has deliberately reported an item to Planning Committee during this time to prevent a Planning Committee site visit taking place. Members will be aware that shortly before Christmas at a Planning Committee a member stated during a public meeting that the service should be investigated by North Wales Police. These are the same senior officers who are leading the enforcement element of the service which are subject to this unwarranted and unfounded public criticism.
1.22	<p><b>Some examples of Planning Enforcement action undertaken during first lock-down:</b></p> <ul style="list-style-type: none"> <li>• First Planning Authority in North Wales to serve overt RIPA warning and commission a drone during lock-down to record footage of work at Dollar Park, Holywell.</li> <li>• Issued 11 S330 notices, four more than the same period last year</li> <li>• Issued 16 Planning Contravention Notices, eight more than the same period last year</li> <li>• Issued 21 Enforcement Warning Notices, 18 more than the same period last year.</li> <li>• Served Enforcement Notices on: <ul style="list-style-type: none"> <li>Dollar Park</li> <li>3 Tai Cochian</li> <li>Ty Melin</li> <li>Cae Newydd</li> <li>Manor Park</li> <li>Ty Cornel</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Served 215 Notice Queen Street, Queensferry</li>   <li>• Awaiting Prosecutions lodged with Legal Services</li>   <p>Ffrith Scotland Farm Stryt Isa Cheshire Tarmac - Spinney Thomas Plant Hire Groesffordd Bach</p> <li>• Three appeals made against Enforcement Notices and a S215 Notice which were either upheld in full or with minor variation. Copies of the Inspectors decision relating to the Notices are attached in appendix three, four and five. Members will note, in the S215 appeal decision at Maes Mynan that the Inspector refers to four different grounds of appeal A,B, C and D. There are 6 different grounds of appeal against an enforcement notice and the appellant can appeal against everyone which makes the defence that the officer compiles complex and lengthy. It is important to note in the Maes Mynan decision in the opening paragraph the requirements of the breach. The enforcement officer has to very carefully describe the breach and a plan accompanies the Enforcement Notice which has to be very specific about which part of the plan the breach and requirements relate to.</li> <li>• The outcomes of the appeals against these Notices demonstrates that there is a high quality of decision making regarding Planning Enforcement.</li> </ul>
1.23	<p><b>Mitigation Measures</b></p> <p>The mitigation measure which were put in place to help maintain service levels were to engage a planning consultant and to redeploy staff from within the PEE portfolio. Due to the impending and subsequent lockdowns and the sustained absence, and then sudden resignation of the Team Leader for the North, the service continues to engage the support of consultants. An application has been made to Welsh Government to refund the costs to the services. Due to bereavements and reduced capacity elsewhere in the service, the levels of redeployment have reduced. However, this is compensated for by the additional role of a permanent planner and fixed term planner for 12 months. When the appointment of the vacant Senior Planner role and planning assistant role is complete, the service will be in a stronger position again.</p>
1.24	<p><b>Future improvements of the service through 2021</b></p> <p>Due to ongoing concerns with difficulty of officer's responding to Councillor queries a dedicated email address for the use of Cabinet Members and Group Leaders will have access to a specific email for them to use when their colleagues have not received a response to their query within the prescribed timescales will be put in place. The email will be monitored by the Chief Officer's PA, Portfolio Business Manager and Development Manager to ensure the communication is dealt with in a timely fashion.</p>

	<p>The most significant improvement will be the implementation of the new back-office system. The contracts have been sealed and now the implementation framework can be formally planned and agreed. The software system will serve almost all areas within the portfolio so it is a comprehensive implementation. This will most likely to commence in smaller service areas before commencement of the Development Management Service but this service will be prioritised. Contact centre staff, support and planning officers will be trained to use the system together to ensure maximum knowledge and user ability. It is then planned to hold Councillor enforcement training and update session in the Autumn of 2021 and part of that will be to demonstrate greater access to information using the new software.</p>
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	<b>Revenue Implications:</b> There will be continuing costs of an external consultant if recruitment of a Senior Planner is prevented.
2.02	<b>Capital Implications:</b> There are no capital implications.
2.03	<b>Human Resources:</b> There are implications for delivering the Development Management Service if recruitment of a Senior Planner is prevented.

<b>3.00</b>	<b>IMPACT ASSESSMENT AND RISK MANAGEMENT</b>
3.01	<p>Key mitigation measures undertaken, continuing and planned set out in main body of the report.</p> <p>Key risks are mainly reputational damage to the Council due a perception of planning enforcement failing.</p> <p>The mitigation of these risks are already in place due to Annual Performance Reporting regarding Planning Enforcement undertaken by Welsh Government of all Local Planning Authorities.</p>

<b>4.00</b>	<b>CONSULTATIONS REQUIRED/CARRIED OUT</b>
4.01	Consultation with other North Wales Local Planning Authorities regarding volume of enforcement complaints.

<b>5.00</b>	<b>APPENDICES</b>
5.01	<p>App 1 - Planning Enforcement Policy adopted 2019</p> <p>App 2 – Appeal Maes Mynan</p> <p>App 3 – Appeal Wood Farm</p> <p>App 4 – Appeal Suzie’s Car Wash</p>

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	

<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
7.01	<p><b>Contact Officer:</b> Mandy Lewis, Development Manager  <b>Telephone:</b> 01352 703248  <b>E-mail:</b> Mandy.lewis@flintshire.gov.uk</p>

<b>8.00</b>	<b>GLOSSARY OF TERMS</b>
8.01	<p>RIPA: Regulation of Investigatory Powers Act 2000 regulates the powers of public bodies to carry out surveillance and investigation.</p> <p>EWN: Enforcement Warning Notice is intended for use where the Council considers that an unauthorised development could potentially be made acceptable with control such as planning conditions.</p> <p>S215 Notice: is a section of the Town and Country Planning Act 1990 which enables a Local Planning Authority to serve a notice if it is considered that an area of land is in such a poor condition it has an adverse impact on the amenity of an area.</p> <p>S330 Notice: is a section of the Town and Country Planning Act 1990 which enables a Local Planning Authority with the power to require information as to interests in land.</p> <p>Planning Contravention Notice: enable the Local Planning Authority to require detailed information about the suspected breaches of planning control.</p> <p>Enforcement Notice: enable the Local Planning Authority to require specific action to be taken to remedy a breach of planning control.</p>

# FLINTSHIRE COUNTY COUNCIL

## PLANNING ENFORCEMENT POLICY

January 2019



## 1.0 INTRODUCTION

- 1.1 For the planning system to work effectively in the best interests of all, there is a need for an effective planning enforcement system, supported through a range of legislation and associated powers.
- 1.2 This Policy therefore sets out what planning enforcement does and does not do, how reported breaches are dealt with, the criteria used for assessing priorities and how both reactive and proactive action may be taken. This Policy also sets out how we aim to deal with our customers, in particular how elected Members and the general public will be kept up to date in relation to the cases being investigated and how the performance of the service will be measured and reported

## 2.0 PRINCIPLES OF ENFORCEMENT ACTION

- 2.1 Underlying the policy are the key principles of:
  - **Expediency** Appropriateness of any action in relation to the risks and the harm involved
  - **Consistency** Applying a similar approach in similar circumstances to achieve similar ends.
  - **Transparency** Making it clear to those regulated and others what is expected of them and what they should expect from the Council.
  - **Focus** Applying the right priority and seeing the action through to the desired result.

## 3.0 WHAT PLANNING ENFORCEMENT DOES/DOES NOT DO

- 3.1 Whilst there is a considerable range of enforcement powers available to the Council, formal enforcement action will normally be used as a last resort. Whilst the enforcement of breaches of planning control is a statutory function of the Council, the decision on a case by case basis over whether or not to pursue action is discretionary. Applying judgement and taking the decision over the appropriate action is referred to as 'expediency'. The decisive issue for the Council must be whether the breach of control unacceptably harms the environment, people's amenity and quality of life, public safety, or some other public interest of acknowledged importance to a material extent. This extent is judged by the expertise of the Council officers.
- 3.2 It is not appropriate to take formal enforcement action against a trivial or technical breach of control that causes no harm to the wider amenity, particularly where planning permission would be likely to be granted should the development be the subject of a planning application.
- 3.3 Understandably people may have genuine concerns and anxiety about activities that they believe affect them but planning enforcement action can only be considered against matters that are breaches of planning control. Many issues that are of concern to residents are matters outside of planning control and where these can be addressed under other Council services they will be directed there. On some occasions addressing an unauthorised



development can involve a number of the Council's services, in which case we will ensure that the Planning Officers will work together with other officers of the Council and potentially with officers of other agencies in order to bring the matter to a conclusion.

3.4 The following gives an indication of what is and what may not be within the remit of planning enforcement (where not, the main alternative service or agency is given in brackets). Planning officers **will** therefore investigate, in appropriate circumstances, all alleged breaches of planning control of the following nature:

- Development (Building works, uses of land, engineering operations) which is being carried out without planning permission.
- Development where approval has been granted but it is not being carried out in accordance with the terms and conditions of the permission.
- Advertisements which are being displayed without the necessary consent
- Unauthorised works to Listed Buildings or development within Conservation Areas.
- Damage to trees which are subject to a Preservation Order or lie within Conservation Areas.
- Unauthorised mineral extraction and/or disposal of waste.

3.5 Planning Officers **will not** investigate the following matters unless it is as part of a joint investigation involving other services or agencies (identified in brackets):

- Works or display of advertisements on the highway, including footways and highway verges (The Council's Streetscene service).
- Noise disturbance, pollution and hygiene problems (The Council's Pollution Control team and/ or Natural Resources Wales (NRW))
- Dangerous buildings (Building Control).
- Disputes concerning ownership of land, including ownership of boundary fences etc. (These are civil matters which have to be addressed by the parties concerned).
- Issues concerning housing owned by the Council (The Council's Community & Regeneration service).
- Public buildings and land owned by the Council (The Council's Community & Regeneration service).
- Anti-social behaviour ( the Police and the Council's Community Safety team)
- Issues regarding Public Rights of Way (The Council's Public Rights of Way team)

#### **4.0 INSTANCES WHERE ENFORCEMENT ACTION CANNOT BE TAKEN**

4.1 Certain developments and advertisements benefit from a general permission which is granted through legislation and providing that they meet the

limitations in terms of scale, distances to boundaries, etc. the Council has no control over them and cannot take any action.

4.2 There is also an immunity from enforcement action where a use of land or buildings has been established for a period of 10 years (or 4 years where there has been a change of use of a building, or part of a building, to use as a dwelling) or building works have been substantially completed more than 4 years ago. Also, if a condition attached to a planning permission has not been complied with for a period of 10 years it is potentially immune from enforcement action

4.3 Finally, enforcement action would not be considered where the works involved are considered to be of a minor or insignificant in nature (known as '*de minimis*' in legal terms).

## **5.0 THE COUNCIL'S APPROACH TO PLANNING ENFORCEMENT**

5.1 The Council recognises the importance of establishing effective control over unauthorised development and will not condone wilful breaches of planning control. It must however be recognised that planning enforcement is discretionary and in most cases it is not illegal to carry out works without the relevant consent (the exceptions being Listed Buildings and Advertisements). The unauthorised works only become illegal after the Council has issued an enforcement notice and those in breach fail to comply with its requirements.

5.2 In considering whether it is expedient to take enforcement action, the Council will in the first instance take into account relevant planning policies and all other material planning considerations, including relevant appeal decisions and case law. Consideration will also be given to the reasonable time and resources available to carry out the enforcement function and whether any expected outcome would be proportionate to the level of resource required to achieve it. It should be recognised that the objective of planning enforcement is compliance, not punishment, and as such the Council will encourage its officers to work with those in breach of planning control to negotiate favourable outcomes without having to issue a formal notice.

5.3 As a last resort, in cases of serious breaches where those involved are not pro-actively working with officers or fail to meet agreed deadlines, formal enforcement action will be taken, relevant notices will be issued and if an individual or organisation does not comply with the requirements of any such notices they will be at risk of prosecution by the Council.

## **6.0 WHAT THE COMPLAINANT CAN EXPECT FROM THE COUNCIL**

6.1 A planning enforcement investigation will be initiated once we receive a complaint, which should be made to us in writing or by email (a standard form can be found on the Council's website). However, the complaint can only be investigated if we have the relevant information, including the identity and address of the complainant, the address at which the alleged breach of planning control has taken place, a description of the unauthorised development/use and the harm that is considered to be caused by it.

The Council cannot normally fully investigate anonymous complaints as it means we cannot verify particular aspects of the complaint at a later stage.

Furthermore, many anonymous complaints result to be vexatious and waste resource that should have been dedicated to genuine complaints.

6.2 All complaints received will be treated in the strictest confidence. However, as cases progress to formal action, complainants may be asked to provide evidence to assist the investigation's legal proceedings. Should complaints be received which fall outside the Planning remit, we will endeavour to re-direct the complaint or to advise accordingly. In investigating breaches of planning control we will:

- All written complaints, which include emails, will be allocated to an officer and acknowledged in writing to the complainant within 5 working days of receipt, giving the name of the case officer and the unique reference number which should be used in all correspondence.
- All complainants' details will be confidential. A complainant will be advised if any evidence from them which may need to be disclosed before any appeal or court proceedings. A complainant's refusal to provide such information will likely mean that any such case cannot continue.
- Although complainants details will remain confidential as the Council expands its digital services it is likely that a register of enforcement complaints will appear on the Council's website.
- We will carry out site visits and investigations in relation to each case on a priority basis (as set out below). It may be that multiple visits are required to a site and so complainants must be assured that the case officer will update the complainant when the appropriate time allows within the investigation. Complainants will be made aware of this when appropriate during the investigation.
- If we request the submission of a retrospective application, where there is a likelihood of permission being granted, we will notify the complainant on receipt of the application, giving them the opportunity of making representations at that stage. It should be noted that an individual may be given up to 2 months to appoint an architect or agent and to submit an application.
- Where we intend to take appropriate enforcement action (see powers available below) we will endeavour to advise the complainant and any Local Member who has registered their interest in the case of the intended action at the appropriate time.
- Where a formal notice (see types of notice below) has been served we will publish relevant information on our website, including the date when it takes effect, the steps required to comply with it and the timescales involved.
- Where there is an appeal against an Enforcement Notice we will notify the complainant of relevant dates for the submission of information to the Planning Inspectorate.
- We will notify all complainants when the enforcement investigations have been completed and/or the case file has been closed (giving the reasons if this is the action).
- In addition to these cases, where a retrospective planning application has been refused and/or an appeal to the Inspectorate has been dismissed, we will instigate enforcement action in respect of the unauthorised development and notify any persons who objected to the planning application or who made representations to the appeal process, as if they were complainants.
- For investigations which shows that there is no breach of planning control we will write to the complainant and local member, if they have registered

an interest and advise that their no further action can be taken. If the officer is aware of other organisations or services which can help the complainant they advise accordingly.

- If an investigation shows that there is a breach of planning control but it is not expedient to take enforcement action we will write to the complainant and local member, if they have registered an interest and advise why it is not expedient for the Council to take enforcement action. Officer will also try and signpost the complainant to any other services or organisations who may be able to assist.



## **7.0 WHAT THOSE IN BREACH OF PLANNING CONTROL MAY EXPECT FROM THE COUNCIL**

- 7.1 All investigations into any alleged breach of control will be conducted in a methodical and robust way in order to achieve an outcome which best aligns with adopted planning policy. Depending on the nature of the reported alleged breach, the investigation could be relatively straightforward or complex involving extensive research or monitoring over a length of time, potentially followed by a long legal process before the matter is resolved.
- 7.2 Officers will carry out site visits, as necessary, to establish whether a breach of planning control has occurred and to ascertain the nature of any remedial action that may be appropriate. In undertaking such site visits officers will identify themselves as well as the reason for the visit. In this regard officers are authorised by the Council to undertake site inspections for enforcement purposes and will carry and show identification.
- 7.3 Where the owner/occupier of the land refuses entry, the officers will withdraw and arrange to visit at the next earliest opportunity which is suitable to both parties. Only where it is believed that a serious breach causing significant harm to the environment or to the amenities/safety of any parties will officers' exercise their right of entry onto land at the first visit.
- 7.4 Officers may take with them such other persons necessary to assist them in their investigation and will, where appropriate, take measurements and photographs to help clarify the nature of the development or works concerned.

## **8.0 HOW COMPLAINANTS AND THOSE BEING INVESTIGATED SHOULD COMMUNICATE WITH THE COUNCIL**

8.1 The service receives many planning applications, appeals and enforcement complaints each week. Each officer is likely to have 40 to 80 “live” cases at any one time. In order to ensure that the enforcement service is as effective and efficient as possible, complainants are asked to adhere to the following:

- If people wish to speak the officer investigating their complaint in person at the council offices they will be required to book an appointment. Officers within the planning service work in an “agile” manner, which means that they will work away from the office up to 2 days a week and will also undertake site visits. As a result, the officer’s presence at County Hall every day of the week cannot be guaranteed. People are asked to treat officers with respect and listen to the advice which is being provided. The outcome which is required is to ensure that development complies with planning policy. This might not always accord with the expectations of complainants. If no action can be taken this will be explained in full by the case officer in correspondence marking the closure of the complainant.

## 9.0 TIMESCALES FOR TAKING ACTION

9.1 As discussed above, in order to provide an effective enforcement service the resources available need to be used to the optimum level, which involves identifying those breaches of planning control which cause most harm and prioritising these to seek to ensure a quick response.

Priority	Type of Breach	Action
1	<ul style="list-style-type: none"> <li>• Unauthorised works to a Listed Building.</li> <li>• Breaches within a Conservation Area which may have an unacceptable effect on its character and appearance.</li> <li>• Ongoing or unauthorised works to protected trees.</li> <li>• Breach of a condition which would fall into any of the above categories.</li> </ul>	Site visit within 1 working days of receipt of written complaints
2	<ul style="list-style-type: none"> <li>• Breaches relating to major development that adversely affect the living conditions of neighbouring occupiers.</li> <li>• Unauthorised gypsy/traveller sites (or similar development) on private land.</li> <li>• Non-compliance with pre-commencement conditions.</li> <li>• Unauthorised advertisements which are detrimental to highway safety</li> </ul>	Site visit within 5 working days of receipt of written complaint
3	<ul style="list-style-type: none"> <li>• Breaches relating to minor or other development that adversely affect the living conditions of neighbouring occupiers.</li> <li>• Breaches of a major, minor or other scale which would be likely to receive planning permission if an application was to be submitted.</li> <li>• Non-compliance with conditions (other than above) imposed on planning permissions</li> </ul>	Site visit within 15 working days of receipt of written complaint

	<ul style="list-style-type: none"> <li>• Unauthorised advertisements which are detrimental to visual amenity</li> </ul>	
4	<ul style="list-style-type: none"> <li>• Long standing breaches of either a major, minor or other scale of development with a low level impact and limited effect on the living conditions of any neighbour occupiers</li> <li>• Complaints which are not unlikely to form a breach of planning control</li> </ul>	Site visit within 25 working days of receipt of written complaint

9.2 When a complaint is being registered it will be given a priority rating in-line with the table above. The rating may change as the investigation continues.

9.3 An officer will investigate complaints in chronological order within their priority category.

## 10.0 WHAT ENFORCEMENT POWERS ARE AVAILABLE?

10.1 As discussed earlier in this policy document, officers will seek to work with those in breach to voluntarily resolve contraventions whenever this is possible and appropriate thereby avoiding formal action having to be taken. When this is not possible or appropriate the expediency of taking formal enforcement action will be assessed by officers. If it is considered expedient to take enforcement action there are a number of notices which may be served dependant on the breach. Almost always a Planning Contravention Notice will be served in order to establish basic details about the breach, such as the nature of it and who has an interest in the land. Below are a list of varying times of notices which may be served in response to particular breach.

### **Planning Contravention Notice (PCN):**

A PCN is served, usually in the early stages following a complaint and where it has been established that there is a potential breach of planning control, in order to obtain information about nature of the development and those who have an interest in the land concerned

### **Notice under S. 330 (of the Town and Country Planning Act 1990):**

This is an alternative way of establishing Information as to interests in land, etc.

### **Enforcement Warning Notice (EWN):**

Where an unauthorised development could potentially be made acceptable through the imposition of conditions if a planning application was to be submitted in respect of an unauthorised development a EWN can be served.

### **Section 215 Notices:**

Where the condition of land or a building is adversely affecting the amenity of a neighbourhood the Council may issue a Notice under Section 215 of the Town and Country Planning Act 1990, requiring the owner or occupier to remedy the condition of the land or building. Failure to comply with the Notice is a criminal offence. The council also has powers, where a Notice has not been complied with, to enter the land and carry out the work itself and recover the cost from the owner.

**Breach of Condition Notice (BCN):**

These can be used as an alternative to an Enforcement Notice where conditions applied to a planning permission are not being complied with. There is no right of appeal against this notice.

**Enforcement Notice (EN):**

This is the usual method of remedying unauthorised development and there is a right of appeal against the notice. The use of the Enforcement Notice is an effective tool and such notices will be served fairly early on in cases that cause significant harm or where the transgressor has made clear they are unwilling to remedy the breach. The transgressor has the right to appeal against the notice to the Planning Inspectorate.

**Hedgerow Removal Notice (HRN):**

Certain hedges are protected under planning regulations and where a protected hedge has been destroyed (completely or in part), as well as seek to prosecute the perpetrator the Council can serve a HRN to require the hedge to be replanted

**High Hedge Remedial Notice:**

This is a provision of the Anti-Social Behaviour Act and regards a high hedge which is believed to be affecting the amenities of a residential property. Where appropriate such a complaint is made (and the complainant has paid the appropriate fee) the Council may serve a remedial notice which requires the hedge to be cut down to a specified height.

**Stop Notice:**

This can be used in conjunction with an enforcement notice where the breach of planning control is causing serious harm and should only be used in extreme cases. In such cases where Stop Notices are issued the council may be liable to pay compensation if it is later decided that the Stop Notice was not appropriate.

**Temporary Stop Notice:**

These are similar to Stop Notices (above) but take effect immediately from the moment they are displayed on a site, and last for up to 28 days. A Temporary Stop Notice would be issued only where it is appropriate that the use or activity should cease immediately because of its effect on (for example) amenity, the environment, public safety etc. It may be issued even where planning permission has been granted for development, in a case where the developer is not complying with conditions attached to the permission.

**Injunction:**

This involves seeking an order from the court preventing an activity or operation from taking place. Failure to comply with the requirements of an injunction amounts to a criminal offence.

**Prosecution (Adverts and Listed Buildings):** A number of advertisements benefit from a deemed consent which is granted by planning regulations and which in some cases impose limits on size, positioning, etc. of signs. Where the set criteria is not met and express consent is required but has not been obtained, the display of the advert becomes an offence and is liable to

prosecution. In a similar fashion the carrying out of unauthorised works to a Listed Building, where there is no prospect of a negotiated resolution, the approach open to the Council is to prosecute the offender.

**Default Powers (Direct Action):**

The council may enter the land and take the necessary action to secure compliance when enforcement notices are in effect. This is only used in extreme cases and when resources allow. The council will seek to recover all cost associated with carrying out works in default.

**APPEALS:**

There is a right of appeal against most statutory Notices issued by the council (exceptions are Breach of Condition Notices, Stop Notices). Appeals are in most cases made to the Planning Inspectorate or in some cases to the Magistrates' Court. When a notice is issued the recipient will also be given the necessary information on how to exercise their right of appeal. Whilst an appeal is ongoing the Council cannot take any action and must wait until the appeal is determined.

**10.0 CONTACTS AND FURTHER INFORMATION**

- 10.1 The relevant planning policies and guidance can be found on our website. These are the fundamental principles by which it will be considered whether it is expedient to take enforcement action.
- 10.2 You may email any enquiries to [enforcement@flintshire.gov.uk](mailto:enforcement@flintshire.gov.uk).



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/06/20

gan Mr A Thickett BA(Hons) BTP Dip  
RSA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 03.09.2020

## Appeal Decision

Site visit made on 16/06/20

by Mr A Thickett BA(Hons) BTP Dip RSA  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 03.09.2020

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**Appeal Ref: APP/A6835/C/20/3247468**

**Site address: Land at Tangnefedd, Afonwen, Flintshire, CH7 5UB**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 217 of the Town and Country Planning Act 1990.
  - The appeal is made by Ms Tracey Goodfellow and Mr Kevin Pickford against a maintenance of land notice issued by Flintshire County Council.
  - The maintenance of land notice, numbered AJD/190232, was issued on 17 January 2020.
  - The requirements of the notice are:
    1. Remove from the land all unroadworthy vehicles and scrap, vehicle parts including tyres, wheel trims, engines, vehicle body parts and general mechanical paraphernalia including jerry cans and air compressors.
    2. Remove from the land all plumbing pipes, heating unit/boiler, building machinery and building material including mixer, ladders, roof trusses, joists, pre fabricated panels, cladding, Herras fencing, timber, pallets and scaffolding.
    3. Remove from the land all gas bottles, metal stage infrastructure, tarpaulin, filing cabinet and household rubbish.
  - The period for compliance with the requirements is: For 1 above, 2 months after the notice takes effect. For 2 & 3 above, 3 months after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 217(1)(b, c & d) of the Town and Country Planning Act 1990 as amended.
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### Decision

1. The appeal is dismissed on grounds (b) and (c).
2. The appeal is allowed in part in relation to ground (d) and it is directed that the notice be varied by the deletion in section 4(1) of the phrase '2 months' and its substitution with '6 months' and the deletion in section 4(2) of the phrase '3 months' and its substitution with '6 months' as the periods for compliance. Subject to this variation the notice is upheld.

### Reasons

3. Tangnefedd has extensive grounds. The drive to the house runs through a wooded area before opening up to what the appellant describes as a yard to the front of the house. To the rear of the house is another large area of ground and there is also a field to the south east of the house. The site lies in the countryside but immediately to the north is a large commercial premises and to the south Maes Mynan Hall.

4. At the time of my visit, other than the access, almost all this land was used for the storage of vehicles (I counted over 60) and the items described in the notice (1 to 3 above). I lost count of the number of window and door frames and the number and variety of other objects is too long to list. The site looked more like a scrap yard than a residential property.

#### Ground (b) appeal

5. A ground (b) appeal is made on the basis that the condition of the land is a result of the ordinary course of events from, *'the carrying on of operations or a use of land which is not in contravention of planning control'*. The materials on the site are allegedly stored in relation to: an interest in restoring and working on motor vehicles, the refurbishment of Tangnefedd and staging for music events.
6. I do not consider that keeping around 60 vehicles, in different stages of disrepair and dilapidation, some of which have clearly not moved for a considerable time, can be described as occurring though an ordinary course of events in the use and normal enjoyment of a residential property. Almost half of the vehicles are MG F/MG TF<sup>1</sup>. Keeping one or two for spare parts might be reasonable but not the 25 or so I counted.
7. Tangnefedd is a large house but I saw enough window frames to re fit a small street. Further, I saw a number of large frames more suitable for a shop front or commercial premises. The amount of other building related materials stored around the site was also significantly in excess of what could be argued as reasonably necessary to refurbish one house. No details are submitted in relation to the staging for music events but if it is a business activity this raises the question of whether these materials are being stored in breach of planning control.
8. The appellant argues that should it be claimed that a change of use has occurred the use of the site for storage began in 2006 and has been uninterrupted until the present day and, as a consequence, is immune from enforcement action. Neighbouring residents dispute this claim, there is no application for a certificate of Lawfulness of Existing Use or Development before me and insufficient information is submitted to enable me to reach a view.
9. I do not consider that the materials stored is the result of an ordinary course of events for a residential property and the appeal under ground (b) fails.

#### Ground (c) appeal

10. An appeal on ground (c) is that the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting amenity. The appellant argues that many of the items listed in 1 to 3 above are reasonable to have on land associated with a domestic property in a rural area. That may be so but not, in my view, in the quantities I saw on the appeal site. I am not in a position to identify which vehicles the appellant wishes to keep to pursue his interest in restoration.
11. Similarly, I have no idea how many window frames, length of plumbing pipes, amount of scaffolding and other material listed under 2 is reasonably required for the renovation of the house. The appellant argues that the Herras fencing is less than 2m high and as permitted development cannot be removed from the site. A structure can be lawful or permitted development and still be an eyesore and I do not consider that

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<sup>1</sup> Manufactured between 2000 and 2005.

requiring all Herras fencing to be removed from the site is an unreasonable requirement. Given that the items in 2 are building materials, I would not expect 'timber' to include logs used for heating the property. Logs are not listed as items that should be removed.

12. The appellant argues that the requirement to remove material from the site is unreasonable as some could be stored in a building. I am sure this could be the case but it is not possible to determine how much or what could be stored within an outbuilding. Nor has the appellant identified any buildings or their capacity.
13. I have some sympathy with the argument that it is not unreasonable to store some of the items listed on a domestic property. However, it is not possible to determine what of the individual items out of the considerable number of vehicles and mass of material it is reasonable and necessary to keep. The appellant does not dispute that the materials on site have an adverse impact on the amenity of the area and the appeal under ground (c) fails.

#### Ground (d) appeal

14. I appreciate that the Council have sought to negotiate a resolution over many years but such is the amount and variety of material on site I agree that the time given for removal in the notice is not reasonable. I will therefore extend the time for compliance to 6 months for all materials.
15. The appeal under ground (d) succeeds and the notice varied as set out in paragraph 2 above.

#### **Conclusion**

16. For the foregoing reasons I find that, other than the variation in the period for compliance, the appeal should not succeed, and the notice should be upheld.
17. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

*Anthony Thickett*

Inspector

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 24/08/20

gan Mr A Thickett BA(Hons) BTP Dip  
RSA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 30.09.2020

## Appeal Decision

Site visit made on 24/08/20

by Mr A Thickett BA(Hons) BTP Dip RSA  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 30.09.2020

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**Appeal Ref: APP/A6835/C/20/3249659**

**Site address: Wood Farm, Deeside Lane, Sealand, Flintshire, CH1 6BP**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr S Banks against an enforcement notice issued by Flintshire County Council.
- The enforcement notice, numbered CEM/Enf/198879, was issued on 20 February 2020.
- The breach of planning control as alleged in the notice is; without the benefit of planning permission the material change of use of land from an agricultural use to a use comprising the following: -
  - i. for the storage of motor vehicles, motorhomes and caravans and,
  - ii. the importation of materials to create an area of hardstanding in the approximate position edged and hatched blue on the attached plan, in order to facilitate the unauthorised use and,
  - iii. the erection of security fencing.
- The requirements of the notice are:
  1. Permanently cease the use of the land for the storage of motor vehicles, motorhomes and caravans,
  2. Permanently remove all motor vehicles, motorhomes and caravans from the land,
  3. Permanently remove the area of hard standing shown in the approximate position edged and hatched in blue on the attached plan and reinstate the land to its original levels and contours,
  4. Permanently remove the security fencing shown in the approximate position marked with x's on the plan,
  5. Permanently remove from the land all building materials and rubble arising from compliance with requirements 2, 3 and 4 above and restore the land to its condition before the breach took place by levelling the ground.
- The period for compliance with the requirements are:
  - 1 & 2; within two months of the notice taking effect,
  - 3 & 4; within six months of the notice taking effect,
  - 5; within one year of the notice taking effect
- The appeal is proceeding on the grounds set out in section 174(2)[a, f & g] of the Town and Country Planning Act 1990 as amended.

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## Decision

1. The appeal is allowed under ground (f) only. It is directed that the enforcement notice be varied by deleting the words; 'reinstate the land to its original levels and contours'
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from Requirement 2 and inserting in their stead; 'restore the land to its condition before the breach took place by levelling the ground'. Subject to this variation the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended.

## Reasons

### *Appeal under ground (a)*

#### Main issues

2. The site lies in a Green Barrier as defined by the Flintshire Unitary Development Plan, 2000 to 2015, adopted 2011 (UDP). The main issues are:
  - whether the proposal would be inappropriate development in the Green Barrier,
  - whether any harm by reason of inappropriateness would be clearly outweighed by other considerations; and if so, whether very exceptional circumstances exist to justify the harm to the Green Barrier,
  - whether the proposed development conflicts with national and local policy regarding the location of development in areas at risk of flooding

#### Green Barrier

3. The appeal site consists of around 1 hectare of land previously used for agricultural storage. The site is to the north of a complex of large agricultural buildings. It is enclosed by 2m high palisade fencing and bounded by a row of trees to the north and a high earth bund to the west. At the time of my visit the site was used for storing caravans, motor homes, a few boats and by its northern boundary around 17 box trailers labelled 'Temporary Kitchen Company'.
4. Policy GEN4 of the UDP states that development within green barriers will only be permitted where it comprises, amongst other things, agriculture, small scale farm diversification or other appropriate rural uses/development for which a rural location is essential. Permissible development in a green barrier should not unacceptably harm the open character and appearance of the green barrier. The reasoned justification to the policy states that small scale farm diversification schemes or other appropriate rural uses should not involve additional activity which would unacceptably harm the openness of the green barrier. Although the UDP is time expired, Policy GEN 4 is in general conformity with national policy on green wedges set out in Planning Policy Wales 10 (PPW) and I afford it significant weight.
5. Policy RE5 is permissive of small scale farm diversification where, amongst other things, the proposed development does not involve external storage or operations which would be harmful to the character and appearance of the area. The UDP does not define small scale, stating that proposals should be assessed taking into account the characteristics of the site and surroundings and the nature and intensity of the proposal. Wood Farm is a large enterprise with a range of substantial buildings. Nevertheless, I do not consider that a storage operation that extends to 1ha can be described as small scale. Nor can this use be considered to be one for which a rural location is essential. The site lies in a working agricultural landscape but is rural in character and appearance. The site is well screened but the caravans, motor homes and other things stored are incongruous in a rural landscape. They also have an adverse impact on the openness of the green barrier.

6. The notice does not require the removal of the trailers. The Council states that at the time the notice was served there were not the 40 to 60 trailers on the site alleged by the appellant in the statement of case. This is not disputed by the appellant and there was nowhere near that number of trailers on the site at the time of my visit. I do not consider that the failure to include the trailers is an indication that the Council considers them to be acceptable. The Council argues that the adverse impact of the trailers on the openness of the green barrier is the same as the caravans. From my observations I agree. Whilst the notice does not require the removal of the trailers, that does not weigh in favour of the grant of planning permission sought under ground (a).
7. I conclude that that the development is not of a type deemed by national and local policy to be appropriate in a green barrier and that it has a detrimental impact on openness. Inappropriate development is, by definition, harmful and PPW states that substantial weight should be attached to any harmful impact which a development would have on the purposes of a green barrier. PPW states that; *'inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge'*. The site also lies outside a settlement boundary as defined in the UDP and in policy terms is in the countryside wherein development is strictly controlled.
8. I do not make light of the economic impact of the pandemic but I have seen no evidence by way of financial assessments or reports to show that the development is essential to the survival of Wood Farm. I don't doubt that a lawful fallback position could be storage related to the agricultural use of the farm. But that would be in keeping with the character and appearance of the area and would not be inappropriate development in a green barrier. I do not consider, therefore, that the appellant has demonstrated the very exceptional circumstances necessary to outweigh the harm I identify to the green barrier.

#### Flooding

9. The site falls within Zone C1. Technical Advice Note 15: Development and Flood Risk (TAN 15) states that development defined as less vulnerable, as is the case here, should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development should only be permitted in Zone C if it is necessary as part of a regeneration initiative, local authority strategy to sustain an existing settlement or is necessary to contribute to key employment objectives. Only if those criteria are met does one ask oneself if the development concurs with the aims of PPW and then turn to the technical requirements. Those criteria are not met in this case and I conclude that the development conflicts with national and local policy<sup>1</sup> regarding the location of development in areas at risk of flooding.

#### Appeal under Ground (a) – Conclusion

10. For the reasons given above, I find that the development constitutes inappropriate development in the Green Barrier and that very exceptional circumstances have not been demonstrated to justify the harm to the Green Barrier. The development also conflicts with the national and local policy regarding flood risk. The appeal under ground (a), therefore, fails.

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<sup>1</sup> UDP Policy EWP17

*The appeal under ground (f)*

11. Whatever the reasons for not including the trailers in the notice, it does not alter the harm to the openness of the green barrier or conflict with TAN15 with regard to the storage of motor vehicles, motorhomes and caravans. It would appear to me that not including the trailers in the notice was an oversight by the Council and not an acceptance that the storage of trailers on the site is acceptable. The notice does not require the removal of the trailers but that does not mean that requiring the removal of motor vehicles, motorhomes and caravans is excessive or that the enforcement notice is a nullity. It is open to the Council to issue a further enforcement notice should the trailers not be removed at the same time as the motor vehicles, motorhomes and caravans stored on the site.
12. I acknowledge that a 2m high fence could be erected around the site without the need for planning permission and might be suitable for securing agricultural storage. However, as is clear from the appellant's statement of case, the 2m high palisade fence was erected to facilitate the use of the land for the secure storage of motorhomes and caravans and is part of the unauthorised development. As the owner of a touring caravan I know that security is a key selling point for businesses offering storage. The provision and level of security is also a factor in determining insurance premiums and so caravan owners are incentivised to look for secure sites. I am not persuaded that a 2m high palisade fence would be necessary to protect '*potato spoils heaps, storage of potato containers and boxes*' which is an alternative use suggested by the appellant.
13. I acknowledge that the site could be used for agricultural storage in relation to the appellant's farm. However, I am not persuaded by what I have seen or read that a 1ha hardstanding is reasonably necessary for the purposes of agriculture. The application for a lawful use certificate in relation to agricultural storage referred to in the appellant's statement of case has not been progressed. There is insufficient information before me to conclude that the hardstanding would benefit from permitted development rights under Class A(b), Part 6 of The Town and Country Planning (General Permitted Development) Order 1995.
14. I agree with the appellant that the requirements of the notice in 5(3) and 5(5) in relation to reinstating the land are inconsistent. The appellant submits 5 aerial photographs which show that the site has changed over time since 2011. It is not clear to me what the Council considers to be the original levels and contours of the site (requirement 5[3]) and I agree that the notice is imprecise in this regard. By requiring the land to be restored to its condition before the breach took place (requirement 5[5]) removes any doubt as to what is required and I will vary the notice as suggested by the appellant so that the requirements of the notice in 5(3) and 5(5) are consistent.
15. To this limited extent, the appeal under ground (f) is allowed.

*The appeal under ground (g)*

16. The appellant states that contracts with caravan owners are for a 12 month period starting and ending at different parts of the year. The appellant seeks a period of compliance of 12 months to avoid undue hardship and inconvenience to himself and his clients. However, it was the appellant's choice to enter into 12 month contracts. Given the previous history of enforcement against the unauthorised storage of cars on the site, I consider that the appellant must have known that the development required



planning permission and that there was a risk that any application would be refused and/or enforcement action taken.

17. In my view the appellant must have been well aware when agreeing 12 month contracts with caravan owners that enforcement action could ensue and that he may not be able to honour those contracts. Whilst I have sympathy for the caravan owners, I consider that two months is a reasonable time to arrange for the caravans and other items subject to this notice to be removed.
18. The appeal under ground (g) therefore fails.

### **Conclusions**

19. For the reasons given above and having regard to all matters raised, the appeal should be allowed on ground (f) only. It is directed that the enforcement notice is varied by deleting the words 'reinstate the land to its original levels and contours' from Requirement 2 and inserting in their stead: 'restore the land to its condition before the breach took place by levelling the ground'. Subject to this variation, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended
20. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of building better environments.

*Anthony Thickett*

Inspector

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## Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 12/05/20

gan Hywel Wyn Jones BA(Hons) BTP  
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17.06.2020

## Appeal Decision

Site visit made on 12/05/20

by Hywel Wyn Jones BA(Hons) BTP  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17.06.2020

### Appeal A: APP/A6835/A/19/3242507

Site address: Suzies Hand Car Wash, 108A-108B Chester Road East, Shotton, Deeside, CH5 1QD

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Davies on behalf of DMW Ltd against the decision of Flintshire County Council.
- The application (ref: 060238), dated 15 July 2019, was refused by notice dated 14 November 2019.
- The development is the change of use of land to use as a car wash (retrospective).

### Appeal B: APP/A6835/C/20/3244725

Site address: Suzies Hand Car Wash, 108A-108B Chester Road East, Shotton, Deeside, CH5 1QD

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Darren Davies against an enforcement notice issued by Flintshire County Council.
- The enforcement notice, ref: SW1/Enf/195463, was issued on 13 December 2019.
- The breach of planning control as alleged in the notice is: *Without planning permission the change of use of the Land to use as a commercial car wash, comprising:*
  - (i) *the washing and valeting of motor vehicles; and*
  - (ii) *the stationing of a portacabin/office (shown in the approximate position marked 'A' on the attached plan) to facilitate the washing and valeting of motor vehicles; and*
  - (iii) *the siting of three structures (shown in the approximate positions marked '1' '2' and '3' on the attached plan) for storage of materials associated with the washing and valeting of motor vehicles.*
- The requirements of the notice are:
  - (1) *Permanently cease the use of the Land for the washing and valeting of motor vehicles; and*
  - (2) *Permanently cease the use of the Land for the stationing of portacabins to facilitate the use of the Land for the washing and valeting of motor vehicles; and*
  - (3) *Permanently cease the use of the Land for the stationing of structures for the storage of materials associated with the washing and valeting of motor vehicles; and*
  - (4) *Permanently remove from the Land the porta cabin shown in the approximate position marked 'A' on the attached plan; and*

(5) Permanently remove from the Land the three structures shown in the approximate positions marked '1', '2' and '3' on the attached plan; and

(6) Permanently remove from the Land all building materials and rubble arising from compliance with requirements (4) and (5) above and restore the Land to its condition before the breach took place by levelling the ground.

- The period for compliance with the requirements is:
    1. In respect of requirement 5 (1) above, within 28 days after this notice takes effect.
    2. In respect of requirements 5 (2), 5 (3), 5 (4), 5 (5) and 5 (6) above, within 48 days after this notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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## Decisions

### Appeal A

1. The appeal is dismissed.

### Appeal B

2. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

## Procedural Matters

3. Although the drawings and the noise assessment that accompanied the application refers to the address as No. 104, the application and appeal forms confirm the site to be as described in the above banner heading.
4. Appeal A seeks retrospective permission for the change of use which had commenced prior to submission of the application. It also proposed to erect a building to act as a noise shelter. The deemed planning application arising from the ground (a) appeal against the enforcement notice (Appeal B) seeks permission for the same use and the appellant suggests that the noise shelter could be required by the imposition of a planning condition. Given the degree of commonality in the issues arising from the 2 appeals I have considered them together in my reasoning.
5. In its statement of case the Council refers to the fact that the car wash has been "moved within the site" since its decisions on this matter. My site visit revealed that the car wash operation had moved from the appeal site to a nearby location. As neither appeal has been withdrawn, I have proceeded to determine both as presented.

## Main Issues

6. The main issues are:
  - (i) the effect of the development on the living conditions of neighbouring residents, particularly in terms of any noise disturbance;
  - (ii) whether the development is acceptable within a floodplain, having regard to local and national planning policy; and
  - (iii) the effect of the development on the setting of the nearby listed buildings.

## Reasons

### *Living Conditions*

7. The appeal site is a narrow one that fronts the busy Chester Road East. The part of the site which is used for car washing and valeting takes place at the rear of the site alongside an adjacent large industrial building which operates as a car servicing and parts business.
8. The appeal site is bounded on one side by a residential property (The Vicarage) and by a pair of semi-detached houses to the rear. The rear gardens of all 3 properties adjoin the operational part of the appeal site.
9. Car washing began on the site in 2011 and complaints were first received by the Council in 2012 regarding its operation. Several attempts were made to pursue planning applications to regularise matters during a period when site ownership changed. The subject activities involve jet washing and vacuum cleaning. A neighbour describes the intrusive noise caused by these activities and the associated disturbance caused by running engines, loud music and raised voices.
10. The storage and rest room building at the rear of the site masks the rear dwellings from much of the impact of the activities on site. In front of this structure there was a canopy, open on 3 sides which was used for valeting but which had been removed by the time of my visit. An open hardsurfaced area in front of the canopy, close to the side boundary with The Vicarage, was used for the car washing activity.
11. In a noise assessment submitted on behalf of the appellant it is acknowledged that noise from the car washing activities was at a level that had a significant adverse impact on the residential amenity of The Vicarage, as described by its occupier and the Council's Public Protection team. In response the scheme proposes to mitigate this impact by the installation of a building to screen sound. The appellant's appeal statement suggests that details of the sound-proofing quality of the proposed structure is provided on the submitted drawings. The drawings show a rather confined area where two cars could be washed within a new building with a corrugated tin roof and one side wall of 18mm plywood. The other side elevation would be open. The front elevation is shown to have a plywood 'temporary' (also described as 'moveable') sound screen. It is not clear what is meant by temporary, or how this would work in practise. The rear elevation appears to open onto the area of the canopy.
12. Background noise levels demonstrate that the rear part of the site and the neighbouring vicarage are a sufficient distance from road traffic to be fairly quiet at around 50<sub>LA90 (1hour)</sub>(dB). The washing and cleaning activities have been measured as producing noise levels of up to 81dBA. The assessment calculates that the level of additional noise above a 'low impact' is up to 21dB. In response it proposes the use of a roof and screens over the car wash area. No mention is made of the present vacuuming area. The screens and roof, it advises, should have a minimum mass and be free of gaps. It is estimated to reduce noise levels by 26dB resulting in noise levels at the neighbouring property some 9dB below the low impact target.
13. The Council's Public Protection division has advised that the noise assessment has not taken into account the extent to which noise will flank the proposed screens. The appellant's planning agent opines that a reduction of more than 15dB could be achieved with the proposed noise barriers but provides no technical assessment or specialist knowledge to support this assertion. The appellant does not dispute the

clear potential for noise to escape through gaps around the moveable front structure but points to the need for this screen to be moveable.

14. It seems to me that the concerns of the Council's specialist officer over the efficacy of the noise mitigating measures proposed are soundly based. I cannot, therefore, be reasonably satisfied that these measures would acceptably mitigate the noise generated by the activity to acceptable levels within the grounds of The Vicarage. The appellant suggests that any concerns in this respect could be addressed by requiring a noise management plan through a planning condition. However, as I have insufficient evidence that an acceptable plan could be secured, such a condition would be unreasonable.
15. Although not cited in the reasons for refusal the Council and a neighbouring resident refer to the impact of water and chemical spray. I consider that this harmful effect is a matter that could be effectively addressed by the installation of the proposed screening supported by a planning condition.
16. On this first main issue I conclude that the scheme has a significant adverse noise impact on the amenity of neighbouring residents which cannot be acceptably mitigated through planning conditions. Thus, the scheme conflicts with criterion c of Policy STR1, criterion d of Policy GEN1 and Policy EWP13 of the Flintshire Unitary Development Plan 2000-2015.

#### *Flooding*

17. The site lies within a Zone C1 flood risk area as defined in Technical Advice Note (TAN) 15: Development and Flood Risk. Planning Policy Wales, Edition 10 requires a precautionary approach to decision making in relation to flood risk.
18. As Natural Resources Wales (NRW) points out<sup>1</sup> TAN 15 clearly directs development away from Zone C and requires developments within Zone C1 to meet the justification criteria set out in paragraph 6.2. Whilst it explains that this is a matter for the Local Planning Authority to consider, neither the Council nor the appellant has considered the justification tests.
19. Paragraph 6.2 requires that a scheme should meet one of the its first 2 criteria. These are that it assists or is part of a local authority regeneration scheme or strategy to sustain an existing settlement, or that it contributes to key employment objectives. There is no evidence before me that the scheme satisfies either of these requirements. As the development provides employment opportunities in a sustainable location in accord with PPW and is on previously development land I consider that it meets the third test.
20. As the application is not accompanied by an assessment of flooding consequences it does not meet the last of the 4 tests. NRW has expressed significant concerns on the basis that, in the absence of a proportional Flood Consequence Assessment (FCA), it has not been demonstrated that the development would be able to acceptably manage flood risks over the lifetime of the development.
21. The appellant explains that despite several requests his first sight of the NRW consultation response to the application was at appeal stage. Whilst he points out that the scheme has not increased the extent of hardstanding and only proposes to erect a noise shelter, these considerations do not constitute exceptional circumstance

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<sup>1</sup> NRW provided 2 consultation responses to the Council on this matter. I have relied on the more recent response, dated 23 October 2019.

to the policy requirement to provide an FCA. There are consequences that have not been considered such as whether mitigating measures ought to be introduced to protect users and visitors to the site in the event of flooding, and the potential impact of an additional structure on the site in terms of flood flows within the site and potential displacement off-site.

22. The appellant explains that during his knowledge of the site it has not flooded. However, this does not demonstrate that it is not at risk of flooding in the future. The identified risk is based on detailed technical evidence which takes into account predicted climate change.
23. On this main issue, the appellant has failed to demonstrate a justification for developing in the floodplain or to show that the consequences of flooding could be acceptably managed. Thus, the scheme is contrary to TAN15 and in conflict with UDP policies GEN1 and EWP17.
24. I note the neighbour's concerns over waterlogging and potential pollution caused by the run-off of water used in the car wash and the lack of detailed information available on how this wastewater is disposed. However, I am satisfied that this is a matter that could be adequately dealt with by means of a planning condition.

#### *Listed Building Setting*

25. The appeal site lies near to 3 Grade II listed structures, namely the adjacent Shotton Vicarage, and St Ethelwold's Church and its boundary wall. The appellant explains that he was not asked by the Council to provide an assessment of the effect of the scheme on these assets. The Council, whilst citing the scheme's failure to properly assess the impact on the setting of these buildings as a reason for refusal, does not consider the issue to be one that would have merited taking enforcement action. Its conservation officer has advised that the proposed building would have a negligible impact and suggests that controlling the external finishes would avoid harming the setting of the protected buildings.
26. The Vicarage is an imposing two-storey detached dwelling set in spacious grounds. A single storey side projection lies between the two-storey element and a close-boarded timber fence and tall hedge separates the property from the appeal site.
27. The proposed noise shelter is shown as 3.2m high with a very shallow roof slope and as such would be no higher than the previous canopy which it would adjoin. It would be viewed against the side elevation of a much larger industrial building that defines one side boundary of the appeal site. Given this visual context, and the scope to control the external finishes of the structure through planning condition, I am satisfied that the physical presence of the proposed building would preserve the setting of The Vicarage. It follows that, given the greater separation distance of the Church and boundary wall that the setting of these protected historic assets would not be harmed.
28. As TAN 24: The Historic Environment explains, noise is a matter that can affect the setting of a historic asset. The introduction of an intrusive noise source in such proximity to this elegant dwelling and its generous grounds has, as the neighbour opines, the effect of disturbing the tranquillity that otherwise contributes to the building's setting. Accordingly, the development is at odds with UDP Policy HE2.

#### **Conclusion**

29. I have taken into account that the use provides employment and a service within a location well related to its customers, however this does not lead me away from my

findings that the impact of the scheme in relation to the main issues is unacceptable. I shall therefore dismiss both appeals and uphold the enforcement notice.

30. In reaching my decisions, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that these decisions are in accordance with the Act's sustainable development principle through their contribution towards the Welsh Ministers' well-being objective to build better environments.

*Hywel Wyn Jones*

INSPECTOR