

FLINTSHIRE COUNTY COUNCIL
TUESDAY, 14TH JULY 2009

Minutes of the Meeting of Flintshire County Council held in County Hall, Mold on Tuesday, 14th July 2009.

PRESENT: **Councillor C. Legg (Chairman)**
Councillor O. Thomas (Vice-Chairman)

Councillors: Eng. K. Armstrong-Braun, J.B. Attridge, S.R. Baker, D. Barratt, G.H. Bateman, R.C. Bithell, C.S. Carver, Mrs J.C. Cattermoul, E.G. Cooke, D.L. Cox, Mrs A.J. Davies-Cooke, C.J. Dolphin, B. Dunn, Mrs C.A. Ellis, E.F. Evans, J.E. Falshaw, Ms V. Gay, Miss A.M. Halford, R.G. Hampson, G. Hardcastle, P.G. Heesom, Mrs C. Hinds, R. Hughes, R. Johnson, Mrs. C.M. Jones, Mrs. N.M. Jones, Mrs S. Jones, D.I. Mackie, Mrs D.L. Mackie, Mrs N.M. Matthews, Mrs H.J. McGuill, Mrs. A. Minshull, W. Mullin, T. Newhouse, E.W. Owen, M.J. Peers, P.R. Pemberton, M.A. Reece, H.G. Roberts, L.A. Sharps, A.P. Shotton, N.R. Steele-Mortimer, Mrs C.A. Thomas, D.E. Wisinger, A. Woolley, and Ms H. Yale

APOLOGIES:

Councillors: L.A. Aldridge, P.J. Curtis, R. Davies, A.G. Diskin, Mrs. G.D. Diskin, Q.R.H. Dodd, R. Dolphin, F. Gilmore, R.J.T. Guest, M. Higham, H.T. Howorth, Mrs N. Humphreys, H.D. Hutchinson, H.T. Isherwood. G. James, R.B. Jones, D. McFarlane, N. Phillips, I B. Roberts, D.T. Williams and M.G. Wright.

IN ATTENDANCE:

Chief Executive, Director of Environment, Head of Legal and Democratic Services, Head of Planning, Head of Planning Policy and Democratic Services Manager.

39. PRAYERS

The meeting was opened by prayers said by the Councillor R.C. Bithell.

40. DECLARATIONS OF INTEREST

The Head of Legal and Democratic Services (Monitoring Officer) reported that at the meeting of the Standards Committee held the previous evening, dispensations had been granted to Councillor C.S. Carver and M. Peers to speak and vote on sites within their area and included in the Unitary Development Plan. The sites concerned were the subject of recommended amendments by the Inspector.

Councillors Carver and Peers had applied for such dispensation because they felt that they had a personal and prejudicial interest in certain sites within the Plan.

In granting the dispensations, the Standards Committee confirmed that they related to discussions of principle concerning the Plan rather than for specific Planning Applications in relation to which a further request would have to be submitted, if felt appropriate.

41. UDP INSPECTOR'S REPORT – STATEMENT OF DECISIONS AND PROPOSED MODIFICATIONS

The Council considered the report of the Head of Planning which was presented by the Head of Planning Policy. The purpose of the report was to present the outcome of the Public Inquiry held into objections to the Emerging Flintshire Unitary Development Plan (EFUDP). The report set out to:

- Advise Members of the conclusions and recommendations of the Inspector who conducted the Inquiry and the implications and drivers for moving the Plan forward to adoption
- Seek Members' approval on the Statement of Decisions and reasons in respect of the recommendations contained within the Inspector's report (Appendix 1 to the report)
- Seek Members' agreement to advertise the Proposed Modifications to the UDP for consultation (Appendices 2 and 3 of the report)
- Seek Members' approval for the use of the Proposed Modifications alongside the deposit UDP, for development control purposes
- Update Members regarding the timetable relating to the remaining key stages involved in adopting the UDP

By way of background, the Head of Planning Policy explained that whilst it was a requirement to produce the Local Development Plan (LDP) as was set out in the Planning and Compulsory Purchase Act 2004, in introducing the requirements, the 2004 Act included Transitional Arrangements to cater for any authority who was working on a UDP and (depending on the stage reached with the UDP), that authority could either cease work on the UDP and commence an LDP or continue with the UDP to adoption prior to the LDP commencement.

It was noted that the Council was one of several local authorities who chose, with the agreement of the Welsh Assembly Government, to proceed with their UDPs given the advanced stage of preparation of the Plan and the fact that it would be the quickest way to replace time-expired Local Plans.

The report detailed how the Public Inquiry had operated.

The Head of Planning Policy explained that the Inspector's final report was received in May 2009 and was publicly available from 26th May 2009. The Authority was now required to consider the report and decide what action it was to take on the recommendations of the Inspector. It was noted that these would have to be published as a "Statement of Decisions" and whilst the report was

not binding, the Authority was required to provide full and material reasons for not accepting recommendations made by the Inspector.

The report detailed the next part of the consultation process.

If the Council decided that no further modifications or Inquiry was necessary following this stage, then the Council would give notice of its intention to adopt the Plan.

It was noted that the proposals made by the Inspector must be advertised and available for a six week consultation period.

The Head of Planning Policy explained the significance of this stage of the adoption process and explained that once the Council had adopted the UDP they could formally seek a Commencement Order from the Welsh Assembly Government which it must have in order to progress work on an LDP.

The report detailed the key facts from the Inspector's report and specified the number of representations that had been received .

In general the Inspector had stated that the majority of objections related to site specific proposals; to the detailed wording of policies; to the general sustainability of the Plan and its policies; to the allocation of sites for housing/employment development and suggested changes to green barriers and built up area boundaries.

The recommendations were, in the main, aimed at making the Plan more sustainable and robust, due to the time that had elapsed since the deposit Plan had been published (2003) and changes to National and International policy with an increased emphasis on conserving resources and environmental protection. It was noted that the majority of modifications recommended related to the wording of policies to improve clarity and interpretation, particularly in relation to minerals, energy, waste pollution and retail and commercial development.

Significantly, the Inspector considered that the revised housing requirement put forward by the Council was appropriate and there was sufficient land available, taking account of the Inspector's recommended modifications with sufficient flexibility built in to meet the requirement and maintain a five year supply of housing land. The Inspector had recommended a relatively small number of additional housing sites for specific changes and these were fully detailed in the report.

The report identified the Inspector's comments relating to development within Category A settlement and her concerns in that area. The report also detailed her comments in relation to employment land together with that of mixed use sites. The Head of Planning Policy reported that given the significant number and range of objections received, the absence of significant changes, in number or scale, to the Plan by the Inspector was testament to the soundness of the Plan and its policies and proposals. The Inspector had fully considered all the issues and the Head of Planning Policy referred to the open, transparent and inclusive process in the development of the Plan.

It was also noted that the Inspector had commented where changes had been made, they were in the main, to the wording of policies to ensure compliance and compatibility with changes that had occurred to National and International policies since the deposit Plan was produced.

The Head of Planning Policy was of the opinion that given the robustness of the Inspector's recommendations and the fact that the changes proposed improved the Plan both in terms of its up datedness and sustainability, saw no reason to challenge the conclusions and recommendations or the Inspector. He felt there was a need to be pragmatic about moving the Plan forward to adoption which derived, in part, from the length of time the process had taken and the significant degree of scrutiny of the Plan at every stage but also from several additional and key drivers.

The Head of Planning Policy further reported that Welsh Assembly Government had indicated that they wished to see a set of adopted Development Plans in place in Wales by 2010 whether these were UDPs or LDPs and the report expanded in detail upon this point and the significance to the Council. He referred to his previous comments relating to the adoption of the UDP to allow the Council to seek a Commencement Order from the Welsh Assembly Government to carry out a Local Development Plan. In this respect, the timing of the transition to allow work to commence on the LDP was therefore very much dependent upon a completion of the UDP in a timely and effective manner.

The Head of Planning Policy then referred to the Council's Statement of Decisions and Proposed Modifications. He advised of the significance of Appendices 1, 2 and 3 and their content.

The Council was informed that, when they had approved the proposed modifications set out in the report and the reasons for them, they would be published in readiness for advertisement and formal consultation following the August recess which was commonly regarded as the main public holiday period. In this respect it was intended to start the consultation process during September. The report fully detailed the procedure in relation to consultation.

The Executive Member for Environment had earlier moved acceptance of the recommendation in the report. In doing so he referred to the need for the process to be completed as soon as possible to allow work to commence on the LDP. At the same time, to assist Members and Officers of the Council, it was necessary to have a more up to date Plan for Development Control purposes because the Council was still relying on the out dated Delyn Local Plan, the Alyn & Deeside Local Plan and the Clwyd Structure Plan.

In seconding the proposal, the Leader of the Council supported the need for progress of the Plan and referred to the importance of the six week consultation period which would commence in September and allow Members who had concerns on issues relevant to their own area, due to the modifications suggested by the Inspector, would have an opportunity to raise those concerns.

Councillor A.P. Shotton gave Notice of an amendment to the proposition. He indicated he would speak to it later in the meeting.

The Chairman indicated that in the first instance he would allow Members to ask questions on the report, upon which they wished to seek clarification prior to them making their formal representations.

In this respect, Councillor R.C. Bithell sought clarification on the interpretation of the development of brownfield sites and an apparent inconsistency with the proposals in the Plan relating to the Ysgol Talfryn site and Dobshill Depot site compared with the former Meadowslea and Dobshill Hospitals. The Head of Planning Policy explained how the Inspector considered that such a level of development on the edge of small category C settlements, despite them being brownfield sites, was contrary to the sustainability principles of the Plan Strategy which sought to direct most new development to the larger settlements.

Councillor B. Mullin commented that it was the first opportunity for Members to see the proposed modifications to the Plan when the report had been issued. However, the Head of Planning Policy indicated that from an officer's point of view the first time they had seen the modifications was when the report was issued to the Council. However, Members had been invited to discuss the Inspector's Report individually with officers for a period of a week before the Inspector's Report had been published in the public domain and the Member accepted this.

Councillor H. McGuill expressed her concern at the inclusion of the Rose Lane site in Mynydd Isa and queried if the Inspector had visited the site. The Head of Planning Policy confirmed that the Inspector had visited all the sites. Councillor H. McGuill therefore gave Notice that she would be commenting upon this during the course of the public consultation.

Councillor A.P. Shotton referred to the high level of public consultation that had been undertaken as part of the process and the fact that there had been so many comments upon the Plan illustrated this point. He paid tribute to the officers for their diligence over a considerable period to reach the current stage. Councillor Shotton had concerns regarding certain recommendations of the Inspector whereby she appeared to be encouraging the replacement of brownfield sites by greenfield sites for housing development.

Councillor Shotton stated that he had taken exception to the comments of the Inspector as reported in 3.06 of the report which related to the spatial distribution of growth whereby she suggested it should be even more focused on the towns and larger villages with growth/new development in the smaller villages being severely restricted. He felt that this was an assumption which was contrary to the Council's own views whereby there had been widespread feeling from Members that there should be discouragement of bolting-on developments of towns and villages in its current form. He felt many such areas were at saturation point and the infrastructure could not cope with any further development.

He also referred to discussions about the possibility of new towns or settlements being developed and this should be undertaken as part of the Local Development Plan and not be guided by the Inspector's comments.

He proposed an amendment to include the words "in consultation with the Leader and Executive Member for Environment" in paragraph 4.04 of the recommendation after the word "**officers**". The Proposer and Secunder of the original Motion were pleased to accept this amendment which then became the substantive Motion.

Councillor R.C. Bithell confirmed that he was in favour of the recommendation and felt that it was necessary to make progress. However, he also took exception to the Inspector's comments in paragraph 3.06 of the report which he felt was totally contrary to the current thinking of Members throughout the Council Chamber.

The Head of Planning Policy commented that the comments referred to were in the covering letter of the Inspector and did not form part of her report.

Councillor L.A. Sharps, in pursuing this point, felt that it should not be made an issue at this stage as there may be other more significant matters in the future and could be vigorously pursued at a later date. He was of the view that Members of the Council, during the course of the LDP process, would make decisions in line with their thinking and in the best interests of residents.

Councillor C.S. Carver referred to a discussion related to a site described as Overlea Drive, Hawarden and the Inspector's decision to recommend its inclusion within the Plan. He gave Notice that he would be objecting to this proposal during the course of public consultation.

Councillor N. Matthews supported the views previously expressed by Councillor L.A. Sharps and the need for progress. She gave an update on the current situation regarding the Waste Management Strategy.

Councillor Jones wished to record her personal thanks to the Head of Planning Policy and all his team for their patience during the course of the preparation of the Plan. She indicated that she had not always agreed with their recommendations but thanked the officers for the way they had conducted themselves during this period.

Councillor P.G. Heesom indicated that he did not necessarily agree with Councillor A.P. Shotton and the way he had interpreted the Inspector's views. He referred to the historic framework of development in the area and felt that the comments about the future of the housing stock were useful. With regard to waste management, he commented that any future proposals would have to be in line with the Welsh Assembly Policy. Councillor Heesom also made the point that the development of the Plan had straddled over three Councils.

In conclusion, he wished to also record his thanks to the Head of Planning Policy and his team for their excellent and diligent work throughout the course of the development of the Plan.

Councillor H.G. Roberts paid a similar tribute to the officers. He also expressed his concern about comments relating to further development of existing towns which he felt was not feasible.

Councillors H. Yale and G. Hardcastle supported the recommendation but wished to record that they would be objecting to certain recommendations of the Inspector during the consultation period.

Councillor C. Ellis indicated along the same lines, and wished to record that she would be objecting to issues in relation to policy EWP6. Councillor P.G. Heesom indicated he would also be making recommendations on this policy.

Councillor M. Peers gave a resume of his concerns about a site within his electoral division and the representations he had made from an early stage. He expanded upon his concerns and the reasons why he had objected to the proposals and put it on record that he would be objecting to the recommendations as part of the public consultation process.

Councillor Eng K. Armstrong-Braun also commented upon the dedicated work of the officers in preparing the Plan. He expressed his support for a number of the environmental policies which he felt would encourage sustainability.

Councillor Mrs. C. Hinds referred to a petition she had submitted during the course of the process which had a large number of signatures on and which she felt had not received the attention it merited. The Head of Planning Policy explained that it was not necessarily the number of objections that were taken into account but rather the quality and substance of those objections. Councillor Jones supporting the view of Councillor Hinds felt that it should have had a bearing as it reflected the weight of opinion on a particular issue.

Councillor R. Johnson referred to issues within her electoral division and recorded that she would be objecting to them during the course of the consultation period.

The Chief Executive responded to a number of points raised by Members and clarified a number of their concerns. He also supported the view whereby the comments of the Inspector referred to in paragraph 3.06 were not part of the report and did not have a bearing on any policy decision and would not be part of the consultation process. He indicated that the Council would actively pursue progress for the commencement of the LDP and that it would receive wide and full consideration.

In summing up, Councillor L.A. Sharp confirmed that the names of those Members who would be objecting to the Inspector's proposals during the course

of the consultation period had been noted. He reiterated the point that it was now the time to move forward with the Plan and allow the Council to actively pursue and have a major input into the development of the Local Development Plan.

Councillor L.A. Sharps also paid tribute to Mr Andy Roberts, the Head of Planning Policy and his team for all the work that they had undertaken and the manner in which they had done it during the course of the Plan. He also specifically referred to the work undertaken by Mr Mervyn Davies who had been diligent, conscientious and extremely hard-working throughout the whole process despite the most trying of personal circumstances. This sentiment was fully supported by Members.

In response, the Head of Planning Policy, thanked the Members for their contribution to the Plan and for their kind words. He paid tribute to his team who had undertaken a tremendous amount of hard work over a considerable period and wished to record his thanks to them for all their help and support.

RESOLVED:

- (1) That the Statement of Decisions, as set out in Appendix 1 of the report, be accepted as the Council's position in respect of the recommendation contained in the Inspector's report.
- (2) That the proposed modifications to the Unitary Development Plan as set out in Appendix 2 and the accompanying maps in Appendix 3 go out for formal consultation for a six week period as soon as practicable following the August recess, from September 2009, be approved
- (3) That the proposed modifications to be used in conjunction with the deposit UDP for development control purposes, be approved
- (4) That officers, in consultation with the Leader and Executive Member for Environment, be granted delegated powers in drawing up the final modification ready for publication to address any minor errors or issues of consistency that may come to light.

42. ATTENDANCE BY THE PRESS AND PUBLIC

There was one member of the press in attendance.

43. DURATION OF THE MEETING

The meeting commenced at 2.00 pm and finished at 3.22 pm.

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Chairman

**SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT**

FLINTSHIRE COUNTY COUNCIL	DATE:	14th July 2009
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MEMBER	ITEM	MIN. NO. REFERS
Councillors C. Carver and M. Peers	UDP Inspector's Report	41