

Barry Davies LL.B (Hons)  
Solicitor/Cyfreithiwr  
Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a  
Democrataidd



**TO: ALL MEMBERS OF THE COUNCIL**

Your Ref /  
Eich Cyf

Our Ref / Ein Cyf CO

Date / Dyddiad 05/11/2010

Ask for / Gofynner am Ceri Owen

Direct Dial / Rhif Union 01352 702350

Fax / Ffacs

Dear Sir / Madam,

**A SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD** on **THURSDAY, 11 NOVEMBER 2010** at **14:00** to consider the following items.

Yours faithfully

Democracy and Governance Manager

**AGENDA**

1. **PRAYERS**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATIONS OF INTEREST**
4. **MINUTES**  
To confirm as a correct record the minutes of the meetings held on 29th September and 5th October, 2010 (copies enclosed).
5. **CONSIDERATION OF THE RESOLUTIONS OF THE DEVELOPMENT PLANS PANEL AND WAY FORWARD**  
Report of Director of Environment enclosed

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County Hall, Mold. CH7 6NA  
Tel. 01352 702400 DX 708591 Mold 4  
[www.flintshire.gov.uk](http://www.flintshire.gov.uk)  
Neuadd y Sir, Yr Wyddgrug. CH7 6NR  
Ffôn 01352 702400 DX 708591 Mold 4  
[www.siryfflint.gov.uk](http://www.siryfflint.gov.uk)

The Council welcomes correspondence in Welsh or English  
Mae'r Cyngor yn croesawu gohebiaeth yn y Gymraeg neu'r Saesneg

6. **NOTICE OF MOTION**

The following Notice of Motion has been received from Councillors C.A. Ellis, H. Brown, G. Hardcastle, M.G. Wright and W.O. Thomas:-

"That the practice of naming schools within the planning agenda that will financially benefit from a planning application be reviewed.

Currently, schools are named thus prohibiting the relevant School Governors, who may be on the Planning Committee or third party speakers (including Community Councils), from speaking. We feel this is undermining the democratic process and needs reviewing urgently."

**FLINTSHIRE COUNTY COUNCIL**  
**WEDNESDAY, 29<sup>TH</sup> SEPTEMBER, 2010**

Minutes of the meeting of Flintshire County Council held at County Hall, Mold on Wednesday 29<sup>th</sup> September, 2010.

**PRESENT: Councillor W.O. Thomas (Chairman)**

Councillors: Eng. K. Armstrong-Braun, J.B. Attridge, S.R. Baker, D. Barratt, G.H. Bateman, M. Bateman, R.C. Bithell, C.S. Carver, J.C. Cattermoul, E.G. Cooke, D.L. Cox, P.J. Curtis, Q.R.H. Dodd, C.J. Dolphin, B. Dunn, C.A. Ellis, E.F. Evans, J.E. Falshaw, V. Gay, F. Gillmore, R.J.T. Guest, A.M. Halford, G. Hardcastle, P.G. Heesom, C. Hinds, R. Hughes, N. Humphreys, H.T. Isherwood, G. James, R. Johnson, C.M. Jones, N.M. Jones, R.B. Jones, S. Jones, C. Legg, R.P. Macfarlane, D.I. Mackie, D.L. Mackie, D. McFarlane, H.G. McGuill, W. Mullin, E.W. Owen, P.R. Pemberton, N. Philips, H.G. Roberts, I.B. Roberts, A.P. Shotton, N.R. Steele-Mortimer, D.E. Wisinger, A. Woolley and M.G. Wright.

**APOLOGIES:**

Councillors: L.A. Aldridge, H. Brown, R. Davies, A.J. Davies-Cooke, A.G. Diskin, G.D. Diskin, R. Dolphin, R.G. Hampson, H.T. Howorth, N.M. Matthews, A. Minshull, T. Newhouse, M.J. Peers, M.A. Reece, L.A. Sharps, C.A. Thomas and D.T. Williams.

**IN ATTENDANCE:**

Chief Executive, Director of Environment, Director of Lifelong Learning, Head of Finance, Head of Legal and Democratic Services, Head of Housing and Member Engagement Manager.

**48. PRAYERS**

The meeting was opened with Prayers by the Chairman's Chaplain.

**49. PUBLIC QUESTION TIME**

The Head of Legal and Democratic Services advised that no questions had been received.

**50. MINUTES**

The minutes of the meeting of Flintshire County Council held on 7<sup>th</sup> September, 2010 were submitted.

**Accuracy**

The Head of Legal and Democratic Services reported the following amendments to the minutes:-

- i) That Councillor D. Barratt's name be removed from the heading "Apologies".

- ii) That the word “made” replace the word “make” on the first line of page 12 of the minutes.

### Matters arising

Councillor J.B. Attridge referred to minute number 38 and asked that the Chairman’s comments on the response received from the Members of Parliament be withdrawn, given that a letter had not been sent to the Members of Parliament until after the last Council meeting. The Head of Legal and Democratic Services said that the minutes would be amended to reflect this.

### **RESOLVED**

That subject to the amendments listed above, the minutes be confirmed as a correct record and signed by the Chairman.

### **51. DECLARATIONS OF INTEREST**

The Monitoring Officer advised that on the “Statement of Accounts 2009/10”, Members who were contributors to the Clwyd Pension Fund scheme would only have to declare a personal interest and not a prejudicial interest and would be allowed to remain in the meeting and vote.

The following Members declared an interest on his advice:

Councillors: J.B. Attridge, D. Barratt, R.C. Bithell, D.L. Cox, C.A. Ellis, C. Hinds, N. Humphreys, S. Jones, I.B. Roberts and A.P. Shotton

### **52. NOTICE OF MOTION**

The Head of Legal and Democratic Services confirmed that no notices of motion had been submitted.

### **53. CHAIRMAN’S COMMUNICATION**

Copies of the Chairman’s communications were available in the Members room.

### **54. PETITIONS**

Councillor D. Cox submitted a petition from users of the Flint foreshore opposing the continued use and closure of the permissive path along the line of the Wales Coastal Path on some 35 Sunday mornings per year.

Councillor M.G. Wright submitted a petition from residents/parents requesting that Flintshire County Council reduce the speed limit from 40 mph to 30 mph on the B5121 through the residential village of Brynford.

**55. QUESTIONS**

The Head of Legal and Democratic Services advised that no questions had been received.

**56. STATEMENT OF ACCOUNTS 2009/10**

The Head of Finance introduced a report to seek Member's approval of the final Statement of Accounts for 2009/10.

The Head of Finance reported that the audit of the 2009/10 accounts had now been completed and a Statutory Closure Audit Notice would be reported in the press in due course. It was noted that as part of the Final Accounts process, the Wales Audit Office had presented to the Audit Committee on 29<sup>th</sup> September 2010 the report 'Audit of Accounting Statements' (the ISA 260). The ISA (International Standing Awards) 260 requires the auditor to communicate relevant matters relating to the audit of the Financial Statements to those charged with Governance of the entity.

The Head of Finance confirmed that the Audit Committee had not recommended any changes to the documents. Councillor I.B. Roberts, as the Chairman of the Audit Committee, was pleased to move the acceptance of the Accounts and in doing so commented upon the thoroughness of the work undertaken by the Audit Committee in considering the Statement of Accounts. He also expressed his thanks to the Head of Finance and her team together with the external auditor for their efforts in bringing the Statement of Accounts together. He reported that the Audit Committee decision had not been unanimous due to concerns expressed at the meeting by Councillor A. Halford on issues around AD Waste.

The Leader of the Council also commented that he was pleased to accept the recommendation of the Audit Committee. He said that he understood the frustration of Councillor Halford that matters around bringing AD Waste in-house had been delayed but was satisfied that the accounts had been audited properly and endorsed Councillor Robert's comments on the Head of Finance and her team.

Councillor P.G. Heesom referred to page 22 of the Statement of Accounts and raised concern that the value of Council dwellings had reduced by £58M in 2009/10, the value of total operational assets had fallen by £111M, and the overall value of total assets less liabilities had reduced by £205M and asked for an explanation for this. He referred to page 60 and the reduction in the number of dwellings in the Council's housing stock and said that this alone would not account for the reduction in value of Council dwellings included on the balance sheet. He also referred to rent arrears and raised concern that after all representations made by Members, this figure did not seem to be reducing.

The Head of Finance explained that the reduction in the Council's housing stock was due to some land disposal and referred to a rolling

programme of valuations. The rent arrears was the figure as at the 31<sup>st</sup> March, 2010. She suggested providing all Members with a more detailed response, including responses to questions raised during the Audit Committee meeting, following this meeting.

Councillor A.M. Halford praised the work of the Head of Finance and employees but raised concerns that AD Waste was being brought in-house despite Members of the Audit Committee not being given the opportunity to scrutinise their accounts. She emphasised the need to preserve the integrity of the Audit Committee and said that as a Member of this Committee she wanted to ensure that all matters were carried out correctly. She felt that Members should have been given access to the accounts of AD Waste and because of this she could not support the statement of accounts for 2009/10.

Councillor J.B. Attridge referred to the increase in senior officer pay and asked the Leader of the Council if he felt that this was sending out the right message to Council employees. The Leader of the Council, Councillor A. Woolley explained that there had not been an increase in senior officer's pay and that they would continue to receive annual increments as with all Council employees.

In reference to comments on AD Waste, Councillor K. Armstrong-Braun said that information on AD Waste was available if requested and spoke in support of the statement of accounts for 2009/10. Councillor A.P. Shotton supported Councillor Armstrong-Braun's comments that additional information on AD Waste could have been received from the Leader of the Council or the Executive Member for Waste Management.

The Head of Legal and Democratic Services reported that he had offered to Members of the Audit Committee to make arrangements to meet with the finance Director of AD Waste to go through the accounts.

Councillor Attridge asked if all Members could be invited to attend this meeting. The Head of Legal and Democratic Services said that Members would be given access to commercially sensitive information at the meeting and said that it was for the Chairman of the Audit Committee to decide on whether all Members should be invited.

The Chief Executive recognised Member's frustration on the limited access to financial information on AD Waste and reported that work had progressed to ensure that AD Waste was brought in-house by the 1<sup>st</sup> October, 2010. On senior officer remuneration, he explained that the rates of salary for senior employees (1<sup>st</sup> and 2<sup>nd</sup> tier officers) had not increased and were in line with national pay awards and had been set by the Council. The figure included in the statement of accounts included a number of consultants. The Head of Finance explained that in previous years there had not been an instruction to include the salary of consultants in the statement of accounts. The wider reporting did not mean an increase in the number of posts.

## **RESOLVED**

That the Statement of Accounts for 2009/10 be approved.

### **57. ANNUAL TREASURY MANAGEMENT REPORT 2009/10**

The Head of Finance introduced a report which presented to Council the recommendation of the Executive of 21<sup>st</sup> September, 2010 on:-

- The Treasury Management Annual Report for 2009/10
- The additional sentence within the Treasury Management Policy and Strategy Statement 2010/11 as outlined in paragraph 2.07 of the report.

The Head of Finance reported that as previously reported to the Audit Committee on 28<sup>th</sup> June, 2010, a recommendation made by the external auditors had been overlooked within the Treasury Policy and Strategy Statement 2010/11 and this would be corrected as part of this reporting cycle as any changes to the policy required Council approval. An additional sentence was recommended within paragraph 3.3.4 of the Policy Statement 2010/11 to state that 'where investment limits are expressed as a percentage there will apply at the time the investment is made'. The Audit Committee had asked for a further update and an explanation paper had been provided within the quarterly update on 29<sup>th</sup> September, 2010.

Councillor I.B. Roberts, in his capacity as the Chairman of the Audit Committee, was pleased to move the recommendations of the report which had been considered by the Audit Committee. This was duly seconded by the Leader of the Council, Councillor A. Woolley.

Councillor R.B. Jones referred to the Treasury Management Debt Strategy and queried the figures listed for the total long term debt outstanding. He felt that the total debt at a fixed rate should be £163.6M and that the Council's overall borrowing rate should be 10%. The Head of Finance explained that the figures shown in Appendix 1 of the report were as at the end of the 2009/10 financial year. She said that she would clarify this in writing to Councillor Jones.

## **RESOLVED**

That the recommendation of the Executive be approved on:-

- The Treasury Management Annual Report for 2009/10
- The additional sentence within the Treasury Management Policy and Strategy Statement 2010/11 as outlined in paragraph 3.02 of the report.

**58. STRUCTURE AND TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY COMMITTEES**

The Council considered the report of the Head of Legal and Democratic Services, which recommended to Council amendments to the Constitution to and the structure and terms of reference for the Overview and Scrutiny Committees.

The report was presented by Councillor H. McGuill, the Chairman of the Overview and Scrutiny Co-ordinating Committee. In presenting the report, Councillor McGuill explained that the revised structure and terms of reference were designed to be “user-friendly” and to ensure that there was no duplication or uncertainty as to which was the appropriate Committee to deal with a particular topic. She expressed her thanks to the Overview and Scrutiny Team for the work they had undertaken in reviewing the structure and terms of reference and commended the report to the Council. This was duly seconded by Councillor J.E. Falshaw who thanked Councillor McGuill for her hard work.

Councillor C.S. Carver sought clarification on the titles of the Overview and Scrutiny Committees. Councillor McGuill explained that the current Corporate Management Overview and Scrutiny Committee would be replaced with the title Corporate Resource Overview and Scrutiny Committee and that the current People and Performance Overview and Scrutiny Committee would be replaced with the title Community Profile and Partnerships Overview and Scrutiny Committee.

Councillor S.R. Baker spoke in support of the revised structure and terms of reference but said that he would welcome a reduction in the number of Overview and Scrutiny Committee Members from 15 to 11. He also asked for clarification on the term cross cutting policy issues.

The Head of Legal and Democratic Services advised that the size of Committees had been agreed at the Council meeting held on 29<sup>th</sup> July, 2010 and that any changes could not be made within 6 months of the decision being taken unless a Notice of Motion submitted to a meeting of the County Council. On the term, cross cutting policy issues, he explained that this referred to Council policies which affected the whole of the council, for example, the Equalities Policy.

Councillor R.B. Jones said that the Capital Resource Overview and Scrutiny Committee would be inward looking, scrutinising finance and performance, and that the Community Profile and Partnership Overview and Scrutiny would be outward looking, scrutinising external partners working with other public service bodies. He raised concern that the workload of the Capital Resource Overview and Scrutiny Committee would see meetings running for nearly 4 hours and that the workload of the Community Profile and Partnership Overview and Scrutiny had a much smaller workload.

The Chief Executive agreed with Councillor R.B. Jones's comments that the Corporate Resource Overview and Scrutiny Committee would have a large workload. He advised that the Community Profile and Partnerships Overview and Scrutiny Committee would have the opportunity to scrutinise external and regional collaboration and partnership working with other public service bodies, such as, Glyndwr University and the Police and Fire and Rescue Authority and outlined the need to plan attendance of outside bodies.

**RESOLVED**

That the Council agree the amendments to the Constitution to reflect the amended terms of reference for the Overview and Scrutiny Committees.

**59. OVERVIEW & SCRUTINY ANNUAL REPORT**

The Council considered the report of the Head of Legal and Democratic Services, which was for the Council to receive the Annual Report of the Overview and Scrutiny Function for 2009/10. It was noted that article 6.03(d) of the Council's Constitution provided that "Overview and Scrutiny Committees must report annually to full Council through the Overview and Scrutiny Co-ordinating Committee on their workings and make recommendations for future work programmes and amend working methods if appropriate". A draft copy of the Annual Report was considered and approved by the Co-ordinating Committee at its meeting held on 2<sup>nd</sup> September, 2010 and a copy was attached to the report for this meeting.

The report was presented by Councillor H. McGuill, the Chairman of the Overview and Scrutiny Co-ordinating Committee. In presenting the report, Councillor McGuill expressed her thanks to all the Members of the Council who had been actively involved in the Overview and Scrutiny function in the proceeding 12 months and commended the report to the Council. This was duly seconded by the Leader of the Council, Councillor A. Woolley

**RESOLVED**

That the Overview and Scrutiny Annual Report for the 2009/10 municipal year be received.

**60. SEALING OF DOCUMENTS**

**RESOLVED**

- (a) That the Chairman and Vice-Chairman, the Head of Legal and Democratic Services and Principal Solicitor be authorised to affix the Common Seal of the County Council between meetings of the County Council.
- (b) That the action of the Chairman and Vice-Chairman, the Head of Legal and Democratic Services and Principal Solicitor in affixing the Common

Seal of the County Council as set out in the seal register number 12395  
– 12446 be noted.

**61. DURATION OF MEETING**

The meeting commenced at 2.00 p.m. and ended at 2.55 p.m.

**62. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC**

There was one member of the press present.

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**Chairman**

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

<b>FLINTSHIRE COUNTY COUNCIL</b>	<b>29<sup>TH</sup> SEPTEMBER, 2010</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
Councillors: J.B. Attridge, D. Barratt, R.C. Bithell, D.L. Cox, C.A. Ellis, C. Hinds, N. Humphreys, S. Jones, I.B. Roberts and A.P. Shotton	Statement of Accounts 2009/10	56

**FLINTSHIRE COUNTY COUNCIL**  
**TUESDAY 5<sup>TH</sup> OCTOBER, 2010**

Minutes of the meeting of Flintshire County Council held at County Hall, Mold on Tuesday 5<sup>th</sup> October, 2010.

**PRESENT: Councillor W.O. Thomas (Chairman)**

Councillors: Eng. K. Armstrong-Braun, J.B. Attridge, S.R. Baker, D. Barratt, G.H. Bateman, M. Bateman, R.C. Bithell, C.S. Carver, D.L. Cox, P.J. Curtis, R. Davies, A.J. Davies-Cooke, B. Dunn, C.A. Ellis, E.F. Evans, J.E. Falshaw, F. Gillmore, R.J.T. Guest, A.M. Halford, R.G. Hampson, G. Hardcastle, P.G. Heesom, C. Hinds, H.T. Howorth, R. Hughes, H.D. Hutchinson, H.T. Isherwood, R. Johnson, C.M. Jones, N.M. Jones, R.B. Jones, S. Jones, C. Legg, R.P. Macfarlane, D.I. Mackie, D.L. Mackie, D. McFarlane, A. Minshull, H.G. McGuill, W. Mullin, T. Newhouse, E.W. Owen, M.J. Peers, P.R. Pemberton, N. Philips, M.A. Reece, H.G. Roberts, I.B. Roberts, L.A. Sharps, A.P. Shotton, N.R. Steele-Mortimer, C.A. Thomas. D.E. Wisinger and, A. Woolley.

**APOLOGIES:**

Councillors: L.A. Aldridge, H. Brown, E.G. Cooke, Q.R.H. Dodd, C.J. Dolphin, R. Dolphin, V. Gay, N. Humphreys, G. James, N.M. Matthews, D.T. Williams and M.G. Wright.

**IN ATTENDANCE:**

Chief Executive, Head of Legal and Democratic Services and Member Engagement Manager.

**63. PRAYERS**

The meeting was opened with Prayers said by Councillor N. Phillips.

**64. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**65. URGENT ITEM - NOTICE OF MOTION**

The following Notice of Motion had been submitted by Councillor A.P. Shotton:-

“Concern is expressed that the 42<sup>nd</sup> Annual Bonfire and Firework Display at Deeside Leisure Centre is at risk of being cancelled. For the past 42 years the display has provided thousands of families with a safe and organised display. The display also provides the Fire Service with effective fundraising revenue.”

Resolution

“That in the interest of public safety, this Council will liaise with the North Wales Fire Service to ensure that the 2010 Bonfire and Firework Display will continue in Deeside.”

Councillor A.P. Shotton formally proposed the motion and this was duly seconded.

In speaking to his motion, Councillor A.P. Shotton reported that 300 local residents had joined a group on ‘Facebook’ to voice their concerns about the 2010 Bonfire and Firework Display not taking place at Deeside Leisure Centre. He reported that thousands of families attended the Bonfire and Firework Display in Deeside which had been held annually for the last 42 years. He said that it was a safe, well organised event which was held in the interest of public safety to reduce the risk of families having bonfires in their gardens and provided the opportunity for money to be raised for local charities within the community. He welcomed the investment currently being made to the 5-a-side pitches but said that the bonfire and firework display would not encroach on this land. He also said that holding the bonfire and firework display at Deeside Leisure Centre should continue as there were adequate parking facilities near the site. He asked Members to support his notice of motion.

In seconding the notice of motion, Councillor J.B. Attridge said that he had been contacted by the local press asking for his comments on Wepre Park in Connah’s Quay as the proposed new site for a firework display. He agreed with the previous comment on the adequate parking facilities near and around Deeside Leisure Centre and raised concern that Wepre Park did not have adequate parking facilities to hold such a well attended event.

Councillor D.E. Wisinger, as the Local Member for Queensferry, outlined his concern that he had not been notified of the improvements to the 5-a-side pitch or the decision to cancel the Bonfire and Firework display at Deeside Leisure Centre and asked the Chief Executive to provide in writing ways in communication with Members could be improved. He agreed with the comments made by Councillor Shotton and said that Deeside Leisure Centre was the most accessible place to hold a bonfire and firework display given the amount of parking available around the leisure centre. Councillor P.J. Curtis agreed with Councillor Wisinger’s comments that communication with Members should be improved and felt that all Members should have been informed of the decision to relocate the bonfire and firework display as this affected residents across the County.

The Executive Member for Leisure Services and Public Protection, questioned Councillor Shotton’s comments on openness and transparency and said that he had been nothing but open and transparent with Councillor Shotton. He also reported that he had asked officers to write to all Local Members in August, 2010 informing them of the decision not to hold the bonfire and firework display at Deeside Leisure Centre. The Chief Executive confirmed that a letter was sent to all Local Members on the 5<sup>th</sup> August, 2010.

Councillor R.B. Jones spoke in support of the notice of motion but said that it would be difficult to challenge a risk assessment if one had been carried out at Deeside Leisure Centre. Councillor Shotton said that it was his understanding that a risk assessment had not been carried out at this site.

Councillor D.L. Mackie reported that she had received a letter from Councillor Hutchinson outlining the decision to withdraw the bonfire and firework display from Deeside Leisure Centre. She said that she had since contacted the Fire Service who had confirmed that the fireworks would damage and weaken the new 5-a-side pitches and therefore a new site had been looked for. She reported that the Fire Authority were holding discussions with the Countryside Service on whether Wepre Park was a suitable location to hold a firework display and they had also contacted the Headteacher of John Summers High School which was also being considered as a possible site. Councillor M.J. Peers agreed with the comments that there did not appear to be adequate parking facilities at Wepre Park and felt that holding the firework display at John Summers High School seemed like a sensible compromise.

The Chief Executive introduced Mr. Mike Welsh, Manager of Deeside Leisure Centre to the County Council. He reported that the Fire Service promote the bonfire and firework display at Deeside Leisure Centre as part of a good community safety initiative. He reported that a standard risk assessment had been undertaken and in view of the outcome a decision was taken to look at alternative sites. He explained that the Fire Authority had contacted the Council and Mr. Mike Welsh to find an alternative site for this year to ensure that a bonfire and firework display continued.

Mr. Mike Welsh reported that he had been actively involved in arranging the bonfire and firework display at Deeside Leisure Centre since 1996. He reported that a decision was taken to refuse the booking request from the Fire Authority following the outcome of the risk assessment which highlighted safety risks on the site as the contractor work would be continuing on the 5-a-side until 15<sup>th</sup> November, 2010. He explained that in previous years the fireworks had been set off from and were landing on the Artificial Turf Pitches (ATP). Recently the County Council had invested £500,000 to undertake improvement works to the ATP which could be damaged if fireworks were set off from this site. As the deadline for the completion of improvement works to the ATP was not due to be completed until 15<sup>th</sup> November, 2010, holding a firework display at this site would mean the County Council being subject to the contractors insurance. The Fire Service have contacted the Countryside Service to assess whether Wepre Park could be used for a firework event and a site plan and risk assessment have been carried out to ensure the site would be safe.

The Chief Executive said that he was not in a position to challenge the decision of the Fire Service who were the promoters. He assured Members that a risk assessment would have to be met at Wepre Park or an alternative location. He also referred to the need for a Local Traffic Management Plan.

Councillor D. Barratt raised concern as a local Member for Wepre Park that this was not a suitable site to hold a firework display as there was no adequate parking and that the fireworks could not be set off a suitable distance away from the houses. Councillor B. Dunn reported, as a local Member for Wepre Park, he had been approached by a number of residents in the area who were concerned about the volume of traffic a firework event at Wepre Park would generate. He moved an amendment to the notice of motion that the Council explore the use of the land at John Summers High School as a site for a firework display. This was seconded by Councillor K. Armstrong-Braun.

Councillor Armstrong-Braun said that having heard the comments of the Chief Executive and Mr. Mike Welsh on the risk assessment carried out he supported the decision not to hold the bonfire and firework display at Deeside Leisure Centre. Councillor P. McFarlane said that the bonfire and firework display at Deeside Leisure Centre had always enjoyed the support of the County Council and said that he accepted the comments made by the Chief Executive, Mr. Mike Welsh and the Fire Service who would review whether the event would continue at Deeside Leisure Centre in future years.

Councillor I.B. Roberts sought assurance that the bonfire and firework display would continue at Deeside Leisure Centre in future years following the completion of the improvements to the 5-a-side pitches. He said that it was disappointing that such a large event had not been considered when organising the scheduling of the improvement works. Councillor R.J.T. Guest supported the comments of Councillor I.R. Roberts and also sought assurance that the bonfire and fire work event would continue at Deeside Leisure Centre in future years. He also agreed with earlier concerns that Wepre Park did not have adequate facilities to hold such an event.

Mr. Mike Welsh responded that an assessment of Deeside Leisure Centre would need to be undertaken if a booking was requested to hold a bonfire and firework display in future years. The Chief Executive explained that a standard risk assessment had been carried out at Deeside Leisure Centre. Further risk assessments would need to be carried out for future years. The Countryside Services together with officers of the Council were currently working though the risk assessment carried out at Wepre Park to ensure it was a viable site.

Councillor H.D. Hutchinson reported that he had suggested to Councillors Attridge and Shotton to approach John Summers High School on the possibility of using this site for a firework display and supported the suggestion to explore this further. He explained that the bonfire and firework display was not a County Council event, but one organised by the Fire Authority. He said that the improvements being carried out to the 5-a-side football pitches were part of an overall investment of £4M at Deeside Leisure Centre.

The Head of Legal and Democratic Services advised Members that exploring the use of the land at John Summers High School to hold a bonfire and firework display was covered in the wording of the notice of motion.

Councillor A.P. Shotton said that he was seeking the County Council to recognise the importance of the bonfire and firework display which was a landmark event for Flintshire. He raised concern with the risk assessment carried out at Wepre Park which he said only assessed the site and did not assess the amount of traffic which could be generated. He said that he appreciated the efforts of Councillor D.L. Mackie and hoped that the Council could liaise with the Fire Service to find a suitable alternative site in Deeside.

Councillor B. Dunn said that in view of the advice given by the Head of Legal and Democratic Services and the comments made by Councillor Shotton he would withdraw his amendment to the notice of motion.

The notice of motion was put to the vote and was carried.

### **RESOLVED**

That in the interest of public safety, the Council will liaise with the North Wales Fire Services to ensure that the 2010 Bonfire and Firework Display will continue in Deeside.

## **66. BOUNDARY COMMISSION – FURTHER DRAFT PROPOSALS FOR FLINTSHIRE**

The Chief Executive reported that a special meeting of Group Leaders had been held on 29<sup>th</sup> September, 2010 to consider the further draft proposals of the Boundary Commission. He reported that he had circulated a copy of the draft response to Group Leaders, copies of which had been circulated to Members at the start of the meeting.

He reported that the original set of proposals raised fundamental questions and challenges on the interpretation made by the Boundary Commission of statute and the terms of reference given to the Commission by the then Minister. He outlined the draft response, which stated that the draft proposals failed to meet the Commission's own objectives with a range of 1:1412 to 1:2474 representation with a variance of -21% to +39% across the County. Also the draft proposals showed that for multi-member wards Flintshire had 13 which had now increased to 21. Flintshire had also gone from 44 single Member wards down to 13, which was a significant reduction of 31. He invited Members input for the draft response and asked the Head of Legal and Democratic Services to advise on the action of a Judicial Review.

The Head of Legal and Democratic Services advised that, if following the decision of the Minister, Members wished to judicially review that decision, all of the possible grounds for the application would be that the Boundary Commission had failed to comply with relevant legislation and guidance for undertaking a review.

The Leader of the Council, Councillor A. Woolley proposed that Members accept the draft resolution, as circulated, and said that it was a true reflection of the comments made at the Group Leaders meeting and thanked those involved in the work they had undertaken.

Councillor A.P. Shotton said that he was pleased to second the proposal of Councillor A. Woolley which he believed to be a true reflection of the comments and key issues raised during the Group Leaders meetings. He reported that all Group Leaders had been unanimous on the key principles of objecting to the proposals and hoped this would be replicated at this meeting. He raised concern that within the proposals community identity was lost in part of Flintshire and led to an excessive departure from single Member to multi-Member electoral divisions. This contradicted the Ministerial direction and did not have demonstrable electorate support as evidence in the range of representations made. He spoke in support of undertaking a community review and said that parity could only be provided through a community review. Councillor S.R. Baker said that the Liberal Democrat Group supported the draft resolution on the basis that they did not support to retain a status quo but that the Boundary Commission had not followed its remit.

Councillor R.C. Bithell raised a number of concerns on the second set of draft proposals, including the increase in multi-Member wards which he felt could only be rectified through undertaking a community review. He raised concern that the size of the wards within the draft proposals would discourage new candidates from standing as a Member of the Council and said that the draft proposals should be rejected.

Councillor I.B. Roberts hoped that Members concerns on the incompetence of the Boundary Commission would be made clear within the response. He said that the very fact that the County Council were discussing the first steps of carrying out a Judicial Review against the Boundary Commission, which was a publicly appointed body, showed that they had failed to comply with their remit. Councillor K. Armstrong-Braun agreed with the comments raised by Members and supported the suggestion to carry of a Judicial Review as he felt the Boundary Commission had not carried out their legal duty.

The Chief Executive reported that he had extended an invitation for the Boundary Commission to attend and address the Council at this meeting but this invitation had been declined. He said that he understood the frustration of Members but did not feel it would be helpful to include within the response letter comments on the competence of the Boundary Commission as a National Body. He also explained the current position on a local review and referred to the stages and the option to object to the Minister at the final stage. He also made reference to the WLGA and the possible collective position that could be taken on the action of a Judicial Review.

**RESOLVED**

That the Council accept the following draft resolution as its final response to the Boundary Commission on the further draft proposals:-

The Council makes the following response to the Further Draft Proposals of the Boundary Commission. The Council acknowledges that the Council and local consultees have been given a second opportunity to make comment and representations on revised proposals.

Firstly, we provide comment on the framing of the proposals and the background.

The representations of the County Council on the original set of proposals raised fundamental questions and challenges on the interpretation made by the Commission of statute and the terms of reference given to the Commission by the then Minister. These representations, which the Council reasonably expected the Commission to consider and to satisfy in its review of the proposals are not summarised and explained in sections 3 and 5 of the report. We believe that these representations should be included in full in any final report both as context for the Minister charged with making determinations and for the public record. The fundamental objections of the Council were:-

“Firstly, the Boundary Commission has acted outside of the Ministerial direction on the two counts on the elector-councillor ratio and the balance of single and multi-member electoral divisions:-

- in attempting to meet the indicative 1750:1 elector-councillor minimum ratio inflexibly and, as a consequence, proposing unnecessary and in some cases incongruous amalgamations which would not maintain identifiable democratic representation.
- in dispensing with single member electoral divisions and in proposing comprehensive multi-member electoral arrangements for the whole County as an alternative. The proposals fail to meet with the content and spirit of paragraph 2 of the Ministerial letter to the Chair of the Boundary Commission dated 12 May 2009 and included as Appendix 4 of the Boundary Commission proposals. The proposed changes for Flintshire, in departing totally from single Member wards, are extreme in comparison to the proposals emerging from other Counties.

Secondly, the Boundary Commission has acted outside the directions of the Minister on preserving community identity. The Boundary Commission appears to have conducted a remote "desktop" exercise of dividing and combining parts of the County, and has failed to heed the direction of the Minister over "the need to fix boundaries which are easily identifiable and which recognise local community ties" as per paragraph 4 of the Ministerial letter to the Chair of the Boundary

Commission dated 12 May 2009 and included as Appendix 4 of the Boundary Commission proposals. On the contrary many of the amalgamated electoral divisions proposed by the Boundary Commission do not reflect locally identifiable conurbations and communities and in fact emasculate identifiable communities in both rural and urban areas.

Thirdly, the Boundary Commission cannot demonstrate the support of the electorate in proposing such a major departure from current electoral arrangements to comprehensive multi-member electoral arrangements.

Section 4 (1) (d) of the statutory instrument 2009 No. 2, included as Appendix 4 of the draft proposals of the Boundary Commission, confirms that on the existing pattern of multi and single member divisions "directions should only be taken where such proposals for alteration are broadly supported by the electorate". The specific requirements to obtain the views of the electorate are set out in the primary legislation of the Local Government Act 1972. These are minimum requirements for publications and the invitation of responses from the statutory consultees and the public. Whilst it is not disputed that the minimum requirements are being met by the Boundary Commission the Council can challenge that the spirit of the Act in demonstrating the support of the electorate for a major change from mixed single and multi-member electoral division to multi-member electoral divisions in totality, particularly in the face of such vocal opposition to the draft proposals from elected members and Town and Community Councils on behalf of the communities they represent, is not being met.

Fourthly, the Boundary Commission has not paid sufficient demonstrable regard to the initial observations and representations made at the earlier pre-consultation stage, based on "local knowledge", in developing its proposals."

Also, the commentary of the report in sections 1.5 and 5.1 to 5.3 does not fully reflect the consultation which has taken place. Whilst the meeting with political leaders of the Council is referenced, there is no comment on the incomplete and without status boundary options developed within the Council and provided to the Commission in good faith. Given that the Commission appears to have drawn heavily on this work in revising its proposals this development should be reflected. This is fundamental; if the Commission has relied upon incomplete work of the Council on options then it can be argued that the Commission should again meet with the Council in an attempt to reach a mutually acceptable conclusion to the work begun by the Council. Otherwise, due process of consultation is not being followed. It is not the role of the Council as a principal consultee to develop proposals on behalf of the Commission; it is the role of the Council to challenge the proposals made with local insight and knowledge.

We did extend an invitation for the Commission to attend and address the Council at this special meeting but the invitation was declined.

Secondly, whilst we note the revisions to the proposals we are not, as the principal council, satisfied that our legitimate representations have been fully taken into account. The revised proposals are generally regarded to be some improvement on the original but still require considerable work. As stated in the third paragraph of the foreword to the report the Commission has prioritised the requirement for electoral parity. We believe that the dominance of this requirement has led to proposals where, in parts of the County of Flintshire, community identity is lost and has led to an excessive departure from single member to multi-member electoral divisions (e.g. Mold) which contradicts the Ministerial direction and, contrary to the stipulation of the guidance, does not have demonstrable electorate support as evidenced in the range of representations. Although we as a Council have stated a view that parity of vote should not be an over-riding criterion we understand that it is the “dominant factor” for the Commission. If that is the case then the Further Draft Proposals fail to meet the Commission’s prime objective with a proposed range of 1:1412 to 1:2474 member to voter representation and a variance of -21% to +39%.

Whilst we accept that the County Council had the opportunity in earlier years to run a whole local review of community boundaries, and did not, we are of the belief that a supportable set of electoral divisions boundary proposals cannot be reached without such a review. The Commission should therefore consider withdrawing Flintshire from the current programme of reviews and return to a review post 2012 when this local review can have been completed.

We would request a further discussion over our representations and objections before any proposals are finalised for submission to the Minister. If not, we will as a Council be communicating to the Minister that we object to the proposals.

**67. DURATION OF MEETING**

The meeting commenced at 4.00 p.m. and ended at 5.35 p.m.

**68. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC**

There were two members of the press present.

.....  
**Chairman**

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

<b>FLINTSHIRE COUNTY COUNCIL</b>	<b>5<sup>TH</sup> OCTOBER, 2010</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
NO DECLRATIONS WERE MADE		

## FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 5

**REPORT TO:** **SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL**  
**DATE :** **11 NOVEMBER 2010**  
**REPORT BY:** **DIRECTOR OF ENVIRONMENT**  
**SUBJECT :** **CONSIDERATION OF THE RESOLUTIONS OF THE  
DEVELOPMENT PLANS PANEL AND WAY FORWARD**

### **1.00 PURPOSE OF REPORT**

- 1.01 This report presents the outcome of the work done to respond to the resolution made by the County Council at its meeting held on March 9th 2010, where it was agreed that whilst the UDP could be adopted "in principle", further consideration needed to be given to a number of specific site and policy issues listed at that meeting, and as part of the resolution.
- 1.02 Members submissions made in relation to these 'further considerations', have been considered by officers whose subsequent report and recommendations have been debated at a series of Development Plans Panel meetings held over the summer. This report presents the outcome of those meetings along with the Panel's recommendations in relation to each issue listed in the March resolution.
- 1.03 This report also sets out the respective processes that will need to be followed, depending on whether the Panel's recommendations are accepted or not, together with the consequences of following one or other of these paths.

### **2.00 BACKGROUND**

- 2.01 Members will recall that at the meeting of the County Council held on 9th March 2010 officers, having considered all representations to the Proposed Modifications to the UDP, recommended that the UDP should be adopted without further modification or the need to re-open the Public Inquiry.
- 2.02 Members will also recall that at the meeting of the full Council on the afternoon of 9th March 2010, Members resolved to amend the officer and Executive's recommendation, by agreeing to adopt the UDP "in principle", but also detailed a number of specific matters relating to named sites and policies where some Members had remaining concerns and required further consideration of those concerns, prior to the Plan proceeding to adoption. The full wording of the resolution from the March meeting is set out in appendix 1.
- 2.03 In the main the outstanding concerns related to housing allocations in the Plan, but with two specific policy matters also raised. The resolution gave all

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Date: 05/11/2010

Members the opportunity to make further written submissions to the Head of Planning to give expression to, and the reasoning behind the concerns raised (but not detailed) at the meeting on the 9th March.

- 2.04 In all, 16 Members made submissions to the Head of Planning and officers began the task of assessing the submissions and preparing a report and response to these for subsequent consideration by the Development Plans Panel (DPP). At a subsequent Council meeting in May 2010, agreement was given to constitute a DPP of Members, nominated by their respective political groups, and following receipt of these nominations a programme of meetings was drawn up to consider the Member submissions and officer recommendations. In all, the Panel met on six occasions on 24th June 2010, 8th July 2010, 16th July 2010 at 10am and also 16th July 2010 at 2pm, 24th July 2010, and 28th September 2010. All reports considered by these Panel meetings have been made available as background documents to this report. The approved minutes from each of the Panel meetings (save for the meeting on the 28th where the minutes have been approved by officers) are appended directly to this report (appendix 2), and the key recommendations from the Panel on each issue are summarised in section 3 of this report.
- 2.05 In the usual way, the time for the Council to make changes to the UDP was in July 2009 when the Inspector's recommendations were before the Council for approval. In view of the very advanced stage of the UDP, officers have taken every care to set out the assessment of Member submissions against the background of how and when the issues raised have already been considered by the Council as part of the Plan process, and/or subsequently by the Inquiry. This is to demonstrate whether the issue or evidence has already been considered.
- 2.06 Members of the Panel were also specifically briefed on the approach to be taken in the first DPP meeting held on June 24th 2010, with a particular emphasis placed on the point that any change made now essentially represents a reversal of a previous Council decision to accept an Inspector's recommendation. Such a reversal requires careful consideration as to how this can be justified and evidenced, as any such evidence must be material, not previously considered, and be well supported. This is to ensure that the stability of the Plan and soundness of the process now being followed, can be maintained in the face of public scrutiny and a significant risk of legal challenge.

### **3.00 CONSIDERATIONS**

- 3.01 The documentation which was presented to the DPP and which forms part of the supporting documents to this report comprises:
- a). A main report detailing Responses and Recommendations to Member Submissions to the Flintshire UDP;
  - b). A separate folder containing full copies of all Member submissions;

c).A third folder containing 'Core Documents' which is cross referenced with the main report, and comprises extracts from Inquiry evidence, the Inspector's Report, and correspondence from relevant bodies consulted as part of responding to Member submissions e.g. Highways and Education services within the Council, and external bodies such as Environment Agency, Dwr Cymru Welsh Water, and the Coal Authority.

- 3.02 The main report assessed each submission against the audit trail of where and when the site or policy at issue has first appeared in the Plan, what consideration has already been given to the site or policy, whether and how points raised in submissions have already been considered by the Plan process, what the Inquiry considered and what the Inspector's recommendation was.
- 3.03 Having considered each submission in detail, it was the view of officers that in all cases the Member submissions do not raise any new or significant issues which would question the logic and reasoning behind the Inspector's recommendation, or the previous decision of the Council to accept the Inspector's recommendation, and which would therefore require a further change to the Plan.
- 3.04 Each submission and the officers' report and recommendation were considered in turn by the DPP. The minutes of those proceedings and the recommendations of the Panel are attached to this report as appendix 2, but in summary the Panel has recommended the following (NB: submissions are listed in the order that the Panel considered them, rather than as set out in the March resolution):

**A. Submission 3 - Overlea Drive, Hawarden - MOD11/55**

**Panel Recommendation:** Agree with the officer recommendation that the previous Council resolution on 14th July 2009 to accept the Inspector's recommendations regarding the allocation of the land at Overlea Drive, Hawarden, which resulted in Proposed Modification 11/55, be confirmed;

**B. Submission 1 - Land West of Broughton Retail Park, Broughton (The 'Compound Site') - MOD11/45**

**Panel Recommendation:** Agree with the officer recommendation that the previous Council resolution on 14th July 2009 to accept the Inspector's recommendations regarding the allocation of the Land West of Broughton Retail Park, which resulted in Proposed Modification 11/45, be confirmed, and that a development brief be prepared;

**C. Submission 7 - HSG1(25) South of Retail Park, Broughton - MOD11/20 & 11/44 capped at 25 houses/hectare**

**Panel Recommendation:** That the density on the site be restricted to 25 per hectare due to concerns regarding the traffic implications on the highway infrastructure in Broughton of an increased number of dwellings at the site, notwithstanding the contents of the draft report by Mouchel;

**D. Submission 9 - The Re-designation of L3(18) - MOD7/36**

**Panel Recommendation:** Agree with the officer recommendation that the previous Council resolution on 14th July 2009 to accept the Inspector's recommendations regarding the amendment of L3(18)/L3(32) by FPC605, which resulted in Proposed Modification 7/36, be confirmed;

**E. Submission 2 - Ash Lane, Mancot - MOD11/63**

**Panel Recommendation:** That the site at Ash Lane, Mancot, be removed from the UDP [and the settlement boundary drawn back] due to the concerns felt by the DPP about housing growth figures in Mancot and the accuracy of the figures provided to the Inspector at the Public Inquiry. That the land comprising the deleted allocation should be re-designated as green barrier;

**F. Submission 5 - HSG1(53) Former Sewage Works, Sychdyn - MOD 11/74**

**Panel Recommendation:** Agree with the officer recommendation that the previous Council resolution on 14th July 2009 to accept the Inspector's recommendations regarding the modification of the Former Sewage Works, Sychdyn allocation (Proposed Modification 11/74) be confirmed, and that a development brief be prepared;

**G. Submission 10 - The Re-designation of S11 - MOD12/40 & 12/41**

**Panel Recommendation:** That the Proposed Modifications 12/40 and 12/41 be carried forward to adoption on the basis that the submission raised no substantive new issues that warranted a re-opening of the Public Inquiry or further Proposed Modifications, be confirmed, subject to the production of Supplementary Planning Guidance;

**H. Submission 4 - HSG1(41a) West of Wrexham Road, Abermorddu - MOD11/60**

**Panel Recommendation:** That the site at Wrexham Road, Abermorddu, be removed from the UDP [and the settlement boundary drawn back] due to concerns regarding the inappropriate scale of development in that part of the settlement and that the need for housing at this site did not outweigh the open aspect value of this site and its ecology;

**I. Submission 8 - HSG1(49) Connah's Quay Road, Northop - MOD11/70**

**Panel Recommendation:** That the density of the site be limited to 22.7 dwellings per hectare, as reflected in the letter from Redrow [in support of their current planning application];

**J. Submission 6 - Rose Lane, Mynydd Isa - MOD11/67**

**Panel Recommendation:** Agree with the officer recommendation that the previous Council resolution on 14th July 2009 to accept the Inspector's recommendations regarding the allocation of the land at Rose Lane, Mynydd Isa, which resulted in Proposed Modification 11/67, be confirmed;

**K. Submission 11 - General Density of Residential Development - MOD11/1 & 11/117**

**Panel Recommendation:** (i) Agree with the officer recommendation that the previous Council resolution on 14 July 2009 to accept the density of housing development, which resulted in Proposed Modifications 11/1 and 11/117, be confirmed subject to the option to adapt to specific sites; (ii) That the resolution of Members at the Special County Council meeting on 9 March 2010 'Council understands that the 30 per hectare density added by the Inspector is a policy guideline which will be subject to detailed consideration as part of the development control process' be confirmed.

3.05 In essence, the Panel has differed from the officer recommendations in relation to submission 7 South of Retail Park Broughton, where it is recommended to cap the development density of the site to 25 units per hectare; submission 2 Ash Lane Macot, where the site is recommended for deletion from the Plan, the settlement boundary drawn back, and the land re-designated as green barrier; submission 4 West of Wrexham Road, Abermorddu, where the site is recommended for deletion from the Plan and the settlement boundary drawn back (NB: submission 8 Connah's Quay Road, Northop also recommends a lower density of development, but it is recognised that a current application proposing a low density of development, satisfies local concerns). These recommendations if agreed, will require Further Proposed Modifications to be advertised for public consultation (see full list of FPM in appendix 3), and the timetable implications of this for Plan adoption are expanded on later in the report.

3.06 Given the Panel recommendations set out above, in determining a way forward with the Plan to adoption, Members should bear in mind the key drivers for adoption, the decision making options open to them, as well as the consequences of following one or other decision path.

**Drivers Supporting Timely Adoption of the Plan**

3.07 The Welsh Assembly Government (WAG) has indicated that they wish to see a set of adopted development plans in place in Wales by 2010, whether these are UDPs or LDPs. This is very much driven by the national

requirement to have an up-to-date plan-led system in place, on which to base informed planning decisions. It is also relevant in the context of the EU Waste Framework Directive, whereby the UK Government, the WAG and individual Local Authorities in Wales, will be liable for Waste Infraction Proceedings after July 2010, if they do not have up to date waste management policies which cover all waste streams in an adopted development plan. Any Authority who does not comply with this by that date is in danger of taking the WAG into infraction, where the financial penalties for doing so could run into millions of pounds, and where the individual Authorities will be liable.

3.08 It is on this basis therefore that the WAG recognise that having gone through its Inquiry stage, the Council should now be very close to adoption of its UDP. Clearly, for the Council's part the significant investment in the plan process and in particular the Inquiry process, has been an indicator to WAG of its intention to progress the Plan to adoption. There are in fact a number of drivers supporting the imperative to adopt the Plan without further delays:

- The 'soundness' of the Plan judged against the Inquiry process, the Inspector's report and recommendations, and the Council's acceptance of those recommendations in July 2009;
- The lack of an up-to-date adopted Plan to guide development and decision making;
- The serious and significant risk of waste infraction penalties being levied on the Council;
- The lack of a five year housing land supply;
- Vulnerability to 'decisions by appeal';
- The wider public expectation to see the Plan completed;
- No progress with a Local Development Plan.

### **Decision Making Options**

3.09 In terms of progressing the UDP to adoption, the decision making options available to the Council are twofold:

1. Make further Modifications to the Plan (as recommended by the Development Plans Panel).
2. Adopt the Plan as Modified (i.e. as per the recommendation of officers and the Executive on the 9th March 2010);

3.10 The outcome and timeframe of each option for the Council are:

**1. Make Further Modifications to the Plan in line with the resolutions of the Development Plans Panel:**

- Prepare and advertise a schedule of changes to the Plan as Further Proposed Modifications with supporting evidenced reasoning, and where sites

are proposed for deletion, seek to identify alternative sites to advertise as Further Proposed Modifications in order to maintain the integrity of the Plan strategy;

- Consult on all Further Proposed Modifications for minimum six week period;
- Consider representations made on Further Proposed Modifications and, if necessary, advertise additional Further Proposed Modifications;
- Secure funding for and request that the Inquiry be re-opened to consider outstanding objections to the Further Proposed Modifications;
- Appoint a programme officer, prepare the Council's evidence and receive objector's evidence;
- Carry out the Inquiry and await the Inspector's report;
- Receive and consider the Inspector's report;
- Accept its findings and adopt the Plan OR challenge its findings, make further modifications and repeat the above process;
- Estimated timeframe for the above, at least 18 months - 2 years.

## **2. Adoption of the Plan as Modified:**

- Publication of relevant notices advertising intention to and then adoption of the Plan;
- allowance for period for legal challenge prior to formal adoption;
- final printing and publication of the Plan;
- removal of all previous plans and policies from the development plan framework used for development control purposes and their replacement with a single set of up to date policies;
- avoidance of the potential for waste infraction penalties;
- seek commencement order for LDP from WAG;
- adoption of UDP by early spring 2011.

## **Consequences for the Plan Process and the Council**

3.11 As part of considering these options Members should also be aware of the likely potential consequences which follow from each option. In terms of option 1. Make Further Modifications, given the differing view of the Panel to officers in recommending further modifications, and the advice of officers that the reasoning and evidence behind those recommended changes has already been considered and is not sufficient to warrant the proposed reversal of previous Council decisions, there are a number of implications from following this option:

- The Plan process is significantly extended with no clear end date;
- A further round of Modifications, consultation, and Public Inquiry might well still end up with the same recommendations as the first Inspector's report;
- The soundness of the Plan process and the basis for Further Proposed Modifications is called into question and may result in legal challenge/judicial review;
- The potential for further delay may indicate a formal role for the Welsh Assembly Government in order to ensure that a satisfactory plan is adopted.

WAG may for example, direct the Council to cease work on the Plan, 'Call-In' the Plan, and deem it adopted at a stage in the Council's own decision making process, where the soundness of the Plan is preserved;

- Sites recommended for deletion at this late stage in the Plan process are still likely to come forward as planning applications which the Council will still need to determine and/or defend at appeal;

- The shortfall of sites resulting from further modifications will leave the Plan vulnerable in terms of meeting the overall housing requirement as well as maintaining a 5 year land supply and ensuring sufficient flexibility, which will result in alternative sites elsewhere in the County being proposed;

- The Council will lose its ability to control where development takes place with 'planning by appeal';

- The financial implications of extending the UDP process and particularly if a further inquiry is required, are potentially significant as there is no budget to cover such an eventuality;

- The Council will be unable to seek a commencement order to begin an LDP until the UDP is adopted, effectively ruling out any formal progress on an LDP during this Council's tenure.

3.12 In terms of option 2. Adopt the Plan as Modified, the Council would maintain the soundness of the Plan process following the outcome of the Public Inquiry and its earlier acceptance of all of the Inspector's recommendations, would be able to adopt the Plan within a relatively short timeframe, and would essentially remove the prospects of and grounds for successful legal challenge.

3.13 Members are also asked to note that if further modifications are agreed, the combined Strategic Environmental Assessment/Sustainability Appraisal (SEA/SA) will need to be updated in the form of an addendum report in order to demonstrate the environmental, social, economic and sustainability implications of these changes for the Plan as a whole. An outcome of this process could be the need to make other modifications to ensure that sustainability of the Plan is maintained.

3.15 In conclusion, Members have before them the recommendations of their Development Plans Panel and in particular those recommendations which propose further modifications to the Plan. Members should consider these against the advice and conclusions of officers, and the consequences for the timetable and soundness of the plan process, in deciding on the way forward with the UDP.

#### **4.00 RECOMMENDATIONS**

4.01 That the resolutions of the Development Plans Panel set out in paragraph 3.04 be noted and Members consider the most appropriate method to progress the Unitary Development Plan.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 The potential for a significant extension to the UDP process including a further public inquiry will have potentially significant financial implications as there is no budget in place to cover this eventuality.

**6.00 ANTI POVERTY IMPACT**

- 6.01 None.

**7.00 ENVIRONMENTAL IMPACT**

- 7.01 The Plan has been the subject of a detailed Sustainability Appraisal/Strategic Environmental Assessment which has identified improvements to the Plan. However, if further modifications are proposed these will need to be assessed by the SA/SEA process to consider their impact on the sustainability of the Plan to deliver its objectives. An addendum report will need to be prepared to accompany the advertisement of and further modifications.

**8.00 EQUALITIES IMPACT**

- 8.01 None.

**9.00 PERSONNEL IMPLICATIONS**

- 9.01 The Council may need to appoint an Inquiry Programme Officer.

**10.00 CONSULTATION REQUIRED**

- 10.01 A six week consultation period will be required if further modifications are proposed.

**11.00 CONSULTATION UNDERTAKEN**

- 11.01 Throughout the Plan process.

**12.00 APPENDICES**

- 12.01 Appendix 1 - County Council resolution from March 9th 2010  
Appendix 2 - Minutes of Development Plans Panel meetings held to consider Member submissions  
Appendix 3 - Schedule of Further Proposed Modifications

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**BACKGROUND DOCUMENTS**

Report to Development Plans Panel 24th June 2010; Main Report to Development Plans Panel considered between 8th July 2010 and 28th September 2010; Copy of Member submissions; Core Documents supplementing Main Report to Development Plans Panel considered between 8th July 2010 and 28th September 2010.

Contact Officer: Andy Roberts  
Telephone: 01352 703211  
E-Mail: andy\_roberts@flintshire.gov.uk

**RESPONSES TO UDP PROPOSED MODIFICATIONS REPRESENTATIONS AND ADOPTION PROCESS**

**RESOLVED**

- (a) That the UDP be approved in principle, subject to further consideration being given to the following:-

Broughton Compound Site MOD 11/45  
Ash Lane, Mancot – MOD 11/63  
Overlea Drive, Hawarden – MOD 11/55  
HSG1 (41a) West of Wrexham Road, Abermorddu – MOD 11/60  
HSG1 (53) Former Sewage Works, Sychdyn – MOD 11/74  
Rose Lane, Mynydd Isa – MOD 11/67  
HSG1 (25) South of Retail Park, Broughton – MOD 11/20 & 11/44 capped at 25 houses per hectare  
HSG1 (49) – Connah's Quay Road, Northop – MOD 11/70  
The re-designation of L3(18)  
The re-designation of S11

- (b) Council understands that the 30 per hectare density added by the Inspector is a policy guideline which will be subject to detailed consideration as part of the development control process.
- (c) That Members provide full and detailed representations in relation to these sites and policies for consideration by the Planning Department by the end of March, 2010. With a view to the UDP being reconsidered by the Council by the end of May, 2010.

## **Appendix 2**

**Minutes of development Plans Panel meetings for:**

**24<sup>th</sup> June 2010**

**8<sup>th</sup> July 2010**

**16<sup>th</sup> July 2010 (am)**

**16<sup>th</sup> July 2010 (pm)**

**22<sup>nd</sup> July 2010**

**28<sup>th</sup> September 2010**

**DEVELOPMENT PLANS PANEL**  
**24 JUNE 2010**

Minutes of the meeting of the Development Plans Panel of the Flintshire County Council held at County Hall, Mold on Thursday, 24 June 2010.

**PRESENT:**

Councillors: R.C. Bithell, C.J. Dolphin, A.M. Halford, P.G. Heesom, R. Hughes and A.P. Shotton.

**APOLOGY:**

Councillors: E.G. Cooke and N. Phillips.

**IN ATTENDANCE:**

Head of Planning, Head of Planning Policy, Principal Solicitor and Committee Officer.

**1. APPOINTMENT OF CHAIRMAN**

The Principal Solicitor asked for nominations for the appointment of Chairman. Councillor R. Hughes proposed Councillor P.G. Heesom and this was duly seconded by Councillor A.M. Halford. There were no other nominations.

**RESOLVED:**

That Councillor P.G. Heesom be appointed as Chairman.

**2. APPOINTMENT OF VICE-CHAIRMAN**

The Chairman asked for nominations for the appointment of Vice-Chairman. Councillor C.J. Dolphin proposed Councillor R.C. Bithell and this was duly seconded by Councillor A.M. Halford. There were no other nominations.

**RESOLVED:**

That Councillor R.C. Bithell be appointed as Vice-Chairman.

**3. DECLARATIONS OF INTEREST**

No declarations of interest were made. The Principal Solicitor invited Members to contact him should any Members have any concerns regarding this issue during the course of the Panel's deliberations.

#### **4. CONSIDERATION OF MEMBER SUBMISSIONS TO THE UNITARY DEVELOPMENT PLAN**

The Head of Planning Policy introduced a report setting out how it was proposed that the newly formed Development Plans Panel (DPP) should operate, and to agree with Members the basis on which the DPP would receive and consider responses to Member submissions made regarding those parts of the UDP which related to the resolution made by the County Council at its special meeting on 9 March 2010. It was hoped at the meeting to agree three things with Members:

- that they were comfortable with the proposed process
- that they were comfortable with the proposed timescale
- that they were happy with the information provided to them (bundles of all the Member submissions made following the County Council meeting on 9 March had been distributed at the start of the meeting).

In response to comments made by various Members as to the role of the DPP, the Head of Planning Policy said that to make changes at this stage to the UDP would be a very significant thing to undertake and would require evidence as any changes or alterations to the Inspector's recommendations and modifications already advertised should be based on robust planning rationale. It was stated in the report that, in relation to due process as set out in UDP guidance and regulations, the time for the Council to make changes to the UDP, which were not in line with the recommendations of the Inspector, was at the point in July 2009 when the Inspector's recommendations were before the Council for consideration and approval. In seeking potentially to reverse a previous Council decision to accept an Inspector's recommendation, Members would need to give careful consideration as to how this could be evidenced.

In referring to the submissions made, the Head of Planning Policy said that a copy of the bundle of Member submissions would be placed in Members Services but requested that Members of the DPP bring the information with them to future meetings for consideration. He then explained how the officer responses to the submissions were to be presented (these would be sent to Members as soon as possible).

The individual Member submissions had been examined, and the key points addressed on a topic basis. This would then provide a clear audit trail. The officer response would set out how the relevant policy (or site) first appeared; how it had run through the UDP process; how any objections had been dealt with by the Council; how the policy had been considered at the UDP Inquiry; the Inspector's recommendations; and how that might lead to warranting a change or not. The Head of Planning Policy explained how the table shown at appendix 3 to the report, together with a one or two page summary, would be completed for each site and suggested that density be considered as the first issue.

The Head of Planning Policy said that the report also concentrated on the options for decision making and consequences; this was reported in paragraphs 3.05 to 3.08. He said that the potential was to reverse the decision made at the meetings of the Executive and County Council held on 14 July 2009. He reiterated that any such change or alteration should be based on robust planning rationale. However the key issues to consider were on what basis or rationale was any new decision to be made, and how could this be reconciled with previous decisions made by the Council. Paragraph 3.09 of the report detailed the decision making options available to the Council, and upon which the DPP would advise; this was either to adopt the plan as modified or make further modifications to the plan if Members felt that there was sufficient evidence. He added that any modifications to the plan would involve further public consultation and said that any change could significantly affect the timescale of the UDP process.

The Principal Solicitor confirmed that the remit of the DPP was to consider the submissions and make a recommendation to the Executive and County Council.

Councillor A.P. Shotton felt that the report was self explanatory and welcomed appendix 3. He asked at what stage Members who had put forward submissions would appear before the DPP. The Chairman referred Members to the timetable in paragraph 2.03 of the report and asked them to confirm the dates.

The Head of Planning Policy said that he had not thought that Members who had put forward submissions would appear before the DPP.

The Principal Solicitor indicated that the resolution of 9 March 2010 stated that Members should provide full and detailed responses in relation to the sites and policies for consideration by the Planning Department by the end of March 2010. He said that in his view those who had put forward submissions should not be able to provide new evidence at the DPP meetings but the DPP might wish to consider asking the relevant Members to attend to answer questions to clarify their submissions, should that be required by the DPP.

Following a discussion, it was agreed that, due to the unavailability of certain Members, the meeting scheduled for 21 July be rearranged and that a letter be sent to the DPP members to advise accordingly. The Head of Planning suggested that a timetable be drafted to make the Members who had made submissions aware of scheduled meeting dates to advise them of their potential role which was for the Panel to seek clarification.

He also suggested that the items be taken in the order of the representations, as set out in appendix 2 to the report.

**RESOLVED:**

- (a) That the contents of the report be noted and the format of reports to further DPP meetings, and the process for their consideration, be accepted;
- (b) That the relevant Local Members be invited to attend DPP meetings to observe the proceedings and to answer questions to clarify their submissions, should that be required by the DPP;
- (c) That the meeting scheduled for 21 July be rearranged;
- (d) That a letter be sent out to the DPP Members and those who had made representations to advise them of the future dates of the DPP and of their role; and
- (e) That the officer responses to the Member submissions be sent to the DPP Members as soon as possible.

**5. DURATION OF MEETING**

The meeting commenced at 11.15 a.m. and ended at 12.10 p.m.

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**Chairman**

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

<b>DEVELOPMENT PLANS PANEL</b>	<b>DATE: 24 JUNE 2010</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
NO DECLARATIONS WERE MADE		

**DEVELOPMENT PLANS PANEL**  
**8 JULY 2010**

Minutes of the meeting of the Development Plans Panel of the Flintshire County Council held at County Hall, Mold on Thursday, 8 July 2010.

**PRESENT: Councillor P.G. Heesom (Chairman)**

Councillors: R.C. Bithell, E.G. Cooke, C.J. Dolphin, A.M. Halford, N. Phillips and A.P. Shotton.

**SUBSTITUTES:**

Councillor J.B. Attridge for D.E. Wisinger.

**ALSO PRESENT:**

Councillors: G.H. Bateman, M. Bateman, C.S. Carver and G.D. Diskin.

**IN ATTENDANCE:**

Head of Planning, Head of Planning Policy, Team Leader (Policy), Principal Solicitor and Committee Officer.

**6. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**7. CONSIDERATION OF MEMBER SUBMISSIONS AND BACKGROUND CORE DOCUMENTS**

The Chairman referred to the documents, including officers' responses and recommendations on the Member submissions, which had now been circulated to the Members of the Development Plans Panel (DPP). Councillor A.P. Shotton was concerned that he had only received his copy of the officers' responses and recommendations earlier that morning and felt he might be at a disadvantage if site specific issues were to be considered at the meeting.

The Chairman suggested a process for dealing with each of the submissions. He proposed that each one be discussed, and then a decision be taken to accept or amend the officers' recommendation, with the deliberations on all the submissions being concluded at the last DPP meeting. Councillor Shotton welcomed the suggestion but was disappointed that no timetable had been provided which might inconvenience other Members with an interest in the DPP's deliberations.

In response, the Chairman referred to a letter dated 1 July 2010 sent to DPP Members which detailed the dates of future meetings and the order of consideration of the submissions. He suggested revising the order to take account of Members' availability, and pointed out that Councillor Mullin, who had submitted the first item, was not able to attend the meeting that day. He suggested that it be deferred to the next meeting scheduled for 16 July 2010, and Councillor Mullin be advised accordingly. This was agreed.

Councillor G.D. Diskin, whose submission was next on the list, requested that the submission be considered at a future meeting to allow Councillor A.G. Diskin also to be present. Councillor C.J. Dolphin proposed that the submission for Ash Lane, Mancot, be deferred and the proposal was duly seconded by Councillor J.B. Attridge. The proposal was carried.

The Principal Solicitor sought clarification as to whether the DPP would consider each submission and make a decision 'in principle' and then confirm all of the decisions at the final meeting. Councillor C.J. Dolphin proposed that a final decision be made at the end of each submission so as not to delay the process any further. On being put to the vote, there was an equality of voting and the Chairman used his casting vote in favour of making the final decision in relation to all of the submissions at the last DPP meeting.

Councillor C.J. Dolphin queried whether the public were able to attend the meetings of the DPP. In response, the Principal Solicitor said that the public were able to attend the meetings but not to speak (advice was later sought from the Monitoring Officer who confirmed that DPP meetings were not open to the public).

#### Submission 3 - Overlea Drive, Hawarden – MOD 11/55

The Local Member, Councillor C.S. Carver, asked that he be given the right to be heard before the DPP made any decision. The Chairman advised him that, as decided at the previous DPP meeting, there was no capacity for Local Members to make oral representations. However, if a DPP Member wanted clarification of any matters, that could be sought from the Local Member. He then invited the Head of Planning Policy to introduce the item.

The Head of Planning Policy provided an introduction and set out the summary and key principles in the submission. He referred Members to page 32 where it was reported that, at the UDP Deposit stage, the site was shown as white land outside of the settlement boundary and within a designated green barrier. The site was put forward as an omission site by Redrow Homes who objected to its non-allocation. At the Proposed Change stage the site was included in the settlement boundary and the green barrier drawn back by virtue of Proposed Change 40 which was approved by Council on 17 November 2006; 86 objections were received from members of the public during the Proposed Change consultation.

An inquiry session took place on 28 November 2007 which considered the objections to the inclusion of the site within the settlement, deletion from the green barrier, and from Redrow seeking its allocation for housing. The Inspector considered the issues raised by objectors and recommended in her report that the site be deleted from the green barrier, be included in the settlement boundary as the Council's recommendation in PC40, and that it be allocated for housing. The Inspector's recommendation was presented to Members in the Statement of Decisions and included in the Proposed Modifications as MOD 11/55. The Council approved these documents including the allocation of the site for housing on 14 July 2009. The Head of

Planning Policy said that a significant number of objections had been received reiterating the objections but no new issues had been raised. The key points of Councillor C.S. Carver's submission were reported on pages 29 to 31.

The Head of Planning Policy went on to explain how the schedule for each submission had been completed. He added that, whilst the issues were valid, they were matters of detail and could be dealt with at the development control stage. It was considered by officers that the issues raised by objectors to the Proposed Modifications did not raise any new issues or evidence and did not warrant reversal of the decision that Members took to accept the recommendation of the Inspector.

Councillor R.C. Bithell recalled the original discussion and said that he understood that there were problems with access. He also referred to the issue of drainage and queried whether this could be dealt with at the planning development control stage. In response, the Head of Planning Policy said that changes relating to TAN18 had occurred during the UDP inquiry process which had reduced the previous standards for visibility. On the issue of drainage, the officer confirmed that Welsh Water were in discussion with Redrow and a meeting had been arranged between officers and Welsh Water to discuss any issues; a copy of the meeting note was included in the officer's response to the submission. It was also confirmed at the meeting that Welsh Water had had early discussions with Redrow to discuss a drainage solution for this site. Councillor Bithell queried whether it would require a Grampian condition from the developer and in response, the Head of Planning Policy said that it could be a Section 106 agreement or a Grampian condition. Improvements to the drainage system could be brought forward by a developer contribution. Although Welsh Water were saying they had concerns, they were not saying that there should be no development.

With reference to a letter from Welsh Water dated June 2008 on the overloading of the drainage system, Councillor A.M. Halford sought clarification from Councillor Carver as to whether or not he felt that all the facts had been made available to the UDP inquiry Inspector.

In response to Councillor Halford, Councillor Carver explained that when he heard that there was a public inquiry into an appeal against the refusal of planning permission on this site, he had requested sight of the file to be submitted and was provided with two files. He said that some of the facts included in one of the files were not included in the second file. He said that when the application had been heard by Planning Committee, the file with pages missing was put forward and as a result when the application was refused, drainage was not put forward as a reason for refusal. In response, the Head of Planning Policy said that all of the documents referred to in relation to the planning appeal had been disclosed at the UDP inquiry and had been provided to Welsh Water.

Councillor A.P. Shotton sought assurance as to the robustness of Grampian style conditions. The Head of Planning referred to the note of the meeting on 1 June 2010 with Welsh Water's representatives, a copy of which

was with the circulated documents, from which it appeared that they were comfortable with such conditions.

Councillor Halford asked whether what was in Welsh Water's five year plan could be shared with Members. The Head of Planning Policy responded that Welsh Water had put forward some dates to meet to discuss their capital programme which he would circulate when available.

The Chairman referred to the increase in the site to 1.9 hectare and asked the Head of Planning Policy if this caused him any concern. In response the officer said that the difference related to an indicative five units; the UDP proposed the site at 43 units. However, he felt that the density would reduce, due to the existence of a watercourse and the need for on-site mitigation, and would not exceed the indicative total of 48 units.

Councillor Shotton referred to the policy density figure of 30 units per hectare and asked if this applied to all sites. The Head of Planning Policy said that all sites in Category A had always been considered to be a notional 30 dwellings per hectare. The change applied to Category B and Category C settlements which were previously a notional 25 dwellings per hectare. He said that this would amount to 250 to 300 across the whole plan and was not a target for development but was a notional density to meet housing need. Councillor Shotton asked if the figure had been factored in. In response, the Head of Planning Policy said that it was part of a flexibility allowance to cater for sites not coming forward and involved increasing capacity on sites already allocated. He said that there was flexibility of around 10% through sites allocated or increased density which would equate to approximately 740 dwellings.

Councillor Bithell referred to the policy density figure and said that this site at 1.9 hectare would result in 60 dwellings not 43 as previously indicated. He read out resolution (b) from the County Council meeting held in March 2010. The Head of Planning Policy commented that the UDP Inspector had accepted that the increase in density was appropriate, rather than allocate additional sites.

The Chairman then referred the DPP to the recommendation on page 31 that the previous Council resolution on 14 July 2009 be confirmed. Councillor C.J. Dolphin proposed that the resolution be taken forward and this was duly seconded by Councillor E.G. Cooke.

In response to a comment from Councillor Shotton, the Chairman said that the DPP would confirm the decision taken to approve the recommendation 'in principle' at the final meeting but would not reopen the discussion. The Principal Solicitor concurred with the comments and added that the decision should not be amended at the last meeting unless there was an extremely good reason to do so.

Following a discussion, the proposed timetable for considering the remaining submissions was agreed as follows:-

16 July 2010 - meeting start time - 10am

- Submission 1 Land West of Broughton Retail Park, Broughton (The Compound Site) – MOD 11/45
- Submission 7 HSG1 (25) South of Retail Park, Broughton – MOD 11/20 & 11/44 capped at 25 houses/hectare
- Submission 9 The Re-designation of L3 (18) – MOD 7/36

16 July 2010 – meeting start time - 2pm

- Submission 2 Ash Lane, Mancot – MOD 11/63
- Submission 10 The Re-designation of S11 – MOD 12/40 & 12/41
- Submission 5 HSG1 (53) Former Sewage Works, Sychdyn – MOD 11/74

22 July 2010 – meeting start time - 10am

- Submission 4 HSG (41a) West of Wrexham Road, Abermoddu – MOD 11/60
- Submission 8 HSG1 (49) Connah's Quay Road, Northop – MOD 11/70
- Submission 6 Rose Lane, Mynydd Isa – MOD 11/67

In response to a question from Councillor Shotton, the Chairman confirmed that he had withdrawn his submission in relation to the density of residential development (submission 11). Councillor Shotton felt that the submission still needed to be considered as it was part of the resolution of County Council on 17 April 2010 establishing the DPP. The proposal to discuss submission 11 was moved by Councillor J.B. Attridge and duly seconded by Councillor A.P. Shotton. On being put to the vote the proposal was CARRIED. It was agreed that submission 11 General Density of Residential Development – MOD 11/1 & 11/117 would also be considered on 22 July 2010.

**RESOLVED:-**

- (a) That an 'in principle' decision be made to agree with the officer recommendation that the previous Council resolution on 14 July 2009 to accept the Inspector's recommendations regarding the allocation of the land at Overlea Drive, Hawarden, which resulted in proposed Modification 11/55, be confirmed;
- (b) That the decision be subject to confirmation at the final meeting of the DPP.
- (c) That, subject to that confirmation, the DPP recommend accordingly to the Council.
- (d) That the proposed timetable for considering the outstanding submissions be as follows:-

16 July 2010 - meeting start time - 10am

- Submission 1 Land West of Broughton Retail Park, Broughton (The Compound Site) – MOD 11/45
- Submission 7 HSG1 (25) South of Retail Park, Broughton – MOD 11/20 & 11/44 capped at 25 houses/hectare
- Submission 9 The Re-designation of L3 (18) – MOD 7/36

16 July 2010 – meeting start time - 2pm

Submission 2      Ash Lane, Mancot – MOD 11/63  
Submission 10     The Re-designation of S11 – MOD 12/40 & 12/41  
Submission 5      HSG1 (53) Former Sewage Works, Sychdyn –  
MOD 11/74

22 July 2010 – meeting start time - 10am

Submission 4      HSG (41a) West of Wrexham Road, Abermoddu –  
MOD 11/60  
Submission 8      HSG1 (49) Connah's Quay Road, Northop – MOD  
11/70  
Submission 6      Rose Lane, Mynydd Isa – MOD 11/67  
Submission 11     General Density of Residential Development –  
MOD 11/1 & 11/117

**8. DURATION OF MEETING**

The meeting commenced at 2.00 p.m. and ended at 4.04 p.m.

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**Chairman**

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

<b>DEVELOPMENT PLANS PANEL</b>	<b>DATE: 8 JULY 2010</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
NO DECLARATIONS WERE MADE		

**DEVELOPMENT PLANS PANEL**  
**16 JULY 2010**

Minutes of the meeting of the Development Plans Panel of the Flintshire County Council held at County Hall, Mold on Friday, 16 July 2010.

**PRESENT: Councillor P.G. Heesom (Chairman)**

Councillors: J.B. Attridge, R.C. Bithell, E.G. Cooke, C.J. Dolphin, A.M. Halford, R. Hughes, N. Phillips and A.P. Shotton.

**ALSO PRESENT:**

Councillors: C.S. Carver, D. McFarlane, W. Mullin and P.R. Pemberton.

**IN ATTENDANCE:**

Head of Planning, Head of Planning Policy, Team Leader (Policy), Principal Solicitor and Committee Officer.

**9. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**10. MINUTES**

The minutes of the meeting of the Committee held on 24<sup>th</sup> June, 2010 had been circulated to Members with the agenda.

Following comments from Councillor A.M. Halford that she was unhappy that she had not been allowed to ask questions of the Local Member at the meeting on 8<sup>th</sup> July, the Principal Solicitor said that he had intervened because he had not felt that the question asked was in order to seek clarification. Members commented that Local Members should be able to answer the questions put to them but not attempt to put forward their submission again or provide additional evidence.

Following discussions at the previous meeting on 8<sup>th</sup> July, Councillor A.P. Shotton confirmed that he had now read all the papers prepared by officers and had nothing to add to what had been said at that meeting.

**RESOLVED:**

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

**11. CONSIDERATION OF MEMBER SUBMISSIONS AND BACKGROUND CORE DOCUMENTS**

Submission 1 – Land West of Broughton Retail Park, Broughton (The Compound Site) – MOD 11/45

The Head of Planning Policy introduced the submission and the key points made by Councillor W. Mullin. These included the fact that the site was previously classified as a green space and should remain as such; the settlement had already exceeded growth forecasts and the village had an over-abundance of dwellings. The officer referred Members to page 6 of the officers' responses and recommendations document and detailed the designation of the site at the deposit stage and the Inquiry session which had been held on 11 December 2007. The Inspector had considered the issues raised by objectors and recommended that the site be allocated for housing. The recommendation relating to HSG1 was incorporated into Proposed Modification 11/45, with all of the modifications being approved by Council on 14 July 2009. The Head of Planning Policy advised that the issues raised by objectors to the Proposed Modifications were not considered by officers to raise any new issues or evidence and would be more appropriately resolved at the planning application stage. The principle of residential development on this site was acceptable.

The Head of Planning Policy went on to say that there was already a landscaped buffer surrounding the retail park. He explained that a development brief could be prepared and could contain advice about enhancing the buffering on the boundary of the existing residential development; it would be supplementary guidance and was a way to mitigate the concerns.

Councillor N. Phillips referred to the section of the Inspector's report indicating that Broughton and Bretton Community Council supported the designation of green space. He queried whether the Inspector had taken the highway works being undertaken on the Warren Hall junction into account when preparing her report. The Head of Planning Policy explained that the Inspector had been aware of the works and had made positive comments about the connectivity of Broughton to the highway network.

Councillor R.C. Bithell asked to what extent the authority relied on the Inspector's judgement about how big the green buffer should be and added that the site was not put forward by officers in the first instance.

Councillor A.P. Shotton commented that Councillor Bithell's views echoed his own. He said that a buffer was important to the existing properties. He felt that the Inspector had not provided an overwhelming case on the need for housing development in the settlement. The growth in the area of 19% (increased from 17%) was above the settlement growth figure for Broughton and he queried whether there was a need for further housing in the area.

The Head of Planning Policy responded to the effect that the Inspector could only consider the evidence before her but asked where was the evidence of the harm which might result from the erosion of the green space.

The precedent had already been set around Broughton Retail Park. He did not agree that an overriding need for housing had not been identified. To look at Broughton only as a village did not do it justice. He referred to the major centre for aircraft manufacturing and the Warren Hall development, both of which would provide a high level of employment. He commented that it was a suitable location for growth to increase above the percentage indicated in the plan. The growth band for Broughton was indicative. Taking all relevant factors together, Broughton was a highly sustainable area for growth.

In response to a question from Councillor A.M. Halford, the Head of Planning Policy said that if a development brief was prepared it could specify requirements for the site's development. Councillor Halford commented that Welsh Water had indicated that the drainage system could not cope and in response the Head of Planning Policy said that there was nothing to say that the system could not be improved in the future by investment. The development could also be regulated by a Grampian style condition.

Councillor E.G. Cooke queried how much weight would be attached to the development brief and how it could be enforced. The Head of Planning Policy advised that it was a guide and would set out how the authority wanted to see applications coming forward. Members could give it as much weight as was required and referred to enforcement of the guidance at the development control stage. Compliance with the development brief would ensure an easier passage for any planning application.

Following a comment from the Chairman regarding the Wales Spatial Plan, Councillor A.P. Shotton said that he was a great supporter of the Plan but felt it was so generic, as was other sub-regional spatial guidance, that they were open to interpretation. He did not feel that those documents correlated the provision of housing with employment, so long as decent public transport was available. He respected the comments of the Head of Planning Policy but did not concur that there was an overwhelming need for additional housing in that area.

Councillor C.J. Dolphin queried what new factual evidence was before the DPP for consideration today. He felt that the site was close to existing employment and facilities and there was no policy defence to stopping development. In response, the Head of Planning Policy referred to paragraph 1.5 of the officers' responses and recommendations document and said that there were no new issues or evidence.

Councillor R.C. Bithell said that employment and retail traffic had caused problems for those living in Broughton and felt that it was important to maintain a decent buffer. Councillor Dolphin said that the green barrier did not have to be big and again asked what the new evidence was. The Head of Planning Policy went on to say that this site would provide a choice of housing for those who worked in the area. He added that the site was a remnant of the development of the retail park and the buffer could be provided through enhanced landscaping. These issues could be covered in the development brief.

Councillor A.P. Shotton referred to the comments by the Local Member relating to a traffic impact assessment and raised concern that the DPP had not seen the study. He felt that there might be new evidence on the traffic impact assessment which had not been discussed at the Inquiry.

Following an invitation from the Chairman, Councillor W. Mullin said that the traffic impact assessment was still in its draft stage. He referred to the three roundabouts in the area which were very busy at factory shift change time and added that it would be unacceptable to put houses on the site. Councillor Mullin also referred to the increase in the growth in the area to 19% which he felt was unacceptable. He explained that in his submission he had asked that consideration be given to incorporating the proposed number of dwellings into the existing plan for the settlement.

In response to comments from Councillor Shotton about the recommendation in the report, the Principal Solicitor said that it was for the DPP to put a recommendation to County Council for consideration.

Councillor R.C. Bithell said that much of the land could be safeguarded by a development brief but his concern was how much could be saved. The Head of Planning Policy responded that given that there would be pressure to develop on the site, a development brief would indicate how the authority wanted to take the site forward.

Councillor C.J. Dolphin proposed the recommendation in the report, which was duly seconded by Councillor R. Hughes.

Councillor E.G. Cooke proposed an amendment to the recommendation to include a development brief. This was duly seconded by Councillor A.M. Halford.

Councillor A.P. Shotton then suggested a further amendment saying that given the discussions today, he proposed that the Inspector's modification to the plan be not accepted and that the recommendation be as shown in the deposit plan before the Inquiry with regard to the green space allocation. This was duly seconded by Councillor J.B. Attridge. On being put to the vote, the further amendment not to accept the modification was LOST.

The first amendment was then voted on to recommend the modification be confirmed and to include a development brief. This was CARRIED.

Councillor C.J. Dolphin then withdrew his original proposal. He then raised a point of clarity regarding the DPP 'mop up' session and felt that there was a possibility that any of the decisions made could be amended. The Principal Solicitor advised that this should only be done if there was a very exceptional reason to change the decision made.

**RESOLVED:**

- (a) That an 'in principle' decision be made to agree with the officer recommendation that the previous Council resolution on 14 July 2009 to accept the Inspector's recommendations regarding the allocation of the Land West of Broughton Retail Park, which resulted in Proposed Modification 11/45, be confirmed, and that a development brief for the site be prepared;
- (b) That the decision be subject to confirmation at the final meeting of the DPP; and
- (c) That, subject to that confirmation, the DPP recommend accordingly to the Council.

**Submission 7 – HSG1(25) Land South of the Retail Park, Broughton**

The Head of Planning Policy detailed the key points in the submission made by Councillors D. McFarlane and P.R. Pemberton and the officer response in relation to the submission. The Local Members had accepted that the development control stage could determine the matter of density of development but felt that the housing allocation at this site should not exceed 25 residential units per hectare. This was because they felt that if the modified housing figure was implemented, it would have significant adverse implications for the existing village infrastructure (e.g. highways, schools and health facilities).

The Head of Planning Policy referred Members to page 87 of the officers' responses and recommendations document and explained that the site had been allocated for residential development HSG1(25) at the deposit UDP stage; 63 objections had been received under HSG1 and a further 11 objections under the green barrier policy GEN5. It was reported that the Proposed Change stage retained the housing allocation but revised the area from 9.9 hectares to 9.3 hectares to take account of the commitment for a new A55 interchange. The dwelling capacity was also increased from 225 units to 260 units. He commented on the further proposed change stage in 2007 and the Inquiry session which was held on 11 December 2007. The Inspector recommended that the modified area of the allocation should be 9.4 hectares and that the number of homes that could be accommodated at 30 dwellings per hectare should be amended to 280. The report detailed the objections received at the proposed modifications stage but indicated that they repeated many of the issues raised at previous rounds of public consultation.

The Head of Planning Policy explained that a planning application had been submitted on this site which had been amended following discussions between the Council and the developer; the application was almost ready to be submitted to a Planning Committee meeting. He said that a Traffic Impact Assessment had been undertaken as part of the application. As highways had been identified as an area of concern, a recent study into the Broughton highway network had been commissioned, but its initial draft findings had not identified a capacity issue in relation to this allocation. There was no other evidence regarding harm arising from the traffic impact. The planning

application envisaged a £500,000 payment to improve local schools, and part of the site was proposed to be set aside for a new health centre. However, it was not the role of the UDP to make the Health Board build facilities in the community.

In conclusion, the Head of Planning Policy said that the issues now raised had been considered previously and there was no new evidence for the DPP to consider.

The Chairman said that the draft highway study had been undertaken since the UDP had been considered by the Council in March. However, he added that, in considering the site, the DPP needed to disregard the planning application which had been submitted.

Councillor A.M. Halford referred to the Inspector's comments on page 89 officers' responses and recommendations document and the notional figure of 280 dwellings on the site. She felt that this would create problems with traffic and concurred with the Local Members that only 25 dwellings per hectare should be permitted. She welcomed the £500,000 funding for schools and the land being set aside for a medical centre but felt that there was no money to build it so the land was useless.

Councillor R.C. Bithell referred to the draft highway study which the DPP had not seen and asked if it had any bearing on what was being discussed today as the Local Members were citing traffic as an issue. The Chairman said that the Local Members had said that it did provide some assurance but added that the study had not been finalised. He felt that a development brief would be a useful way of going forward as the final study might have a bearing on this site.

The Head of Planning Policy commented that the preparation of what would be a retrospective development brief would be difficult.

Councillor J.B. Attridge felt that consideration of the draft study was important to the decision the DPP was to make. The Principal Solicitor emphasised that, as it was only at draft stage and was not yet in the public domain, the DPP was entitled to ignore it, but could comment to the Council if the DPP felt it had been disadvantaged by not knowing what was in the report. It would then be for the Council to decide whether, and to what extent, to take the draft study into account. The Head of Planning Policy said that a meeting had been scheduled for the following week to discuss the draft study with the Local Members.

Councillor A.P. Shotton proposed deferment for the DPP to look at the draft study. This was duly seconded by Councillor R.C. Bithell. The Principal Solicitor reiterated his previous advice and the Head of Planning emphasised that the document would still be at draft stage when it was considered by the DPP.

The Chairman proposed that consideration of the submission be deferred to the meeting scheduled for 22 July 2010 and that the DPP Members receive a copy of the TIA. Following a discussion it was also agreed that the next meeting would commence at 9.15 a.m. instead of 10.00 a.m.

**RESOLVED:**

That consideration of the submission be deferred to the meeting scheduled for 22 July 2010 to take account of the draft Mouchel report entitled *A5104 Route Analysis*.

**12. DURATION OF MEETING**

The meeting commenced at 10.00 a.m. and ended at 12.15 p.m.

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**Chairman**

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

<b>DEVELOPMENT PLANS PANEL</b>	<b>DATE: 16 JULY 2010 (am meeting)</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
NO DECLARATIONS WERE MADE		

**DEVELOPMENT PLANS PANEL**  
**16 JULY 2010**

Minutes of the meeting of the Development Plans Panel of the Flintshire County Council held at County Hall, Mold on Friday, 16 July 2010.

**PRESENT: Councillor P.G. Heesom (Chairman)**

Councillors: J.B. Attridge, R.C. Bithell, E.G. Cooke, C.J. Dolphin, A.M. Halford, R. Hughes, N. Phillips and A.P. Shotton.

**ALSO PRESENT:**

Councillors: Eng. K. Armstrong-Braun, C.S. Carver, G.D. Diskin, S. Jones, M. Bateman, G.H. Bateman and M.J. Peers.

**IN ATTENDANCE:**

Head of Planning, Head of Planning Policy, Team Leader (Policy), Principal Solicitor and Committee Officer.

**13. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**14. ANNOUNCEMENT BY PRINCIPAL SOLICITOR**

As a member of the public was in attendance at the start of the meeting, the Principal Solicitor advised that an email had been sent by the Monitoring Officer to the Planning Policy Section before the Development Plans Panel (DPP) process began stating that the sessions of the DPP would be in private. The DPP would make its recommendations to the County Council but the discussions of the DPP would not be made public until then.

Councillor A.P. Shotton expressed his disappointment that members of the public could not attend and sought advice from the Principal Solicitor who said that the email had not been shared with him prior to the start of the DPP process and added that it had been his assumption that the DPP was a normal meeting of the Council. However, following sight of the email, he said that it would be inappropriate for a member of the public to be in attendance. Councillor J.B. Attridge also expressed his disappointment and queried when the email had been sent. This was clarified by the Head of Planning Policy.

The Head of Planning said that there was also an issue of consistency as the original meetings were held in private with panel Members only being in attendance. He said that this had been relaxed to allow those Members who had put forward submissions to attend the meetings to provide clarification where needed. Councillor C.J. Dolphin said that his understanding was that no members of the public were allowed to attend the meetings of the DPP.

Following a comment from the Chairman that it was for the DPP to decide if the public could stay, Councillor A.P. Shotton said that he was very reluctant to breach the advice of the Monitoring Officer but said that at the

original DPP meetings, the public were not able to attend due to the commercial sensitivity of the sites. However, following the UDP inquiry and further consideration by full Council, there was nothing now being considered which would be a surprise to anyone. The Head of Planning Policy said that, on the basis of the Monitoring Officer's advice, he had told interested third parties that they would not be able to attend DPP meetings.

On being put to the vote, the proposal to allow the public to attend the meeting was LOST.

Following a discussion it was agreed that, as all Members had received a copy of the reports, Members who had not put forward submissions and were not on the DPP could attend to listen to the deliberations.

**RESOLVED:**

- (a) That members of the public were not be able to attend meetings of the DPP; and
- (b) That all Members were able to attend the meetings of the DPP to observe its deliberations.

**15. CONSIDERATION OF MEMBER SUBMISSIONS AND BACKGROUND CORE DOCUMENTS**

**Submission 9 – The Re-designation of L3 (18) – MOD 7/36**

The Head of Planning Policy highlighted the key issues raised in the submission put forward by Councillor M.J. Peers. These included the fact that the site was correctly identified as worthy of retention as green space as it represented a visual break in the developed area; and that the approach adopted by officers had been inconsistent when compared to similar matters such as objections submitted to L3(17) Land adjacent to Daulwyn Road.

The officer response on page 102 of the officers' responses and recommendations document explained that at the deposit UDP stage the site had been designated as a green space and no representations were received in regard to this proposed designation. No proposed changes had been made but a late representation was submitted and accepted by the Council. A further proposed change (FPC605) deleted the south easterly portion of the green space designation and this was agreed by Council on 25 May 2007. There was an opportunity for the public and the Local Members to make representations at this stage but none were received. Written evidence was submitted to the Inquiry and the Inspector considered the issues raised and recommended that the green space designation L3(18) be amended by FPC605. The Head of Planning Policy said that Councillor M.J. Peers had referred to the refusal of a planning application in 2008 and the subsequent dismissal of the appeal in 2009 in his submission: that appeal had been dismissed on the basis of an inappropriate housing layout not on the issue of green space.

The Chairman invited Councillor M.J. Peers to the table to provide clarification. Councillor Peers indicated that the issue related to a late objection to the UDP designation. Officers had failed to advise the Executive that the objection had been rejected in November 2006; they had only reported that it was late. The report to the Executive had failed to mention that the reason for the objection was because of its value locally, in conjunction with adjacent land, as an important visual break within a developed area. It had also been reported to the meeting that the Council had accepted the recommendation; it had not as it was deferred for further consideration.

Councillor C.J. Dolphin said that he was in favour of the officer recommendation as he felt that the procedural matters had been dealt with previously and no new evidence was being submitted.

The Head of Planning Policy said that the matter had been aired in public on a number of occasions and it had been the Council's decision on 25 May 2007 to allow the late objection. There were no caveats in the Council resolution. There had been the subsequent opportunity to look at the position again. The Chairman said when the matter was referred to the County Council meeting, it was indicated that it would be considered following the meeting. The Head of Planning Policy advised that he had met with Councillors Peers, Hutchinson and Heesom following the 25 May 2007 meeting and advised them that they should provide any representations at that time for consideration but none had been received. Following a discussion Councillor Peers said that in his view the procedure had not been followed. The Head of Planning Policy said that the Inspector had indicated that the site did not warrant designation as green space and referred to the Ordnance Survey map included in the core documents which did not show the area as 'scrub', such term being defined on the reverse of the map. The Chairman asked Councillor Peers for his view of the OS Map. He commented that the site had a slab of concrete in one part and grass verges in others: it was a natural rough track to access properties.

On being put to the vote, the recommendation in the report was CARRIED.

**RESOLVED:**

- (a) That an 'in principle' decision be made to agree with the officer recommendation that the previous Council resolution on 14 July 2009 to accept the Inspector's recommendations regarding the amendment of L3 (18)/L3(32) by FPC 605 which resulted in Proposed Modification 7/36, be confirmed';
- (b) That the decision be subject to confirmation at the final meeting of the DPP; and
- (c) That, subject to that confirmation, the DPP recommend accordingly to the Council.

## Submission 2 - Ash Lane, Mancot – MOD 11/63

The Head of Planning Policy detailed the submissions made by Councillors A. & G. Diskin which included that the site contained historic mine shafts; the level of growth was too high for Mancot; and the green barrier should be retained. He said that their four page submission and letter had also raised concerns about drainage issues on the cemetery site.

He referred Members to page 15 of the officers' responses and recommendations document where it was reported that at the deposit stage the site was designated as green barrier under GEN5. It was proposed as an omission site by Hawarden Estate who also objected to the settlement boundary and green barrier designation, and WAG who also objected to the green barrier designation. Following the publication of the deposit plan, the Welsh Development Agency approached Hawarden Community Council, providing them with a plan showing the proposed development of the Ash Lane site. The Community Council agreed to note the proposal but said they would only consider the proposal if its green barrier status was altered through the UDP process. There were no proposed changes or further proposed changes for the site.

At the Inquiry stage on 7 December 2007, WAG submitted further evidence relating to the need for allocation in terms of housing provision and sustainable growth, the site being suitable for development, and the green barrier serving no purpose in this location. At the Inquiry the extent of the WAG omission site was reduced to 8 hectares and it was this smaller site that was consequently considered by the Inspector. The Inspector considered the issues raised by objectors and recommended that the site be allocated for housing in place of the site proposed by the Council.

The Head of Planning Policy said that the Inspector had considered some 20 to 30 other objection sites during the inquiry process. He reminded the DPP that the Council had accepted that Mancot was a sustainable settlement for growth by the inclusion of another site in the community. If it was proposed to remove this site, the default position was to go back to the site originally allocated by the Council.

He concluded that nothing had been put forward to challenge the robustness of the Inspector's conclusions.

In response to a comment from the Chairman about the agricultural quality of the land, the Head of Planning Policy said that it was grade 3 quality, as was the previously allocated site in Mancot, and was the only land available because there was a lack of brownfield sites in settlements. He said that national policy guidance protected the land but also recognised that if there was an overriding public interest, as was the case here, that protection could be overridden. WAG had not objected to the allocation on agricultural grounds.

Councillor A.M. Halford referred to the memorandum in the officers' responses from Gary Nancarrow in Minerals & Waste Planning and said that it appeared that a significant amount of work would have to be undertaken for the site to be suitable for housing. The Head of Planning Policy responded that the memorandum indicated that the site needed investigation but that the principle of development was still acceptable. The Coal Authority had indicated that the site was within the zone of influence of eight recorded mine entries but there had been no subsidence on this site. They also indicated that this was not a barrier to development. There was enough certainty at this stage to allocate the site.

Councillor A.P. Shotton felt that the site was wholly inappropriate and that the process was undemocratic. The inclusion of the site had met with a great deal of resistance relating to the hazards on the site and Mancot not being a sustainable allocation. He said that a key issue was that incorrect figures had been provided to the Inquiry about the number of houses in the settlement in the year 2000. He said that when the correct figure was put forward, and the developments which had taken place since 2000 in addition to the proposed number of dwellings for this site were taken into account, it amounted to growth of 29.6% in Mancot, which was completely unsustainable. He said that it appeared that if the old Mancot Social Club site was also taken into account, that would amount to 34% of growth. It appeared in the report to the Council that there was an attempt to include Mancot and Hawarden together which would lower the growth percentage figure. That was not appropriate as they were separate communities with separate identities. Councillor Shotton also referred to the issue of key agricultural land and said that to build on it would be contrary to policy.

The Chairman invited Councillor G.D. Diskin to the table to provide clarification on the points raised. She was asked for her view on the comments made about a 29.6% growth rate in the settlement. Councillor Diskin said that Mancot was a Band B settlement with indicative figures of growth being between 8% and 15% but explained that growth had reached 18% (3% over). The figure of 1228 dwellings in Mancot had been submitted by the objectors but based upon the OS map, the actual figure was 930 dwellings. Taking these figures into account along with the allocations of housing which had already taken place meant a 29.6% growth rate for Mancot. She also commented that she felt that it was unfair that WAG was the landowner in this case. The Head of Planning Policy responded that the Council had to treat WAG as it would any other landowner. In response to comments from Councillor R.C. Bithell about Hawarden and Mancot being one settlement, and whether this site was integral to keeping the communities separate, Councillor Diskin said that they were two distinctive communities which should not be classed as one settlement, and that the site was integral to that.

Councillor J.B. Attridge sought clarification on the default position which the Head of Planning Policy provided. In response to a comment from Councillor N. Phillips about the default site, the Head of Planning Policy said

that the other site was the preferred site put forward by the Council and said that this was a further consideration for the DPP.

In referring to the comments made, the Head of Planning Policy said that he did not dispute the figures quoted but that he had not seen them previously. The growth bands were indicative and other category B settlements had growth in the upper 20% range. The question to ask was what was the impact of that level of growth? Whether or not the Inspector had been provided with the right growth figures by the objector, officers had given her the up to date information at the time, and so the Inspector had considered these factors. She had taken account of possible impacts and had made specific reference to infrastructure issues. There was no proposal to join communities, but the Inspector was unclear as to where Mancot and Hawarden were separate. She made some comments about sustainability in relation to the Deeside area.

Councillor A.P. Shotton referred to the report on the modifications to Council and commented on the growth rate of 18% included by the Inspector which was based on the incorrect figure put forward by the objectors. He said that the Inspector made a recommendation of 18% when the correct figure was 26.1% based on the Council's cumulative growth figures. The Local Members then conducted a survey which identified growth of 29% but the survey did not take account of additional houses which would amount to a total growth figure of 34%; he felt that there could be grounds for a judicial review if the Council decision was not changed. He said that there appeared to be a decision to put Hawarden and Mancot together and referred to coalescence. The Head of Planning Policy referred to the figures and said that the Inspector would have carried out a site visit and on that basis had come to a decision.

The Chairman asked the Local Member if she considered that this site had a greater landscape effect than the previously allocated site. Councillor Diskin replied by saying that both had an effect, as well as an effect on agricultural land. The Head of Planning Policy commented that the previously allocated site had been removed for the same reasons that were now advanced in relation to this site. Councillor Diskin's view was that the two could not be compared in that way.

Following a question from the Chairman about what would happen if the recommendation was not supported, the Head of Planning Policy said that the plan would be modified and there would be no growth in Mancot which could leave the authority open to legal challenge. If the DPP ignored the default position and suggested removal of the site, the consultation would have to be reopened following advertisement which would potentially allow for other sites to be put forward.

Councillor A.P. Shotton felt that it was premature to consider other sites and that the default site was a red herring. The key issue was the clarification of the evidence put to the UDP inquiry by the Hawarden Estate. The figures presented were demonstrably inaccurate, which led to the Inspector making

her conclusions. The 26% growth figure quoted had to be accurate as the survey undertaken by the Local Member did not take account of subsequent development. In response to a question, the Head of Planning Policy said that he had provided growth figures of around 29% in the report that had been submitted to the meeting of the Council in March 2010.

Councillor C.J. Dolphin considered that the issues raised related to growth figures. All the other issues had been dealt with by officers. The principle of building on the site seemed to be acceptable. The 29.6% growth figure was the only new evidence he had heard. He proposed the recommendation in the report. The proposal was not seconded.

Councillor J.B. Attridge proposed that the site be removed from the Plan and this was duly seconded by Councillor A.P. Shotton.

The Chairman suggested that the DPP recommend to Council that the housing growth figures be looked at again to avoid the need for a further public inquiry. The Principal Solicitor said that the DPP could make that recommendation to Council as it was ultimately the Council's decision. If the UDP was not proposed to be adopted as it currently stood, there might be a need for further consultation and to reopen the Inquiry. He said that it was difficult to judge what work would need to be undertaken if the site was to be removed and the default site was not put forward.

The Chairman asked Councillor Attridge to clarify his proposal. He confirmed that it was for the removal of the site only and did not include recommending the allocation of the default site instead. On being put to the vote, the proposal to remove the site was CARRIED due to the concerns felt by the DPP about housing growth figures in Mancot and the accuracy of the figures provided to the Inspector at the Public Inquiry.

**RESOLVED:**

- (a) That an 'in principle' decision be made that the site at Ash Lane, Mancot, be removed from the UDP due to the concerns felt by the DPP about housing growth figures in Mancot and the accuracy of the figures provided to the Inspector at the public inquiry;
- (b) That the decision be subject to confirmation at the final meeting of the DPP; and
- (c) That, subject to that confirmation, the DPP recommend accordingly to the Council.

**Submission 5 - HSG1 (53) Former Sewage Works, Sychdyn – MOD 11/74**

The Head of Planning Policy explained that Councillor M. Bateman had made a submission objecting to the revised indicative yield for the allocation HSG 1 (53) based on the Inspector's recommendation that all allocated sites were developed at 30 dwellings per hectare. Councillor Bateman had also referred to the archaeological remains of Wat's Dyke and the Inspector's comments that the developable area of the site would be reduced by the

presence of the Dyke. She felt that the importance of Wat's Dyke had not been fully considered in the UDP process and requested that the density of the site remain at 25 dwellings per hectare.

In referring to page 59 of the officers' responses and recommendations document, the Head of Planning Policy said that the land was allocated for housing with an indicative figure of 40 dwellings at the deposit stage. He detailed Proposed Change no. 334 and said that objections were received from members of the public. At the Inquiry session in November 2007, representations had been heard from 11 objectors which included issues of archaeology and Wat's Dyke. It was reported that the Inspector's recommendation in relation to PC 334, GEN 2 was partially accepted to include Lilac Cottage and garden in the allocation and not the area of land outside the settlement boundary. Following the Inquiry the Inspector made a change to Policy HSG8 Density of Development which set out a minimum density of 30 dwellings per hectare for all allocated sites. These were incorporated into Proposed Modification 11/74 and were approved by Council on 14 July 2009.

The Head of Planning Policy said that the Clwyd Powys Archaeological Trust (CPAT) had not objected to the principle of development but requested to see either investigation/recording prior to development or the avoidance of built development on the area. He also referred to creating a 15 metre buffer and not building on it which would limit the area for development from 65 to approximately 57 or 58 units (on the Inspector's density figure) or approximately 1.9 hectares which with the provision of play space could be in the low 50's. He added that there were no new issues that would prevent the site from going forward and said that a development brief for the site could set out other requirements for mitigation. It was not the officers' recommendation to change the modification but to include a development brief to sit alongside the plan.

The Chairman invited Councillor M. Bateman to provide clarification on the issue of local importance of Wat's Dyke and the assurance given that it would not be built on. Councillor Bateman referred to the assurance given to protect the Dyke and said that it would run through two developments, one existing and one new. Another reason for putting a cap on the number of dwellings was because of the existing bungalows around the site of which there were 150 abutting the site.

Councillor R.C. Bithell welcomed the submission and said that CPAT had not objected as long as development was away from the ancient monument itself. He said that he had no objections if it was accepted that the development would be kept away from Wat's Dyke and disturbance records kept.

Councillor J.B. Attridge proposed the recommendation in the report including the comments of the Head of Planning Policy in relation to a development brief. This was duly seconded by Councillor C.J. Dolphin.

On being put to the vote, the proposal was CARRIED.

**RESOLVED:**

- (a) That an 'in principle' decision be made to agree with the officer recommendation that the previous Council resolution on 14 July to modify the former Sewage Works, Sychdyn, allocation (MOD 11/74), be confirmed, and that a development brief for the site be prepared;
- (b) That the decision be subject to confirmation at the final meeting of the DPP; and
- (c) That, subject to that confirmation, the DPP recommend accordingly to the Council.

**16. DURATION OF MEETING**

The meeting commenced at 2.00 p.m. and ended at 4.47 p.m.

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**Chairman**

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

<b>DEVELOPMENT PLANS PANEL</b>	<b>DATE: 16 JULY 2010 (pm meeting)</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
NO DECLARATIONS WERE MADE		

**DEVELOPMENT PLANS PANEL**  
**22 JULY 2010**

Minutes of the meeting of the Development Plans Panel of the Flintshire County Council held at County Hall, Mold on Thursday, 22 July 2010.

**PRESENT: Councillor P.G. Heesom (Chairman)**

Councillors: J.B. Attridge, R.C. Bithell, E.G. Cooke, R. Hughes, N. Phillips and A.P. Shotton.

**ALSO PRESENT:**

Councillors: G.H. Bateman, M. Bateman, H.T. Isherwood, S. Jones, D. McFarlane, H.J. McGuill, W. Mullin and W.O. Thomas.

**APOLOGIES:**

Councillors: C.J. Dolphin and A.M. Halford.

**IN ATTENDANCE:**

Head of Planning, Head of Planning Policy, Team Leader (Policy), Principal Solicitor and Committee Officer.

**17. DECLARATIONS OF INTEREST**

Councillor N. Phillips declared in relation to the Rose Lane, Mynydd Isa site (MOD 11/74) that his sister in law was one of the objectors to the allocation of that site. He said that, in due course, he would take no part in the DPP's consideration of this site.

**18. CONSIDERATION OF MEMBER SUBMISSIONS AND BACKGROUND CORE DOCUMENTS**

Submission 7 - HSG1 (25) South of Retail Park, Broughton – MOD 11/20 & 11/44 capped at 25 houses/hectare

The Head of Planning Policy advised that the site had been considered at the meeting on 16 July 2010 but had been deferred to consider the draft Mouchel report entitled *A5104 Route Analysis*, copies of which had now been provided to the DPP. He recalled that the DPP had raised three principal concerns relating to the infrastructure: traffic impact, education provision and health. He advised that since the last DPP meeting, a meeting had been held with officers, colleagues from Highways, two colleagues from Mouchels who had produced the report, Local Members and Community Council representatives, to discuss the report's draft findings.

The draft report took into account all known developments in Broughton and factored in the growth on the transport network. It provided detail on the current position and two future dates (2018 and 2025) and related to the phasing scheme of the Warren Hall development. The study was shown in relation to the key junctions on Broughton Retail Park and all of the junctions were shown as being well below their maximum capacity. However, several

junctions were identified as over capacity in one or other of the later years. He referred to a diagram which showed which critical junctions needed work to overcome problems and said that the draft showed that the proposed access to this site would operate below capacity, currently and in 2018 and 2025. The pressure on junctions became more critical the nearer one went towards Saltney.

Councillor J.B. Attridge did not feel that the draft report had helped as it did not go into detail. He felt that there was an opportunity for a development brief on the site to control density. The Head of Planning Policy said that that was what the development brief could do without the need to change the policy. However, he referred to the difficulty of writing a development brief where a planning application had been submitted over four years previously, which had been developed and refined over that period, and which had a traffic impact assessment which showed capacity for up to 300 units. That position had been confirmed by the draft Mouchel report. In his view, there was no evidence to support the view of a lack of highway capacity. However, it would be a matter for the Planning Committee to decide if it wished to impose a limit on the density of development. The developer could then consider what he might do with such a permission.

The Head of Planning Policy emphasised that the policy did not say that there had to be “280 houses” at the site; it was a notional density. The developer would have to show that a particular number of houses could be built on the site without causing harm. At the meeting referred to above, the consultants had been asked what difference 25 houses on this site would make and the answer given had been “negligible”. The traffic issue was about traffic from the network in and around Broughton not from the development of this site.

Councillor R.C. Bithell said that the ruling of the Inspector was 30 dwellings per hectare for Category A and B settlements, and he wondered if the ground rules had changed. The Head of Planning Policy explained that the original allocation of 225 dwellings on the site was below 25 per hectare. The Council had made the change in 2006 to 260 dwellings on the site as it was a large strategic site.

The Chairman invited the Local Members to clarify if they felt that the draft Mouchel report addressed their concerns. Councillor D. McFarlane said that the report was based on figures from 1996 and therefore did not contain up to date information. He said that taking the figures as a whole would overload the village and requested that the site remain at 25 dwellings per hectare.

The Chairman noted Councillor McFarlane’s scepticism about the sourcing of the data, his view that it did not fully take into account the potential of the development at Warren Hall, and that he would like officers to take further account of the effect of that development on the infrastructure.

Councillor W. Mullin said that to increase the housing in Broughton was unacceptable, in circumstances where the community already had to put up with large businesses in Broughton. He concurred that the figures on which the draft report was based were out of date.

In response, the Head of Planning Policy said that some of the data in the draft report relating to Warren Hall was more recent than 1996. The information related to this site dated from 2005 and had been updated on two occasions since. He understood the impact on the community but referred to the applications which had been granted for significant growth at Airbus, the Aerospace Park and the Warren Hall development. The allocation of this site balanced that provision sustainably with housing in close proximity. It gave people a choice. He went on to say that the land needed for the A55 junction improvement was not part of the site being considered and that the allocation of this site did not affect the junction coming forward in the future.

Councillor A.P. Shotton said that he read the draft report as saying that the data still highlighted that there was an issue at the junction into this site. Whilst one of the beauties of the Broughton Retail Park was its accessibility, that was starting to change, especially on Main Road, Broughton. With hindsight, he felt that it had been remiss of the Council to allocate this site. He referred to a meeting he had attended when Leader of the Council with WAG officials regarding the A55 Retail Park junction proposals where they had agreed to relax the regulations of the distance between that junction and the one at Warren Hall. WAG officials were wholly supportive in the end, although it was now unlikely that the A55 junction would be built and so could not be taken into account at this stage. In response to a question from the Chairman, Councillor Shotton confirmed that there were concerns regarding the traffic impact in this part of Broughton notwithstanding what was in the draft Mouchel report.

In referring to the earlier comments of the Head of Planning Policy, Councillor R.C. Bithell asked if it was possible to ask for a phasing of the development or permission on only part of the land with the remainder not being given permission if the road network was not improved.

One of the Local Members, Councillor McFarlane, referred to the numbers of patients who were already registered at the local doctor's surgery and in response the Head of Planning Policy said that it was not the responsibility of the authority to provide facilities. In referring to the piece of land in the indicative layout provided with the planning application for a proposed health centre, he said that if Members did not feel that five years was long enough to reserve this piece of land, that could be lengthened through the planning application process.

Councillor Mullin said that the new interchange was in relation to the second phase of Broughton Retail Park and said that once the Park exceeded 26,000 square feet it should have triggered the new interchange. The needs of the Warren Hall development needed to be factored in. He felt that the

community would be affected if the application was given permission for the density of houses suggested.

The Chairman said that the issue was whether to accept or reject the modification and, if the latter, give due reasons.

The Head of Planning Policy clarified that the modification was the Inspector's indicative recommendation of 280 dwellings, not the figure of 260 put forward by the Council at the Proposed Changes stage.

It was proposed and seconded that the recommendation in the report be approved. On being put to the vote, this was LOST.

Councillor A.P. Shotton then put forward the proposal that the site be limited to 260 dwellings but queried whether this was 25 per hectare. The Head of Planning Policy said that the figure was slightly above but the authority had agreed the figure in 2006 which had then been taken into the Inquiry to defend the site. He added that to cap the site at 25 per hectare would equate to 235 dwellings.

Councillor Shotton then queried the purpose of a development brief as discussed earlier in the meeting. The Head of Planning Policy commented that the density policy was not as prescriptive as suggested and that there was an opportunity through the planning application to condition density. If the application went to the September Planning Committee, that would be quicker than further amending the UDP. A development brief would not carry as much weight as policy.

Councillor J.B. Attridge proposed that the site be capped at 25 dwellings per hectare, and was duly seconded.

Following a discussion where it was indicated that the planning application which had been submitted might be dealt with prior to the recommendations from DPP being considered by the County Council, the Principal Solicitor said that the Council might decide to confirm its decision for the site to remain at 260 dwellings. However, if the proposed recommendation from the DPP was accepted, there would need to be some element of re-consultation and part of the UDP Inquiry might have to be re-opened.

Councillor J.B. Attridge's proposal was then put to the vote and was CARRIED, the reason given being concerns regarding the traffic implications on the highway infrastructure in Broughton of an increased number of dwellings at the site, notwithstanding the contents of the draft report by Mouchel.

**RESOLVED:**

- (a) That an 'in principle' decision be made that the density on the site be restricted to 25 per hectare due to concerns regarding the traffic

- implications on the highway infrastructure in Broughton of an increased number of dwellings at the site, notwithstanding the contents of the draft report by Mouchel;
- (b) That the decision be subject to confirmation at the final meeting of the DPP;
  - (c) That, subject to that confirmation, the DPP recommend accordingly to the Council.

#### Submission 10 - The Re-designation of S11 - MOD 12/40 & 12/41

The Head of Planning Policy highlighted the key issues raised by Councillor H.T. Isherwood which included that she felt that a two year marketing exercise should be retained, as once there had been a change of use of a pub or similar facility it resulted in the permanent loss of such an amenity. He referred to the details at the deposit stage and explained that at the Proposed Change stage the period required for marketing local facilities was reduced from two years to 'at least one year' to ensure consistency with other plan policies. The Inspector ratified the change and the recommendation was approved by Council on 14 July 2009. There were three objections at the Proposed Modifications stage but these were not considered by officers to raise any new issues or evidence.

He compared Flintshire's policy with those of other authorities. As proposed to be modified, it was more onerous than some. The time period was only one factor in the policy: in fact, an additional six months marketing had been requested in relation to a site in Councillor Isherwood's ward. He suggested that some clarity could be provided in relation to the nature of the marketing required by the production of a supplementary planning guidance note, as had been done by some other authorities.

The officer explained that this submission had arisen because of a specific application in Councillor Isherwood's ward but the Head of Planning Policy said that it would be dangerous to change a policy because of one development.

Councillor E.G. Cooke felt that a period of at least one year was probably acceptable and welcomed the proposed supplementary guidance. However, he was concerned about businesses which appeared to be being run down as the owner no longer wanted to continue with them. The Head of Planning Policy said that there were limits to what the plan could do and in some cases the business had become unviable. Proof of marketing had to be provided and a statement from the agent to confirm the business was not viable. He said that sometimes permission was granted to give businesses leverage to continue and did not always result in the loss of facilities.

Councillors R.C. Bithell and A.P. Shotton welcomed the raising of the issue, both of whom were also concerned about the loss of local facilities in urban areas as well as villages. Councillor Shotton queried how far the guidance could go in relation to businesses where the value of the asset was the only thing in which the owner was interested. He felt that marketing for 12

months was not sufficient in all cases and said that there should not be a blanket policy. The Head of Planning Policy detailed some of the information which could be included in the supplementary guidance including obtaining an independent valuation.

Councillor Bithell sought clarification from the Local Member on the robustness of the process followed. Councillor Isherwood said that the driver was an application in her ward but said that if it had not been highlighted she would not have been aware of it. She welcomed the use of supplementary guidance but said that it depended how robust the guidance would be. In referring to rural areas, she said that there was a need to help people in such areas to keep the assets.

Councillor J.B. Attridge proposed the recommendation in the report and the preparation of supplementary planning guidance . The proposal was duly seconded by Councillor R.C. Bithell.

Councillor A.P. Shotton supported the proposal but felt that it would be advantageous for all Members to receive training on the issue to provide reassurance to them.

**RESOLVED:**

- (a) That an 'in principle' decision be made that Proposed Modifications 12/40 and 12/41 be carried forward to adoption on the basis that the submission raised no substantive new issues that warranted a re-opening of the Public Inquiry or further Proposed Modification, subject to the production of supplementary planning guidance as set out above;
- (b) That the decision be subject to confirmation at the final meeting of the DPP;
- (c) That, subject to that confirmation, the DPP recommend accordingly to the Council.

**Submission 4 - HSG1 (41a) West of Wrexham Road, Abermoddu - MOD 11/60**

(At this stage of the meeting, Councillor R. Hughes arrived.)

The Principal Solicitor explained that Councillor P.G. Heesom's name was listed as an objector to the Proposed Changes which were approved by Council on 17 October 2006 but said that it was apparent from the minutes of the Council meeting on 9 March 2010 that the representations were from Councillors S. Jones and H.T. Isherwood. The Chairman said that he would not participate in any vote on this matter.

The Head of Planning Policy highlighted the key issues raised by Councillors S. Jones, H.T. Isherwood and C.A. Thomas which included that the infrastructure was not in place for so much traffic; congestion at Abermoddu and Caergwrlle was bad enough at present, with traffic parking

and speeding problems near the school being a constant problem; that if the proposed houses were built it would result in the loss of identity and sense of community in the village; and safeguarding the existing wildlife site would limit the scale of housing, thus questioning the feasibility of the site's development.

At the deposit stage the site was designated as white land outside the settlement boundary but was included in the settlement boundary and allocated for housing at the Proposed Change stage; this was approved by Council on 17 October 2006. The Inquiry was attended by objectors to the allocation of the site for housing and the Inspector considered the issues raised by objectors and recommended that the settlement boundary be amended to include the site as a housing allocation in accordance with the Proposed Change.

The Head of Planning Policy said that the principle of development was met and that the objections in relation to highways and drainage could be dealt with at the development control stage.

Councillor R.C. Bithell recalled this site being considered at earlier DPP meetings. He had always had concerns about the site's allocation. The A541 road was the hardline boundary of the developed area. He disagreed with the UDP Inspector's view that the need for housing outweighed the effect of the encroachment into the countryside. In his view, the site was a very attractive piece of land and to build there would be an act of local vandalism. He did not feel that the issues identified could be dealt with at the development control stage as once the site had been built upon it would be gone forever. He queried whether Welsh Water was aware of the issues relating to drainage.

Councillor A.P. Shotton said that he had similar concerns and referred to a continuous stretch of development from Caergwrle to Wrexham except for this piece of land which gave it a unique vista. He said that it was a very impressive spot which was important to the locality. He said that all three submissions referred to ecology and said that much of what was in Councillor Thomas's submission was contrary to the findings of the Inspector. He added that he did not feel that ecology had been given full consideration at the Inquiry and said that the site crossed ward boundaries. He referred to coalescence in the area and asked for clarification from the Local Members if the local communities had been aware of the cumulative impact of the allocations. The Chairman said that the site which was originally put forward was in Pigeon House Lane.

Councillor R. Hughes felt that in relation to traffic, the traffic lights near the school were a mistake as they did not allow the traffic to flow. He also felt that more houses onto this road would cause chaos at certain times of the day.

In referring to the comments of Councillor R.C. Bithell about ecology and the attractiveness of the site, the Head of Planning Policy said that the same could be said of many of the sites in the UDP which were greenfield sites. He said that this was one of the largest category B settlements which

was at, or about, the growth band. He respected the points made about ecological issues but explained that Countryside Council for Wales (CCW) had not put forward any objections and the Inspector had the benefit of the advice from CCW when making her decision. He confirmed that Welsh Water were aware of the issues relating to drainage as they were consultees, as were the Environment Agency; neither body had raised any objection. In responding to the comments of Councillor A.P. Shotton, the Head of Planning Policy said that it was a continuous area of development and on that basis three development plans had always planned for development on the basis of it being a continuous area. It was one of the few category B settlements with more than one rail link and the only category B settlement with a major health care facility coming forward. In that context, it was a significant urban area. 16% did not significantly exceed the growth measure for the area. The allocation had been made by the Council which had been endorsed by the Inspector.

Councillor A.P. Shotton spoke of the site in the field behind the school and queried whether the public had understood that the sites were in the same area because of the way that the consultation had been undertaken. He also asked how the Local Member felt about the area taking the 'lion's share' of development in the settlement.

The Chairman invited the Local Members to provide clarification on the issues raised. Councillor S. Jones said that the residents felt that it was unfair that the majority of houses were allocated in the Abermoddu and Cefn y Bedd area; 91 dwellings were proposed for this site with 39 on the site behind the school. She raised concerns about losing the gap between Caergwrle and Abermoddu which were two of the smallest communities in the county. She said that what had also caused confusion was that one of the sites had been discussed by Llanfynydd Community Council and the other one by Hope Community Council but neither had discussed both so she had been unaware of the other site which had already been agreed.

Councillor H.T. Isherwood said that the title of the sites had caused confusion as it indicated that they were the same site. In response, the Head of Planning Policy said that all of the Town and Community Councils had been sent the whole plan. He referred to the comment of Councillor Jones that the residents felt it was unfair but said that it was not a good enough reason to consider removing the site. He referred to the comments relating to coalescence and the uniqueness of the site but said that the overriding value for the site was for housing and added that there had been no objections on ecology grounds. The Council Ecologist recognised the sensitivities of the site which could be protected in any submitted scheme.

Councillor Bithell reiterated his earlier comments and added that he felt the site provided a unique local setting, its development would exacerbate the coalescence of communities which had occurred in the past and it would be ribbon development on the undeveloped side of the A541.

Councillor A.P. Shotton referred to the observations provided by the Council Ecologist and said that it had been recognised that it was more than just a green field and that there seemed to be value in the visual break.

The Chairman drew Members' attention to the open space aspect of the site and invited a proposal. He asked whether the DPP felt it was appropriate to write a development brief for the area as a solution to deal with the site allocation. Councillor Bithell commented that a development brief would have no effect.

Councillor A.P. Shotton proposed that the recommendation in the report be not accepted and this was duly seconded by Councillor J.B. Attridge.

On being put to the vote, the proposal not to accept the recommendation was CARRIED, the reasons given being concerns regarding the inappropriate scale of development in that part of the settlement, and that the need for housing at this site did not outweigh the open aspect value of the site and its ecology.

**RESOLVED:**

- (a) That an 'in principle' decision be made that the site at Wrexham Road, Abermorddu, be removed from the UDP due to the concerns regarding the inappropriate scale of development in that part of the settlement, and that the need for housing at this site did not outweigh the open aspect value of this site and its ecology;
- (b) That the decision be subject to confirmation at the final meeting of the DPP;
- (c) That, subject to that confirmation, the DPP recommend accordingly to the Council.

**Submission 8 - HSG1 (49) Connah's Quay Road, Northop - MOD 11/70**

The Chairman suggested that this item be deferred to the next meeting of the DPP. However, the Local Member, Councillor M. Bateman, said that there was an existing planning application for the site and referred the DPP to the letter received from Redrow indicating that the density on the site would be 22.7 dwellings per hectare.

The Head of Planning Policy said that the application which had been submitted and the letter to which the Local Member had referred would alleviate the concerns raised by the local Member.

Councillor R.C. Bithell moved the proposal that the density on the site be limited to 22.7 dwellings per hectare as reflected in the letter from Redrow, and this was duly seconded by Councillor N. Phillips. On being put to the vote, the proposal was CARRIED.

**RESOLVED:**

- (a) That an 'in principle' decision be made that the density on the site be limited to 22.7 dwellings per hectare as reflected in the letter from Redrow;
- (b) That the decision be subject to confirmation at the final meeting of the DPP;
- (c) That, subject to that confirmation, the DPP recommend accordingly to the Council.

**19. DURATION OF MEETING**

The meeting commenced at 9.15 a.m. and ended at 12.37 p.m.

.....  
**Chairman**

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

<b>DEVELOPMENT PLANS PANEL</b>	<b>DATE: 22 JULY 2010</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
Councillor N. Phillips	Rose Lane, Mynydd Isa Site (MOD 11/74)	17

**DEVELOPMENT PLANS PANEL**  
**28 SEPTEMBER 2010**

Minutes of the meeting of the Development Plans Panel of the Flintshire County Council held at County Hall, Mold on Tuesday, 28 September 2010.

**PRESENT: Councillor P.G. Heesom (Chairman)**

Councillors: J.B. Attridge, R.C. Bithell, E.G. Cooke, C.J. Dolphin, A.M. Halford, R. Hughes and A.P. Shotton.

**ALSO PRESENT:**

Councillors Eng. K. Armstrong-Braun, M. Bateman, Q.R.H. Dodd, H.T. Isherwood and S. Jones.

**APOLOGY:**

Councillor N. Phillips.

**IN ATTENDANCE:**

Head of Planning, Head of Planning Policy, Team Leader (Policy), Principal Solicitor and Committee Officer.

**20. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**21. ANNOUNCEMENT BY THE CHAIRMAN**

The Chairman asked the Head of Planning Policy to update Members since the last DPP meeting on 22 July.

The Head of Planning Policy reminded Members that officers had agreed to prepare development briefs in respect of the following sites:-

- Land West of Broughton Retail Park (Submission 1) and
- Former Sewage Works, Sychdyn - HSG1 (53) (Submission 5)

and to produce supplementary planning guidance regarding the application of policy S11 (Submission 10).

The Chairman sought delegated authority to seek agreement with the relevant Local Members that the development briefs, once prepared, met the concerns raised. The Principal Solicitor clarified that the any supplementary guidance would need to be referred to the Executive for formal approval. Delegated authority to the Chairman was proposed by Councillor C.J. Dolphin and was duly seconded by Councillor A.M. Halford and was duly **AGREED**.

## 22. **MINUTES**

The minutes of the meetings of the Committee held on 8 July, 16 July (am and pm) and 22 July, 2010 had been circulated to Members with the agenda.

### 16 July 2010 pm meeting

Councillor A.P. Shotton referred to the second paragraph on page 22 regarding Submission 2 and requested that 'not' be included after 'Mancot' in the third line.

The above amendment was proposed by Councillor A.M. Halford and duly seconded by Councillor C.J. Dolphin.

### **RESOLVED:**

That subject to the above amendment, the minutes be approved as a correct record and signed by the Chairman.

## 23. **CONSIDERATION OF MEMBER SUBMISSIONS AND BACKGROUND CORE DOCUMENTS**

### Submission 6 – Rose Lane, Mynydd Isa – MOD 11/67

The Head of Planning Policy summarised the key points in the submission made by Councillors Q.R.H. Dodd and H.J. McGuill. These included the fact that Councillor Dodd had not been able to give evidence as part of the UDP Inquiry; highway drainage and drainage infrastructure issues; that the site was not originally proposed for inclusion in the development plan; access to the site proposed to be by a mini roundabout at the crossroads at Mercia Drive; as the site was a former tip it was firmly believed that the development was not economically viable and to allocate such a site as this to meet a notional housing need was immoral if it could not be developed.

Some of the points put forward by Councillor H.J. McGuill overlapped with those made by Councillor Dodd but Councillor McGuill's additional comments included that residents had provided evidence about protected species; that Welsh Water had indicated in a letter that a new development might have a detrimental effect on the already existing problem of flooding; and that the site was historically a tip site.

The officer response on page 70 of the officers' responses and recommendations document explained that at the deposit UDP stage the site had been designated as white land outside of the settlement boundary. It was proposed as an omission site by Castlemead Homes and North Wales Estate & Development Company. At the Proposed Changes stage the site was included in the settlement boundary by virtue of Proposed Change 42 and consulted upon. There was concern at the time as to whether access could

be satisfactorily gained and possible landscape and nature conservation interests prevented the site from being allocated.

At the Inquiry stage on 25 September 2007, Officers issued a Position Statement to the effect that the Council had no objection to the site being allocated for housing on account of technical evidence submitted by North Wales Estate & Development Company and an agreement with the Highways Department. The scheduled session on 19 December to discuss the objection seeking the sites allocation for housing was cancelled by the Inspector as there was by then common ground between the parties. The Inspector considered the issues raised by objectors and recommended that the site be allocated for housing; this was incorporated into Proposed Modification 11/67 and was approved by Council on 14 July 2009. The Head of Planning Policy said that objections to the proposed modification were not considered by Officers to raise any new issues or evidence and could be appropriately resolved at planning application stage.

In clarification of his submissions, Councillor Dodd said that it had been suggested that the site had only been looked at in 1973 but this was not the case. Planning officers had considered it at regular intervals since and had recognised its unsuitability. He referred to the issue of drainage and said that the site was lower than the surrounding land and because of this, flooding was an existing problem on the site. He said that Councillor McGuill had referred to a letter from Welsh Water about the inadequacy of the foul and surface water drainage. The site was an old tip site and Councillor Dodd felt that there was a need to take account of the tipping that had taken place. The existence of voles and newts on the site needed to be taken into account. He was concerned that the proposed mini-roundabout would cause a danger. He said that if a development brief was prepared it would make it plain that it was completely uneconomical to develop the site.

Finally, Councillor Dodd commented that, in his view, if the site was allocated, and things went wrong or conditions on any permission were watered down, the County Council might potentially be exposing itself to a relator legal action.

The Principal Solicitor advised the DPP that he did not consider that the County Council's allocation of the site and then any grant of planning permission could render it legally liable in the circumstances outlined by Councillor Dodd.

Councillor R.C. Bithell felt that a key issue when considering the submission was drainage. He said that if the site was developed and controlled by appropriate planning conditions it might solve the problems and he queried whether it could be dealt with at the development control stage. He asked whether a developer could be asked to contribute via a section 106 agreement for drainage.

Councillor C.J. Dolphin commented that deciding an application on economics was not part of the remit of the DPP. He queried why Councillor

Dodd had not been allowed to put forward his evidence at the Inquiry and also what new evidence was before the panel today. He proposed that the DPP agree with the officer recommendation in the report.

Councillor E.G. Cooke asked the Head of Planning Policy whether the flood and water issues could be included in a development brief. He also commented on the mini roundabout at Mercia Drive which Councillor Dodd had raised concern about. In response, Councillor Dodd said that it was a four way crossroads which was the main route into the community for buses and vehicles to service the shops. He felt that there was insufficient space to include an adequately sized roundabout. The Head of Planning Policy advised that the principle of a roundabout was acceptable to Highways officers.

In response to Councillor Dolphin's query, Councillor Dodd said that the Inspector had refused to allow him to speak. The Head of Planning Policy indicated that Councillor Dodd had not made a "duly made" objection. He added that Councillor McGuill did give evidence on many of the same issues as Councillor Dodd. On the issue of drainage, the officer said that Highways were aware of existing problems and flooding but went on to refer to betterment, in that the proposed development could improve the existing situation. He commented on the letter from Welsh Water dated 16 December 2009 where it was reported that any drainage issues arising from the proposed allocation could be addressed as part of the development control process and the policies within the UDP would ensure any new development would not worsen the situation.

The Head of Planning Policy said that the Inspector had commented that, as a Category B settlement, Mynydd Isa could grow by up to 15%. He said that it was a sustainable settlement and even if the site were developed, Mynydd Isa would not reach the upper end of the growth band. He concluded that there was nothing to warrant Members having a concern or to make them not allocate the site. He added that this site had not been looked at in isolation by the Inspector and she had taken the view that the best option was to include the site in the plan.

Councillor Halford referred to a memo dated 16 December 2009 (item 6.13 in the core documents folder) and felt that it included an element of caution about the roundabout. She also referred to the penultimate paragraph where it was stated that the Authority were aware that the existing junction was prone to problems of flooding and the development, if it proceeded, would present an opportune time to fully investigate the situation and take positive action to rectify and improve matters as part of the overall site development.

Councillor Bithell queried where the surface water would go and in response the Head of Planning Policy said that the natural topography gave the opportunity for a Sustainable Urban Drainage System (SUDS) scheme which could form part of the drainage solution.

Councillor Dodd said that floods occurred at the mouth of Mercia Drive and added that the full extent of what had been put in the tip had not been explored.

Councillor Dolphin said that the matters of drainage were very pertinent but reiterated that no new evidence had been presented. He proposed that the officer recommendation in the report be accepted and this was duly seconded by Councillor A.P. Shotton who also proposed that a development brief be prepared. The Head of Planning Policy commented that, due to the technical nature of the issues, the time it would take to produce a development brief and the cost involved, coupled with the fact that a developer would carry out the same studies that the Authority would need, a development brief was not appropriate for this site. There had already been some developer interest in this site and he was committed to all the issues which had been raised. Councillor Shotton withdrew his proposal and Councillor Halford then seconded the original proposal by Councillor Dolphin.

**RESOLVED:**

- (a) That an 'in principle' decision be made to agree with the officer recommendation that the previous Council resolution on 14 July 2009 to accept the Inspector's recommendations regarding the allocation of Rose Lane, Mynydd Isa, which resulted in Proposed Modification 11/67, be confirmed;
- (b) That the decision be subject to confirmation later in this meeting; and
- (c) That, subject to that confirmation, the DPP recommend accordingly to the Council.

**Submission 11 – General Density of Residential Development – MOD 11/1 & 11/117**

The Chairman commented that the issue of density had been a material part of the decisions already made and he felt that it was more appropriate to leave the issue for discussion at the County Council meeting. Councillor Shotton disagreed and said that the DPP had been tasked with examining all of the submissions and making submissions accordingly. In response the Chairman reiterated that the issue of density had featured in a number of objections and added that he had not pursued his submission as he was satisfied that it would be dealt with in the course of other submissions.

The Principal Solicitor advised that at the Special County Council meeting held on 9 March 2010, the Council had understood that the 30 per hectare density added by the Inspector was a policy guideline which would be subject to detailed consideration as part of the development control process. He also read out the recommendation from the County Council meeting held on 27 April 2010. As he understood it, the remit of the DPP was to consider density specifically but added that if Members were satisfied that it had been dealt with in the process of considering the other submissions, he suggested that the DPP need make no further comment on the issue of density generally.

Councillor A.P. Shotton reiterated his earlier comments regarding the DPP's responsibilities. Whilst there might be issues on individual sites about density, he accepted that others could be 30 dwellings per hectare. He then proposed that the DPP accept the recommendation of officers and this was duly seconded by Councillor Attridge.

Councillor Bithell said that he disliked the proposal of 30 per hectare but said that it could be accepted in principle and be adapted to specific sites. He felt that there was a need to be careful in how it was applied in particular applications.

**RESOLVED:**

- (a) (i) That an 'in principle' decision be made to agree with the officer recommendation that the previous Council resolution on 14 July 2009 to accept the density of housing development, which resulted in Proposed Modifications 11/1 and 11/117, be confirmed subject to the option to adapt to specific sites;
- (ii) That the resolution of Members at the Special County Council meeting on 9 March 2010 '*Council understands that the 30 per hectare density added by the Inspector is a policy guideline which will be subject to detailed consideration as part of the development control process*' be confirmed;
- (b) That the decision be subject to confirmation later in this meeting; and
- (c) That, subject to that confirmation, the DPP recommend accordingly to the Council.

**24. TO CONFIRM 'IN PRINCIPLE' DECISIONS TAKEN AT PREVIOUS PANEL MEETINGS**

Councillor J.B. Attridge proposed that all of the decisions be accepted en bloc but this proposal was not accepted by the Chairman. The Principal Solicitor suggested that each resolution be considered individually to allow the Head of Planning or Head of Planning Policy to make any comments.

The Head of Planning Policy said that there were two issues to bring to Members' attention. On submission 2 regarding Ash Lane, Mancot, it was not in the minutes or the resolution as to whether the green barrier should be reinstated alongside the deletion of the housing allocation. Prior to its allocation for housing, the site had been proposed as green barrier but this issue had not featured in the DPP debate. As the green barrier was a separate policy issue, he proposed to refer to the matter in the report to the full Council. It was moved by Councillor Bithell and seconded by Councillor Shotton that this be accepted. This was **AGREED**.

On submission 4 for HSG1 (41a) West of Wrexham Road, Abermoddu, the resolution was to recommend that the site be removed from the UDP and the Head of Planning Policy understood that it was the DPP's intention to remove the land from the settlement boundary. This was confirmed.

### Submission 3 - Overlea Drive, Hawarden – MOD 11/55

Councillor Halford felt that there were sufficient grounds to ask that Overlea Drive be not included in the UDP. She said that initially she had agreed that the officer recommendation be accepted but had now decided that this was incorrect. This site had been the first one considered by the DPP and she felt that it would have been helpful to have had the benefit of seeing how the Ash Lane, Mancot, site had been considered.

Following a discussion, the Head of Planning said that the DPP had followed the same process for this submission and clarification had been sought from Councillor Carver.

On being put to the vote, the decision made at the meeting on 8 July 2010 to agree with the officer recommendation that the previous Council resolution on 14 July 2009 to accept the Inspector's recommendations regarding the allocation of the land at Overlea Drive, Hawarden which resulted in Proposed Modification 11/55, was confirmed.

### Submission 1 – Land West of Broughton Retail Park, Broughton (The Compound Site) – MOD 11/45

On being put to the vote, the decision made at the meeting on 16 July 2010 (am) to agree with the officer recommendation that the previous Council resolution on 14 July 2009 to accept the Inspector's recommendations regarding the allocation of the Land West of Broughton Retail Park, which resulted in Proposed Modification 11/45, and that a development brief be prepared, was confirmed.

### Submission 7 - HSG1 (25) South of Retail Park, Broughton – MOD 11/20 & 11/44 capped at 25 houses/hectare

On being put to the vote, the decision made at the meeting on 22 July 2010 that the density on the site be restricted to 25 per hectare due to concerns regarding the traffic implications on the highway infrastructure in Broughton of an increased number of dwellings at the site, notwithstanding the contents of the draft report by Mouchel, was confirmed.

### Submission 9 – The Re-designation of L3 (18) – MOD 7/36

On being put to the vote, the decision made at the meeting on 16 July 2010 (pm) to agree with the officer recommendation that the previous Council resolution on 14 July 2009 to accept the Inspector's recommendations regarding the amendment of L3 (18)/L3(32) by FPC 605 which resulted in Proposed Modification 7/36, was confirmed.

### Submission 2 - Ash Lane, Mancot – MOD 11/63

On being put to the vote, the decision made at the meeting on 22 July 2010 that the site at Ash Lane, Mancot, be removed from the UDP due to the

concerns felt by the DPP about housing growth figures in Mancot and the accuracy of the figures provided to the Inspector at the public inquiry, was confirmed. It was also recommended that if the site were removed from the DPP, it should be designated as green barrier.

Councillor Dolphin asked that it be recorded that he had agreed with the officer recommendation and was not in support of the resolution.

#### Submission 5 - HSG1 (53) Former Sewage Works, Sychdyn – MOD 11/74

On being put to the vote, the decision made at the meeting on 16 July 2010 (pm) to agree with the officer recommendation that the previous Council resolution on 14 July 2009 to modify the former Sewage Works, Sychdyn, allocation (MOD 11/74) and to prepare a development brief for the site, was confirmed.

#### Submission 10 - The Re-designation of S11 - MOD 12/40 & 12/41

On being put to the vote, the decision made at the meeting on 22 July 2010 that Proposed Modifications 12/40 and 12/41 be carried forward to adoption on the basis that the submission raised no substantive new issues that warranted a re-opening of the Public Inquiry or further Proposed Modification, subject to the production of supplementary planning guidance, was confirmed.

#### Submission 4 - HSG1 (41a) West of Wrexham Road, Abermoddu - MOD 11/60

On being put to the vote, the decision made at the meeting on 22 July 2010 that the site at Wrexham Road, Abermoddu, be removed from the UDP due to concerns regarding the inappropriate scale of development in that part of the settlement and that the need for housing at this site did not outweigh the open aspect value of this site and its ecology, was confirmed. It was noted that the Head of Planning Policy had also indicated that the settlement boundary would be amended accordingly.

In addition, in relation to submissions 1 and 5, it was **RESOLVED** that the Chairman be given delegated authority to seek agreement with the relevant Local Members that the development briefs, once prepared, met the concerns raised.

It was also **RESOLVED** that the above decisions would be the DPP's recommendations to the County Council pursuant to the County Council's resolution on 17 April 2010.

In response to a question from Councillor Attridge, the Chairman referred to a meeting which had been held with Welsh Assembly Government (WAG) planning officers regarding the UDP process. The Head of Planning Policy said that the meeting was part of a regular update that they required and informal advice had been provided verbally.

Submission 8 - HSG1 (49) Connah's Quay Road, Northop - MOD 11/70

The Head of Planning Policy explained that there was a current application in on this site and added that it was a good example of how the density could be varied on a site.

On being put to the vote, the decision made at the meeting on 22 July 2010 that the density on the site be limited to 22.7 dwellings per hectare, as reflected in the letter from Redrow, was confirmed.

Submission 6 – Rose Lane, Mynydd Isa – MOD 11/67

On being put to the vote, the decision made earlier at the meeting to agree with the officer recommendation that the previous Council resolution on 14 July 2009 to accept the Inspector's recommendations regarding the allocation of Rose Lane, Mynydd Isa, which resulted in Proposed Modification 11/67, was confirmed.

**25. NEXT STEP**

Following a discussion about the next step in the process, the Principal Solicitor explained that it was for County Council to make a decision on the recommendations put forward by the DPP. The Head of Planning Policy said that he would produce a report to be submitted to County Council but added that it was not the purpose of the report to challenge the decisions made by the DPP. The report would include details of what would happen in terms of deleting some of the sites and advice on possible courses of action. The Principal Solicitor said that it was ultimately County Council who would have the final decision on the sites unless there was intervention by WAG.

The Chairman commended the officers for the work they had undertaken.

**26. SUBMISSION 5 – HSG1 (53) FORMER SEWAGE WORKS, SYCHDYN – MOD 11/74**

Councillor M. Bateman queried the minute on Submission 5 – HSG1 (53) Former Sewage Works, Sychdyn – MOD 11/74 and said that she did not recall the area of development being limited from 65 to approximately 57 or 58 units being mentioned in the meeting. The Head of Planning Policy said that 1.9 hectare would equate to 57 or 58 units and did recall it being raised. Following a discussion, it was agreed that the second sentence in the third paragraph on page 25 of the agenda would be amended to read as follows:-

'He also referred to creating a 15 metre buffer and not building on it which would limit the area for development from 65 to approximately 57 or 58 units (on the Inspector's density figure) or approximately 1.9 hectares, which with the provision of play space could be in the low 50s.'

**RESOLVED:**

That the minute for Submission 5 (16 July 2010 pm meeting) be amended as detailed above.

**27. DURATION OF MEETING**

The meeting commenced at 2.00 p.m. and ended at 3.30 p.m.

.....  
**Chairman**

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

<b>DEVELOPMENT PLANS PANEL</b>	<b>DATE: 28 SEPTEMBER 2010</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
NO DECLARATIONS WERE MADE		

## Appendix 3

### Further Proposed Modifications

Further Modification Number	Deposit UDP Reference	Site Name	Modification	Council's Reasons
FPMOD1	HSG1(25)	South of Retail Park, Broughton	In the Housing Allocations Table amend yield to '235' based on 25dpha thereby revoking MOD11/44.	The capacity of the site is restricted having regard to concerns about traffic implications on the highway infrastructure in Broughton of an increased number of dwellings at the site, notwithstanding the contents of the draft report by Mouchel.
FPMOD2	HSG1	Ash Lane, Mancot	Revoke MOD11/63 with the effect that the site is no longer allocated for housing, the settlement boundary is drawn back and green barrier reinstated.	The development of the site is unacceptable having regard to concerns about housing growth figure for Mancot and the accuracy of the housing growth figures provided to the Inspector.
FPMOD3	HSG1(41a)	West of Wrexham Road, Abermorddu	In the Housing Allocations Table delete the housing allocation thereby revoking MOD11/60 and draw back the settlement boundary.	The development of the site is unacceptable having regard to the inappropriate scale of development in that part of the settlement and that the need for housing at this site does not outweigh the open aspect value of the site and its ecology.
FPMOD4	Page 67 para 11.22		Amend updated Housing Balance Sheet (MOD11/16) by: i) replacing the 'new allocations in UDP' figure with '3137' ii) replacing 'over allocation' figure with '669' iii) deleting 'further flexibility' iv) replacing 'actual flexibility allowance' with '9%'.	To reflect revisions to the Housing Allocations Table in HSG1 as a result of the site specific Further Proposed Modifications
FPMOD5	Page 68 Para 11.26		Amend wording of MOD11/20 by: i) inserting a new figure of '3,137' in	

**Appendix 3**

			the first sentence ii) replacing '1040' with '669' in second sentence iii) replacing '14%' with '9%' in second sentence.	
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