

7.12. L3 (5) Broughton Park landscape buffer, Bretton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3203	Flintshire Green Party	DEP	O	No
501	641	Broughton & Bretton Community Council	DEP	S	No
1119	1495	Anwyl Construction Company Limited	DEP	O	No
2106	4702	Countryside Council for Wales	DEP	O	No
2678	6282	North East Wales Wildlife Trust	DEP	O	No
3556	9083	British Land Company plc	DEP	O	Yes
7411	18700	Development Securities plc	DEP	O	No
3556	18558	British Land Company plc	PC	O	No
7411	18559	Development Securities plc	PC	O	No

Summary of Objections:

Rep No	Summary
3203	Seeks inclusion of S1(10) within green space designation
1495	Delete land to west of retail park from green space; serves no useful purpose as green space; private ownership
4702	Northern part needs to be appropriately managed to maintain great crested newt interest
6282	Area is set aside for the benefit of great crested newts
9083 18700	Delete designation to west (compound site); north (vicinity of S1(10)); south of retail park
18558 18559	Align accurately with boundary of retail park following grant of planning permission; revised boundary does not coincide with the area granted planning permission to the south of the existing southern service road

Key Issues:

7.12.1. Whether:-

- i) the policy should incorporate measures for the management of the site
- ii) wildlife interest should be recognised under L3
- iii) the designation should be amended.

Conclusions:

7.12.2. Management - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

7.12.3. Wildlife - I accept that the site has wildlife interests which need to be protected. However, in response to objections to L3 above I give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not. I can add nothing further to this site specific objection.

7.12.4. S1(10) land – PC106 amends L3(5) in the light of a planning permission to extend the retail park. The permission is a *fait accompli* and it is not appropriate to retain the L3 designation on the areas included in the application site.

However, PC106 also includes a narrow strip of land fronting Chester Road to the north of S1(10). From the evidence before me this strip does not appear to be subject to the planning permission. It is too small an area to satisfy the reasons for designating green spaces set out in L3 and I support its removal from L3(5). I give further consideration to the narrow strip in my conclusions relating to S1(10) in Chapter 12 where I also recommend a triangular area of land to the east of S1(10) should be incorporated into the allocation. As a consequence the triangular site should be deleted from L3(5).

- 7.12.5. I do not support the redesignation of the S1(10) land as green space as sought in 3203. It is not publically accessible land and it does not form part of an amenity/leisure area as stated. I am informed that the permanent amphibian fencing installed to prevent newts from the adjacent reserve encroaching onto S1(10) may have been breached. However, I am satisfied that the development control process could ensure appropriate mitigation measures. As I have indicated above, planning permission has been granted to develop part of the area. An alternative designation would not override that permission. As regards the remainder of the S1(10) area I do not consider any of the perceived constraints/attributes of the land are sufficient to justify its designation as green space.
- 7.12.6. South of the retail park – PC106 also amends the green space designation to the south of the petrol station in the light of the planning permission. 18558 does not consider this realignment accurately reflects the area included in the permission. However, if further, and what appear to be minor adjustments are required to this area of green space it would not undermine the reasons for the designation. It is a detailed matter which can be addressed through the development control process and does not justify further modification to L3(5).
- 7.12.7. Compound site – 1495 relates to a slightly larger area than the compound area referred to in 9083 & 18700. The deletion of parts of the green space around the retail park as a result of PC106 reduces the open setting of that development and weakens the network of open spaces in the area. As a consequence I do not consider it is necessary to retain this area of green space as part of the network of green space around the retail park. No evidence has been given to indicate why the buffer between the retail park and the housing to the west needs to be so extensive. The green space to the south of the compound is much narrower and there are no indications it does not provide an appropriate buffer. The area that is the subject of these objections has no value as a character feature in the locality or inherent landscape quality. Neither does it provide a link to open countryside. Its deletion from L3(5) would not undermine the remaining areas. These conclusions reinforce those to be found in HSG1 - Broughton in Chapter 11 where I recommend that the land should be allocated for housing development.
- 7.12.8. Finally I note the ownership of land is not a justification for the designation or deletion of green space and my conclusions are not based on this consideration.

Recommendations:

- 7.12.9. I recommend the plan be modified by;
- i) PC106
 - ii) deleting the triangular area of land to the east of S1(10) from the green space designation.

- iii) deleting the compound site from the designation.

7.13. L3 (7) Areas around Broughton Hall Road underpass, Broughton

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2106	4703	Countryside Council for Wales	DEP	O	No
2678	6285	North East Wales Wildlife Trust	DEP	O	No

Summary of Objections:

Rep No	Summary
4703 6285	Should be managed as a community nature reserve for its woodland/grassland/ponds to maintain amphibian interest

Key Issues:

7.13.1. Whether:-

- i) the policy should incorporate measures for the management of the site
- ii) wildlife interests should be recognised under L3.

Conclusions:

7.13.2. Management - The UDP sets out land use policies which seek to control development. Essentially policies such as L3, which seeks to prevent development that would materially harm the function and value of green spaces, are reactive. It cannot require an area allocated as a green space be managed in a particular way. That falls outside the scope of a UDP policy. Therefore even though it may be desirable that a particular management regime is followed, it is a matter which must be pursued outside the inquiry process.

7.13.3. Recognition - I accept that the site has wildlife interests which need to be protected. However, in response to objections to L3 above I give reasons why I consider it is not necessary for the list of green spaces to differentiate between L3 sites which have wildlife interest and sites which do not. I can add nothing further to this site specific objection.

Recommendation:

7.13.4. I recommend no modification to the plan.

7.14. L3 (9) Adj. St Michael's Church, Brynford

Representation:

Personal ID	Rep Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2614	5927	Representative Body of the Church in Wales	DEP	O	No

Summary of Objection:

Rep No	Summary
5927	This objection is dealt with in Chapter 11 HSG1 - Brynford with 17641