

12.2. Indicator of Policy Performance

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5096	Welsh Assembly Government	DEP	O	Yes

Summary of Objection:

Rep No	Summary
5096	Question the need for IPP61

Key Issue:

12.2.1. Whether IPP61 should be deleted from the plan.

Conclusions:

12.2.2. PC365 proposes the deletion of IPP61 as there is a lack of baseline information to monitor it. I agree it should be deleted. The retention of a traditional shop front does not necessarily equate to the promotion of good design which is what the Council says IPP seeks to measure.

Recommendation:

12.2.3. I recommend the plan be modified by PC365.

12.3. Targets

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
2350	5097	Welsh Assembly Government	DEP	O	Yes

Summary of Objection:

Rep No	Summary
5097	85% of all new retail development located in and around town centres appears too high

Key Issue:

12.3.1. Whether Target 8 should be changed.

Conclusions:

12.3.2. The Council accepts that as worded Target 8 relates only to town centres and by PC366 proposes the addition of district and local centres. The inclusion of these additional locations is more reflective of PPW (MIPPS 02/2005) para 10.1.1. I support the PC which has resulted in the conditional withdrawal of the objection.

12.3.3. However, the lack of a definition of what the 85% refers to leads to ambiguity. I assume that it refers to floorspace rather than the number of developments. If it is the former then this should be made clear in the wording of the target. If it

is the latter I do not consider the target is sufficiently robust or challenging. This should be addressed at the modification stage.

Recommendations:

12.3.4. I recommend the plan be modified by:-

- i) PC366
- ii) defining 85%.

12.4. Paragraph 12.1 - 12.8

Representations:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
3556	9077	British Land Company plc	DEP	O	No
7411	18696	Development Securities plc	DEP	O	No

Summary of Objections:

Rep No	Summary
9077 18696	Approach to retail provision is contrary to PPW. The Council should assess the quantitative and qualitative need for retail in the County to assess future capacity and needs. Work by the objectors suggests there is significant leakage out of the County and unmet demand. The assertions in para 12.2 regarding out of town shopping are not borne out locally. Unmet demand can only be met at Broughton; include allocation in S1 to enable complementary A1 retail uses to meet sub regional shopping needs

Key Issue:

12.4.1. Whether the Council's approach to retail provision is flawed and contrary to PPW.

Conclusions:

12.4.2. I do not consider the Council's approach to retail provision is fundamentally at odds with PPW. It seeks to promote established town, district and local centres as the most appropriate locations for retailing. The Council commissioned a Countywide retail capacity study which recognises that whilst there is significant leakage out of the County, the potential for claw back is limited given that Flintshire is part of the sub region of Chester. I have seen no substantive evidence which points to significant unmet demand. The synopsis of the case of need for the extension to the Broughton Retail Park (also referred to as the Broughton Shopping Park) relates to a specific planning application rather than the County as a whole.

12.4.3. As a consequence of the above there does not appear to be the evidence base to suggest that future retail provision will necessitate the substantial expansion of town/district centres or growth of out of centre retail developments whether selling convenience or comparison goods. S1 identifies a number of sites which are allocated for retail expansion. Should the retailing situation change and schemes for additional development on unallocated sites come forward, they can be tested against the policies in Chapter 12. This is in line with guidance in PPW (MIPPS 02/2005) para 10.2.13.

- 12.4.4. The plan aims to focus new retail and commercial development in the town and district centres. The emphasis on existing centres is in line with national policy. Whilst the Broughton Retail Park is a significant retail destination in its own right, and clearly serves a much wider hinterland than Broughton itself, it does not have the wider attributes of a town or district centre and as such I do not consider it should be afforded the same status as the shopping centres within the town and district centres. To include it as an S1 allocation would undermine the thrust of the policy and would be contrary to national policy. Without evidence to the contrary I consider it would undermine the existing town and district centres.
- 12.4.5. That being said, things have moved on since the plan was produced and planning permission has been granted for more retail development at the retail park. I find it unsatisfactory that the plan is silent on the significant contribution the retail park makes to the retail offer of Flintshire and its function. As a substantial development with permission for expansion it should not be ignored. I consider the plan should explain the place of the retail/shopping park in the shopping hierarchy.
- 12.4.6. Other Matters – Para 12.2 of the UDP indicates the Council's view on the impact out of town shopping centres have on traditional shopping centres. As a general statement I consider it is acceptable. However, no evidence has been produced to substantiate the specific reference to the impact of the Broughton Retail Park. This inappropriate reference to this site should be removed.

Recommendations:

- 12.4.7. I recommend the plan be modified by:-
- i) deleting Broughton Retail Park from the penultimate sentence in paragraph 12.2
 - ii) indicating in the supporting text the role of the Broughton Retail Park and why it is not included in the list of key shopping centres.

12.5. Paragraphs 12.4-12.5

Representation:

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
5191	17848	Somerfield Stores	DEP	O	No

Summary of Objection:

Rep No	Summary
17848	Paras 12.4 and 12.5 do not mention requirement to assess need for retail floorspace

Key Issue:

- 12.5.1. Whether paras 12.4 and 5 should be changed to meet the objection.

Conclusions:

- 12.5.2. The Council acknowledges that the paragraphs do not reflect national planning policy and propose PC367, as an addition to 12.5, to rectify the matter. I agree in principle that the UDP should make specific mention of the assessment of

Recommendation:

12.12.5. I recommend the allocation and Table S1 be modified to reflect the extent of the allocation in the light of the planning permission granted in April 2008.

12.13. S1(8) Land adj. Sheridan Avenue, St David's Park, Ewloe**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
72	17275	Walkden	DEP	O	No
137	169	Coram	DEP	O	No
178	217	Maitland	DEP	O	No
330	404	Winter	DEP	O	No
1198	1653	Bending	DEP	O	No
1385	1930	Rivers	DEP	O	No
2295	4654	Bowey Homes Ltd	DEP	O	No
3832	9852	Colwell	DEP	O	No
3833	9854	Doherty	DEP	O	No
5354	13811	Parry	DEP	O	No
6720	15644	Coram	DEP	O	No
6720	15648	Coram	DEP	O	No

Summary of Objections:

Rep No	Summary
4654	A more central location (HSG1(30)) would be more suitable
All others	Delete the allocation. No need for more shopping in locality. It will increase traffic dangers, pollution, litter, anti-social behaviour. Develop instead for housing, nursery purposes, medical facilities, library or landscape

Key Issue:

12.13.1. Whether the allocation should be deleted.

Conclusions:

12.13.2. The allocation is now a *fait accompli*. A Co-op store and housing have been built on the site. It would therefore serve little purpose to comment on the merits of the objections. I shall however, recommend the deletion of the allocation as it has been implemented.

Recommendation:

12.13.3. I recommend the allocation be deleted from the plan.

12.14. S1(10) Land to the North of Broughton Retail Park, Broughton**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3202	Flintshire Green Party	DEP	O	No
501	640	Broughton & Bretton Community Council	DEP	S	No
1022	1345	Mold Town Council	DEP	S	Yes
2106	4599	Countryside Council for Wales	DEP	O	No

2239	4281	Clayton	DEP	O	No
2678	6416	North East Wales Wildlife Trust	DEP	O	No
3543	9005	Chester City Council	DEP	O	No
3556	9085	British Land Company plc	DEP	O	No
7411	18702	Development Securities plc	DEP	O	No

Summary of Objections:

Rep No	Summary
3202	Delete allocation; replace as green barrier and greenspace designation
4281	Objects to commercial allocation
4599	Includes great crested newt habitat. Amend boundary to follow newt barrier fence
6416	Extends into great crested newt mitigation site; delete allocation
9005	Conflicts with the UDP strategy which directs such development to town and district centres
9085 18702	Extend the allocation site; amend wording of S1 insofar as it relates to this site

Key Issues:

12.14.1. Whether:-

- i) the allocation conflicts with the UDP strategy
- ii) the allocation should be amended
- iii) the allocation conflicts with great crested newt habitat
- iv) the text in the table accompanying S1 should be amended.

Conclusions:

- 12.14.2. **Strategy** – The table accompanying S1 indicates that the allocation is *to be developed for non-retail commercial use*. STR5 indicates that sites for commercial development will be identified in Broughton as well as other locations. Because it is planned growth I do not consider the allocation conflicts with the strategy to the detriment of town and district centres.
- 12.14.3. **Allocation** - 9085 & 18702 refer to land to the north, west and east of the allocation. Since those objections were made planning permission has been granted to extend the retail park. The permission is a *fait accompli* and has a knock on effect on the green space to the north and west of S1(10) which I recommend for deletion in L3(5) in Chapter 7. It is also appropriate to delete that part of S1(10) which is the subject of the permission (FPC625).
- 12.14.4. As a result of the change to the green space designation, it would be logical to extend S1(10) to include the narrow strip of land fronting onto Chester Road to ensure it is taken into consideration as part of any development proposal.
- 12.14.5. Turning now to land to the east. The Council did not include this triangular area as part of S1(10) since it was considered that it did not provide any meaningful developable area. However it could be developed as part of S1(10). It would not need to be developable in its own right and I do not find this to be a sound argument to include the land in the green space.
- 12.14.6. S1(10) is for non retail commercial uses. However, in the light of the extant permission to extend the retail park, it is now uncertain whether it will be used to accommodate such development. Adding the objection land to the east would help compensate for the potential loss of non retail commercial uses.
- 12.14.7. The Council's argument that the land was *included in the green space designation partly to provide an additional area of protection and buffer between proposed development and the newt reserve* is somewhat confusing.

The County Ecologist indicates in a memo dated 8 April 2008 that *the creation of a buffer zone between the commercial allocation and the pocket nature reserve is desirable and would be so, whether protected species are present or not*. However, such a buffer zone is not indicated as being a necessity. There is no such buffer between that part of S1(10) which is adjacent to the newt reserve. The allocation comes up to the boundary which is marked by permanent amphibian fencing. It is not clear why a similar approach cannot be taken to the triangular parcel of land. Such an approach would be in line with the suggestion made by CCW.

- 12.14.8. The objection land forms part of a larger green space designation. However, it is different in character to the rest of the green space and separated from it by a substantial hedgerow and deep ditch. It is visually and physically separate and does not make such a significant contribution to, or have a significant role in, the network of open spaces in the vicinity.
- 12.14.9. Given these circumstances the green space designation is not justified and I consider the land should be included in S1(10).
- 12.14.10. Great crested newt habitat – The allocation does not intrude into the adjacent newt reserve and on the basis of the matters I have already considered above, the area is not a great crested newt mitigation site. I am informed that the amphibian fencing has been damaged and it may no longer function as intended. There is a possibility that great crested newts will be present on the triangular area of land and the allocation site. However, this is a land management issue. If newts are found on the land appropriate mitigation measures can be taken as part of the development control process as and when proposals come forward to develop the land. I do not consider the proximity of the newt reserve site is sufficient reason to delete the allocation.
- 12.14.11. Text accompanying S1 – I have commented in the introduction to this chapter and in my conclusions on S1 above on the need to define the terms *non retail commercial development* and *commercial development*. Defining these terms will clarify the type of uses envisaged as being appropriate to this allocation. *Adding or such uses that would be complementary to the adjacent shopping facility* as suggested in 9085 would weaken the policy and throw it open to challengeable interpretation. I do not support the objection.
- 12.14.12. Other Matters - I am unable to respond to 4281 given the absence of any indication of the basis for the objection. My conclusions regarding the green barrier are to be found in GEN5:15 in Chapter 4.

Recommendations:

- 12.14.13. I recommend the plan be modified by;
- i) deleting the portion of the allocation shown in FPC625
 - ii) extending the allocation to include the narrow strip of land fronting Chester Road and the triangular area of land to the east of the existing allocation up to the field boundary
 - iii) amending the site area shown in the Table accompanying S1 accordingly.
-

Recommendation:

12.12.5. I recommend the allocation and Table S1 be modified to reflect the extent of the allocation in the light of the planning permission granted in April 2008.

12.13. S1(8) Land adj. Sheridan Avenue, St David's Park, Ewloe**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
72	17275	Walkden	DEP	O	No
137	169	Coram	DEP	O	No
178	217	Maitland	DEP	O	No
330	404	Winter	DEP	O	No
1198	1653	Bending	DEP	O	No
1385	1930	Rivers	DEP	O	No
2295	4654	Bowey Homes Ltd	DEP	O	No
3832	9852	Colwell	DEP	O	No
3833	9854	Doherty	DEP	O	No
5354	13811	Parry	DEP	O	No
6720	15644	Coram	DEP	O	No
6720	15648	Coram	DEP	O	No

Summary of Objections:

Rep No	Summary
4654	A more central location (HSG1(30)) would be more suitable
All others	Delete the allocation. No need for more shopping in locality. It will increase traffic dangers, pollution, litter, anti-social behaviour. Develop instead for housing, nursery purposes, medical facilities, library or landscape

Key Issue:

12.13.1. Whether the allocation should be deleted.

Conclusions:

12.13.2. The allocation is now a *fait accompli*. A Co-op store and housing have been built on the site. It would therefore serve little purpose to comment on the merits of the objections. I shall however, recommend the deletion of the allocation as it has been implemented.

Recommendation:

12.13.3. I recommend the allocation be deleted from the plan.

12.14. S1(10) Land to the North of Broughton Retail Park, Broughton**Representations:**

Personal ID	Representation Number	Individual or Organisation	Stage of Plan	Object or Support	Conditional Withdrawal
59	3202	Flintshire Green Party	DEP	O	No
501	640	Broughton & Bretton Community Council	DEP	S	No
1022	1345	Mold Town Council	DEP	S	Yes
2106	4599	Countryside Council for Wales	DEP	O	No

2239	4281	Clayton	DEP	O	No
2678	6416	North East Wales Wildlife Trust	DEP	O	No
3543	9005	Chester City Council	DEP	O	No
3556	9085	British Land Company plc	DEP	O	No
7411	18702	Development Securities plc	DEP	O	No

Summary of Objections:

Rep No	Summary
3202	Delete allocation; replace as green barrier and greenspace designation
4281	Objects to commercial allocation
4599	Includes great crested newt habitat. Amend boundary to follow newt barrier fence
6416	Extends into great crested newt mitigation site; delete allocation
9005	Conflicts with the UDP strategy which directs such development to town and district centres
9085 18702	Extend the allocation site; amend wording of S1 insofar as it relates to this site

Key Issues:

12.14.1. Whether:-

- i) the allocation conflicts with the UDP strategy
- ii) the allocation should be amended
- iii) the allocation conflicts with great crested newt habitat
- iv) the text in the table accompanying S1 should be amended.

Conclusions:

- 12.14.2. **Strategy** – The table accompanying S1 indicates that the allocation is *to be developed for non-retail commercial use*. STR5 indicates that sites for commercial development will be identified in Broughton as well as other locations. Because it is planned growth I do not consider the allocation conflicts with the strategy to the detriment of town and district centres.
- 12.14.3. **Allocation** - 9085 & 18702 refer to land to the north, west and east of the allocation. Since those objections were made planning permission has been granted to extend the retail park. The permission is a *fait accompli* and has a knock on effect on the green space to the north and west of S1(10) which I recommend for deletion in L3(5) in Chapter 7. It is also appropriate to delete that part of S1(10) which is the subject of the permission (FPC625).
- 12.14.4. As a result of the change to the green space designation, it would be logical to extend S1(10) to include the narrow strip of land fronting onto Chester Road to ensure it is taken into consideration as part of any development proposal.
- 12.14.5. Turning now to land to the east. The Council did not include this triangular area as part of S1(10) since it was considered that it did not provide any meaningful developable area. However it could be developed as part of S1(10). It would not need to be developable in its own right and I do not find this to be a sound argument to include the land in the green space.
- 12.14.6. S1(10) is for non retail commercial uses. However, in the light of the extant permission to extend the retail park, it is now uncertain whether it will be used to accommodate such development. Adding the objection land to the east would help compensate for the potential loss of non retail commercial uses.
- 12.14.7. The Council's argument that the land was *included in the green space designation partly to provide an additional area of protection and buffer between proposed development and the newt reserve* is somewhat confusing.

The County Ecologist indicates in a memo dated 8 April 2008 that *the creation of a buffer zone between the commercial allocation and the pocket nature reserve is desirable and would be so, whether protected species are present or not*. However, such a buffer zone is not indicated as being a necessity. There is no such buffer between that part of S1(10) which is adjacent to the newt reserve. The allocation comes up to the boundary which is marked by permanent amphibian fencing. It is not clear why a similar approach cannot be taken to the triangular parcel of land. Such an approach would be in line with the suggestion made by CCW.

- 12.14.8. The objection land forms part of a larger green space designation. However, it is different in character to the rest of the green space and separated from it by a substantial hedgerow and deep ditch. It is visually and physically separate and does not make such a significant contribution to, or have a significant role in, the network of open spaces in the vicinity.
- 12.14.9. Given these circumstances the green space designation is not justified and I consider the land should be included in S1(10).
- 12.14.10. Great crested newt habitat – The allocation does not intrude into the adjacent newt reserve and on the basis of the matters I have already considered above, the area is not a great crested newt mitigation site. I am informed that the amphibian fencing has been damaged and it may no longer function as intended. There is a possibility that great crested newts will be present on the triangular area of land and the allocation site. However, this is a land management issue. If newts are found on the land appropriate mitigation measures can be taken as part of the development control process as and when proposals come forward to develop the land. I do not consider the proximity of the newt reserve site is sufficient reason to delete the allocation.
- 12.14.11. Text accompanying S1 – I have commented in the introduction to this chapter and in my conclusions on S1 above on the need to define the terms *non retail commercial development* and *commercial development*. Defining these terms will clarify the type of uses envisaged as being appropriate to this allocation. *Adding or such uses that would be complementary to the adjacent shopping facility* as suggested in 9085 would weaken the policy and throw it open to challengeable interpretation. I do not support the objection.
- 12.14.12. Other Matters - I am unable to respond to 4281 given the absence of any indication of the basis for the objection. My conclusions regarding the green barrier are to be found in GEN5:15 in Chapter 4.

Recommendations:

- 12.14.13. I recommend the plan be modified by;
- i) deleting the portion of the allocation shown in FPC625
 - ii) extending the allocation to include the narrow strip of land fronting Chester Road and the triangular area of land to the east of the existing allocation up to the field boundary
 - iii) amending the site area shown in the Table accompanying S1 accordingly.
-

12542	Criterion e should be changed to reflect national guidance which requires only accessibility by a variety of modes of transport
12545	Criterion b duplicates criterion d. Delete
12549	Policy does not accord with PPW. It equates core retail areas to town centres and is inconsistent with para 12.5 and STR5
12595	Out of centre locations form part of the search sequence in national policy. Include in policy and para 12.20
17262	It should first be ascertained if there is a need within a settlement before the location of development is considered
18526	Large shopping schemes may be inappropriate in district/local centres. Delete change. Existing out of town retail parks may be preferable to out of centre locations. Change criterion about need

Key Issue:

12.19.1. Whether the policy and its accompanying text should be changed.

Conclusions:

- 12.19.2. I have recommended changes to STR5 to bring it in line with national policy in PPW and/or to add justification to the plan to explain the divergence. My conclusions below should be read in conjunction with those to STR5.
- 12.19.3. Policy – In general I find S6 to be unclear. A basic problem is that it is concerned with large shopping developments, but there is no indication of what would constitute a large development. If the threshold is high then, it may mean that the development would be of an inappropriate scale and character for a local centre. This needs to be established.
- 12.19.4. Turning now to the wording of the policy. The policy wording should reflect the title. It would be more appropriate for it to refer to *large shopping developments* as the policy does not distinguish between food and non food proposals. Although the Council asserts that a key part of STR5 is the promotion of new retail development within existing shopping centres, even as set out in the draft deposit plan, STR5 simply does not say that. It, like PPW, seeks to promote and protect town, district and local centres, not shopping centres. Apart from the title of the policy STR5 does not mention shopping centres and is entirely silent on the core retail areas.
- 12.19.5. S6 is inconsistent with STR5 by establishing a new step in the sequential approach. The search sequence set out in S6 is core retail area, edge of centre, district/local centres, out of centre. The policy is also at odds with PPW where the search sequence is town centres, edge of centre, district/local centres, out of centre and by implication out of town comes last. There is no mention at all of town centres in S6 and the definition of edge of centre is different to that in TAN4. Whereas TAN4 says that edge of centre is *a location within easy walking distance of the centre, normally not more than 200-300m from existing town centre shops* the Council says edge of centre sites are *within easy walking distance of the CRA (ie within 200-300m)*. The core retail area has supplanted the town centre.
- 12.19.6. There is no substantive evidence from the Council to justify the different approach in Flintshire to national policy. The Council says it reflects the guidance in PPW (MIPPS 02/2005) but I do not agree. Whilst national policy recognises the need to protect primary shopping streets, in a similar way to UDP policy S7, it does not afford such streets priority for new large scale developments. National policy relates to centres generally.

- 12.19.7. I appreciate that the Council believes the pre-eminence of core retail areas is vital in promoting them as desirable locations for new retail development which can enhance the investment image of a town centre, but it is not the only way, there are new schemes within traditional town centres which complement the traditional shopping streets, are attractive and bring added vitality and viability to centres by offering a wider choice.
- 12.19.8. Even though there is no definition of large shopping development, it seems to me that there is no evidence base to suggest that the 5 identified core retail areas could support large shopping developments. It seems unlikely that given the size of most of these core areas, they could accommodate a large development, say for instance in the form of a supermarket, without significant demolition which is most unlikely, particularly in the 3 centres which are also conservation areas. Therefore from a practical point of view I do not consider as written the policy would promote or protect the shopping function of the town centres.
- 12.19.9. I have taken into account whether the search sequence should include out of town retail parks, but they are not mentioned in the national search sequence and, apart from Broughton Retail Park, which I deal with in my conclusions to paras 12.1 – 12.8 above I am not aware that local circumstances are sufficient to justify a departure from the search sequence set out in PPW. These findings lead me to conclude that the policy should be rewritten to reflect the search sequence to be found in national policy and I shall recommend accordingly.
- 12.19.10. Requiring retail developments to be on underused, vacant or brownfield land within town centres goes further than the sequential approach set out in PPW (MIPPS 02/2005). The reuse of brownfield land as a priority is one of the strategic aims of the plan to be found in STR10 and I do not consider it need to be repeated in S6. In these circumstances I support the deletion of criterion b which is proposed by PC376.
- 12.19.11. Whilst the search sequence in PPW (MIPPS 02/2005) does not specifically refer to out of town locations, the definition of *out of town* in TAN4 includes an out of centre development on a greenfield site. It is not clear whether the Council wishes to include such sites in the search sequence. If it does then it should be included and explained in the policy/text. If it does not then criterion c should remain in the plan and any application for a major shopping development outside the settlement boundary would be assessed to see if the material considerations justified an exception to policy. The Council should clarify the criterion at the modification stage.
- 12.19.12. It needs to be explained in criterion d what search sequence it relates to.
- 12.19.13. Criterion e as written is concerned with the convenient location of the site, it does not cover such matters as the layout and design which the Council refer to in its statement at para 4.1(iii). Those are different considerations which are addressed under D2. However, PPW (MIPPS 02/2005)10.2.6 refers to *convenient movement* within town centres and consequently I see no reason why similar wording should not be used in this criterion. National policy also refers to *good access*. The word *accessible*, does not convey a level of ease of access. I do not support the suggested changes to criterion e.
- 12.19.14. It is appropriate that PC377 adds *significant* to criterion f as the term *adverse impacts* needs to be qualified to make the policy clearer.