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20.04.21	26.04.21	26.04.21

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APPENDICES

Appendix 1 ±

Flintshire

Which soundness test(s), set out in Table 27 of the LDP Manual, does it fail?

Why does it fail?

How can the LDP be made sound?

What is the precise change/wording that is being sought?"

1.8 This 56wring Statement aims to assist the Inspectors with the above matters.

Flintshire County Council Local Development Plan - Examination
Matter 12 Site HN1.3 Hearing Statement On Behalf Of Stewart Milne Homes (North West England)
Limited

3. LOCAL DEVELOPMENT PLANS MANUAL 3 (MARCH 2020)

3.1 Local Development Plans Manual 3 was published in March 2020. Table 18 on Page 120 is relevant to this Hearing Statement and states that:

“Rolling forward allocations - Allocations rolled forward from a previous plan will require careful justification for inclusion in a revised plan, aligning with PPW. There will need to be a substantial change in circumstances to demonstrate sites can be delivered and justify being included again. Clear evidence will be required that such sites can be delivered. The sites should be subject to the same candidate site process requirements as new sites i.e. they must be demonstrated to be sustainable and deliverable. If an LPA wishes to retain such sites but cannot evidence they will be delivered, i.e. for aspirational or regeneration purposes, they can still be allocated in the plan but not relied upon as contributing to the provision. It will not be appropriate to include such sites in the windfall allowance. They should be treated as ‘bonus sites’”.

Flintshire County Council Local Development Plan - Examination
Matter 12 Site HN1.3 Hearing Statement On Behalf Of Stewart Milne Homes (North West England)
Limited

6. SOUNDNESS ASSESSMENT & AMENDMENTS SOUGHT

6.1

Appendix 1

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 22 APR 2021 AT 15:47:37. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN HM LAND REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY HM LAND REGISTRY, WALES OFFICE.

TITLE NUMBER: CYM275914

There is no application or official search pending against this title.

ARGRAFFIAD YW HWN O OLWG O'R GOFRESTR FEL Y'I DARPARWYD GAN GOFRESTRFA TIR EM SY'N DANGOS Y COFNODION SY'N BODOLI YN Y GOFRESTR AR 22 APR 2021 AM 15:47:37. OND SYLWER NAD YW'R OLWG O'R GOFRESTR HON YN DDERBYNIOL MEWN LLYS YN YR UN FFORDD Â CHOPI SWYDDOGOL O FEWN YSTYR ADRAN 67 O DDEDDF COFRESTRU TIR 2002. YN WAHANOL I GOPI SWYDDOGOL, EFALLAI NA FYDD YN RHOI HAWL I RYWUN GAEL INDEMNIAID GAN Y COFRESTRYDD OS YW'N DIODDEF COLLED OHERWYDD CAMGYMERIAD YNDDI. NID YW'R COFNODION A DDANGOSIR YN YSTYRIED UNRHYW GEISIADAU SY'N AROS I'W PROSESU YNG NGHOFRESTRFA TIR EM. AT DDIBENION CHWILIO, DYLLID DEFNYDDIO'R DYDDIAD UCHOD FEL Y DYDDIAD I DDECHRAU CHWILIO.

GWEINYDDIR Y TEITL HWN GAN GOFRESTRFA TIR EM SWYDDFA CYMRU.

RHIF TEITL: CYM275914

Nid oes unrhyw gais neu chwiliad swyddogol yn aros i'w brosesu yn erbyn y teitl hwn.

A: Property Register / Cofrestr Eiddo

This register describes the land and estate comprised in the title.

Mae'r gofrestr hon yn disgrifio'r tir a'r ystad a gynhwysir yn y teitl.

FLINTSHIRE/SIR Y FFLINT

1 The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Park Farm, Kelsterton Road, Connahs Quay, Deeside (CH5 4BL).

2 A Conveyance of the land tinted blue on the title plan dated 29 September 1971 made between (1) [REDACTED] and (2) The Council Of The Administrative County Of Flint (Purchaser) contains the following provision:-

"IT is hereby agreed and declared by and between the parties hereto that the western boundary of the land hereby conveyed shall be the centre of the hedge bounding O.S. 525 aforesaid The Purchaser shall on or before the 19th day of November 1971 remove the said hedge and replace it along the whole of the said boundary to its junction with O.S. 526 with an unclimbable and stockproof fence of a type approved by the Vendor's agent which approval shall not be unreasonably withheld."

NOTE: O.S. 525 is the land tinted blue on the title plan.

3 The land tinted pink on the title plan has the benefit of the following rights reserved by the Conveyance dated 26 November 1991 referred to in the Charges Register:-

"THERE is excepted and reserved in fee simple to the Vendors and their successors in title the owners and occupiers for the time being of all or any part of the Vendors adjoining land (shown edged green on the said plan) (hereinafter called "the Retained Land") the following rights:-

(a) The full free right and liberty at all times to carry on any development of whatever nature upon the Retained Land or any part thereof including all such land as may be adjacent or adjoining the Property hereby conveyed notwithstanding any nuisance or inconvenience whether by reason of dirt smoke noise or otherwise howsoever and whether caused to the owner or occupier of the Property hereby conveyed or any other person whomsoever and neither the Purchasers nor their

A: Property Register continued / Parhad o'r gofrestr eiddo

successors in title the owner or owners for the time being of Cerrigllwydion Farmhouse will raise any objection or complaint in respect thereof ...

(b) The full and free right and liberty to develop the Retained Land or any part thereof as the Vendors shall think fit notwithstanding any interference with any right of light or air to the Property hereby conveyed and notwithstanding any nuisance or inconvenience whether by reason of dirt smoke noise smell or otherwise howsoever and whether caused to the owner or occupier of the Property hereby conveyed or any other person whomsoever and neither the Purchasers nor their successors in title the owner or owners for the time being of Cerrigllwydion Farmhouse will raise any objection or complaint in respect thereof ...

THERE is reserved to the Vendors and their successors in title the full and unrestricted right at any time hereafter now and from time to time to erect or permit to be erected any buildings or other erections and to alter any building or other erection now standing or hereafter to be erected on any part of the Retained Land adjoining the Property hereby conveyed in such manner as to obstruct or interfere with the passage and access of light and air to any building which is or may be erected upon any part of the land hereby conveyed and so that all privileges of light and air now or hereafter to be enjoyed over any part of the Retained Land by or in respect of the Property hereby conveyed shall be deemed to be so enjoyed by the Licence or Consent of the Vendors and not as of right ...".

NOTE: Copy plan filed under WA615988.

- 4 The land tinted pink on the title plan has the benefit of the following rights reserved by the Transfer dated 1 July 1994 referred to in the Charges Register:-

"There are reserved out of the Property for the benefit of the Retained Land the rights set out in the Fourth Schedule

THE FOURTH SCHEDULE

RIGHTS RESERVED

1. A full right of way for all purposes at all times with or without vehicles or animals over and along all roads footways pavements to be laid over the Property within the Perpetuity Period
2. A full right of way for all purposes and at all times with or without vehicles or animals over and along a 5.5 metre roadway with two footpaths having a width of 1.8 metres connecting to the roadways footways and pavements referred to in Clause 1 of this Schedule and giving access to and egress from the Retained Land such roadway and footpaths to be constructed during the perpetuity period between the points marked A B and C D on Plan No. 2.
3. The right (in common with all others now entitled or who may be granted the like rights) for the passage and running of water soil gas electricity and fuel oil in by through and into all sewer drains soakaways channels pipes watercourses wires cables and mains now or during the Perpetuity Period passing un under over and along the Property
4. The right at all times hereafter upon reasonable notice to enter upon so much as may be necessary of the Property with workmen and all necessary equipment and machinery for the purposes of constructing the roadway and footpaths referred to in Clause 2 of this Schedule and of maintaining the same until it shall be adopted as maintainable at public expense and of laying making connections into inspecting maintaining repairing renewing and cleansing any pipes sewers cables and conduits provided that the Vendor shall make good all damage occasioned by the exercise of such rights and shall restore the surface of the said land to its former condition forthwith after such exercise."

A: Property Register continued / Parhad o'r gofrestr eiddo

NOTE 1: The Retained Land referred to forms part of the land in this title

NOTE 2: The points A, B, C and D referred to are reproduced on the title plan.

- 5 (28.02.2012) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.
- 6 (24.08.2015) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 7 (24.08.2015) The land has the benefit of any legal easements reserved by the Transfer dated 21 August 2015 referred to in the Charges Register but is subject to any rights that are granted by the said deed and affect the registered land.
- 8 (24.08.2015) The Transfer dated 21 August 2015 referred to above contains a provision as to boundary structures.
- 9 (23.05.2018) The land has the benefit of any legal easements reserved by a Transfer of the land edged and numbered CYM742721 in green on the title plan dated 18 May 2018 made between (1) [REDACTED] and (2) [REDACTED] but is subject to any rights that are granted by the said deed and affect the registered land.

NOTE: Copy filed under CYM742721.

B: Proprietorship Register / Cofrestr Perchnogaeth

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Mae'r gofrestr hon yn nodi'r math o deitl ac yn enwi'r perchennog. Mae'n cynnwys unrhyw gofnodion sy'n effeithio ar yr hawl i waredu.

Title absolute/Teitl llwyr

- 1 (03.10.2019) PROPRIETOR: [REDACTED]
- 2 (03.10.2019) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

C: Charges Register / Cofrestr Arwystlon

This register contains any charges and other matters that affect the land.

Mae'r gofrestr hon yn cynnwys unrhyw arwystlon a materion eraill sy'n effeithio ar y tir.

- 1 The land tinted pink on the title plan is subject to the following rights granted by a Transfer of land lying to the east of the land in this title dated 1 July 1994 made between (1) [REDACTED] (Vendors) and (2) Anwyl Construction Company Limited (Purchaser):-

"The Property is transferred together with the rights set out in the

Title number / Rhif teitl CYM275914

C: Charges Register continued / Parhad o'r
gofrestr arwystlon

Third Schedule

THE THIRD SCHEDULE

RIGHTS GRANTED

Full and free right of access on to the Retained Land for the purposes of connecting such land drains as may be necessary to the new drain to be provided by the Purchaser on the Property."

NOTE: The Retained Land referred to forms part of the land in this title.

- 2 (24.08.2015) A Transfer of the land edged and numbered CYM658003 in green on the title plan dated 21 August 2015 made between (1) [REDACTED] contains restrictive covenants by the Transferor.

NOTE: Copy filed under CYM658003.

End of register / Diwedd y gofrestr