

## Contentsof this Hearing Statement: Matter 12

My comments are structured as follows:

- 1) Lack of disclosure of a key document
- 2) Lack of public consultation on the key document and evidence
- 3) Failure to protect Grade 2 land of HN1.6 due to incorrect assumption and lack of evidence of the sequential test of BMV land
- 4) Poor methodology for site selection
- 5) Unacknowledged site constraints:
  - 5.1 Proximity to a COMAH registered chemical factory
  - 5.2 Highways problems access issues, road safety and roads without pavements
  - 5.3 Water and flooding issues Groundwater, high pressure pipeline and the Mold Flood Alleviation Scheme
- 6) Part A: Detailed

1) Lack of disclosure of a key document [LDPEBDHN1.6.2 Denbigh Rd Mold](#)

consultation whatsoever on this document, nor any consultation on the close proximity of the site to a chemical factory. This would appear to be a breach of planning law and policy.

The Development Plan Manual (Extracts) states:

- 3.79 The foundation of a development plan is the evidence base. A robust evidence base that is relevant, proportionate to the issues the plan is seeking to address and focussed on key issues is critical.
- DPM 3.84 Relevant Timing. The appropriate detail of evidence should be available at the relevant time in the process. Evidence should be kept up to date throughout the process. Updates should be clearly identified along with the implications arising from any changes, clearly documenting how they have shaped the plan/policies
- 3.86... Consultation with specific and general consultation bodies required by LDP Regulation 14(1)(a) and (1)(b) is essential.

the actual analysis that comes from the process, as described. the raw data where the Yes/No/Other answer is considered, weighed up rated for relevance and its importance to the overall picture established. In my original representation, I also criticised the SA for its very odd conclusions in its plus and minus scores.

In my representation of November 2019, I also challenged the lack of objective criteria and proper explanation of the exact methodology of the process given by FCC to support its claim that this was an "objective process". Subsequently, FCC replied that the decisions were a matter for the judgement of planning officers. This is not an objective process, it is wrongly described in the LDP. Also FCC's position is untenable in describing it as an objective process, with objective criteria, but then conceding, when challenged, that it is a subjective process based upon the experience of the planning officer. If the latter, then according to the DPM Edition 3, must still be bounded by agreed methods of weighing the evidence. Indeed, FC chose to conduct their employment land sites using a weighting/rating system, so why not use the same methodology for housing sites?

Development Plan Manual Ed 3 states

3.70 LPAs should clearly set out all relevant criteria against which sites will be assessed. Assessing system or value judgements should be expressed overtly. This will ensure there is a clear audit trail of how candidate sites have progressed through to the preferred strategy.

My comment: There is no systematic outline of the value judgement or a scoring system. The IIA/SA/SEA suffers from the same fault – it describes a scoring scale but the actual process of scoring seems to be wilfully subjective. Also the scoring methodology of the Candidate Site Assessment document is different to the IIA scoring system. The process lacks clarity.

The value judgements that are made in these documents, juggling a very long list of criteria and issues and many different methodologies which are then lumped together, are unsurprisingly inconsistent. In defence of an assessing officer tasked with this job it would seem that the judgements are too many and too complex, cumulatively, hence the problem lies with the weakness of the methodology. Complex decisions like this either need full documentation, step by step, guiding human value



## 5.2 Highways problem: Access issues, road safety and roads without pavements

Inadequate transport infrastructure, lack of pavements in the right places (see Appendix 4) means that both Gwernaffield Road and Denbigh Roads require significant improvements, which will affect viability. This is not a sustainable site

Relevant Planning Point	Comment
Development Plan Manual Ed 3 states 5.109 Where there are costs associated with infrastructure requirements, for example, access improvements or the provision of affordable housing, these should be factored into a viability assessment.	Given that (1) these problems are unacknowledged and (2) we cannot see the detailed analysis, the analysis, t6(l)12.998 (y)
5.115 LPAs should have a clear understanding of capacity issues within the existing infrastructure network. Knowing where no further capacity exists at specific locations, potential limitations in the network (which through investment or changes to operational practices could free up capacity) or where there are areas of additional capacity should be key factors in determining the location of future development.	

### 5.3 Water and flooding issues: Groundwater, high pressure pipeline and the Mold Flood Alleviation Scheme

The storm of January 2012 reminded us that this site has a groundwater problem that is likely to get worse with climate change and the increase of intensive rainfall events. ( See photo in App 3). This area of groundwater connects up to the "Valley Lake" in Llyn y Glyn field, and the bungalow development (specifically Meadowside) adjacent to HN1.6 suffered flooding in January 2021

During the same storm, the Denbigh Road at the exact point where a new development's access road would enter - was underwater due to drainage issues. This area suffers when the River Alyn the river is at flood level, as the drains cannot cope and flooding ensues. HN1.6 slopes north/northeast so will be overbearing in scale and height next to a bungalow development and it is a great danger that intensive rainfall run-off will exacerbate the problems on Meadowside.

The LDP does not seem to have paid any attention to the Mold Flood Alleviation Scheme, which is

6) Part A: Detailed case-by-case analysis of the inconsistent assessments and benchmarking of candidate sites against HN1.6

I highlight in



	<p>HN1.6. * Proximity to Synthite (COMAH registered chemical factory) not mentioned at all in connection with HN1.6</p>
<p>MOL009 Mold Alex football ground " The site is well defined by existing development and strong physical boundaries but does suffer from a number of constraints including a location adjacent to flood risk areas, proximity to Synthite and access constraints.</p>	<p>Proximity to Synthite (COMAH registered chemical factory) considered a relevant factor for MOL009 but not in the case of HN1.6 which is just as close (see map on A4). Adjacent to flood risk comment also applies to HN1.6</p>
<p>MOL 019 Penybont Farm "...Woodlands Road presently forms a strong edge to built development and the size of the site results in it having the appearance of open countryside, despite the outer boundary formed by the A494(T)..... Within the wider context of Mold there are other options for housing development outside of the green barrier i.e. on land between Denbigh Rd and Gwernaffield Rd. Sequentially, land within the green barrier has to be less preferable than land outside of the green barrier.</p>	<p>UDP Inspector noted that the HN1.6 site feels like open countryside. And outside the settlement boundary. NB BP1 "Green Barrier Review" of Sept 2019 states that it is not the case that "every single urban edge requires a green barrier to prevent encroachment, but more a consideration of settlement form and the nature of the urban edge and adjoining countryside"</p>
<p>MOL23 Land north of Queens Park/Hendy Road " Site for Protection It is not possible or practicable to designate land in the development plan on the basis of it being agricultural land. Information relating to agricultural land quality is held by Welsh Government but accurate results require on site survey work to establish the exact quality. Any development proposals arising on such sites may be likely to be required to undertake detailed on site assessments to establish whether it is best and most versatile agricultural land. This information would then be considered in the planning balance in assessing development proposals</p>	

<p>between Gwernaffield Rd and Denbigh Rad. These sites (MOL 025/044/045) bring the option of a road link between Denbigh Rd and Gwernaffield Rd which will bring wider benefits. In comparison, this site appears more as an isolated urban extension, which at present does not deliver the benefits that the sites to the north can X _</p>	
<p>MOL040 Land between Upper Bryn Coch and Llys Ambrose, off Ruthin Road, Mold.          " The site is bounded by development to the north and east and by Ruthin Rod to the west and Upper Bryn Coch to the south. However despite this developed context, the site has strong landscape features, sitting above the land to the north and forms part of the wider open countryside. Development would be highly prominent adjacent to Ruthin Rd and would weaken the green barrier gap between Mold and Gwernymynydd. The site would also be difficult to secure an adequate vehicular access.</p>	<p>Gwernaffield Road presently also forms a strong edge to built development and the size of HN1.6 site results in it having the appearance of open countryside, with the outer boundary formed by the hedgerows and Factory Pool Lane</p> <p>HN1.6 sits in a prominent location between two key routes from open countryside into town which embody the sense of place of Mold as a market town. The site has strong landscape features, sitting above the land to the north and forms part of the wider open countryside. Development would be highly prominent adjacent to Gwernaffield Road and from Denbigh Road.</p>
<p>MOL041 Land west of Hawthorn Avenue and Elm Drive, Mold          " Although the north western edge of Mold offers a longer term opportunity for future growth the site is considered to be less preferable than the land to the north, between Gwernaffield Rd and Denbigh Rad. These sites (MOL 025/044/045) bring the option of a road link between Denbigh Rd and Gwernaffield Rd which will bring benefits. In comparison this site appears more as an isolated urban extension, which at present does not deliver the benefits that the sites to the north can. The site in isolation also has highway constraints"</p>	<p>HN1.6 also has highway constraints both of the eastward routes towards Mold town. Both routes have to join up with Dreflan which FCC state is "known to be problematic". But there is no analysis of this as a site constraint.</p>
<p>MOL44 Land opposite Pool house, Denbigh Road          " The site is the one of a series of candidates along the western edge of Mold. The site is the northern most of these sites and has the potential for an access onto Denbigh Road. It forms the basis of a longer term urban extension along the western edge of Mold, given that elsewhere Mold is constrained by flood risk, green barrier and the line of the A494(T). On its own the constraints presented by C2 flood risk and possible contamination would result in the site being unlikely to be considered acceptable for development.</p>	<p>This part of the HN16 site is now shown in the premature planning application as a contaminated area (not disputed) designated as Open Space and Children's Play area. The presence of this smaller piece of land north of Factory Pool Lane has skewed the analysis of the larger Grade 2 portion designated for housing.</p>

However, the site could possibly accommodate a reduced amount of development and provides vehicular access to further potential development land to the south. This could potentially enable the linking of Denbigh Road with Gwernaffield Rd, thereby relieving pressure on surrounding roads, and avoiding existing cul-de-sacs being used to access development land. In conjunction with MOL024 and MOL045 which is the land between Pool House Lane and Gwernaffield Rd, the site is considered to be a potential allocation X \_

This parcelling up of HN1.6 together with land south of Gwernaffield Road represents a huge upscaling of housing development, that has not been consulted upon at all around 1000 houses.

MOL47 (almost identical to MOL24) Land south of Gwernaffield

are in Mold. But the picture portrayed below shows very mixed results, so how did site H16 get a ++ score on this objective?

P47 "STR4 performs well against the majority of the IIA Objectives although there are uncertain effects on the objective on rural life as it is not clear how such development will reflect in a rural context. Similarly, seeking to protect heritage sites may be beneficial to the objective on Welsh language as it could encourage a renewed interest in Welsh culture, but this is unclear and of low probability...."

And next para on p47)...

"... The Welsh language objective has an uncertain impact applied to provision of new employment sites to help stimulate growth could attract new residents to Flintshire and also encourage local, potentially Welsh speaking people, to stay but difficult to judge this at this strategic level."

P65 the Environment Objective section, Welsh Language awarded a single + in this analysis  
A key Objective of the LDP is to protect and support the Welsh Language. This has been carried through to Policy STR4 on the Principles of Sustainable Development, Design and Placemaking new development must ensure that it supports and sustains the long-term wellbeing of the Welsh language. New sites allocated for development in the LDP, for the most part, would cumulatively provide new residents with access to Welsh language learning opportunities at schools. Some sites are within proximity to Welsh medium schools. New development is situated within a range of communities, with differing levels of Welsh speaking. Where the rate of Welsh speaking is relatively high there could be a risk of new residents diluting these rates or, alternatively, it could be an effective means of encouraging a greater uptake. It is generally considered that no single community or settlement would be subject to development of a scale that could discernibly dilute rates of Welsh speaking

Page 72 "Environmental Report" table/Row 18:

18. To encourage the protection and promotion of the Welsh Language:

- The LDP could risk diluting rates of Welsh speaking in sensitive areas

1. % increase in the number of Welsh speakers in the County (target)

2. CIL

7)0

<p>P179Anwyl noted that " houses in east of Flintshire are more attractive, marketable and deliverable then the western part, where much slower build rates occur"</p> <p>P221:It is recorded that CPAT (Clwyd Powys Archaeological Trust) had concerns relating to the quality of the sustainability appraisal. FCC stated they had passed this on to ARCADIS. CPAT apparently sensed a cut and paste exercise rather than a tailored assessment of heritage assets</p>	<p>Questions the deliverability of a large site in the west of Flintshire</p> <p>No feedback seen yet on how ARCADIS justified their report. Site HN1.6 is surrounded by heritage assets: Rhual House (Grade 1 listed) &amp; estate, Gwysaney estate, a baptismal pool, Tumulus, St Mary's Church (Grade 1 listed), Bailey Hill &amp; Mold Castle (Scheduled Ancient Monument) , and more so a rich historical and cultural environment</p>
<p><u>BP3 Infrastructure, Highways, p68</u> New access onto Denbigh Road will require a new road " over and above what would normally be required to serve the site which has the potential to serve further parcels of land" ....Also: <u>BP3 Drainage, p69</u>The Mold Flood Alleviation requirements should be explained clearly in order to understand the potential of the development to assist in implementing the Scheme. Scheme to be devised so as dovetail with the Mold Alleviation Scheme"</p>	<p>While the specifics of the need for extra/over road access and the need to assist in developing the Mold Alleviations Scheme may be a matter to be considered in response to a planning application is still surprising that it is not listed within the LDP as a site constraint.</p>

Development Plan Manual Ed 3 states:  
3.69" To demonstrate the plan is sound at examination, LPAs will need to justify their criteria and associated site

## 9) Conclusions

- Test 1 asks whether the LDP plan fits national policy. The examples offered above, which show where planning law and policy have been breached, suggest the answer is "Not sound".
- This LDP seems to give the reader very detailed descriptions of how sites are to be assessed and many assurances that it is a robust and objective process. It outlines a plethora of different methodologies to do this. It then skips on to outlining its decisions. However, what is missing is the presentation of actual data for checking purposes. There is no documented evidence of
  - the analysis/discussion underpinning the sequential test and HN1.6 site
  - nor of the analysis/test being done on the basis that HN1.6 is BMV Grade;2
  - nor of the data collected on the red/amber/green candidate site assessment processWithout this information we are left guessing what the data shows. The process is unsound.
- FCC have not followed the guideline of DPM Ed 3, section 3.70: "







Appendix 3-Problems and issues acknowledged within LDP for any proposed development on HN1.6