

CABINET
31ST MAY 2022

Minutes of the meeting of the Cabinet of Flintshire County Council held virtually via Zoom on Tuesday 31st May 2022.

PRESENT: Councillor Ian Roberts (Chair)

Councillors: Sean Bibby, Chris Bithell, Dave Healey, Paul Johnson, Christine Jones and Billy Mullin.

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Planning, Environment and Economy), Service Manager - Strategy and Team Leader – Democratic Services.

APOLOGY:

Councillor Dave Hughes.

Councillor Roberts welcomed everybody to the first meeting of Cabinet, particularly to Councillors Sean Bibby and Dave Healey at their first meeting as Cabinet Members.

1. DECLARATIONS OF INTEREST

Councillor Healey declared a personal interest.

2. EXAMINATION OF THE FLINTSHIRE LOCAL DEVELOPMENT PLAN – POSITION UPDATE AND MATTERS ARISING CHANGES CONSULTATION

Prior to the introduction of the report, Councillor Roberts expressed his thanks to Councillor Bithell, the Chief Officer (Planning, Environment and Economy), the Service Manager – Strategy and their teams, for their work on the Local Development Plan which would provide security to the Council in the coming years.

Councillor Bithell introduced the report and explained that, following submission of the Local Development Plan (LDP) for examination in Public by the Council in October 2020, the formal hearing sessions of the Examination took place between 13th April and 20th May 2021.

Following the examination session there remained two outstanding issues to be resolved:

- Inspector's concerns relating to the sustainability of aspects of the Warren Hall Strategic Mixed Use Development Site; and
- New targets issued by Natural Resources Wales (NRW) in January 2021 controlling phosphate levels in the River Dee and Bala Lake Special Area of Conservation (SAC) designated rivers.

Following a further hearing session requested by the Inspector to consider her concerns relating to Warren Hall and where the Council and interested parties gave

further evidence, the Inspector directed a change be made to the LDP, to remove the housing element of the mixed use development on sustainability grounds. Critically, that change did not impact on the soundness of the LDP or result in the need to provide alternative sites elsewhere, given the level of housing flexibility built into the plan.

The issue of phosphates was more of a technical or procedural nature in the context of maintaining the soundness of the LDP, requiring the Council to demonstrate that the plan remained compliant with the Habitats Regulations and that the development within it would not adversely affect SAC protected rivers. The Council had done this by strengthening key policies that protected the water environment and resources, as well as producing a mitigation strategy jointly with Wrexham County Borough Council who were at a similar stage in their LDP Examination. The Dee Catchment Phosphorous Reduction Strategy (DCPRS) proposed levels of mitigation to be considered and put in place following plan adoption, some of which were the responsibility of the Council but where others were for other key stakeholders such as Natural Resources Wales (NRW), Dwr Cymru Welsh Water (DCWW), the Agricultural Sector, and developers to take forward.

The DCPRS proposed joint working to achieve reductions in phosphates levels with a Nutrient Management Board (NMB) to be set up. Wrexham Council were taking the lead of establishing the NMB and Flintshire would assist and participate. In order to demonstrate that the Strategy was being implemented, further work had already been commissioned to assess the feasibility of developing wetlands adjacent to waste water treatment works. The Strategy was appended to the report.

Following resolution of all outstanding matters the Council had prepared a schedule of changes to the Plan that had resulted from the Examination and which the Inspector considered were necessary to maintain the soundness of the LDP. Those were known as Matters Arising Changes (MACs) and as a final stage in the Examination process, needed to be published for public consultation. Any responses to the MACs would help to inform the Inspector's report. Aside from the only Inspector directed change relating to Warren Hall, all other changes were of a relatively modest significance, indicating the degree to which the plan submitted by the Council for Examination, was already sound. All changes required by the Inspector had been agreed in principle under the approved Scheme of Delegation put in place for the LDP examination process and the Inspector now required that the MACs be published for a six week period of public consultation, to allow the public and stakeholders the opportunity to comment.

This was an essential precursor to the Council receiving the Inspector's report on the Examination of the LDP as the Inspector needed to take account of any representations on the MACs when finalising her report. All Members would therefore have the opportunity to consider the Inspector's Report and its findings when the LDP was submitted to Cabinet and Council for adoption.

A schedule of MACs had been prepared and was discussed at a hearing session between the Council and the Inspector held on 23rd November 2021. These were appended to the report and had been agreed by the Inspector. The position

with the LDP, the schedule of MACs, and the Inspector’s requirement for them to be published for consultation were considered and endorsed by the meetings of the Planning Strategy Group held on Friday 12th November 2021, Thursday 27th January 2022, and Thursday 17 March 2022 in accordance with the approved Scheme of Delegation.

The Service Manager – Strategy explained that because the Inspector did not advise the Council that she wanted the MACs to be published for consultation until late January 2022 it was not possible to report this to Cabinet and then carry out a six week public consultation exercise before the start of the Pre-Election Period. The Inspector’s requirement to consult was therefore being brought to Cabinet at the first available opportunity following the Elections. A briefing session for all Members will also be arranged to provide awareness of the position reached and next steps.

In response to a question from Councillor Healey, the Service Manager – Strategy explained that the creation of the Nutrient Management Board would ensure that all stakeholders came together to take collective responsibility on how nutrients were getting into the rivers, and how to remove the sources of pollution.

The Chief Officer (Planning, Environment and Economy) said a briefing on the position reached with the LDP Examination and its final stages to adoption would be provided to all Members of the new Council as part of the induction programme and prior to consultation commencing. Councillor Roberts commented on the importance of new Members being given the opportunity to ask questions on the LDP.

RESOLVED:

- (a) That the position reached by the LDP Examination in Public, and the Inspector’s requirement for the Matters Arising Changes as set out in the Schedule, to be published for public consultation for a six week duration, be acknowledged;
- (b) That the consultation commences as soon as practicably possible following Cabinet consideration, and that officers collate all representations received and submit these to the Inspector following the end of the consultation period; and
- (c) That the principles for phosphate mitigation that relate to the Council and its LDP, as set out in the Dee Catchment Phosphorous Reduction Strategy, be noted.

(The meeting commenced at 1.15 p.m. and ended at 1.35 p.m.)

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Chair