



SEQUENTIAL TEST ASSESSMENT IN SUPPORT OF AN APPLICATION FOR THE CONSTRUCTION OF A HOTEL WITH ASSOCIATED HARD AND SOFT LANDSCAPING PARC CYBI, HOLYHEAD

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1.0 INTRODUCTION

1.1 Introduction

1.1.1 This Assessment is submitted in support of a full planning application to the Isle of Anglesey County Council (IACC) for the construction of a hotel with associated hard and soft landscaping on behalf of the The Conygar Investment Company PLC (“Conygar”) and Premier Inn Hotels Ltd. (“Premier Inn”).

1.1.2 As illustrated on Figure 1.1, the application site is located within Parc Cybi, Holyhead: a strategic employment site with historic outline planning permission (granted in 2005 – ref. 19C842A/EIA) for a mixed-use scheme comprising employment uses, a hotel, offices, leisure uses, industrial units and facilitating access infrastructure.

1.1.3 Parc Cybi comprises 47.6 hectares of land located to the immediate south of the A55 North Wales Expressway, which is the principal Trans-European corridor into the Port of Holyhead from the United Kingdom (UK) motorway network. The site lies approximately 1.5 kilometres (km) to the south-east of Holyhead Town Centre and the Stena Line ferry port, which provides strategic transport links to Ireland.

1.1.4 Parc Cybi represents a key ‘gateway’ location for Holyhead to all vehicles travelling to the port from the UK mainland. It is also in a ‘gateway’ location to Wales for visitors arriving via the port, crossing the Irish Sea, or disembarking from a cruise ship to visit the many tourist attractions in the surrounding area. The Road King Transport Hub, located centrally within the Parc Cybi site, has been successfully capitalising on the site’s gateway location since its completion mid-2015.

1.2 The Proposed Development

1.2.1 Conygar, working with Premier Inn, has identified a need for the proposed development within Holyhead and has made the commercial decision, based upon its significant locational advantages, to seek planning permission for a hotel at Parc Cybi.

1.2.2 Premier Inn operates the largest hotel chain in the UK with nearly 600 Premier Inns and 41,000 rooms in its portfolio. Accordingly, the company is in a first-class position to assess the need for such a development and the necessary level of provision.

- 1.2.3 The proposed development would be located upon Zone 1 of the Parc Cybi site and would comprise a single four-storey building accommodating 80 rooms, with parking for 84 cars and landscaped grounds to the remainder of the site. The building would have a gross internal floor area of 3,000 square metres and would comprise C1 hotel and A3 retail use on the ground floor with further C1 use to the upper floors.

1.2 Policy Background

- 1.2.1 Paragraph 10.1.4 of the Planning Policy Wales (PPW) Edition 9 states that the Welsh Government adopts the 'town centres first' principle whereby consideration should always be given in the first instance to locating new retail and commercial development within an existing centre.
- 1.2.2 Paragraph 10.1.5 of PPW confirms that although retailing (A1 uses) should continue to underpin retailing and commercial centres, policies should consider a diversity of uses in town centres, such as financial and professional services (A2), food and drink (A3), offices (B1), **hotels (C1)**, educational and other non-residential establishments (D1), leisure (D2) and certain other sui generis uses such as laundrettes and theatres.
- 1.2.3 Paragraph 10.1.6 continues to state that these uses are complementary to the retail function of retail and commercial centres and should be subject to the sequential test in consideration of local plan policies and development management decisions.
- 1.2.4 This Assessment has, therefore, been prepared to demonstrate that, following application of the sequential test, there are no other sites that are suitable or available to accommodate the proposed development in its desired form.
- 1.2.5 Following on from this introduction, Section 2.0 of this report summarises the appropriate planning policy approach to undertaking a sequential test assessment, including reference to relevant case law and appeal decisions. Section 3.0 details the key assumptions and the methodology that has been used for the assessment. Section 4.0 provides the results of the assessment. Finally, Section 5.0 provides a concise set of conclusions.

2.0 THE SEQUENTIAL APPROACH TO SITE SELECTION

2.1 Introduction

2.1.1 The general requirements of the sequential approach to site selection are set out in Paragraph 10.1.4 of PPW and requires Local Planning Authorities to apply the sequential test to planning applications for main town centre uses that are not in existing centres or in accordance with an up-to-date development plan.

2.1.2 This is expanded upon in section 7 of Technical Advice Note 4 (TAN 4) "Retail and Commercial Development", which sets the context for applying the sequential test. It states:

"The sequential test supports the Welsh Government's policy objective of promoting centres identified in the retail and commercial centre hierarchy, as the most suitable locations to live, shop, socialise and conduct business. Development plan site allocations or planning applications for retail, leisure and other complementary uses should be subject to the sequential test. The sequential location of development plan allocations and planning applications should be considered in the following order:

- *Firstly, within retail and commercial centres identified in the retail hierarchy where suitable sites, or buildings for conversion are available. Where this relates to a development plan allocation, they must be available for development within the plan period. Local planning authorities should ensure that any development plan allocation or planning application is of an appropriate scale in relation to the role and function of the centre.*
- *If no suitable sites are available in retail or commercial centres then edge-of-centre locations should be considered, with preference given to brownfield sites that are or will be well connected to the existing centre and accessible by a variety of means of transport, particularly walking, cycling and public transport.*
- *Only when retail and commercial centres and edge-of-centre locations have been considered and found to be unsuitable can out-of-centre options within, and then outside, a settlement area be considered. Where out-of-centre sites are concerned, preference should be given to brownfield sites which are or will be well served by a*

choice of means of transport and are close to an established retail and commercial centre.”

2.1.3 Of relevance in the case of this Assessment is paragraph 7.5 which states that:

“Developers and retailers should be flexible and innovative about the format, design and scale of the proposed development and the amount of car parking needed, tailoring these to fit local circumstances. In particular, developers proposing large scale retail and/ or leisure developments with a large quantity of car parking are encourage to consider whether or not elements of their proposal could be located on a site or number of sites in a centre, rather than automatically seeking to locate on a single edge-of-centre or out-of-centre site. Such an approach could take advantage of shared parking facilities.”

2.1.4 In summary, applying the sequential test means:

1. Firstly, assessing whether there are any available sites that are suitable in sequentially preferable locations;
2. Acknowledging the market and locational requirements of the uses concerned;
3. Ensuring the assessment is proportionate and appropriate to the given proposal; and
4. Being flexible to demonstrate whether more central sites have been fully considered.

2.2 Application of the Sequential Approach

2.2.1 From the outset, it is important to consider the application of the sequential approach. In doing so, regard must be had to the Supreme Court decision in Tesco Stores Ltd v. Dundee City Council [2012] UKSC13, which is a material consideration in its application.

2.2.2 This case considers the meaning of ‘suitable’ whereby the judgement held that ‘suitable’ relates directly to the development proposed by the applicant, subject to a reasonable level of flexibility and realism being shown by the developers. LPAs should not require development to be altered or reduced so that it can be made to fit an alternative site, as to do so may be to make an inappropriate business decision on behalf of the developer.

2.2.3 The Dundee judgment is important in that it considers the focus of the local planning guidance relevant to that proposed development. It notes the focus: “...is upon the

availability of sites which might accommodate the proposed development and the requirements of the developer..." (paragraph 27).

- 2.2.4 The Dundee judgement explains further: "*... it would be an over-simplification to say that the characteristics of the proposed development, such as its scale, are necessarily definitive for the purposes of the sequential test. That statement has to be qualified to the extent that the applicant is expected to have prepared his proposals in accordance with the recommended approach: he is, for example, expected to have had regard to the circumstances of the particular town centre, to have given consideration to the scope for accommodating the development in a different form, and to have thoroughly assessed sequentially preferable locations on that footing. Provided the applicant has done so, however, the question remains, as Lord Glennie observed in Lidl UK GmbH v Scottish Ministers [2006] CSOH 165, para 14, whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site.*"
- 2.2.5 In view of the above, any site being considered must be suitable for the proposed development, albeit ensuring that flexibility is demonstrated (for example; number of parking spaces and servicing space, configuration of floorspace etc.).
- 2.2.6 More recently, another English appeal decision, equally applicable to Wales, is relevant - that of a mixed-use scheme informally referred to as Rushden Lakes (APP/G2815/V/12/2190175 - LXB RP (Rushden) Limited v East Northamptonshire Council, June 2014), which was an appeal recovered and allowed by the Secretary of State.
- 2.2.7 As well as declaring the Dundee judgement of "*seminal importance*" (paragraph 8.44) it also provided the following useful summary: "*8.45 In summary it [Dundee] establishes [a] that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential approach; and [b] that in terms of the size of the alternative site, provided that the Applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. These points although related are distinct.*"

- 2.2.8 In respect of availability, the Inspector also points out that *“The NPPF requires developers to demonstrate flexibility on issues such as format and scale. No indication as to what degree of flexibility is required is contained in the NPPF.”* (paragraph 8.49) and *“In terms of availability, NPPF [24] simply asks whether town centre or edge of centre sites are “available”. It does not ask whether such sites are likely to become available during the remainder of the plan period or over a period of some years.”* (Paragraph 8.55).
- 2.2.9 In summary, based upon the foregoing legal decisions, it is clear that the correct approach for the application of the sequential test is:
1. It relates entirely to what is proposed in the application, and whether it can be accommodated on an actual alternative site;
 2. The Dundee case precedent is legally binding;
 3. The question is whether an alternative site is suitable for the proposed development, not whether a proposal could be altered or reduced to be made to fit the alternative site;
 4. The whole proposal needs to be considered, and should not be disaggregated;
 5. The sequential test is only concerned with sites that are available now.
- 2.2.10 Accordingly, the principal issue is whether there are there any suitable sites in an established centre or edge of centre location that are available now and can meet the same market and locational requirements to provide the space needed for the scheme proposed.

3.0 KEY VARIABLES AND SEQUENTIAL TEST METHODOLOGY

3.1 Introduction

3.1.1 There are several key variables that need to be fixed in advance of any sequential test assessment being undertaken. These include the area of search and the minimum site size threshold that is necessary to deliver the proposed development. This section sets out how each of these variables has been established for this sequential test assessment.

3.2 Area of Search

3.2.1 As identified in Figure 3.1, and in-line with PPW and its relevant supplementary TANs, the proposed approach to the area of search has been to first consider those sites of a suitable size located within Holyhead Town Centre. The town centre area utilised for this assessment is that which appears in the emerging Anglesey and Gwynedd Joint Local Plan. This is considered to represent the most robust approach.

3.2.2 If no suitable sites are identified within the Town Centre, the area of search is extended to include an area 200m from the Town Centre boundary (i.e. edge-of-centre sites). Given the small size of Holyhead Town Centre, an extended search area of 200m is consistent with advice contained in paragraph 7.4 of TAN4 which states:

“Wherever possible edge-of-centre allocations or development proposals should be located adjacent to a designated retail and commercial centre boundary, where this is not the case it should not normally be more than 200 to 300 metres from the edge of the centre. Factors such as the size of the retail and commercial centre, local topography and presence of any physical barriers to access may influence any assessment.”

3.3 Key Development Parameters

3.3.1 The physical size of a site is critical when considering whether it can accommodate the proposed development. Although applicants' need to be 'flexible' in terms of the format and size of any new outlet, it is not reasonable to change this to the extent that it can no longer perform its intended function or meet any identified need.

- 3.3.2 As illustrated on Figure 3.2, the minimum floor space (GIA) required for the hotel is 3,000m² which includes the restaurant/ bar and other internal floorspace. The minimum site size for the development, including accessible parking, is 0.16ha. However, a site of this size would be only be feasible in the Town Centre adjacent to an adequate level of public parking (i.e. existing car parks with an operational surplus of circa 40 spaces – 0.14ha), with excellent public transport links.
- 3.3.3 Edge-of-centre sites, remote from adjacent off-site areas of public parking would increase the minimum site size requirement to 0.4ha (i.e. the building, plus space for 80 parking spaces).
- 3.3.4 It should also be noted that the site areas referred to above make no allowance for either landscape or public realm features that would ordinarily accompany development of this nature.

3.4 Site Assessment Methodology

- 3.4.1 It is proposed that the Sequential Test Assessment is carried out in two distinct stages:
- Stage One – Site Identification; and
 - Stage Two – Evaluation and Categorisation.

Stage One – Site Identification

- 3.4.2 Sites would be identified in Holyhead town centre and edge-of-centre locations (i.e. within 200m of the town centre boundary) using the following methods:
- Identification of sites and premises that are being actively marketed within Holyhead;
 - A physical search of the town centre and edge-of-centre locations to identify potential sites;
 - A review of the most up-to-date Development Plans (and associated proposals maps) to identify allocations and other suitable /committed sites that could accommodate the proposed development;
 - A review of any other salient information including IACC's latest retail studies etc.; and
 - A review of aerial photography and Ordnance Survey (OS) mapping.

3.4.3 Only sites which meet (or are very close to meeting) the minimum site size criteria set by the methodology (i.e. 0.16ha in the centre and adjacent to public parking, or 0.4ha in edge-of-centre locations) would be taken forward for more detailed evaluation.

3.4.4 Plans would be provided showing the location of the identified sites.

Stage Two – Evaluation

3.4.5 Each of the sites identified for consideration in Stage 1 would be evaluated by a suitably-qualified/ experienced town planning consultant. The sites would be assessed against a variety of considerations, including its character and suitability in planning terms. These considerations are set out in more detail below.

- **Land-use** – consideration of the existing use of the site, current planning permissions, or development plan allocations. Would its loss be acceptable and does the proposed development accord with the proposed future use;
- **Environmental/ Technical Constraints** – Is the site the subject of any environmental designations, at risk from flooding or other technical constraints to its development;
- **Compatibility with surrounding uses** – the possible impact of retail/ leisure development on surrounding uses and, particularly, any impact on residential amenity in terms of its physical structure, built design, signage, as well as the impact of its operation – noise, lighting, smells etc.;
- **Accessibility** – consideration of whether the site is accessible on foot, by public transport and by car, as well as for ease of service vehicles making deliveries;
- **Access and traffic impact** – most forms of development will contribute directly and indirectly to traffic impact, both in terms of effect on adjacent roads and impact on the amenity of neighbouring uses as a result of increased traffic;
- **Site availability** - For a site to represent a practical opportunity for retail/ leisure development it needs to be available immediately;
- **Commercial feasibility** - For a site to be practical, it needs to be commercially viable. This will be determined by the cost of acquiring the site, site preparation, building costs and the rate of return sought by the developer. Other factors, such as prominence, will also be relevant.

- 3.4.6 The assessment of the remaining sites requires a combination of objective evaluation and subjective decision-making by way of professional judgement.
- 3.4.7 If, following the assessment, available, suitable and viable centre or edge-of-centre sites have been identified, they would be considered to represent sequentially preferable alternatives to the proposal. If no such sites are identified, the sequential test is deemed to have been passed.

4.0 SEQUENTIAL TEST ASSESSMENT

4.1 Introduction

4.1.1 A comprehensive site analysis has been carried out of potential centre and edge-of-centre locations capable of accommodating the proposed development. This comprises an analysis of adopted development plan policy documents and evidence base, previous planning applications and a detailed review of potential centre/ edge-of-centre sites within Holyhead.

4.1.2 Following the initial search, all the in-centre and edge-of-centre locations within Holyhead have been visited to validate the results of the search and to identify whether there are any other potential locations for the development that were not identified through the desk-based assessment.

4.2 Stage One – Site Identification

4.2.1 As noted in Section 3.0 above, a variety of sources have been utilised to identify potential locations for the proposed development. The outcome of this assessment has been summarised below.

Identification of sites and premises that are actively being marketed within Holyhead

4.2.2 The search has identified that there are a number of existing retail units or prospective development sites that are being actively marketed for sale or let in the centre and edge-of-centre locations within Holyhead (see Figure 4.1). However, none of the sites/ units is of a suitable size, which immediately renders them unsuitable for the proposed development.

A review of the most up-to-date Development Plans and any other salient information

4.2.3 The current development plan position in Anglesey is complex and, whilst there is a statutory development plan, it is dated and little weight can be attached to many of its policies. This is discussed in more detail below.

- 4.2.4 The current statutory development plan comprises the saved policies of the Ynys Mon Local Plan (adopted in 1996) and the Gwynedd Structure Plan (adopted in 1993).
- 4.2.5 Shortly after the adoption of the Ynys Mon Local Plan, in the late 1990's, Anglesey Council commenced preparation of its new Unitary Development Plan. However, after several years in preparation, the Planning and Compulsory Purchase Act (2004) was enacted which introduced a requirement for Local Planning Authorities to abandon their UDP's and replace them with a new suite of documents collectively known as a Local Development Framework (LDF). As such, in December 2005, IACC resolved to 'stop work' on the Ynys Mon UDP and commence preparation of a LDF. However, subsequent to the progression of the LDF, in 2010, the decision was made to merge the Gwynedd Council Planning Policy Unit and the Isle of Anglesey County Council Planning Policy Unit. The Joint Planning Policy Unit was formally established in May 2011. This resulted in the preparation of a Joint Local Development Plan (JLDP) for both Anglesey and Gwynedd. The JLDP is at an advanced stage of its preparation, having been submitted to the Welsh Government for independent examination on 29th January 2016. It is expected to be adopted by September 2017.
- 4.2.6 In light of the above, and notwithstanding the forthcoming adoption of the new JLDP, the statutory development plan for Anglesey remains as the saved policies of the Ynys Mon Local Plan (adopted in 1996) and the Gwynedd Structure Plan (adopted in 1993). However, in terms of the stopped UDP and the soon to be adopted JLDP it is understood from discussions with planning policy officers at Gwynedd Council that both documents are material considerations in the determination of planning applications. Guidance in Planning Policy Wales (PPW) Edition 9 (2016) states that it is, ultimately, up to the decision-maker to determine how much weight can be afforded to the emerging plan as a material consideration.
- 4.2.7 In the absence of any indication from the Council as to how much weight would be applied to either the "stopped" UDP or the emerging JLDP, for robustness, it is considered necessary that all three Plans (the Ynys Mon Local Plan, the "stopped" UDP and the emerging JLDP) are investigated as regards the application of the sequential test.

Ynys Mon Local Plan (1996)

4.2.8 Saved Policy 38 of the Ynys Mon Local Plan allocates six sites for new economic development within the centre and edge-of-centre locations within Holyhead. Each of the sites is specifically identified on the accompanying Local Plan Proposals Map. The sites (identified in Figure 4.2), and the purpose for which the sites have been allocated are:

- FF5 – Market Hall/ Treaddur Square (new car park);
- FF6 – Church House (new car park);
- FF7 – Victoria Road (new car park);
- FF8 – Swift Square Car Park (environmental improvements);
- S10 – Marine Yard (tourism/ retail/ museum); and
- S11 – West Harbour (retail/ tourism (plus ancillary housing)).

4.2.9 However, sites FF5-8 are not specifically allocated for retail development, but rather for “land reclamation and environmental improvement schemes”. FF5, 6 and 7 are allocated for new car parks and FF8 for environmental improvements. Policy 38 does state that the Council will allow other schemes relating to a number of priorities, including “*the contribution of schemes to economic development*”. However, since the adoption of the Ynys Mon Local Plan, much improvement work has already been undertaken and completed. In terms of each site:

- FF5 – Market Hall/ Treaddur Square – the site comprises of car park (now operational as intended by its allocation) and market hall and is circa 0.18ha in size. The market hall appears to be derelict, with windows boarded and safety barriers restricting internal access. The site (i.e. the building and the car park) is circa 0.18ha and, therefore, meets the minimum site size criteria. However, there is no adjacent public parking of a sufficient size available and, such, the site has been discounted;
- FF6 – Church House – the site operates as a public car park; the primary reason for its allocation. However, at 0.14ha in size, it falls below the minimum site size requirement. As such, the site as a potential location for the proposed development has been discounted;
- FF7 – Victoria Road – similar to the above, the site now operates as a car park, as intended by its original allocation. The site is 0.2ha in size, which exceeds the

minimum site size threshold. However, given the absence of sufficient adjacent public parking facilities, the site has been discounted;

- FF8 – Swift Square – this site is allocated for environmental improvements, which appear to have been made, since the time of the allocation. The site is 0.16ha, which just meets the site size threshold. However, there are no sufficient adjacent public parking facilities and, as such, the site has been discounted;
- S10 – Marine Yard – The site is in an edge-of-centre location where the 0.4ha minimum site size threshold applies. The site is 1.25ha in size and is allocated for tourism/ retail/ museum uses. The site exceeds the minimum site size requirements and, therefore, has been carried forward for further evaluation;
- S11 – West Harbour – the site is in an edge-of-centre location where the 0.4ha minimum site size threshold applies. The site is 4.3ha in size but only part of it (roughly half) is in an edge-of-centre location, the remainder being out-of-centre. However, the site exceeds the minimum site size requirements and has, therefore, been carried forward for further evaluation.

4.2.10 Of those sites allocated within the Ynys Mon Local Plan, only two sites, the Marine Yard (S10) and the West Harbour (S11) are of a sufficient size to accommodate the proposed development in accordance with the methodology. Accordingly, they have been carried forward for further evaluation.

Stopped Unitary Development Plan (2005) Incorporating Inspector's Recommendations

4.2.11 The “stopped” UDP does not allocate any sites within centre or edge-of-centre locations. Accordingly, further consideration of the UDP allocations is not deemed necessary as part of this assessment.

The Emerging Anglesey and Gwynedd Joint Local Development Plan

4.2.12 In addition to a review of the above-referenced plans, consideration has also been given to the emerging JLDP and associated evidence based documents.

- 4.2.13 As of May 2017, the most contemporary version of the emerging JLDP is the “Matters Arising Changes” document. Accordingly, it is this document that has been subject to review.
- 4.2.14 Review of the Proposals Maps reveals that only one site is allocated for any purpose within the area of search: Holyhead Port, which is allocated as a Reserve Employment Site under Policy C(wg)37. The allocation, in its entirety, is of considerable size, being 41.9ha. However, the proportion of the site located in an edge-of-centre location is reduced to 6.4ha (see Figure 4.3), which is circa 10% of the total size of the allocation. Nevertheless, the reduced site still exceeds the minimum site size threshold and, as such, has been carried forward to the next stage of evaluation.

A physical search of the town centre and edge-of-centre locations to identify potential sites

- 4.2.15 The physical search of the town centre and edge-of-centre identified only one potentially appropriate site, that being the former Woolworth’s store on Market Street. However, despite the fact that this is within 100-200m of the public car parks, neither of these facilities is of sufficient size to accommodate the requisite number of car parking spaces (i.e. 40) without displacing all of those vehicles currently using the facilities (i.e. there is little to no surplus capacity within the existing car parks). With this in mind, the former Woolworth’s plot has been discounted from any further assessment.

Summary

- 4.2.16 In light of the foregoing, only three sites have been carried forward for further evaluation. Each of these sites has been given its own unique reference number and is listed within Table 4.1 below:

Table 4.1 – Sites Carried Forward for Further Evaluation

Ref.	Site Name	Approximate Site Area (Ha)
1.	Marine Yard	1.25
2.	West Harbour	4.3
3.	Holyhead Port	60ha, of which circa 6ha is in an edge-of-centre location

Stage Two – Evaluation**Site 1, Site 2 and Site 3 (Marine Yard/ West Harbour/ Holyhead Port)**

- 4.2.17 Site 1 (Marine Yard) and Site 2 (West Harbour) are allocated in the Ynys Mon Local Plan (1996) for retail/ tourism/ museum development (plus ancillary housing). In light of the compatibility between the proposed development, the allocations (and intended uses) at these sites, and their ability to accommodate the development, they could be considered as sequentially preferable in the context of this assessment, which is primarily concerned with proximity to the town centre.
- 4.2.18 However, these sites, in combination, form part of the Holyhead Port site (Site 3) which is now allocated as a Reserve Employment Site in the more contemporary emerging JLDP. As such, it appears that the Joint Councils have very different intentions for the use of these sites from those identified in 1996. The JLDP states that sites so allocated are identified as 'reserve employment sites' associated with the Anglesey Energy Island Programme and are not for local market demand for general industrial or business uses, but rather to accommodate business and employment uses that would initially cater specifically for the needs of Wylfa Newydd or other 'Energy Island'/ 'Enterprise Island' development. Accordingly, the site has been discounted from further assessment on the basis of more contemporary allocations and intended uses.
- 4.2.19 In addition to the above, there are other environmental constraints which exist at the site which would lead to the site being discounted; primary amongst which is the susceptibility of the site to flooding from the sea. Reference to Natural Resources Wales development advice maps has revealed that circa 50% of the area of the site in the edge-of-centre area is located in the floodplain (Flood Zone C). Guidance contained in TAN 15: Development

and Flooding, states that development classified as “highly vulnerable” (which includes hotels) should not be located where land has been designated as such, which presents a significant constraint to development of the type proposed and would be likely to fail a justification test. Accordingly, the site (at least in part) must be discounted on this basis too.

4.2 Conclusion

4.3.1 In conclusion, all of the identified sites are considered to be unsuitable, unavailable or unviable for the proposed development.

5.0 CONCLUSIONS

- 5.1 While PPW and its accompanying TANs require that a sequential test be applied, this must be done in a way which is compliant with recent judicial authority, and Ministerial and appeal decisions. It is clear that the suitability of a site depends upon it being able to accommodate the development proposed by the Applicant. The aforementioned decisions clarify that Applicants do not need to disaggregate their proposals and that, while flexibility must be applied, it is not for LPAs to require applicants to radically alter their proposals. Decisions on the sequential test must be applied in a 'real-world' context and the Dundee case poses the question whether, if the application were refused, would the applicant/ developer develop the floor-space on a sequentially preferable site.
- 5.2 The sequential test has identified that there are no suitable, available or viable alternatives that could be considered sequentially preferable to the proposed development. Consequently, the proposal is considered to fully accord with local and national policy and guidance as well judicial and appeal authority in relation to the sequential approach.

FIGURES
