

CABINET

Date of Meeting	Tuesday, 22 nd September 2020
Report Subject	Flintshire Local Development Plan – Consideration of Deposit Consultation Representations and Responses and Submission for Public Examination
Cabinet Member	Cabinet Member for Planning and Public Protection
Report Author	Chief Officer (Planning, Environment and Economy)
Type of Report	Strategic

EXECUTIVE SUMMARY

The Deposit Local Development Plan (LDP) was approved for public consultation by the Council on the 23 July 2019. Consultation took place between 30 September and 11 November 2019 and attracted 1281 representations from 657 separate respondents. Details of these representations and a summary of the proposed Council's response to them can be found in [Appendix 1](#).

Following consultation, the Council, as Local Planning Authority (LPA), had a statutory duty under the LDP regulations (Regulation 19) to make available all the representations received. This has been done by placing them on the LDP consultation portal and in a summary table on the Council's website.

Table 2 (after paragraph 1.07 below) shows the number of representations made against each of the policies in the LDP and other sections of the Plan. The largest numbers of representations to one site or policy (129 and 198 respectively) are objections to two housing allocations in Ewloe and Hawarden/Mancott (Policy HN1) although clearly it is the materiality of the points raised that is of most direct relevance.

The representations received, along with a number of other documents, as prescribed in the Welsh Government (WG) LDP regulations (Regulation 22) (including the Sustainability Appraisal (SA) Report, Community Involvement Scheme (CIS), Consultation Report, Site Register and other supporting documents that the Council, as Local Planning Authority, considers relevant to the preparation of the Plan (e.g. the evidence-base and technical background papers), must be submitted to WG and Planning Inspectorate Wales (PINS) for independent Examination in Public (EiP) once the Council has considered any representations

received in line with the regulations (see Section D below for the consideration of objections and Section F below for the documents required to be submitted). The Representations received to the Deposit LDP consultation and proposed responses have been reported to the Planning Strategy Group whose recommendations to the Cabinet are set out in Section D of the report, below.

No wholesale changes to the LDP, such as the deletion of sites and/or the inclusion of new sites ('Focussed Changes'), are proposed as no substantive evidence has been submitted during the deposit consultation that would warrant the need for such changes, and because this could constitute a fundamental change to the LDP and threaten its 'soundness' (see Section G below for an explanation of soundness). This report does not recommend significant or fundamental changes to the Plan ('Focussed Changes') as none have arisen from the consideration of representations that would warrant the need for such changes, following the guidance in the Development Plans Manual 3 (DPM3) (see Section E, below). However, there are minor changes to policies and proposals (additional or amended wording for clarity) and typographical corrections (Minor Editing Changes) arising from the representations made and/or changes in evidence since the Plan was placed on Deposit. These will be dealt with during the Examination where following the Inspector's consideration, can be dealt with as 'Matters Arising Changes'.

Having considered the objections received to the Plan overall, it is considered that the LDP remains sound and provides a robust basis for Submission to the WG and PINS for independent Examination in Public. Whilst objections have been made in particular to housing allocations, the Council has a responsibility to provide such sites where a need has been identified and the objections made are not considered to override that responsibility or question the soundness of the sites allocated. The purpose of the LDP is to seek to meet the needs of Flintshire in the most sustainable way possible, to the extent that this can be done through the land use Planning system.

An independent Inspector will consider the soundness of the LDP alongside all of the representations made by the public and other parties, during the Examination in Public hearings, which will take place over a number of weeks in early 2021. Members of the public and other interested parties, including elected Members, will be able to appear at the hearings if they have made duly made representations, and at the Inspector's discretion. The LDP, once 'Adopted' (this may take 12 months from the date of Submission), will provide economic, social, cultural and environmental benefits for the County as a whole, including new jobs, new homes, and affordable housing. Its adoption will also help the Council resist speculative development, or 'Planning by Appeal', which Flintshire has suffered from since the Adopted Flintshire Unitary Development Plan expired.

The Delivery Agreement (DA) formally sets out the timescales for the preparation of the LDP and states that it should be Submitted in October 2020. The most recent version of the DA was approved by the First Minister in July 2020. Given the overriding need to have an up to date adopted development plan in place, it is therefore considered imperative that the LDP be Submitted in accordance with the DA or the Council risks having WG direct that it is Submitted.

The Cabinet is asked to resolve to recommend to the Council that it submit the LDP to the Welsh Government and Planning Inspectorate Wales for Examination in Public.

RECOMMENDATIONS

1	That the Cabinet note the representations made during the Deposit Local Development Plan consultation (appendix 1) and endorse the proposed responses, and agree that they will be forwarded to the Welsh Government and the Planning Inspectorate for consideration as part of the examination in Public.
2	That the Cabinet resolve that the Flintshire Local Development Plan (2015-2030) be Submitted to the Welsh Government and the Planning Inspectorate for Examination in Public, and recommend that the Council agree to this.

REPORT DETAILS

1.00	EXPLANING THE FLINTSHIRE LOCAL DEVELOPMENT PLAN – CONSIDERATION OF DEPOSIT CONSULTATION REPRESENTATIONS AND RESPONSES AND SUBMISSION FOR PUBLIC EXAMINATION
1.01	<p>A). The Deposit Flintshire Local Development Plan (2015 – 2030)</p> <p>The Deposit Local Development Plan (LDP) was approved for public consultation by the Council on 23 July 2019. The Deposit LDP contained the following:</p> <ul style="list-style-type: none"> a) Foreword by the Lead Member for Planning and Public Protection, b) How to comment on the Deposit LDP; c) Introduction - how we have arrived at the Deposit Plan, an overview of the County and the key national, regional and local polices, plans and guidance that has shaped the Deposit LDP; d) Key Issues, Vision and Objectives - the key issues and opportunities facing the County and the LDP’s vision, strategic objectives and a growth and spatial strategy which seeks to address the key issues and opportunities; e) Plan Strategy and Strategic Policies - the LDP’s strategy, key diagram and strategic policies and proposals as well as polices on the location of development, the Strategic Sites, Green Barriers, Employment and Housing Growth, the Natural Environment, Built Heritage and Climate Change f) Topic, Criteria and Area-Based Policies - the topic, criteria and area-based policies that will most commonly be used to guide decisions on Planning Applications split into more detailed polices in relation to

	<p>general development management considerations, housing (including general housing and provision for Gypsy and Travellers, economy, built and natural environment, retail, transport, community facilities, the Welsh language, minerals, waste and renewable energy;</p> <p>g) Monitoring Framework - the annual monitoring framework which contains a number of annual monitoring indicators. This will be used to produce the Annual Monitoring Report (AMR) once the plan is adopted.</p>
1.02	<p>There is no requirement for the Deposit LDP to repeat national planning policy, including national development management policy contained in Planning Policy Wales (edition 10, 2019). The Deposit LDP therefore makes cross references at the end of each strategic policy to the relevant national planning policy without being overly repetitive. There is also reference to the relevant plan objectives, evidence base any supporting supplementary planning guidance, relevant monitoring indicators and how the policy/proposal meets the wellbeing goals identified in the Wellbeing of Future Generations Act (WBFGA).</p>
1.03	<p>Where relevant, policies and proposals contained in the strategic policy section and the topic, criteria and area-based policies section, including allocations, are annotated on the Proposals Maps which were made available in paper, pdf and interactive formats, to be read alongside the policies during the consultation. The Proposals Maps identify the land use policies, proposals and allocations of the Plan (see bullet points e) and f) in para 1.02 above).</p>
1.04	<p>Once adopted, the LDP will become the statutory land use plan for the County and replace the current (expired) Unitary Development Plan (2000 - 2015) as a basis for making decisions on individual Planning Applications.</p>
1.05	<p>B). Deposit Plan Consultation and Representations</p> <p>The LDP and its accompanying documentation were formally placed on Deposit for public consultation from the 30 September 2019 to 11 November 2019. Appendix 2 details the documentation that formed part of the consultation. Copies of the Deposit plan were made available on the Council's website via its consultation portal as well as in hard copy at County Hall Mold, Ty Dewi Sant Ewloe, and all Flintshire Connects officers. Copies were also available at the following libraries/other venues to view: Broughton, Buckley, Deeside, Flint Jade Jones Pavillion, Holywell, Mancot, Mold. The consultation also involved permanent exhibitions at the Council offices in Ewloe and Mold, and at seven libraries.</p>
1.06	<p>Over the course of the consultation, officers undertook a number of drop-in sessions throughout the County. Details of the sessions are provided in Table 1 below.</p>

Table 1: Deposit Plan Consultation drop-in sessions		
Venue	Date and time	Number of attendees*
Broughton & Bretton Community Centre, Brookes Ave, Broughton	4-8pm Tuesday 1 st October 2019	50
Buckley (Bistre) Youth & Community Centre, Nant Mawr Rd	4-8pm Wednesday 2 nd October 2019	25
Mold Parkfields Community Centre, Ash Grove	4-8pm Thursday 3 rd October 2019	30
Mancot and Moor Village Hall, Mancot Lane	4-8pm Friday 4 th October 2019	200
Connah's Quay, The Quay Building, Fron Rd	4-8pm Monday 7 th October 2019	1
Hope, Caergwrle, Abermorddu, Cefn y Bedd – Heulwen Close Community Centre, Hope	4-8pm Tuesday 8 th October 2019	65
Ewloe Woodside Close Community Centre	4-8pm Wednesday 9 th October 2019	200
Flint Town Hall, Market Square	4-8pm Thursday 10 th October 2019	35
Caerwys Memorial Institute, South St	4-8pm Tuesday 15 th October 2019	25
New Brighton Community Centre, Moel Fammau Rd	5-8pm Friday 18 th October 2019	35
Total		661

*Numbers are approximate as not all attendees filled in the attendance registers

1.07

In response, 1281 representations were received from members of the public and a wide range of statutory consultees, developers, landowners and agents. All of the representations received have been processed by the Council and made available to view on the Council's LDP consultation portal and as a summary table on the website, in accordance with statutory requirements (LDP Regulation 19). Table 2, below provides an overview of the number of representations received against each of the policies in the LDP. All of the representations and the Council's responses will be forwarded to PINS with the submission documentation (see Section F below).

Table 2: Representations received to the Deposit Plan				
Section of Plan/Policy	Total	Object	Support	Not stated
Flintshire Local Development Plan Deposit Draft September 2019	7	1	1	5
Foreword	5	5		
Introduction	5	4	1	
How to view and comment on the Local Development Plan	5	4	1	
How have we arrived at the Deposit Plan?	3	3		

How to use/navigate and interpret the Plan	1	1		
Strategic context	1	1		
County profile/overview	2	2		
Key issues and drivers for change	1	1		
Forming the Plan's strategy from this context	5	2	2	1
The growth strategy of the plan	1		1	
Employment growth	1		1	
The preferred strategy	3		3	
Strategic policies	7	7		
Strategic policies – Creating sustainable places and communities	3	3		
Strategic Policies - Supporting a Prosperous Economy	1	1		
Strategic Policies - Meeting Housing Needs	1			1
Strategic Policies - Valuing the Environment	2			2
Development Management Policies - Valuing the Environment	6	2		4
Development Management Policies - Meeting Housing Needs	1			1
STR1: Strategic Growth	42	41	1	
STR2: The Location of Development	53	35	17	1
STR3: Strategic Sites	63	57	6	
STR4: Principles of Sustainable Development, Design and Placemaking	12	11	1	
STR5: Transport and Accessibility	8	6	2	
STR6: Services, Facilities and Infrastructure	16	14	1	1
STR7: Economic Development, Enterprise, and Employment	8	5	3	
STR8: Employment Land Provision	5	4	1	
STR9: Retail Centres and Development	3	2	1	
STR10: Tourism, Culture, and Leisure	5	2	3	
STR11: Provision of Sustainable Housing Sites	30	24	5	1
STR12: Provision for Gypsies and Travellers	1	1		
STR13: Natural and Built Environment, Green Networks and Infrastructure	16	11	5	
STR14: Climate Change and Environmental Protection	6	3	3	
STR15: Waste Management	1	1		
STR16: Strategic Planning for Minerals	4	2	1	1
PC1: The Relationship of Development to Settlement Boundaries	28	22	5	1
PC2: General Requirements for Development	11	8	3	
PC3: Design	8	3	5	
PC4: Sustainability and Resilience of New Development	6	3	3	
PC5: Transport and Accessibility	7	4	3	
PC6: Active Travel	8	8		
PC7: Passenger Transport	2	1	1	
PC8: Airport Safeguarding Zone	1	1		
PC9: Protection of Disused Railway Lines	3	3		
PC10: New Transport Schemes	7	6	1	
PC11: Mostyn Docks	1		1	
PC12: Community Facilities	2	1	1	

PE1: General Employment Land Allocations	9	6	2	1
Policy PE2: Principal Employment Areas	9	8	1	
PE3: Employment Development Outside Allocated Sites and Principal Employment Areas	2	2		
PE4: Farm Diversification	2	1	1	
PE6: Protection of Employment Land	1	1		
PE7: Retail Hierarchy	1	1		
PE10: District and Local Centres	1	1		
PE11: Edge and Out of Town Retail Development	2	2		
PE12: Tourist Accommodation, Facilities and Attractions	3	3		
PE13: Caravan Development in the Open Countryside	3	3		
PE14: Greenfield Valley	3	1	2	
HN1: New Housing Development Proposals	581	520	57	4
HN2: Density and Mix of Development	13	5	8	
HN3: Affordable Housing	28	21	7	
HN4: Housing in the Countryside	4	2	2	
HN4-B: Residential Conversion of Rural Buildings	2	1	1	
HN4-C: Infill Development in Groups of Houses	1	1		
HN4-D: Affordable Housing Exceptions Schemes	4	3	1	
HN6: Annex Accommodation	2	2		
HN7: Houses in Multiple Occupation	1	1		
HN8: Gypsy and Traveller Sites	41	32	9	
HN9: Gypsy and Traveller Accommodation	3	2	1	
EN1: Sports, Recreation and Cultural Facilities	4	3	1	
EN2: Green Infrastructure	12	9	3	
EN3: Undeveloped Coast and Dee Estuary Corridor	1		1	
EN4: Landscape Character	8	5	3	
EN5: Area of Outstanding Natural Beauty	2	1	1	
EN6: Sites of Biodiversity Importance	3	3		
EN7: Development Affecting Trees, Woodlands and Hedgerows	8	6	2	
EN8: Built Historic Environment and Listed Buildings	3	1	2	
EN9: Development In or Adjacent to Conservation Areas	1	1		
EN10: Buildings of Local Interest	1	1		
EN11: Green Barriers	35	25	7	3
EN12: New Development and Renewable and Low Carbon Energy Technology	2	2		
EN13: Renewable and Low Carbon Energy Development	22	8	14	
EN14: Flood Risk	4	2	1	1
EN15: Water Resources	2		2	
EN17: Development of Unstable Land	1		1	
EN18: Pollution and Nuisance	2	2		
EN21: Locations for Waste Management Facilities	4	3	1	
EN23: Minerals Safeguarding	3	3		
EN24: Minerals Buffer Zones	1	1		
EN25: Sustainable Minerals Development	6	2	3	1

	EN26: Criteria for Minerals Development	2	2		
	EN27: Secondary and Recycled Aggregate	2	2		
	Monitoring	10	9	1	
	Appx1-Housing Commitments	7	6	1	
	Appx2-Supplementary Planning Guidance	1	1		
	Totals	1281	1033	219	29
1.08	Of the 1281 representations received, 1033 were objections to the Plan and 219 were in support (29 were unspecified). A significant number of objections were made to the Plan's housing allocations (policy HN1) in particular the sites HN1.7 and HN1.8. A broad summary of the representations received is set out in the report to Planning Strategy Group on 30 th July 2020 (See background documents), and appendix 1 summarises each representation received and the recommended response to it.				
1.09	The representations received will be used to update the Final Consultation Report, one of the key Submission documents. This will explain the nature of the consultation undertaken at Deposit LDP stage and provide an overview of the key issues raised and how the representations have been considered. The full representations are available to view on the LDP consultation portal and as a summary table on the Council's website. Copies of the originals will be available to view at the Council venues, once it is safe for the public to have access to these locations.				
1.10	Appendix 3 details the representation received from Welsh Government (WG) to the Deposit LDP. This has been included in full for Member's information, and in particular attention is drawn to the overriding view expressed by WG that " <i>The Welsh Government is broadly supportive of the strategy, level of homes and jobs proposed, considers it aligns with national policy and is in general conformity with the emerging NDF</i> ". The representation is relatively short, comprising a covering letter and an annex which provides further detail on the representations made. WG group their responses into 3 categories (see Appendix 3 annex), but raise no fundamental (Category A) objections to the Deposit LDP or its soundness. This should provide the Council with a degree of comfort that the Deposit LDP is, without prejudice to the EiP process, in conformity with national policy and guidance.				
1.11	Work to address the comments from Welsh Government has been undertaken, is referred to in the recommended responses to representations (see 1.12 below and appendix 1), and will be presented as part of the submission of the Plan to PINS.				
1.12	<p>C). Responding to Representations, Covid 19 and its Implications for the LDP Timetable</p> <p>As part of Submitting the Plan and the representations received for EiP, the Council must also provide its responses to those representations to the Inspector. Following the end of the Deposit consultation period in November 2019, officers have been summarising, assessing and</p>				

	preparing recommended responses to the representations all of which is documented in appendix 1.												
1.13	The consideration of those representations by the Council and agreement to Submit the Plan for EiP are governed by the Delivery Agreement whose content and timetable is agreed by the Welsh Ministers. Prior to the Covid 19 Pandemic, the Council was on track to achieve the agreed milestone dates within the LDP Delivery Agreement agreed by the Minister in May 2019, which involved the Council's consideration of representations and responses in spring/early summer 2020, Submission in July 2020, and an EiP of the LDP in the Autumn of 2020.												
1.14	Because of the lockdown restrictions and change to working practices imposed due to Covid 19, it was not possible to keep to those milestone dates as the Council was unable to physically meet as a body to consider the Plan, it was not possible to make representations available at deposit venues as these were all closed, and it was impractical for PINS to safely convene an EiP this autumn.												
1.15	As a result of discussions with WG and PINS, a proposed revision to the LDP Delivery Agreement timetable that moved these dates on four months was first discussed with the Planning Strategy Group, and then formally considered and agreed by the Cabinet on 16 th June 2020. A formal request to revise the LDP delivery agreement was then made to WG and this was agreed by letter on 27 th July 2020. The revised Delivery Agreement (revision 4) is available on the Council's website https://www.flintshire.gov.uk/en/PDFFiles/Planning/Flintshire-LDP-Delivery-Agreement-4th-Revision.pdf												
1.16	The main outcome of the change to the timetable is that Submission will follow Cabinet and Council consideration of the Plan (October 2020) and the EiP will be scheduled to start by PINS in early 2021.												
1.17	<p>D). Scrutiny of the LDP Representations and responses</p> <p>The Planning Strategy Group (PSG) is a sub group of the Cabinet, part of whose remit is to provide scrutiny of the LDP and to make recommendations to Cabinet on the progress of the Plan. A significant number of meetings have taken place since the commencement of the LDP in 2014, including a number of meetings since the end of the Deposit consultation to consider the representations made and recommended responses, as shown in table 3 below.</p> <table border="1" data-bbox="319 1747 1372 2092"> <thead> <tr> <th colspan="3">Table 3: Planning Strategy Group Meetings that considered responses to representations</th> </tr> <tr> <th>Meeting</th> <th>Report/Topic</th> <th>Matters considered/outcome</th> </tr> </thead> <tbody> <tr> <td>15th May 2020</td> <td>Report 1: Recommend responses to representations relating to all non-site-specific policies</td> <td>Briefing only and debate/feedback/questions for clarification</td> </tr> <tr> <td>29th May 2020</td> <td>Report 2: Recommended responses to representations</td> <td>Briefing only and debate/feedback/questions for clarification</td> </tr> </tbody> </table>	Table 3: Planning Strategy Group Meetings that considered responses to representations			Meeting	Report/Topic	Matters considered/outcome	15 th May 2020	Report 1: Recommend responses to representations relating to all non-site-specific policies	Briefing only and debate/feedback/questions for clarification	29 th May 2020	Report 2: Recommended responses to representations	Briefing only and debate/feedback/questions for clarification
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Meeting	Report/Topic	Matters considered/outcome											
15 th May 2020	Report 1: Recommend responses to representations relating to all non-site-specific policies	Briefing only and debate/feedback/questions for clarification											
29 th May 2020	Report 2: Recommended responses to representations	Briefing only and debate/feedback/questions for clarification											

		relating to housing allocations including strategic sites	
	25 th June 2020	Report 3: Recommended responses to representations relating to new/resubmitted sites	Briefing only and debate/feedback/questions for clarification
	16 th July 2020	Report 4: Recommended responses to representations relating to specific policy areas	Briefing only and debate/feedback/questions for clarification
	30 th July 2020 am	Report 5: Recommended responses to representations resulting from final LDP system check	Members endorsed the recommended responses in the report considered at this meeting
	30 th July 2020 pm	<ul style="list-style-type: none"> • Recommended approach to provision of Mineral by regional collaboration • Endorsement of all Recommended responses considered in the above meetings/reports 	<ul style="list-style-type: none"> • Members agreed to take a collaborative approach to meeting the need for crushed rock and sand and gravel through the Flintshire LDP in conjunction with Denbighshire County Council and Wrexham County Borough Council • Members endorsed the draft North East Wales Minerals Statement of Sub-Regional Collaboration • Members endorsed all of the collective recommended responses to representations made to the Deposit Flintshire LDP • Members recommended that these responses are considered for approval by the Cabinet in order to allow the Full Council to consider and approve them, as part of agreeing to Submit the Plan to Welsh Government and the Planning Inspectorate for Examination in Public.
1.18	<p>At their last meeting on 30th July 2020, the PSG endorsed all of the recommend responses made to representations received to the Deposit LDP and recommended that these be considered by the Cabinet and Full Council as part of agreeing to Submit the Plan to Welsh Government and the Planning Inspectorate for Examination in Public. In doing so some Members understood that responses to the plan had to be considered as a whole in order to move forward, but that there will be some Members of the Council who will have issues with parts of the Plan for policy-specific or ward-specific reasons. It is important that all Members have this understanding that the Plan needs to move forward as a whole, and that</p>		

	the Examination in Public is the place where the final independent scrutiny of the soundness of the plan will be carried out.
1.19	The responses prepared and provided to Members as set out above have followed a logical sequence in line with structure of the Plan and the consideration of the soundness of it. The focus on non-site-specific 'policies' in Report 1 enabled PSG to consider whether the representations raised issues of soundness in respect of the Plan's Strategy, its spatial strategy and the level of employment and housing provision for growth. The responses to these representations then set the scene for Report 2, which looked at whether the Plan's allocations are considered to be 'sound', before moving on to the Report 3 which considered representations for the inclusion in the plan of additional or alternative sites being promoted by landowners and/or developers.
1.20	Remaining representations on specific policy areas that included Gypsies and Travellers, minerals and waste, settlement boundaries and green barriers, employment sites and renewable energy were presented in Report 4. The responses dealt with in Report 5 were in effect a final 'sweeping up' exercise to ensure that all representations received and recorded in the LDP consultation database had been considered and responded to.
1.21	There is therefore a clear logic to the order with which representations and responses have been presented for PSG consideration. The starting point is that the Plan which the Council placed on Deposit is considered to be a 'sound' Plan i.e. the Plan that the Council wishes to form the basis for subsequent examination and adoption.
1.22	It follows that if, having consider the proposed responses to representations, Members agree that the Plan Strategy and policy framework remains sound, particularly in terms of the level of growth and its spatial distribution, and equally if Members agree that the Plan's allocations remain sustainable, viable and deliverable, and therefore sound, then there is no need for the Plan to include additional sites in the Plan.
1.23	This is the central thread of the recommended responses as officers consider that no issues have been raised that carry sufficient weight or evidence to challenge the soundness of the Council's plan. This will therefore be the position adopted by the Council at Examination to defend the Plan, subject to Cabinet and full Council approval.
1.24	As set out earlier each representation and its response is set out in the summary table in appendix 1. The report from the meeting of the PSG held on the afternoon of 30 July 2020 is also included as appendix 4 to this report, as this provides Members with an overview of the matters raised by representations in relation to each of the Reports 1-5 considered by PSG as above. As per paragraph 1.18 above, the PSG endorsed these responses and recommended that these be considered by the Cabinet and Full Council as part of agreeing to Submit the Plan to Welsh Government and the Planning Inspectorate for Examination in Public

1.25	<p>E. The Need For and Scope to Change the Plan</p> <p>With the publication of the Deposit LDP in September 2019, the Council essentially published its 'sound' development plan i.e. the plan it considers is capable of being examined, found sound and subsequently adopted. The main purpose of the public consultation that took place between September 30 and November 11 2019 was to allow the public and other interested parties the opportunity to scrutinise the soundness of the plan, and if there were felt to be questions or doubts about any aspect of the Plan's soundness, then these should have been explained and evidenced in representations. Clearly, the Scrutiny of the Plan does not end there as the Council's is required to Submit the Plan for Examination in Public, along with the representations received and the Council's response.</p>
1.26	<p>The Town and County Planning (Local Development Plan) (Wales) Regulations (2005) as amended (2015) set out the legislative framework for preparing a LDP. Supplementary guidance is provided in the LDP Manual (Edition 3, March 2020)) and by PINS. The regulations do not set out any stages between dealing with the Deposit LDP representations and submitting the LDP to WG and PINS for EiP, but the Manual indicates that changes to the LDP should only be made in exceptional circumstances where it is necessary to ensure that the LDP is 'sound' (see later Section G below for further information about soundness).</p>
1.27	<p>Such changes are known as 'Focussed Changes' (FC) and, in accordance with the Manual, '<i>should be avoided wherever possible</i>' as the '<i>.....Authority should only place a plan on deposit if it considers it is sound. It will need to justify this assertion at the examination and because of this must consider carefully the extent to which recommending changes after deposit throw into doubt the overall soundness of the deposit plan and erode its position at examination</i>'.</p>
1.28	<p>The Manual further states that '<i>exceptionally it may prove necessary to consider proposing changes to ensure the plan is sound, for example, where there has been a sudden, major change in local circumstances, new national planning policy has been introduced or deposit plan representations identify an unforeseen soundness issue</i>'. If such changes are proposed they should be 'one set of an extremely limited number of focussed changes that reflect key pieces of evidence but do not go to the heart of the plan, affecting only limited parts of it' and should be consulted on 'at the earliest opportunity to avoid delaying the examination process'.</p>
1.29	<p>Having considered all representations made to the Deposit LDP, including those made in volume to some of the housing allocations, and given there has been no change in national policy or legislation that affects the LDP process, it is the recommended advice of officers that nothing has been raised as above that would necessitate or warrant making any FCs to the Deposit LDP, as on the basis of the assessment of all representations and via the recommended responses, the objections to housing allocations do not warrant the removal of sites from the LDP as the issues</p>

	<p>raised are matters that can be dealt with at the detailed Planning Application stage. The Plan therefore remains sound and should be submitted in its published form for EiP, and is capable of being adopted.</p>
1.30	<p>Clearly the Covid -19 Global Pandemic has occurred since the Deposit plan was consulted on, and whilst this has had short term effects on growth, development, and the economy, there is as yet no definitive assessment of the medium to longer terms effects on the economy of Flintshire that would warrant a review of the Strategy of the LDP, remembering also there is still almost 10 years of the plan period remaining. It is simply too early to tell and there is no reliable evidence from economic projections or forecasts on which to base such a reassessment. What is clear anecdotally is that housing development and sales remain at high levels with some developers reporting a buoyant market in terms of sales of new properties, and a similar trend appears evident in the existing housing market, reflected in stable or rising house prices and transactions.</p>
1.31	<p>What is also clear is that in agreeing in July to a revised Delivery Agreement timetable to maintain progress to EiP, the Welsh Government have not raised any concerns or need to 'pause and reflect' in relation to the strategy of the Plan and any perceived Covid-19 impact. Given where the Council is in the process, the overriding priority must be to have an adopted development plan in place in Flintshire to guide and protect communities from further speculative development. The LDP strategy is fit for purpose and it is relevant that Welsh Government in agreeing to an amended delivery agreement so quickly stated that the Council has "taken a pragmatic view to trying to keep the plan moving forward" – they could easily have required the Council, as other authorities who are pre-deposit have been told, to review their evidence base in light of Covid 'effect', but they haven't said this to Flintshire.</p>
1.32	<p>In terms of factual evidence, 2018 based population projections have recently been published nationally during lockdown and these show an uplift in projected population growth for Wales overall which filters down to most local authorities. Whilst household projections have not yet been produced, the Council's advising statistician at Conwy Council has run some household projection scenarios based on the national uplift, and whilst Flintshire's household growth projection will be higher than present for the Plan period, it will still be below the LDP housing requirement, but closer to it.</p>
1.33	<p>Finally economic recovery post Covid could go two ways – accelerated recovery led by housing development and market confidence which may use up the sites the Plan has at a quicker rate. In this scenario the Council would be required to review the plan and in terms of LDP Regulations, it is necessary to review 4 years after adoption in any event. The other scenario is slow recovery of the economy and developer confidence to build, in which case the sites are sustainable but may take longer to come forward and as such supply would be maintained and would not necessarily trigger a plan review. On this basis the strategy is sufficiently balanced and flexible to happily sit between these two</p>

	scenarios and is therefore fit for purpose.			
1.34	Some changes to the LDP are proposed for minor editing reasons only and/or to clarify the wording of an existing policy or reasoned justification, but that does not change the purpose of that policy or the Plan overall, from the published Deposit LDP. These changes are identified in responses made to representations and will be listed as an attached schedule to accompany the LDP when submitted for examination.			
1.35	<p>F. Submission Requirements</p> <p>Section 6.25 of the LDP manual sets out the documentation that the Council (as Local Planning Authority) must submit to WG and PINS and their format (paper and electronic copies). These are:</p> <ul style="list-style-type: none"> • The Deposit LDP; • Schedule of FCs (where applicable), including Minor Editing Changes; • The Sustainability Appraisal (SA) Report; • The Candidate Sites register; • All other supporting evidence-base material and technical documents (such as the Habitat Regulations Assessment, Housing Needs Assessment and the suite of background papers); • The Delivery Agreement (DA), incorporating the Community Involvement Scheme (CIS); • The final Consultation Report; • A copy of all representations made on the Deposit Plan (PINS only); • Any Statements of Common Ground (SoCG). 			
1.36	<p>G. Soundness</p> <p>At the Examination in Public (EiP) the Council will have to demonstrate that the LDP is 'sound'. This will be tested by the independent Inspector through a series of hearings over several weeks/months (see Section I below and Appendix 5 Typical Schedule). The three soundness tests identified in national guidance are shown in table 4 below together with the sub-questions that supplement each test.</p> <table border="1" data-bbox="319 1545 1372 2060"> <tr> <td>Table 4 Tests of Soundness</td> </tr> <tr> <td> <p>Preparation Requirements:</p> <ul style="list-style-type: none"> • Has preparation of the plan complied with legal and regulatory procedural requirements? (LDP Regulations, CIS, SEA Regulations, SA, HRA etc.?) • Is the plan in general conformity with the NDF and/or SDP? (when published or adopted respectively) </td> </tr> <tr> <td> <p>Test 1: Does the plan fit? (Is it clear that the LDP is consistent with other plans?)</p> <p><i>Questions:</i></p> <ul style="list-style-type: none"> • Does it have regard to national policy (PPW) and the WSP (NDF when published)? • Does it have regard to the Well-being Goals? • Does it have regard the Welsh National Marine Plan? • Does it have regard to the relevant Area Statement? </td> </tr> </table>	Table 4 Tests of Soundness	<p>Preparation Requirements:</p> <ul style="list-style-type: none"> • Has preparation of the plan complied with legal and regulatory procedural requirements? (LDP Regulations, CIS, SEA Regulations, SA, HRA etc.?) • Is the plan in general conformity with the NDF and/or SDP? (when published or adopted respectively) 	<p>Test 1: Does the plan fit? (Is it clear that the LDP is consistent with other plans?)</p> <p><i>Questions:</i></p> <ul style="list-style-type: none"> • Does it have regard to national policy (PPW) and the WSP (NDF when published)? • Does it have regard to the Well-being Goals? • Does it have regard the Welsh National Marine Plan? • Does it have regard to the relevant Area Statement?
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1.37	<p>Before the LDP was placed on Deposit, the Council undertook a soundness self-assessment in accordance with WG LDP guidance (a copy of which can be found on the LDP consultation portal). This document sets out why, in the view of the Council, the LDP was sound to be placed on Deposit.</p>
1.38	<p>Paragraph 6.27 of the LDP manual states that <i>'The Welsh Government will monitor consistency with national policy throughout the LDP preparation process, and is likely to discourage submission if there is a fundamental conflict. If a plan is considered to be fundamentally unsound this will be drawn to the attention of the LPA so that any necessary action (i.e. withdrawal) is taken before submission. If the Welsh Government makes an objection based on soundness in the normal way, it will be</i></p>

	<i>considered at the examination. But fundamentally unsound plans should not be submitted for examination’.</i>
1.39	For the reasons summarised in Appendix 1 it is considered that the LDP remains sound. At the same time, as can be seen in paragraph 1.10 above and in Appendix 3, WG have not raised any fundamental objections to the Deposit LDP on grounds of soundness. This should provide the Council with the comfort that the Deposit LDP provides a sound basis for moving forward to Submission in accordance with the DA. Notwithstanding the fact that numerous representations have been received questioning the soundness of the LDP, these relate in the main to individual site allocations, or to proposals which are seeking the inclusion of new sites which can and will be debated at the EiP.
1.40	Paragraph 1.6 of the Planning Inspectorate, LDP Procedure Guidance (August 2015), states that <i>‘The role of the appointed Inspector is to carry out an independent assessment of the overall soundness of the plan and that it satisfies the statutory requirements for its preparation. The Inspector’s role is not to improve the LDP but to make recommendations to ensure it is sound. This means dealing with the main issues which go to the heart of the LDP and not getting involved with the details of the plan unless this is necessary to conclude on the Plan’s soundness’.</i> This makes clear that if there are site-specific details which raise soundness issues it will be down to the Inspector to hear these as part of the EiP and decide if and what binding changes should be made to the LDP to make the Plan sound.
1.41	H. Delegated Authority at Examination in Public There is a need to clarify with PINS what, if any, delegated authority those officers who represent the Council at Examination will be required to have, to agree any changes that the Inspector may propose. That said at this stage, given the conclusion is that the Plan remains sound following the consultation on the Deposit Plan, the role of officers at Examination is to defend that position. A further report will be brought to Members on the examination process and any need for such delegation.
1.42	I. Next Steps Subject to agreement at the Council on the 29 th September 2020 for the Plan to be Submitted to WG and PINS, the relevant Submission documentation (Section F, above) will be sent to both organisations to commence the formal process of EiP.
1.43	The purpose of the EiP will be to assess whether the LDP preparation requirements have been followed and whether the submitted LDP meets the tests of soundness (as set out in Section G above).
1.44	Once PINS have received the LDP they will send a Service Level Agreement (SLA) to the Council setting out the actions and commitments to which both parties will adhere during the EiP, including the costs which will be charged monthly to the Council. PINS will also require details of the appointed Programme Officer (PO) who will liaise directly between the

	Council (as LPA), PINS and the representors to ensure the proper running of the EiP and to keep the examination library and examination website up to date as the EiP progresses. A Programme Officer has already been appointed to fulfil this role.
1.45	PINS are committed to delivering the Inspector's Report to the Council within 12 months of the LDP being Submitted. Depending on the complexity of the LDP, a lead inspector may be supported by other inspectors, specialist advisors or planning officers, and, clearly, the length of the EiP will depend on the complexity and scope of issues considered. PINS's Local Development Plan Examination Procedure Guidance (August 2015) sets out a typical schedule from Submission to the issuing of the Final Inspector's report. This is replicated in Appendix 5.
1.46	When the EiP has been concluded and the Inspector has considered the evidence and finalised his/her report, the report will be dispatched to the Council for fact checking. The Council will have 2 weeks to do this before the Final Report is issued.
1.47	Once the Council has received the Inspector's Final Report, the onus will be on it to publish it and to seek approval from the Council formally to adopt the LDP in line with the binding nature of the Inspector's Report. The Cabinet and the Council would need to consider a resolution to Adopt the Plan and could not choose to adopt only it in part - the choice would be Adopt it whole, in line with the Inspector's Report (including any changes he/she deems appropriate) or not at all. If the LDP is not adopted there will be no plan in place for the County and it would face further long term speculative development or 'planning by appeal' without a coordinated approach to site or infrastructure delivery. Equally the Welsh Ministers could use their powers to intervene and/or direct the Council to adopt the Plan.
1.48	Based on the typical schedule identified in Appendix 5, it is estimated that the Plan would be adopted later in 2021. The Adopted LDP would then be used to inform investment decisions by public and private individuals and organisations and for determining individual Planning Applications and Appeals.
1.49	After the LDP is Adopted, the Council must submit an Annual Monitoring Report (AMR) on progress against the adopted monitoring indicators and the Adopted LDP will be subject to a statutory review 4 years after Adoption. It must also prepare a separate Plan for Community Infrastructure Levy (CIL) to finance required infrastructure through developer contributions, if it is felt that it is viable to do so. If required, this will need to be the subject of a separate Examination in Public in due course.

2.00	RESOURCE IMPLICATIONS
2.01	Budget: The Council has committed funding via in-year budget provision as well as a specific balances to undertake the preparation of the LDP

	<p>including provision for the EiP stage in the process. This provision is considered adequate to cover the remaining stages of the plan process to adoption, but this is subject to the length of the EiP which is not known at this stage and the resulting costs of the Inspector(s) and Programme Officer. The Council has estimated that the PO costs will not amount to more than £35k-£40k while the cost of the inspector currently stands at £508 per day (excluding travel and subsistence). PINS can now also charge for Planning Officer and administrative support as part of the EiP process, the details of which are set out in the The Local Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2017. An allowance in the budget/balances of £250k to cover all EiP costs has been made which should be sufficient.</p> <p>Human Resources: Submission of the LDP is based on the existing staffing levels within the planning policy team (1FTE team Leader, 1.6 FTE Senior Planners, 2 FTE Planners, 1 FTE Technician) supported by the Service Manager Strategy, and also utilising wider portfolio administrative and technical support as required One of the FTE Planner posts is currently vacant but a business case will be made to fill this post to support Submission and the EiP to follow.</p> <p>Technology: It is unclear at this stage whether investment in technology will be required to facilitate the ability of interested parties to 'attend' Examination sessions virtually rather than in person, if Covid-19 restrictions dictate once the start date of the Examination is known, and the process of identifying suitable Council venues is carried out.</p>
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3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	The LDP has already been the subject of a comprehensive Integrated Impact Assessment as a requirement of Planning Wales and the Development Plans Manual (Edn 3). This is part of the documentation that the Council was required to provide alongside the deposit LDP when it went out for public consultation in September 2019 and relates to the sustainability of the Plan and how this links to the Welsh Government Well Being Goals. The Plan's IIA can be accessed from the Council's website (see background documents).
3.02	A Health Impact Assessment of the LDP has now been published by Public Health Wales (see background documents).
3.03	The key risk mitigation is to ensure that delays in the progress of the Plan are minimised. The need to have an adopted plan in place is a primary requirement of the Welsh Government and for the Council, and an adopted LDP ensures that decisions on planning applications are fully in the control of the Council as Local Planning Authority and made with referenced to the policies of the adopted Plan.
3.04	The Council has a legal duty to prepare a Local Development Plan and keep it up to date. The current development plan for the County (the Flintshire Unitary Development Plan, 2000 – 2015) expired in 2015 and the

	<p>longer the Council remains without an adopted LDP the greater the risk of it being unable to coordinate and deliver funding, infrastructure and investment within the County. Failure to submit and adopt a sound LDP in line with the agreed Delivery Agreement (DA) puts the Authority at risk of the following:</p> <ul style="list-style-type: none"> a) That the Plan-making function of the Authority is removed with Welsh Government stepping in to ensure that a LDP is put in place at a financial and democratic cost to the Authority; b) If the LDP is not submitted to WG and PINS in line with the DA, WG could direct that the Council submit it, again taking away the democratic process from the Council; c) Costs being awarded against the Council at appeals against individual Planning Applications increasing as the UDP becomes even more obsolete; d) Un-coordinated delivery (or non-delivery) of essential infrastructure and services; e) In the absence of an Adopted LDP, speculative developments being delivered through 'planning by appeal' rather than in accordance with a strategy.
3.05	<p>There is also a risk that if the Council does not Submit the Plan in accordance with the DA, that WG could use its powers to direct Submission. If this takes place, WG could impose a wide range of actions on the Council, including appointing consultants to pick up the work and to take it through Examination in Public at cost to the Council. They could also instruct that the Council to provide officers for the EiP, but without political support for the LDP it would place those officers in a very difficult position. This could lead to delays in the adoption of the LDP with implications for the Plan base date and the supporting evidence, and increasing vulnerability of all of Flintshire's communities to speculative development.</p>
3.06	<p>Submission of the LDP in line with the DA will reduce the risks identified above. Once the Plan is submitted, adoption will be dependent on the appointed independent Inspector issuing a Final Report, with or without changes, confirming that it is sound. Whilst there are, of course, risks to the LDP as part of the EiP process, this will be dependent on the hearing sessions and the matters that arise. For example, the inspector could, if warranted, suspend the EiP to allow further work to be undertaken on an issue in question.</p>
3.07	<p>Officers are not aware at this stage of any proposed fundamental changes to Welsh Government policy that would have implications for the LDP and progressing to Submission, Examination and adoption. That said, and given the continuing uncertainty of the times we are in relating to Covid-19, the risk of such a change for example with the issuing of a new version of Planning Policy Wales, would have a significant effect on the ability of the Council to progress the plan to adoption, thereby mitigating the risks highlighted above.</p>

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	Section B, above, details the public consultation on the Deposit LDP. A summary of the representations received is contained in Appendix 1 and the original representations are available to be viewed on the LDP consultation portal and website.

5.00	APPENDICES
5.01	Appendix 1 - Summary of Deposit LDP Representations and Responses Appendix 2 - List of Deposit documents that were made available for consultation Appendix 3 - Welsh Government response to the Deposit LDP Appendix 4 – Report to Planning Strategy Group 30 th July 2020 Appendix 5 - Typical Schedule of LDP process from Submission to issuing of Inspector's Final Report

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Flintshire Local Development Plan (2015-2030) Revised Delivery Agreement https://www.flintshire.gov.uk/en/PDFFiles/Planning/Flintshire-LDP-Delivery-Agreement-4th-Revision.pdf</p> <p>Flintshire Local Development Plan (2015-2030) Preferred Strategy (November 2017) https://consult.flintshire.gov.uk/portal/planning/ldp/ps/ps</p> <p>Flintshire Local Development Plan (2015-2030) Deposit Plan and Supporting Documents https://consult.flintshire.gov.uk/portal/planning/ldp/ldp/ldp</p> <p>The Town and Country Planning (Local Development Plan) (Wales) Regulations, 2005 http://www.legislation.gov.uk/wsi/2005/2839/made</p> <p>The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations, 2015 http://www.legislation.gov.uk/wsi/2015/1598/contents/made</p> <p>Planning Policy Wales (Edition 10) https://gov.wales/sites/default/files/publications/2018-12/planning-policy-wales-edition-10.pdf</p> <p>Local Development Plans Manual (Edition 3) https://gov.wales/sites/default/files/publications/2020-03/development-plans-manual-edition-3-march-2020.pdf</p> <p>The Planning Inspectorate: LDPs – Preparing for Submission, A Guide for Local Planning Authorities https://gov.wales/docs/desh/publications/170503ldp-preparing-for-submission-en.pdf</p>

7.00	CONTACT OFFICER DETAILS
7.01	<p>Contact Officer: Andy Roberts, Service Manager Strategy Telephone: 01352 703211 E-mail: andy.roberts@flintshire.gov.uk</p>

8.00	GLOSSARY OF TERMS
	<p>Delivery Agreement: A formal document produced by the Council and approved by the Welsh Minister that defines how the Council will carry out the production of the LDP, how it will consult and engage on the Plan, and what the timetable is for the Plan’s production.</p> <p>Deposit LDP: The formal version of the LDP that the Council is required to ‘deposit’ for public consultation. This consultation took place between September 30th 2019 and November 11th 2019.</p> <p>LDP Regulations: Regulations that support the relevant Planning Acts and define the key legislative requirements for how the Council produces the LDP, defining key stages and requirements that the Council must legally comply with.</p> <p>Examination: This is the formal examination in public of the LDP to test the soundness of the plan which will be presided over by an independently appointed Planning Inspector.</p> <p>Planning Strategy Group: A sub group of the Council’s Planning Committee that acts as a steering group guiding the progress of the production of the LDP. This is not a public committee and has no power to make direct decisions over the content of the LDP, but it makes recommendations to the Cabinet on the plan.</p> <p>Submission: Once the Council has agreed the responses to the representations made to the deposit LDP consultation, it also needs to agree to submit the Plan to the Planning Inspectorate for formal examination.</p> <p>Soundness: A series of tests that the LDP is required to satisfy to demonstrate that it is based on sound evidence, is in line with other plans and strategies, is national policy compliant, and is capable of being delivered.</p>