

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING STRATEGY GROUP**

**DATE:** **THURSDAY, 30 JULY 2020**

**REPORT BY:** **CHIEF OFFICER (PLANNING, ENVIRONMENT, AND ECONOMY)**

**SUBJECT:** **FINAL ENDORSEMENT OF ALL RESPONSES RELATING TO REPRESENTATIONS MADE TO THE DEPOSIT FLINTSHIRE LOCAL DEVELOPMENT PLAN.**

**1.00 PURPOSE OF REPORT**

1.01 To endorse all of the proposed responses relating to representations made to the Deposit Flintshire Local Development Plan during the public consultation on the plan, carried out between 30 September and 11 November 2019, and to recommend these on to the Cabinet for consideration and approval, and ultimately also by the Full Council. Following from this will be agreement to submit the plan to the Welsh Government and Planning Inspectorate for formal examination.

**2.00 BACKGROUND**

2.01 Notwithstanding the highly unusual circumstances and working conditions created by the response to the Covid 19 pandemic, the Council has continued to make progress in preparing responses to the representations received during the public consultation held in relation to the Deposit Flintshire Local Development Plan (LDP), held between 30 September and 11 November 2019. Whilst the health emergency has had a knock on effect on the ability of the Council to keep to the relevant aspects of the existing LDP timetable and delivery agreement, resulting in a request to Welsh Government to revise the LDP Delivery Agreement, Members have continued to receive reports containing proposed responses to the various representations made. These have been sent to Members as a series of reports prepared in a logical sequence relating to the structure of the Deposit LDP, and the following chronology is a reminder for Members of that sequence including when each report was sent out, and when a virtual meeting was held by video conference.

2.02 Members will recall considering a sequence of reports as follows:

- Report 1 - A report was sent by e-mail and post on 09/04/20 relating to **responses to all representations on non-site**

**specific ‘policy’ matters.** This covered the majority of strategic and detailed policies in the LDP which were not site-specific. A briefing was held with Members of this group by Video conference on 15/05/20;

- Report 2 - A second report was sent by e-mail and post on 26/05/20 relating to **responses on representations made to the Plan’s site specific policies, relating to strategic and housing allocation sites.** A briefing was held with Members of this group by Video conference on 29/05/20;
- Report 3 - A third report was similarly sent on 19/06/20 which contained **response to representations which proposed either ‘new’ or ‘resubmitted’ sites** for inclusion in the Plan. A briefing was held with Members of this group by Video conference on 25/06/20;
- Report 4 - A fourth report was sent on 10/06/20 which contained **responses to representations on remaining policy and site specific matters.** A briefing was held with Members of this group by Video conference on 16/07/20;
- Report 5 – (Agenda item 1 to this meeting) This report contained **responses to representation on all remaining outstanding matters** relating to the Deposit LDP, including a final LDP database system check to ensure all representations made have been responded to.

2.03 This report now provides Members with a final broad overview of the contents of each of these reports and the main issues that have been raised and responded to, along with the overall conclusion reached in the responses to the areas of the plan dealt with in each report. This report also provides a review of all written feedback queries and comments received from Members to the reports referenced above, and the response from officers to those queries and comments.

### **3.00 CONSIDERATIONS**

3.01 The responses prepared and provided to Members as set out in para 2.02 above have followed a logical sequence in line with structure of the plan and the consideration of the soundness of the Plan.

3.02 The focus on non-site specific ‘policies’ in Report 1 will have enabled Members to have considered 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.

- 3.03 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 agenda item 1 of this meeting (Report 5) are in effect a final 'sweeping up' exercise to ensure that all representations received and recorded in the LDP consultation database have been considered and responded to.
- 3.04 There is therefore a clear logic to the order with which representations have been presented for Members considerations. The starting point is that the Plan which Members 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.
- 3.05 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, then there is no need for the Plan to include additional sites in the Plan. This is the central thread of the proposed 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.
- 3.06 Throughout the reporting of proposed responses to Members, representations have been anonymised partly because of GDPR but also to ensure that the subject matter of the objection is considered on its merits, thereby also protecting Member's probity.
- 3.07 As a final recap of the matters covered in each of the reports itemised in para 2.02 above, and the overall conclusions emanating from the proposed responses in each case, the following broad summary of each report is provided.

**Report 1 - responses to all representations on non-site specific 'policy' matters**

- 3.08 Notwithstanding the broad range of both strategic and development management policies in the plan that are not site specific, and that received representations which were responded to in Report 1, the main theme of objections to the plan focused on the strategy of the plan, and particularly its proposed level and distribution of growth. Most objections were received to strategic policies STR1 Strategic Growth and STR2 The Location of Growth, as well as STR11

- 3.09 Provision of Sustainable Housing Sites, which are closely related and where the key themes of objection related to the plan include:
- The housing requirement figure was not ambitious or high enough and should be increased;
  - There was insufficient flexibility in the number and distribution of sites provided for housing and this should be increased;
  - The Plan had failed to 'add-in' a backlog of under-provision of housing from the UDP;
  - Housing delivery rates show that more sites should be allocated;
  - Not enough settlements in the hierarchy had growth allocated to them;
  - There is an over-reliance on commitments coming forward as well as windfall and small site allowances being too high;
  - The plan is not in line with Welsh Government guidance and policy e.g. the draft NDF.
- 3.10 Not unsurprisingly, the majority of these representations came from housing developers and/or those wanting more land to be included in the plan. Whilst most developer objections were detailed submissions, they tended to be repeated by the same agent acting for different clients. This partly explains the length of this response report but in the main this is because officers have very deliberately provided detailed rebuttals to all of the relevant points made in each submission. This is partly to focus in on arguably one of the most important policies in the plan from a soundness perspective, to ensure a strong and robust defence of the Council's strategy. It will then also follow through to the submission of the plan for Examination where the preparation of the Council's position statements will draw heavily on these responses.
- 3.11 In contrast Members will recall from previous discussions that Welsh Government in their formal comments on the deposit Plan, stated that "The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect". Welsh Government did not raise any matters that challenge the fundamental soundness of the plan.
- 3.12 Report 1 concluded that "Having assessed all of the non-site specific representations received, and with particular focus on the Plan's growth strategy, officers are very clear in recommending to Members that there have been no issues raised that fundamentally question the plan's strategy, the supporting evidence, and therefore the soundness of the plan. This common theme characterises the specific responses prepared to each objection by officers as set out in this report".

**Report 2 - responses on representations made to the Plan's site specific policies, relating to strategic and housing allocation sites**

- 3.13 This report dealt with representations made specifically to the Plan's two Strategic Mixed use development sites allocated under policy STR3, and the 11 housing allocations within policy HN1. This is the second part of assessing challenges to the soundness of the Deposit plan as published by the Council, having previously considered this for the Plan strategy and all other non site-specific policies in Report 1.
- 3.14 Whilst the strategic sites did not attract significant volumes of objections, particularly from the public, the main challenge to these sites were from developers and/or landowners promoting other or additional sites for inclusion in the Plan. The main premise behind their objections related to the scale of the strategic sites, their viability, and an over reliance on these sites delivering development, and more specifically the housing elements of each site. Objectors felt that the lead in times would significantly challenge the ability of these sites to deliver housing during the plan period. Whilst this may have some bearing on the deliverability of the housing element of the Northern gateway site, the housing that forms part of the Warren hall site is no greater than some of the individual housing allocations in the plan. Given the planning status of the housing phases at Northern Gateway and the visible progress on-site in delivering this housing, and the support for bringing forward the strategic sites via the North Wales Growth Deal and Welsh Government Housing Accelerator project, there is clear evidence of both current delivery and the deliverability of these sites, and specifically in housing terms.
- 3.15 Of the 11 housing allocations, two sites received the majority of representations to HN1 sites, with these objections mainly from local communities not wanting development in their area. The sites at Ewloe (HN1.7) received 129 objections and the site at Mancot/Hawarden (HN1.8) 196, with the next highest the site in Mold (HN1.6) with 48. Relatively low numbers were received for each of the other allocations. Notwithstanding the level of objection, clearly it is the issues raised which is of most importance in setting out a challenge to the sustainability and soundness of each allocated site. Whilst for the two sites referenced above the level of response was clearly co-ordinated by the respective communities, a number of consistent themes and issues were raised and repeated in objections to all of the HN1 sites that included the scale of development and impact on character of the area, amenity of existing residents, highways issues, community infrastructure capacity, a lack of need, and the need to protect the land from development. Having considered these representations, no substantive evidence was submitted to demonstrate fundamental

issues or site constraints that would challenge the soundness of any of the allocations in the Plan.

- 3.16 Report 2 concluded that “A lot of work has been undertaken by officers to summarise and further filter the objections received to each allocated site under policy HN1, down to a series of key issues which have then been responded to in detail by officers. The approach to responding to objections to strategic sites is different and has reverted to responding individually to each objection. Across all sites allocated for housing/mixed use development, the overriding conclusion of officers from the process of considering and responding to representations is that there are no fundamental issues raised that challenge the soundness of each individual site allocation, or the Plan as a whole”.

**Report 3 - response to representations which proposed either ‘new’ or ‘resubmitted’ sites**

- 3.17 This report dealt with responses to representations which are seeking additional housing allocations in the deposit Plan, on a small number of wholly new sites not submitted previously for consideration, and then on previously assessed candidate and alternative sites that have been resubmitted at the deposit stage. Having considered the issues raised with the Plan in reports 1 and 2, it follows that if Members consider the Plan Strategy and policy framework to still be sound, particularly in terms of the level of growth and its distribution, and if Members still consider the Plan’s allocations to be sustainable, viable and deliverable (as per the proposed responses in reports 1 and 2), then there is no need for the Plan to make additional allocations. Nevertheless, it is still necessary to re-assess the sites put forward in order to provide all parities at Examination with the Council’s response to each site representation.
- 3.18 Members will recall that at the beginning of the Plan’s preparation process a Call for Candidate Sites was undertaken. When the Plan reached Preferred Strategy consultation stage, there was a further opportunity for sites to be put forward for inclusion in the Plan and these were called Alternative Sites. When the Deposit Plan was consulted upon there was an opportunity for these sites to be put forward as part of representations to the Plan. These sites have been referred to as ‘resubmitted’ sites.
- 3.19 The representations promoting additional allocations in the Plan are primarily developer based, but a small number are from landowners or members of the public. Objectors are essentially seeking to argue that the Plan’s Housing Balance Sheet is not seeking to achieve a high enough housing requirement and that each element of the Plan’s supply of housing land is flawed and will not deliver, and that this needs to be rectified by making new allocations.

3.20 The submission of a small number of 'new' sites at this late stage is disappointing, particularly as some of these are substantial sites and are submitted by experienced developers and agents. The Plan preparation process has provided adequate opportunity for sites to be put forward at earlier stages, so that they can be considered 'in the mix' in terms of determining which sites should be allocated in the Plan. The submission of these site so late in the process also makes it difficult for Officers to assess sites in the same level of detail as the candidate sites and alternative sites. Nevertheless, the 'new' sites have been the subject of internal and external stakeholder consultation and relevant stakeholder comments have been incorporated into the responses.

3.21 Report 3 concluded that "given the earlier conclusions reached about the soundness and appropriateness of the Plan's strategy, levels of growth and spatial strategy, and the soundness of the allocations covered in reports 1 and 2, it is not considered that it is either necessary or appropriate to consider the need for further site allocations to be made, either in addition to, or instead of those allocations already in the Plan.

**Report 4 - responses to representations on remaining policy and site specific matters**

3.22 This report considered responses to the representations received during the Deposit consultation stage which relate to remaining policies and site specific matters. These policy areas and the main issues raised by representation comprised:

- provision for Gypsies and Travellers – identification of the correct level of evidenced need to be met and ensuring the plan has made adequate provision which is appropriate and deliverable;
- Waste Management – further policy clarification only ;
- Minerals – the need to ensure that the Regional Technical Statement 2 requirement for minerals can be met by provision in the plan;
- requests to amend settlement boundaries and green barriers – the need to adjust settlement boundaries and/or green barriers in relation to requests to include land in the plan for housing development ;
- Employment Development – ensuring that where potential employment development may be subject to flood risk, policies are specifically clear on the assessment that is required to ensure that the risks have been assessed and appropriate mitigation is provided;
  - Renewable and Low Carbon Energy – clarification of the purpose of the policies in the plan and alignment with Welsh Government policy intentions relating to carbon reduction and development of renewable energy.

3.23 Report 4 concluded that "given the earlier conclusions reached about the soundness and appropriateness of the Plan's strategy,

levels of growth and spatial strategy, the soundness of the allocations covered in reports 1 and 2 and therefore the lack of need for more sites (report 3), none of the representations responded to in this report are considered to challenge the soundness of the plan or the specific areas objected to, and have in the main not been accepted. There are a few instances where in responding it has been accepted that a policy or its reasoned justification could be enhanced and made even clearer with the addition of wording, and Members will see that the Inspector at examination is invited to consider these changes, which the Council would agree to”.

### **Report 5 - responses to representation on all remaining outstanding matters**

- 3.24 This response considered proposed responses to the representations received during the Deposit consultation stage on all outstanding matters as set out in the first report on the agenda to this meeting. This report included remaining representations from Report 4 not considered at a previous briefing meeting (employment and Renewable Energy), as well as representations identified as a result of a final system check of the LDP representations database, which had not been ‘technically’ been responded to.
- 3.25 With the exception of a small number of both site specific and policy based representations, the majority of representations ‘found’ by this system check have been considered previously by Members as they are points repeated several times to different parts of the plan. It is not considered that any of these matters raise fundamental issues which would affect Members previous consideration of representations and responses.

### **Members Written Feedback**

- 3.26 Notwithstanding the provision of Reports 1-5 for Members consideration in electronic and paper format and then a series of briefings held by video conference to clarify matters in relation to the reports, Members were also invited to submit queries and comments to officers on any aspect of the reports. All of this has in effect provided Members with all relevant information relating to representations and proposed responses and a long led in time to the consideration and endorsement of these responses at this meeting of the Planning Strategy Group.
- 3.27 Appendix 1 of this report identifies the matters raised by Members in writing during the consideration of Reports 1-5, and also provided an officer comment or response to the points raised.

### **Conclusions**

- 3.28 Given the way that responses have been dealt with in the logical order set out in para 2.02, 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 (as per the collective response proposed), then there is no need for the Plan to include additional sites in the Plan or change it in any significant way. This is the central thread of the proposed 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 this Group's endorsement of that position and recommendation to Cabinet and full Council approval.

- 3.29 It is also relevant to note that approval of responses has to happen as a pre-cursor to the final scrutiny stage of the Plan, where along with approving responses, the Cabinet and Full Council will need to agree to the submission of the Plan to Welsh Government and the Planning Inspectorate for formal Examination. This is where objectors can be heard by an independent Inspector.

#### **4.00 RECOMMENDATIONS**

- 4.01 That Members endorse the collective responses to all representations made to the Deposit Flintshire Local Development Plan referred to and provided in this report, and in previous reports provided to this group, comprising Response Report 1-5.
- 4.02 That this Group recommend these responses are considered for approval by the Cabinet in order to allow Full Council consideration and approval, and for the plan to be submitted to Welsh Government and the Planning Inspectorate for formal Examination.
- 4.03 That delegated authority is given the Chief Officer (Planning, Environment and Economy) in consultation with the Chair of this group, to make any final minor typographical, factual, or clarification amendments to the responses in preparation for reporting these to the Cabinet.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 None

#### **6.00 ANTI POVERTY IMPACT**

- 6.01 None

#### **7.00 ENVIRONMENTAL IMPACT**

- 7.01 The Plan has been the subject of an Integrated Impact Assessment to inform its policies and proposals and in the assessment of representation.

**8.00 EQUALITIES IMPACT**

8.01 None

**9.00 PERSONNEL IMPLICATIONS**

9.01 None

**10.00 CONSULTATION REQUIRED**

10.01 None

**11.00 CONSULTATION UNDERTAKEN**

11.01 This reports has sought endorsement for responses to all representations received to the Deposit LDP public consultation exercise held between 30 September and 11 November 2019.

**12.00 APPENDICES**

12.01 **Appendix 1 Written Member comments and queries and officer responses**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

Contact Officer: **Andy Roberts**  
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Email: **andy.roberts@flintshire.gov.uk**

PSG – Member Comments and queries / Officer Responses

Cllr	Policy / para	Comments	Response
Ian Dunbar	STR1 / Rebuttal Paper	Regarding the Rebuttal Statement is this directed and the 2 main developers who monopolise the developments in Flintshire and for long enough sat on land to gain best price to the detriment of smaller developers. Also the Plan Strategy for the setting of Housing requirement figure in their objections was it not set by WAG for Flintshire.	The Council has set its own Housing requirement figure. This uses the population and household projections produced by Welsh Government but also a range of other considerations. Welsh Government issued a health warning with earlier projections in that they were based on a period of economic recession which should not be replicated going forward. The Council adopted a growth led strategy in view of on-going regional growth initiatives and this is aspirational but realistic.
Chris Bithell	STR1	WG comment re inconsistency of not permitting exceptions in Tier 1 , only in tiers 2-5. Does this present any difficulties for us?	The wording of policy STR2 'Location of Development' in respect of small scale affordable housing exception schemes had exclude Tier 1 settlements in error. Previously the policy had been applicable to 'rural' areas and settlements both in national policy and in UDP policy HSG11. In the revised PPW10 the 'rural' element has been omitted with the result being that any settlement can be acceptable for an affordable housing exception schemes. Given that Tier 1 settlements are the most sustainable settlement settlements

			<p>this should not be problematic and it should be noted that any development proposal would still need to satisfy the criteria in policy HN4-D ‘Affordable Housing Exception Schemes’.</p>
Chris Bithell	590 1230730	<p>Council acknowledge that 13/41 sites allocated in the UDP did not come forward. Council blame that on market conditions. They claim that these sites were not viable or sustainable in the first place and that we are repeating the same mistake in the LDP, Although a robust response is made to most of the arguments put forward by the objectors I don’t think we are robust enough on the latter point i.e. the viability and sustainability of the sites.</p>	<p>The UDP allocations were assessed by the time by the UDP Inspector against a large number of ‘omission’ sites and were considered to be appropriate allocations with which to meet the Plans housing requirement. It is a matter of fact that the adoption of the Plan coincided with the economic downturn.</p> <p>An important point, which is picked up in responses to objections on other policies is that the LDP has sought a different approach to housing allocations. The UDP had a more prescribed distribution of sites with the result being that there were a large number of smaller allocations across all settlement tiers, which may not have been of interest to certain housebuilders. Instead, the LDP has opted for a more focussed approach whereby allocations are only made in the top three tiers of the settlement hierarchy and where the evidence base for the Plan shows that they are sustainable, viable and deliverable.</p> <p>This particular objector made a series of objections put to policies throughout the</p>

			Plan and both this objector and other objectors have questioned the viability and sustainability of certain sites but without providing clear evidence to back up their points. It is necessary to consider the 'totality' of the Council's responses and these are quite clear that the Plans allocations are sustainable, viable and deliverable.
Chris Bithell	Rebuttal Paper	Points made to counter their arguments (i.e. the LDP will provide 2/3 times the level projected household change by national projections in Table 1 would again suggest that we are over providing And going overboard. Is that realistic? Is that desirable? Is that what most people in Flintshire would want? Again the point is made that Wrexham and Flintshire are doing more than their bit for future growth; it is the others that need to be doing more! Flintshire has provided the highest rate of growth in the UDP – the only LA where provision is in line with planned growth. Whilst that may well be the case, are we therefore doing too much? Will the other LAs row back and leave it to Flintshire to meet the regions needs?	As explained above Welsh Government confirmed through a Ministerial Statement that the 2011 based household projections should be treated with caution as it is based on a period of economic recession and therefore underestimates future housing need. It would also do little to support the growth ambition within the Plan and would perform poorly in delivering market and affordable housing. The projections were treated as no more than a baseline. Instead, the Council. In the Strategic Options document, consulted upon a further 4 projection led growth options and an employment led growth option.. The Councils Preferred Strategy document explained in para 3.6.3 that the demographic led housing requirement in Option 4 (6,600 units / 440pa) was broadly in line with the employment led projections in Option 6 (6,550-7,350 units). The chosen figure of 6,950 was the midpoint of Option 6 and

			<p>this is considered to represent an ambitious yet realistic and sustainable level of growth.</p> <p>The housing requirement figure identified in the Plan is not considered to be excessive. Clearly there are Members of the public who consider the figure should be lower, but this is usually association with objections to a particular site.</p> <p>It must be noted that in their formal representations on the Deposit Plan, Welsh Government stated that ‘The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect’. It is for each LPA too meet its own housing requirement based on the circumstances prevalent in that County and based on the Strategy or ambitions of each Council. There is no requirement for or onus on Flintshire to make good any possible shortfalls elsewhere.</p>
Mike Peers	STR4	<p>We are advised that Wales Government (WG) support in principle to minimise the loss of Best and Most Versatile land (BMVL) . Surely this is already covered in Planning Policy Wales 10 (PPW) (Page 38, section 3-54). Is it not the</p>	<p>The Plan has been prepared in the context of PPW10 which seeks to protect finite resources such as best and most versatile agricultural land. Para 4.10.1 of PPW10 explains that in development plans considerable weight should be given to protecting BMV agricultural land</p>

		<p>case that WE already support through PPW10. Is it also not the case at an appeal in Pen-y-Ffordd the inspector considered a similar situation of BMVL but granted permission in favour of the developer against PPW10 policy ?</p>	<p>from development. The Council worked closely with WG Agricultural Officers to build in to the candidate / alternative site assessment process a predicted loss of agricultural land. In seeking to identify allocations the Council balanced the need to protect BMV with a range of other planning considerations in other to minimize the loss of BMV. This was explained in a Background paper and the approach taken has been supported in principle by WG.</p> <p>Given that BMV agricultural land protection is so clearly stated in PPW10 it was not considered necessary have a specific policy in the LDP. It should be noted that LDP's should not slavishly repeat national guidance as the two can be read and applied together.</p> <p>The appeal decision at Penyffordd involved a different context where a specific speculative development proposal was afforded considerable weight in the light of the advice in the [then] TAN1. The Inspector had to make a planning balance in terms of the relative weight to the attached to protecting BMV (and the specifics of the land involved which was detached from the nearby agricultural land) and the need to increase housing land supply.</p>
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<p>Chris Bithell</p>	<p>STR11</p>	<p>Our housing projection figures are too high in comparison with WG figures and NDF. ( Although not high enough for many of the developers!) Are we making too much allowances for flexibility and thereby shooting ourselves in the foot by showing our readiness to accept even more.</p>	<p>In its formal representations on the Deposit Plan Welsh Government commented ‘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’.</p> <p>The National Development Framework is still a draft document and the timescales are different to the LDP’s, with the NDF covering a longer period up to 2040. It is also the case that the housing growth need assessed in the NDF is not directly compatible with the method for deriving housing requirements in LDPs. In this context Welsh Government published a supplementary ‘Explanatory Note – Housing Need’ in Dec 2019 which stated ‘While it is expected that there will be a clear alignment between the estimates of housing need and the Housing Requirements set out in LDPs and SDPs, they are not the same and therefore are not expected to match’. Nevertheless, when the housing need for Wrexham and Flintshire in the draft NDF is annualized and compared to the annualized cumulative housing requirements in the Flintshire and</p>
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			<p>Wrexham LDPs, there is a high degree of conformity with the growth ambitions of the NDF.</p> <p>In terms of flexibility allowance, Welsh Government require in Development Plan Manual 3 that ‘a flexibility allowance must be embedded into the plan’ with a starting point of 10%. The Plans flexibility allowance of 14.4% is considered to be reasonable and proportionate and is not excessive.</p>
Chris Bithell	STR14	<p>Is our policy strong enough re-energy efficiency and renewable energy generation as part of new developments and helping us to reach our own carbon reduction targets for 2030?</p>	<p>The Plan seeks to ensure through policy EN12 that development generally seeks to maximize the potential for renewable or low carbon energy technology. In addition, certain thresholds of residential and commercial development will be required to submit an energy assessment. In addition Welsh Government consulted in Dec 2019 on a review of part L (conservation of fuel and power) of the Building Regs.</p> <p>A renewable energy assessment of the County has also been undertaken and this has identified opportunities for solar power and this has been expressed through Solar Indicative Local Search Areas. There are area where solar energy development may be acceptable in principle subject to satisfying the criteria in EN13.</p>

<p>Chris Bithell</p>	<p>PC4 1142 1234608</p>	<p>must be enforced. Point already made above we need to ensure that we can reach 2030 carbon reduction targets. Response is that at present there are no requirement in PPW for every new house to be energy efficient but EN 12 seeks to ensure that new large scale development maximise potential for renewable energy. Whilst acknowledging we are probably limited by what the law lays down in this respect, it is nonetheless lacking. This is not particularly helpful. How large scale must the development must be? Can we do more to enable us to achieve our ambitious targets both locally and nationally?</p>	<p>As explained above policy EN12 requires that all new development maximizes the potential for renewable and low carbon technology. It also requires on larger developments (residential developments of 100 units or more and commercial developments of 1000sq m or more) an energy assessment.</p>
<p>Mike Peers</p>	<p>HN2</p>	<p>It states 30 dwellings per hectare will not be achievable on all housing allocation. Does this mean on sites allocated for housing in the LDP. Explain why it will not be achievable – Criteria? Explain Gross / Net figures. Need to tighten up on housing mix by perhaps a %age of house types.</p>	<p>Gross density is where the number of units is measured against the site as a whole. The net density is where the number of units is measured once roads, open space, structural landscaping etc is excluded from the site area.</p> <p>The policy wording of HN2 specifies a density of ‘at least 30 dwellings per hectare’. In para 11.5 of the explanation to the policy the Plan states ‘On all sites of 10 units or more a general minimum net housing density of 30 dwellings per hectare is required’. However, it is acknowledged each site must be</p>

			<p>considered on its individual merits and therefore the Plan goes on to state ‘but it is acknowledged that individual circumstances will vary according to the site location and the character of the surrounding area’. The policy explains through the two criteria, the circumstances in which a lower density may be acceptable and these are:</p> <ul style="list-style-type: none"> <li>‘a. site constraints prevent the minimum density from being achieved</li> <li>b. the minimum density would harm the character and appearance of the sites surroundings’ .</li> </ul> <p>The policy wording emphasises the need for a ‘mix of dwellings by type and size’ and recognises the need to ‘meet the needs of residents for a range of house types thereby creating mixed and socially inclusive communities’. The explanation to the policy in para 11.6 refers to the findings of the Local Housing Market Assessment which identifies the need for smaller 1 and 23 bedroom dwellings and also the need to meet the needs of an ageing population. It would be inappropriate for the policy to specify exactly the mix of units in terms of bedrooms as it is necessary to have regard to the site, the surroundings and the characteristics of the local housing</p>
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			market area. A rigid ‘one size fits’ all approach would not be appropriate.
Chris Bithell	HN3	Are our proportions for affordable homes 30%, 40% or 51%?	<p>In the UDP policy HSG10 the Council sought a flat 30% affordable housing requirement on all development which exceeded the threshold of 1ha or 25 units.</p> <p>In the Deposit LDP a more thorough evidence based approach has been taken through the findings of the Local Housing Market Assessment and the work undertaken by the District Valuation Service. This approach uses the local market housing areas identified in the LHMA and then applies the viability findings to give a different % affordable housing requirement in each local housing market area. This recognises that viability will be different in different parts of the County having regard to how strong the local housing market is. Affordable housing requirements therefore range from 15% to 40%.</p> <p>The figure of 51% is a figure used in the draft NDF and no evidence has been provided to show how this has been calculated nor whether it is viable and achievable, and certainly not without the provision of substantial public subsidy.</p>
Mike Peers	HN3	Expand on WG objection. Does the affordable housing policy require	<p>The response to rep 1139 explains that:</p> <ul style="list-style-type: none"> <li>• The tenure mix (split between social and intermediate rental) is considered</li> </ul>

		<p>amendment in line with WG comments?</p>	<p>to be in line with the LHMA. The response on this point could be further amended to state ‘The tenure mix can be added to the policy explanatory wording if the Inspector considers this would improve the understanding and application of the policy’.</p> <ul style="list-style-type: none"> <li>• It may be necessary to add the Plans affordable housing target (as presently set out in the Affordable Housing Background Paper) to the wording of criteria iii of policy STR1. This would most likely be written as ‘7,950 new homes to meet a requirement of 6,950, of which XXXX are affordable homes’.</li> <li>• The Affordable Housing Background Paper will be updated to show a number of updates including the anticipated affordable housing supply by settlement tier and also the expected affordable housing contribution from windfalls.</li> </ul>
Chris Bithell	HN7	<p>HMOs. Further work needs to be done to settle the issues regarding what is regarded as over concentration of HMOs in a locality (e.g. – 10%, 15% or what within a radius of so many metres?) Point already made we need to strengthen this policy, ensure greater clarity so it can be implemented.</p>	Noted

Chris Bithell	EN1 328 1231153	The plan doesn't provide any prescriptive policies on open space standards/ improvements of existing provision. Refers to SPG Note but this is only in draft form and has not been subject to public consultation, Council resolution and formal adoption. Do they have a point here? Does this weaken or even negate our policy and our stance?	Further work is presently being undertaken on an update of the Open Space Survey into order to feed into a review and possible updating of the existing SPG. This is only raised by one developer and is not a major concern. Further evidence can be fed into the submission / examination stages.
Mike Peers	EN7	Do we need to add to policy reference to Hedgerows Regulations 1997 made under Section 97 of the Environment Act 1995 and came into operation in England and Wales on 1 June 1997. Explain "net gain in biodiversity".	<p>It is not considered necessary for a LDP to mention numerous pieces of legislation as these exist in their own right. The key concern is that the policy is worded clearly and is effective in protecting trees and hedgerows as part of new development proposals. Appendix 2 of the Deposit Plan references a SPG on Trees and Development and this may be able to go into more detail on such Regulations.</p> <p>IN PPW10 Welsh Government emphasis the need to maintain and enhance biodiversity and refers in para 6.4.21 to 'enhancement must be secured wherever possible'.</p> <p>Policy EN7 sets out the overriding objective of trying to avoid the loss of or harm to trees woodlands and hedgerows. However, the second part of the policy recognises that there may be</p>

			<p>circumstances where the loss of a tree is unacceptable and sets out what criteria would need to be satisfied. Criteria b) would seek replacements elsewhere on the site and criteria c) seeks to achieve an overall gain or enhancement in biodiversity perhaps through other planting, green infrastructure which would bring biodiversity benefits that might not have been achieved by the site in its original condition.</p>
Chris Bithell	EN14	<p>14 Flood Frisk NRW a Statutory Authority expressing concerns over the allocation of sites for employment being included without flooding risk assessments. Will that present us with problems at the Examination stage?</p>	<p>NRW have expressed concern about a number of employment allocations in PE1 and a number of Principal Employment Areas in PE2. These sites / areas were not run through the original Strategic Flood Consequences Assessment as they were 'rolled forward' from the adopted UDP and are long standing existing employment sites. As explained in Report 4 the SFCA has been revisited in respect of these sites and ongoing discussions taking place with NRW to add further wording clarification to the relevant policies to set out what will be required in terms of assessment when development is considered in employment locations that are affected by flood risk.</p>
Chris Bithell	637 1224983	<p>A Developer expresses concerns that the plan when adopted will date back to 2015 i.e. it is already 6 years old before adoption with only 9 years left</p>	<p>Welsh Government does not prescribe a particular Plan period for a LDP. Typically the Plan period is for 15 years as this is a balance between looking far</p>

		<p>before expiry. Have they got a point here? Could the plan be for 20 years? It would appear We are always on the backfoot, fighting a rear-guard battle. Is there any reasons why we couldn't make it a 20 year plan particularly as we are going to have to review it ever 4 years anyway?</p> <p>Mention is made here that the Bromfield Timber site has commenced. Has it? If so when and exactly where?</p>	<p>enough into the future for it to have a strategic context but so far ahead as to bring greater uncertainty in terms of forecasts, projections, changes in circumstances and guidance etc. It is also quite normal for a Plan to be adopted well into its Plan period. However, if the LDP is adopted at the end of 2021 it would still have 9 years remaining which is a significant improvement on the UDP.</p> <p>To amend the Plan period now to 20 years would have profound implications for the timetable for adopting the Plan as it would require a fundamental reconsideration of housing and employment growth and require the identification of additional development sites. Quite simply, the objector is seeking to extend the Plan period to 20 years as they know it would bring a higher housing requirement and provide a context for the consideration of their promoted site. Such an approach does not represent sound or sensible planning. The Plan will need to be reviewed every 4 years and the site can be resubmitted as a candidate site as part of a future review.</p> <p>As a result of certain works undertaken at the Bromfield Timber site, it is the</p>
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Chris Bithell	707 1233454	<p>They argue that the 14.4% flexibility is an admittance that our provision for housing can be accommodated, a source of supply for an additional 1000 homes. Are we actually conceding this point and providing an open goal for those who cry for more and more?</p>	<p>As explained above Welsh Government require each LDP to have a flexibility allowance and that 10% is a starting point, taking into account local circumstances. The Council is not ‘overproviding’ housing, it is merely ensuring that scope for sufficient provision (in terms of the various sources of supply) is made in the Plan to meet the Plans housing requirement figure. This recognises that for instance not all sites may come forward as quickly as anticipated and that it is necessary to allow for such slippage through a flexibility allowance.</p> <p>The objector is merely seeking that the Plan makes greater provision for housing as this provides a context for their promoted sites.</p>
Mike Peers	P17 conclusion	<p>Clarify the Welsh Government objections</p>	<p>Welsh Government comments on a LDP can fall within three categories which are set out below:                      Category A - Objections under soundness tests; fundamental issues that are considered to present a significant degree of risk for the authority if not addressed prior to submission, and may have implications for the plan’s strategy.</p>

			<p>Category B - Objections under soundness tests; matters where it appears that the Deposit Plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan.</p> <p>Category C - Objections under soundness tests; whilst not considered to be fundamental to the soundness of the LDP, there is considered to be a lack of certainty or clarity on the following matters which can usefully be drawn to your attention to enable you to consider how they might be addressed.</p> <p>In the case of the Flintshire LDP there were no Category A objections, only two Category B objections and eight Category C objections. The Welsh Government representation letter was reported to Planning Strategy Group shortly after the close of the consultation exercise, to the meeting on 24<sup>th</sup> January 2020.</p>
Mike Peers	General	There must be objectors or supporters which have prompted an amendment or rewording. Is this the case?	Where additional wording has been reported in responses this in the main is in response to comments by representees that the policy is not clear enough.
Mike Peers	General	In the Council responses it does not state whether the policy is to be amended: YES / NO. The Council should advise whether it proposes to	The logical outcome of stating whether or not amendments to the Plan are to be made would be to publish Focussed Changes to the Plan. In order to

		make an amendment in line with representation or not.	maintain momentum on the Plans preparation, it is proposed that Focussed Changes are not published, as this would clearly result in the need for a further consultation exercise and reporting period. Instead, where it is considered in responding to objections, that changes could be made, these are being worded as being a matter for the Inspector to considered at examination
Mike Peers	General	LMHA The local market housing assessment should be up to date (kept up to date) and available for reference by members, and members of the public at all times.	This is something that the Council's Housing function take the lead on, but where we have resourced the latest review as it was required to support the LDP as an evidence base. Welsh Government require the LHMA to be kept up to date as suggested, and it is understood refreshed every three years.
Mike Peers	General	In response to the consultation the Council advises "Bungalows would help provide an alternative (housing) mix". How can this be achieved through policy?	Policy HN2 'Density and Mix of Development' seeks to ensure new developments incorporate a mix of dwellings by type and size. Para 11.6 of the explanation to the policy explains how the LHMA identifies a need for smaller 1 and 2 bedroom units and that part of this need is the a growing older population. The explanation refers to the housing needs of older people being reflected in residential development developments, including the development of bungalows.

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