

FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Tuesday, 23 July 2019
Report Subject	Flintshire Deposit Local Development Plan (2015-2030)
Report Author	Chief Officer (Planning, Economy, and Environment)

EXECUTIVE SUMMARY

The Deposit Local Development Plan (LDP) is the Council’s proposed land use plan covering the period 2015 – 2030. Once adopted, and following an Examination in Public (EIP) which will be held by an independent Planning Inspector appointed by the Welsh Ministers, it will then replace the current Unitary Development Plan (UDP). The Plan will be used by the Council to guide and control development, providing the local policy basis to determine future planning applications.

Work on a revised LDP began in 2014 and the Deposit LDP represents the culmination of a considerable amount of work, including building up a robust evidence base to support and justify the plan, the pre-deposit stages i.e. the Key Messages engagement consultation in 2016, the Strategic Options stakeholder engagement process in 2016, and public consultation on the Preferred Strategy in November 2017, all of which have been informed by the technical evidence base.

To date, and in accordance with the Revised Delivery Agreement (May 2019), the following milestones have been completed:

- Development of a robust evidence base to support the plan
- Submission and assessment of Candidate Sites
- Key stakeholder and public consultation on the Key Messages from the evidence base
- Key stakeholder and public consultation on the LDP Vision, Objectives, and Strategic Growth and Spatial Options – 2016
- Consultation on the Preferred Strategy – November 2017
- Call for and assessment of Alternative Sites as part of the Preferred Strategy consultation

The Deposit Plan and accompanying proposals maps are contained in appendix 1 and 2 of this report. The plan’s preparation has been reported to the Planning Strategy Group at its monthly meetings over the last 4 years, and after considerable hard work and deliberation, the Planning Strategy Group have endorsed the Deposit

LDP and recommended it on to the Cabinet, who in turn have also endorsed the Plan at its meeting held on 16th July 2019, and have recommended its approval by Full Council at this meeting.

Subject to the approval of Full Council, public consultation will run for a six week period from Monday 30th September to Monday 11th November 2019. The purpose of the consultation is to establish whether the Deposit LDP meets the tests of Soundness (see section 1.09 below). If not, objectors will be required to indicate what test(s) are not met and why, as well as indicating what changes should be made to the plan. This information will inform the Inspector's consideration of the soundness of the LDP at the Examination in Public.

RECOMMENDATIONS

1	That Members approve the content of the Flintshire Deposit Local Development Plan 2015-2030 to go out for public consultation.
2	That Members authorise the Chief Officer (Planning, Economy and Environment) to make any additional minor wording, grammar, editorial or cartographic changes to the Deposit LDP which may arise or be necessary prior to formal consultation to ensure consistency with the ongoing LDP evidence base and to assist final presentation of the Plan.

REPORT DETAILS

1.00	CONTEXT
1.01	The Deposit LDP represents a key milestone for the Council in relation to its statutory plan making duty, as this stage represents the culmination of the Council's deliberation of the plan's content as in effect, the Council is publishing its 'sound development plan' for public consultation. The Deposit plan will need to be accompanied by a range of documents to support the consultation referred to as the 'deposit matters', which include the Sustainability Appraisal/ Strategic Environmental Assessment, Habitat Regulations Assessment, Evidence Base, Initial Consultation Report, and Soundness Self-Assessment, and a range of other background documents.
1.02	<p>This is an important Council Strategy and Policy Document, as it sets out the planning framework to guide development and place making in Flintshire for the period 2015-2030. In brief it sets out the following:</p> <ul style="list-style-type: none"> • Providing opportunities to deliver between 8-10,000 jobs by maintaining a viable portfolio of employment land, to support wider regional growth ambitions; • Making provision for 7,950 new homes over the plan period (including a 14% flexibility) to deliver a requirement of 6,950;

	<ul style="list-style-type: none"> • Facilitates the delivery of two long standing strategic site commitments at Northern Gateway and Warren Hall; • Locates growth sustainably in the County's service centres and sustainable settlements, based on a settlement hierarchy; • Provides a pragmatic solution to affordable and specialist housing needs, including statutory provision for the accommodation needs of Gypsies and Travellers; • Minimises the need to amend Flintshire's green barriers to facilitate sustainable development; • Ensuring that sites are viable and deliverable, and that infrastructure is or can be provided to accommodate the planned growth.
1.03	<p>In summary the Deposit Plan contains the following key sections:</p> <ol style="list-style-type: none"> a) Foreword by the Lead Member for Planning and Public Protection; b) Introduction – The plan's structure, how to comment, the context for how the plan has been prepared, the plan's Vision and Core Objectives; c) The Growth Strategy of the plan – what the approach to assessing and locating growth in the plan has been; d) Preferred Strategy – Explains the plan's overall strategy including how the growth and policy direction of the plan was arrived at; e) Strategic Policies – includes overarching policies on the amount and broad location of development, strategic sites, Green Barriers, Recreation and Heritage, The Environment and Climate Change; f) Topic, Criteria and Area Based Policies – more detailed policies that will be more commonly used in relation to general development management considerations, following the same themes as covered by the strategic policies; g) Monitoring Framework – the framework by which the performance of the plan will be monitored and reported on annually once the plan has been adopted; h) Glossary of terms.
1.04	<p>The Deposit LDP is supported by a range of documents that comprise the 'deposit matters' and include:</p> <ul style="list-style-type: none"> • The Integrated Impact Assessment that incorporates Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA), and Health and Equality impacts; • A Habitat Regulations Assessment (HRA); • Technical Background Papers; • A wide ranging evidence base; • The initial consultation report which details the pre-deposit consultation report of findings; • A Soundness Self-Assessment which demonstrates how the Plan meets the 3 soundness tests identified in national guidance. <p>These documents will form part of the documentation that will be finalised and made available for the public consultation alongside the Deposit LDP. Full copies of all of these documents will be made available on the Council's LDP consultation portal and website to coincide with the start of the consultation on 30th September 2019.</p>

	<p>The Council has also prepared an Infrastructure Plan which whilst not a statutory requirement, given the growth strategy of the plan, highlights the information provided by key infrastructure stakeholders about what infrastructure is required over the plan period to support its implementation.</p>
1.05	<p>In getting the plan to this stage the Council has faced a number of significant challenges to progress which comprise:</p> <ul style="list-style-type: none"> • A vulnerability to speculative housing development in its communities as it does not have an adopted development plan in place and therefore is unable to demonstrate a five year housing land supply; • Enforced delays in the timetable resulting from radical changes to national planning guidance (Planning Policy Wales 10 (PPW10)) and resource issues, which have led to slippage and timetable revisions accompanied by significant Ministerial pressure to make progress; • New requirements from PPW10 to provide detailed assessments of development site viability and deliverability, as well as an assessment of the County's renewable energy potential.
1.06	<p>Despite these pressures, the work of the Planning Strategy Group has focussed on 'getting the plan right' in order to demonstrate its soundness or fitness for purpose, and to learn the lessons experienced by other Local Planning Authorities. It is the view of officers, endorsed by the Planning Strategy Group, that the Deposit LDP attached to this report is both sound and deliverable, and represents a common sense and pragmatic approach to delivering growth and development, supporting the wider sub-regional growth vision, whilst minimising the impacts on Flintshire's communities.</p>
1.07	<p>The purpose of the public consultation is to allow those communities to view the plan in that context, and to consider whether the plan is indeed sound. In objecting to any part of the plan, objectors must identify where the plan falls short in this respect, outline why it is not sound, and set out how the plan should be changed accordingly. This will be a challenging proposition for the general public, but is nevertheless a key part of their responsibility to comment constructively on the plan, rather than simply state that they do not like the proposals within it. These submissions will be reported back to the Council following the consultation, and will also form part of the information submitted to the Inspector(s) who will conduct the Examination of the plan.</p>
1.08	<p>Of the issues contained in the plan, the ones that are likely to prove most contentious during the public consultation are:</p> <ul style="list-style-type: none"> • The approach to meeting the housing requirement and specifically to the location of housing allocations; • The approach to meeting the needs of Gypsies and Travellers; • The adequacy of infrastructure to support developing the allocations in the plan.
1.09	<p>In order for the public to object to the plan, they will not only have to explain what their objection is and why they make it, but also identify which of the tests of soundness the plan fails, why, and how the plan should be amended.</p>

	<p>These tests are set out in Welsh Government guidance and comprise:</p> <ul style="list-style-type: none"> • Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?) • Is the plan appropriate? (i.e. is the plan appropriate for the area in light of the evidence?) • Will the plan deliver? (i.e. is it likely to be effective?) <p>It is important to note that the Council is essentially placing on deposit a plan which it believes to be sound in accordance with the regulations and relevant tests above. There will therefore be limited opportunity for the plan to be changed significantly following Deposit consultation and prior to submission to the Inspectorate for Examination.</p>
1.10	<p>In terms of the next stages once the plan has been through the political processes of approval, there will be a six week period of public consultation from 30th September 2019 until 11th November 2019. The methods of consultation are set out in the Council's published Revised Delivery Agreement (May 2019), and further information about the consultation will be provided well in advance on the Council's web site. This will include a number of manned 'drop-in' sessions focused on areas where sites are proposed. It is also worth noting that as the Plan has been put to the Cabinet on the 16th July and to this meeting of the Council, it is in essence in the public domain as of these dates, thereby allowing more time for the public to review and understand it. The Deposit consultation will not start until the end of September, in order to avoid the summer recess and holiday period, and to enable preparation of supporting documents and to make consultation arrangements. Members are asked to note that the outcome of the ongoing Renewable Energy Assessment will be brought back to the Cabinet and Full Council in early September as work is still ongoing on one policy area requiring finalisation of a renewable 'local search area' to support policies EN12 and EN13.</p>
1.11	<p>It is therefore extremely important that the plan is approved to go out for public consultation, to allow the Council to meet its obligations under the Planning and Compulsory Purchase Act 2004 and to maintain progress in line with the Council's approved Delivery Agreement (May 2019). Whilst some Members will have concerns, particularly those with sites in their area, there are significant risks and repercussions for the Council if the Plan is objected to by Members and/or not approved by full Council on the 23rd July. These include:</p> <ul style="list-style-type: none"> • Further delays and slippage with the timetable; • The Minister's most recent letter to the Council about the timetable, and the prospect of the Minister using her powers to intervene in the LDP process, with the Council losing control over the plan; • Continuing vulnerability to speculative development and the prospect of more sites being approved on appeal; • If objecting to sites, the need to identify sound planning reasons why sites are not appropriate or sound, and also what is a suitable alternative site to allocate and where?

	It is also likely that Members have already, or will be lobbied by the public, as the Plan essentially became public by being part of the Cabinet agenda considered at its meeting held on 16 th July 2019, and as attached to this report. In order to allow the public to make comments on the Plan, it must first be approved by the Council and so the best response that Members can give their communities is to approve the Plan to allow the consultation to take place.
1.12	<p>Following the Deposit consultation, the broad timetable for the plan to adoption is as follows:</p> <ul style="list-style-type: none"> • Consideration of consultation comments and response by the Council – April/May 2020 • Submission of the LDP to Welsh Government for Examination – Summer 2020 • Formal Examination of the LDP – Autumn 2020 • Receipt of Inspector’s Report and Adoption of the LDP – Summer 2021.

2.00	RESOURCE IMPLICATIONS
2.01	A budget and reserves have been committed which through judicious monitoring and use, are currently sufficient to complete the LDP. This does depend on matters beyond the Council’s control, principally the length of and cost of the Examination and Inspectors fees. This budget will continue to be closely monitored.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Six week public consultation period required following approval of the Deposit Plan by Cabinet and Full Council. To begin on 30 th September 2019.

4.00	RISK MANAGEMENT
4.01	As per paragraph 1.10 above.

5.00	APPENDICES
5.01	<p>Appendix 1 Deposit LDP written Statement (see attached to this report) Appendix 2 LDP Proposals Maps (access via the following links)</p> <p>Proposals Map 1 Proposals Map 2 Proposals Map 3 Aston/Shotton inset plan Buckley inset plan Connah’s Quay inset plan Flint inset plan</p>

	<p>Holywell inset plan Mold inset plan Queensferry inset plan Saltney inset plan Map Key</p> <p>NB: If Members press and hold on any of the above links a dialogue window will appear allowing an option to open [any map] in a new tab to be selected.</p>
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6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Contact Officer: Andy Roberts, Service Manager Strategy Telephone: 01352 703211 E-mail: andy.roberts@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Deposit Plan – Formal version of the LDP representing the Council’s final draft plan, to be deposited or made available for formal public consultation.</p> <p>Examination in Public – Where a Planning Inspector appointed by the Welsh Government formally examines the LDP to determine its degree of compliance with the tests of soundness (see section 1.09)</p>