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Dear Andrew,

Flintshire County Council: Local Development Plan – Deposit Consultation: Welsh Government Response

Thank you for consulting the Welsh Government on the Flintshire County Council Deposit Local Development Plan (LDP). We acknowledge that the preparation of a LDP and the supporting evidence is a significant undertaking and recognise the amount of work your authority has undertaken to date in moving the plan forward from Preferred Strategy to Deposit stage. It is essential the Authority is covered by an up-to-date LDP to give certainty to local communities and investors.

Without prejudice to the Ministers' powers, the Welsh Government is committed to helping Local Planning Authorities (LPAs) minimise the risk of submitting unsound plans by making appropriate comments at the earliest stages of plan preparation. The Welsh Government looks for clear evidence that the tests of soundness (as set out in the 'LDP Manual') are addressed, in the context of national policy and guidance.

Planning Policy Wales (PPW) Edition 10 establishes the key national planning priority to deliver high quality, sustainable places through place-making. PPW also requires a wider, sustainable and problem solving outlook, which focuses on integrating and addressing multiple issues to deliver effective planning outcomes. This means a move away from the traditional approach of considering policy areas in isolation and encourages more placed based policies. The seven well-being goals must also be demonstrated, together with the five ways of working which encourages everyone to think in an integrated and collaborative way about policy making and drawing-out long term trends. The implementation of core policy areas in PPW such as ensuring a sustainable spatial strategy, housing and economic growth levels, infrastructure delivery and place making is further articulated in Edition 3 of the Development Plans Manual (Edition 3) (DPM). The DPM was subject to public consultation over the summer and will be published this year. The WG expects the core elements of the Manual, in particular the guidance set out in Chapter 5: Preparing an LDP – Core Issues and the 'de risking checklist' to be followed when preparing the evidence base and to be taken into account in the content and presentation of the plan itself.

The Welsh Government has published the National Development Framework (NDF) for consultation. The NDF is due to be adopted prior to adoption of the Flintshire LDP. The LDP will need to be in general conformity with the NDF when adopted.

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 pleasing to note the Deposit Plan has been prepared having regard to the guidance in DPM 3, particularly Chapter 5 and the de-risking checklist. This puts the Council in a good position moving forward to the examination stage. Further comments are set out in the annex to this letter with additional guidance contained in the draft LDP Manual (3rd Edition). In moving forward to the LDP examination, demonstrating delivery of the plan will be essential. The development planning system in Wales is evidence-led; demonstrating how a plan is shaped by this evidence is a key requirement of the examination. Demonstrating the delivery and viability of all sites in the plan is critical, particularly development proposed on strategic sites and other large housing/employment allocations which are integral to the strategy/objectives of the plan.

Without prejudice to the Welsh Minister's powers and the independent examination, the Welsh Government is committed to helping LPAs through the plan making process. Collectively, our comments highlight areas of support and issues that in our opinion need to be addressed if the plan is to be considered 'sound'. **The Welsh Government's representations are set out below, with more detail in the attached annex:**

Category B

- **LHMA: Clarity and consistency with the evidence base** – Tenure mix and viability
- **Gypsy and Travellers** – Level of Need and Provision / Site(s) Suitability & Provision

Category C

- **Components of Housing Supply** – Presentation/expression within the plan
- **Homes in Multiple Occupation** – Definition of 'over concentration'
- **Affordable Housing** – Clarity of plan target, components of supply, and approach to exception sites
- **Delivery and Implementation** – General
- **Deeside Enterprise Zone** – Spatial designation
- **Renewable Energy** – Clarity of allocations, search areas and renewable energy targets
- **Green Barrier** – Consistency with PPW
- **Minerals** – Response to RTS 2

We suggest you seek your own legal advice to ensure that you have met all the procedural requirements, including Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) as responsibility for these matters rests with your authority. A requirement to undertake a Health Impact Assessment (HIA) arising from the Public Health (Wales) Act 2017, if appropriate, should be carried out to assess the likely effect of the proposed development plan on health, mental well-being and inequality.

The Welsh Government is committed to ensuring a plan-led approach to development in Wales. I trust this representation assists you and enables your LDP to be found 'sound' and adopted following independent examination. My colleagues look forward to meeting with you and your team to discuss this response.

Yours sincerely,



Mark Newey
Head of Plans Branch
Planning Directorate

CC: Andy Roberts (Service Manager Strategy)

Support in Principle : Economic Growth Strategy - The scale and location of homes and jobs

National policy is clear that LDPs must include a spatial strategy covering the lifetime of the plan which establishes a pattern of development improving social, economic environmental and cultural well-being to deliver sustainable development and the place making approach. The planning system must focus on the delivery of the identified housing requirement and the related land supply. The LPA has tested a range of demographic and employment-led scenarios to inform the plan. The level of housing growth proposed (requirement) is 6,950 homes over plan period (465 p/a) with an additional 14% flexibility allowance (provision 7,950 homes). The level of homes is based on an employment led growth option (driven by the strategic sites at Northern Gateway and Warren Hall) to support an economic growth target of 8-10,000 jobs.

The housing requirement is 2,597 units above the WG 2014 based 10-year migration variant and 3,000 units above the principal projection. The annual build rate of 465 p/a for this plan is slightly above the past 10 year build rate of 427 units p/a, but significantly below the past five year build rate of 568 d/pa since 2015. The Council has concluded that the WG 2014 based projections are not appropriate as they are predicated on recessionary and negative trends which would not deliver on the Council's, regional, or Welsh Government economic growth aspirations for Flintshire and the wider area. The Council considers the job and homes target to be aspirational but deliverable (see comments on delivery). While evidence shows that based on recent delivery rates the housing requirement could be higher, the Council consider recent green belt releases across the border in Cheshire and significant housing allocations in the neighbouring plans of Wrexham and Denbighshire, have a bearing on the scale of homes the plan should provide for.

The LDP aims to promote economic development, capitalising on the County's role as a regional economic hub and assist the delivery of regional strategies through projects in the North Wales Economic Ambition Board Growth Deal. In particular the Growth Deal identifies key projects around Warren Hall, Broughton, Northern Gateway and Deeside. The emerging NDF (Policy 18: North Wales Coastal Settlements) also recognises the importance of Deeside as an important growth driver in the sub-region, which should be the focus for housing, employment and key services. The focus for the Council's strategy is the allocation of two strategic sites at Warren Hall and Northern Gateway (incorporating the Deeside Enterprise Zone) providing a catalyst for growth in Flintshire. Collectively these sites aim to deliver 8-10,000 jobs and 1625 homes (1300 within the plan period).

In terms of spatial distribution, 47% of the housing growth is directed to the main service centres (Tier 1) 36% to local service centres (Tier 2) and 17% to Tiers 3-5 (sustainable settlements, defined villages and undefined villages). The majority of new allocations outside of the strategic allocations are located in Tier 1 and Tier 2 settlements. **The WG does not object to the principle of this approach.**

The Welsh Government considers the projections have been taken into account by the Council, along with other relevant policy considerations set out in paragraphs 4.2.6 – 4.2.8 (PPW, Edition 10). **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 (see comments on delivery).** A critical element for the plan will be the phasing, timing and delivery of sites, ensuring that the plan delivers the scale of growth alongside associated infrastructure, in locations to meet the needs across the plan period (see specific comments).

Support in Principle : Best and Most Versatile Land

Flintshire have engaged with the Welsh Government regularly throughout the development of the LDP on land quality information, validation of surveys and Predictive ALC Map information. The plan notes a loss of 52.8ha of BMV land (34.6ha – Housing allocations; 18.2ha Employment allocations). The Council has taken a pragmatic and sensible approach to protecting BMV land and minimising its loss in the plan. Allocations that would represent a loss of BMV have been well evidenced for an overriding need (sequential test) and a balanced judgement has been made. In conclusion, the Welsh Government is of the view that the Council has demonstrated a sensible and pragmatic approach to considering BMV loss in the context of national planning policy and on that basis **no objection** is offered.

Welsh Government Representation: Categories of Objection	
Category A	Objections under soundness tests; <u>fundamental issues</u> 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.
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.
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.

There are no objections under Category A.

Category B Local Housing Market Assessment: clarity and consistency with evidence base – implications for affordable housing targets and the viability of sites

The LHMA concludes an annual need of 238 affordable homes p/a over the plan period. The tenure split shows a predominate need for social rented homes (60%) to intermediate (40%). The Council's Affordable Housing Viably Report (DVS) section 2.21 states the affordable housing targets in the plan are based on a 70% intermediate and 30% social housing split. **This is a significant deviation from the LHMA tenure split and requires robust justification and explanation.** The Council's explanation is that the majority of social housing is delivered outside of planning gain; the Affordable Housing Background Paper referencing the Council's own initiatives in this respect. While this is not disputed, PPW (paragraph 4.26) states the importance of the LHMA being a fundamental part of the evidence base for plans. The LPA should be seeking to deliver affordable housing, both in scale, type and tenure split in line with the LHMA.

DPM (Edition 3) highlights the importance of ensuring the plans evidence base is internally consistent. In particular the tenure split from the LHMA forming a core input to the viability work underpinning the plan. It is imperative the assumptions underpinning the viability assessment are consistent with the LHMA to ensure affordable housing targets and percentages are robust. The more intermediate housing on a scheme, the more viability improves. While it is appropriate to undertake sensitivity testing on key aspects of the viability model, the baseline scenario should be the LHMA as the starting point.

The DPM (Table 24) states the LHMA is a core piece of evidence in this respect with policies/targets matching as far as possible/reasonable the latest LHMA findings with regards to tenure split. **Deviation from the LHMA tenure split to this degree is potentially high risk unless this can be robustly justified and explained by the LPA.** The tenure mix from the LHMA should be referenced in the LDP reasoned justification in order to form the starting point for effective negotiations on planning applications.

Category B - Gypsy & Travellers - Level of Need and Provision (Gypsy Traveller Accommodation Assessment (GTAA) / Site Deliverability / Policy HN8 - Allocations, and Policy HN9

Level of Need & Provision – The LDP evidence base comprises two GTAAs, both covering the plan period to 2030. The 2016 study has been agreed formally signed off by the relevant Minister. However, the 2018 study, which is considered by the Council to be a more robust and accurate picture of need in the County, has been used as the basis for the plan and the proposed allocations. The 2018 study has not yet been formally signed off/agreed by Welsh Government. **To ensure compliance with the relevant legislation a GTAA must be prepared and agreed by Welsh Ministers in advance of the examination, with provision made for appropriate and deliverable site allocations to meet the need within identified timescales.** The Council should work with Welsh Government - Equalities Division, to ensure the evidence is in place at the examination. **Failure to gain Welsh Ministerial agreement for a GTAA and meet the required need (if appropriate) is likely to result in the plan being unable to be found 'sound'.**

The 2018 GTAA states the level of residential need over the plan period is for 8 permanent pitches by 2023/24 and a further 18 pitches by 2030, a total need of 26 pitches. The GTAA also recommends a need for a transit site of 5/6 pitches. Policy HN8: Gypsy and Traveller Sites allocates four separate sites to meet the need over the plan period. This is a positive response to the evidence base and is supported. **The key issue is for the Authority to demonstrate all allocations are suitable and can be delivered in the required timescales.** The Welsh Government has the following detailed comments:

Site Suitability & Deliverability

- Which sites will accommodate the immediate need? Clarity is required on the delivery timescales of allocations.
- The allocations at Magazine Lane and Gwern Lane can accommodate 6-8 pitches. If the sites can only accommodate 6 pitches there would be a shortfall of 4 pitches over the plan period. The Council need to clarify the position in this respect.
- The proposed allocation at Magazine Lane is within a green wedge on the proposals map. Is this a mapping error? Housing allocations are not permissible in a green wedge (PPW para 3.65 and 3.71). The appropriateness of new allocations within a green wedge needs to be explained in light of PPW.
- Background Paper 6: Gypsy and Traveller Site Search sets out the planning history, issues and constraints on the proposed allocations. The Riverside allocation is located within a C1 flood zone. The Council will be commissioning a Flood Consequence Assessment to demonstrate that flooding can be managed in line with TAN 15. This assessment, including advice from the statutory body, must be in place for the examination to demonstrate the site is suitable and can be delivered. Sites with outstanding objections from the relevant statutory body, NRW, is a high risk strategy. This also applies to HN8-1 Magazine Lane which overlaps with the land fill buffer zone (Policy EN20).
- Allocation HN8.4 - Castle Park, Industrial Estate, Flint, partly overlaps with solar allocation EN13: Castle Park Flint. Background Paper 6, Appendix 3, states the site has planning permission for a 2MW ground mounted solar farm and associated infrastructure which is under construction. This requires clarification. Can both allocations be developed for their intended use, or would one preclude the other? See previous comments regarding the deliverability of G&T sites (Category B).

Policy HN9 Gypsy and Traveller Accommodation - Criteria Based Policy - Criterion a) and b) and the reasoned justification para 11.37 are contrary to national policy. Annex B in the Circular notes that policy requirements to demonstrate 'unmet need in the Gypsy and Traveller Accommodation Assessment' would act against freedom of movement for Gypsies and Travellers who may wish to develop their own sites. Such restrictions should not be placed on Gypsies and Travellers. The circular is clear that criteria-based policies must be fair, reasonable, realistic and effective in delivering sites and must not rule out or place undue constraints on the development of Gypsy and Traveller sites (paragraph 49). The reasoned justification (paragraph 11.38) states "Sites should be located on or close to main travelling routes for ease of access". This would be more applicable to transit sites rather than those of a permanent nature.

Category C Components of Housing Supply – clarification of spatial distribution & housing components by settlement tier & the housing trajectory

Background Paper 10: Housing Land Supply and Delivery contains all the tables required by DMP (Ed.3) namely, Table 4 and Appendix 2-5 which collectively set out the spatial distribution of housing provision in the plan, the housing trajectory and the timing and phasing of all the components of supply by settlement tier. **They should all be included in the plan** as required by the Manual and current consultation on PPW.

Category C Homes in Multiple Occupation (Policy HN7)

The Council will need to ensure that the proposed policy provides an effective basis for determining applications for HMOs in line with the evidence and relevant legislation. In order for a policy of this nature to be effective and implementable in practice 'over concentration' should be defined in the policy. The policy would be strengthened if criterion (b) and (e) clearly detailed what the LPA considers to be an "over concentration" and "cumulative impact". It will be for the LPA to justify its approach based on evidence, and ensure it will deliver on the aims of the policy and can be implemented in practice.

Category C Affordable Housing - general

- **Exception Sites** – Affordable housing exception sites are permissible under policy STR2: Location of Development and HN4 (criteria f). It is unclear why small scale exception sites are only allowed in Tiers 2-5 and not Tier 1 which are the most sustainable settlements? The approach requires justification and clarification given affordable housing need across Flintshire is significant.
- **Affordable Housing Authority Wide Target** - The Affordable Housing Background Paper states the affordable housing target for the plan is 1,981 homes. This should be included within a policy in

the plan. Policy STR1: Strategic Growth could be amended to state “7,950 homes are provided of which xxx are affordable”. The target does not include the contribution from windfall sites (Table 6). It should do. The affordable housing target in the plan should be derived from all components of supply to ensure it is realistic in its aspiration and for monitoring purposes.

- **Spatial Distribution of Affordable Housing Supply** – the Affordable Housing Background Paper includes an analysis of affordable housing contributions by housing component. A table setting out anticipated affordable housing contributions by settlement tier and component of supply in line with guidance in the DPM (Ed. 3) would be helpful aiding clarity of the plan and effective monitoring.

Category C – Deliverability & Implementation – General

The Council has undertaken a significant amount of work in respect of place making, delivery and infrastructure to inform the Deposit Plan in line with the DPM (Edition 3). This is supported (subject to the comments in this annex) and puts the LPA in a good position moving to examination, namely:

- Clear articulation and justification of the spatial distribution of housing supply and components of the housing provision (BP10)
- Housing trajectory & associated tables – containing timing & phasing of all sites in the plan (BP10)
- Detailed urban capacity study to support windfall rates (Arcadis Report)
- Strategic sites and delivery infrastructure assessment/statements – including constraints, site requirements and masterplan concept frameworks and phasing information (Warren Hall and Northern Gateway Master planning & Delivery Statements and the Infrastructure Plan)
- Affordable Viability Study (DVS)

A key matter for the examination will be whether the plan contains sufficient information in relation to the implementation, delivery and monitoring of the plan. Specifically, whether key elements of the master planning principles, delivery statements, and the infrastructure plan, should be in the plan to ensure good design and comprehensive development for housing and employment sites.

- Masterplan & Delivery Statements have been prepared for both strategic sites. Additional information, where necessary and relevant, along with statements of common ground to support the plan would be advantageous. This also applies to employment sites and key non-strategic housing sites, where relevant.
- Strategic Sites need significant infrastructure which should be articulated in the plan, including specific constraints such as those regarding the nearby airfield i.e. height restrictions which could impact on the developable area.
- The level and rationale for the housing flexibility allowance is for the LPA to justify. The DPM (Edition 3) states 10% is a starting point, with any variation being robustly evidenced. It is not the role of Welsh Government to comment on the merits or the timing of individual sites in the plan. The key point is that the LPA demonstrates that there is sufficient flexibility at key points in the plan period through the trajectory. Statements of Common Ground will assist in clarifying the timing and phasing of all sites. The trajectory should illustrate the degree of flexibility throughout the plan period.

Category C - Deeside Enterprise Zone – spatial identification

The Council has not spatially allocated the Deeside Enterprise Zone (EZ) on the proposals map. The EZ should be shown spatially in the plan. Part of the EZ boundary is within a green barrier designation EN11.15 Sealand-Cheshire Border. It is not clear how/why a green wedge designation should be shown in an EZ. Would this preclude maximising economic opportunities within the EZ? This will be for the relevant Department of Welsh Government to comment on.

Category C - Renewable Energy

A proportion of the authority is within a Priority Area 4 for Solar in the draft NDF. On this basis the Authority should ensure that it is in general conformity with the NDF when adopted. The REA supporting Policy EN13 is broadly in line with national policy and the toolkit methodology which concludes there are no suitable wind Local Search Areas (LSAs) but there is significant potential for solar. The Council has allocated 18 Indicative Solar Local Search Areas. The authority has also allocated specific solar PV farms at Crumps Yard, Connah’s Key and Castle Park. We have the following comments:

- The proposed LSAs for solar PV allocated by this policy should be specifically listed in the plan together with the contributions from each site.
- The 'actual' solar allocations should be separated from the ILSAs within this policy as they have a different status, i.e. ILSAs are indicative/preferred areas of search, not proposed allocations.
- Policy EN13: Renewable and Low Carbon Energy Development – include the target contribution from renewable and low carbon energy from the REA over the plan period within the reasoned justification and reflect as indicators within the monitoring framework.
- Land at Castle Park Flint (Policy EN13.2) is allocated for Solar but overlaps (in part) with a proposed Gypsy and Traveller Allocation HN8.4 - Castle Park, Industrial Estate, Flint. This requires clarification. Can both allocations be developed for their intended use, or would one preclude the other? See comments regarding the deliverability of Gypsy and Traveller sites (Category B).

Category C - Flood Risk

The Strategic Flood Consequence Assessment alludes to some allocations having flooding issues. In most cases the Council is content that any issues can be overcome through site layout, i.e. avoiding areas of flood risk. The Council should ensure no highly vulnerable development is allocated in C2 Flood Plain. Where development is located in C1, while the principle of development may be appropriate in national policy terms, the key consideration for the LPA will be to demonstrate that allocations are suitable and deliverable in line with any mitigation measures that may be required to meet the requirements of national policy. The LPA will need to undertake a sufficiently detailed Flood Consequences Assessment (FCA) where appropriate and relevant, and seek advice from the statutory body, NRW prior to the examination. The authority should keep abreast of the emerging Welsh Government Technical Advice Note 15 (currently subject to consultation) with regards to allocations and the policy framework within the plan.

Category C - Green Barriers (Policy EN11) - consistency with PPW

Policy EN11 should be renamed 'green wedges' and not 'green barrier' to ensure compliance with national policy. The reasoned justification (paras 12.40 - 12.43) are also unclear in this respect as they refer to national policy on both green wedge and green belt designations, conflating the two. As there is no Green Belt designated in Flintshire, the Welsh Government considers the policy and its reasoned justification should be amended to align with the correct terminology in PPW, and ensure clarity for plan users in terms of the purpose and status of policy EN11, i.e. green wedges.

Category C Strategic Policy 7: Economic Development, Enterprise, and Employment – clarity on the strategy for telecommunications

Whilst the importance of telecommunications and associated infrastructure is recognised in the plan, the Plan does not set out a strategy for engaging with mobile operators to identify areas of poor or no coverage, or develop criteria based policies to guide mobile infrastructure development or location. A strategy for the development of mobile telecommunications (including mobile broadband) is important to support changing working and personal patterns of movement; technology provides opportunities to travel less both in and out of work with subsequent benefits for sustainability and climate change.

Category C - Minerals (Policy EN25)

Policy EN25 seeks to meet the shortfall of sand and gravel and crushed rock to satisfy the apportionments set out in the RTS 1st Review. We note the RTS 2nd Review is currently out for public consultation and there is a significant increase in the requirement for Flintshire, as set out below:

- The apportionment of sand and gravel has increased the allocation required from 1.4mt to 3.543mt.
- The requirement for crushed rock has increased from an allocation of 3.84mt to 35.928mt.

Policy EN25 identifies extensions to four quarries to meet the requirement of the RTS 1st Review. The authority should demonstrate their ability to meet the increased need apportioned in the RTS 2nd Review, should it be endorsed prior to the plan being subject to examination.

Monitoring Framework

The Councils monitoring framework provides a good starting point and it is clear the authority has looked at other monitoring frameworks which will need to be refined through the examination sessions. The Council should have regard to the monitoring and review Chapter of DPM (Ed. 3), in particular the key indicators set out in Table 29.
