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Ein cyf : Our ref : qA1315068

13th December 2017

Dear Mr Farrow,

Flintshire County Council – Preferred Strategy Regulation 15 Consultation: Welsh Government Response

Thank you for consulting the Welsh Government regarding the Flintshire County Council Local Development Plan (LDP) pre-deposit documents. It is essential the Authority is covered by an up-to-date LDP that will deliver the vision and key objectives and give certainty to local communities and investors. 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 to the Preferred Strategy stage.

Without prejudice to the Ministers discretion to intervene later in the process and to the independent examination, the Welsh Government is committed to helping Local Planning Authorities minimise the risk of submitting unsound documents by making appropriate comments at the earliest stages of document preparation. The Welsh Government looks for clear evidence that the tests of soundness (as set out in the 'LDP Manual') are addressed.

The Welsh Government is broadly supportive of the preferred strategy which seeks to locate the majority of development in the most sustainable locations, linked to the role and function of places whilst also supporting rural areas. **The Welsh Government is also generally supportive of the level of homes and jobs proposed** when considered against the range of issues the plan is seeking to address, such as the acute need for affordable housing, combatting a reduction in out-migration and population decline, and the need to increase levels of economic activity in order to capitalise on and align with opportunities afforded by the North Wales regional growth ambitions. On balance the Welsh Government supports the technical work undertaken by the Council in embracing a positive approach to national policy in this respect.

As you can appreciate, demonstrating delivery of the strategy with particular reference to the strategic allocations will be critical, and this should be supported by your Authority's evidence in the Deposit plan. This should include evidence regarding viability. We elaborate further within the annex to this letter. The development planning system in Wales is evidence led and demonstrating how a plan is shaped by the evidence will be a key requirement at the examination.

The Environment (Wales) Act 2016 sets out a legislative framework for the sustainable management of natural resources (SMNR) with provisions for public bodies to contribute to

achieving SMNR; to maintain and enhance the resilience of ecosystems and the benefit they provide. The Preferred Strategy should set out a 'direction of travel' on how the plan will aim to improve and not reduce biodiversity and further the resilience of ecosystems. Currently, the Preferred Strategy does not sufficiently reflect the Environment Act and it does not present a policy response to further the resilience of ecosystems. We are more than happy to meet and assist in appropriate policy development for the Deposit Plan.

Our representation also includes **other issues** which are set out in detail in the annex to this letter. Collectively, our comments highlight a range of issues that in our opinion need to be addressed if the plan is to be considered 'sound'. We have indicated where evidence of soundness is not immediately clear and where the evidence base can be improved and/or strengthened going forward. Some key areas include:

- Affordable Housing
- Delivery & Phasing
- Employment
- Gypsy and Travellers
- Minerals, and
- Renewable Energy

We strongly advise these matters are addressed in order to maximise the potential of your LDP being considered 'sound' at the Deposit stage.

As always, we would urge you to 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.

If you would like to meet at **an early date** to discuss matters arising from our formal response to your Preferred Strategy, then please contact me. You should document your response to our comments in your Consultation Report.

Yours sincerely,



Mr Mark Newey
Head of Plans Branch
Planning Division

Annex to Welsh Government Letter (13th December) in response to Flintshire County Council – Preferred Strategy

Spatial Strategy

Clarity on the growth proportion and components of supply - The broad apportionment of housing growth in each settlement tier (page 61) and the 'elements of supply' (page 102) are helpful in understanding where and how much growth will be directed to each tier in broad terms. The Deposit Plan should be clear as to the spatial distribution of all housing components by settlement tier in numerical terms, not just broad percentages. A table demonstrating this would be advantageous. This will ensure clarity and enable effective monitoring of the plan.

Affordable Housing Need - Local Housing Market Assessment - The LHMA (2015) highlights an acute need for affordable housing in Flintshire of 246 homes per annum. It is unclear how the findings of the LHMA have influenced the scale and location of growth. There should be a clear articulation between the provision in the settlement hierarchy and need, illustrating why growth has been identified at specific locations to maximise affordable housing delivery. This is particularly pertinent as no broad affordable housing target/range is included in the plan. Linkages to sustainability issues should also be reconciled, i.e. why it is, or is not appropriate to locate affordable housing in less sustainable communities.

Affordable Housing Target, Policy, and Viability Work

A broad-level viability assessment has been submitted as part of the evidence base, yet this work has not been carried forward into the plan. No affordable housing targets/ranges or affordable housing policy to show a direction of travel based on this work is included in the Preferred Strategy. It is difficult to comment on this matter as it is unclear on how the LHMA and viability evidence have informed policy targets, spatial distribution, densities and scale of housing sites.

The Deposit Plan should indicate how the plan target will be achieved, including site specific targets and thresholds. Challenging policy targets need to be grounded in evidence and applicable to the majority of applications, whilst allowing site specific negotiations to occur (where necessary and on a limited number of sites). In addition, the Deposit Plan should be clear as to the estimated contribution of affordable housing by settlement tier. A table demonstrating this would be advantageous. This will ensure clarity and enable effective monitoring of the plan.

Delivery

Delivery and Phasing: General - The phasing, timing, funding mechanisms and delivery of sites will be critical to ensure the plan delivers the scale of growth in locations to meet the needs across the plan period. The Deposit Plan would benefit from setting out site specific details for allocations that includes general phasing timescales, key infrastructure and planning principles, developer requirements, constraints and developer and infrastructure requirements where appropriate.

The Council need to demonstrate that both individual sites and sites in combination are genuinely available and deliverable. It is important that site promoters continue to be involved in the process and understand the importance of demonstrating delivery, specifically in relation to the strategic allocations. Statements of Common Ground would be advantageous to demonstrate sites will come forward in the identified timescales. These comments also apply to key non-strategic sites.

The Authority's intention to prepare a housing trajectory for the Deposit plan will greatly assist all parties to understand the ability of sites to be delivered over the plan period. The trajectory should be supported by an analysis and understanding of lead-in times for strategic sites, the inter-relationship between such sites, potential constraints, costs, infrastructure requirements and

funding streams, together with robust assumptions on windfalls in order to demonstrate a 5-year housing land supply from adoption of the plan.

Strategic Site Delivery - Of the 3,077 dwellings proposed for allocation in the plan, over half (at least 53%) will be located on 2 strategic mixed-use sites; the Northern Gateway (1325 units) and Warren Hall (300 units) the remainder of the housing to be identified on small to medium sized allocations (LDP, paragraph 7.1.3). With a focus on growth directed to the strategic sites, the Authority advises that it will look in detail at the allocations through its Infrastructure Needs Assessment and Delivery Plan (Topic Paper 12) to ensure they are deliverable over the plan period and can contribute to the economic growth and housing needs of the County Borough. The Welsh Government supports this additional work.

The delivery of the strategic sites is integral to the delivery of the plans strategy for home and jobs. These sites will need to be accompanied by clear evidence that sets out infrastructure requirements and their associated cost as well as an indication of key timings, phasing and funding mechanisms/partners to ensure the necessary infrastructure is deliverable, when required. Explaining how the strategic sites will be phased should support the delivery of the strategy; create new jobs alongside the release of housing and meet affordable housing need. To provide certainty the key principles of outline planning permissions on both strategic sites, including schematic frameworks, could usefully be contained in Policy STR3 if still considered appropriate.

Housing: Flexibility Allowance - The Welsh Government does not object to the level of flexibility in the plan. It will be for the Council to demonstrate why 10% is appropriate, including how the flexibility relates to all housing components, delivery and phasing over the plan period. The authority should demonstrate there is sufficient flexibility throughout the plan period to deal with any 'pinch points' and unforeseen circumstances. A trajectory will assist in demonstrating this.

Community Infrastructure Levy (CIL) and Planning Obligations - The Authority intends to fund infrastructure requirements through S106 contributions and a CIL schedule once the plan is adopted (LDP, paragraph 5.6.5). We note the Council's Viability Assessment (September 2014) takes into account a CIL charge. The Welsh Government supports this approach to evidence the delivery of sites over the plan period. Notwithstanding this, the Authority should be certain that with pooling restrictions on S106 agreements and initial uncertainty on whether development in Flintshire could support a CIL charge (Topic Paper 12), funding is available to deliver the necessary infrastructure, at the appropriate time in the plan period.

Employment

Employment Land Requirement and Job Target - The Employment Land Review (2015) identifies a land requirement over the plan period of 28.50ha (paragraph 11.18). An update assessment takes into account local circumstances, including the development of Deeside Enterprise Zone (100ha) Warren Hall (36.5ha) and updated population forecasts. This updated assessment concluded that the two strategic sites could generate up to 10,000 new jobs on completion with the highest net employment land requirement being 39.73ha (Scenario C). However, the Technical Paper (November 2017) increases the employment land requirement further to a range of 56.5ha - 70.7ha. The Deposit Plan should clearly identify a figure aligned to the evidence, explaining how this relates to the job target. At present, there are multiple references to the employment land requirement adding confusion. The Council should refine the references to employment land 'supply', 'provision' and 'requirement' as the terms are used interchangeably in the plan and supporting evidence. It should be clear on the scale of existing employment land and the provision allocated to deliver the job growth over the plan period.

Policy STR1 makes provision for 223ha of employment land, although it is unclear whether this is the total existing supply or intended allocations. The highest figure in the background evidence of approximately 71ha results in an over-provision of 152ha of employment land. Whilst the Welsh Government does not object to an over-provision to provide for a range and choice of sites, the

Deposit plan should explain how the over-provision relates to the job target? The provision of 223ha should result in a land requirement (in ha) required to deliver the job target of 8,000-10,000 over the plan period. The policy should list the allocated sites that comprise this required allocation by scale (in ha) and proposed B-use class use for each site.

Safeguarding Policy - The plan identifies 30 existing principal employment areas and 2 strategic sites for mixed-use, some of which are key sites within the Enterprise Zone designation. The plan should list the principal employment areas in a Safeguarding Policy and identify these areas spatially on the Proposals Map.

Waste

In line with criterion iv of Strategic Policy STR 15, the authority must assess and indicate which employment sites are suitable and appropriate to accommodate waste management facilities (TAN 21, paragraph 3.22).

Renewable Energy

The Deposit plan must develop renewable energy policies in line with PPW and the Welsh Government's Toolkit for Planners (2015) taking account of all relevant issues and make evidence-based decisions where the Toolkit facilitates this approach. It should:

- Demonstrate how the REA has been considered at the Candidate Site; how renewable energy and low carbon opportunities have informed the scale/location of allocations.
- Identify the contribution of the plan area towards developing and facilitating renewable and low carbon energy, including the identification of preferred locations on the Proposals Map. Policies should support delivery of the contribution, reflected in the Monitoring Framework.
- Include a policy framework that encourages the development of renewable energy at different scales in line with both national policy (PPW, Figure 12.2) and the conclusions of the REA. Ensure the policy also sets out clear local criteria against which proposals for sub-local Authority scale projects will be assessed (PPW, paragraph 12.9.9).
- Explore opportunities to co-locate major developments, such as the strategic sites, to optimise renewable energy and promote district heating schemes (PPW, para 12.8.18).

Gypsy and Travellers

Clarify from the Gypsy Traveller Accommodation Assessment (GTAA) the immediate 5 year need as there is a discrepancy with the Preferred Strategy stating the need is -5 pitches (paragraph 7.2.4) whereas, the GTAA 2016 (paragraphs 5.52 and 6.23) records the need as 4 pitches. Is there an immediate need or not? The Deposit plan must ensure suitable and deliverable sites are identified to address the level of need when required.

Welsh Language

Topic Paper 17 defines wards where the Council considers the Welsh Language to be of particular significance and where over 20% of the population are Welsh speaking. The Deposit plan should, if considered appropriate, include appropriate policies in respect of Welsh Language.

Flooding

The plan identifies that flood risk is a key issue. The LPA should demonstrate that it has complied with national policy and that all allocations can accommodate the scale of growth proposed and are deliverable. No sites for highly vulnerable development should be allocated within flood zone C2 and that the relevant justification tests have been appropriately applied for all other

development (where appropriate). The Deposit plan would also benefit from a robust policy to reinforce the national policy position when assessing planning applications.

Agricultural Land

We note that BMV agricultural land is a constraint to development in the County. The Deposit plan should evidence any proposed allocations and demonstrate that any loss of BMV land is minimised, in accordance with PPW paragraph 4.10.1. I wish to draw to your attention to the recent email issued on BMV land dated 27/11/17 and the changes in status of the maps.

Minerals

Strategic Policy STR16 – Strategic Planning for Minerals – We note the authority intends to meet the requirements of the RTS 1st Review and maintain the required land bank of both sand and gravel and crushed rock through the extension of existing quarries. The Deposit plan must provide specific allocations in order to satisfy national policy requirements. In relation to criterion iv, it is not a national policy requirement to identify areas where mineral extraction would not be acceptable. The authority should clarify its intention, for example, does it apply solely to areas where coal working would not be acceptable (PPW, paragraph 14.7.11) or does it relate to the application of mineral buffer zones?

The Deposit plan should:

- Set out the broad strategy for mineral working over the plan period;
- Safeguard mineral resources, including primary and secondary coal resources;
- Maintain a land bank for sand and gravel and crushed rock in line with the RTS 1st Review;
- Set buffer zones around permitted and proposed mineral workings, supported by policy;
- Include a local minerals working policy to ensure the environmental, amenity and health impacts of any future applications can be appropriately assessed;
- Assess the likelihood of dormant sites being worked and if appropriate, set a clear strategy and provide clarification on serving prohibition orders;
- Identify areas where future coal working is not likely to be acceptable;
- Identify and safeguard any existing and potential wharves and railheads;
- Encourage the prudent use of natural resources and promote the use of recycled, secondary aggregates or waste materials to reduce primary resource extraction, and
- If applicable, demonstrate the rationale for allocated employment housing sites within mineral safeguarding areas and evidence that prior extraction has been considered.

Monitoring

For the Deposit plan it is vital that the monitoring framework includes key triggers and action points so that appropriate action can be in place in advance to avoid a situation of non-delivery. A significant number of LDPs have been adopted providing good practice examples which the authority could benefit from.
