



Developer Advice Note

SUBJECT: Speculative Housing Development Proposals
February 2018

Adopted by Flintshire
County Council on the 23rd
February 2018



Purpose

It is Flintshire County Council's intention to prepare and keep up to date a series of Supplementary Planning Guidance (SPG) Notes which will provide detailed guidance on a range of development issues and topics. The purposes of these Notes are:

- To assist the public and their agents in preparing planning proposals and to guide them in discussions with officers prior to the submission of planning applications,
- To guide officers in handling, and officers and councillors in deciding, planning applications, and
- To assist Inspectors in the determination of appeals
- The overall aim is to improve the quality of new development and facilitate a consistent and transparent approach to decision making.

Planning policies: the Flintshire context

The Development Plan Under planning legislation, the planning policies for each area should be set out formally in the Development Plan. Flintshire County Council, as the Local Planning Authority (LPA), has a legal duty to prepare and keep up to date a development plan for the County, and the Flintshire Unitary Development Plan was adopted in 2011. The UDP provides broad policies together with allocations of land for all the main uses such as housing, employment and retailing, and will help to shape the future of Flintshire in a physical and environmental sense as well as influencing it in economic and social terms. The Plan therefore seeks:

- To help the Council make rational and consistent decisions on planning applications by providing a policy framework consistent with national policy and
- To guide development to appropriate locations.

The need for Supplementary Planning Guidance.

Despite the Plan containing policies with which the Council can make consistent and transparent decisions on development proposals, it cannot in itself give all the detailed advice needed by officers and prospective applicants to guide proposals at the local level, such as house extensions or conversions of agricultural buildings. The Council's intention is to prepare a range of Supplementary Planning Guidance notes (SPG) to support the UDP by providing more detailed guidance on a range of topics and issues to help the interpretation and implementation of the policies and proposals in the UDP. The review of the Local Planning Guidance Notes will be undertaken on a phased basis and details of the available SPG's can be found on the Council's website. Where there is a need to refer to another SPG this will be clearly referenced. These SPG Notes are freely available from Planning Services, Directorate of Environment, County Hall, Mold, Flintshire CH7 6NF (telephone 01352 703228), at the Planning Services reception at County Hall and can be downloaded from the Planning Web pages - www.flintshire.gov.uk/planning

The Status of this Advice Note

This Advice Note is not a formal Supplementary Planning Guidance note because there is no policy in the UDP which relates directly to speculative Developer Guidance. However this note is a material planning consideration as it sets out what supporting information and studies are required for a speculative planning application. The draft Advice Note was approved for public consultation on 16.03.17 (Council Minute No 5) and was subject of a public consultation exercise between 07.07.17 and 18.08.17. The comments submitted to the Council have been taken into account and where appropriate amendments have been incorporated into this final draft which was approved by the Council on 23.02.18 (Council Minute No.11) for use as a material consideration in determining planning applications and appeals. A summary of the representations and the Councils response is set out in Appendix 1.

This document should therefore be afforded considerable weight as a material planning consideration.

Context

This guidance note provides guidance on the Council's requirements for supporting evidence and justification to be submitted, in the event that developers are considering the submission of speculative planning applications for housing development, on the basis of the Council's present housing land supply position. This does not mean that applications are necessarily invited. The guidance note applies to both large sites (of 10 or more units) and small sites (9 or less units). The requirements for supporting information will be necessary for small sites but the amount of information sought will be proportional to the scale and issues associated with the proposed development.

This note was originally amended twice and considered and endorsed by the Council's Planning Strategy Group as well as approved by the Cabinet at its meeting on 16th June 2015. It has subsequently been updated and approved by the Cabinet at its meetings on 13th December 2016 and 23rd February 2018. It therefore takes immediate effect and applies to any speculative applications currently with the Council as well as future ones yet to be submitted.

Speculative Housing Development Proposals

According to the method of calculating housing land supply prescribed by the Welsh Government in Technical Advice Note 1 Joint Housing Land Availability Studies (TAN1), Flintshire does not currently have a five year supply of housing land. The last formal JHLAS was completed for 2014 but since that date, with the expiry of the UDP, and without an adopted LDP in place, according to TAN1 the Council cannot carry out and publish a formal study until such time as the LDP is adopted. This means that in the interim, the Council will be unable to demonstrate whether or not it has a five year land supply, and effectively will be considered not to have five year supply. In accordance with paragraph 9.2.3 of PPW ***“Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan”***.

TAN1 sets out how an authority must act when it does not have a 5 year land supply: ***“The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”***. (Paragraph 6.2).

For the purposes of both paragraphs 9.2.3 of PPW and 6.2 of TAN1, reference to “the development plan” means the adopted Flintshire Unitary Development Plan.

In the event that a developer is considering submitting a planning application for housing development, justified on the basis of a shortfall in housing land supply, the Council will expect to see comprehensive evidence to justify such an application, in relation to:

1. The context for the development proposed

This should set out the context of the area local to the site. Regard should be had to the nature and function of the settlement within which the proposal is made, its role as part of the UDP/LDP spatial strategy, and how the identification of the site fits in with the requirement for a search sequence as referenced in paragraph 9.2.8 of PPW. This is to ensure that developers are following the same principles in terms of identifying sustainable sites as the Local Planning Authority are required to do, in the preparation of the LDP which is currently underway. This is also to ensure that any spatial strategy under development by the Council is not compromised by unjustified speculative applications for housing development.

2. Full Application

The Council would prefer the submission of a full application to allow the Council to properly assess the proposal in terms of the need to be met, the housing to be provided, and the deliverability of the scheme. Outline applications are not considered appropriate or acceptable to consider proposals for speculative development on the basis of a lack of housing land supply, unless they provide sufficient information to enable the Council to be satisfied that the proposal represents a sustainable and deliverable form of development. Outline applications will be expected to be accompanied by sufficiently robust information to ensure that they are sustainable viable and deliverable.

3. Sustainability Appraisal

A Sustainability Appraisal (SA) or some other appropriate means of assessing sustainability is required to demonstrate why and how the site represents a sustainable form of development in relation to its local context and to both the local and national policy framework, the principles and objectives of which are set out in paragraphs 4.3.1 and 4.4.3 respectively of PPW. This process will be aided by the SA information associated with the emerging LDP which is available on the website. The sustainability appraisal can either be a stand alone document or incorporated into a Planning Statement or Design and Access Statement.

4. Viability Assessment

A viability assessment is required in cases where the developer is not intending or able to meet necessary and reasonable planning obligations. In such cases it is necessary to demonstrate why the site cannot be developed on the basis of accommodating all of the Council's policy requirements (e.g. POS, affordable housing, education, highways etc.), as well as providing all other necessary infrastructure required. This is to assist in assessing the sustainability and deliverability of the proposal. Any financial viability information will be treated as confidential and will not be made publicly available as part of the consideration of the application.

5. Housing Delivery Statement

The Council requires the submission of this essential evidence by the developer in order to demonstrate how the development can deliver housing to help to reduce the presently unidentified shortfall in housing supply, within 5 years from the date of planning consent. This should clearly identify a timeline for the development including the expected start date, the annual completion rate as well as the expected completion date

for the whole development. This should also clearly identify wherever possible, which developer(s) will be building the homes, as well as a statement that the land owner (where relevant) is committed to the sale of the land on the basis of the scheme proposed, and will complete this agreement on the grant of planning permission thereby making the land immediately available for development. This requirement is also to ensure compliance with advice in paragraph 9.2.3 of PPW: “This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live”.

Advisory Notes

- Where a developer seeks to comply with these essential requirements, this will assist the Council in being able to adequately assess the sustainability, viability and deliverability of the proposed development.
- Speculative developments that do not otherwise comply with development plan policy must clearly demonstrate their full sustainable development credentials.
- It is necessary to ensure that outline applications are accompanied by suitable or appropriate information to make such exception cases.
- This is also relevant in terms of the LDP candidate sites that are now publicly available, as well as any existing land or sites allocated within settlement boundaries, as any speculative sites that come forward must be capable of demonstrating why they are better/more sustainable than other option sites including those yet to be considered by the Council as part of progressing the LDP.
- Whilst all sites are considered on their merits, speculative development sites must also clearly show that they do not compromise the ability of the Council to develop a sustainable strategy for the LDP.
- Any full planning consent will be time limited to commencement within two years of a permission being issued. In the case of outline planning consents a condition will be attached seeking submission of reserved matters within one year of the consent. This should not pose a problem for developers as their applications are submitted on the basis of being sustainable, otherwise compliant with policy, deliverable, as well as being submitted to meet an urgent need for housing.
- Any applications for renewal of such consents will need to be fully justified as the basis on which they were originally permitted i.e. as an exception based on an urgent need, should result in commencement first time around. Such application for renewal will be given careful consideration and will not automatically be renewed.
- Commencement should result in the timely completion of homes and not simply the minimum steps to protect a planning permission.

Person / Organisation	Comment	Response	Recommendation
General Comments			
Playdelsmithy man Ltd	<p>The Flintshire Unitary Development Plan (FUDP) was adopted on 28th September 2011 and covers the period between 2000 and 2015 and is therefore now time expired. Whilst the UDP remains the adopted development plan for Flintshire until the Local Development Plan (which is currently being prepared) is adopted, paragraph 4.2.4 of Planning Policy Wales (PPW) makes clear that where development plan policies are out of date or superseded, their policies should be given decreasing weight in favour of other material considerations such as national policy. Therefore, whilst the development plan policies should still be given consideration, certain policies will be outdated due to other material considerations (e.g. housing land supply) and in such circumstances the application proposal should be viewed in the context of National policy in PPW.</p> <p>It is currently anticipated that the LDP will be adopted in October 2019. Suitable land for housing development will still be required during the intervening period and the Developer Guidance Note cannot be used as an obstacle to development or to circumvent wider planning objectives such as sustainable development.</p> <p>Planning Policy Wales (PPW) and Technical Advice Notes (TANs) -Section 9 of PPW makes clear that meeting housing need is very much part of the sustainable approach to development, with planning authorities being required to “ensure” that sufficient land is genuinely</p>	<p>It is accepted that certain aspects of the UDP are outdated as Inspector’s have considered that settlement boundaries and housing policies are now outdated and that little weight should be attached to them. However, the bulk of the UDP in terms of achieving sustainable development is still in accord with current guidance in PPW. The merits of housing proposals in terms of location, scale etc will determine the planning balance to be applied to the UDP to PPW and to other material considerations in order to achieve sustainable development.</p> <p>The guidance note is not being used as an obstacle to development. Furthermore, it is certainly not being used to circumvent wider planning objectives such as sustainable development. The whole thrust of the guidance note is to ensure that applicants can demonstrate that the development is sustainable.</p> <p>It is accepted that meeting housing need is part of the Welsh Government approach to sustainable development. However, it is still necessary to ensure that each proposal is sustainable in the context of the WG</p>	

	<p>available to provide a 5 year supply of housing. Where a local planning authority doesn't have an adopted UDP or Local Development Plan, it is considered not to have a 5-year supply. TAN1 requires each local planning authority in Wales to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing.</p> <p>With regards the presumption in favour of sustainable development, Paragraph 4.2.4 of PPW states that: "Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise."</p> <p>It identifies a series of ways in which to achieve this, including:</p> <ul style="list-style-type: none"> • Locating development in settlements which have relatively good access to facilities by non-car modes • Minimising the need to travel and increasing accessibility by modes other than the private car • Where development in the countryside is required, it should be within and adjoining settlements where it can be best accommodated in terms of infrastructure, access, and habitat and landscape conservation • Development should respect the character of the surrounding area • Previously developed land should, wherever possible, be used in preference to Greenfield sites <p>Housing Land Availability The most recent housing supply study produced (April 2014) shows that the housing land supply amounts to just 3.7 years which amounts to a shortfall of over 1200 dwellings across the County. This supply will likely have depleted over the intervening period. With completions averaging just 353 per annum over the past five years, if the figures were updated now, it is likely that the shortfall would be even greater as the residual method of</p>	<p>guidance on sustainable development.</p> <p>Noted. However, it is unclear what the purpose of this section is in terms of commenting on the content of the guidance note.</p> <p>It is unclear how the objector comes to the conclusion that supply has depleted since the April 2014 Study (the last published Study). Sites are continuing to come forward in the form of planning permissions. The 2016 housing land monitoring Study identifies that over the last 5 years completions averaged 497 units per year and that there is still a significant land bank.</p>	
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	<p>calculation means that the annual requirement will increase year on year until the matter is positively addressed.</p> <p>The fact that the UDP is out of date and that Flintshire is currently unable to demonstrate an achievable 5 year supply of housing land are a significant material considerations. Both Planning Policy Wales and TAN1 advise that when a 5 year supply of land cannot be demonstrated, the need to increase supply should be given considerable weight when dealing with planning applications for residential developments. This is looked at in more detail below.</p> <p>The need to increase the supply of land in the short term will, inevitably, involve the development of sites that would not, otherwise, be supported by the policies of the UDP. For example, sites on the periphery of settlements are likely to be released for development. This has been evidenced in recent appeal decisions across Wales which have established this principle in granting planning permission for appropriate residential development sites, albeit on land outside development boundaries. Within Flintshire examples of such appeals are as follows: In March 2015 an appeal was granted for 41 dwellings outside the settlement boundary at Ewloe (Appeal Ref: APP/A6835/A/14/2220730). The Inspector granted that: "...although the proposal does not comply with the development plan and one aspect of national planning policy, I am of the view that the need to increase supply should still be given significant weight in the overall balance...in the particular circumstances of this case the benefits of the scheme outweigh the conflict with the development plan and one aspect of national planning policy and the balance clearly falls in favour of allowing the appeal". In June 2016 planning permission was granted for 59 dwellings on land in the open countryside adjoining Myndd Isa. (Appeal Ref: APP/A6835/A/15/3137719). The Inspector concluded:</p>	<p>Noted</p> <p>As a general principle it is accepted that sites on the edge of sustainable settlements are generally suitable in coming forward as 'speculative' proposals to contribute to housing land supply. As identified, a number of appeal decisions have granted planning permission on the edge of settlements. However, other appeal decisions on the edge of settlements (or even within settlement boundaries) have been dismissed. It is clearly necessary to have regard to the merits of each proposal in terms of its locational sustainability, scale and type of development and any harm arising from the development. In other words each proposal has to be demonstrated as representing sustainable development.</p>	
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	<p>“TAN1 thus requires that the need to increase the housing supply should be given considerable weight in dealing with schemes such as the one before me now. I have found that the proposed development would not harm the surrounding countryside to any significant extent. In any event , the substantial weight which can be given to the addition of 59 dwellings to the County’s housing supply would outweigh any harm”.</p> <p>Even in an appeal for a single dwelling on land outside the settlement boundary at Maes y Goron, Lixwm, (Appeal Reference: APP/A6835/A/15/3130252). The Inspector states:</p> <p>“...the need to increase housing supply is given considerable weight, whereby the material considerations and compliance with national policies indicate a decision otherwise than in accordance with the development plan”. This demonstrates that the size of the proposal is not significant in relation to the principle. The above appeals provide clear evidence of the way in which “considerable weight” has been applied to the consideration of residential development proposals in the current circumstances.</p> <p>As the lack of a 5 year supply of housing land generally results in an influx of planning applications for speculative development on sites outside settlement boundaries, the Council has drafted a Developer Guidance Note (approved by Cabinet on 13/12/16) which is intended to provide guidance to potential applicants on providing comprehensive evidence to demonstrate that the proposed development is sustainable and is both viable and deliverable in order that it will make a genuine and early contribution to housing land supply and construction on the ground.</p> <p>The guidance sets out a requirement for comprehensive evidence to be submitted to justify such an application, including evidence of a proven local need for housing. Therefore whilst in principle securing consent for</p>	<p>Noted</p> <p>Noted. However, it is not accepted that the guidance note is seeking ‘comprehensive’ evidence. Rather, the guidance is seeking clear and robust evidence that the site is</p>	
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	<p>residential development on a site such as the appraisal site, outside the settlement boundary, should be more achievable in a period where there is no identified 5 year housing land supply, there is still much evidence that needs to be produced to demonstrate that the site is suitable for development and housing on the site would be suitable and deliverable. This is however 'guidance' and not adopted policy.</p>	<p>available, sustainable, viable and deliverable. It is the quality of information rather than the quantity, that is the key consideration.</p>	
<p>Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)</p>	<p>We are aware that the Speculative Housing Development Proposals Developer Guidance Note has been utilised by the planning department and Members of the Planning Committee for some time, and have expressed concern in the past about this approach. Appeal decisions have not afforded any weight to the Developer Guidance Note, which is the correct approach given that the note had not been the subject of a consultation or formally adopted. Flintshire County Council explain that the purpose of the consultation is to 'attach extra weight to the Guidance Note as a material consideration in determining planning applications'. The note is entirely at odds with the government's aspirations for delivering housing, setting out onerous requirements for applicants wanting to submit planning applications on unallocated sites, which have no policy basis. The note should not be afforded weight as a material consideration in the determination of any planning application for the reasons highlighted below.</p> <p>Housing Land Supply The Welsh Government are aiming to boost the supply of housing significantly. This is reflected in part through recent changes to TAN1 which sets out that where authorities do not have an up to date LDP, they are unable to carry out a JHLAS calculation and are deemed not to have a 5 year housing land supply. In these situations 'the need to increase supply should be given considerable weight when dealing with planning applications provided</p>	<p>The guidance note is at odds with the government's aspirations for delivering housing. Rather it reflects the government's intentions to bring about sustainable development, which underpins Planning Policy Wales. It is not accepted that the guidance note sets out onerous requirements. If, as part of preparing an LDP it is necessary to determine sustainability and evidence availability, viability and deliverability, then why is it not acceptable for sites (which have no policy context in the UDP) to do likewise. All the guidance note is seeking to do is ensure that the applicant accompanies a planning application with sufficient information to ensure it can be properly assessed as to its sustainability and ability to deliver housing.</p> <p>The weight to be attached to housing land supply in terms of TAN1 is noted. However, a more fundamental policy test is whether a proposed development represents sustainable development and whether the presumption in favour of sustainable development kicks in. For this to happen a site must accord with both national and local planning policy. The focus of the guidance</p>	

	<p>that the development would otherwise comply with development plan and national planning policies'. FCC have no up to date LDP and are considerably behind schedule in terms of the plan preparation process. They are therefore deemed to have no 5 year housing land supply which is a material consideration in planning decisions, and one which must be given 'considerable weight.'</p> <p>Under these circumstances, the most logical way for FCC to prevent speculative planning applications from coming forward would be to speed up the LDP process and in doing so, allocate a range of suitable deliverable sites for housing development. Bringing forward a guidance note which has no policy status is not appropriate and could serve to further constrain housing delivery which would directly conflict with the Welsh Government's aspirations.</p> <p>Guidance Note Requirements The Guidance Note sets out a list of requirements for planning applications where the housing proposals have been 'justified on the basis of a shortfall in housing land supply'. We do not consider the requirements to be reasonable, as evidenced below.</p>	<p>note is to ensure that sufficient information to be submitted for this to be established. Within this policy context in it is accepted that as part of the planning balance the weight to be attached to housing land supply must be weighed against other material considerations.</p> <p>The preparation of LDP's has to pass through certain procedures and stages and 'speeding up' progress is unlikely to be practicable. Speeding up the LDP by a few months still does not address the problem being experienced now whereby speculative applications are coming forward. The guidance note simply seeks to act as an advice note and is not intended to constrain housing land supply. Where sites come forward which are sustainable and deliverable, officers have recommended favourably.</p> <p>Noted. Each of the key components of the guidance note will be addressed in turn in the sections below.</p>	
<p>The Strategic Land Group (Walsingham Planning Ltd)</p>	<p>PROCEDURAL GRIEVANCES We are disappointed to learn that the SPG has been endorsed by the Council's Planning Strategy Group and approved by Cabinet, without prior consultation. Local Development Plan Manual Edition 2 (2015) provides the latest guidance for practitioners contributing to Local Development Plan (LDP) preparation, including SPG. Subheading 7.3 of the Manual explains that all SPG should go through a process of consultation on a draft version, followed by the necessary changes before formal</p>	<p>The Council had already approved an earlier version of the guidance note which has been available on the website for some time. The present consultation is seeking to consult on some minor revisions to the guidance note. It is quite normal for planning documents to be endorsed by Planning Strategy Group and then approved by Cabinet in order for them to go out to consultation. This particular</p>	<p>That the title of the document be amended as set out in the response.</p>

	<p>adoption. The Manual goes on to explain that commitments to engage and consult must be followed if SPG is to be of value. SPG will carry little, or no, weight by a Planning Inspector unless it is produced in accordance with an adopted Delivery Agreement. The revised Delivery Agreement for Flintshire, adopted in 2016, states at page 8 that <i>"its [SPG] preparation will be the subject of a formal consultation exercise prior to adoption"</i>. Evidently, this has not been the case. On a similar grounding, paragraph 2.3.4 of Planning Policy Wales (PPW) (2016) explains that if any weight is to be afforded to SPG, then it must have been the subject of consultation. Having regard to the Manual and PPW, it is clear that in its current unscrutinised form, the Developer Guidance Note SPG must be afforded no weight by the Council in the determination of planning applications. In adopting the SPG prior to consultation, the Council has exposed itself to the possibility of judicial review, since its own procedures and those prescribed within national policy and guidance have not been correctly followed. The Council has completely disregarded the procedural guidelines referenced in its own Delivery Agreement, PPW and other forms of government guidance. We consider this to be a deliberate attempt by the Council to thrust an unscrutinised material consideration on developer schemes; one which we believe is an unfound and unnecessary burden. PREMATURITY To adopt the SPG without any clear and up-to-date Plan for the County must be considered premature. The Flintshire Unitary Development Plan (FUDP) time expired in 2015 and is inconsistent with more recent national planning policy (PPW). This fact is acknowledged by the Council itself. In terms of emerging policy, the Council will be consulting on its Preferred Strategy for the LDP in Autumn/ September 2017; the first statutory stage of LDP preparation.</p>	<p>guidance note is not being progressed as formal 'Supplementary Planning Guidance' and is not directly linked to either the UDP or LDP. It is evident that this note does not have 'SPG' within its title or content and is quite different to the comprehensive range of SPG on the website. Rather, it is seeking to add further weight to an advice note following consultation. In this context the Council has not disregarded PPW or the LDP manual or its own Delivery Agreements for the LDP and has not therefore opened itself up for a judicial review.</p> <p>See above comments.</p> <p>Although time expired the UDP is still the adopted development plan. It is accepted that aspects of the Plan eg housing policies and settlement boundaries are out of date but the general strategy and policy thrust is still in accord with PPW, as evidenced in recent appeal decisions.</p>	
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<p>Noting the current status of the FUDP and the LDP, it is clear that the Council does not have a clear and up-to-date set of policies for growth and development. It is therefore simply unacceptable for the Council to formulate an SPG on the sole basis of national policy; in this case TAN 1 (Joint Housing Land Availability Studies), as referenced in the introductory paragraphs of the SPG. Paragraph 2.3.3 of PPW confirms that “<i>SPG cannot be linked to national policy alone; there must be an LDP policy or policy criterion that provides the Development Plan ‘hook’</i>”. With no clear and up-to-date set of policies, the required ‘hook’ cannot be made, hence the SPG can be considered unfounded.</p> <p>In fact, our view is that the requirements of the SPG are predetermining the tone and approach towards new housing development within the LDP. Policies for new housing within the LDP have not yet been determined, hence the Council is effectively designing its LDP around the SPG. This is incorrect procedure and serves to compromise the soundness of the LDP.</p> <p>An SPG is not the appropriate platform to formulate new policies; it should be used for guidance and advice purposes only. In the absence of any ‘hook’ to Development Plan policy, the onerous requirements of the SPG in themselves constitute new policy. We therefore consider the premature adoption of the SPG to be a clear attempt by the Council to avoid subjecting these requirements to public scrutiny and independent examination through the LDP process. As confirmed by paragraph 2.3.2 of PPW, this is incorrect procedure and could comprise reason for judicial review. For the above reasons, we consider the adoption of the SPG to be wholly premature and unfounded, and hence request its revocation immediately.</p> <p>THE ROLE OF SPG</p>	<p>The Council is not formulating SPG as this is a ‘guidance’ or ‘advice’ note. In order to clarify this it is proposed that the title be amended as follows ‘Developer Guidance Advice Note’.</p> <p>The guidance note does not cover the ‘planning merits’ of development schemes but instead seeks to ensure that applications are accompanied by suitable information. It applies to applications being submitted in the period until such time as the LDP is adopted and the suggestion that the LDP is being designed around SPG is ludicrous.</p> <p>The guidance note does not introduce new ‘policies’. Rather, it seeks to ensure that applications are submitted with the necessary information to ensure that they are sustainable, viable and deliverable. It is in effect an ‘advice’ note and is not SPG as repeatedly claimed by the objector. If a developer submits a planning application with robust evidence then there is nothing in the guidance note which would present an obstacle.</p>	
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	<p>Before exploring further elements of specific concern within the document as drafted, it is important to first outline the grounds upon which we consider the proposed SPG to fail in its purpose and function. As drafted, the document proposes measures that have clear potential to frustrate development, rather than to seek to encourage and manage the supply of housing at a time when Flintshire does not have a development plan.</p> <p>Paragraph 9.1.1 of PPW explains why delivering an adequate supply of new homes is of great importance. In support of that, Paragraph 6.2 of TAN 1 states that when there is no 5 year land supply <i>“the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”</i>.</p> <p>That is the position that currently manifests in Flintshire. Rather than adopting this approach, and seeking to encourage and facilitate delivery, the SPG proposes additional requirements over and above national policy. When the proposed elements and controls of the SPG are coupled with the local requirements directed by the time-expired plan (which themselves should be given limited weight on the basis of their age) a very high benchmark is set for development, at a time when national policy directs that all reasonable measures should be employed and focussed on speeding and facilitating housing delivery.</p> <p>On the basis of the above, it is our view that the SPG fails in its purpose and function by imposing further measures that have the likelihood of discouraging development, at a time when a housing land supply deficit is acknowledged and in the absence of an up to date development plan.</p>	<p>It is accepted that the supply of new homes in terms of TAN1 is important. However, the primary principle embodies within PPW is that of seeking to achieve sustainable development. Housing land supply is only one element in the planning balance and must be considered alongside a range of material planning considerations. In this context the guidance note is seeking to ensure that planning applications can demonstrate how they constitute sustainable development and is not designed to frustrate the system or constrain supply.</p>	
Context			
Huw Evans Planning	<p>In the context paragraph it should be made explicit that the guidance should apply only to developments comprising of 10 dwellings or more, ie, major development. The reasonableness and appropriateness of this is explained</p>	<p>The Council is presently being faced with speculative development proposals which are both for small sites (9 or less units) and large sites (10 units or more). In all cases it</p>	<p>That additional text be added to the ‘context’ section of the note as set out in the response.</p>

	<p>in the comments below.</p> <ul style="list-style-type: none"> • The recent pattern of decision making on small sites which fall outside of settlement boundaries is that, regardless of the merits of the proposal, they are refused because officers advise that they do not make a significant enough contribution to make up the shortfall in the required 5 year housing land supply. Whilst each site needs to be considered on its merits, many of these sites have minimal impact on landscape character, amenity and traffic generation and are of a scale where approval would not prejudice the implementation of the policies and proposals of the UDP, albeit time expired. • the cumulative impact of small sites, whether they range from 1 to 8 dwellings, is that it only takes about 10 sites distributed across the county to make a contribution of 30 or more dwellings on a single site which inevitably has greater physical and social impact. That is not to say that such sites should necessarily be refused but simply illustrates the positive contribution that small sites can provide. • small sites are primarily developed by small local builders who are often squeezed out of the local house 	<p>is necessary to ensure that development is sustainable, viable and deliverable. However, it is accepted that the amount of information provided by an applicant should be reasonable and proportional to the development proposed. The guidance note is not seeking to place onerous demands on applicants, particularly those in respect of small sites, but it is important that those promoting small scales demonstrate as part of their planning application that the site is sustainable, viable and deliverable. This need not involve lengthy submissions.</p> <p>It is not accepted that applications for 'small' development are refused without regard to the merits of the proposal. The weight to be applied to contributing to housing land supply must be balanced against a range of material planning considerations. Each case must be considered on its merits having regard to the provisions of the development plan and other material planning considerations.</p> <p>The provision of small sites forms part of a development plans housing balance sheet as an allowance is normally made for such sites. However, much depends on the locational sustainability of such sites and the cumulative impacts of numerous such permissions.</p> <p>It is interesting that this objector clearly points to landbanking taking place but associates this more with large sites rather</p>	
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	<p>building market as they are unable to compete with the major volume housebuilders who have the resources to purchase and bank land which is either allocated or land which could come forward in emerging development plans. The dominance of the volume builders has in fact been partly brought about by the development plan system which seeks to allocate larger tracts of housing land.</p> <ul style="list-style-type: none"> • The requirements set out in the developer guidance notes are quite onerous for the small developer who more often than not wants to establish the principle of development through an outline consent before committing to the considerable cost of obtaining a detailed planning permission. Furthermore, the guidance's requirement for a sustainability appraisal, viability assessment and other supporting evidence is not appropriate or necessary for the small sites. The first bullet point of the 'Advisory Notes' is far too prescriptive, unnecessary and inappropriate for small sites. • The effect of the guidance in its current form is that it will prejudice small local builders and developers. This will have a negative impact on the local economy as these firms are the ones most likely to employ local labourers and tradesmen and take on and train local school leavers. The bigger firms tend to have their own dedicated workforce and engage sub-contractors who are on their approved list and this does not necessarily 	<p>than small sites. It is commonly accepted that some small site planning permissions are more for valuation or other purposes and some such sites are not delivered. It is not accepted that the development plan system favours 'large' sites as an allowance is made as part of the housing balance sheet for small site 'windfall' proposals to come forward over the Plan period. Whether a large site or a small site, it is necessary to establish whether a proposed development is sustainable, viable and deliverable. The objective here as expressed in the note is to ensure that this can be documented and evidenced in submitting a planning application.</p> <p>It is not necessarily accepted that the guidance note results in onerous requirements for applicants of smaller schemes.</p> <p>On the basis that 'small' scheme planning applications come forward which are sustainable, viable and deliverable then it is not understood how the guidance note is prejudicial to them. Surely all applicants and developers are working towards the same goals of sustainability that it is the essence of PPW? The requirements of the guidance note need not be onerous or prejudice small</p>	
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	<p>include local people.</p> <p>The comments are submitted in a constructive and positive way and strongly hope that they will be taken on board recognising that there is a clear distinction between 'major' and 'minor' developments. Accordingly, I suggest that it is made clear that the guidance applies to developments of 10 or more dwellings and that developments below this threshold are considered on their merits accompanied by submissions proportionate and relevant to the proposed site.</p>	<p>local developers.</p> <p>Having considered the comments in this submission it is proposed that additional text be added at the end of the 'context' section as follows:</p> <p>'The guidance note applies to both large sites (of 10 or more units) and small sites (9 or less units). The requirements for supporting information will be necessary for small sites but the amount of information sought will be proportional to the scale and issues associated with the proposed development'.</p>	
Status of this Note			
<p>Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)</p>	<p>Status of the Guidance Note</p> <p>The Council's consultation website does not explicitly confirm the status or purpose of the Guidance Note, which is not labelled as a proposed SPG note, despite forming part of the 'Supplementary Planning Guidance Notes Consultation'.</p> <p>The purpose of SPG, as confirmed in Planning Policy Wales (PPW), is to set out <i>'more detailed thematic or site specific guidance on the way in which the policies of an LDP are to be interpreted and applied in particular circumstances or areas.'</i></p> <p>The Guidance Note does not relate to any specific LDP policy, which is a requirement of PPW; on the contrary it provides a rigorous set of guidelines for applicants which is not consistent with national or local planning policy. In this regard, the note cannot be adopted as SPG. PPW goes on to state that <i>'the Welsh Government and the Planning Inspectorate will give substantial weight to</i></p>	<p>Whereas the website clearly references the Great Crested Newt guidance note as SPG, this is not the case with the Developer Guidance Note which is simply a guidance or advice note. When the two notes are issued in their final form the status of each will be further clarified, both within the content of each note and in terms of how they are presented on the website. As set out in responses above the title of the document is to be revised from 'guidance' to 'advice' note.</p> <p>The guidance note is not intended to be adopted as SPG. It is quite reasonable for the lpa to seek to produce a guidance or advice note, undertake consultation and approve the note with added weight. However, it is recognised that the note will not have the full weight that would be</p>	<p>Amend title as set out in responses above.</p>

	<p><i>approved SPG which derives from and is consistent with the development plan, and has been the subject of consultation.'</i></p> <p>As the above does not apply in this instance, it is not clear why FCC consider that the guidance note should be afforded weight as a material consideration in planning decisions, and we would request clarification on this point.</p>	<p>attached to formal SPG. Nevertheless, it can still be treated as a material planning consideration.</p>	
S1 – The need for the development proposed			
<p>Playdelsmithy man Ltd</p>	<p>Reference is made that proposals should:</p> <ul style="list-style-type: none"> • Have regard to the nature and function of the settlement within which the proposal is made; • Its role as part of the Unitary Development Plan (UDP) spatial strategy; • How the identification of the site fits in with the requirement for a search sequence as referenced in paragraph 9.2.8 of Planning Policy Wales (PPW). <p>Given that the council is unable to demonstrate sufficient land available for housing them it is self-evident that there is a 'need' for more housing development to come forward. It should not be necessary for applicants to demonstrate that need.</p> <p>In terms of the second bullet point above, there is no UDP spatial strategy. The UDP for Flintshire is out of date therefore this element of section 1 should be deleted.</p>	<p>It is accepted that, as the UDP period has now expired and we are in the LDP plan period, that there is a need for housing. It is also accepted that as a result of not being able to demonstrate a 5 year housing land supply, there is a need to increase housing land supply. This must be done in terms of approving sustainable development proposals which are viable and deliverable.</p> <p>In doing so, it is reasonable to still have regard to the spatial strategy of the UDP and the nature, function and role of a settlement. A recent appeal decision concluded that the Plan's spatial strategy was still applicable and generally in accord with the principles of PPW. Furthermore, the preferred spatial strategy for the LDP is shortly to be consulted on by the Council and will be important in establishing the future spatial distribution of growth. PPW provides advice on the principles and objectives for sustainable development and also provides in para 9.2.8 advice on a search sequence. Whilst it is accepted that this specific guidance relates to a search sequence to be applied in identifying sites as part of preparing a development plan, the criteria are well established planning principles which can be</p>	<p>Amend the title of this section of the advice note from "The need for the development proposed" to "The context for the development proposed".</p>

		<p>equally applied to a planning application.</p> <p>Rather than being about 'need' this first requirement of the advice note when read properly, is more about the broad 'locational sustainability' and context of a speculative proposal. Given this it is accepted that the title of the section should refer to "the context for the development" rather than "the need".</p>	
<p>Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)</p>	<p>The note stipulates that applicants should justify the need for the development, in the context of the area local to the site as well as Flintshire as a whole, going on to state that <i>'regard should be had to the nature and function of the settlement within which the proposal is made, its role as part of the UDP spatial strategy, and how the identification of the site fits in with the requirement for a search sequence as referenced in paragraph 9.2.8 of PPW.'</i></p> <p>The PPW search sequence referenced is not relevant in this instance as it refers to sites which the Council may propose to allocate within an LDP, as opposed to the consideration of planning applications. This is not the correct test for planning applications which must comply with the development plan as a whole when balanced against any other material considerations.</p> <p>There is a clear need for housing in Flintshire, as demonstrated by the Council's lack of a 5 year housing land supply, and hence there should be no requirement to justify the need for a housing development within the local authority.</p>	<p>See response above</p>	
<p>The Strategic Land Group (Walsingham Planning Ltd)</p>	<p>The SPG explains that the Council will expect to see comprehensive evidence to justify any housing application in relation to the need for the proposed development. Evidence should <i>"have regard to the nature and function of the settlement within which the proposal is made, its role as part of the FUDP spatial strategy and how the identification of the site fits in with the requirement for a</i></p>	<p>See response above</p>	

	<p><i>search sequence as referenced in paragraph 9.2.8 of PPW.....This is also to ensure that any spatial strategy under development by the Council is not compromised by unjustified speculative applications for housing development”.</i></p> <p>Firstly, we would expect any developer to provide evidence to justify the need for the development in regard to the nature and function of the settlement within any submission, regardless of the SPG. The Council’s validation checklist makes clear that a supporting planning statement is required for major housing applications. According to the SPG, regard should be had to a proposals role as part of the FUDP spatial strategy. We disagree with this requirement. The FUDP spatial strategy is wholly out-of-date and is not reflective of the current economic, environmental and social status of Flintshire, having expired in 2015. PPW’s strategy of determining housing applications having regard to the presumption in favour of sustainable development should therefore be taken by the Council as the prime consideration when determining housing applications; not an outdated FUDP spatial strategy.</p> <p>Developers are also required to identify how their site fits in with the requirement for a search sequence, as referenced in paragraph 9.2.8 of PPW. We disagree with this requirement, noting its irrelevance at a time when there is no local plan in place to inform or structure any search sequence. PPW actually notes the search sequence as a requirement for the planning authority to follow when allocating land for housing in its LDP. Nowhere does national policy, or up-to-date Development Plan policy, state that developers must follow this procedure. This therefore places an unjustified and unnecessary burden on developers.</p>		
<p>Roundfield Ltd (Aaron Marrs)</p>	<p>We agree with the spirit of this section within the Developer Guidance Note insofar as it is justified for developments to demonstrate need. However, the requirement for a search sequence (to ensure developers are following the same principles in terms of identifying</p>	<p>See response above</p>	

	<p>sustainable sites as the Local Planning Authority are required to do), is excessive. Paragraph 9.2.8 of Planning Policy Wales (PPW) requires search sequences to be carried out for Local Plans only. There is no such policy test for sites submitted as a planning application, where the key test is to demonstrate sustainability on their own merits, not in comparison to other sites. A likely result of enforcing a sequential site test is that genuine, sustainable and available sites which are free from constraint and acceptable for development could be rejected, leaving a limited pool of sites, which may not be available / deliverable. The Authority should be promoting sustainable development, given the lack of five-year housing land supply, ensuring that developers and landowners wishing to promote sites are not subject to unnecessary restrictions.</p>		
S2 – Full Application			
<p>Playdelsmithy man Ltd</p>	<p>Section 2 states the Council would prefer the submission of a full application rather than an outline application. Although, the following text and advisory notes are more strongly worded in a resistance to the submission of an outline application. Legislation is in place to allow developers to submit an outline planning application with detailed information to consider the sustainable credentials of the development. With the UDP out of date the determining authority should place greater weight to Technical Advice Note 1 (TAN1) and PPW. To comply with the policies in these documents will require developers to submit appropriately detailed planning applications that will enable the planning authority to consider appropriateness and acceptability of a development scheme. Irrespective if this at the outline planning application stage or for a full planning application. Any requirement to insist on detailed applications presents a barrier to development.</p>	<p>It is accepted that the Council cannot require a full planning application but is stating a preference for a full application. Provided that an outline application contains sufficient information to enable the lpa to be satisfied as to its sustainability, viability and deliverability then this will be acceptable. In this context it is proposed to reword the text as set out below:</p> <p>‘Outline applications are not considered appropriate or acceptable to consider proposals for speculative development on the basis of a lack of housing land supply, as without full unless they provide sufficient information it may prove difficult for to enable the Council to be satisfied that the proposal represents a sustainable and deliverable form of development. Outline applications will be expected to be accompanied by sufficiently robust</p>	<p>Amend text as recommended in response</p>

		<p>information to ensure that they are sustainable viable and deliverable’.</p>	
<p>Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)</p>	<p>The note sets out that applications should be submitted in detail and that <i>‘outline applications are not considered appropriate or acceptable to consider proposals for speculative development on the basis of a lack of housing land supply, as without full information it may prove difficult for the Council to be satisfied that the proposal represents a sustainable and deliverable form of development.’</i></p> <p>We fundamentally disagree with this statement which appears to misunderstand the nature of outline planning applications. It is perfectly reasonable to agree the principle and scale of housing in a particular location via an outline application, with detail to follow at reserved matters stage. This approach allows applications to come forward more quickly, with a lower risk to developers who are then able to undertake costly detailed design and investigative work in parallel to reserved matters applications being assessed by the Council. Moreover, outline applications save time for the Council, allowing them to assess key principles rather than detailed information at the initial stage which can lead to abortive work.</p> <p>Outline planning applications should provide sufficient information to demonstrate that proposals are sustainable and deliverable, and hence we do not understand FCC’s comments on this matter.</p> <p>PPW highlights that proposals involving Listed Buildings and Conservation Areas should be submitted in detail rather than outline form. This is logical because the detail of such proposals is key to determining whether developments are acceptable in principle. Requiring that all housing applications on non allocated sites are submitted in detail does not follow the same logic, and does not conform with any stipulated national guidance or the development plan. We therefore request that this element of the note is retracted in its entirety to allow housing sites to be unlocked efficiently.</p>	<p>The guidance note is not seeking to require full applications and accepts that outline planning permissions can be appropriate in establishing the principle of development. However, this is not a ‘normal’ planning scenario as TAN1 has created the context for ‘speculative’ applications to be submitted which have no planning context in terms of the development plan. The submission of these applications therefore relates to a time ‘window’ and the objective of adding to housing land supply and ultimately delivery. The guidance note is merely stating a preference for a full application in that this provides the lpa with the means to fully establish the sustainability, viability and deliverability of sites. However, where an outline application provides sufficient information to enable this to be done, without the need for say detailed design work, then this will be acceptable. The text is recommended to be reworded as set out in the response above.</p>	
<p>The Strategic</p>	<p>The SPG states that <i>“the Council would prefer the</i></p>		

<p>Land Group (Walsingham Planning Ltd)</p>	<p><i>submission of a full application to allow the Council to properly assess the proposal in terms of the need to be met, the housing to be provided, and the deliverability of the scheme. Outline applications are not considered appropriate or acceptable to consider proposals for speculative development on the basis of a lack of housing land supply, as without full information it may prove difficult for the Council to be satisfied that the proposal represents a sustainable form of development”.</i></p> <p>This is not an approach which is consistent with PPW. PPW specifies some applications which should be made in full (e.g. those involving listed buildings or being located within conservation areas). It does not specify this requirement for housing schemes and thus it can be reasonably assumed that this requirement is unnecessary in such circumstances.</p> <p>The submission of an outline application does not automatically imply that a housing development will not be delivered. This appears to be the default approach taken by the Council; one which is entirely presumptuous and not supported by any evidence. Indeed, it is not always possible for developers to submit details relating to layout, scale and appearance, often due to contractual and financial reasons.</p> <p>The SPG explains that the submission of an outline housing application may prove difficult for the Council to assess the sustainability credentials of the proposal. We strongly disagree. If the Council’s claim is correct, then the approach taken by nearly every other planning authority in England and Wales is incorrect.</p> <p>We believe that an outline application does allow for a full assessment of sustainability, especially major housing schemes which constitute EIA development. Outline applications consider the worst-case scenario, up to a certain number of units and their associated impacts (such as traffic movements). Sustainability matters relating to design, access, appearance, layout and scale can all be safeguarded through conditions at the outline stage and complied with by the developer as part of the reserved</p>	<p>The Council accepts that an outline application does not mean that a site will not be delivered. However, there is often a time period following the grant of an outline where the site is marketed before a preferred house-builder can seek reserved matters approval. In the context of the time specific ‘window’ for these applications and the objective of adding to housing land supply, it is necessary for the lpa to be certain that the site can be delivered within 5 years, as referenced in TAN1. It is interesting that the objector refers to ‘sustainability’ matters relating to design, access, appearance, layout and scale can all be safeguarded through conditions. However, the greatest determinant of sustainability is the location of the site. Nevertheless, provided that an outline application is accompanied by appropriate information then this will be accepted to the lpa. In this context the text is recommended to be reworded as set out in the response above.</p>	
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	<p>matters. To therefore state that an outline application may prove difficult when assessing the sustainability credentials of a scheme is incorrect. It is the Planning Officers responsibility to make a balanced judgement on the evidence provided before them.</p>		
Roundfield Ltd (Aaron Marrs)	<p>The need for the Authority to <i>properly assess the proposal</i> is agreed. However, we do not consider that a full application is required to demonstrate need or deliverability. Options such as “hybrid applications” (part full and part outline) should be allowed or outline applications with reserved matters applied for (fixed layout plan, tenures and house types). These would provide increased levels of detail over an outline application with all matters reserved. Such applications should include a breakdown of tenure, site layout and property types. Hybrid applications or outline applications with reserved matters will enable the Local Authority to <i>properly assess</i> proposed developments whilst ensuring levels of development are not stifled by the request for unreasonable levels of detail. It is also prudent to highlight that even the details approved within a full planning application, may be subject to change.</p>	<p>In response to earlier comments it is proposed to reword the text in this section of the guidance note to reflect the fact that the key issue is not whether an application is in outline or full, but whether the application is accompanied by appropriate and sufficient information. In this context the text is recommended to be reworded as set out in the response above.</p>	
S3 – Sustainability Appraisal			
CPRW Clwyd Branch	<p>On p2 it is that the following sentence be added at the end of the para ‘With regard to proposed development on any agricultural land, the attention of developers is also drawn to paras 4.9.1 and 4.10.1 of PPW in addition to paras 6.2.4, 6.2.6 and 6.2.9 of TAN6’. The reason for this is that agricultural land is a finite resource and when lost to development reduces further the country’s ability to contribute towards food security for present and future generations’.</p>	<p>Noted. The importance of preserving open countryside and agricultural land is recognised both in the UDP and in PPW. It is not accepted that the guidance note should highlight particular planning issues as to do so would act as a precedent for other issues to be covered. The purpose of the guidance note is to be presented as an advice note to advise applicants of the information sought as part of planning applications.</p>	
Playdelsmithy man Ltd	<p>Section 3 requires the submission of a Sustainability Appraisal and Strategic Environmental Assessment. The Sustainable Development Principle and the Objectives set out in PPW, paragraphs 4.3.1 and 4.4.3 respectively, are</p>	<p>The primary objective of PPW is to ensure sustainable development. In a scenario whereby sites coming forward have to be run through a Sustainability Appraisal it is</p>	<p>Amend text as recommended in response</p>

	<p>supported. However, these paragraphs do not require planning applications to be accompanied by Sustainability Appraisal and Strategic Environmental Assessment, reference to these documents is made in Figure 4.3 with clear reference to the need for assessment in preparing LDPs.</p> <p>We recommend that reference to PPW 4.3.1 and 4.4.3 is retained but to remove reference to the need for Sustainability Appraisal and Strategic Environmental Assessment. However, if the Council are minded to retain these requirements then we recommend that there should be some thresholds for this requirement. For smaller developments, this seems onerous and disproportionate.</p>	<p>reasonable for 'speculative' planning proposals to also demonstrate their sustainability credentials. The Council is undertaking SA as part of its emerging LDP and the Scoping Report is available on the website, as is an assessment of the Strategic Options consultation. There is therefore a published SA context which could form the basis for assessments on planning applications, in terms of establishing assessment criteria. PPW also sets out principles and objectives of sustainability as well as Well-being criteria. It is therefore proposed that additional text be added at the end of this section.</p> <p>Following further consideration it is not appropriate for the guidance note to seek 'Strategic Environmental Assessment (SEA)' as this applies to 'plans and programmes' rather than planning applications. The appropriate means to assess the environmental effects of a proposed development is through 'Environmental Impact Assessment (EIA)' and this is the subject of separate legislation and guidance. It is therefore recommended that this element be delted from the text.</p> <p>It is therefore proposed that the text in this section of the guidance note be revised as set out below:</p> <p>'A Sustainability Appraisal (SA) and Strategic Environmental Assessment (SA/SEA) or some other appropriate means of assessing sustainability is required to demonstrate why and how the site</p>	
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		represents a sustainable form of development in relation to its local context and to both the local and national policy framework, the principles and objectives of which are set out in paragraphs 4.3.1 and 4.4.3 respectively of PPW. This process will be aided by the SA information associated with the emerging LDP which is available on the website. The sustainability appraisal can either be a stand alone document or incorporated into a Planning Statement or Design and Access Statement .	
Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)	Submitting information to explain why a site is sustainable is an entirely reasonable request, however it is not clear from the Guidance Note when a 'Sustainability Appraisal' or a 'Strategic Environmental Assessment' would be required and specifically what each document should contain. It would be rational to request one overarching document containing all sustainability information, or for this to be included within a Planning Statement or Design and Access Statement.	See response above	
The Strategic Land Group (Walsingham Planning Ltd)	The SPG states that <i>"a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) is required to demonstrate why and how the site represents a sustainable form of development in relation to its local context and to both local and national policy framework"</i> . We would expect any developer to provide evidence to justify how and why a site represents a sustainable form of development, as part of any planning submission, regardless of the SPG. This would normally be addressed as part of the supporting planning statement. Indeed, the Council's validation checklist makes clear that a supporting planning statement is required for major housing applications. The requirement to provide separate evidence in this respect is therefore unnecessary.	See response above and suggested revisions to the text to pick up on the points raised.	

<p>Roundfield Ltd (Aaron Marrs)</p>	<p>Sustainability Appraisal We consider the requirements for formal Sustainability Appraisals and Strategic Environmental Assessments is unjustified and that a common sense review of sites will reveal whether they represent sustainable locations for development (for example if sites are within walking distance of amenities and adjacent to main settlements).</p> <p>Within the Welsh Government Circular* emphasis is placed on “Local Authorities to apply a proportionate approach to information requirements, to reflect the scale and complexity of the development”. Applying a blanket requirement for a Sustainability Appraisal and Strategic Environmental Assessment to be submitted with all development sites is neither proportionate or necessary.</p> <p>Chapter 4 of PPW (Planning for Sustainability) does not require Sustainability Appraisals or Strategic Environmental Assessments to be carried out for every site, instead referring to sustainability as a concept and how potential development sites can demonstrate sustainability.</p> <p>Therefore, a common sense approach towards sites which are within sustainable locations is more appropriate and in line with the requirements outlined within PPW rather than requiring an extensive Sustainability Appraisal, as this document seeks to require.</p>	<p>See response above and suggested revisions to the text to pick up on the points raised.</p>	
S4 – Viability Assessment			
<p>Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)</p>	<p>The note states that viability assessments are required to demonstrate that sites are deliverable when the Council’s policy requirements have been factored in such as POS, affordable housing etc, along with all other infrastructure requirements.</p> <p>While applicants do tend to undertake viability assessments to ensure that proposals are deliverable, this is private information which does not need to be shared with the Council as part of a planning application, unless an applicant intends to argue that proposals are unviable</p>	<p>When preparing a development plan it is necessary for the lpa to demonstrate, through dialogue with the site promoter, that a site is viable. When considering applications for speculative development, which have no context in terms of the development plan, it is entirely reasonable to seek to ensure that development proposals are viable and that the development is capable of being developed within 5 years,</p>	<p>Amend text as recommended in response</p>

	<p>and hence a renegotiation of planning obligations is required. It is not reasonable for the Council to request viability information up front as part of a planning application for housing on any unallocated site, where viability is not being disputed. Demonstrating the viability of a housing development is not an application requirement under PPW or the development plan and should not form part of the Guidance Note.</p>	<p>as specified in TAN1.</p> <p>It is accepted that it would be onerous to require a viability assessment upfront on every speculative planning application. The need for a viability assessment should apply to those applications where the developer is seeking not to provide the necessary planning obligations in terms of open space, education and affordable housing or any other infrastructure improvements or other mitigation measures arising from the proposed development. In these circumstances it would be necessary to investigate the viability of the scheme. It is therefore proposed that the text be amended to read as follows:</p> <p>'A viability assessment is required in cases where the developer is not intending or able to meet necessary and reasonable planning obligations. orderIn such cases it is necessary to demonstrate why theat site cannot be developed on the basis of accommodating all of the Council's policy requirements (e.g. POS, affordable housing, education, highways etc.), as well as providing all other necessary infrastructure required. This is to assist in assessing the sustainability and deliverability of the proposal. Any financial viability information will be treated as confidential and will not be made publicly available as part of the consideration of the application'.</p>	
<p>Dwr Cymru Welsh Water</p>	<p>Section 4 – Viability Assessment The Town and Country Planning (Development</p>	<p>Noted</p>	

	Management Procedure)(Wales)(Amendment) Order 2016 requires that statutory undertakers are consulted by developers on major applications for residential developments before they apply for planning permission (Article 2D). Our response would subsequently form part of the pre-application report to be submitted by developers to accompany planning applications, in accordance with Article 2F.		
Roundfield Ltd (Aaron Marrs)	<p>Viability Assessment</p> <p>The request for a Viability Assessment is acceptable, in principle. However, the level of information required by the Authority should be proportionate to the application site. The Authority needs to provide further level of detail regarding their exact requirements. Assessments should cover the basic areas of viability and deliverability (for example, site constraints, dwelling numbers and an overview of the site's characteristics).</p> <p>If a site has specific constraints that would result in abnormal costs being associated with its development, a Viability Assessment could be justified in order to demonstrate that the site can still be developed viably. However, if a site is free from development constraints, a Viability Assessment should not be required as there is no well-founded basis for justification.</p> <p>Viability Assessments are more easily produced by house builders than private land owners, who should not be prejudiced in bringing land forward for development.</p>	Noted. See response above	
S5 – Housing Delivery Statement			
Playdelsmithy man Ltd	<p>5. Housing Delivery Statement</p> <p>We do not consider the first sentence of Section 5 to be relevant, it is for the Local Planning Authority to consider if there is an identified shortfall in housing supply. The relevancy here is that there is an out of date local plan with no 5 year housing supply. Applications for new housing development should be approved, provided they are in accordance with relevant guidance and policies.</p> <p>Section 5 continues by seeking to identify the developer who will be building the homes. Again, this is not relevant to the determination of a planning application and could be</p>	<p>The wording has been drafted to reflect the fact that under the terms of TAN1 the lpa is unable to measure land supply as it is unable to undertake a formal JHLAS and undertake a land supply calculation. Nevertheless the wording could be revised as set out below.</p> <p>The provision of a named housebuilder or developer as part of the application documents will help determine that the</p>	Amend text as recommended in response

	<p>considered anti-competitive. Section 5 also requires that to submit a planning application the landowner has to be notified. To seek a statement that the landowner is agreeable to the scheme submitted seems unnecessary.</p>	<p>conditions are present whereby the scheme can progress quickly and deliver housing with 5 years. In cases where there is not yet a named developer it will be necessary for the site to be marketed before the scheme can progress to completions being achieved by the preferred developer. It seems entirely reasonable to require a timeline for the progression of the scheme as this is surely information held by the site promoter. If the lpa must demonstrate a timeline for delivering completions and achieving a 5 year housing land supply s part of preparing a development plan, then the same should apply to a 'speculative' planning application. In seeking to ascertain the deliverability of a site the landowner plays a crucial role in ensuring that the site is made available at a price which enables a viable development which meets all reasonable planning obligations yet still delivers a reasonable level of profit. A clear and unequivocal written commitment from the landowner would assist in establishing the delivery credentials of a site.</p> <p>'The Council requires the submission of this essential evidence by the developer in order to demonstrate how the development can deliver housing to help to reduce whatever is considered to be the presently unidentified shortfall in housing supply, within 5 years from the application date of planning consent. This should clearly identify a timeline for the development including the expected start date, the annual completion rate, as well as the expected completion date for the whole development. This should also</p>	
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		<p>clearly identify wherever possible, which developer(s) will be building the homes, as well as a statement that the land owner (where relevant) has agreed is committed to the sale of the land on the basis of the scheme proposed, and will complete this agreement on the grant of planning permission thereby making the land immediately available for development. This requirement is also to ensure compliance with advice in paragraph 9.2.3 of PPW: “This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live”.</p>	
<p>Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)</p>	<p>The final requirement is for a Housing Delivery Statement to demonstrate how the development can be delivered within 5 years of any planning permission. It is specified that this information should include a timeline as well as an identified housebuilder and a statement from the landowner. This element of the note is justified on the basis of paragraph 9.2.3 of PPW which states that <i>“sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live”</i>. While it is reasonable to ask that applicants demonstrate how they envisage the site being delivered within the required period, it is not necessary to identify a developer with a planning application. In many cases, landowners or promoters will fund and deal with the planning process for a site with a view to selling the land to a developer upon the receipt of a planning permission. This is an entirely judicious approach, and sites that are attractive to the market with a planning permission in place will be sold quickly.</p>	<p>See response above</p>	

	<p>Taking this option away from applicants will reduce the number of sites coming forward through planning applications which will in turn reduce the housing supply overall. As set out earlier, this would be in direct conflict with the aims of the Welsh Government.</p>		
<p>The Strategic Land Group (Walsingham Planning Ltd)</p>	<p>The SPG explains that the Council will require a Housing Delivery Statement by the developer in order to <i>“demonstrate how the development can deliver housing to help reduce whatever is considered to be the identified shortfall in housing supply, within 5 years from the application date. This should clearly identify a timeline for the development including the expected start date, the annual completion rate, as well as the expected completion date for the whole development. This should also clearly identify which developer(s) will; be building the homes, as well as a statement that the landowner (where relevant) has agreed to the sale of the land on the basis of the scheme proposed, and will complete this agreement on the grant of planning permission thereby making the land immediately available for development”</i>.</p> <p>It is not always possible for developers to submit intricate details relating to the delivery of a housing scheme. In fact, some developers, such as strategic land promoters, do not always have contractual agreement with other developers, such as housebuilders, to build out a scheme until the granting of a planning permission. In these instances, such information cannot be frontloaded. This requirement may actually serve to discourage the submission applications, at a time when there is a clear and pressing need for new housing in Flintshire.</p>	<p>This section of the guidance note is not seeking to discourage the submission of applications. Rather, it is merely seeking to establish that the site is capable of being developed within 5 years of the grant of consent. The objector appears to be suggesting that the lpa is seeking ‘intricate details’ relating to the delivery of a housing scheme and that such information cannot be frontloaded and will serve to discourage planning applications. The objector appears to be saying that with an outline application it is not possible to provide an indicative timeline as to how and when a site will come forward for development</p>	
<p>Roundfield Ltd (Aaron Marrs)</p>	<p>Providing a Housing Delivery Statement does not guarantee housing development to any greater degree than proposing a planning application. It is reasonable to ask landowners to identify an indicative timeline, including estimates on start and completion dates. However, it is unreasonable to expect a landowner to have a sale agreement in place prior to a planning decision being issued on the site and such restriction will stifle the</p>	<p>It is welcomed that the objector supports the provision of a delivery timeline. Whilst accepting that it may not be possible for an agreement to be in place with a landowner, it would assist the delivery credentials of a development proposal if there was a written commitment of the owner to bringing forward the scheme. In this context the wording of</p>	

	<p>delivery of new housing. Indicative timescales that are flexible are a more reasonable request by the Authority. Rather than the specific requirements within the Developer Guide, more general guidance should be written giving the landowner flexibility and the Authority and indication of timescales regarding the site's development. More general information regarding the housing delivery strategy will promote a more mutually beneficial agreement than the detail stipulated within the Developer Guidance document which we consider will hinder overall sustainable housing development growth. A more flexible approach will give the potential for more accurate delivery timescales provided throughout the proposed application. Rigid timeframes set early on will inevitably suffer from setbacks.</p>	<p>the text has been amended to request from 'agreement' to 'commitment'. A landowner plays a crucial role in the viability and deliverability of a housing development and it is reasonable to ensure that the landowner is willing to deliver the scheme as soon as possible.</p>	
<p>Advisory Notes</p>			
<p>Playdelsmithy man Ltd</p>	<p>The first bullet point indicates that if an application does not meet the requirements set out in the Developer Guidance Note that they will not be able to assess the sustainability of the proposed development. This Developer Guidance Note is not adopted policy it is a Guidance Note, a veiled threat within the Advisory Notes is not defensible.</p> <p>The second bullet point suggests that speculative development does not comply with policy. The only policy that is a material consideration at present in Flintshire will be at the national level. Any planning application will need to be in accordance with those policies including the need to demonstrate that they are sustainable. The second bullet point is pre-determinative.</p>	<p>The first advisory note is not intended to be interpreted as a threat. Nevertheless it is proposed that it be reworded in a more positive manner to demonstrate to applicants the benefits of having regard to its requirements.</p> <p>'A failure or unwillingness to provide any/all of Where a developer seeks to comply with these essential requirements will leave assist the Council unable in being able to adequately assess the sustainability, viability and deliverability of the proposed development'.</p> <p>The bullet point is merely stating that it is necessary for such planning applications to demonstrate that they represent sustainable development. The objector states that 'the only policy that that is a material planning consideration in Flintshire will be at the national level', yet the essence of national policy in PPW is 'sustainability'. Minor</p>	<p>Amend the wording of bullet points as set out in responses.</p>

	<p>Third bullet point. As stated above outline planning applications can be assessed against relevant policies and this will include the need to demonstrate that they are sustainable.</p> <p>Sixth bullet point seeking commencement within one year of planning permission. This is not in accordance with current legislation, the key driver must be to seek implementation within 5 years.</p>	<p>amendments are proposed to the wording of this bullet point as set out below:</p> <p>'This is because speculative developments that do not otherwise comply with development plan policy must clearly demonstrate their full sustainable development credentials'.</p> <p>It is accepted above that the Council has no power to require a full application. However it is still considered preferable for a full application in that it is better able to demonstrate viability and deliverability. Amendments are proposed above to section 2 of the note to reflect this. It is therefore proposed to amend the wording of the third bullet point as follows:</p> <p>'This is also why It is necessary to ensure that outline applications are not considered are accompanied by suitable or appropriate information to make such exceptions cases'.</p> <p>The context being presented within most speculative applications is that there is an urgent need to meet housing need and to increase housing land supply. It is restricted to a 'time window' until the LDP is adopted and planned provision for growth and development can be implemented. In this scenario it is wholly appropriate for planning permissions to be time limited. This has been supported by Inspectors on appeal. For instance in the Higher Kinnerton appeal the Inspector stated '<i>The standard time limit for implementing full planning permission is 5 years but the Circular allows shorter time</i></p>	
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		<p><i>periods to be imposed where appropriate and where local planning authorities give reasons for doing so’ and concluded ‘However, in light of the lack of a 5 year land supply, I accept that a reduced time limit is appropriate in this case’. The Inspector imposed a condition ‘The development shall begin no later than two years from the date of this decision’.</i></p> <p>In view of recent appeal decisions where Inspectors have requested commencement within 2 years, it is proposed that the wording be amended from one to two years.</p> <p>However, in the case of outline applications, Inspector’s have accepted that reserved matters applications must be made within one year of the date of consent and conditions have been imposed accordingly.</p> <p>It is therefore recommended that this note be amended as follows:</p> <p>‘Any full planning consent recommended will be time limited to commencement within one two years of a permission being issued. In the case of outline planning consents a condition will be attached seeking submission of reserved matters within one year of the consent. This should not pose a problem for developers as their applications are submitted on the basis of being sustainable, otherwise compliant with policy, deliverable, as well as being submitted to meet an urgent need for housing’.</p>	
The Strategic	The SPG states that <i>“any consent recommended will be</i>	The points raised have been taken into	

<p>Land Group (Walsingham Planning Ltd)</p>	<p><i>time limited to commencement within one year of a permission being issued</i>".</p> <p>Whilst Section 24, Part 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 does not prescribe any specific time limits for the expiration of a consent, we consider the Council's one year time restriction to be totally unreasonable.</p> <p>A one year time limit is not entirely reflective of the development sector. Contractual agreements, land assembly difficulties and the discharge of planning conditions may often postpone the commencement of a scheme, even when the developer has good intentions to implement a permission in a timely manner. Further, funding is often not available for the delivery of schemes until planning permission is in place. A one year limit would set a very short timescale for parties to seek to secure funding, as well as being required to undertake all other relevant steps before a scheme can start on site. This is yet another unnecessary restriction and we thus request that the Council extends its time limitation to a minimum two years for all housing consents. An extension to two years will not compromise the delivery of new housing within the five year period from the granting of a consent.</p> <p>The proposed one year time limit has the potential of preventing sustainable but 'difficult' sites from coming forward for development. Instead, less sustainable but more readily deliverable sites may have to come forward to assist the County's housing land supply, a situation that does not appear logical or beneficial.</p>	<p>account in the above response and amendments recommended.</p>	
<p>Playdelsmithyman Ltd</p>	<p>First bullet point We disagree that without this information the Authority would be "unable to adequately assess the sustainability of the proposed development". It has been demonstrated, within this consultation response, that there are ways in which outline applications can be adapted and supported to enable the Authority to make informed decisions on applications.</p>	<p>This point addressed in the response above and amendments are proposed to the wording of this bullet point</p>	<p>Amend bullet point as set out in response</p>

	<p>Fourth bullet point It is also unjustified for the Authority to expect applications to demonstrate that sites are “better/more sustainable than other sites”. Each site should be assessed individually and have regard to sustainable development. If sites are required to demonstrate they are more suitable than others, this has the potential to significantly reduce the number of housing sites being put forward, which could prevent the Authority in meeting their five-year housing land supply shortfall.</p> <p>Sixth bullet point We consider that the commencement of development within one year of consent is too restrictive. Sale of the site, developer agreements and financing schemes involve</p>	<p>This bullet point is seeking to adopt a broader approach to the consideration of speculative planning applications by determining whether alternative land / sites exist which might be ‘sequentially preferable’. This could include an existing undeveloped site or allocation with a settlement boundary or it could be a Candidate Site submitted as part of the LDP. In a settlement where there might be other development options, particularly sites either allocated or within the settlement boundary it seems perverse in terms of good planning practice not to discount such and to not compare the proposed site against any other possible sites. It is proposed that the bullet point be amended as set out below. It is not considered that this is particularly onerous and can be undertaken on the basis of a simple checklist as set out in candidate site assessment methodology or criteria in PPW.</p> <p>‘This is also relevant in terms of the LDP candidate sites that are now publicly available as well as any existing land or sites allocated or within settlement boundaries, as any speculative sites that come forward must be capable of demonstrating why they are better/more sustainable than other option sites including those yet to be considered by the Council as part of progressing the LDP’.</p> <p>This point is addressed in the response above and the wording of the bullet point is proposed to be amended.</p>	
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	<p>complex negotiations which may not be possible to complete within one year of consent being granted. Standard permission timeframes are set at five years. It would therefore be logical to suggest timescales of two years for commencement of development to occur once permission has been granted. This will help developers to get agreements in place and for the Authority to ensure housing is being delivered.</p>		
Concluding comments			
<p>Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)</p>	<p>We do not consider that any extra weight should be attached to the document as a result of this consultation. The note serves to constrain housing development at a time when FCC do not have a 5 year housing land supply or a Local Development Plan in place. This is irrational and will have detrimental knock on effects, alongside being inconsistent with Welsh Government's objectives.</p>	<p>It is not accepted that the guidance note serves to constrain supply. In taking on board the proposed amendments to the guidance note the requirements are perfectly reasonable and necessary to ensure that an applicant is providing sufficient information to demonstrate sustainability, viability and deliverability. In its amended form the guidance note is not considered to be onerous for applicants. If an applicant approaches the submission of a planning application in a responsible and through manner it is not understood why the guidance note is such an obstacle or why the objector is opposed to it. In the above responses the lpa has confirmed that it is not intended to be formal spg but is intended to act as an advice note to encourage good practice. The information being requested is entirely consistent with Welsh Government objectives in respect of achieving sustainable development and increasing housing land supply. Welsh Government seeks to ensure</p>	
<p>Roundfield Ltd (Aaron Marrs)</p>	<p>We agree with the broad terms of the Developer Guidance Note and can identify with the direction in which the document seeks to take development (i.e. short term delivery of sustainable housing sites). However, the document requests a level of detail that, in practice, is unjustified and in part unrealistic. The detail</p>	<p>The general support for the guidance note is welcomed. However it is not considered, in its amended form, that the requirements of the guidance notes are onerous or unreasonable or that it will stifle development.</p>	

	<p>required has the potential to significantly stifle development, both in terms of sites being put forward and the timeframes in which identified sites will be delivered. The requirements for Viability Assessments and Housing Delivery Statements are valid, however, the level of detail requested is excessive.</p> <p>The Planning (Wales) Act 2015 seeks to “reform the development management system to streamline procedures, to ensure that applications are dealt with promptly, providing certainty to developers and communities”. It is apparent after reviewing this Developer Guidance Note that the requirements within it are unlikely to streamline the development management system but, instead, stifle the level of new sustainable housing development delivered.</p> <p>We recommend that the content within the Developer Guidance Note is re-evaluated and as a result become less stringent and more flexible to more closely reflect ‘guidance’ instead of policy.</p>		
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CONFIDENTIAL

Developer Guidance Note – Summary of Comments

Person / Organisation	Comment	Response	Recommendation
General Comments			
Playdelsmithyman Ltd	<p>The Flintshire Unitary Development Plan (FUDP) was adopted on 28th September 2011 and covers the period between 2000 and 2015 and is therefore now time expired. Whilst the UDP remains the adopted development plan for Flintshire until the Local Development Plan (which is currently being prepared) is adopted, paragraph 4.2.4 of Planning Policy Wales (PPW) makes clear that where development plan policies are out of date or superseded, their policies should be given decreasing weight in favour of other material considerations such as national policy. Therefore, whilst the development plan policies should still be given consideration, certain policies will be outdated due to other material considerations (e.g. housing land supply) and in such circumstances the application proposal should be viewed in the context of National policy in PPW.</p> <p>It is currently anticipated that the LDP will be adopted in October 2019. Suitable land for housing development will still be required during the intervening period and the Developer Guidance Note cannot be used as an obstacle to development or to circumvent wider planning objectives such as sustainable development.</p> <p>Planning Policy Wales (PPW) and Technical Advice Notes (TANs) -Section 9 of PPW makes clear that meeting housing need is very much part of the sustainable approach to development, with planning authorities being required to “ensure” that sufficient land is genuinely</p>	<p>It is accepted that certain aspects of the UDP are outdated as Inspector’s have considered that settlement boundaries and housing policies are now outdated and that little weight should be attached to them. However, the bulk of the UDP in terms of achieving sustainable development is still in accord with current guidance in PPW. The merits of housing proposals in terms of location, scale etc will determine the planning balance to be applied to the UDP to PPW and to other material considerations in order to achieve sustainable development.</p> <p>The guidance note is not being used as an obstacle to development. Furthermore, it is certainly not being used to circumvent wider planning objectives such as sustainable development. The whole thrust of the guidance note is to ensure that applicants can demonstrate that the development is sustainable.</p> <p>It is accepted that meeting housing need is part of the Welsh Government approach to sustainable development. However, it is still necessary to ensure that each proposal is</p>	

	<p>available to provide a 5 year supply of housing. Where a local planning authority doesn't have an adopted UDP or Local Development Plan, it is considered not to have a 5-year supply. TAN1 requires each local planning authority in Wales to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing.</p> <p>With regards the presumption in favour of sustainable development, Paragraph 4.2.4 of PPW states that: "Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise."</p> <p>It identifies a series of ways in which to achieve this, including:</p> <ul style="list-style-type: none"> • Locating development in settlements which have relatively good access to facilities by non-car modes • Minimising the need to travel and increasing accessibility by modes other than the private car • Where development in the countryside is required, it should be within and adjoining settlements where it can be best accommodated in terms of infrastructure, access, and habitat and landscape conservation • Development should respect the character of the surrounding area • Previously developed land should, wherever possible, be used in preference to Greenfield sites <p>Housing Land Availability The most recent housing supply study produced (April 2014) shows that the housing land supply amounts to just 3.7 years which amounts to a shortfall of over 1200 dwellings across the County. This supply will likely have depleted over the intervening period. With completions averaging just 353 per annum over the past five years, if the figures were updated now, it is likely that the shortfall would be even greater as the residual method of</p>	<p>sustainable in the context of the WG guidance on sustainable development.</p> <p>Noted. However, it is unclear what the purpose of this section is in terms of commenting on the content of the guidance note.</p> <p>It is unclear how the objector comes to the conclusion that supply has depleted since the April 2014 Study (the last published Study). Sites are continuing to come forward in the form of planning permissions. The 2016 housing land monitoring Study identifies that over the last 5 years</p>	
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	<p>calculation means that the annual requirement will increase year on year until the matter is positively addressed.</p> <p>The fact that the UDP is out of date and that Flintshire is currently unable to demonstrate an achievable 5 year supply of housing land are a significant material considerations. Both Planning Policy Wales and TAN1 advise that when a 5 year supply of land cannot be demonstrated, the need to increase supply should be given considerable weight when dealing with planning applications for residential developments. This is looked at in more detail below.</p> <p>The need to increase the supply of land in the short term will, inevitably, involve the development of sites that would not, otherwise, be supported by the policies of the UDP. For example, sites on the periphery of settlements are likely to be released for development. This has been evidenced in recent appeal decisions across Wales which have established this principle in granting planning permission for appropriate residential development sites, albeit on land outside development boundaries. Within Flintshire examples of such appeals are as follows: In March 2015 an appeal was granted for 41 dwellings outside the settlement boundary at Ewloe (Appeal Ref: APP/A6835/A/14/2220730). The Inspector granted that: "...although the proposal does not comply with the development plan and one aspect of national planning policy, I am of the view that the need to increase supply should still be given significant weight in the overall balance...in the particular circumstances of this case the benefits of the scheme outweigh the conflict with the development plan and one aspect of national planning policy and the balance clearly falls in favour of allowing the appeal". In June 2016 planning permission was granted for 59 dwellings on land in the open countryside adjoining Myndd</p>	<p>completions averaged 497 units per year and that there is still a significant land bank.</p> <p>Noted</p> <p>As a general principle it is accepted that sites on the edge of sustainable settlements are generally suitable in coming forward as 'speculative' proposals to contribute to housing land supply. As identified, a number of appeal decisions have granted planning permission on the edge of settlements. However, other appeal decisions on the edge of settlements (or even within settlement boundaries) have been dismissed. It is clearly necessary to have regard to the merits of each proposal in terms of its locational sustainability, scale and type of development and any harm arising from the development. In other words each proposal has to be demonstrated as representing sustainable development.</p>	
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	<p>Isa. (Appeal Ref: APP/A6835/A/15/3137719). The Inspector concluded: “TAN1 thus requires that the need to increase the housing supply should be given considerable weight in dealing with schemes such as the one before me now. I have found that the proposed development would not harm the surrounding countryside to any significant extent. In any event , the substantial weight which can be given to the addition of 59 dwellings to the County’s housing supply would outweigh any harm”.</p> <p>Even in an appeal for a single dwelling on land outside the settlement boundary at Maes y Goron, Lixwm, (Appeal Reference: APP/A6835/A/15/3130252). The Inspector states: “...the need to increase housing supply is given considerable weight, whereby the material considerations and compliance with national policies indicate a decision otherwise than in accordance with the development plan”. This demonstrates that the size of the proposal is not significant in relation to the principle. The above appeals provide clear evidence of the way in which “considerable weight” has been applied to the consideration of residential development proposals in the current circumstances.</p> <p>As the lack of a 5 year supply of housing land generally results in an influx of planning applications for speculative development on sites outside settlement boundaries, the Council has drafted a Developer Guidance Note (approved by Cabinet on 13/12/16) which is intended to provide guidance to potential applicants on providing comprehensive evidence to demonstrate that the proposed development is sustainable and is both viable and deliverable in order that it will make a genuine and early contribution to housing land supply and construction on the ground.</p>	<p>Noted</p>	
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	<p>The guidance sets out a requirement for comprehensive evidence to be submitted to justify such an application, including evidence of a proven local need for housing. Therefore whilst in principle securing consent for residential development on a site such as the appraisal site, outside the settlement boundary, should be more achievable in a period where there is no identified 5 year housing land supply, there is still much evidence that needs to be produced to demonstrate that the site is suitable for development and housing on the site would be suitable and deliverable. This is however 'guidance' and not adopted policy.</p>	<p>Noted. However, it is not accepted that the guidance note is seeking 'comprehensive' evidence. Rather, the guidance is seeking clear and robust evidence that the site is available, sustainable, viable and deliverable. It is the quality of information rather than the quantity, that is the key consideration.</p>	
<p>Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)</p>	<p>We are aware that the Speculative Housing Development Proposals Developer Guidance Note has been utilised by the planning department and Members of the Planning Committee for some time, and have expressed concern in the past about this approach. Appeal decisions have not afforded any weight to the Developer Guidance Note, which is the correct approach given that the note had not been the subject of a consultation or formally adopted. Flintshire County Council explain that the purpose of the consultation is to 'attach extra weight to the Guidance Note as a material consideration in determining planning applications'. The note is entirely at odds with the government's aspirations for delivering housing, setting out onerous requirements for applicants wanting to submit planning applications on unallocated sites, which have no policy basis. The note should not be afforded weight as a material consideration in the determination of any planning application for the reasons highlighted below.</p> <p>Housing Land Supply The Welsh Government are aiming to boost the supply of housing significantly. This is reflected in part through recent changes to TAN1 which sets out that where</p>	<p>The guidance note is at odds with the government's aspirations for delivering housing. Rather it reflects the government's intentions to bring about sustainable development, which underpins Planning Policy Wales. It is not accepted that the guidance note sets out onerous requirements. If, as part of preparing an LDP it is necessary to determine sustainability and evidence availability, viability and deliverability, then why is it not acceptable for sites (which have no policy context in the UDP) to do likewise. All the guidance note is seeking to do is ensure that the applicant accompanies a planning application with sufficient information to ensure it can be properly assessed as to its sustainability and ability to deliver housing.</p> <p>The weight to be attached to housing land supply in terms of TAN1 is noted. However, a more fundamental policy test is whether a proposed development represents</p>	

	<p>authorities do not have an up to date LDP, they are unable to carry out a JHLAS calculation and are deemed not to have a 5 year housing land supply. In these situations 'the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies'.</p> <p>FCC have no up to date LDP and are considerably behind schedule in terms of the plan preparation process. They are therefore deemed to have no 5 year housing land supply which is a material consideration in planning decisions, and one which must be given 'considerable weight.'</p> <p>Under these circumstances, the most logical way for FCC to prevent speculative planning applications from coming forward would be to speed up the LDP process and in doing so, allocate a range of suitable deliverable sites for housing development. Bringing forward a guidance note which has no policy status is not appropriate and could serve to further constrain housing delivery which would directly conflict with the Welsh Government's aspirations.</p> <p>Guidance Note Requirements The Guidance Note sets out a list of requirements for planning applications where the housing proposals have been 'justified on the basis of a shortfall in housing land supply'. We do not consider the requirements to be reasonable, as evidenced below.</p>	<p>sustainable development and whether the presumption in favour of sustainable development kicks in. For this to happen a site must accord with both national and local planning policy. The focus of the guidance note is to ensure that sufficient information to be submitted for this to be established. Within this policy context in it is accepted that as part of the planning balance the weight to be attached to housing land supply must be weighed against other material considerations.</p> <p>The preparation of LDP's has to pass through certain procedures and stages and 'speeding up' progress is unlikely to be practicable. Speeding up the LDP by a few months still does not address the problem being experienced now whereby speculative applications are coming forward. The guidance note simply seeks to act as an advice note and is not intended to constrain housing land supply. Where sites come forward which are sustainable and deliverable, officers have recommended favourably.</p> <p>Noted. Each of the key components of the guidance note will be addressed in turn in the sections below.</p>	
The Strategic Land Group (Walsingham Planning Ltd)	<p>PROCEDURAL GRIEVANCES</p> <p>We are disappointed to learn that the SPG has been endorsed by the Council's Planning Strategy Group and approved by Cabinet, without prior consultation.</p>	The Council had already approved an earlier version of the guidance note which has been available on the website for some time. The	That the title of the document be amended as set out in the response.

	<p>Local Development Plan Manual Edition 2 (2015) provides the latest guidance for practitioners contributing to Local Development Plan (LDP) preparation, including SPG. Subheading 7.3 of the Manual explains that all SPG should go through a process of consultation on a draft version, followed by the necessary changes before formal adoption.</p> <p>The Manual goes on to explain that commitments to engage and consult must be followed if SPG is to be of value. SPG will carry little, or no, weight by a Planning Inspector unless it is produced in accordance with an adopted Delivery Agreement. The revised Delivery Agreement for Flintshire, adopted in 2016, states at page 8 that <i>“its [SPG] preparation will be the subject of a formal consultation exercise prior to adoption”</i>. Evidently, this has not been the case.</p> <p>On a similar grounding, paragraph 2.3.4 of Planning Policy Wales (PPW) (2016) explains that if any weight is to be afforded to SPG, then it must have been the subject of consultation.</p> <p>Having regard to the Manual and PPW, it is clear that in its current unscrutinised form, the Developer Guidance Note SPG must be afforded no weight by the Council in the determination of planning applications.</p> <p>In adopting the SPG prior to consultation, the Council has exposed itself to the possibility of judicial review, since its own procedures and those prescribed within national policy and guidance have not been correctly followed. The Council has completely disregarded the procedural guidelines referenced in its own Delivery Agreement, PPW and other forms of government guidance.</p> <p>We consider this to be a deliberate attempt by the Council to thrust an unscrutinised material consideration on developer schemes; one which we believe is an unfounded and unnecessary burden.</p> <p>PREMATURITY</p> <p>To adopt the SPG without any clear and up-to-date Plan for the County must be considered premature.</p>	<p>present consultation is seeking to consult on some minor revisions to the guidance note. It is quite normal for planning documents to be endorsed by Planning Strategy Group and then approved by Cabinet in order for them to go out to consultation. This particular guidance note is not being progressed as formal ‘Supplementary Planning Guidance’ and is not directly linked to either the UDP or LDP. It is evident that this note does not have ‘SPG’ within its title or content and is quite different to the comprehensive range of SPG on the website. Rather, it is seeking to add further weight to an advice note following consultation. In this context the Council has not disregarded PPW or the LDP manual or its own Delivery Agreements for the LDP and has not therefore opened itself up for a judicial review.</p> <p>See above comments.</p>	
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	<p>The Flintshire Unitary Development Plan (FUDP) time expired in 2015 and is inconsistent with more recent national planning policy (PPW). This fact is acknowledged by the Council itself. In terms of emerging policy, the Council will be consulting on its Preferred Strategy for the LDP in Autumn/ September 2017; the first statutory stage of LDP preparation.</p> <p>Noting the current status of the FUDP and the LDP, it is clear that the Council does not have a clear and up-to-date set of policies for growth and development.</p> <p>It is therefore simply unacceptable for the Council to formulate an SPG on the sole basis of national policy; in this case TAN 1 (Joint Housing Land Availability Studies), as referenced in the introductory paragraphs of the SPG. Paragraph 2.3.3 of PPW confirms that <i>“SPG cannot be linked to national policy alone; there must be an LDP policy or policy criterion that provides the Development Plan ‘hook’”</i>. With no clear and up-to-date set of policies, the required ‘hook’ cannot be made, hence the SPG can be considered unfounded.</p> <p>In fact, our view is that the requirements of the SPG are predetermining the tone and approach towards new housing development within the LDP. Policies for new housing within the LDP have not yet been determined, hence the Council is effectively designing its LDP around the SPG. This is incorrect procedure and serves to compromise the soundness of the LDP.</p> <p>An SPG is not the appropriate platform to formulate new policies; it should be used for guidance and advice purposes only. In the absence of any ‘hook’ to Development Plan policy, the onerous requirements of the SPG in themselves constitute new policy. We therefore consider the premature adoption of the SPG to be a clear attempt by the Council to avoid subjecting these requirements to public scrutiny and independent</p>	<p>Although time expired the UDP is still the adopted development plan. It is accepted that aspects of the Plan eg housing policies and settlement boundaries are out of date but the general strategy and policy thrust is still in accord with PPW, as evidenced in recent appeal decisions.</p> <p>The Council is not formulating SPG as this is a ‘guidance’ or ‘advice’ note. In order to clarify this it is proposed that the title be amended as follows ‘Developer Guidance Advice Note’.</p> <p>The guidance note does not cover the ‘planning merits’ of development schemes but instead seeks to ensure that applications are accompanied by suitable information. It applies to applications being submitted in the period until such time as the LDP is adopted and the suggestion that the LDP is being designed around SPG is ludicrous.</p> <p>The guidance note does not introduce new ‘policies’. Rather, it seeks to ensure that applications are submitted with the necessary information to ensure that they are sustainable, viable and deliverable. It is</p>	
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	<p>examination through the LDP process. As confirmed by paragraph 2.3.2 of PPW, this is incorrect procedure and could comprise reason for judicial review. For the above reasons, we consider the adoption of the SPG to be wholly premature and unfounded, and hence request its revocation immediately.</p> <p>THE ROLE OF SPG</p> <p>Before exploring further elements of specific concern within the document as drafted, it is important to first outline the grounds upon which we consider the proposed SPG to fail in its purpose and function. As drafted, the document proposes measures that have clear potential to frustrate development, rather than to seek to encourage and manage the supply of housing at a time when Flintshire does not have a development plan. Paragraph 9.1.1 of PPW explains why delivering an adequate supply of new homes is of great importance. In support of that, Paragraph 6.2 of TAN 1 states that when there is no 5 year land supply <i>“the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”</i>. That is the position that currently manifests in Flintshire. Rather than adopting this approach, and seeking to encourage and facilitate delivery, the SPG proposes additional requirements over and above national policy. When the proposed elements and controls of the SPG are coupled with the local requirements directed by the time-expired plan (which themselves should be given limited weight on the basis of their age) a very high benchmark is set for development, at a time when national policy directs that all reasonable measures should be employed and focussed on speeding and facilitating housing delivery. On the basis of the above, it is our view that the SPG fails in its purpose and function by imposing further measures that have the likelihood of discouraging development, at a</p>	<p>in effect an ‘advice’ note and is not SPG as repeatedly claimed by the objector. If a developer submits a planning application with robust evidence then there is nothing in the guidance note which would present an obstacle.</p> <p>It is accepted that the supply of new homes in terms of TAN1 is important. However, the primary principle embodies within PPW is that of seeking to achieve sustainable development. Housing land supply is only one element in the planning balance and must be considered alongside a range of material planning considerations. In this context the guidance note is seeking to ensure that planning applications can demonstrate how they constitute sustainable development and is not designed to frustrate the system or constrain supply.</p>	
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	time when a housing land supply deficit is acknowledged and in the absence of an up to date development plan.		
Context			
Huw Evans Planning	<p>In the context paragraph it should be made explicit that the guidance should apply only to developments comprising of 10 dwellings or more, ie, major development. The reasonableness and appropriateness of this is explained in the comments below.</p> <ul style="list-style-type: none"> The recent pattern of decision making on small sites which fall outside of settlement boundaries is that, regardless of the merits of the proposal, they are refused because officers advise that they do not make a significant enough contribution to make up the shortfall in the required 5 year housing land supply. Whilst each site needs to be considered on its merits, many of these sites have minimal impact on landscape character, amenity and traffic generation and are of a scale where approval would not prejudice the implementation of the policies and proposals of the UDP, albeit time expired. the cumulative impact of small sites, whether they range from 1 to 8 dwellings, is that it only takes about 	<p>The Council is presently being faced with speculative development proposals which are both for small sites (9 or less units) and large sites (10 units or more). In all cases it is necessary to ensure that development is sustainable, viable and deliverable. However, it is accepted that the amount of information provided by an applicant should be reasonable and proportional to the development proposed. The guidance note is not seeking to place onerous demands on applicants, particularly those in respect of small sites, but it is important that those promoting small scales demonstrate as part of their planning application that the site is sustainable, viable and deliverable. This need not involve lengthy submissions.</p> <p>It is not accepted that applications for 'small' development are refused without regard to the merits of the proposal. The weight to be applied to contributing to housing land supply must be balanced against a range of material planning considerations. Each case must be considered on its merits having regard to the provisions of the development plan and other material planning considerations.</p> <p>The provision of small sites forms part of a development plans housing balance sheet as</p>	That additional text be added to the 'context' section of the note as set out in the response.

	<p>10 sites distributed across the county to make a contribution of 30 or more dwellings on a single site which inevitably has greater physical and social impact. That is not to say that such sites should necessarily be refused but simply illustrates the positive contribution that small sites can provide.</p> <ul style="list-style-type: none"> • small sites are primarily developed by small local builders who are often squeezed out of the local house building market as they are unable to compete with the major volume housebuilders who have the resources to purchase and bank land which is either allocated or land which could come forward in emerging development plans. The dominance of the volume builders has in fact been partly brought about by the development plan system which seeks to allocate larger tracts of housing land. • The requirements set out in the developer guidance notes are quite onerous for the small developer who more often than not wants to establish the principle of development through an outline consent before committing to the considerable cost of obtaining a detailed planning permission. Furthermore, the guidance's requirement for a sustainability appraisal, viability assessment and other supporting evidence is not appropriate or necessary for the small sites. The first bullet point of the 'Advisory Notes' is far too 	<p>an allowance is normally made for such sites. However, much depends on the locational sustainability of such sites and the cumulative impacts of numerous such permissions.</p> <p>It is interesting that this objector clearly points to landbanking taking place but associates this more with large sites rather than small sites. It is commonly accepted that some small site planning permissions are more for valuation or other purposes and some such sites are not delivered. It is not accepted that the development plan system favours 'large' sites as an allowance is made as part of the housing balance sheet for small site 'windfall' proposals to come forward over the Plan period. Whether a large site or a small site, it is necessary to establish whether a proposed development is sustainable, viable and deliverable. The objective here as expressed in the note is to ensure that this can be documented and evidenced in submitting a planning application.</p> <p>It is not necessarily accepted that the guidance note results in onerous requirements for applicants of smaller schemes.</p>	
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	<p>prescriptive, unnecessary and inappropriate for small sites.</p> <ul style="list-style-type: none"> The effect of the guidance in its current form is that it will prejudice small local builders and developers. This will have a negative impact on the local economy as these firms are the ones most likely to employ local labourers and tradesmen and take on and train local school leavers. The bigger firms tend to have their own dedicated workforce and engage sub-contractors who are on their approved list and this does not necessarily include local people. <p>The comments are submitted in a constructive and positive way and strongly hope that they will be taken on board recognising that there is a clear distinction between 'major' and 'minor' developments. Accordingly, I suggest that it is made clear that the guidance applies to developments of 10 or more dwellings and that developments below this threshold are considered on their merits accompanied by submissions proportionate and relevant to the proposed site.</p>	<p>On the basis that 'small' scheme planning applications come forward which are sustainable, viable and deliverable then it is not understood how the guidance note is prejudicial to them. Surely all applicants and developers are working towards the same goals of sustainability that it is the essence of PPW? The requirements of the guidance note need not be onerous or prejudice small local developers.</p> <p>Having considered the comments in this submission it is proposed that additional text be added at the end of the 'context' section as follows:</p> <p>'The guidance note applies to both large sites (of 10 or more units) and small sites (9 or less units). The requirements for supporting information will be necessary for small sites but the amount of information sought will be proportional to the scale and issues associated with the proposed development'.</p>	
Status of this Note			
Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)	<p>Status of the Guidance Note</p> <p>The Council's consultation website does not explicitly confirm the status or purpose of the Guidance Note, which is not labelled as a proposed SPG note, despite forming part of the 'Supplementary Planning Guidance Notes Consultation'.</p> <p>The purpose of SPG, as confirmed in Planning Policy Wales (PPW), is to set out <i>'more detailed thematic or site</i></p>	<p>Whereas the website clearly references the Great Crested Newt guidance note as SPG, this is not the case with the Developer Guidance Note which is simply a guidance or advice note. When the two notes are issued in their final form the status of each will be further clarified, both within the content of</p>	<p>Amend title as set out in responses above.</p>

	<p><i>specific guidance on the way in which the policies of an LDP are to be interpreted and applied in particular circumstances or areas.'</i></p> <p>The Guidance Note does not relate to any specific LDP policy, which is a requirement of PPW; on the contrary it provides a rigorous set of guidelines for applicants which is not consistent with national or local planning policy. In this regard, the note cannot be adopted as SPG. PPW goes on to state that <i>'the Welsh Government and the Planning Inspectorate will give substantial weight to approved SPG which derives from and is consistent with the development plan, and has been the subject of consultation.'</i></p> <p>As the above does not apply in this instance, it is not clear why FCC consider that the guidance note should be afforded weight as a material consideration in planning decisions, and we would request clarification on this point.</p>	<p>each note and in terms of how they are presented on the website. As set out in responses above the title of the document is to be revised from 'guidance' to 'advice' note.</p> <p>The guidance note is not intended to be adopted as SPG. It is quite reasonable for the lpa to seek to produce a guidance or advice note, undertake consultation and approve the note with added weight. However, it is recognised that the note will not have the full weight that would be attached to formal SPG. Nevertheless, it can still be treated as a material planning consideration.</p>	
S1 – The need for the development proposed			
Playdelsmithy man Ltd	<p>Reference is made that proposals should:</p> <ul style="list-style-type: none"> • Have regard to the nature and function of the settlement within which the proposal is made; • Its role as part of the Unitary Development Plan (UDP) spatial strategy; • How the identification of the site fits in with the requirement for a search sequence as referenced in paragraph 9.2.8 of Planning Policy Wales (PPW). <p>Given that the council is unable to demonstrate sufficient land available for housing them it is self-evident that there is a 'need' for more housing development to come forward. It should not be necessary for applicants to demonstrate that need.</p>	<p>It is accepted that, as the UDP period has now expired and we are in the LDP plan period, that there is a need for housing. It is also accepted that as a result of not being able to demonstrate a 5 year housing land supply, there is a need to increase housing land supply. This must be done in terms of approving sustainable development proposals which are viable and deliverable.</p> <p>In doing so, it is reasonable to still have regard to the spatial strategy of the UDP and the nature, function and role of a settlement. A recent appeal decision concluded that the Plan's spatial strategy was still applicable and generally in accord with the principles of</p>	? do we change title of this section?

	<p>In terms of the second bullet point above, there is no UDP spatial strategy. The UDP for Flintshire is out of date therefore this element of section 1 should be deleted.</p>	<p>PPW. Furthermore, the preferred spatial strategy for the LDP is shorty to be consulted on by the Council and will be important in establishing the future spatial distribution of growth. PPW provides advice on the principles and objectives for sustainable development and also provides in para 9.2.8 advice on a search sequence. Whilst it is accepted that this specific guidance relates to a search sequence to be applied in identifying sites as part of preparing a development plan, the criteria are well established planning principles which can be equally applied to a planning application.</p> <p>Andy, rather than being about ‘need’ this first requirement seems to be more about the broad ‘locational sustainability’ of the proposal, rather than ‘need’? Could we retitle it?</p>	
<p>Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)</p>	<p>The note stipulates that applicants should justify the need for the development, in the context of the area local to the site as well as Flintshire as a whole, going on to state that <i>‘regard should be had to the nature and function of the settlement within which the proposal is made, its role as part of the UDP spatial strategy, and how the identification of the site fits in with the requirement for a search sequence as referenced in paragraph 9.2.8 of PPW.’</i></p> <p>The PPW search sequence referenced is not relevant in this instance as it refers to sites which the Council may propose to allocate within an LDP, as opposed to the consideration of planning applications. This is not the correct test for planning applications which must comply with the development plan as a whole when balanced against any other material considerations.</p>	<p>See response above</p>	

	<p>There is a clear need for housing in Flintshire, as demonstrated by the Council's lack of a 5 year housing land supply, and hence there should be no requirement to justify the need for a housing development within the local authority.</p>		
<p>The Strategic Land Group (Walsingham Planning Ltd)</p>	<p>The SPG explains that the Council will expect to see comprehensive evidence to justify any housing application in relation to the need for the proposed development. Evidence should <i>"have regard to the nature and function of the settlement within which the proposal is made, its role as part of the FUDP spatial strategy and how the identification of the site fits in with the requirement for a search sequence as referenced in paragraph 9.2.8 of PPW.....This is also to ensure that any spatial strategy under development by the Council is not compromised by unjustified speculative applications for housing development"</i>.</p> <p>Firstly, we would expect any developer to provide evidence to justify the need for the development in regard to the nature and function of the settlement within any submission, regardless of the SPG. The Council's validation checklist makes clear that a supporting planning statement is required for major housing applications. According to the SPG, regard should be had to a proposals role as part of the FUDP spatial strategy. We disagree with this requirement. The FUDP spatial strategy is wholly out-of-date and is not reflective of the current economic, environmental and social status of Flintshire, having expired in 2015. PPW's strategy of determining housing applications having regard to the presumption in favour of sustainable development should therefore be taken by the Council as the prime consideration when determining housing applications; not an outdated FUDP spatial strategy.</p> <p>Developers are also required to identify how their site fits in with the requirement for a search sequence, as referenced in paragraph 9.2.8 of PPW. We disagree with</p>	<p>See response above</p>	

	<p>this requirement, noting its irrelevance at a time when there is no local plan in place to inform or structure any search sequence. PPW actually notes the search sequence as a requirement for the planning authority to follow when allocating land for housing in its LDP. Nowhere does national policy, or up-to-date Development Plan policy, state that developers must follow this procedure. This therefore places an unjustified and unnecessary burden on developers.</p>		
Roundfield Ltd (Aaron Marrs)	<p>We agree with the spirit of this section within the Developer Guidance Note insofar as it is justified for developments to demonstrate need. However, the requirement for a search sequence (to ensure developers are following the same principles in terms of identifying sustainable sites as the Local Planning Authority are required to do), is excessive. Paragraph 9.2.8 of Planning Policy Wales (PPW) requires search sequences to be carried out for Local Plans only. There is no such policy test for sites submitted as a planning application, where the key test is to demonstrate sustainability on their own merits, not in comparison to other sites. A likely result of enforcing a sequential site test is that genuine, sustainable and available sites which are free from constraint and acceptable for development could be rejected, leaving a limited pool of sites, which may not be available / deliverable. The Authority should be promoting sustainable development, given the lack of five-year housing land supply, ensuring that developers and landowners wishing to promote sites are not subject to unnecessary restrictions.</p>	See response above	
S2 – Full Application			
Playdelsmithyman Ltd	<p>Section 2 states the Council would prefer the submission of a full application rather than an outline application. Although, the following text and advisory notes are more strongly worded in a resistance to the submission of an outline application.</p>	<p>It is accepted that the Council cannot require a full planning application but is stating a preference for a full application. Provided that an outline application contains sufficient information to enable the lpa to be satisfied as to its sustainability, viability and</p>	<p>Amend text as recommended in response</p>

	<p>Legislation is in place to allow developers to submit an outline planning application with detailed information to consider the sustainable credentials of the development. With the UDP out of date the determining authority should place greater weight to Technical Advice Note 1 (TAN1) and PPW. To comply with the policies in these documents will require developers to submit appropriately detailed planning applications that will enable the planning authority to consider appropriateness and acceptability of a development scheme. Irrespective if this at the outline planning application stage or for a full planning application. Any requirement to insist on detailed applications presents a barrier to development.</p>	<p>deliverability then this will be acceptable. In this context it is proposed to reword the text as set out below:</p> <p>'Outline applications are not considered appropriate or acceptable to consider proposals for speculative development on the basis of a lack of housing land supply, as without full unless they provide sufficient information it may prove difficult for to enable the Council to be satisfied that the proposal represents a sustainable and deliverable form of development. Outline applications will be expected to be accompanied by sufficiently robust information to ensure that they are sustainable viable and deliverable'.</p>	
<p>Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)</p>	<p>The note sets out that applications should be submitted in detail and that <i>'outline applications are not considered appropriate or acceptable to consider proposals for speculative development on the basis of a lack of housing land supply, as without full information it may prove difficult for the Council to be satisfied that the proposal represents a sustainable and deliverable form of development.'</i> We fundamentally disagree with this statement which appears to misunderstand the nature of outline planning applications. It is perfectly reasonable to agree the principle and scale of housing in a particular location via an outline application, with detail to follow at reserved matters stage. This approach allows applications to come forward more quickly, with a lower risk to developers who are then able to undertake costly detailed design and investigative work in parallel to reserved matters applications being assessed by the Council. Moreover, outline applications save time for the Council, allowing them to assess key principles rather than detailed information at the initial stage which can lead to abortive work.</p>	<p>The guidance note is not seeking to require full applications and accepts that outline planning permissions can be appropriate in establishing the principle of development. However, this is not a 'normal' planning scenario as TAN1 has created the context for 'speculative' applications to be submitted which have no planning context in terms of the development plan. The submission of these applications therefore relates to a time 'window' and the objective of adding to housing land supply and ultimately delivery. The guidance note is merely stating a preference for a full application in that this provides the lpa with the means to fully establish the sustainability, viability and deliverability of sites. However, where an outline application provides sufficient information to enable this to be done, without the need for say detailed design work, then this will be acceptable. The text is</p>	

	<p>Outline planning applications should provide sufficient information to demonstrate that proposals are sustainable and deliverable, and hence we do not understand FCC's comments on this matter.</p> <p>PPW highlights that proposals involving Listed Buildings and Conservation Areas should be submitted in detail rather than outline form. This is logical because the detail of such proposals is key to determining whether developments are acceptable in principle. Requiring that all housing applications on non allocated sites are submitted in detail does not follow the same logic, and does not conform with any stipulated national guidance or the development plan. We therefore request that this element of the note is retracted in its entirety to allow housing sites to be unlocked efficiently.</p>	<p>recommended to be reworded as set out in the response above.</p>	
<p>The Strategic Land Group (Walsingham Planning Ltd)</p>	<p>The SPG states that <i>"the Council would prefer the submission of a full application to allow the Council to properly assess the proposal in terms of the need to be met, the housing to be provided, and the deliverability of the scheme. Outline applications are not considered appropriate or acceptable to consider proposals for speculative development on the basis of a lack of housing land supply, as without full information it may prove difficult for the Council to be satisfied that the proposal represents a sustainable form of development"</i>.</p> <p>This is not an approach which is consistent with PPW. PPW specifies some applications which should be made in full (e.g. those involving listed buildings or being located within conservation areas). It does not specify this requirement for housing schemes and thus it can be reasonably assumed that this requirement is unnecessary in such circumstances.</p> <p>The submission of an outline application does not automatically imply that a housing development will not be delivered. This appears to be the default approach taken by the Council; one which is entirely presumptuous and not supported by any evidence. Indeed, it is not always possible for developers to submit details relating to layout,</p>	<p>The Council accepts that an outline application does not mean that a site will not be delivered. However, there is often a time period following the grant of an outline where the site is marketed before a preferred house-builder can seek reserved matters</p>	

	<p>scale and appearance, often due to contractual and financial reasons.</p> <p>The SPG explains that the submission of an outline housing application may prove difficult for the Council to assess the sustainability credentials of the proposal. We strongly disagree. If the Council's claim is correct, then the approach taken by nearly every other planning authority in England and Wales is incorrect.</p> <p>We believe that an outline application does allow for a full assessment of sustainability, especially major housing schemes which constitute EIA development. Outline applications consider the worst-case scenario, up to a certain number of units and their associated impacts (such as traffic movements). Sustainability matters relating to design, access, appearance, layout and scale can all be safeguarded through conditions at the outline stage and complied with by the developer as part of the reserved matters. To therefore state that an outline application may prove difficult when assessing the sustainability credentials of a scheme is incorrect. It is the Planning Officers responsibility to make a balanced judgement on the evidence provided before them.</p>	<p>approval. In the context of the time specific 'window' for these applications and the objective of adding to housing land supply, it is necessary for the lpa to be certain that the site can be delivered within 5 years, as referenced in TAN1. It is interesting that the objector refers to 'sustainability' matters relating to design, access, appearance, layout and scale can all be safeguarded through conditions. However, the greatest determinant of sustainability is the location of the site. Nevertheless, provided that an outline application is accompanied by appropriate information then this will be accepted to the lpa. In this context the text is recommended to be reworded as set out in the response above.</p>	
<p>Roundfield Ltd (Aaron Marrs)</p>	<p>The need for the Authority to <i>properly assess the proposal</i> is agreed. However, we do not consider that a full application is required to demonstrate need or deliverability. Options such as "hybrid applications" (part full and part outline) should be allowed or outline applications with reserved matters applied for (fixed layout plan, tenures and house types). These would provide increased levels of detail over an outline application with all matters reserved. Such applications should include a breakdown of tenure, site layout and property types. Hybrid applications or outline applications with reserved matters will enable the Local Authority to <i>properly assess</i> proposed developments whilst ensuring levels of development are not stifled by the request for unreasonable levels of detail. It is also prudent to highlight</p>	<p>In response to earlier comments it is proposed to reword the text in this section of the guidance note to reflect the fact that the key issue is not whether an application is in outline or full, but whether the application is accompanied by appropriate and sufficient information. In this context the text is recommended to be reworded as set out in the response above.</p>	

	that even the details approved within a full planning application, may be subject to change.		
S3 – Sustainability Appraisal			
CPRW Clwyd Branch	On p2 it is that the following sentence be added at the end of the para 'With regard to proposed development on any agricultural land, the attention of developers is also drawn to paras 4.9.1 and 4.10.1 of PPW in addition to paras 6.2.4, 6.2.6 and 6.2.9 of TAN6'. The reason for this is that agricultural land is a finite resource and when lost to development reduces further the country's ability to contribute towards food security for present and future generations'.	Noted. The importance of preserving open countryside and agricultural land is recognised both in the UDP and in PPW. It is not accepted that the guidance note should highlight particular planning issues as to do so would act as a precedent for other issues to be covered. The purpose of the guidance note is to be presented as an advice note to advise applicants of the information sought as part of planning applications.	
Playdelsmithyman Ltd	Section 3 requires the submission of a Sustainability Appraisal and Strategic Environmental Assessment. The Sustainable Development Principle and the Objectives set out in PPW, paragraphs 4.3.1 and 4.4.3 respectively, are supported. However, these paragraphs do not require planning applications to be accompanied by Sustainability Appraisal and Strategic Environmental Assessment, reference to these documents is made in Figure 4.3 with clear reference to the need for assessment in preparing LDPs. We recommend that reference to PPW 4.3.1 and 4.4.3 is retained but to remove reference to the need for Sustainability Appraisal and Strategic Environmental Assessment. However, if the Council are minded to retain these requirements then we recommend that there should be some thresholds for this requirement. For smaller developments, this seems onerous and disproportionate.	The primary objective of PPW is to ensure sustainable development. In a scenario whereby sites coming forward have to be run through a Sustainability Appraisal it is reasonable for 'speculative' planning proposals to also demonstrate their sustainability credentials. The Council is undertaking SA as part of its emerging LDP and the Scoping Report is available on the website, as is an assessment of the Strategic Options consultation. There is therefore a published SA context which could form the basis for assessments on planning applications, in terms of establishing assessment criteria. PPW also sets out principles and objectives of sustainability as well as Well-being criteria. It is therefore proposed that additional text be added at the end of this section. Following further consideration it is not appropriate for the guidance note to seek 'Strategic Environmental Assessment (SEA)' as this applies to 'plans and programmes'	Amend text as recommended in response

		<p>rather than planning applications. The appropriate means to assess the environmental effects of a proposed development is through 'Environmental Impact Assessment (EIA)' and this is the subject of separate legislation and guidance. It is therefore recommended that this element be delted from the text.</p> <p>It is therefore proposed that the text in this section of the guidance note be revised as set out below:</p> <p>'A Sustainability Appraisal (SA) and Strategic Environmental Assessment (SA/SEA) or some other appropriate means of assessing sustainability is required to demonstrate why and how the site represents a sustainable form of development in relation to its local context and to both the local and national policy framework, the principles and objectives of which are set out in paragraphs 4.3.1 and 4.4.3 respectively of PPW. This process will be aided by the SA information associated with the emerging LDP which is available on the website. The sustainability appraisal can either be a stand alone document or incorporated into a Planning Statement or Design and Access Statement '.</p>	
Lavington Participation Corp. and Duncraig Investment Corp	Submitting information to explain why a site is sustainable is an entirely reasonable request, however it is not clear from the Guidance Note when a 'Sustainability Appraisal' or a 'Strategic Environmental Assessment' would be required and specifically what each document should contain.	See response above	

(NJL Consulting)	It would be rational to request one overarching document containing all sustainability information, or for this to be included within a Planning Statement or Design and Access Statement.		
The Strategic Land Group (Walsingham Planning Ltd)	The SPG states that <i>“a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) is required to demonstrate why and how the site represents a sustainable form of development in relation to its local context and to both local and national policy framework”</i> . We would expect any developer to provide evidence to justify how and why a site represents a sustainable form of development, as part of any planning submission, regardless of the SPG. This would normally be addressed as part of the supporting planning statement. Indeed, the Council’s validation checklist makes clear that a supporting planning statement is required for major housing applications. The requirement to provide separate evidence in this respect is therefore unnecessary.	See response above and suggested revisions to the text to pick up on the points raised.	
Roundfield Ltd (Aaron Marrs)	<p>Sustainability Appraisal</p> <p>We consider the requirements for formal Sustainability Appraisals and Strategic Environmental Assessments is unjustified and that a common sense review of sites will reveal whether they represent sustainable locations for development (for example if sites are within walking distance of amenities and adjacent to main settlements).</p> <p>Within the Welsh Government Circular* emphasis is placed on “Local Authorities to apply a proportionate approach to information requirements, to reflect the scale and complexity of the development”. Applying a blanket requirement for a Sustainability Appraisal and Strategic Environmental Assessment to be submitted with all development sites is neither proportionate or necessary.</p> <p>Chapter 4 of PPW (Planning for Sustainability) does not require Sustainability Appraisals or Strategic</p>	See response above and suggested revisions to the text to pick up on the points raised.	

	<p>Environmental Assessments to be carried out for every site, instead referring to sustainability as a concept and how potential development sites can demonstrate sustainability.</p> <p>Therefore, a common sense approach towards sites which are within sustainable locations is more appropriate and in line with the requirements outlined within PPW rather than requiring an extensive Sustainability Appraisal, as this document seeks to require.</p>		
S4 – Viability Assessment			
<p>Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)</p>	<p>The note states that viability assessments are required to demonstrate that sites are deliverable when the Council's policy requirements have been factored in such as POS, affordable housing etc, along with all other infrastructure requirements.</p> <p>While applicants do tend to undertake viability assessments to ensure that proposals are deliverable, this is private information which does not need to be shared with the Council as part of a planning application, unless an applicant intends to argue that proposals are unviable and hence a renegotiation of planning obligations is required.</p> <p>It is not reasonable for the Council to request viability information up front as part of a planning application for housing on any unallocated site, where viability is not being disputed. Demonstrating the viability of a housing development is not an application requirement under PPW or the development plan and should not form part of the Guidance Note.</p>	<p>When preparing a development plan it is necessary for the lpa to demonstrate, through dialogue with the site promoter, that a site is viable. When considering applications for speculative development, which have no context in terms of the development plan, it is entirely reasonable to seek to ensure that development proposals are viable and that the development is capable of being developed within 5 years, as specified in TAN1.</p> <p>It is accepted that it would be onerous to require a viability assessment upfront on every speculative planning application. The need for a viability assessment should apply to those applications where the developer is seeking not to provide the necessary planning obligations in terms of open space, education and affordable housing or any other infrastructure improvements or other mitigation measures arising from the proposed development. In these circumstances it would be necessary to investigate the viability of the scheme. It is therefore proposed that the text be amended to read as follows:</p>	<p>Amend text as recommended in response</p>

		<p>'A viability assessment is required in cases where the developer is not intending or able to meet necessary and reasonable planning obligations. order-In such cases it is necessary to demonstrate why the site cannot be developed on the basis of accommodating all of the Council's policy requirements (e.g. POS, affordable housing, education, highways etc.), as well as providing all other necessary infrastructure required. This is to assist in assessing the sustainability and deliverability of the proposal. Any financial viability information will be treated as confidential and will not be made publicly available as part of the consideration of the application'.</p>	
Dwr Cymru Welsh Water	<p>Section 4 – Viability Assessment The Town and Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016 requires that statutory undertakers are consulted by developers on major applications for residential developments before they apply for planning permission (Article 2D). Our response would subsequently form part of the pre-application report to be submitted by developers to accompany planning applications, in accordance with Article 2F.</p>	Noted	
Roundfield Ltd (Aaron Marrs)	<p>Viability Assessment The request for a Viability Assessment is acceptable, in principle. However, the level of information required by the Authority should be proportionate to the application site. The Authority needs to provide further level of detail regarding their exact requirements. Assessments should cover the basic areas of viability and deliverability (for</p>	Noted. See response above	

	<p>example, site constraints, dwelling numbers and an overview of the site's characteristics).</p> <p>If a site has specific constraints that would result in abnormal costs being associated with its development, a Viability Assessment could be justified in order to demonstrate that the site can still be developed viably. However, if a site is free from development constraints, a Viability Assessment should not be required as there is no well-founded basis for justification.</p> <p>Viability Assessments are more easily produced by house builders than private land owners, who should not be prejudiced in bringing land forward for development.</p>		
S5 – Housing Delivery Statement			
Playdelsmithyman Ltd	<p>5. Housing Delivery Statement</p> <p>We do not consider the first sentence of Section 5 to be relevant, it is for the Local Planning Authority to consider if there is an identified shortfall in housing supply. The relevancy here is that there is an out of date local plan with no 5 year housing supply. Applications for new housing development should be approved, provided they are in accordance with relevant guidance and policies. Section 5 continues by seeking to identify the developer who will be building the homes. Again, this is not relevant to the determination of a planning application and could be considered anti-competitive.</p> <p>Section 5 also requires that to submit a planning application the landowner has to be notified. To seek a statement that the landowner is agreeable to the scheme submitted seems unnecessary.</p>	<p>The wording has been drafted to reflect the fact that under the terms of TAN1 the lpa is unable to measure land supply as it is unable to undertake a formal JHLAS and undertake a land supply calculation. Nevertheless the wording could be revised as set out below.</p> <p>The provision of a named housebuilder or developer as part of the application documents will help determine that the conditions are present whereby the scheme can progress quickly and deliver housing with 5 years. In cases where there is not yet a named developer it will be necessary for the site to be marketed before the scheme can progress to completions being achieved by the preferred developer. It seems entirely reasonable to require a timeline for the progression of the scheme as this is surely information held by the site promoter. If the lpa must demonstrate a timeline for delivering completions and achieving a 5 year housing land supply s part of preparing a development plan, then the same should</p>	Amend text as recommended in response

		<p>apply to a 'speculative' planning application. In seeking to ascertain the deliverability of a site the landowner plays a crucial role in ensuring that the site is made available at a price which enables a viable development which meets all reasonable planning obligations yet still delivers a reasonable level of profit. A clear and unequivocal written commitment from the landowner would assist in establishing the delivery credentials of a site.</p> <p>'The Council requires the submission of this essential evidence by the developer in order to demonstrate how the development can deliver housing to help to reduce whatever is considered to be the presently unidentified shortfall in housing supply, within 5 years from the application date of planning consent. This should clearly identify a timeline for the development including the expected start date, the annual completion rate, as well as the expected completion date for the whole development. This should also clearly identify wherever possible, which developer(s) will be building the homes, as well as a statement that the land owner (where relevant) has agreed is committed to the sale of the land on the basis of the scheme proposed, and will complete this agreement on the grant of planning permission thereby making the land immediately available for development. This requirement is also to ensure compliance with advice in paragraph 9.2.3 of PPW: "This means that sites must be free, or readily freed, from planning, physical and ownership</p>	
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		constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live”.	
Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)	<p>The final requirement is for a Housing Delivery Statement to demonstrate how the development can be delivered within 5 years of any planning permission. It is specified that this information should include a timeline as well as an identified housebuilder and a statement from the landowner.</p> <p>This element of the note is justified on the basis of paragraph 9.2.3 of PPW which states that <i>“sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live”</i>.</p> <p>While it is reasonable to ask that applicants demonstrate how they envisage the site being delivered within the required period, it is not necessary to identify a developer with a planning application. In many cases, landowners or promoters will fund and deal with the planning process for a site with a view to selling the land to a developer upon the receipt of a planning permission. This is an entirely judicious approach, and sites that are attractive to the market with a planning permission in place will be sold quickly.</p> <p>Taking this option away from applicants will reduce the number of sites coming forward through planning applications which will in turn reduce the housing supply overall. As set out earlier, this would be in direct conflict with the aims of the Welsh Government.</p>	See response above	
The Strategic Land Group (Walsingham Planning Ltd)	The SPG explains that the Council will require a Housing Delivery Statement by the developer in order to <i>“demonstrate how the development can deliver housing to help reduce whatever is considered to be the identified shortfall in housing supply, within 5 years from the application date. This should clearly identify a timeline for</i>	This section of the guidance note is not seeking to discourage the submission of applications. Rather, it is merely seeking to establish that the site is capable of being developed within 5 years of the grant of consent. The objector appears to be	

	<p><i>the development including the expected start date, the annual completion rate, as well as the expected completion date for the whole development. This should also clearly identify which developer(s) will be building the homes, as well as a statement that the landowner (where relevant) has agreed to the sale of the land on the basis of the scheme proposed, and will complete this agreement on the grant of planning permission thereby making the land immediately available for development”.</i></p> <p>It is not always possible for developers to submit intricate details relating to the delivery of a housing scheme. In fact, some developers, such as strategic land promoters, do not always have contractual agreement with other developers, such as housebuilders, to build out a scheme until the granting of a planning permission. In these instances, such information cannot be frontloaded. This requirement may actually serve to discourage the submission applications, at a time when there is a clear and pressing need for new housing in Flintshire.</p>	<p>suggesting that the lpa is seeking ‘intricate details’ relating to the delivery of a housing scheme and that such information cannot be frontloaded and will serve to discourage planning applications. The objector appears to be saying that with an outline application it is not possible to provide an indicative timeline as to how and when a site will come forward for development</p>	
<p>Roundfield Ltd (Aaron Marrs)</p>	<p>Providing a Housing Delivery Statement does not guarantee housing development to any greater degree than proposing a planning application. It is reasonable to ask landowners to identify an indicative timeline, including estimates on start and completion dates. However, it is unreasonable to expect a landowner to have a sale agreement in place prior to a planning decision being issued on the site and such restriction will stifle the delivery of new housing. Indicative timescales that are flexible are a more reasonable request by the Authority. Rather than the specific requirements within the Developer Guide, more general guidance should be written giving the landowner flexibility and the Authority and indication of timescales regarding the site’s development. More general information regarding the housing delivery strategy will promote a more mutually beneficial agreement than the detail stipulated within the Developer Guidance document which we consider will hinder overall sustainable housing development growth. A more flexible approach will give</p>	<p>It is welcomed that the objector supports the provision of a delivery timeline. Whilst accepting that it may not be possible for an agreement to be in place with a landowner, it would assist the delivery credentials of a development proposal if there was a written commitment of the owner to bringing forward the scheme. In this context the wording of the text has been amended to request from ‘agreement’ to ‘commitment’. A landowner plays a crucial role in the viability and deliverability of a housing development and it is reasonable to ensure that the landowner is willing to deliver the scheme as soon as possible.</p>	

	the potential for more accurate delivery timescales provided throughout the proposed application. Rigid timeframes set early on will inevitably suffer from setbacks.		
Advisory Notes			
Playdelsmithy man Ltd	<p>The first bullet point indicates that if an application does not meet the requirements set out in the Developer Guidance Note that they will not be able to assess the sustainability of the proposed development. This Developer Guidance Note is not adopted policy it is a Guidance Note, a veiled threat within the Advisory Notes is not defensible.</p> <p>The second bullet point suggests that speculative development does not comply with policy. The only policy that is a material consideration at present in Flintshire will be at the national level. Any planning application will need to be in accordance with those policies including the need to demonstrate that they are sustainable. The second bullet point is pre-determinative.</p>	<p>The first advisory note is not intended to be interpreted as a threat. Nevertheless it is proposed that it be reworded in a more positive manner to demonstrate to applicants the benefits of having regard to its requirements.</p> <p>'A failure or unwillingness to provide any/all of Where a developer seeks to comply with these essential requirements will leave assist the Council unable in being able to adequately assess the sustainability, viability and deliverability of the proposed development'.</p> <p>The bullet point is merely stating that it is necessary for such planning applications to demonstrate that they represent sustainable development. The objector states that 'the only policy that that is a material planning consideration in Flintshire will be at the national level', yet the essence of national policy in PPW is 'sustainability'. Minor amendments are proposed to the wording of this bullet point as set out below:</p> <p>'This is because speculative developments that do not otherwise comply with development plan policy must clearly demonstrate their full sustainable development credentials'.</p>	Amend the wording of bullet points as set out in responses.

	<p>Third bullet point. As stated above outline planning applications can be assessed against relevant policies and this will include the need to demonstrate that they are sustainable.</p> <p>Sixth bullet point seeking commencement within one year of planning permission. This is not in accordance with current legislation, the key driver must be to seek implementation within 5 years.</p>	<p>It is accepted above that the Council has no power to require a full application. However it is still considered preferable for a full application in that it is better able to demonstrate viability and deliverability. Amendments are proposed above to section 2 of the note to reflect this. It is therefore proposed to amend the wording of the third bullet point as follows:</p> <p>'This is also why It is necessary to ensure that outline applications are not considered are accompanied by suitable or appropriate information to make such exceptions cases'.</p> <p>The context being presented within most speculative applications is that there is an urgent need to meet housing need and to increase housing land supply. It is restricted to a 'time window' until the LDP is adopted and planned provision for growth and development can be implemented. In this scenario it is wholly appropriate for planning permissions to be time limited. This has been supported by Inspectors on appeal. For instance in the Higher Kinnerton appeal the Inspector stated '<i>The standard time limit for implementing full planning permission is 5 years but the Circular allows shorter time periods to be imposed where appropriate and where local planning authorities give reasons for doing so</i>' and concluded '<i>However, in light of the lack of a 5 year land supply, I accept that a reduced time limit is appropriate in this case</i>'. The Inspector imposed a condition '<i>The development shall</i></p>	
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		<p><i>begin no later than two years from the date of this decision</i>'.</p> <p>In view of recent appeal decisions where Inspectors have requested commencement within 2 years, it is proposed that the wording be amended from one to two years.</p> <p>However, in the case of outline applications, Inspector's have accepted that reserved matters applications must be made within one year of the date of consent and conditions have been imposed accordingly.</p> <p>It is therefore recommended that this note be amended as follows:</p> <p>'Any full planning consent recommended will be time limited to commencement within one two years of a permission being issued. In the case of outline planning consents a condition will be attached seeking submission of reserved matters within one year of the consent. This should not pose a problem for developers as their applications are submitted on the basis of being sustainable, otherwise compliant with policy, deliverable, as well as being submitted to meet an urgent need for housing'.</p>	
The Strategic Land Group (Walsingham Planning Ltd)	The SPG states that <i>"any consent recommended will be time limited to commencement within one year of a permission being issued"</i> . Whilst Section 24, Part 4 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 does not prescribe any specific time limits for	The points raised have been taken into account in the above response and amendments recommended.	

	<p>the expiration of a consent, we consider the Council's one year time restriction to be totally unreasonable. A one year time limit is not entirely reflective of the development sector. Contractual agreements, land assembly difficulties and the discharge of planning conditions may often postpone the commencement of a scheme, even when the developer has good intentions to implement a permission in a timely manner. Further, funding is often not available for the delivery of schemes until planning permission is in place. A one year limit would set a very short timescale for parties to seek to secure funding, as well as being required to undertake all other relevant steps before a scheme can start on site. This is yet another unnecessary restriction and we thus request that the Council extends its time limitation to a minimum two years for all housing consents. An extension to two years will not compromise the delivery of new housing within the five year period from the granting of a consent.</p> <p>The proposed one year time limit has the potential of preventing sustainable but 'difficult' sites from coming forward for development. Instead, less sustainable but more readily deliverable sites may have to come forward to assist the County's housing land supply, a situation that does not appear logical or beneficial.</p>		
Playdelsmithy man Ltd	<p>First bullet point We disagree that without this information the Authority would be "unable to adequately assess the sustainability of the proposed development". It has been demonstrated, within this consultation response, that there are ways in which outline applications can be adapted and supported to enable the Authority to make informed decisions on applications.</p> <p>Fourth bullet point It is also unjustified for the Authority to expect applications to demonstrate that sites are "better/more sustainable than</p>	<p>This point addressed in the response above and amendments are proposed to the wording of this bullet point</p> <p>This bullet point is seeking to adopt a broader approach to the consideration of</p>	Amend bullet point as set out in response

	<p>other sites". Each site should be assessed individually and have regard to sustainable development. If sites are required to demonstrate they are more suitable than others, this has the potential to significantly reduce the number of housing sites being put forward, which could prevent the Authority in meeting their five-year housing land supply shortfall.</p> <p>Sixth bullet point We consider that the commencement of development within one year of consent is too restrictive. Sale of the site, developer agreements and financing schemes involve complex negotiations which may not be possible to complete within one year of consent being granted. Standard permission timeframes are set at five years. It</p>	<p>speculative planning applications by determining whether alternative land / sites exist which might be 'sequentially preferable'. This could include an existing undeveloped site or allocation with a settlement boundary or it could be a Candidate Site submitted as part of the LDP. In a settlement where there might be other development options, particularly sites either allocated or within the settlement boundary it seems perverse in terms of good planning practice not to discount such and to not compare the proposed site against any other possible sites. It is proposed that the bullet point be amended as set out below. It is not considered that this is particularly onerous and can be undertaken on the basis of a simple checklist as set out in candidate site assessment methodology or criteria in PPW.</p> <p>'This is also relevant in terms of the LDP candidate sites that are now publicly available as well as any existing land or sites allocated or within settlement boundaries, as any speculative sites that come forward must be capable of demonstrating why they are better/more sustainable than other option sites including those yet to be considered by the Council as part of progressing the LDP'.</p> <p>This point is addressed in the response above and the wording of the bullet point is proposed to be amended.</p>	
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	would therefore be logical to suggest timescales of two years for commencement of development to occur once permission has been granted. This will help developers to get agreements in place and for the Authority to ensure housing is being delivered.		
Concluding comments			
Lavington Participation Corp. and Duncraig Investment Corp (NJL Consulting)	We do not consider that any extra weight should be attached to the document as a result of this consultation. The note serves to constrain housing development at a time when FCC do not have a 5 year housing land supply or a Local Development Plan in place. This is irrational and will have detrimental knock on effects, alongside being inconsistent with Welsh Government's objectives.	It is not accepted that the guidance note serves to constrain supply. In taking on board the proposed amendments to the guidance note the requirements are perfectly reasonable and necessary to ensure that an applicant is providing sufficient information to demonstrate sustainability, viability and deliverability. In its amended form the guidance note is not considered to be onerous for applicants. If an applicant approaches the submission of a planning application in a responsible and through manner it is not understood why the guidance note is such an obstacle or why the objector is opposed to it. In the above responses the lpa has confirmed that it is not intended to be formal spg but is intended to act as an advice note to encourage good practice. The information being requested is entirely consistent with Welsh Government objectives in respect of achieving sustainable development and increasing housing land supply. Welsh Government seeks to ensure	
Roundfield Ltd (Aaron Marrs)	We agree with the broad terms of the Developer Guidance Note and can identify with the direction in which the document seeks to take development (i.e. short term delivery of sustainable housing sites). However, the document requests a level of detail that, in practice, is unjustified and in part unrealistic. The detail required has the potential to significantly stifle development, both in terms of sites being put forward and	The general support for the guidance note is welcomed. However it is not considered, in its amended form, that the requirements of the guidance notes are onerous or unreasonable or that it will stifle development.	

	<p>the timeframes in which identified sites will be delivered. The requirements for Viability Assessments and Housing Delivery Statements are valid, however, the level of detail requested is excessive.</p> <p>The Planning (Wales) Act 2015 seeks to “reform the development management system to streamline procedures, to ensure that applications are dealt with promptly, providing certainty to developers and communities”. It is apparent after reviewing this Developer Guidance Note that the requirements within it are unlikely to streamline the development management system but, instead, stifle the level of new sustainable housing development delivered.</p> <p>We recommend that the content within the Developer Guidance Note is re-evaluated and as a result become less stringent and more flexible to more closely reflect ‘guidance’ instead of policy.</p>		
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