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The Planning Inspectors
Flintshire LDP EiP

Sent by email via Programme Officer

Your Ref/Eich Cyl
Our Ref/Ein Cyf AR/LDP/EiP
Date/Dyddiad 7th July 2022
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Dear Inspectors

RE: Clarification of the explanation to MAC75

From my previous letter to you dated 21st June 2022, you will be aware that several Members of the Council have queried with officers the use of the term 'maximum' in the explanation to the change to the plan proposed by MAC75.

MAC 075	HN3	In introductory policy wording replace 'starting point' with 'target'. The revised introductory wording is 'Affordable housing contributions will be sought on developments of 10 or more units in accordance with the following quotas which should be taken as a starting point target for negotiation on a site by site basis subject to detailed viability considerations.'	To clarify that the % affordable housing requirements are expressed as a 'maximum'	AP13.6
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Whilst this word is not part of the change, as that correctly aligns the plan with PPW in introducing use of the term 'target' for affordable percentages, having reflected on the points made, officers can see that there is an ambiguity in the meaning and use of the word 'maximum'.

Whilst I am still of the view that it would be wrong and unnecessary to publish an explanation/statement on this as part of the consultation documentation now that the consultation is underway as this may trigger procedural challenges, I have undertaken to write to you on behalf of the Council to clarify the Council's intentions and also to suggest how the purpose of the policy could be further clarified should you consider this appropriate.

Firstly in trying to keep the size of the MAC document to a manageable level for the purposes of public consultation, we had tried to be succinct in providing an explanation to support the reason for a MAC change. This has worked in 99.9% of instances and the document strikes the right balance. That said the intention behind the explanation in relation to the actual change to using the word 'target' in MAC75, was to explain that the percentage thresholds or targets for the various sub market

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We welcome correspondence in Welsh. We will respond to correspondence received in Welsh without delay.

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areas were the maximum viably achievable from the outcome of the Viability Evidence submitted to the Examination.

Whilst this is accurate it does not fully explain that viability is a variable factor that can go up as well as down. One interpretation therefore (and as several Members have read it) is that provision could not go higher than the thresholds which does not necessarily accord with PPW or the Development Plans Manual.

In recognition of this valid point therefore, I have agreed to write to you on this matter and to also suggest a way to clarify this as follows below (marked in red), which I hope you can consider and find acceptable and appropriate. The Council's proposal does not change the meaning of the policy or the proposed MAC 75, but suggests adding wording to the reasoned justification of the policy to provide more clarity. I would be grateful if you would give this matter your positive consideration as the Council believes this will simply enhance the clarity of the interpretation of policy HN3.

Yours sincerely,



Andy Roberts, Service Manager Strategy

The Council's suggested clarification (marked in red below):

HN3: Affordable Housing

Affordable housing contributions will be sought on developments of 10 or more units in accordance with the following quotas which should be taken as a ~~starting point target~~ (as per MAC75) for negotiation on a site by site basis subject to detailed viability considerations:

- 40% in the Central sub market area;
- 35% in the Connahs Quay, Queensferry and Broughton sub market area;
- 15% in the Flint and Coast sub market area;
- 20% in the Garden City sub market area;
- 40% in the Mold and Buckley sub market area;
- 30% in the South Border sub market area.

Affordable housing will be expected to be delivered on site in the first instance and only in exceptional circumstances will off site or commuted sum contributions be accepted in lieu of on-site provision.

- 11.7 This policy seeks to secure affordable housing on both allocated (policy STR3 and HN1) as well as windfall housing sites. National planning policy recognises that a community's need for affordable housing is a material planning consideration. The policy will assist the Council in delivering the shortfall of affordable housing in the County by seeking an appropriate affordable housing contribution as part of new residential developments. Any attempts to deliberately sub divide or phase sites to avoid the need to deliver affordable housing will not be acceptable. Sites will also be expected to be developed at an appropriate density, in line with the advice in policy HN2, in order to avoid sites coming forward at a density which is below the threshold.
- 11.8 Affordable housing in this context has the same definition as that contained in Technical Advice Note (TAN) 2: Planning and Affordable Housing i.e. housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. It includes social rented housing (provided by local authorities and registered social landlords) and intermediate housing (where prices or rents are above those of social rent but below market housing prices or rents).
- 11.9 The Plan's approach to securing affordable housing is based on the findings of the Local Housing Market Assessment and the District Valuer 'Study Concerning the Economic Viability of Providing Affordable Housing Across Flintshire'. Differing affordable housing requirements are based on the relative strengths of the housing sub market areas in terms of viability. **That said it is clearly recognised that viability can go up or down over time and in turn this may provide opportunities to vary the level of provision in relation to the target thresholds. Equally it is acceptable in principle for an applicant to voluntarily seek to exceed the target thresholds in the policy or to propose an affordable led scheme.** Further details on the approach is set out in the Affordable Housing Background Paper. Detailed guidance on the scale, tenure and nature of affordable housing to be sought, along with information regarding what will be required as part of independent viability assessments, will be set out in the Affordable Housing SPG, following adoption of the Plan. The policy will normally be implemented by the use of a planning obligation in line with policy STR6.
- 11.10 Delivery of affordable housing via the planning system is one of the core indicators contained in the plans monitoring framework as expressed through the Annual Monitoring Report (AMR).