

WELSH GOVERNMENT
Examination Hearing
Statement

Flintshire County Council
Local Development Plan

Matters 1 & 2
Plan Preparation and Strategy

13 April 2021

Matter 1: Plan Preparation **Procedural requirements**

Key Issue:

Has the Flintshire LDP been properly prepared?

Regarding the Delivery Agreement (DA), the Welsh Government has agreed three revisions to the DA and can confirm there are no procedural issues in respect of the timetable.

a) Has the LDP been informed by a robust consideration of reasonable alternatives?

This is a matter for the LPA.

The Welsh Government is generally supportive of the approach to move away from the proportionate distribution approach in the UDP to locating development to more sustainable locations/settlements, based on their sustainability and role and function. This approach is in alignment with PPW and the NDF – Future Wales. The Welsh Government is broadly supportive of the strategy, which directs the majority of new development (around 85%) to the key strategic sites/Tier 1 and 2 settlements.

b) Has the LDP had full regard to the Well-Being of Future Generations Act with regard to the well-being goals and ways of working?

This is a matter for the LPA.

c) Has the LDP been subject to an Equality Impact Assessment?

This is a matter for the LPA.

d) Is the LDP consistent with *Future Wales: The National Development Framework*, which is likely to be finalised shortly?

The NDF and a revised Planning Policy Wales (PPW) Edition 11 were published on 24 February this year. The NDF is at the top of the development plan hierarchy in Wales and all Local Development Plans (LDPs) must be in 'general conformity' with it (Planning and Compulsory Purchase Act 2004 – Section 60(I)(3)).

The definition of 'general conformity' is included within the Development Plans Manual (Edition) 3 (DPM) at paragraph 2.17 and 'general conformity' with the NDF is a test of soundness (DPM, Table 27, p166) for the LDP.

The key policies within the NDF that should be considered regarding the spatial strategy and overall scale/focus for growth are:

- Policy 1 identifies Deeside as National Growth Area – a focus for homes jobs and infrastructure.

- Policy 29 – National Growth Area Wrexham and Deeside – LDPs must recognise the National Growth Area as the focus for strategic economic and housing growth

The LDP aims to promote economic development, capitalising on the County's role as a regional economic hub and assist the delivery of regional strategies through projects in the North Wales Economic Ambition Board Growth Deal. In particular, the Growth Deal identifies key projects around Warren Hall, Broughton, Northern Gateway and Deeside. The focus for the Council's strategy is the allocation of two strategic sites at Warren Hall and Northern Gateway (incorporating the Deeside Enterprise Zone) providing a focus and catalyst for growth in Flintshire. In addition, the majority of homes and jobs are directed to Tier 1 and Tier 2 settlements.

The Welsh Government considers the spatial strategy and growth levels within the Flintshire LDP is in 'general conformity' with the NDF. The Welsh Government is not objecting to the soundness of the plan on this basis.

See our specific statements for detailed answers/representations on the specific topic areas such as housing provision, delivery, energy and green and blue infrastructure.

e) How will the LDP be updated in the light of the revocation of TAN1? Will this lead to significant changes in LDP policies?

Planning Policy Wales was updated in March 2020 (Edition 10) along with the revocation of TAN 1 (now formalised/embedded within PPW Edition 11 – published 24 February 2021). This introduced a housing trajectory approach to monitor the delivery of housing. The DPM Edition 3 (DPM) was published alongside PPW Edition 10 setting out the practical guidance on what is required for inclusion within an emerging/adopted LDP and requirements for subsequent monitoring frameworks.

Before its publication, the DPM was subject to extensive consultation and engagement with LPAs. Flintshire Council were one of the few LPAs who assisted in the testing of the new trajectory approach before the DPM was formally published. Flintshire will be the first LPA in Wales to follow the new 'AABR' route for formulating a housing trajectory and measuring housing delivery (5.7 p126 of the DPM). Welsh Government has worked closely with the Council to ensure that the necessary tables/graphs have been prepared and presented in line with DPM Guidance.

The publication of updated FCC002: Housing Land Supply and Delivery Background Paper 10A (January 2021) is welcomed as this reflects the most up-to-date housing position. This is supported as it demonstrates a more up-to-date position that can be discussed at the sessions and allows updated tables to be embedded in the LDP prior to adoption.

In answer to the question, in order to align with PPW Edition 11, the DPM and to ensure clarity and effective monitoring of the plan, the following tables/indicators from the DPM **must be included within the LDP:**

- Table 16 - Summary of Spatial Distribution of Housing (included in Table 4A of FCC002 - **WG confirms this is DPM compliant**)
- Table 17 - Site Allocations Policy Table (included in Table 3A of FCC002- **WG confirms this is DPM compliant**)
- Table 19 - The Timing & Phasing of New Allocations (included in Appendix 3A of FCC002 - **WG confirms this is DPM compliant**)
- Table 20 - The Timing & Phasing of Sites with Planning Permission (included in Appendix 2A of FCC002 - **WG confirms this is DPM compliant**)
- Table 21 – Calculating the Anticipated Annual Build Rate (AABR method for Flintshire) - (included in Appendix 4A of FCC002 - **WG confirms this is DPM compliant**)
- Diagram 16 – Housing trajectory graph (included in Appendix 5A of FCC002 - **WG confirms this is DPM compliant**)
- The DPM is clear in (Para 5.62) that all housing components within the tables must all have the same base date to assist effective comparison of data, avoid confusion and issues of double counting – the tables in FCC002 are all consistent at 01st April 2020, **WG confirms this is DPM compliant**
- Table 29 - Additional monitoring indicators on housing delivery that replaced the 5 year supply indicators – **this should be picked up at the monitoring session.**

The comment Welsh Government would make is that while the tables are DPM compliant in their presentation, they currently reside in a background paper and should be included in the plan. **We will seek this as a formal change to the LDP through the sessions to ensure the plan aligns with PPW.** This point was raised in our Deposit Representation.

f) Were consultation exercises and tools user friendly and easy to engage with?

This is a matter for the LPA.

g) How were consultation responses considered by the Council and taken into account?

This is a matter for the LPA.

h) When is the addendum to the HRA and accompanying Statement of Common Ground likely to be submitted to the examination?

This is a matter for the LPA/NRW.

i) Does the HRA take account of NRW's recently published interim advice regarding phosphate levels in river SACs.

This is a matter for the LPA/NRW.

Matter 2: Plan Strategy **Key issues, vision, objectives**

Key Issue:

Is the overall strategy coherent and based on a clear and robust preparation process? Is the strategy realistic and appropriate in the light of relevant alternatives and is it based on robust and credible evidence?

See previous comments and later statements regarding settlement hierarchy.

a) Is the LDP's overall strategy consistent with those of neighbouring authorities? What are the main cross boundary issues and how have these been addressed?

This is for the LPA to answer.

b) How have the key issues been selected? Are they all addressed directly and adequately by the vision and strategic objectives? What is the relationship between the Key Issues and Drivers (para. 3.30) and the challenges that must be planned for (para. 3.35)?

This is for the LPA to answer.

c) Is the vision appropriate and sufficiently detailed?

This is for the LPA to answer.

d) What are the implications, both positive and negative, of Flintshire's gateway location on a national border? How are these accounted for in the LDP?

This is for the LPA to answer.

e) Does the LDP address the physical and mental health of the population?

This if for the LPA to answer.

f) What is the purpose of the strategic policies? Are they useful and useable in development control terms?

DPM Edition 3 (Table 1 p16/17) requires the inclusion of strategic polices which can be area, site or topic specific. They are overarching in nature and are derived from the vision, key issues/objectives the plan is seeking to address and applicable to the relevant planning applications. The majority of adopted plans in Wales have strategic policies within them. The Welsh Government has no concerns with the Council's approach to the structure of the plan on this basis; it is common practice.

g) What is the policy position on Best and Most Versatile Agricultural Land?

PPW sections 3.58-3.59 set out national policy in relation to the loss of BMV land. Flintshire have engaged with the Land, Nature and Forestry Division within Welsh Government throughout the development of the LDP on land quality information, validation of surveys, and ALC map information. The plan notes a loss of 52.8ha of BMV land (34.6ha housing allocations, 18.2ha employment allocations). The Council has taken a pragmatic and sensible approach to protecting BMV land and minimising its loss in the plan. This has been explained in Background Paper 9: Minimising the Loss of Best and Most Versatile Agricultural Land September 2019. Allocations that would represent a loss of BMV have been well evidenced for an overriding need (PPW sequential test) and a balanced judgement has been made. In conclusion, the relevant division of Welsh Government is of the view that the Council has demonstrated a sensible and pragmatic approach to considering BMV loss in the context of PPW and Future Wales. There is no formal objection from Welsh Government on this basis.

h) Are the Proposals and Inset Maps accurate and user friendly?

The Welsh Government has experienced no general issues in this respect. We made representations at Deposit stage regarding 'overlapping allocations/designations on the proposals map. For example, the Gypsy and Traveller allocation at Magazine Lane is within a green wedge and the allocation at Castle Park overlaps with a solar allocation. We will pick up these matters in the specific statements. A general discussion at a relevant point in the hearing programme regarding all of the 'overlapping designations/allocations' and the rationale for this would be helpful to all parties.

i) In the light of the time which will remain if the LDP is adopted in 2021/2, is the plan period (2015-2030) appropriate?

The plan period 2015-2030 is the plan period and cannot be changed. Paragraph 7.4 of DPM states an LDP should have at least 10 years of the plan period remaining upon adoption. In this case, the plan would run until the end of 2030, which is likely to leave just 8/9 years remaining if the plan were to be found sound and adopted in 2021/22. Whilst we note that it is disappointing that the plan will have less than the 10 years remaining upon adoption, given the statutory requirement to produce a LDP and the Welsh Government's prides commitment to a plan led system, **we do not consider this to be a 'soundness' issue for the plan.** The Welsh Government has agreed all Delivery Agreement Revisions for this plan knowing this would be the case.

Maintaining progress on this plan is the most expedient way to adoption and to ensure the authority is in a strong position to steer development and not be dictated to by others.

j) What will be the status of Place Plans, when prepared, and how will they relate to the LDP?

The DPM sections 5.6-5.9 set out the Governments expectations and the status of Place Plans in the LDP process. Place Plans are non-statutory documents and adopted by the authority as Supplementary Planning Guidance (SPG) to support policies and provide further detail/amplification of policies in the adopted LDP.

Place Plans are prepared by local communities, and are seen as a powerful tool to promote collaborative action that will improve the well-being and placemaking initiatives in communities and deliver local outcomes.

Place Plans should be prepared in conformity with the emerging/adopted LDP. The DPM is clear that Place Plans cannot duplicate or introduce new policy, nor can they de-allocate sites in the adopted LDP. Alternatively, sites could be identified in a Place Plan that are not allocated in the LDP, albeit they would have to align with the policy framework set out in the LDP.

The LPA and the relevant local communities are best placed to explain how particular Place Plans link to the LDP and whether there are any concerns on this basis.

* * * * *