

**Q1. Submitted by Colin Randerson**  
**Flintshire Local Development Plan.**

*Given that the Council proposed changes to policies relating to affordable housing numbers on the basis of pressure from a small number of private developers, but has made no meaningful changes to the LDP as a result of the public consultation, where some sites received over 200 individual objections, do you believe this demonstrates a process which values the concerns of its residents and represents them accordingly?*

**Response:** At the outset, it is important to stress that the changes that have been made to the Plan following the Examination hearing sessions known as Matters Arising Changes (MACs) have **not** been made by the Council but were proposed by the Inspector and have been agreed to by the Council in July of this year, in order to facilitate a public consultation on them. **No changes** have been proposed to original percentages for the delivery of affordable housing, and the only change to the affordable housing policy wording is to reflect a change requested by the Inspector to clarify that the percentages sought are a target, rather than a starting point.

The central purpose of the Examination is for the Inspector to consider the soundness of the Plan as submitted and it is not the remit of the Inspector to improve the Plan, or to change it simply based on the volume of objections to it or a particular site or policy. Part of the Inspector's assessment will be with reference to the Council's evidence base to support the Plan policies and proposals. This applies equally to representations made by objectors where the responsibility on objectors is to submit objections supported by evidence which question the plan or a site's soundness. It is for the Inspector to judge and the rationale for how she has considered these soundness issues will be contained in her report, which has yet to be received.

Both the Council and the Inspector are required to consider what objectors have said when representations are made, but they are not required to simply accept what is said. This is a matter of planning judgement which has been applied both by the Council and then separately and independently by the Inspectors. That is the present Development Plan process as prescribed by Welsh Government's Development Plans Manual. In part

the question posed invites the Council to comment on aspects of this process that are not in its control, and it is not appropriate therefore to expect the Council to comment on how the Inspector has conducted the examination.

The questioner submitted written representations at the Deposit consultation stage which were considered by officers and where the Council agreed to recommended responses which did not alter or change the plan. As with the response to question 2 which follows, this questioner then submitted written evidence to the LDP Examination and also appeared in person and made his points to the Inspector. This evidence should also have been focussed on addressing the soundness of the site in question as that is the relevant matter for the Inspector to consider. If no change to the site's allocation came from the Examination in the form of a Matters Arising Change (MAC) relating to the site, then the clear inference from that is that the Inspector also considers that the issues raised do not challenge plan or site's soundness. In contrast where the Inspector did have concerns about the housing element of the Warren Hall site, she has made a change.

Finally, this site was also considered to be a sustainable allocation at the UDP public Inquiry where the inspector then recommended its allocation. The site has been reconsidered through the LDP process and Examination, and no evidence has been presented to counter this view, either for this site, or the others allocated in the LDP.

## **Q2. Submitted by David Rowlinson**

### ***The Local Development Plan.***

*The Local Development Plan (LDP) is now seven years late. A public consultation took place which involved the planning department considering and rejecting a huge number of public objections (over 200 at some sites). No meaningful changes were made to the plan. There has been a detailed inspection resulting in impassioned hearings, but resulting in only minor technical changes to the plan, partially driven by Inspectors being powerless to suggest improvements to the plan. Since the posting of the LDP several years ago, there has been no opportunity for elected council members to influence the outcome of the plan despite the repeated concerns raised by their constituents. How much has the LDP cost since the plan was initially shared as the start of the public consultation; and does the council feel this represents an optimised and good use of public funds, given the reluctance of the planning department to make changes or improvements to the LDP?*

**Response:** It is important, at the outset, to remind the Council on some of the key reasons for preparing the Local Development Plan in the first place:

- The Local Development plan is a statutory plan. **The Council has to produce one;**
- The LDP will provide an up to date policy framework in order to make informed decision on planning applications;
- The LDP will support economic ambition and growth and deliver jobs in line with Flintshire's National Growth Area status;
- The LDP will provide housing in sustainable locations to meet the needs of this growth, including a significant amount of affordable housing;
- Adoption of the LDP will prevent the continued stream of planning applications for speculative housing development where any Member's ward is vulnerable due to not having an up-to-date adopted development plan in place.

The LDP is in its final stages approaching adoption. Work on the LDP commenced as soon as its predecessor, was adopted. It is common practice for LDPs to be adopted into their plan period and the plan can only become operational once adopted.

The LDP has been through all of its statutory stages including those that are the responsibility of the Council prior to its submission for Examination, and then those that are under the sole control of Planning and Environment Decision Wales (PEDW) and

the appointed Inspectors. It is the Council, as a whole, who make decisions on the progress of the development plan up to submission, informed and advised by the recommendation of officers.

The Council has considered and agreed to progress the Plan on two separate occasions – firstly when it agreed to publish the Deposit LDP for consultation on the 23<sup>rd</sup> July 2019 - no Members voted against; and then when it agreed to the recommended responses to the public representations received, and to submit the plan for public Examination, at its meeting held on 22<sup>nd</sup> September 2020 – no Members voted against.

Welsh Government advise that a Council should not submit its plan for Examination unless it considers the plan to be sound and capable of being adopted as once submitted, control passes from the Council to the appointed Inspectors.

The role of the appointed Inspectors is to consider whether the plan **as submitted** is sound and capable of adoption – their role **is not to seek to improve the plan**. This was made clear at the Pre Hearing Meeting, and is reflected in the Inspector's note of the meeting. That meeting was attended by 120 participants including the questioner.

Simply because a number of people make objections to a site does not mean that the Council has to either automatically accept those objections, or make a change to the Plan. The key requirement in objecting was to show, with evidence, how the plan or any specific site was not sustainable or sound. Representations submitted following the Deposit LDP consultation were considered by officers and the recommended responses agreed by the Council – in the Council's view these did not raise issues that challenged the soundness of the plan.

Further representations were submitted as written and verbal evidence to the LDP Examination in relation to this site (and others). These should also have been focussed on addressing the soundness of the site in question as that is the relevant matter for the Inspector to consider. Indeed, the hearing sessions held were not solely to hear

objectors as the Inspector heard from all interested parties including those promoting sites allocated in the Plan. If no change to the site's allocation came from the Examination in the form of a Matters Arising Change (MAC), then the clear inference from that is that the Inspector also considers that the issues raised do not challenge plan or site soundness.

Whilst the full cost of the production of the LDP will be calculated once the Plan is adopted, the main cost elements to date are as follows:

- Policy Team annual staffing costs (from 2022/23 budget) £318,698.00
- Evidence base preparation (whole process to date) £374,000.00
- Examination Inspectors Fees to date £53,122.87
- Examination Programme Officer costs to date £29,812.50

The main point for Members to acknowledge is that the Council has no option but to produce a development plan as it is a statutory requirement, meaning that it **has** to expend public funding to resource the process. The Council has budgeted for that but has actually saved a considerable amount from holding the Examination in an entirely virtual way, which has also had the benefit of allowing greater public involvement and participation. The savings have been to the extent that the financial reserves to support the LDP adoption will be returned to the corporate centre, thereby assisting the Council's overall budgetary position.

The plan is at such an advanced stage now that all that is awaited is the Inspector's report, whose recommendations in respect of plan soundness and adoption are legally binding on the Council. There is no option to debate any specific aspect of the plan at this stage – **adoption is of the plan as a whole.**