

# Pecyn Dogfen Gyhoeddus



Swyddog Cyswllt:  
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At: Bob Aelod o'r Cyngor

Dydd Mercher, 23 Medi 2020

Annwyl Gynghorydd,

**RHYBUDD O GYFARFOD ANGHYSBELL**  
**CYNGOR SIR Y FFLINT (CYFARFOD ARBENNIG)**  
**DYDD MAWRTH, 29AIN MEDI, 2020 2.00 PM**

Yn gywir

Robert Robins  
Rheolwr Gwasanaethau Democraidd

Sylwch: Oherwydd y cyfyngiadau presennol ar deithio a'r gofyniad am gadw pellter corfforol, ni chynhelir y cyfarfod hwn yn y lleoliad arferol. Bydd hwn yn gyfarfod rhithiol a bydd 'presenoldeb' yn gyfyngedig i Aelodau'r Cyngor. Bydd y cyfarfod yn cael ei recordio.

Os oes gennych unrhyw ymholiadau, cysylltwch ag aelod o'r Tîm Gwasanaethau Democraidd ar 01352 702345.

## R H A G L E N

### 1 YMDDIHEURIADAU AM ABSENOLDEB

**Pwrpas:** I dderbyn unrhyw ymddiheuriadau.

### 2 COFNODION (Tudalennau 3 - 22)

**Pwrpas:** I gadarnhau, fel cofnod cywir gofnodion y cyfarfodydd ar 18 a 27 Chwefror 2020.

### 3 DATGAN CYSYLLTIAD

**Pwrpas:** I dderbyn unrhyw ddatganiad o gysylltiad a chynghori'r Aelodau yn unol a hynny.

## PRIF EITEM BUSNES

### 4 CYNLLUN DATBLYGU LLEOL SIR Y FFLINT - YSTYRIED SYLWADAU'R YMGYNGHORIAD YNGHYLCH Y DDOGFEN I'W HARCHWILIO GAN Y CYHOEDD A CHYFLWYNO'R CYNLLUN AR GYFER ARCHWILIAD CYHOEDDUS (Tudalennau 23 - 86)

Adroddiad Prif Swyddog (Cynllunio, Amgylchedd ac Economi) - Aelod Cabinet dros Gynllunio a Diogelu'r Cyhoedd

**Pwrpas:** Bod yr Aelodau yn ystyried ac yn cytuno ar yr ymatebion i'r sylwadau a gafwyd yn ystod yr ymarfer ymgynghori ynghylch y CDLI i'w Archwilio gan y Cyhoedd ac yn cytuno i gyflwyno'r cynllun i Lywodraeth Cymru a'r Arolygiaeth Gynllunio at ddibenion archwiliad cyhoeddus yr Arolygydd Cynllunio Annibynnol.

# Eitem ar gyfer y Rhaglen 2

## **FLINTSHIRE COUNTY COUNCIL** **18 FEBRUARY 2020**

Minutes of the meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday, 18 February 2020

### **PRESENT: Councillor Marion Bateman (Chair)**

Councillors: Janet Axworthy, Glyn Banks, Haydn Bateman, Sean Bibby, Chris Bithell, Derek Butler, Geoff Collett, David Cox, Paul Cunningham, Jean Davies, Rob Davies, Ron Davies, Chris Dolphin, Rosetta Dolphin, Ian Dunbar, Andy Dunbobbin, Mared Eastwood, Veronica Gay, George Hardcastle, David Healey, Gladys Healey, Patrick Heesom, Dave Hughes, Kevin Hughes, Ray Hughes, Dennis Hutchinson, Joe Johnson, Paul Johnson, Rita Johnson, Christine Jones, Richard Jones, Tudor Jones, Colin Legg, Brian Lloyd, Richard Lloyd, Mike Lowe, Dave Mackie, Hilary McGuill, Billy Mullin, Mike Peers, Michelle Perfect, Vicky Perfect, Neville Phillips, Ian Roberts, Tim Roberts, Kevin Rush, Tony Sharps, Paul Shotton, Ralph Small, Ian Smith, Carolyn Thomas, Martin White, Andy Williams, David Williams, David Wisinger and Arnold Woolley

### **APOLOGIES:**

Councillors: Mike Allport, Bernie Attridge, Sian Braun, Helen Brown, Clive Carver, Adele Davies-Cooke, Carol Ellis, David Evans, Cindy Hinds, and Ted Palmer

### **IN ATTENDANCE:**

Chief Executive; Chief Officer (Governance); Chief Officer (Planning, Environment and Economy); Chief Officer (Streetscene & Transportation); Chief Officer (Housing & Assets); Chief Officer (Social Services); Corporate Finance Manager, Revenues Manager, Strategic Finance Manager; Strategic Finance Manager – Technical Accountancy, Democratic Services Manager; and Democratic Services Officer

## **103. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **104. CHAIR'S COMMUNICATIONS**

In presenting her Communications, which had been circulated prior to the meeting, the Chair highlighted an additional event which had held on 6 February, which was the raising of the Rainbow Flag and said that Councillors Billy Mullin, Haydn Bateman, and Paul Shotton had attended. The Chair also drew attention to the Flintshire Foodbank which provided a valuable and needed service in the community and recommended Members to visit the facility based on the Council campus.

## **105. PETITIONS**

None were received.

## **106. TRIBUTES TO THE LATE CONCILLOR KEN IBALL**

Prior to the start of the tributes to the late Councillor Ken Iball, the Chair also referred to the sad news of the recent death of Terry Hands and Councillor Huw Llewellyn-Jones. The Chair asked Members to stand for one minutes silence in tribute to them.

Councillor Neville Phillips led the tributes to Councillor Ken Iball from Members. He spoke of Councillor Iball's strong family connections in Buckley, and his sporting interests and achievements in football and cricket. Councillor Phillips referred to Councillor Iball's former employment as a local steel worker and publican, and said he had been a Justice of the Peace and Chairman of the Mold Youth Bench. He spoke of Councillor Iball's long career in community service and said that prior to being a Member of Flintshire County Council, he had served on a number of Councils, citing Sealand Community Council, Hawarden Rural Council, Clwyd County Council, and Alyn & Deeside District Council, as examples. He said that Councillor Iball had been appointed Mayor of Buckley; and in his role as Chair of the Board of Governors of Theatr Clwyd, had welcomed Her Majesty the Queen when she attended the opening ceremony for Theatr Clwyd.

Councillor Phillips said Councillor Iball was an active member of the Church of Wales and had attended St. Matthews Church, Buckley. He spoke of Councillor Iball's family and the support his late wife had given him in his career. He expressed his heartfelt condolences to the family for their sad loss.

Councillor Christine Jones said she had known Councillor Iball since childhood and spoke of his good character, humour, kindness and consideration for others. She said Councillor Iball was a true gentleman and a man of integrity, and she was indebted to him for his support to her when appointed as a new Councillor. She expressed deep condolences to his family and said he would be sadly missed.

Councillor Dennis Hutchinson spoke of his long-time association with Councillor Iball both as a work colleague and personal friend. He reiterated the comments made by Councillor Neville Phillips concerning Councillor Iball's interest and achievements in football and referred to his membership of the Sports Council for Wales and Theatr Clwyd. He emphasised that Councillor Iball had been appointed as Mayor of Buckley twice and was regarded as a stalwart of the local community and the County and was highly regarded by all. Councillor Hutchinson expressed his regret that he had passed and said his sincere condolences were with his family.

Councillor Tony Sharps also paid tribute to Councillor Iball whom he had known for many years and spoke of his strength of character, experience, kindness and support.

The Chair read out a tribute from Councillor Carol Ellis who was unable to attend the meeting. Councillor Ellis said that Councillor Iball had welcomed and supported her when appointed as a new Councillor to Buckley Town Council. He was a gentleman who cared about his local community and had been a school governor on the Governing Body of Elfed High School. Councillor Ellis said that his work in the local community, contribution to Elfed High School, and active participation with St

Matthew's Church, Buckley, had been greatly appreciated. She expressed sympathy to his family.

Councillor Ian Roberts said he had served with Councillor Iball for many years as a Member of Flintshire County Council since 1996. He reiterated the sentiments expressed by previous Members that he was a kind and generous man, and added that he was also a 'fair' man who had served as a Committee Chair when Overview & Scrutiny Committees were being established. He expressed his condolences and said he held fond memories of working alongside him.

#### **107. TRIBUTES TO THE LATE TERRY HANDS CBE**

Councillor Ron Davies led the tributes to Terry Hands from Members. He spoke of his good working relationship with Terry whilst he was Chairman of Theatr Clwyd and said Terry had been respected in the Arts industry and became joint Artistic Director of the Royal Shakespeare Company, Stratford on Avon, in 1978. He continued that Terry had raised the profile of Theatr Clwyd to a level which was to become recognised, in all but name, as the national theatre of Wales. His death was reported throughout the world's media, and The New York Times had paid tribute to him. Councillor Davies said that the Board of Theatr Clwyd had agreed that a plaque would be placed at the Theatr to record his achievements. Councillor Davies expressed his condolences to Terry's family for their sad loss.

Councillor Derek Butler also paid tribute to Terry Hands and spoke of his achievements at Theatr Clwyd. He said he had worked with Terry for a number of years whilst he was Chairman of the Board of Governors of Theatr Clwyd and that he would be sadly missed.

The Chief Executive also paid tribute to Terry Hands and reflected that he was revered in the theatre industry. He spoke of his personal qualities and the lasting legacy of his work and achievements in Theatr Clwyd.

#### **108. TRIBUTES TO THE LATE COUNCILLOR HUW LLEWELLYN-JONES**

Councillor Haydn Bateman, Acting Chair, Clwyd Pension Fund, said it was with sadness that Members had learnt of the death of Councillor Huw Llewelyn Jones who had been the Denbighshire County Council representative on the Clwyd Pension Fund Committee for 20 years. Councillor Bateman said that in his political life Huw had been the Plaid Member for the Corwen ward from 2008 and had served both as Cabinet Member and Scrutiny Chair.

Councillor Bateman continued that Huw was remembered by colleagues as a great personality. The Leader of Denbighshire County Council had commented that "Denbighshire had lost a true gentleman and said Huw would always be remembered with warmth and affection". Councillor Bateman said that the members of the Clwyd Pension Fund Committee reiterated those sentiments.

## **109. COUNCIL FUND REVENUE BUDGET 2020/21 STAGE THREE – SETTING A LEGAL AND BALANCED BUDGET**

The Chief Executive introduced a report to receive the recommendations from Cabinet to Council to set a legal and balanced Council Fund Revenue Budget for 2020/21. He referred to the Budget Statement provided to Members which had been approved at the meeting of Cabinet held immediately prior to the meeting of the Council and set out the recommendations of Cabinet for balancing the budget for 2020/21.

The Chief Executive, Corporate Finance Manager, and Revenues Manager, delivered a presentation which covered the following key areas:

- setting a legal and balanced budget
- update on the financial forecast for 2020/21
- Budget solutions 2020/21
- reserves (unearmarked/earmarked)
- schools and social care budgets
- open risks
- Council Tax
- professional opinions and concluding remarks
- looking ahead and the Medium Term Financial Strategy (MTFS)

Councillor Ian Roberts thanked the Chief Executive and Officers for their presentation and work to set a balanced budget. He also thanked Members for their engagement and collaboration to request, as a united Council through the Welsh Local Government Association (WLGA), that the Welsh Government (WG) sought solutions to the uncertainty of funding for local government and emphasised the need for stability.

Councillor Roberts referred to the recent severe weather and took the opportunity to express thanks to the Chief Officer (Streetscene & Transportation) and the Streetscene services team for their preparatory work and commitment to deal with any matters of urgency arising. Referring to the setting of Council Tax he commented on the 0.25% increase in the levy of the North Wales Fire and Rescue Authority and, commenting on the range of services provided, said the Council had a duty to ensure resilience.

Councillor Roberts referred to the savings achieved in the Clwyd Pension Fund through the reduction in employer contributions (Triennial Review) for Flintshire and the re-calculation of the in-year position on employer annual pension contributions, and thanked all those involved.

In moving the Cabinet recommendations 1 to 8 to Council, as detailed in the Cabinet report which was appended to the report, Councillor Ian Roberts drew attention to recommendation 8: "That Cabinet calls on both Governments to commit to a three-year medium-term budget planning with local government settlements in Wales to be at a minimum level of 4% in each of those years, and for national pay awards and

reforms and pension reforms and revaluations to be funding in full at a national level at source”.

Councillor Roberts commented that the Council was mindful of the direct impact that Council Tax had on people and was pleased that the Council Tax as recommended by Cabinet was 4.5%. He said that whilst this would rise to 4.75% when the increase in the levy for the North Wales Fire and Rescue Authority was added it was still below the Council’s commitment to cap an annual rise in Council Tax to 5.0%. Councillor Roberts stated that the average increase in Council Tax for a Band D household - once the Police precept and the precept for Town and Community Councils had been included - would be 4.68%.

Councillor Roberts said that Council Tax was becoming unsustainable both in the medium and long term and should not be relied on by Governments to compensate for inadequate national funding settlements. He referred to a Notice of Motion put forward by Councillor David Healey at a previous meeting of the Council which called for reform of the Council Tax system. In conclusion Councillor Roberts reiterated his thanks to Officers and Members for their collaborative work to bring the Settlement forward.

Councillor Mike Peers seconded the proposal to accept recommendations 1 to 8 in the Cabinet report. He spoke in support of the hard work undertaken to set a balanced budget for 2020/21 and said there was a need to continue to review expenditure in the current financial year whilst considering the risks and quality of services provided by the Council. Councillor Peers continued that there was a need to ensure that the WG provided adequate funding to the Council and also fully funded public sector pay awards. He commented on the time and effort taken year on year to look for efficiencies to close a budget ‘gap’ due to inadequate funding from Governments.

Speaking in support of recommendations 1 to 8, Councillor Tony Sharps also said that Flintshire and all other councils in Wales needed certainty on future budgets from National and Welsh Governments. He expressed the view that there was a need to review the purpose of the WG and the way in which local governments were funded.

Councillor Richard Jones commented on the unacceptable burden that rises in Council Tax placed on local residents. He said the WG was shifting the responsibility of funding local government onto local Council Tax and referred to data and figures to explain the shift from WG funding through taxation onto local council taxation.

Councillor Billy Mullin paid tribute to Officers and Investment Managers of the Clwyd Pension Fund Committee for the overall improved position following the triennial review, and said the reduction of 4% in employer contributions was equal to a reduction of £2.646M of contributions to the Council which had been used towards closing the budget gap. Councillor Mullin said this also secured the membership of Clwyd Pension Funds under the Local Government Pension Scheme.

Councillor Kevin Hughes spoke in support of the budget and urged the Leader of the Council, Chief Executive, and Group Leaders to continue to lobby the WG to ensure an improved settlement for Wales.

Councillor Heesom supported the recommendations. He expressed concerns around the level of deficit in secondary schools budgets and suggested that this be debated in a workshop. The Chief Executive explained that a rolling programme of meetings was being undertaken with secondary schools in a licensed deficit position and there would be a clearer understanding in the coming months of the action to be taken for next year. Councillor Ian Roberts acknowledged the concerns raised by Councillor Heesom regarding school funding and gave an assurance the issue would be addressed as policies were further developed for schools.

Councillor Derek Butler reiterated the views expressed by Members regarding the burden of increases in Council Tax on local residents, the inequality of the current local tax system, the need for pay awards to be fully funded by national government, and the need for a three-year forecast for public expenditure plans.

Councillor Paul Shotton drew attention to the ongoing achievements gained by the Council and referred to improvements in care home provision, social services, new council housing, the 21<sup>st</sup> Century Schools programme, and the homeless facility at Glan yr Afon in Queensferry. He said there was a need for a fundamental review of the local government funding formula to be undertaken by WG and local government jointly.

Councillor David Healey supported the proposal and congratulated Officers on their achievement in setting a balanced budget against the most severe financial challenges in a decade. He drew attention to the opinion of the Wales Audit Office which was that 'The Council takes a high-risk approach to its financial strategy and is not prepared to compromise the range, quality, or safety of services'. Councillor Healey praised the work of the cross-party working group for their work in lobbying for an improved settlement. On the issue of Council Tax, Councillor Healey said there was a universal feeling amongst local residents that the current system was not fair as it did not relate to the amount of income received in a household. He suggested that the WG should consider a radical alternative to the current council tax system so that a different process could be implemented in Wales.

Councillor Ian Dunbar referred to the 0.25% charge on Council Tax in Flintshire for the North Wales Fire and Rescue Authority, and asked if the same levy was applied across other local authorities in Wales. The Chief Executive explained that the annual levy was set by the North Wales Fire and Rescue Authority and was proportionate to the population across the region. He confirmed that other authorities would also be applying their respective increase.

Councillor Glyn Banks spoke of the importance in protecting front-line services and the achievement in setting a balanced budget. He commented on the need for a funding 'floor' to be continued on principle and precedent and funded directly by the WG over and above the Settlement quantum. It was proposed that the funding floor be set at 4%.



Councillor Ian Roberts proposed that the following further recommendation be added to the recommendations that had been put forward by Cabinet to Council: 'That Council formally requests the Welsh Government to set a funding 'floor' at 4.0% as part of the Final Local Government Settlement 2020/21. A 'floor' is justified by precedent and need. A variation in the annual increases within the Settlement of 3.0% - 5.4% across Wales was unjustifiable with Flintshire again being penalised by the funding formula'. Councillor Roberts said this would provide the Council with additional resources which could be put into balances.

The following recommendations were proposed by Councillor Ian Roberts and seconded by Councillor Mike Peers.

- (1) That Council notes and accepts the revised budget forecast for 2020/21 (The forecast sets out the budget requirement for the financial year and the remaining budget gap to be closed at stage three);
- (2) That Council notes (1) that the revised forecast was based on a risk management strategy and (2) the 'open risks' which remain to be managed in the course of 2020/21;
- (3) That Council notes the analysis of the Provisional Local Government Budget Settlement, and the contribution the additional national funding will make to closing the remaining budget gap;
- (4) That Council approves the proposals from the completed work on corporate financing options to contribute to closing the remaining budget gap.
- (5) That Council approves a legal and balanced budget based on the calculations within the report and taking into full account (1) the contribution the additional national funding could make and (2) the proposals from the completed work on corporate financing options
- (6) That Council recommends the level of Council Tax for 2020/21 at 5% or below.
- (7) That Council notes the medium-term forecast as a basis for the next revision of the Medium Term Financial Strategy (MTFS).
- (8) That the Council calls upon both Governments to commit to three-year medium-term budget planning with local government settlements in Wales to be at a minimum level of 4% in each of those years, and for national pay awards and reforms and pension reforms and revaluations to be funded in full at a national level at source.
- (9) That Council formally requests the Welsh Government to set a funding 'floor' at 4.0% as part of the Final Local Government Settlement 2020/21. A 'floor' is justified by precedent and need. A variation in the annual increases within the Settlement of 3.0% - 5.4% across Wales was unjustifiable with Flintshire again being penalised by the funding formula.

When put to the vote the recommendations were carried.

**RESOLVED:**

- (a) That the recommendations of Cabinet, as detailed above, for balancing the budget for 2020/21 be approved; and
- (b) That the level of Council Tax for 2020/21 as recommended by Cabinet be approved.

**110. COUNCIL TAX SETTING 2020/21**

The Chief Executive advised that Council was asked to consider the formal resolutions to set Council Tax for 2020/21 following approval of the budget and the recommended Council Tax level.

The Revenue Support Manager drew attention to the data provided in Table 4 of the information tabled at the meeting which detailed the amounts of Council Tax for 2020/21 for each of the categories of dwellings shown. He provided background information and advised that should Council approve setting Council Tax at 4.75% the total Council Tax yield collected from April 2020 would be £108.4M. He explained that this consisted of the County Council's total precept of £86.6M; the North Wales Police & Crime Commissioner's total precept of £18.76M; and a collective precept of just over £3M across Town and Community Councils.

In accordance with other procedural matters, Members were asked to endorse the continuation of the practice for designated officers to lead on legal proceedings on behalf of the Council in the Magistrates Court for unpaid taxes; to Authorise the Corporate Finance Manager to advertise in the local press the list of approved Council Tax charges for 2020/21; and endorse the continuation of the Council Tax Premium scheme.

The Revenues Manager reported that Flintshire had a total of 69,503 residents which paid council tax. He explained that a leaflet would be distributed with each Council Tax statement to raise awareness that residents had an option to pay the Council Tax charge in 12 monthly instalments instead of the statutory 10 month scheme.

The Chair and Chief Executive thanked the Revenues Manager and his team for their work. The Chief Executive drew attention to the achievement that the Council had the highest performing Council Tax collection rate across Wales, as recognised by the Welsh Audit Office.

In response to a query from Councillor Mike Peers, the Revenues Manager agreed to distribute further details to Members on the increase in Council Tax charges for each Town and Community Council in Flintshire.

Councillor Ian Roberts moved the following recommendations which were seconded by Councillor Carolyn Thomas.

- (1) That Council Tax for 2020/21 be set based on the list of charges as set out in the List of Council Tax Statutory Resolutions and Charges (as circulated at full Council);
- (2) That Council notes and endorses the continuation of the policy of not providing a discount in the level of Council Tax charges for second homes and long term empty homes, and where exceptions do not apply, to charge the Council Tax Premium rate of 50% above the standard rate of Council Tax for second homes and long term empty dwellings;
- (3) That approval be given for designated officers to issue legal proceedings and appear on behalf of the Council in the Magistrates Court for unpaid taxes; and
- (4) That the Corporate Finance Manager be authorised to advertise in the local press the list of approved Council Tax charges for 2020/21

On being put to the vote the recommendations were carried.

**RESOLVED:**

That the above recommendations be approved.

**111. TREASURY MANAGEMENT STRATEGY 2020/21**

The Corporate Finance Manager introduced the report to approve the Treasury Management Strategy 2020/21 which was appended to the report. He advised that the Audit Committee had reviewed the Strategy at a meeting held on 29 January 2020 and feedback was reported to Cabinet at a meeting held immediately prior to County Council. The queries raised by the Audit Committee and the Officers' responses were as detailed in paragraph 1.15 of the Cabinet report dated 18 February 2020. Following consideration Cabinet had recommended the Strategy to Council for approval.

The Corporate Finance Manager reported that in the main the Strategy had not changed from the previous year. He explained that the WG had updated its guidance on Local Authority investments in November 2019 which would come into force from 1 April 2020. The majority of changes had been incorporated into the Strategy and work would be completed during the year.

Councillor Chris Dolphin thanked the Chief Executive, and Corporate Finance Manager and his team for their work. He referred to the queries raised by the Audit Committee on the draft Strategy at the meeting held on 29 January, and said Officers had responded to the positive satisfaction of the Committee. Councillor Dolphin moved the recommendation in the report and this was seconded by Councillor Glyn Banks.

**RESOLVED:**

That the Treasury Management Strategy 2020/21 be approved.

## **112. MINIMUM REVENUE PROVISION POLICY 2020/21**

The Corporate Finance Manager introduced the report to seek approval for setting the Council's annual policy for the Minimum Revenue Provision for the prudent repayment of debt for the financial year 2020/21. He provided background information and advised that the Council, as part of the budget strategy, conducted a detailed review of its MRP policy in 2016/17 and 2017/18 and had amended the policy as a result. The Corporate Finance Manager advised that local authorities were legally required to set a policy for each financial year and it was recommended that the 2020/21 MRP policy remained the same as that of 2019/20

Councillor Glyn Banks moved the recommendations in the report and this was seconded by Councillor Billy Mullin.

Councillor Richard Jones referred to the concerns he had raised at a previous meeting around the MRP and said he felt it was unfair to pass the burden of higher repayments onto future generations. He suggested that the Council revert back to the 'straight-line' graph to alleviate pressure in the future and asked Officers if he could be told the cost to do that. The Chief Executive agreed that this could be taken into account during consideration of the Medium Term Financial Strategy.

### **RESOLVED:**

- (a) That the following be approved for Council Fund (CF)
- Option 3 (Asset Life Method) be used for the calculation of the MRP in financial year 2020/21 for the balance of outstanding capital expenditure funded from supported borrowing fixed as at 31 March 2017. The calculation will be the 'annuity' method over 49 years.
  - Option 3 (Asset Life Method) be used for the calculation of the MRP in 2020/21 for all capital expenditure funded from supported borrowing from 1 April 2016 onwards. The calculation will be the 'annuity' method over an appropriate number of years, dependent on the period of time that the capital expenditure is likely to generate benefits.
  - Option 3 (Asset Life Method) be used for the calculation of the MRP in 2020/21 for all capital expenditure funded from unsupported (prudential) borrowing or credit arrangements.
- (b) That the following be approved for Housing Revenue Account (HRA)
- Option 2 (Capital Financing Requirement Method) be used for the calculation of the HRA's MRP in 2020/21 for all capital expenditure funded by debt.
- (c) That MRP on loans from the Council to NEW Homes to build affordable homes through the Strategic Housing and Regeneration Programme (SHARP) (which qualify as capital expenditure in accounting terms) be approved as follows:

- no MRP is made during the construction period (of short duration) as the asset has not been brought into use and no benefit is being derived from its use.
- once the assets are brought into use, capital repayments will be made by NEW Homes. The Council's MRP will be equal to the repayments made by NEW Homes. The repayments made by NEW Homes will be classed, in accounting terms, as capital receipts, which can only be used to fund capital expenditure or repay debt. The capital repayment/capital receipt will be set aside to repay debt, and is the Council's MRP policy for repaying the loan.

**113. PUBLIC QUESTION TIME**

None were received.

**114. QUESTIONS**

None were received.

**115. NOTICE OF MOTION**

None was received.

**116. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There was one member of the press and no members of the public in attendance.

(The meeting started at 2.00 pm and ended at 4.13 pm)

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**Chair**

Mae'r dudalen hon yn wag yn bwrpasol

**FLINTSHIRE COUNTY COUNCIL**  
**27 FEBRUARY 2020**

Minutes of the meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Thursday, 27 February 2020

**PRESENT: Councillor Marion Bateman (Chair)**

Councillors: Bernie Attridge, Mike Allport, Glyn Banks, Haydn Bateman, Sean Bibby, Chris Bithell, Sian Braun, Helen Brown, Derek Butler, Clive Carver, Geoff Collett, Bob Connah, David Cox, Jean Davies, Rob Davies, Ron Davies, Adele Davies-Cooke, Chris Dolphin, Rosetta Dolphin, Andy Dunbobbin, Mared Eastwood, Carol Ellis, Veronica Gay, David Healey, Gladys Healey, Patrick Heesom, Cindy Hinds, Dave Hughes, Kevin Hughes, Ray Hughes, Dennis Hutchinson, Rita Johnson, Christine Jones, Richard Jones, Tudor Jones, Brian Lloyd, Richard Lloyd, Dave Mackie, Hilary McGuill, Ted Palmer, Michelle Perfect, Vicky Perfect, Neville Phillips, Ian Roberts, Kevin Rush, Paul Shotton, Ralph Small, Ian Smith, Carolyn Thomas, Andy Williams, David Williams, David Wisinger and Arnold Woolley

**APOLOGIES:**

Councillors: Janet Axworthy, Paul Cunningham, Ian Dunbar, David Evans, George Hardcastle, Joe Johnson, Paul Johnson, Colin Legg, Mike Lowe, Billy Mullin, Mike Peers, Tim Roberts, Tony Sharps, Owen Thomas and Martin White

**IN ATTENDANCE:**

Chief Executive, Chief Officer (Governance), Democratic Services Manager and Democratic Services Officers

For minute number 123

Homeless and Advice Team Manager, Team Leader (Housing Solutions) and Supporting People Contracts and Reviewing Officer

**117. MINUTES**

The minutes of the meeting held on 28 January 2020 were submitted and approved as a correct record, as moved and seconded by Councillors Bithell and Thomas.

On minute number 93, responses to Councillor Richard Jones' question about the removal of mobile classrooms and Councillor Carver's query on former landfill sites in Buckley would be circulated to all Members.

**RESOLVED:**

That the minutes be approved and signed by the Chair as a correct record.

**118. DECLARATIONS OF INTEREST**

None.

## **119. PETITIONS**

None were received.

## **120. COMMITTEE REVIEW**

The Chief Officer (Governance) presented a report on the review of the committee structure which covered a reduction in the number of Overview & Scrutiny committees and their memberships, the number of Members on the Planning Committee and a new political balance solution. He thanked the Democratic Services Manager for his work on this and detailed the consultation process resulting in changes recommended by the Constitution & Democratic Services Committee to take effect from the Annual Meeting.

In thanking officers and the Leader, Councillor Heesom asked for clarification on whether non-committee Members would be afforded the right to speak (but not vote) when attending as observers. The Chief Executive said that whilst Chairs had always been encouraged to permit non-committee Members to speak, Chairs would now be formally invited to honour this practice. The Democratic Services Manager and his team would assist in ensuring this practice was followed where possible.

As Chairman of the Constitution & Democratic Services Committee, Councillor Palmer moved the recommendations and thanked officers for their work.

In seconding the proposal, Councillor Roberts responded to a question from Councillor Heesom and reaffirmed the commitment given to Group Leaders to reduce the number of Cabinet Members serving on the Planning Committee to three with effect from the Annual Meeting. He went on to thank Group Leaders for their contributions to the consultation process.

In response to a questions on smaller political groups, the Chief Officer provided explanation on the proposed political balance arrangements which aimed to achieve a fairer allocation of committee seats across parties. Following comments by Councillor Mackie, the Chief Officer said that any preferences on the seat allocation of minority groups would be given consideration and accommodated where possible. The Chief Executive said that discussion on this matter would be scheduled with Group Leaders when they met in late March.

Having been moved and seconded, the recommendations were put to the vote and carried.

### **RESOLVED:**

- (a) That the following be approved to take effect from the 2020 Annual Meeting:
- the number of Overview & Scrutiny committees be reduced from six to five and,
  - the new Overview & Scrutiny committee structure, as detailed in the report, be implemented.



- (b) That the reduction in Members take effect from the Annual Meeting on the following committees:
  - the five Overview & Scrutiny committees from 15 to 12
  - the Planning Committee from 21 to 17
  - the Constitution & Democratic Services Committee from 21 to 16
- (c) That the revised political balance calculation at Appendix B be noted;
- (d) That all of those Members and officers who have been involved in the successful completion of the work of the Organisational Change Overview & Scrutiny Committee be formally thanked.

## **121. REVIEW OF POLLING DISTRICTS AND POLLING PLACES**

The Chief Executive introduced a report on the outcome of the review of polling districts and polling places which was a statutory requirement every five years.

The Democratic Services Manager provided an overview of the final proposals, as detailed in the report, which took account of issues raised during the consultation process.

The recommendations in the report were moved and seconded by Councillors Thomas and Bithell. On being put the vote, these were carried.

### **RESOLVED:**

- (a) That the outcome of the review and the consultation undertaken be noted; and
- (b) That the final proposals detailed in Appendix 2 with regard to polling districts and polling places be approved.

## **122. PETITIONS RECEIVED AT COUNCIL**

The Democratic Services Manager presented the annual report on outcomes and actions arising from petitions submitted to Council during the year. The report included the portfolio response to the only petition received during 2019/20 - one which challenged speed limits along Abbey Drive in Gronant.

Members were advised that the organiser of the petition had been satisfied with the Council's response and had also welcomed future plans by Welsh Government (WG) to introduce default 20mph speed limits for residential areas across Wales.

In response to Members' questions on enforcement of the 20mph speed limit, the Chief Executive said that more clarity was awaited from WG once the legislation had been passed.

As Cabinet Member for Streetscene and Countryside, Councillor Thomas said that some 20mph speed restrictions were advisory only and that more information on

statutory speed limits would accompany the legislation. She said that the Council officer who was appointed to the WG working party had produced a committee report.

On being put the vote, the recommendation in the report was carried.

**RESOLVED:**

That the report be noted.

**123. NOTICE OF MOTION**

Members considered a Notice of Motion in the following terms proposed by Councillor Attridge and seconded by Councillor Brown.

Severe Weather Emergency Protocol (SWEP) - Councillors Bernie Attridge, Helen Brown, Carol Ellis and George Hardcastle

*“We call upon Flintshire to urgently review the SWEP PROTOCOL.*

*Following on from severe weather conditions including a storm that placed us in high alert, Flintshire did not activate SWEP unlike all the neighbouring authorities as it was not deemed cold enough according to the protocol.*

*We ask that Flintshire uses its discretion in bad weather and not only when temperatures drop below zero. We must ensure that all avenues of communication are open and ensure that we reach out as much as possible.*

*We need to be caring and compassionate with those who are much less fortunate in our county.”*

Speaking in support of the Motion, Councillor Attridge highlighted the importance of tackling homelessness through a multi-agency approach. Whilst he was aware that SWEP had been activated a number of times, he was concerned that the criteria did not take account of the wind chill factor during recent bad weather. He recognised the challenges arising from the service provider withdrawing the night shelter provision in Holywell and welcomed the Council’s response to secure the new facility in Deeside. He called for an urgent review of SWEP to safeguard against a repeat of this situation and for discretion to activate the protocol not just when temperatures fell below the stipulated level. He went on to thank the Cabinet Member for Housing, Chief Officer (Housing and Assets), Chief Officer (Planning, Environment and Economy), the Homeless and Advice Team Manager and her team.

As Cabinet Member for Housing, Councillor Dave Hughes highlighted the Council’s priority to tackle homelessness and invited the team of officers to share an overview of their work supporting homeless people and establishing the new night shelter.

The Chief Executive said that the Notice of Motion provided an opportunity to share actions being taken to implement the new service in Deeside, as set out in the

briefing note which was circulated. Whilst the withdrawal of services by any partner organisation was a potential risk, this new service based at a Council-owned building would offer greater resilience. In response to the concerns raised, the Chief Executive spoke about the difficult circumstances in making the new premises operational and putting in place the necessary safeguards to use the facility as an emergency centre once SWEPP was activated.

Members were introduced to the Homeless and Advice Team Manager (Jenni Griffiths), Team Leader, Housing Solutions (Deborah Kenyon) and Supporting People Contracts and Reviewing Officer (Lisa Pearson) who gave a detailed presentation on their work and the impact of losing the former night shelter. Due to the work required to prepare the new facility and procure a new service provider - and with weather conditions worsening - the Chief Officer (Housing and Assets) and the team had shared a commitment to bring the facility into use as quickly as possible in the most appropriate way. There were many activities involved in implementing the SWEPP which was intended to be an interim measure during the period, using discretion on its use in the absence of a statutory definition of cold weather. During the two consecutive weekends of bad weather, the team proactively identified those in need of support to provide them with alternative accommodation until the facility was ready to be used as an emergency centre.

Since the opening of the facility, many officers had spent hours working at the night shelter carrying out duties, engaging with the client group and working closely with the new service provider (Wallich) through transitional arrangements to ensure a smooth formal handover on 2 March. Funding of the facility was through the Housing Support Grant, with a contribution from the Health Board towards the refurbishment of the building.

The Team Manager took the opportunity to thank all those involved in the project during this challenging period, including colleagues in Capital Works, contractors and North Wales Police. Service users were also praised for their patience whilst building work was taking place.

The Chief Executive said that the opening of the new night shelter should mean that the SWEPP was no longer required as a safeguard. If this was not the case, the level of discretion on its implementation would be a key consideration whilst maintaining the existing facility. As explained in the briefing note, a period of time was required after formal handover to allow the centre to settle before arrangements for volunteering and donations could be formalised. A future site visit for elected Members would be organised at an appropriate stage and consideration would also be given to exploring “wraparound” services which could be accommodated at the new centre.

Councillor Brown paid tribute to the teams of volunteers who had helped to provide support to homeless people over recent years and suggested that they be invited to visit the new centre. She also thanked members of the public who had helped during the recent bad weather. She said that homelessness was not just a Housing issue and welcomed the option for extended services at the new centre.

In describing homelessness as a nationwide issue, Councillor Roberts said that the circumstances in this case were particularly challenging. In welcoming the opening of the new centre, he paid tribute to the Manager and her team and in particular the Chief Officer (Housing and Assets) for his dedication in spending substantial time at the shelter engaging with service users. He asked that a vote of thanks be recorded for officers in the Housing department for all their efforts.

Councillor Thomas welcomed the transitional handover and gave assurance of joint working between Housing and Social Services on homelessness. In response to comments, the Team Manager provided details of the Council's involvement in a new collaborative service to co-ordinate specialist outreach workers on areas such as mental health and substance misuse.

During the debate, a number of Members commended the Chief Officer and team for their commitment to tackling homelessness in Flintshire and their work on the new centre. In response to questions, officers provided clarification on the approach for assessment individuals accessing the night shelter.

In support of joint working between Housing and Social Services, Councillor Rosetta Dolphin said that the topic could be explored further at the joint Overview & Scrutiny meeting in June.

Councillor Bibby expressed his sadness at the rise in homelessness of which there were many contributing factors. In addition to officers in Housing, he thanked those in Streetscene as well as North Wales Police, Police Community Support Officers and volunteers.

At the end of the discussion, Councillor Attridge thanked Members for their comments and officers for their assurances that SWEP would not need to be activated following the opening of the new facility. On that basis, he withdrew his Notice of Motion. He took the opportunity to acknowledge the efforts of everyone involved including the Chief Officer and teams across the Council and he commended the work of charities such as Community Hands and Help the Homeless.

The Chair thanked Members for submitting the Notice of Motion and also thanked the team for their presentation.

The Chief Executive sought the support of Members in allowing time for the new service to settle. Information on volunteering and donations would be shared with Members in around two weeks' time and the joint committee meeting in June would include discussion on longer term wraparound services.

**RESOLVED:**

That the Notice of Motion on the Severe Weather Emergency Protocol be withdrawn and the actions noted.

**124. PUBLIC QUESTION TIME**

None were received.

**125. QUESTIONS**

None were received.

**126. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were no members of the press or public in attendance.

(The meeting started at 2pm and ended at 3.30pm)

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**Chair**

Mae'r dudalen hon yn wag yn bwrpasol

# Eitem ar gyfer y Rhaglen 4



## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Tuesday, 29 <sup>th</sup> September 2020
<b>Report Subject</b>	Flintshire Local Development Plan – Consideration of Deposit Consultation Representations and Responses and Submission for Public Examination
<b>Cabinet Member</b>	Cabinet Member for Planning and Public Protection
<b>Report Author</b>	Chief Officer (Planning, Environment and Economy)
<b>Type of Report</b>	Strategic

### **EXECUTIVE SUMMARY**

The Deposit Local Development Plan (LDP) was approved for public consultation by the Council on the 23 July 2019. Consultation took place between 30 September and 11 November 2019 and attracted 1281 representations from 657 separate respondents. Details of these representations and a summary of the proposed Council's response to them can be found in [Appendix 1](#).

Following consultation, the Council, as Local Planning Authority (LPA), had a statutory duty under the LDP regulations (Regulation 19) to make available all the representations received. This has been done by placing them on the LDP consultation portal and in a summary table on the Council's website.

Table 2 (after paragraph 1.07 below) shows the number of representations made against each of the policies in the LDP and other sections of the Plan. The largest numbers of representations to one site or policy (129 and 198 respectively) are objections to two housing allocations in Ewloe and Hawarden/Mancott (Policy HN1) although clearly it is the materiality of the points raised that is of most direct relevance.

The representations received, along with a number of other documents, as prescribed in the Welsh Government (WG) LDP regulations (Regulation 22) (including the Sustainability Appraisal (SA) Report, Community Involvement Scheme (CIS), Consultation Report, Site Register and other supporting documents that the Council, as Local Planning Authority, considers relevant to the preparation of the Plan (e.g. the evidence-base and technical background papers), must be submitted to WG and Planning Inspectorate Wales (PINS) for independent Examination in Public (EiP) once the Council has considered any representations

received in line with the regulations (see Section D below for the consideration of objections and Section F below for the documents required to be submitted). The Representations received to the Deposit LDP consultation and proposed responses have been reported to the Planning Strategy Group whose recommendations to the Cabinet are set out in Section D of the report, below.

No wholesale changes to the LDP, such as the deletion of sites and/or the inclusion of new sites ('Focussed Changes'), are proposed as no substantive evidence has been submitted during the deposit consultation that would warrant the need for such changes, and because this could constitute a fundamental change to the LDP and threaten its 'soundness' (see Section G below for an explanation of soundness). This report does not recommend significant or fundamental changes to the Plan ('Focussed Changes') as none have arisen from the consideration of representations that would warrant the need for such changes, following the guidance in the Development Plans Manual 3 (DPM3) (see Section E, below). However, there are minor changes to policies and proposals (additional or amended wording for clarity) and typographical corrections (Minor Editing Changes) arising from the representations made and/or changes in evidence since the Plan was placed on Deposit. These will be dealt with during the Examination where following the Inspector's consideration, can be dealt with as 'Matters Arising Changes'.

Having considered the objections received to the Plan overall, it is considered that the LDP remains sound and provides a robust basis for Submission to the WG and PINS for independent Examination in Public. Whilst objections have been made in particular to housing allocations, the Council has a responsibility to provide such sites where a need has been identified and the objections made are not considered to override that responsibility or question the soundness of the sites allocated. The purpose of the LDP is to seek to meet the needs of Flintshire in the most sustainable way possible, to the extent that this can be done through the land use Planning system.

An independent Inspector will consider the soundness of the LDP alongside all of the representations made by the public and other parties, during the Examination in Public hearings, which will take place over a number of weeks in early 2021. Members of the public and other interested parties, including elected Members, will be able to appear at the hearings if they have made duly made representations, and at the Inspector's discretion. The LDP, once 'Adopted' (this may take 12 months from the date of Submission), will provide economic, social, cultural and environmental benefits for the County as a whole, including new jobs, new homes, and affordable housing. Its adoption will also help the Council resist speculative development, or 'Planning by Appeal', which Flintshire has suffered from since the Adopted Flintshire Unitary Development Plan expired.

The Delivery Agreement (DA) formally sets out the timescales for the preparation of the LDP and states that it should be Submitted in October 2020. The most recent version of the DA was approved by the First Minister in July 2020. Given the overriding need to have an up to date adopted development plan in place, it is therefore considered imperative that the LDP be Submitted in accordance with the DA or the Council risks having WG direct that it is Submitted.

Prior to this meeting and at the request of Group Leaders, a series of Member briefing meetings were arranged via Webex and held on the 15<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup> September respectively, where collectively all Members were invited to join a



briefing on the position reached with the LDP and the requirement to submit the plan for Examination as set out in this report. This was also prior to the Cabinet considering a version of this report. In relation to the invitations to attend the LDP briefings, there were 48 responses from Members where 41 attended one or other of the meetings above, and 7 Members gave their apologies as they were unable to attend.

Also following a request by Group Leaders and discussed in the third LDP Members Briefing, a set of comparative maps have been produced to assist Members understand how green barriers compare between those in the UDP and the ones that are in the LDP, following a comprehensive review of green barriers by officers and Members of the PSG, as required by Welsh Government guidance in relation to production of the LDP. The maps can be accessed from the background documents section of this report.

The Council is asked to agree to submit the LDP to the Welsh Government and Planning Inspectorate Wales for Examination in Public.

## RECOMMENDATIONS

1	That the Council note the representations made during the Deposit Local Development Plan consultation (appendix 1) and endorse the recommended responses, and agree that they will be forwarded to the Welsh Government and the Planning Inspectorate for consideration as part of the examination in Public.
2	That the Council agree that the Flintshire Local Development Plan (2015-2030) be Submitted to the Welsh Government and the Planning Inspectorate for Examination in Public.

## REPORT DETAILS

1.00	<b>EXPLAINING THE FLINTSHIRE LOCAL DEVELOPMENT PLAN – CONSIDERATION OF DEPOSIT CONSULTATION REPRESENTATIONS AND RESPONSES AND SUBMISSION FOR PUBLIC EXAMINATION</b>
1.01	<p><b>A). The Deposit Flintshire Local Development Plan (2015 – 2030)</b></p> <p>The Deposit Local Development Plan (LDP) was approved for public consultation by the Council on 23 July 2019. The Deposit LDP contained the following:</p> <ul style="list-style-type: none"> <li>a) <b>Foreword</b> by the Lead Member for Planning and Public Protection,</li> <li>b) <b>How to comment</b> on the Deposit LDP;</li> <li>c) <b>Introduction</b> - how we have arrived at the Deposit Plan, an overview of the County and the key national, regional and local polices, plans and guidance that has shaped the Deposit LDP;</li> </ul>

	<p>d) <b>Key Issues, Vision and Objectives</b> - the key issues and opportunities facing the County and the LDP's vision, strategic objectives and a growth and spatial strategy which seeks to address the key issues and opportunities;</p> <p>e) <b>Plan Strategy and Strategic Policies</b> - the LDP's strategy, key diagram and strategic policies and proposals as well as polices on the location of development, the Strategic Sites, Green Barriers, Employment and Housing Growth, the Natural Environment, Built Heritage and Climate Change</p> <p>f) <b>Topic, Criteria and Area-Based Policies</b> - the topic, criteria and area-based policies that will most commonly be used to guide decisions on Planning Applications split into more detailed polices in relation to general development management considerations, housing (including general housing and provision for Gypsy and Travellers, economy, built and natural environment, retail, transport, community facilities, the Welsh language, minerals, waste and renewable energy;</p> <p>g) <b>Monitoring Framework</b> - the annual monitoring framework which contains a number of annual monitoring indicators. This will be used to produce the Annual Monitoring Report (AMR) once the plan is adopted.</p>
1.02	<p>There is no requirement for the Deposit LDP to repeat national planning policy, including national development management policy contained in Planning Policy Wales (edition 10, 2019). The Deposit LDP therefore makes cross references at the end of each strategic policy to the relevant national planning policy without being overly repetitive. There is also reference to the relevant plan objectives, evidence base any supporting supplementary planning guidance, relevant monitoring indicators and how the policy/proposal meets the wellbeing goals identified in the Wellbeing of Future Generations Act (WBFGA).</p>
1.03	<p>Where relevant, policies and proposals contained in the strategic policy section and the topic, criteria and area-based polices section, including allocations, are annotated on the Proposals Maps which were made available in paper, pdf and interactive formats, to be read alongside the policies during the consultation. The Proposals Maps identify the land use policies, proposals and allocations of the Plan (see bullet points e) and f) in para 1.01 above).</p>
1.04	<p>Once adopted, the LDP will become the statutory land use plan for the County and replace the current (expired) Unitary Development Plan (2000 - 2015) as a basis for making decisions on individual Planning Applications.</p>
1.05	<p><b>B). Deposit Plan Consultation and Representations</b></p> <p>The LDP and its accompanying documentation were formally placed on Deposit for public consultation from the 30 September 2019 to 11 November 2019. Appendix 2 details the documentation that formed part of the consultation. Copies of the Deposit plan were made available on the Council's website via its consultation portal as well as in hard copy at County Hall Mold, Ty Dewi Sant Ewloe, and all Flintshire Connects officers. Copies were also available at the following libraries/other venues to view: Broughton, Buckley, Deeside, Flint Jade Jones Pavillion, Holywell, Mancot, Mold. The consultation also involved permanent</p>

	exhibitions at the Council offices in Ewloe and Mold, and at seven libraries.																																							
1.06	<p>Over the course of the consultation, officers undertook a number of drop-in sessions throughout the County. Details of the sessions are provided in Table 1 below.</p> <table border="1"> <thead> <tr> <th colspan="3"><b>Table 1: Deposit Plan Consultation drop-in sessions</b></th> </tr> <tr> <th><b>Venue</b></th> <th><b>Date and time</b></th> <th><b>Number of attendees*</b></th> </tr> </thead> <tbody> <tr> <td>Broughton &amp; Bretton Community Centre, Brookes Ave, Broughton</td> <td>4-8pm Tuesday 1<sup>st</sup> October 2019</td> <td>50</td> </tr> <tr> <td>Buckley (Bistre) Youth &amp; Community Centre, Nant Mawr Rd</td> <td>4-8pm Wednesday 2<sup>nd</sup> October 2019</td> <td>25</td> </tr> <tr> <td>Mold Parkfields Community Centre, Ash Grove</td> <td>4-8pm Thursday 3<sup>rd</sup> October 2019</td> <td>30</td> </tr> <tr> <td>Mancot and Moor Village Hall, Mancot Lane</td> <td>4-8pm Friday 4<sup>th</sup> October 2019</td> <td>200</td> </tr> <tr> <td>Connah's Quay, The Quay Building, Fron Rd</td> <td>4-8pm Monday 7<sup>th</sup> October 2019</td> <td>1</td> </tr> <tr> <td>Hope, Caergwrle, Abermorddu, Cefn y Bedd – Heulwen Close Community Centre, Hope</td> <td>4-8pm Tuesday 8<sup>th</sup> October 2019</td> <td>65</td> </tr> <tr> <td>Ewloe Woodside Close Community Centre</td> <td>4-8pm Wednesday 9<sup>th</sup> October 2019</td> <td>200</td> </tr> <tr> <td>Flint Town Hall, Market Square</td> <td>4-8pm Thursday 10<sup>th</sup> October 2019</td> <td>35</td> </tr> <tr> <td>Caerwys Memorial Institute, South St</td> <td>4-8pm Tuesday 15<sup>th</sup> October 2019</td> <td>25</td> </tr> <tr> <td>New Brighton Community Centre, Moel Fammau Rd</td> <td>5-8pm Friday 18<sup>th</sup> October 2019</td> <td>35</td> </tr> <tr> <td><b>Total</b></td> <td></td> <td><b>661</b></td> </tr> </tbody> </table> <p>*Numbers are approximate as not all attendees filled in the attendance registers</p>	<b>Table 1: Deposit Plan Consultation drop-in sessions</b>			<b>Venue</b>	<b>Date and time</b>	<b>Number of attendees*</b>	Broughton & Bretton Community Centre, Brookes Ave, Broughton	4-8pm Tuesday 1 <sup>st</sup> October 2019	50	Buckley (Bistre) Youth & Community Centre, Nant Mawr Rd	4-8pm Wednesday 2 <sup>nd</sup> October 2019	25	Mold Parkfields Community Centre, Ash Grove	4-8pm Thursday 3 <sup>rd</sup> October 2019	30	Mancot and Moor Village Hall, Mancot Lane	4-8pm Friday 4 <sup>th</sup> October 2019	200	Connah's Quay, The Quay Building, Fron Rd	4-8pm Monday 7 <sup>th</sup> October 2019	1	Hope, Caergwrle, Abermorddu, Cefn y Bedd – Heulwen Close Community Centre, Hope	4-8pm Tuesday 8 <sup>th</sup> October 2019	65	Ewloe Woodside Close Community Centre	4-8pm Wednesday 9 <sup>th</sup> October 2019	200	Flint Town Hall, Market Square	4-8pm Thursday 10 <sup>th</sup> October 2019	35	Caerwys Memorial Institute, South St	4-8pm Tuesday 15 <sup>th</sup> October 2019	25	New Brighton Community Centre, Moel Fammau Rd	5-8pm Friday 18 <sup>th</sup> October 2019	35	<b>Total</b>		<b>661</b>
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1.07	<p>In response, 1281 representations were received from members of the public and a wide range of statutory consultees, developers, landowners and agents. All of the representations received have been processed by the Council and made available to view on the Council's LDP consultation portal and as a summary table on the website, in accordance with statutory requirements (LDP Regulation 19). Table 2, below provides an overview of the number of representations received against each of the policies in the LDP. All of the representations and the Council's responses will be forwarded to PINS with the submission documentation (see Section F below).</p>																																							

<b>Table 2: Representations received to the Deposit Plan</b>				
<b>Section of Plan/Policy</b>	<b>Total</b>	<b>Object</b>	<b>Support</b>	<b>Not stated</b>
Flintshire Local Development Plan Deposit Draft September 2019	7	1	1	5
Foreword	5	5		
Introduction	5	4	1	
How to view and comment on the Local Development Plan	5	4	1	
How have we arrived at the Deposit Plan?	3	3		
How to use/navigate and interpret the Plan	1	1		
Strategic context	1	1		
County profile/overview	2	2		
Key issues and drivers for change	1	1		
Forming the Plan's strategy from this context	5	2	2	1
The growth strategy of the plan	1		1	
Employment growth	1		1	
The preferred strategy	3		3	
Strategic policies	7	7		
Strategic policies – Creating sustainable places and communities	3	3		
Strategic Policies - Supporting a Prosperous Economy	1	1		
Strategic Policies - Meeting Housing Needs	1			1
Strategic Policies - Valuing the Environment	2			2
Development Management Policies - Valuing the Environment	6	2		4
Development Management Policies - Meeting Housing Needs	1			1
STR1: Strategic Growth	42	41	1	
STR2: The Location of Development	53	35	17	1
STR3: Strategic Sites	63	57	6	
STR4: Principles of Sustainable Development, Design and Placemaking	12	11	1	
STR5: Transport and Accessibility	8	6	2	
STR6: Services, Facilities and Infrastructure	16	14	1	1
STR7: Economic Development, Enterprise, and Employment	8	5	3	
STR8: Employment Land Provision	5	4	1	
STR9: Retail Centres and Development	3	2	1	
STR10: Tourism, Culture, and Leisure	5	2	3	
STR11: Provision of Sustainable Housing Sites	30	24	5	1
STR12: Provision for Gypsies and Travellers	1	1		
STR13: Natural and Built Environment, Green Networks and Infrastructure	16	11	5	
STR14: Climate Change and Environmental Protection	6	3	3	
STR15: Waste Management	1	1		
STR16: Strategic Planning for Minerals	4	2	1	1
PC1: The Relationship of Development to Settlement Boundaries	28	22	5	1
PC2: General Requirements for Development	11	8	3	
PC3: Design	8	3	5	

PC4: Sustainability and Resilience of New Development	6	3	3	
PC5: Transport and Accessibility	7	4	3	
PC6: Active Travel	8	8		
PC7: Passenger Transport	2	1	1	
PC8: Airport Safeguarding Zone	1	1		
PC9: Protection of Disused Railway Lines	3	3		
PC10: New Transport Schemes	7	6	1	
PC11: Mostyn Docks	1		1	
PC12: Community Facilities	2	1	1	
PE1: General Employment Land Allocations	9	6	2	1
Policy PE2: Principal Employment Areas	9	8	1	
PE3: Employment Development Outside Allocated Sites and Principal Employment Areas	2	2		
PE4: Farm Diversification	2	1	1	
PE6: Protection of Employment Land	1	1		
PE7: Retail Hierarchy	1	1		
PE10: District and Local Centres	1	1		
PE11: Edge and Out of Town Retail Development	2	2		
PE12: Tourist Accommodation, Facilities and Attractions	3	3		
PE13: Caravan Development in the Open Countryside	3	3		
PE14: Greenfield Valley	3	1	2	
HN1: New Housing Development Proposals	581	520	57	4
HN2: Density and Mix of Development	13	5	8	
HN3: Affordable Housing	28	21	7	
HN4: Housing in the Countryside	4	2	2	
HN4-B: Residential Conversion of Rural Buildings	2	1	1	
HN4-C: Infill Development in Groups of Houses	1	1		
HN4-D: Affordable Housing Exceptions Schemes	4	3	1	
HN6: Annex Accommodation	2	2		
HN7: Houses in Multiple Occupation	1	1		
HN8: Gypsy and Traveller Sites	41	32	9	
HN9: Gypsy and Traveller Accommodation	3	2	1	
EN1: Sports, Recreation and Cultural Facilities	4	3	1	
EN2: Green Infrastructure	12	9	3	
EN3: Undeveloped Coast and Dee Estuary Corridor	1		1	
EN4: Landscape Character	8	5	3	
EN5: Area of Outstanding Natural Beauty	2	1	1	
EN6: Sites of Biodiversity Importance	3	3		
EN7: Development Affecting Trees, Woodlands and Hedgerows	8	6	2	
EN8: Built Historic Environment and Listed Buildings	3	1	2	
EN9: Development In or Adjacent to Conservation Areas	1	1		
EN10: Buildings of Local Interest	1	1		
EN11: Green Barriers	35	25	7	3
EN12: New Development and Renewable and Low Carbon Energy Technology	2	2		
EN13: Renewable and Low Carbon Energy Development	22	8	14	

	EN14: Flood Risk	4	2	1	1
	EN15: Water Resources	2		2	
	EN17: Development of Unstable Land	1		1	
	EN18: Pollution and Nuisance	2	2		
	EN21: Locations for Waste Management Facilities	4	3	1	
	EN23: Minerals Safeguarding	3	3		
	EN24: Minerals Buffer Zones	1	1		
	EN25: Sustainable Minerals Development	6	2	3	1
	EN26: Criteria for Minerals Development	2	2		
	EN27: Secondary and Recycled Aggregate	2	2		
	Monitoring	10	9	1	
	Appx1-Housing Commitments	7	6	1	
	Appx2-Supplementary Planning Guidance	1	1		
	<b>Totals</b>	<b>1281</b>	<b>1033</b>	<b>219</b>	<b>29</b>
1.08	Of the 1281 representations received, 1033 were objections to the Plan and 219 were in support (29 were unspecified). A significant number of objections were made to the Plan's housing allocations (policy HN1) in particular the sites HN1.7 and HN1.8. A broad summary of the representations received is set out in the report to Planning Strategy Group on 30 <sup>th</sup> July 2020 (appendix 4), and appendix 1 summarises each representation received and the recommended response to it.				
1.09	The representations received will be used to update the Final Consultation Report, one of the key Submission documents. This will explain the nature of the consultation undertaken at Deposit LDP stage and provide an overview of the key issues raised and how the representations have been considered. The full representations are available to view on the LDP consultation portal and as a summary table on the Council's website. Copies of the originals will be available to view at the Council venues, once it is safe for the public to have access to these locations.				
1.10	Appendix 3 details the representation received from Welsh Government (WG) to the Deposit LDP. This has been included in full for Member's information, and in particular attention is drawn to the overriding view expressed by WG that " <i>The Welsh Government is broadly supportive of the strategy, level of homes and jobs proposed, considers it aligns with national policy and is in general conformity with the emerging NDF</i> ". The representation is relatively short, comprising a covering letter and an annex which provides further detail on the representations made. WG group their responses into 3 categories (see Appendix 3 annex), but raise no fundamental (Category A) objections to the Deposit LDP or its soundness. This should provide the Council with a degree of comfort that the Deposit LDP is, without prejudice to the EiP process, in conformity with national policy and guidance.				
1.11	Work to address the comments from Welsh Government has been undertaken, is referred to in the recommended responses to representations (see 1.12 below and appendix 1), and will be presented as part of the submission of the Plan to PINS.				

1.12	<p><b>C). Responding to Representations, Covid 19 and its Implications for the LDP Timetable</b></p> <p>As part of Submitting the Plan and the representations received for EiP, the Council must also provide its responses to those representations to the Inspector. Following the end of the Deposit consultation period in November 2019, officers have been summarising, assessing and preparing recommended responses to the representations all of which is documented in appendix 1.</p>
1.13	<p>The consideration of those representations by the Council and agreement to Submit the Plan for EiP are governed by the Delivery Agreement whose content and timetable is agreed by the Welsh Ministers. Prior to the Covid 19 Pandemic, the Council was on track to achieve the agreed milestone dates within the LDP Delivery Agreement agreed by the Minister in May 2019, which involved the Council's consideration of representations and responses in spring/early summer 2020, Submission in July 2020, and an EiP of the LDP in the Autumn of 2020.</p>
1.14	<p>Because of the lockdown restrictions and change to working practices imposed due to Covid 19, it was not possible to keep to those milestone dates as the Council was unable to physically meet as a body to consider the Plan, it was not possible to make representations available at deposit venues as these were all closed, and it was impractical for PINS to safely convene an EiP this autumn.</p>
1.15	<p>As a result of discussions with WG and PINS, a proposed revision to the LDP Delivery Agreement timetable that moved these dates on four months was first discussed with the Planning Strategy Group, and then formally considered and agreed by the Cabinet on 16<sup>th</sup> June 2020. A formal request to revise the LDP delivery agreement was then made to WG and this was agreed by letter on 27<sup>th</sup> July 2020. The revised Delivery Agreement (revision 4) is available on the Council's website <a href="https://www.flintshire.gov.uk/en/PDFFiles/Planning/Flintshire-LDP-Delivery-Agreement-4th-Revision.pdf">https://www.flintshire.gov.uk/en/PDFFiles/Planning/Flintshire-LDP-Delivery-Agreement-4th-Revision.pdf</a></p>
1.16	<p>The main outcome of the change to the timetable is that Submission will follow Cabinet and Council consideration of the Plan (October 2020) and the EiP will be scheduled to start by PINS in early 2021.</p>
1.17	<p><b>D). Scrutiny of the LDP Representations and responses</b></p> <p>The <b>Planning Strategy Group</b> (PSG) is a sub group of the Cabinet, part of whose remit is to provide scrutiny of the LDP and to make recommendations to Cabinet on the progress of the Plan. A significant number of meetings have taken place since the commencement of the LDP in 2014, including a number of meetings since the end of the Deposit consultation to consider the representations made and recommended responses, as shown in table 3 below.</p>

<b>Table 3: Planning Strategy Group Meetings that considered responses to representations</b>		
<b>Meeting</b>	<b>Report/Topic</b>	<b>Matters considered/outcome</b>
15 <sup>th</sup> May 2020	Report 1: Recommend responses to representations relating to all non-site-specific policies	Briefing only and debate/feedback/questions for clarification
29 <sup>th</sup> May 2020	Report 2: Recommended responses to representations relating to housing allocations including strategic sites	Briefing only and debate/feedback/questions for clarification
25 <sup>th</sup> June 2020	Report 3: Recommended responses to representations relating to new/resubmitted sites	Briefing only and debate/feedback/questions for clarification
16 <sup>th</sup> July 2020	Report 4: Recommended responses to representations relating to specific policy areas	Briefing only and debate/feedback/questions for clarification
30 <sup>th</sup> July 2020 am	Report 5: Recommended responses to representations resulting from final LDP system check	Members endorsed the recommended responses in the report considered at this meeting
30 <sup>th</sup> July 2020 pm	<ul style="list-style-type: none"> <li>Recommended approach to provision of Mineral by regional collaboration</li> <li>Endorsement of all Recommended responses considered in the above meetings/reports</li> </ul>	<ul style="list-style-type: none"> <li>Members agreed to take a collaborative approach to meeting the need for crushed rock and sand and gravel through the Flintshire LDP in conjunction with Denbighshire County Council and Wrexham County Borough Council</li> <li>Members endorsed the draft North East Wales Minerals Statement of Sub-Regional Collaboration</li> <li>Members endorsed all of the collective recommended responses to representations made to the Deposit Flintshire LDP</li> <li>Members recommended that these responses are considered for approval by the Cabinet in order to allow the Full Council to consider and approve them, as part of agreeing to Submit the Plan to Welsh Government and the Planning Inspectorate for Examination in Public.</li> </ul>
1.18	At their last meeting on 30 <sup>th</sup> July 2020, the PSG endorsed all of the recommend responses made to representations received to the Deposit LDP and recommended that these be considered by the Cabinet and Full	



	<p>Council as part of agreeing to Submit the Plan to Welsh Government and the Planning Inspectorate for Examination in Public. In doing so some Members understood that responses to the plan had to be considered as a whole in order to move forward, but that there will be some Members of the Council who will have issues with parts of the Plan for policy-specific or ward-specific reasons. It is important that all Members have this understanding that the Plan needs to move forward as a whole, and that the Examination in Public is the place where the final independent scrutiny of the soundness of the plan will be carried out.</p>
1.19	<p>The responses prepared and provided to Members as set out above have followed a logical sequence in line with structure of the Plan and the consideration of the soundness of it. The focus on non-site-specific 'policies' in Report 1 enabled PSG to consider whether the representations raised issues of soundness in respect of the Plan's Strategy, its spatial strategy and the level of employment and housing provision for growth. The responses to these representations then set the scene for Report 2, which looked at whether the Plan's allocations are considered to be 'sound', before moving on to the Report 3 which considered representations for the inclusion in the plan of additional or alternative sites being promoted by landowners and/or developers.</p>
1.20	<p>Remaining representations on specific policy areas that included Gypsies and Travellers, minerals and waste, settlement boundaries and green barriers, employment sites and renewable energy were presented in Report 4. The responses dealt with in Report 5 were in effect a final 'sweeping up' exercise to ensure that all representations received and recorded in the LDP consultation database had been considered and responded to. All of the responses considered by the PSG in reports 1-5 and now all shown in appendix 1 to this report.</p>
1.21	<p>There is therefore a clear logic to the order with which representations and responses have been presented for PSG consideration. The starting point is that the Plan which the Council placed on Deposit is considered to be a 'sound' Plan i.e. the Plan that the Council wishes to form the basis for subsequent examination and adoption.</p>
1.22	<p>It follows that if, having consider the proposed responses to representations, Members agree that the Plan Strategy and policy framework remains sound, particularly in terms of the level of growth and its spatial distribution, and equally if Members agree that the Plan's allocations remain sustainable, viable and deliverable, and therefore sound, then there is no need for the Plan to include additional sites in the Plan.</p>
1.23	<p>This is the central thread of the recommended responses as officers consider that no issues have been raised that carry sufficient weight or evidence to challenge the soundness of the Council's plan. This will therefore be the position adopted by the Council at Examination to defend the Plan, subject to Cabinet and full Council approval.</p>
1.24	<p>As set out earlier each representation and its response is set out in the summary table in appendix 1. The report from the meeting of the PSG held on the afternoon of 30 July 2020 is also included as appendix 4 to</p>

	<p>this report, as this provides Members with an overview of the matters raised by representations in relation to each of the Reports 1-5 considered by PSG as above. As per paragraph 1.18 above, the PSG endorsed these responses and recommended that these be considered by the Cabinet and Full Council as part of agreeing to Submit the Plan to Welsh Government and the Planning Inspectorate for Examination in Public</p>
1.25	<p><b>E. The Need For and Scope to Change the Plan</b></p> <p>With the publication of the Deposit LDP in September 2019, the Council essentially published its 'sound' development plan i.e. the plan it considers is capable of being examined, found sound and subsequently adopted. The main purpose of the public consultation that took place between September 30 and November 11 2019 was to allow the public and other interested parties the opportunity to scrutinise the soundness of the plan, and if there were felt to be questions or doubts about any aspect of the Plan's soundness, then these should have been explained and evidenced in representations. Clearly, the Scrutiny of the Plan does not end there as the Council's is required to Submit the Plan for Examination in Public, along with the representations received and the Council's response.</p>
1.26	<p>The Town and County Planning (Local Development Plan) (Wales) Regulations (2005) as amended (2015) set out the legislative framework for preparing a LDP. Supplementary guidance is provided in the LDP Manual (Edition 3, March 2020)) and by PINS. The regulations do not set out any stages between dealing with the Deposit LDP representations and submitting the LDP to WG and PINS for EiP, but the Manual indicates that changes to the LDP should only be made in exceptional circumstances where it is necessary to ensure that the LDP is 'sound' (see later Section G below for further information about soundness).</p>
1.27	<p>Such changes are known as 'Focussed Changes' (FC) and, in accordance with the Manual, '<b><i>should be avoided wherever possible</i></b>' as the '<b><i>.....Authority should only place a plan on deposit if it considers it is sound. It will need to justify this assertion at the examination and because of this must consider carefully the extent to which recommending changes after deposit throw into doubt the overall soundness of the deposit plan and erode its position at examination</i></b>'.</p>
1.28	<p>The Manual further states that '<i>exceptionally it may prove necessary to consider proposing changes to ensure the plan is sound, for example, where there has been a sudden, major change in local circumstances, new national planning policy has been introduced or deposit plan representations identify an unforeseen soundness issue</i>'. If such changes are proposed they should be 'one set of an extremely limited number of focussed changes that reflect key pieces of evidence but do not go to the heart of the plan, affecting only limited parts of it' and should be consulted on 'at the earliest opportunity to avoid delaying the examination process'.</p>

1.29	<p>Having considered all representations made to the Deposit LDP, including those made in volume to some of the housing allocations, and given there has been no change in national policy or legislation that affects the LDP process, it is the recommended advice of officers that nothing has been raised as above that would necessitate or warrant making any FCs to the Deposit LDP, as on the basis of the assessment of all representations and via the recommended responses, the objections to housing allocations do not warrant the removal of sites from the LDP as the issues raised are matters that can be dealt with at the detailed Planning Application stage. The Plan therefore remains sound and should be submitted in its published form for EiP, and is capable of being adopted.</p>
1.30	<p>Clearly the Covid -19 Global Pandemic has occurred since the Deposit plan was consulted on, and whilst this has had short term effects on growth, development, and the economy, there is as yet no definitive assessment of the medium to longer term effects on the economy of Flintshire that would warrant a review of the Strategy of the LDP, remembering also there is still almost 10 years of the plan period remaining. It is simply too early to tell and there is no reliable evidence from economic projections or forecasts on which to base such a reassessment. What is clear anecdotally is that housing development and sales remain at high levels with some developers reporting a buoyant market in terms of sales of new properties, and a similar trend appears evident in the existing housing market, reflected in stable or rising house prices and transactions.</p>
1.31	<p>What is also clear is that in agreeing in July to a revised Delivery Agreement timetable to maintain progress to EiP, the Welsh Government have not raised any concerns or need to 'pause and reflect' in relation to the strategy of the Plan and any perceived Covid-19 impact. Given where the Council is in the process, the overriding priority must be to have an adopted development plan in place in Flintshire to guide and protect communities from further speculative development. The LDP strategy is fit for purpose and it is relevant that Welsh Government in agreeing to an amended delivery agreement so quickly stated that the Council has <b>"taken a pragmatic view to trying to keep the plan moving forward"</b> – they could easily have required the Council, as other authorities who are pre-deposit have been told, to review their evidence base in light of Covid 'effect', but they haven't said this to Flintshire.</p>
1.32	<p>In terms of factual evidence, 2018 based population projections have recently been published nationally during lockdown and these show an uplift in projected population growth for Wales overall which filters down to most local authorities. Whilst household projections have not yet been produced, the Council's advising statistician at Conwy Council has run some household projection scenarios based on the national uplift, and whilst Flintshire's household growth projection will be higher than present for the Plan period, it will still be below the LDP housing requirement, but closer to it.</p>
1.33	<p>Finally economic recovery post Covid could go two ways – accelerated recovery led by housing development and market confidence which may use up the sites the Plan has at a quicker rate. In this scenario the Council would be required to review the plan and in terms of LDP</p>

	<p>Regulations, it is necessary to review 4 years after adoption in any event. The other scenario is slow recovery of the economy and developer confidence to build, in which case the sites are sustainable but may take longer to come forward and as such supply would be maintained and would not necessarily trigger a plan review. On this basis the strategy is sufficiently balanced and flexible to happily sit between these two scenarios and is therefore fit for purpose.</p>		
1.34	<p>Some changes to the LDP are proposed for minor editing reasons only and/or to clarify the wording of an existing policy or reasoned justification, but that does not change the purpose of that policy or the Plan overall, from the published Deposit LDP. These changes are identified in responses made to representations and will be listed as an attached schedule to accompany the LDP when submitted for examination.</p>		
1.35	<p><b>F. Submission Requirements</b></p> <p>Section 6.25 of the LDP manual sets out the documentation that the Council (as Local Planning Authority) must submit to WG and PINS and their format (paper and electronic copies). These are:</p> <ul style="list-style-type: none"> <li>• The Deposit LDP;</li> <li>• Schedule of FCs (where applicable), including Minor Editing Changes;</li> <li>• The Sustainability Appraisal (SA) Report;</li> <li>• The Candidate Sites register;</li> <li>• All other supporting evidence-base material and technical documents (such as the Habitat Regulations Assessment, Housing Needs Assessment and the suite of background papers);</li> <li>• The Delivery Agreement (DA), incorporating the Community Involvement Scheme (CIS);</li> <li>• The final Consultation Report;</li> <li>• A copy of all representations made on the Deposit Plan (PINS only);</li> <li>• Any Statements of Common Ground (SoCG).</li> </ul>		
1.36	<p><b>G. Soundness</b></p> <p>At the Examination in Public (EiP) the Council will have to demonstrate that the LDP is 'sound'. This will be tested by the independent Inspector through a series of hearings over several weeks/months (see Section I below and Appendix 5 Typical Schedule). The three soundness tests identified in national guidance are shown in table 4 below together with the sub-questions that supplement each test.</p> <table border="1" data-bbox="319 1720 1372 2067"> <tr> <td> <p><b>Table 4 Tests of Soundness</b></p> <p><b>Preparation Requirements:</b></p> <ul style="list-style-type: none"> <li>• Has preparation of the plan complied with legal and regulatory procedural requirements? (LDP Regulations, CIS, SEA Regulations, SA, HRA etc.?)</li> <li>• Is the plan in general conformity with the NDF and/or SDP? (when published or adopted respectively)</li> </ul> </td> </tr> <tr> <td> <p><b>Test 1: Does the plan fit?</b> (Is it clear that the LDP is consistent with other plans?)</p> <p><i>Questions:</i></p> </td> </tr> </table>	<p><b>Table 4 Tests of Soundness</b></p> <p><b>Preparation Requirements:</b></p> <ul style="list-style-type: none"> <li>• Has preparation of the plan complied with legal and regulatory procedural requirements? (LDP Regulations, CIS, SEA Regulations, SA, HRA etc.?)</li> <li>• Is the plan in general conformity with the NDF and/or SDP? (when published or adopted respectively)</li> </ul>	<p><b>Test 1: Does the plan fit?</b> (Is it clear that the LDP is consistent with other plans?)</p> <p><i>Questions:</i></p>
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<p><b>Test 1: Does the plan fit?</b> (Is it clear that the LDP is consistent with other plans?)</p> <p><i>Questions:</i></p>			

	<ul style="list-style-type: none"> <li>• Does it have regard to national policy (PPW) and the WSP (NDF when published)?</li> <li>• Does it have regard to the Well-being Goals?</li> <li>• Does it have regard the Welsh National Marine Plan?</li> <li>• Does it have regard to the relevant Area Statement?</li> <li>• Is the plan in general conformity with the NDF (when published)?</li> <li>• Is the plan in general conformity with relevant SDP (when adopted)?</li> <li>• Is it consistent with regional plans, strategies and utility provider programmes?</li> <li>• Is it compatible with the plans of neighbouring LPAs?</li> <li>• Does it regard the Well-being Plan or the National Park Management Plan?</li> <li>• Has the LPA demonstrated it has exhausted all opportunities for joint working and collaboration on both plan preparation and the evidence base?</li> </ul> <p><b>Test 2: Is the plan appropriate?</b> (Is the plan appropriate for the area in the light of the evidence?)</p> <p><i>Questions:</i></p> <ul style="list-style-type: none"> <li>• Is it locally specific?</li> <li>• Does it address the key issues?</li> <li>• Is it supported by robust, proportionate and credible evidence?</li> <li>• Can the rationale behind the plan's policies be demonstrated?</li> <li>• Does it seek to meet assessed needs and contribute to the achievement of sustainable development?</li> <li>• Are the vision and the strategy positive and sufficiently aspirational?</li> <li>• Have the 'real' alternatives been properly considered?</li> <li>• Is it logical, reasonable and balanced?</li> <li>• Is it coherent and consistent?</li> <li>• Is it clear and focused?</li> </ul> <p><b>Test 3: Will the plan deliver?</b> (Is it likely to be effective?)</p> <p><i>Questions:</i></p> <ul style="list-style-type: none"> <li>• Will it be effective?</li> <li>• Can it be implemented?</li> <li>• Is there support from the relevant infrastructure providers both financially and in terms of meeting relevant timescales?</li> <li>• Will development be viable?</li> <li>• Can the sites allocated be delivered?</li> <li>• Is the plan sufficiently flexible? Are there appropriate contingency provisions?</li> <li>• Is it monitored effectively?</li> </ul>
1.37	<p>Before the LDP was placed on Deposit, the Council undertook a soundness self-assessment in accordance with WG LDP guidance (a copy of which can be found on the LDP consultation portal). This document sets out why, in the view of the Council, the LDP was sound to be placed on Deposit.</p>
1.38	<p>Paragraph 6.27 of the LDP manual states that <i>'The Welsh Government will monitor consistency with national policy throughout the LDP preparation process, and is likely to discourage submission if there is a</i></p>

	<i>fundamental conflict. If a plan is considered to be fundamentally unsound this will be drawn to the attention of the LPA so that any necessary action (i.e. withdrawal) is taken before submission. If the Welsh Government makes an objection based on soundness in the normal way, it will be considered at the examination. But fundamentally unsound plans should not be submitted for examination’.</i>
1.39	For the reasons summarised in Appendix 1 it is considered that the LDP remains sound. At the same time, as can be seen in paragraph 1.10 above and in Appendix 3, WG have not raised any fundamental objections to the Deposit LDP on grounds of soundness. This should provide the Council with the comfort that the Deposit LDP provides a sound basis for moving forward to Submission in accordance with the DA. Notwithstanding the fact that numerous representations have been received questioning the soundness of the LDP, these relate in the main to individual site allocations, or to proposals which are seeking the inclusion of new sites which can and will be debated at the EiP.
1.40	Paragraph 1.6 of the Planning Inspectorate, LDP Procedure Guidance (August 2015), states that <i>‘The role of the appointed Inspector is to carry out an independent assessment of the overall soundness of the plan and that it satisfies the statutory requirements for its preparation. The Inspector’s role is not to improve the LDP but to make recommendations to ensure it is sound. This means dealing with the main issues which go to the heart of the LDP and not getting involved with the details of the plan unless this is necessary to conclude on the Plan’s soundness’.</i> This makes clear that if there are site-specific details which raise soundness issues it will be down to the Inspector to hear these as part of the EiP and decide if and what binding changes should be made to the LDP to make the Plan sound.
1.41	<b>H. Delegated Authority at Examination in Public</b>  There is a need to clarify with PINS what, if any, delegated authority those officers who represent the Council at Examination will be required to have, to agree any changes that the Inspector may propose. That said at this stage, given the conclusion is that the Plan remains sound following the consultation on the Deposit Plan, the role of officers at Examination is to defend that position. A further report will be brought to Members on the examination process and any need for such delegation.
1.42	<b>I. Next Steps</b>  Subject to agreement at the Council on the 29 <sup>th</sup> September 2020 for the Plan to be Submitted to WG and PINS, the relevant Submission documentation (Section F, above) will be sent to both organisations to commence the formal process of EiP.
1.43	The purpose of the EiP will be to assess whether the LDP preparation requirements have been followed and whether the submitted LDP meets the tests of soundness (as set out in Section G above).
1.44	Once PINS have received the LDP they will send a Service Level Agreement (SLA) to the Council setting out the actions and commitments

	<p>to which both parties will adhere during the EiP, including the costs which will be charged monthly to the Council. PINS will also require details of the appointed Programme Officer (PO) who will liaise directly between the Council (as LPA), PINS and the representors to ensure the proper running of the EiP and to keep the examination library and examination website up to date as the EiP progresses. A Programme Officer has already been appointed to fulfil this role.</p>
1.45	<p>PINS are committed to delivering the Inspector's Report to the Council within 12 months of the LDP being Submitted. Depending on the complexity of the LDP, a lead inspector may be supported by other inspectors, specialist advisors or planning officers, and, clearly, the length of the EiP will depend on the complexity and scope of issues considered. PINS's Local Development Plan Examination Procedure Guidance (August 2015) sets out a typical schedule from Submission to the issuing of the Final Inspector's report. This is replicated in Appendix 5.</p>
1.46	<p>When the EiP has been concluded and the Inspector has considered the evidence and finalised his/her report, the report will be dispatched to the Council for fact checking. The Council will have 2 weeks to do this before the Final Report is issued.</p>
1.47	<p>Once the Council has received the Inspector's Final Report, the onus will be on it to publish it and to seek approval from the Council formally to adopt the LDP in line with the binding nature of the Inspector's Report. The Cabinet and the Council would need to consider a resolution to Adopt the Plan and could not choose to adopt only it in part - the choice would be Adopt it whole, in line with the Inspector's Report (including any changes he/she deems appropriate) or not at all. If the LDP is not adopted there will be no plan in place for the County and it would face further long term speculative development or 'planning by appeal' without a coordinated approach to site or infrastructure delivery. Equally the Welsh Ministers could use their powers to intervene and/or direct the Council to adopt the Plan.</p>
1.48	<p>Based on the typical schedule identified in Appendix 5, it is estimated that the Plan would be adopted later in 2021. The Adopted LDP would then be used to inform investment decisions by public and private individuals and organisations and for determining individual Planning Applications and Appeals.</p>
1.49	<p>After the LDP is Adopted, the Council must submit an Annual Monitoring Report (AMR) on progress against the adopted monitoring indicators and the Adopted LDP will be subject to a statutory review 4 years after Adoption. It must also prepare a separate Plan for Community Infrastructure Levy (CIL) to finance required infrastructure through developer contributions, if it is felt that it is viable to do so. If required, this will need to be the subject of a separate Examination in Public in due course.</p>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	<p><b>Budget:</b> The Council has committed funding via in-year budget provision as well as a specific balances to undertake the preparation of the LDP including provision for the EiP stage in the process. This provision is considered adequate to cover the remaining stages of the plan process to adoption, but this is subject to the length of the EiP which is not known at this stage and the resulting costs of the Inspector(s) and Programme Officer. The Council has estimated that the PO costs will not amount to more than £35k-£40k while the cost of the inspector currently stands at £508 per day (excluding travel and subsistence). PINS can now also charge for Planning Officer and administrative support as part of the EiP process, the details of which are set out in the The Local Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2017. An allowance in the budget/balances of £250k to cover all EiP costs has been made which should be sufficient.</p> <p><b>Human Resources:</b> Submission of the LDP is based on the existing staffing levels within the planning policy team (1FTE team Leader, 1.6 FTE Senior Planners, 2 FTE Planners, 1 FTE Technician) supported by the Service Manager Strategy, and also utilising wider portfolio administrative and technical support as required One of the FTE Planner posts is currently vacant but a business case will be made to fill this post to support Submission and the EiP to follow.</p> <p><b>Technology:</b> It is unclear at this stage whether investment in technology will be required to facilitate the ability of interested parties to 'attend' Examination sessions virtually rather than in person, if Covid-19 restrictions dictate once the start date of the Examination is known, and the process of identifying suitable Council venues is carried out.</p>

<b>3.00</b>	<b>IMPACT ASSESSMENT AND RISK MANAGEMENT</b>
3.01	The LDP has already been the subject of a comprehensive Integrated Impact Assessment as a requirement of Planning Wales and the Development Plans Manual (Edn 3). This is part of the documentation that the Council was required to provide alongside the deposit LDP when it went out for public consultation in September 2019 and relates to the sustainability of the Plan and how this links to the Welsh Government Well Being Goals. The Plan's IIA can be accessed from the Council's website (see background documents).
3.02	A Health Impact Assessment of the LDP has now been published by Public Health Wales (see background documents).
3.03	The key risk mitigation is to ensure that delays in the progress of the Plan are minimised. The need to have an adopted plan in place is a primary requirement of the Welsh Government and for the Council, and an adopted LDP ensures that decisions on planning applications are fully in the control of the Council as Local Planning Authority and made with referenced to the policies of the adopted Plan.



3.04	<p>The Council has a legal duty to prepare a Local Development Plan and keep it up to date. The current development plan for the County (the Flintshire Unitary Development Plan, 2000 – 2015) expired in 2015 and the longer the Council remains without an adopted LDP the greater the risk of it being unable to coordinate and deliver funding, infrastructure and investment within the County. Failure to submit and adopt a sound LDP in line with the agreed Delivery Agreement (DA) puts the Authority at risk of the following:</p> <ul style="list-style-type: none"> <li>a) That the Plan-making function of the Authority is removed with Welsh Government stepping in to ensure that a LDP is put in place at a financial and democratic cost to the Authority;</li> <li>b) If the LDP is not submitted to WG and PINS in line with the DA, WG could direct that the Council submit it, again taking away the democratic process from the Council;</li> <li>c) Costs being awarded against the Council at appeals against individual Planning Applications increasing as the UDP becomes even more obsolete;</li> <li>d) Un-coordinated delivery (or non-delivery) of essential infrastructure and services;</li> <li>e) In the absence of an Adopted LDP, speculative developments being delivered through ‘planning by appeal’ rather than in accordance with a strategy.</li> </ul>
3.05	<p>There is also a risk that if the Council does not Submit the Plan in accordance with the DA, that WG could use its powers to direct Submission. If this takes place, WG could impose a wide range of actions on the Council, including appointing consultants to pick up the work and to take it through Examination in Public at cost to the Council. They could also instruct that the Council to provide officers for the EiP, but without political support for the LDP it would place those officers in a very difficult position. This could lead to delays in the adoption of the LDP with implications for the Plan base date and the supporting evidence, and increasing vulnerability of all of Flintshire’s communities to speculative development.</p>
3.06	<p>Submission of the LDP in line with the DA will reduce the risks identified above. Once the Plan is submitted, adoption will be dependent on the appointed independent Inspector issuing a Final Report, with or without changes, confirming that it is sound. Whilst there are, of course, risks to the LDP as part of the EiP process, this will be dependent on the hearing sessions and the matters that arise. For example, the inspector could, if warranted, suspend the EiP to allow further work to be undertaken on an issue in question.</p>
3.07	<p>Officers are not aware at this stage of any proposed fundamental changes to Welsh Government policy that would have implications for the LDP and progressing to Submission, Examination and adoption. That said, and given the continuing uncertainty of the times we are in relating to Covid-19, the risk of such a change for example with the issuing of a new version of Planning Policy Wales, would have a significant effect on the ability of the Council to progress the plan to adoption, thereby mitigating the risks highlighted above.</p>

<b>4.00</b>	<b>CONSULTATIONS REQUIRED/CARRIED OUT</b>
4.01	Section B, above, details the public consultation on the Deposit LDP. A summary of the representations received is contained in Appendix 1 and the original representations are available to be viewed on the LDP consultation portal and website.

<b>5.00</b>	<b>APPENDICES</b>
5.01	<a href="#">Appendix 1 - Summary of Deposit LDP Representations and Responses</a> Appendix 2 - List of Deposit documents that were made available for consultation Appendix 3 - Welsh Government response to the Deposit LDP Appendix 4 – Report to Planning Strategy Group 30 <sup>th</sup> July 2020 Appendix 5 - Typical Schedule of LDP process from Submission to issuing of Inspector’s Final Report

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Flintshire Local Development Plan (2015-2030) Revised Delivery Agreement <a href="https://www.flintshire.gov.uk/en/PDFFiles/Planning/Flintshire-LDP-Delivery-Agreement-4th-Revision.pdf">https://www.flintshire.gov.uk/en/PDFFiles/Planning/Flintshire-LDP-Delivery-Agreement-4th-Revision.pdf</a></p> <p>Flintshire Local Development Plan (2015-2030) Preferred Strategy (November 2017) <a href="https://consult.flintshire.gov.uk/portal/planning/ldp/ps/ps">https://consult.flintshire.gov.uk/portal/planning/ldp/ps/ps</a></p> <p>Flintshire Local Development Plan (2015-2030) Deposit Plan and Supporting Documents <a href="https://consult.flintshire.gov.uk/portal/planning/ldp/ldp/ldp">https://consult.flintshire.gov.uk/portal/planning/ldp/ldp/ldp</a></p> <p>The Town and Country Planning (Local Development Plan) (Wales) Regulations, 2005 <a href="http://www.legislation.gov.uk/wsi/2005/2839/made">http://www.legislation.gov.uk/wsi/2005/2839/made</a></p> <p>The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations, 2015 <a href="http://www.legislation.gov.uk/wsi/2015/1598/contents/made">http://www.legislation.gov.uk/wsi/2015/1598/contents/made</a></p> <p>Planning Policy Wales (Edition 10) <a href="https://gov.wales/sites/default/files/publications/2018-12/planning-policy-wales-edition-10.pdf">https://gov.wales/sites/default/files/publications/2018-12/planning-policy-wales-edition-10.pdf</a></p> <p>Local Development Plans Manual (Edition 3) <a href="https://gov.wales/sites/default/files/publications/2020-03/development-plans-manual-edition-3-march-2020.pdf">https://gov.wales/sites/default/files/publications/2020-03/development-plans-manual-edition-3-march-2020.pdf</a></p> <p>The Planning Inspectorate: LDPs – Preparing for Submission, A Guide for Local Planning Authorities <a href="https://gov.wales/sites/default/files/publications/2019-04/ldps-preparing-for-submission-guidance-for-local-planning-authorities.pdf">https://gov.wales/sites/default/files/publications/2019-04/ldps-preparing-for-submission-guidance-for-local-planning-authorities.pdf</a></p>

	<p>Comparison of UDP and LDP Green Barriers following their review as part of the LDP process</p> <p><a href="https://www.flintshire.gov.uk/en/PDFFiles/Planning/Planning-Policy-Misc/GreenBarrierMaps2020-Combined.pdf">https://www.flintshire.gov.uk/en/PDFFiles/Planning/Planning-Policy-Misc/GreenBarrierMaps2020-Combined.pdf</a></p>
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<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
7.01	<p>Contact Officer: Andy Roberts, Service Manager Strategy</p> <p>Telephone: 01352 703211</p> <p>E-mail: <a href="mailto:andy.roberts@flintshire.gov.uk">andy.roberts@flintshire.gov.uk</a></p>

<b>8.00</b>	<b>GLOSSARY OF TERMS</b>
	<p><b>Delivery Agreement:</b> A formal document produced by the Council and approved by the Welsh Minister that defines how the Council will carry out the production of the LDP, how it will consult and engage on the Plan, and what the timetable is for the Plan’s production.</p> <p><b>Deposit LDP:</b> The formal version of the LDP that the Council is required to ‘deposit’ for public consultation. This consultation took place between September 30<sup>th</sup> 2019 and November 11<sup>th</sup> 2019.</p> <p><b>LDP Regulations:</b> Regulations that support the relevant Planning Acts and define the key legislative requirements for how the Council produces the LDP, defining key stages and requirements that the Council must legally comply with.</p> <p><b>Examination:</b> This is the formal examination in public of the LDP to test the soundness of the plan which will be presided over by an independently appointed Planning Inspector.</p> <p><b>Planning Strategy Group:</b> A sub group of the Council’s Planning Committee that acts as a steering group guiding the progress of the production of the LDP. This is not a public committee and has no power to make direct decisions over the content of the LDP, but it makes recommendations to the Cabinet on the plan.</p> <p><b>Submission:</b> Once the Council has agreed the responses to the representations made to the deposit LDP consultation, it also needs to agree to submit the Plan to the Planning Inspectorate for formal examination.</p> <p><b>Soundness:</b> A series of tests that the LDP is required to satisfy to demonstrate that it is based on sound evidence, is in line with other plans and strategies, is national policy compliant, and is capable of being delivered.</p>

Mae'r dudalen hon yn wag yn bwrpasol

## **Appendix 2: List of Deposit Documents that were made available**

Notice of Deposit Final

Initial Consultation Report Final

### **Background Papers**

LDP01 Green Barrier

LDP02 Green Infrastructure

LDP03 Infrastructure Plan

LDP04 Minerals

LDP05 Waste

LDP06 Gypsy Traveller Site

LDP07 Affordable Housing

LDP08 Candidate Alternative Sites

LDP09 Agricultural Land

LDP10 Housing Land Supply

LDP11 Soundness Assessment

LDP12 Welsh Language

LDP13 Renewable Energy

### **Proposals Map**

01 Back: Holywell & Flint - Flintshire Proposal Maps

01 Front - Flintshire Proposal Map 1

02 Back: Connaught Quay, Aston, Shotton & Queensferry - Flintshire Proposal Maps

02 Front - Flintshire Proposal Map 2

03 Back: Buckley, Mold & Saltney - Flintshire Proposal Maps

03 Front - Flintshire Proposal Map 3

### **Delivery Agreement**

Delivery Agreement May 2019

### **Employment Land Review**

Employment Land Review 2015 - Appendix 01 - List of Consultees

Employment Land Review 2015 - Appendix 03 - Flintshire Vacant Property Schedule

Employment Land Review 2015 - Appendix 05 - Flintshire Site Proformas

Employment Land Review 2015 - Appendix 06 - Sites Scoring System

Employment Land Review 2015 - Appendix 08 - Flintshire Sites Scoring Assessment

Employment Land Review 2015 - Appendix 09 - Employment Area Proformas

Employment Land Review 2015 - Appendix 12 - Flintshire Business Survey

## **Appendix 2: List of Deposit Documents that were made available**

Employment Land Review 2015 - Appendix 13 - Developer Marketing Standards

Employment Land Review 2015 - Appendix 14 - Employment Sites Summary and Recommendations

Employment Land Review 2015 Final Report

Employment and Housing Advice - April 2019

### **Representation Form and guidance**

FLDP Representation Form Eng Final

Guide - How to comment on the Deposit Local Development Plan

Guide - How to register on the portal

Leaflet FLDP A4

### **Integrated Impact Assessment**

Flintshire Deposit LDP Integrated Impact Assessment Appendices A-D

Flintshire Deposit LDP Integrated Impact Assessment Appendix E - Sites Assessments  
September 2019

### **Background Studies**

Flintshire Deposit LDP Integrated Impact Assessment Main Report September 2019

Flintshire Habitats Regulations Assessment Final 2019

Flintshire Habitats Regulations Assessment Map 1

Flintshire Renewable Energy Assessment Final Report 2019

Flintshire Renewable and Low Carbon Energy Assessment 2019

Flintshire Retail Study - Final Report inc apps

Flintshire Viability Study Final September 2019

Growth options for Flintshire LDP - Indicative Impacts of 2017 Projections 2019 -  
Deposit Version

Gypsy and Traveller Accommodation Assessment Report 2018

Gypsy and Traveller Accommodation Assessment Report 2016

Housing Land Monitoring Report 2018

LHMA (Arc4) Update Final Report August 2019

LHMA Flintshire Final Report 2015

LHMA Wrexham/Flintshire Overarching Final Report 2015

Northern Gateway Pochin Masterplan and Delivery Statement Pochin Goodman

Northern Gateway Praxis Masterplan and Delivery Statement Praxis

SFCA Flintshire - Appendix B FCC Development Site Assessment v2.0

## **Appendix 2: List of Deposit Documents that were made available**

SFCA Flintshire - Appendix C Development Site Assessment Breach Locations v2.0

SFCA Flintshire - Appendix D Flintshire Breaches Method Statement

SFCA Flintshire - Final Report 2018

SFCA Flintshire -Appendix A Interactive Mapping

Urban Capacity Study 2019 - Appendix E - Field Work Sites Maps

Urban Capacity Study 2019 - Appendix B - Map of Higher Order Settlements

Urban Capacity Study 2019 - Appendix D - Discounted and Commitments

Urban Capacity Study 2019 - Appendix E - Field Work Sites Schedule

Urban Capacity Study 2019 - Final Report

Warren Hall Masterplan Delivery Statement Report FINAL

Planning Strategy Group

Mae'r dudalen hon yn wag yn bwrpasol



# Appendix 3

Y Gyfarwyddiaeth Cynllunio  
Planning Directorate



Llywodraeth Cymru  
Welsh Government

Andrew Farrow  
Chief Officer (Planning & Environment and Economy)  
Flintshire County Council  
County Hall  
Mold  
Flintshire  
CH7 6NF

04 November 2019

Dear Andrew,

## **Flintshire County Council: Local Development Plan – Deposit Consultation: Welsh Government Response**

Thank you for consulting the Welsh Government on the Flintshire County Council Deposit Local Development Plan (LDP). We acknowledge that the preparation of a LDP and the supporting evidence is a significant undertaking and recognise the amount of work your authority has undertaken to date in moving the plan forward from Preferred Strategy to Deposit stage. It is essential the Authority is covered by an up-to-date LDP to give certainty to local communities and investors.

Without prejudice to the Ministers' powers, the Welsh Government is committed to helping Local Planning Authorities (LPAs) minimise the risk of submitting unsound plans by making appropriate comments at the earliest stages of plan preparation. The Welsh Government looks for clear evidence that the tests of soundness (as set out in the 'LDP Manual') are addressed, in the context of national policy and guidance.

Planning Policy Wales (PPW) Edition 10 establishes the key national planning priority to deliver high quality, sustainable places through place-making. PPW also requires a wider, sustainable and problem solving outlook, which focuses on integrating and addressing multiple issues to deliver effective planning outcomes. This means a move away from the traditional approach of considering policy areas in isolation and encourages more placed based policies. The seven well-being goals must also be demonstrated, together with the five ways of working which encourages everyone to think in an integrated and collaborative way about policy making and drawing-out long term trends. The implementation of core policy areas in PPW such as ensuring a sustainable spatial strategy, housing and economic growth levels, infrastructure delivery and place making is further articulated in Edition 3 of the Development Plans Manual (Edition 3) (DPM). The DPM was subject to public consultation over the summer and will be published this year. The WG expects the core elements of the Manual, in particular the guidance set out in Chapter 5: Preparing an LDP – Core Issues and the 'de risking checklist' to be followed when preparing the evidence base and to be taken into account in the content and presentation of the plan itself.

The Welsh Government has published the National Development Framework (NDF) for consultation. The NDF is due to be adopted prior to adoption of the Flintshire LDP. The LDP will need to be in general conformity with the NDF when adopted.

**The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect.** It is pleasing to note the Deposit Plan has been prepared having regard to the guidance in DPM 3, particularly Chapter 5 and the de-risking checklist. This puts the Council in a good position moving forward to the examination stage. Further comments are set out in the annex to this letter with additional guidance contained in the draft LDP Manual (3<sup>rd</sup> Edition). In moving forward to the LDP examination, demonstrating delivery of the plan will be essential. The development planning system in Wales is evidence-led; demonstrating how a plan is shaped by this evidence is a key requirement of the examination. Demonstrating the delivery and viability of all sites in the plan is critical, particularly development proposed on strategic sites and other large housing/employment allocations which are integral to the strategy/objectives of the plan.

Without prejudice to the Welsh Minister's powers and the independent examination, the Welsh Government is committed to helping LPAs through the plan making process. Collectively, our comments highlight areas of support and issues that in our opinion need to be addressed if the plan is to be considered 'sound'. **The Welsh Government's representations are set out below, with more detail in the attached annex:**

#### **Category B**

- **LHMA: Clarity and consistency with the evidence base** – Tenure mix and viability
- **Gypsy and Travellers** – Level of Need and Provision / Site(s) Suitability & Provision

#### **Category C**

- **Components of Housing Supply** – Presentation/expression within the plan
- **Homes in Multiple Occupation** – Definition of 'over concentration'
- **Affordable Housing** – Clarity of plan target, components of supply, and approach to exception sites
- **Delivery and Implementation** – General
- **Deeside Enterprise Zone** – Spatial designation
- **Renewable Energy** – Clarity of allocations, search areas and renewable energy targets
- **Green Barrier** – Consistency with PPW
- **Minerals** – Response to RTS 2

We suggest you seek your own legal advice to ensure that you have met all the procedural requirements, including Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) as responsibility for these matters rests with your authority. A requirement to undertake a Health Impact Assessment (HIA) arising from the Public Health (Wales) Act 2017, if appropriate, should be carried out to assess the likely effect of the proposed development plan on health, mental well-being and inequality.

The Welsh Government is committed to ensuring a plan-led approach to development in Wales. I trust this representation assists you and enables your LDP to be found 'sound' and adopted following independent examination. My colleagues look forward to meeting with you and your team to discuss this response.

Yours sincerely,



**Mark Newey**  
**Head of Plans Branch**  
**Planning Directorate**

**Support in Principle : Economic Growth Strategy - The scale and location of homes and jobs**

National policy is clear that LDPs must include a spatial strategy covering the lifetime of the plan which establishes a pattern of development improving social, economic environmental and cultural well-being to deliver sustainable development and the place making approach. The planning system must focus on the delivery of the identified housing requirement and the related land supply. The LPA has tested a range of demographic and employment-led scenarios to inform the plan. The level of housing growth proposed (requirement) is 6,950 homes over plan period (465 p/a) with an additional 14% flexibility allowance (provision 7,950 homes). The level of homes is based on an employment led growth option (driven by the strategic sites at Northern Gateway and Warren Hall) to support an economic growth target of 8-10,000 jobs.

The housing requirement is 2,597 units above the WG 2014 based 10-year migration variant and 3,000 units above the principal projection. The annual build rate of 465 p/a for this plan is slightly above the past 10 year build rate of 427 units p/a, but significantly below the past five year build rate of 568 d/pa since 2015. The Council has concluded that the WG 2014 based projections are not appropriate as they are predicated on recessionary and negative trends which would not deliver on the Council's, regional, or Welsh Government economic growth aspirations for Flintshire and the wider area. The Council considers the job and homes target to be aspirational but deliverable (see comments on delivery). While evidence shows that based on recent delivery rates the housing requirement could be higher, the Council consider recent green belt releases across the border in Cheshire and significant housing allocations in the neighbouring plans of Wrexham and Denbighshire, have a bearing on the scale of homes the plan should provide for.

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 emerging NDF (Policy 18: North Wales Coastal Settlements) also recognises the importance of Deeside as an important growth driver in the sub-region, which should be the focus for housing, employment and key services. 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 catalyst for growth in Flintshire. Collectively these sites aim to deliver 8-10,000 jobs and 1625 homes (1300 within the plan period).

In terms of spatial distribution, 47% of the housing growth is directed to the main service centres (Tier 1) 36% to local service centres (Tier 2) and 17% to Tiers 3-5 (sustainable settlements, defined villages and undefined villages). The majority of new allocations outside of the strategic allocations are located in Tier 1 and Tier 2 settlements. **The WG does not object to the principle of this approach.**

The Welsh Government considers the projections have been taken into account by the Council, along with other relevant policy considerations set out in paragraphs 4.2.6 – 4.2.8 (PPW, Edition 10). **The Welsh Government is broadly supportive of the strategy, level of homes and jobs proposed, considers it aligns with national policy and is in general conformity with the emerging NDF (see comments on delivery).** A critical element for the plan will be the phasing, timing and delivery of sites, ensuring that the plan delivers the scale of growth alongside associated infrastructure, in locations to meet the needs across the plan period (see specific comments).

**Support in Principle : Best and Most Versatile Land**

Flintshire have engaged with the Welsh Government regularly throughout the development of the LDP on land quality information, validation of surveys and Predictive 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. Allocations that would represent a loss of BMV have been well evidenced for an overriding need (sequential test) and a balanced judgement has been made. In conclusion, the Welsh Government is of the view that the Council has demonstrated a sensible and pragmatic approach to considering BMV loss in the context of national planning policy and on that basis **no objection** is offered.

<b>Welsh Government Representation: Categories of Objection</b>	
<b>Category A</b>	Objections under soundness tests; <u>fundamental issues</u> that are considered to present a significant degree of risk for the authority if not addressed prior to submission, and may have implications for the plan's strategy.
<b>Category B</b>	Objections under soundness tests; matters where it appears that the Deposit Plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan.
<b>Category C</b>	Objections under soundness tests; whilst not considered to be fundamental to the soundness of the LDP, there is considered to be a lack of certainty or clarity on the following matters which can usefully be drawn to your attention to enable you to consider how they might be addressed.

There are no objections under Category A.

**Category B Local Housing Market Assessment: clarity and consistency with evidence base – implications for affordable housing targets and the viability of sites**

The LHMA concludes an annual need of 238 affordable homes p/a over the plan period. The tenure split shows a predominate need for social rented homes (60%) to intermediate (40%). The Council's Affordable Housing Viably Report (DVS) section 2.21 states the affordable housing targets in the plan are based on a 70% intermediate and 30% social housing split. **This is a significant deviation from the LHMA tenure split and requires robust justification and explanation.** The Council's explanation is that the majority of social housing is delivered outside of planning gain; the Affordable Housing Background Paper referencing the Council's own initiatives in this respect. While this is not disputed, PPW (paragraph 4.26) states the importance of the LHMA being a fundamental part of the evidence base for plans. The LPA should be seeking to deliver affordable housing, both in scale, type and tenure split in line with the LHMA.

DPM (Edition 3) highlights the importance of ensuring the plans evidence base is internally consistent. In particular the tenure split from the LHMA forming a core input to the viability work underpinning the plan. It is imperative the assumptions underpinning the viability assessment are consistent with the LHMA to ensure affordable housing targets and percentages are robust. The more intermediate housing on a scheme, the more viability improves. While it is appropriate to undertake sensitivity testing on key aspects of the viability model, the baseline scenario should be the LHMA as the starting point.

The DPM (Table 24) states the LHMA is a core piece of evidence in this respect with policies/targets matching as far as possible/reasonable the latest LHMA findings with regards to tenure split. **Deviation from the LHMA tenure split to this degree is potentially high risk unless this can be robustly justified and explained by the LPA.** The tenure mix from the LHMA should be referenced in the LDP reasoned justification in order to form the starting point for effective negotiations on planning applications.

**Category B - Gypsy & Travellers - Level of Need and Provision (Gypsy Traveller Accommodation Assessment (GTAA) / Site Deliverability / Policy HN8 - Allocations, and Policy HN9**

**Level of Need & Provision** – The LDP evidence base comprises two GTAAs, both covering the plan period to 2030. The 2016 study has been agreed formally signed off by the relevant Minister. However, the 2018 study, which is considered by the Council to be a more robust and accurate picture of need in the County, has been used as the basis for the plan and the proposed allocations. The 2018 study has not yet been formally signed off/agreed by Welsh Government. **To ensure compliance with the relevant legislation a GTAA must be prepared and agreed by Welsh Ministers in advance of the examination, with provision made for appropriate and deliverable site allocations to meet the need within identified timescales.** The Council should work with Welsh Government - Equalities Division, to ensure the evidence is in place at the examination. **Failure to gain Welsh Ministerial agreement for a GTAA and meet the required need (if appropriate) is likely to result in the plan being unable to be found 'sound'.**

The 2018 GTAA states the level of residential need over the plan period is for 8 permanent pitches by 2023/24 and a further 18 pitches by 2030, a total need of 26 pitches. The GTAA also recommends a need for a transit site of 5/6 pitches. Policy HN8: Gypsy and Traveller Sites allocates four separate sites to meet the need over the plan period. This is a positive response to the evidence base and is supported. **The key issue is for the Authority to demonstrate all allocations are suitable and can be delivered in the required timescales.** The Welsh Government has the following detailed comments:

## Site Suitability & Deliverability

- Which sites will accommodate the immediate need? Clarity is required on the delivery timescales of allocations.
- The allocations at Magazine Lane and Gwern Lane can accommodate 6-8 pitches. If the sites can only accommodate 6 pitches there would be a shortfall of 4 pitches over the plan period. The Council need to clarify the position in this respect.
- The proposed allocation at Magazine Lane is within a green wedge on the proposals map. Is this a mapping error? Housing allocations are not permissible in a green wedge (PPW para 3.65 and 3.71). The appropriateness of new allocations within a green wedge needs to be explained in light of PPW.
- Background Paper 6: Gypsy and Traveller Site Search sets out the planning history, issues and constraints on the proposed allocations. The Riverside allocation is located within a C1 flood zone. The Council will be commissioning a Flood Consequence Assessment to demonstrate that flooding can be managed in line with TAN 15. This assessment, including advice from the statutory body, must be in place for the examination to demonstrate the site is suitable and can be delivered. Sites with outstanding objections from the relevant statutory body, NRW, is a high risk strategy. This also applies to HN8-1 Magazine Lane which overlaps with the land fill buffer zone (Policy EN20).
- Allocation HN8.4 - Castle Park, Industrial Estate, Flint, partly overlaps with solar allocation EN13: Castle Park Flint. Background Paper 6, Appendix 3, states the site has planning permission for a 2MW ground mounted solar farm and associated infrastructure which is under construction. This requires clarification. Can both allocations be developed for their intended use, or would one preclude the other? See previous comments regarding the deliverability of G&T sites (Category B).

**Policy HN9 Gypsy and Traveller Accommodation - Criteria Based Policy** - Criterion a) and b) and the reasoned justification para 11.37 are contrary to national policy. Annex B in the Circular notes that policy requirements to demonstrate 'unmet need in the Gypsy and Traveller Accommodation Assessment' would act against freedom of movement for Gypsies and Travellers who may wish to develop their own sites. Such restrictions should not be placed on Gypsies and Travellers. The circular is clear that criteria-based policies must be fair, reasonable, realistic and effective in delivering sites and must not rule out or place undue constraints on the development of Gypsy and Traveller sites (paragraph 49). The reasoned justification (paragraph 11.38) states "Sites should be located on or close to main travelling routes for ease of access". This would be more applicable to transit sites rather than those of a permanent nature.

### **Category C Components of Housing Supply – clarification of spatial distribution & housing components by settlement tier & the housing trajectory**

Background Paper 10: Housing Land Supply and Delivery contains all the tables required by DMP (Ed.3) namely, Table 4 and Appendix 2-5 which collectively set out the spatial distribution of housing provision in the plan, the housing trajectory and the timing and phasing of all the components of supply by settlement tier. **They should all be included in the plan** as required by the Manual and current consultation on PPW.

### **Category C Homes in Multiple Occupation (Policy HN7)**

The Council will need to ensure that the proposed policy provides an effective basis for determining applications for HMOs in line with the evidence and relevant legislation. In order for a policy of this nature to be effective and implementable in practice 'over concentration' should be defined in the policy. The policy would be strengthened if criterion (b) and (e) clearly detailed what the LPA considers to be an "over concentration" and "cumulative impact". It will be for the LPA to justify its approach based on evidence, and ensure it will deliver on the aims of the policy and can be implemented in practice.

### **Category C Affordable Housing - general**

- **Exception Sites** – Affordable housing exception sites are permissible under policy STR2: Location of Development and HN4 (criteria f). It is unclear why small scale exception sites are only allowed in Tiers 2-5 and not Tier 1 which are the most sustainable settlements? The approach requires justification and clarification given affordable housing need across Flintshire is significant.
- **Affordable Housing Authority Wide Target** - The Affordable Housing Background Paper states the affordable housing target for the plan is 1,981 homes. This should be included within a policy in

the plan. Policy STR1: Strategic Growth could be amended to state “7,950 homes are provided of which xxx are affordable”. The target does not include the contribution from windfall sites (Table 6). It should do. The affordable housing target in the plan should be derived from all components of supply to ensure it is realistic in its aspiration and for monitoring purposes.

- **Spatial Distribution of Affordable Housing Supply** – the Affordable Housing Background Paper includes an analysis of affordable housing contributions by housing component. A table setting out anticipated affordable housing contributions by settlement tier and component of supply in line with guidance in the DPM (Ed. 3) would be helpful aiding clarity of the plan and effective monitoring.

### **Category C – Deliverability & Implementation – General**

The Council has undertaken a significant amount of work in respect of place making, delivery and infrastructure to inform the Deposit Plan in line with the DPM (Edition 3). This is supported (subject to the comments in this annex) and puts the LPA in a good position moving to examination, namely:

- Clear articulation and justification of the spatial distribution of housing supply and components of the housing provision (BP10)
- Housing trajectory & associated tables – containing timing & phasing of all sites in the plan (BP10)
- Detailed urban capacity study to support windfall rates (Arcadis Report)
- Strategic sites and delivery infrastructure assessment/statements – including constraints, site requirements and masterplan concept frameworks and phasing information (Warren Hall and Northern Gateway Master planning & Delivery Statements and the Infrastructure Plan)
- Affordable Viability Study (DVS)

A key matter for the examination will be whether the plan contains sufficient information in relation to the implementation, delivery and monitoring of the plan. Specifically, whether key elements of the master planning principles, delivery statements, and the infrastructure plan, should be in the plan to ensure good design and comprehensive development for housing and employment sites.

- Masterplan & Delivery Statements have been prepared for both strategic sites. Additional information, where necessary and relevant, along with statements of common ground to support the plan would be advantageous. This also applies to employment sites and key non-strategic housing sites, where relevant.
- Strategic Sites need significant infrastructure which should be articulated in the plan, including specific constraints such as those regarding the nearby airfield i.e. height restrictions which could impact on the developable area.
- The level and rationale for the housing flexibility allowance is for the LPA to justify. The DPM (Edition 3) states 10% is a starting point, with any variation being robustly evidenced. It is not the role of Welsh Government to comment on the merits or the timing of individual sites in the plan. The key point is that the LPA demonstrates that there is sufficient flexibility at key points in the plan period through the trajectory. Statements of Common Ground will assist in clarifying the timing and phasing of all sites. The trajectory should illustrate the degree of flexibility throughout the plan period.

### **Category C - Deeside Enterprise Zone – spatial identification**

The Council has not spatially allocated the Deeside Enterprise Zone (EZ) on the proposals map. The EZ should be shown spatially in the plan. Part of the EZ boundary is within a green barrier designation EN11.15 Sealand-Cheshire Border. It is not clear how/why a green wedge designation should be shown in an EZ. Would this preclude maximising economic opportunities within the EZ? This will be for the relevant Department of Welsh Government to comment on.

### **Category C - Renewable Energy**

A proportion of the authority is within a Priority Area 4 for Solar in the draft NDF. On this basis the Authority should ensure that it is in general conformity with the NDF when adopted. The REA supporting Policy EN13 is broadly in line with national policy and the toolkit methodology which concludes there are no suitable wind Local Search Areas (LSAs) but there is significant potential for solar. The Council has allocated 18 Indicative Solar Local Search Areas. The authority has also allocated specific solar PV farms at Crumps Yard, Connah’s Key and Castle Park. We have the following comments:

- The proposed LSAs for solar PV allocated by this policy should be specifically listed in the plan together with the contributions from each site.
- The 'actual' solar allocations should be separated from the ILSAs within this policy as they have a different status, i.e. ILSAs are indicative/preferred areas of search, not proposed allocations.
- Policy EN13: Renewable and Low Carbon Energy Development – include the target contribution from renewable and low carbon energy from the REA over the plan period within the reasoned justification and reflect as indicators within the monitoring framework.
- Land at Castle Park Flint (Policy EN13.2) is allocated for Solar but overlaps (in part) with a proposed Gypsy and Traveller Allocation HN8.4 - Castle Park, Industrial Estate, Flint. This requires clarification. Can both allocations be developed for their intended use, or would one preclude the other? See comments regarding the deliverability of Gypsy and Traveller sites (Category B).

### **Category C - Flood Risk**

The Strategic Flood Consequence Assessment alludes to some allocations having flooding issues. In most cases the Council is content that any issues can be overcome through site layout, i.e. avoiding areas of flood risk. The Council should ensure no highly vulnerable development is allocated in C2 Flood Plain. Where development is located in C1, while the principle of development may be appropriate in national policy terms, the key consideration for the LPA will be to demonstrate that allocations are suitable and deliverable in line with any mitigation measures that may be required to meet the requirements of national policy. The LPA will need to undertake a sufficiently detailed Flood Consequences Assessment (FCA) where appropriate and relevant, and seek advice from the statutory body, NRW prior to the examination. The authority should keep abreast of the emerging Welsh Government Technical Advice Note 15 (currently subject to consultation) with regards to allocations and the policy framework within the plan.

### **Category C - Green Barriers (Policy EN11) - consistency with PPW**

Policy EN11 should be renamed 'green wedges' and not 'green barrier' to ensure compliance with national policy. The reasoned justification (paras 12.40 - 12.43) are also unclear in this respect as they refer to national policy on both green wedge and green belt designations, conflating the two. As there is no Green Belt designated in Flintshire, the Welsh Government considers the policy and its reasoned justification should be amended to align with the correct terminology in PPW, and ensure clarity for plan users in terms of the purpose and status of policy EN11, i.e. green wedges.

### **Category C Strategic Policy 7: Economic Development, Enterprise, and Employment – clarity on the strategy for telecommunications**

Whilst the importance of telecommunications and associated infrastructure is recognised in the plan, the Plan does not set out a strategy for engaging with mobile operators to identify areas of poor or no coverage, or develop criteria based policies to guide mobile infrastructure development or location. A strategy for the development of mobile telecommunications (including mobile broadband) is important to support changing working and personal patterns of movement; technology provides opportunities to travel less both in and out of work with subsequent benefits for sustainability and climate change.

### **Category C - Minerals (Policy EN25)**

Policy EN25 seeks to meet the shortfall of sand and gravel and crushed rock to satisfy the apportionments set out in the RTS 1<sup>st</sup> Review. We note the RTS 2<sup>nd</sup> Review is currently out for public consultation and there is a significant increase in the requirement for Flintshire, as set out below:

- The apportionment of sand and gravel has increased the allocation required from 1.4mt to 3.543mt.
- The requirement for crushed rock has increased from an allocation of 3.84mt to 35.928mt.

Policy EN25 identifies extensions to four quarries to meet the requirement of the RTS 1st Review. The authority should demonstrate their ability to meet the increased need apportioned in the RTS 2<sup>nd</sup> Review, should it be endorsed prior to the plan being subject to examination.

### **Monitoring Framework**

The Councils monitoring framework provides a good starting point and it is clear the authority has looked at other monitoring frameworks which will need to be refined through the examination sessions. The Council should have regard to the monitoring and review Chapter of DPM (Ed. 3), in particular the key indicators set out in Table 29.

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**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING STRATEGY GROUP**

**DATE:** **THURSDAY, 30 JULY 2020**

**REPORT BY:** **CHIEF OFFICER (PLANNING, ENVIRONMENT, AND ECONOMY)**

**SUBJECT:** **FINAL ENDORSEMENT OF ALL RESPONSES RELATING TO REPRESENTATIONS MADE TO THE DEPOSIT FLINTSHIRE LOCAL DEVELOPMENT PLAN.**

**1.00 PURPOSE OF REPORT**

1.01 To endorse all of the proposed responses relating to representations made to the Deposit Flintshire Local Development Plan during the public consultation on the plan, carried out between 30 September and 11 November 2019, and to recommend these on to the Cabinet for consideration and approval, and ultimately also by the Full Council. Following from this will be agreement to submit the plan to the Welsh Government and Planning Inspectorate for formal examination.

**2.00 BACKGROUND**

2.01 Notwithstanding the highly unusual circumstances and working conditions created by the response to the Covid 19 pandemic, the Council has continued to make progress in preparing responses to the representations received during the public consultation held in relation to the Deposit Flintshire Local Development Plan (LDP), held between 30 September and 11 November 2019. Whilst the health emergency has had a knock on effect on the ability of the Council to keep to the relevant aspects of the existing LDP timetable and delivery agreement, resulting in a request to Welsh Government to revise the LDP Delivery Agreement, Members have continued to receive reports containing proposed responses to the various representations made. These have been sent to Members as a series of reports prepared in a logical sequence relating to the structure of the Deposit LDP, and the following chronology is a reminder for Members of that sequence including when each report was sent out, and when a virtual meeting was held by video conference.

2.02 Members will recall considering a sequence of reports as follows:

- Report 1 - A report was sent by e-mail and post on 09/04/20 relating to **responses to all representations on non-site**

**specific ‘policy’ matters.** This covered the majority of strategic and detailed policies in the LDP which were not site-specific. A briefing was held with Members of this group by Video conference on 15/05/20;

- Report 2 - A second report was sent by e-mail and post on 26/05/20 relating to **responses on representations made to the Plan’s site specific policies, relating to strategic and housing allocation sites.** A briefing was held with Members of this group by Video conference on 29/05/20;
- Report 3 - A third report was similarly sent on 19/06/20 which contained **response to representations which proposed either ‘new’ or ‘resubmitted’ sites** for inclusion in the Plan. A briefing was held with Members of this group by Video conference on 25/06/20;
- Report 4 - A fourth report was sent on 10/06/20 which contained **responses to representations on remaining policy and site specific matters.** A briefing was held with Members of this group by Video conference on 16/07/20;
- Report 5 – (Agenda item 1 to this meeting) This report contained **responses to representation on all remaining outstanding matters** relating to the Deposit LDP, including a final LDP database system check to ensure all representations made have been responded to.

2.03 This report now provides Members with a final broad overview of the contents of each of these reports and the main issues that have been raised and responded to, along with the overall conclusion reached in the responses to the areas of the plan dealt with in each report. This report also provides a review of all written feedback queries and comments received from Members to the reports referenced above, and the response from officers to those queries and comments.

### **3.00 CONSIDERATIONS**

3.01 The responses prepared and provided to Members as set out in para 2.02 above have followed a logical sequence in line with structure of the plan and the consideration of the soundness of the Plan.

3.02 The focus on non-site specific ‘policies’ in Report 1 will have enabled Members to have considered whether the representations raised issues of soundness in respect of the Plan’s Strategy, its spatial strategy and the level of employment and housing provision for growth. The responses to these representations then set the scene for Report 2, which looked at whether the Plan’s allocations are considered to be ‘sound’, before moving on to the Report 3 which considered representations for the inclusion in the plan of

additional or alternative sites being promoted by landowners and/or developers.

- 3.03 Remaining representations on specific policy areas that included Gypsies and Travellers, minerals and waste, settlement boundaries and green barriers, employment sites and renewable energy were presented in Report 4. The responses dealt with in agenda item 1 of this meeting (Report 5) are in effect a final 'sweeping up' exercise to ensure that all representations received and recorded in the LDP consultation database have been considered and responded to.
- 3.04 There is therefore a clear logic to the order with which representations have been presented for Members considerations. The starting point is that the Plan which Members placed on Deposit is considered to be a 'sound' Plan i.e. the Plan that the Council wishes to form the basis for subsequent examination and adoption.
- 3.05 It follows that if, having consider the proposed responses to representations, Members agree that the Plan Strategy and policy framework remains sound, particularly in terms of the level of growth and its spatial distribution, and equally if Members agree that the Plan's allocations remain sustainable, viable and deliverable, then there is no need for the Plan to include additional sites in the Plan. This is the central thread of the proposed responses as officers consider that no issues have been raised that carry sufficient weight or evidence to challenge the soundness of the Council's plan. This will therefore be the position adopted by the Council at Examination to defend the Plan, subject to Cabinet and full Council approval.
- 3.06 Throughout the reporting of proposed responses to Members, representations have been anonymised partly because of GDPR but also to ensure that the subject matter of the objection is considered on its merits, thereby also protecting Member's probity.
- 3.07 As a final recap of the matters covered in each of the reports itemised in para 2.02 above, and the overall conclusions emanating from the proposed responses in each case, the following broad summary of each report is provided.

**Report 1 - responses to all representations on non-site specific 'policy' matters**

- 3.08 Notwithstanding the broad range of both strategic and development management policies in the plan that are not site specific, and that received representations which were responded to in Report 1, the main theme of objections to the plan focused on the strategy of the plan, and particularly its proposed level and distribution of growth. Most objections were received to strategic policies STR1 Strategic Growth and STR2 The Location of Growth, as well as STR11

- 3.09 Provision of Sustainable Housing Sites, which are closely related and where the key themes of objection related to the plan include:
- The housing requirement figure was not ambitious or high enough and should be increased;
  - There was insufficient flexibility in the number and distribution of sites provided for housing and this should be increased;
  - The Plan had failed to 'add-in' a backlog of under-provision of housing from the UDP;
  - Housing delivery rates show that more sites should be allocated;
  - Not enough settlements in the hierarchy had growth allocated to them;
  - There is an over-reliance on commitments coming forward as well as windfall and small site allowances being too high;
  - The plan is not in line with Welsh Government guidance and policy e.g. the draft NDF.
- 3.10 Not unsurprisingly, the majority of these representations came from housing developers and/or those wanting more land to be included in the plan. Whilst most developer objections were detailed submissions, they tended to be repeated by the same agent acting for different clients. This partly explains the length of this response report but in the main this is because officers have very deliberately provided detailed rebuttals to all of the relevant points made in each submission. This is partly to focus in on arguably one of the most important policies in the plan from a soundness perspective, to ensure a strong and robust defence of the Council's strategy. It will then also follow through to the submission of the plan for Examination where the preparation of the Council's position statements will draw heavily on these responses.
- 3.11 In contrast Members will recall from previous discussions that Welsh Government in their formal comments on the deposit Plan, stated that "The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect". Welsh Government did not raise any matters that challenge the fundamental soundness of the plan.
- 3.12 Report 1 concluded that "Having assessed all of the non-site specific representations received, and with particular focus on the Plan's growth strategy, officers are very clear in recommending to Members that there have been no issues raised that fundamentally question the plan's strategy, the supporting evidence, and therefore the soundness of the plan. This common theme characterises the specific responses prepared to each objection by officers as set out in this report".

**Report 2 - responses on representations made to the Plan's site specific policies, relating to strategic and housing allocation sites**

- 3.13 This report dealt with representations made specifically to the Plan's two Strategic Mixed use development sites allocated under policy STR3, and the 11 housing allocations within policy HN1. This is the second part of assessing challenges to the soundness of the Deposit plan as published by the Council, having previously considered this for the Plan strategy and all other non site-specific policies in Report 1.
- 3.14 Whilst the strategic sites did not attract significant volumes of objections, particularly from the public, the main challenge to these sites were from developers and/or landowners promoting other or additional sites for inclusion in the Plan. The main premise behind their objections related to the scale of the strategic sites, their viability, and an over reliance on these sites delivering development, and more specifically the housing elements of each site. Objectors felt that the lead in times would significantly challenge the ability of these sites to deliver housing during the plan period. Whilst this may have some bearing on the deliverability of the housing element of the Northern gateway site, the housing that forms part of the Warren hall site is no greater than some of the individual housing allocations in the plan. Given the planning status of the housing phases at Northern Gateway and the visible progress on-site in delivering this housing, and the support for bringing forward the strategic sites via the North Wales Growth Deal and Welsh Government Housing Accelerator project, there is clear evidence of both current delivery and the deliverability of these sites, and specifically in housing terms.
- 3.15 Of the 11 housing allocations, two sites received the majority of representations to HN1 sites, with these objections mainly from local communities not wanting development in their area. The sites at Ewloe (HN1.7) received 129 objections and the site at Mancot/Hawarden (HN1.8) 196, with the next highest the site in Mold (HN1.6) with 48. Relatively low numbers were received for each of the other allocations. Notwithstanding the level of objection, clearly it is the issues raised which is of most importance in setting out a challenge to the sustainability and soundness of each allocated site. Whilst for the two sites referenced above the level of response was clearly co-ordinated by the respective communities, a number of consistent themes and issues were raised and repeated in objections to all of the HN1 sites that included the scale of development and impact on character of the area, amenity of existing residents, highways issues, community infrastructure capacity, a lack of need, and the need to protect the land from development. Having considered these representations, no substantive evidence was submitted to demonstrate fundamental

issues or site constraints that would challenge the soundness of any of the allocations in the Plan.

- 3.16 Report 2 concluded that “A lot of work has been undertaken by officers to summarise and further filter the objections received to each allocated site under policy HN1, down to a series of key issues which have then been responded to in detail by officers. The approach to responding to objections to strategic sites is different and has reverted to responding individually to each objection. Across all sites allocated for housing/mixed use development, the overriding conclusion of officers from the process of considering and responding to representations is that there are no fundamental issues raised that challenge the soundness of each individual site allocation, or the Plan as a whole”.

**Report 3 - response to representations which proposed either ‘new’ or ‘resubmitted’ sites**

- 3.17 This report dealt with responses to representations which are seeking additional housing allocations in the deposit Plan, on a small number of wholly new sites not submitted previously for consideration, and then on previously assessed candidate and alternative sites that have been resubmitted at the deposit stage. Having considered the issues raised with the Plan in reports 1 and 2, it follows that if Members consider the Plan Strategy and policy framework to still be sound, particularly in terms of the level of growth and its distribution, and if Members still consider the Plan’s allocations to be sustainable, viable and deliverable (as per the proposed responses in reports 1 and 2), then there is no need for the Plan to make additional allocations. Nevertheless, it is still necessary to re-assess the sites put forward in order to provide all parities at Examination with the Council’s response to each site representation.
- 3.18 Members will recall that at the beginning of the Plan’s preparation process a Call for Candidate Sites was undertaken. When the Plan reached Preferred Strategy consultation stage, there was a further opportunity for sites to be put forward for inclusion in the Plan and these were called Alternative Sites. When the Deposit Plan was consulted upon there was an opportunity for these sites to be put forward as part of representations to the Plan. These sites have been referred to as ‘resubmitted’ sites.
- 3.19 The representations promoting additional allocations in the Plan are primarily developer based, but a small number are from landowners or members of the public. Objectors are essentially seeking to argue that the Plan’s Housing Balance Sheet is not seeking to achieve a high enough housing requirement and that each element of the Plan’s supply of housing land is flawed and will not deliver, and that this needs to be rectified by making new allocations.

3.20 The submission of a small number of 'new' sites at this late stage is disappointing, particularly as some of these are substantial sites and are submitted by experienced developers and agents. The Plan preparation process has provided adequate opportunity for sites to be put forward at earlier stages, so that they can be considered 'in the mix' in terms of determining which sites should be allocated in the Plan. The submission of these site so late in the process also makes it difficult for Officers to assess sites in the same level of detail as the candidate sites and alternative sites. Nevertheless, the 'new' sites have been the subject of internal and external stakeholder consultation and relevant stakeholder comments have been incorporated into the responses.

3.21 Report 3 concluded that "given the earlier conclusions reached about the soundness and appropriateness of the Plan's strategy, levels of growth and spatial strategy, and the soundness of the allocations covered in reports 1 and 2, it is not considered that it is either necessary or appropriate to consider the need for further site allocations to be made, either in addition to, or instead of those allocations already in the Plan.

**Report 4 - responses to representations on remaining policy and site specific matters**

3.22 This report considered responses to the representations received during the Deposit consultation stage which relate to remaining policies and site specific matters. These policy areas and the main issues raised by representation comprised:

- provision for Gypsies and Travellers – identification of the correct level of evidenced need to be met and ensuring the plan has made adequate provision which is appropriate and deliverable;
- Waste Management – further policy clarification only ;
- Minerals – the need to ensure that the Regional Technical Statement 2 requirement for minerals can be met by provision in the plan;
- requests to amend settlement boundaries and green barriers – the need to adjust settlement boundaries and/or green barriers in relation to requests to include land in the plan for housing development ;
- Employment Development – ensuring that where potential employment development may be subject to flood risk, policies are specifically clear on the assessment that is required to ensure that the risks have been assessed and appropriate mitigation is provided;
  - Renewable and Low Carbon Energy – clarification of the purpose of the policies in the plan and alignment with Welsh Government policy intentions relating to carbon reduction and development of renewable energy.

3.23 Report 4 concluded that "given the earlier conclusions reached about the soundness and appropriateness of the Plan's strategy,

levels of growth and spatial strategy, the soundness of the allocations covered in reports 1 and 2 and therefore the lack of need for more sites (report 3), none of the representations responded to in this report are considered to challenge the soundness of the plan or the specific areas objected to, and have in the main not been accepted. There are a few instances where in responding it has been accepted that a policy or its reasoned justification could be enhanced and made even clearer with the addition of wording, and Members will see that the Inspector at examination is invited to consider these changes, which the Council would agree to”.

### **Report 5 - responses to representation on all remaining outstanding matters**

3.24 This response considered proposed responses to the representations received during the Deposit consultation stage on all outstanding matters as set out in the first report on the agenda to this meeting. This report included remaining representations from Report 4 not considered at a previous briefing meeting (employment and Renewable Energy), as well as representations identified as a result of a final system check of the LDP representations database, which had not been ‘technically’ been responded to.

3.25 With the exception of a small number of both site specific and policy based representations, the majority of representations ‘found’ by this system check have been considered previously by Members as they are points repeated several times to different parts of the plan. It is not considered that any of these matters raise fundamental issues which would affect Members previous consideration of representations and responses.

### **Members Written Feedback**

3.26 Notwithstanding the provision of Reports 1-5 for Members consideration in electronic and paper format and then a series of briefings held by video conference to clarify matters in relation to the reports, Members were also invited to submit queries and comments to officers on any aspect of the reports. All of this has in effect provided Members with all relevant information relating to representations and proposed responses and a long led in time to the consideration and endorsement of these responses at this meeting of the Planning Strategy Group.

3.27 Appendix 1 of this report identifies the matters raised by Members in writing during the consideration of Reports 1-5, and also provided an officer comment or response to the points raised.

### **Conclusions**

3.28 Given the way that responses have been dealt with in the logical order set out in para 2.02, it follows that if, having consider the proposed responses to representations, Members agree that the Plan Strategy and policy framework remains sound, particularly in



terms of the level of growth and its spatial distribution, and equally if Members agree that the Plan's allocations remain sustainable, viable and deliverable (as per the collective response proposed), then there is no need for the Plan to include additional sites in the Plan or change it in any significant way. This is the central thread of the proposed responses as officers consider that no issues have been raised that carry sufficient weight or evidence to challenge the soundness of the Council's plan. This will therefore be the position adopted by the Council at Examination to defend the Plan, subject this Group's endorsement of that position and recommendation to Cabinet and full Council approval.

- 3.29 It is also relevant to note that approval of responses has to happen as a pre-cursor to the final scrutiny stage of the Plan, where along with approving responses, the Cabinet and Full Council will need to agree to the submission of the Plan to Welsh Government and the Planning Inspectorate for formal Examination. This is where objectors can be heard by an independent Inspector.

#### **4.00 RECOMMENDATIONS**

- 4.01 That Members endorse the collective responses to all representations made to the Deposit Flintshire Local Development Plan referred to and provided in this report, and in previous reports provided to this group, comprising Response Report 1-5.
- 4.02 That this Group recommend these responses are considered for approval by the Cabinet in order to allow Full Council consideration and approval, and for the plan to be submitted to Welsh Government and the Planning Inspectorate for formal Examination.
- 4.03 That delegated authority is given the Chief Officer (Planning, Environment and Economy) in consultation with the Chair of this group, to make any final minor typographical, factual, or clarification amendments to the responses in preparation for reporting these to the Cabinet.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 None

#### **6.00 ANTI POVERTY IMPACT**

- 6.01 None

#### **7.00 ENVIRONMENTAL IMPACT**

- 7.01 The Plan has been the subject of an Integrated Impact Assessment to inform its policies and proposals and in the assessment of representation.

**8.00 EQUALITIES IMPACT**

8.01 None

**9.00 PERSONNEL IMPLICATIONS**

9.01 None

**10.00 CONSULTATION REQUIRED**

10.01 None

**11.00 CONSULTATION UNDERTAKEN**

11.01 This reports has sought endorsement for responses to all representations received to the Deposit LDP public consultation exercise held between 30 September and 11 November 2019.

**12.00 APPENDICES**

12.01 **Appendix 1 Written Member comments and queries and officer responses**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

Contact Officer: Andy Roberts  
Telephone: 01352 703211  
Email: andy.roberts@flintshire.gov.uk

PSG – Member Comments and queries / Officer Responses

Cllr	Policy / para	Comments	Response
Ian Dunbar	STR1 / Rebuttal Paper	Regarding the Rebuttal Statement is this directed and the 2 main developers who monopolise the developments in Flintshire and for long enough sat on land to gain best price to the detriment of smaller developers. Also the Plan Strategy for the setting of Housing requirement figure in their objections was it not set by WAG for Flintshire.	The Council has set its own Housing requirement figure. This uses the population and household projections produced by Welsh Government but also a range of other considerations. Welsh Government issued a health warning with earlier projections in that they were based on a period of economic recession which should not be replicated going forward. The Council adopted a growth led strategy in view of on-going regional growth initiatives and this is aspirational but realistic.
Chris Bithell	STR1	WG comment re inconsistency of not permitting exceptions in Tier 1 , only in tiers 2-5. Does this present any difficulties for us?	The wording of policy STR2 'Location of Development' in respect of small scale affordable housing exception schemes had exclude Tier 1 settlements in error. Previously the policy had been applicable to 'rural' areas and settlements both in national policy and in UDP policy HSG11. In the revised PPW10 the 'rural' element has been omitted with the result being that any settlement can be acceptable for an affordable housing exception schemes. Given that Tier 1 settlements are the most sustainable settlement settlements

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			<p>this should not be problematic and it should be noted that any development proposal would still need to satisfy the criteria in policy HN4-D ‘Affordable Housing Exception Schemes’.</p>
<p>Chris Bithell</p>	<p>590 1230730</p>	<p>Council acknowledge that 13/41 sites allocated in the UDP did not come forward. Council blame that on market conditions. They claim that these sites were not viable or sustainable in the first place and that we are repeating the same mistake in the LDP, Although a robust response is made to most of the arguments put forward by the objectors I don't think we are robust enough on the latter point i.e. the viability and sustainability of the sites.</p>	<p>The UDP allocations were assessed by the time by the UDP Inspector against a large number of ‘omission’ sites and were considered to be appropriate allocations with which to meet the Plans housing requirement. It is a matter of fact that the adoption of the Plan coincided with the economic downturn.</p> <p>An important point, which is picked up in responses to objections on other policies is that the LDP has sought a different approach to housing allocations. The UDP had a more prescribed distribution of sites with the result being that there were a large number of smaller allocations across all settlement tiers, which may not have been of interest to certain housebuilders. Instead, the LDP has opted for a more focussed approach whereby allocations are only made in the top three tiers of the settlement hierarchy and where the evidence base for the Plan shows that they are sustainable, viable and deliverable.</p> <p>This particular objector made a series of objections put to policies throughout the</p>

			Plan and both this objector and other objectors have questioned the viability and sustainability of certain sites but without providing clear evidence to back up their points. It is necessary to consider the 'totality' of the Council's responses and these are quite clear that the Plans allocations are sustainable, viable and deliverable.
Chris Bithell	Rebuttal Paper	Points made to counter their arguments (i.e. the LDP will provide 2/3 times the level projected household change by national projections in Table 1 would again suggest that we are over providing And going overboard. Is that realistic? Is that desirable? Is that what most people in Flintshire would want? Again the point is made that Wrexham and Flintshire are doing more than their bit for future growth; it is the others that need to be doing more! Flintshire has provided the highest rate of growth in the UDP – the only LA where provision is in line with planned growth. Whilst that may well be the case, are we therefore doing too much? Will the other LAs row back and leave it to Flintshire to meet the regions needs?	As explained above Welsh Government confirmed through a Ministerial Statement that the 2011 based household projections should be treated with caution as it is based on a period of economic recession and therefore underestimates future housing need. It would also do little to support the growth ambition within the Plan and would perform poorly in delivering market and affordable housing. The projections were treated as no more than a baseline. Instead, the Council. In the Strategic Options document, consulted upon a further 4 projection led growth options and an employment led growth option.. The Councils Preferred Strategy document explained in para 3.6.3 that the demographic led housing requirement in Option 4 (6,600 units / 440pa) was broadly in line with the employment led projections in Option 6 (6,550-7,350 units). The chosen figure of 6,950 was the midpoint of Option 6 and

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			<p>this is considered to represent an ambitious yet realistic and sustainable level of growth.</p> <p>The housing requirement figure identified in the Plan is not considered to be excessive. Clearly there are Members of the public who consider the figure should be lower, but this is usually association with objections to a particular site.</p> <p>It must be noted that in their formal representations on the Deposit Plan, Welsh Government stated that ‘The Welsh Government is generally supportive of the spatial strategy and level of homes and jobs proposed and has no fundamental concerns in this respect’. It is for each LPA too meet its own housing requirement based on the circumstances prevalent in that County and based on the Strategy or ambitions of each Council. There is no requirement for or onus on Flintshire to make good any possible shortfalls elsewhere.</p>
Mike Peers	STR4	<p>We are advised that Wales Government (WG) support in principle to minimise the loss of Best and Most Versatile land (BMVL) . Surely this is already covered in Planning Policy Wales 10 (PPW) (Page 38, section 3-54). Is it not the</p>	<p>The Plan has been prepared in the context of PPW10 which seeks to protect finite resources such as best and most versatile agricultural land. Para 4.10.1 of PPW10 explains that in development plans considerable weight should be given to protecting BMV agricultural land</p>

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		<p>case that WE already support through PPW10. Is it also not the case at an appeal in Pen-y-Ffordd the inspector considered a similar situation of BMVL but granted permission in favour of the developer against PPW10 policy ?</p>	<p>from development. The Council worked closely with WG Agricultural Officers to build in to the candidate / alternative site assessment process a predicted loss of agricultural land. In seeking to identify allocations the Council balanced the need to protect BMV with a range of other planning considerations in other to minimize the loss of BMV. This was explained in a Background paper and the approach taken has been supported in principle by WG.</p> <p>Given that BMV agricultural land protection is so clearly stated in PPW10 it was not considered necessary have a specific policy in the LDP. It should be noted that LDP's should not slavishly repeat national guidance as the two can be read and applied together.</p> <p>The appeal decision at Penyffordd involved a different context where a specific speculative development proposal was afforded considerable weight in the light of the advice in the [then] TAN1. The Inspector had to make a planning balance in terms of the relative weight to the attached to protecting BMV (and the specifics of the land involved which was detached from the nearby agricultural land) and the need to increase housing land supply.</p>
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Chris Bithell	STR11	<p>Our housing projection figures are too high in comparison with WG figures and NDF. ( Although not high enough for many of the developers!) Are we making too much allowances for flexibility and thereby shooting ourselves in the foot by showing our readiness to accept even more.</p>	<p>In its formal representations on the Deposit Plan Welsh Government commented ‘The Welsh Government is broadly supportive of the strategy, level of homes and jobs proposed, considers it aligns with national policy and is in general conformity with the emerging NDF’.</p> <p>The National Development Framework is still a draft document and the timescales are different to the LDP’s, with the NDF covering a longer period up to 2040. It is also the case that the housing growth need assessed in the NDF is not directly compatible with the method for deriving housing requirements in LDPs. In this context Welsh Government published a supplementary ‘Explanatory Note – Housing Need’ in Dec 2019 which stated ‘While it is expected that there will be a clear alignment between the estimates of housing need and the Housing Requirements set out in LDPs and SDPs, they are not the same and therefore are not expected to match’. Nevertheless, when the housing need for Wrexham and Flintshire in the draft NDF is annualized and compared to the annualized cumulative housing requirements in the Flintshire and</p>
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			<p>Wrexham LDPs, there is a high degree of conformity with the growth ambitions of the NDF.</p> <p>In terms of flexibility allowance, Welsh Government require in Development Plan Manual 3 that ‘a flexibility allowance must be embedded into the plan’ with a starting point of 10%. The Plans flexibility allowance of 14.4% is considered to be reasonable and proportionate and is not excessive.</p>
Chris Bithell	STR14	<p>Is our policy strong enough re-energy efficiency and renewable energy generation as part of new developments and helping us to reach our own carbon reduction targets for 2030?</p>	<p>The Plan seeks to ensure through policy EN12 that development generally seeks to maximize the potential for renewable or low carbon energy technology. In addition, certain thresholds of residential and commercial development will be required to submit an energy assessment. In addition Welsh Government consulted in Dec 2019 on a review of part L (conservation of fuel and power) of the Building Regs.</p> <p>A renewable energy assessment of the County has also been undertaken and this has identified opportunities for solar power and this has been expressed through Solar Indicative Local Search Areas. There are area where solar energy development may be acceptable in principle subject to satisfying the criteria in EN13.</p>

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<p>Chris Bithell</p>	<p>PC4 1142 1234608</p>	<p>must be enforced. Point already made above we need to ensure that we can reach 2030 carbon reduction targets. Response is that at present there are no requirement in PPW for every new house to be energy efficient but EN 12 seeks to ensure that new large scale development maximise potential for renewable energy. Whilst acknowledging we are probably limited by what the law lays down in this respect, it is nonetheless lacking. This is not particularly helpful. How large scale must the development must be? Can we do more to enable us to achieve our ambitious targets both locally and nationally?</p>	<p>As explained above policy EN12 requires that all new development maximizes the potential for renewable and low carbon technology. It also requires on larger developments (residential developments of 100 units or more and commercial developments of 1000sq m or more) an energy assessment.</p>
<p>Mike Peers</p>	<p>HN2</p>	<p>It states 30 dwellings per hectare will not be achievable on all housing allocation. Does this mean on sites allocated for housing in the LDP. Explain why it will not be achievable – Criteria? Explain Gross / Net figures. Need to tighten up on housing mix by perhaps a %age of house types.</p>	<p>Gross density is where the number of units is measured against the site as a whole. The net density is where the number of units is measured once roads, open space, structural landscaping etc is excluded from the site area.</p> <p>The policy wording of HN2 specifies a density of ‘at least 30 dwellings per hectare’. In para 11.5 of the explanation to the policy the Plan states ‘On all sites of 10 units or more a general minimum net housing density of 30 dwellings per hectare is required’. However, it is acknowledged each site must be</p>

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			<p>considered on its individual merits and therefore the Plan goes on to state ‘but it is acknowledged that individual circumstances will vary according to the site location and the character of the surrounding area’. The policy explains through the two criteria, the circumstances in which a lower density may be acceptable and these are:</p> <ul style="list-style-type: none"> <li>‘a. site constraints prevent the minimum density from being achieved</li> <li>b. the minimum density would harm the character and appearance of the sites surroundings’ .</li> </ul> <p>The policy wording emphasises the need for a ‘mix of dwellings by type and size’ and recognises the need to ‘meet the needs of residents for a range of house types thereby creating mixed and socially inclusive communities’. The explanation to the policy in para 11.6 refers to the findings of the Local Housing Market Assessment which identifies the need for smaller 1 and 23 bedroom dwellings and also the need to meet the needs of an ageing population. It would be inappropriate for the policy to specify exactly the mix of units in terms of bedrooms as it is necessary to have regard to the site, the surroundings and the characteristics of the local housing</p>
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			market area. A rigid ‘one size fits’ all approach would not be appropriate.
Chris Bithell	HN3	Are our proportions for affordable homes 30%, 40% or 51%?	<p>In the UDP policy HSG10 the Council sought a flat 30% affordable housing requirement on all development which exceeded the threshold of 1ha or 25 units.</p> <p>In the Deposit LDP a more thorough evidence based approach has been taken through the findings of the Local Housing Market Assessment and the work undertaken by the District Valuation Service. This approach uses the local market housing areas identified in the LHMA and then applies the viability findings to give a different % affordable housing requirement in each local housing market area. This recognises that viability will be different in different parts of the County having regard to how strong the local housing market is. Affordable housing requirements therefore range from 15% to 40%.</p> <p>The figure of 51% is a figure used in the draft NDF and no evidence has been provided to show how this has been calculated nor whether it is viable and achievable, and certainly not without the provision of substantial public subsidy.</p>
Mike Peers	HN3	Expand on WG objection. Does the affordable housing policy require	<p>The response to rep 1139 explains that:</p> <ul style="list-style-type: none"> <li>• The tenure mix (split between social and intermediate rental) is considered</li> </ul>

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		<p>amendment in line with WG comments?</p>	<p>to be in line with the LHMA. The response on this point could be further amended to state ‘The tenure mix can be added to the policy explanatory wording if the Inspector considers this would improve the understanding and application of the policy’.</p> <ul style="list-style-type: none"> <li>• It may be necessary to add the Plans affordable housing target (as presently set out in the Affordable Housing Background Paper) to the wording of criteria iii of policy STR1. This would most likely be written as ‘7,950 new homes to meet a requirement of 6,950, of which XXXX are affordable homes’.</li> <li>• The Affordable Housing Background Paper will be updated to show a number of updates including the anticipated affordable housing supply by settlement tier and also the expected affordable housing contribution from windfalls.</li> </ul>
<p>Chris Bithell</p>	<p>HN7</p>	<p>HMOs. Further work needs to be done to settle the issues regarding what is regarded as over concentration of HMOs in a locality (e.g. – 10%, 15% or what within a radius of so many metres?) Point already made we need to strengthen this policy, ensure greater clarity so it can be implemented.</p>	<p>Noted</p>

Chris Bithell	EN1 328 1231153	The plan doesn't provide any prescriptive policies on open space standards/ improvements of existing provision. Refers to SPG Note but this is only in draft form and has not been subject to public consultation, Council resolution and formal adoption. Do they have a point here? Does this weaken or even negate our policy and our stance?	Further work is presently being undertaken on an update of the Open Space Survey into order to feed into a review and possible updating of the existing SPG. This is only raised by one developer and is not a major concern. Further evidence can be fed into the submission / examination stages.
Mike Peers	EN7	Do we need to add to policy reference to Hedgerows Regulations 1997 made under Section 97 of the Environment Act 1995 and came into operation in England and Wales on 1 June 1997. Explain "net gain in biodiversity".	<p>It is not considered necessary for a LDP to mention numerous pieces of legislation as these exist in their own right. The key concern is that the policy is worded clearly and is effective in protecting trees and hedgerows as part of new development proposals. Appendix 2 of the Deposit Plan references a SPG on Trees and Development and this may be able to go into more detail on such Regulations.</p> <p>IN PPW10 Welsh Government emphasis the need to maintain and enhance biodiversity and refers in para 6.4.21 to 'enhancement must be secured wherever possible'.</p> <p>Policy EN7 sets out the overriding objective of trying to avoid the loss of or harm to trees woodlands and hedgerows. However, the second part of the policy recognises that there may be</p>

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			<p>circumstances where the loss of a tree is unacceptable and sets out what criteria would need to be satisfied. Criteria b) would seek replacements elsewhere on the site and criteria c) seeks to achieve an overall gain or enhancement in biodiversity perhaps through other planting, green infrastructure which would bring biodiversity benefits that might not have been achieved by the site in its original condition.</p>
Chris Bithell	EN14	<p>14 Flood Frisk NRW a Statutory Authority expressing concerns over the allocation of sites for employment being included without flooding risk assessments. Will that present us with problems at the Examination stage?</p>	<p>NRW have expressed concern about a number of employment allocations in PE1 and a number of Principal Employment Areas in PE2. These sites / areas were not run through the original Strategic Flood Consequences Assessment as they were 'rolled forward' from the adopted UDP and are long standing existing employment sites. As explained in Report 4 the SFCA has been revisited in respect of these sites and ongoing discussions taking place with NRW to add further wording clarification to the relevant policies to set out what will be required in terms of assessment when development is considered in employment locations that are affected by flood risk.</p>
Chris Bithell	637 1224983	<p>A Developer expresses concerns that the plan when adopted will date back to 2015 i.e. it is already 6 years old before adoption with only 9 years left</p>	<p>Welsh Government does not prescribe a particular Plan period for a LDP. Typically the Plan period is for 15 years as this is a balance between looking far</p>

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		<p>before expiry. Have they got a point here? Could the plan be for 20 years? It would appear We are always on the backfoot, fighting a rear-guard battle. Is there any reasons why we couldn't make it a 20 year plan particularly as we are going to have to review it ever 4 years anyway?</p> <p>Mention is made here that the Bromfield Timber site has commenced. Has it? If so when and exactly where?</p>	<p>enough into the future for it to have a strategic context but so far ahead as to bring greater uncertainty in terms of forecasts, projections, changes in circumstances and guidance etc. It is also quite normal for a Plan to be adopted well into its Plan period. However, if the LDP is adopted at the end of 2021 it would still have 9 years remaining which is a significant improvement on the UDP.</p> <p>To amend the Plan period now to 20 years would have profound implications for the timetable for adopting the Plan as it would require a fundamental reconsideration of housing and employment growth and require the identification of additional development sites. Quite simply, the objector is seeking to extend the Plan period to 20 years as they know it would bring a higher housing requirement and provide a context for the consideration of their promoted site. Such an approach does not represent sound or sensible planning. The Plan will need to be reviewed every 4 years and the site can be resubmitted as a candidate site as part of a future review.</p> <p>As a result of certain works undertaken at the Bromfield Timber site, it is the</p>
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			<p>Council’s position that a technical commencement of the planning permission has taken place.</p>
Chris Bithell	707 1233454	<p>They argue that the 14.4% flexibility is an admittance that our provision for housing can be accommodated, a source of supply for an additional 1000 homes. Are we actually conceding this point and providing an open goal for those who cry for more and more?</p>	<p>As explained above Welsh Government require each LDP to have a flexibility allowance and that 10% is a starting point, taking into account local circumstances. The Council is not ‘overproviding’ housing, it is merely ensuring that scope for sufficient provision (in terms of the various sources of supply) is made in the Plan to meet the Plans housing requirement figure. This recognises that for instance not all sites may come forward as quickly as anticipated and that it is necessary to allow for such slippage through a flexibility allowance.</p> <p>The objector is merely seeking that the Plan makes greater provision for housing as this provides a context for their promoted sites.</p>
Mike Peers	P17 conclusion	<p>Clarify the Welsh Government objections</p>	<p>Welsh Government comments on a LDP can fall within three categories which are set out below:                      Category A - Objections under soundness tests; fundamental issues that are considered to present a significant degree of risk for the authority if not addressed prior to submission, and may have implications for the plan’s strategy.</p>

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			<p>Category B - Objections under soundness tests; matters where it appears that the Deposit Plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan.</p> <p>Category C - Objections under soundness tests; whilst not considered to be fundamental to the soundness of the LDP, there is considered to be a lack of certainty or clarity on the following matters which can usefully be drawn to your attention to enable you to consider how they might be addressed.</p> <p>In the case of the Flintshire LDP there were no Category A objections, only two Category B objections and eight Category C objections. The Welsh Government representation letter was reported to Planning Strategy Group shortly after the close of the consultation exercise, to the meeting on 24<sup>th</sup> January 2020.</p>
Mike Peers	General	There must be objectors or supporters which have prompted an amendment or rewording. Is this the case?	Where additional wording has been reported in responses this in the main is in response to comments by representees that the policy is not clear enough.
Mike Peers	General	In the Council responses it does not state whether the policy is to be amended: YES / NO. The Council should advise whether it proposes to	The logical outcome of stating whether or not amendments to the Plan are to be made would be to publish Focussed Changes to the Plan. In order to

		make an amendment in line with representation or not.	maintain momentum on the Plans preparation, it is proposed that Focussed Changes are not published, as this would clearly result in the need for a further consultation exercise and reporting period. Instead, where it is considered in responding to objections, that changes could be made, these are being worded as being a matter for the Inspector to considered at examination
Mike Peers	General	LMHA The local market housing assessment should be up to date (kept up to date) and available for reference by members, and members of the public at all times.	This is something that the Council's Housing function take the lead on, but where we have resourced the latest review as it was required to support the LDP as an evidence base. Welsh Government require the LHMA to be kept up to date as suggested, and it is understood refreshed every three years.
Mike Peers	General	In response to the consultation the Council advises "Bungalows would help provide an alternative (housing) mix". How can this be achieved through policy?	Policy HN2 'Density and Mix of Development' seeks to ensure new developments incorporate a mix of dwellings by type and size. Para 11.6 of the explanation to the policy explains how the LHMA identifies a need for smaller 1 and 2 bedroom units and that part of this need is the a growing older population. The explanation refers to the housing needs of older people being reflected in residential development developments, including the development of bungalows.

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## Appendix 5: Typical Schedule of LDP Process from Submission to issuing of the Inspector's Final Report

Typical schedule of LDP process from Submission to issuing of the Inspectors' Final Report (source PINS Local Development Plan Examination Procedure Guidance (August 2015)).

Week	Key Actions
1+ onwards	<ul style="list-style-type: none"> <li>• LPA submits LDP and supporting documents to the Welsh Government and the Planning Inspectorate.</li> <li>• Provided a PO is in place and all documents have been submitted, the Inspectorate will proceed to appointment of the Inspector. The Inspectorate will carry out an initial scoping of the LDP (procedure and content) which will be passed to the appointed Inspector.</li> </ul>
2+ onwards	<ul style="list-style-type: none"> <li>• Inspector will commence early appraisal of the LDP and make contact with the PO. Inspector will confirm the Pre-Hearing Meeting (PHM) date through the PO and provisional hearing start date. LPA advertise the PHM, giving at least 4 weeks' notice.</li> <li>• Inspector will look for any fundamental or cumulative flaws in the LDP and write to the authority in the first instance where there are major concerns. If an exploratory meeting is required the Inspector will advise the LPA through the PO (Note: an exploratory meeting is likely to lead to a consequent delay in the examination timetable).</li> <li>• Inspector will start giving consideration to the structure of hearings, allocate participants to hearing sessions and decide what additional material is needed from participants.</li> <li>• LPA may be asked to respond to questions on specific issues highlighted by the Inspector. However, papers should not be put forward if not asked for by Inspector.</li> <li>• PO sends initial letter to representors.</li> </ul>
7	<ul style="list-style-type: none"> <li>• Inspector will aim to finalise the programme for the hearing sessions and the draft list of matters and issues for the hearings in advance of the PHM.</li> <li>• PO circulates Inspector's Guidance Notes to representors and confirms attendance at the hearings.</li> <li>• LPA to advertise the start date of the hearing sessions at least 6 weeks in advance.</li> </ul>
8	<p><b>PRE-HEARING MEETING (PHM)</b></p> <ul style="list-style-type: none"> <li>• Aim to have PHM 8 weeks after submission (6 weeks before hearing sessions start).</li> <li>• The merits of the LDP will not be discussed at the PHM but the Inspector may invite comments from the participants on the draft matters and issues identified for the examination.</li> </ul>
9+ onwards	<ul style="list-style-type: none"> <li>• PO should circulate the notes of the PHM, along with the programme for the hearing sessions and final list of matters and issues for the hearings as soon as practicable after the PHM. □</li> </ul>

## Appendix 5: Typical Schedule of LDP Process from Submission to issuing of the Inspector's Final Report

	<ul style="list-style-type: none"> <li>• LPA &amp; participants will start work on providing any written statements requested by Inspector. The Inspector takes charge of process of what may be submitted. The date for submission of responses to the Inspector will usually be the same for all parties. The aim will be to inform Inspector not create counter arguments.</li> <li>• The Inspector may make provision for the submission of rebuttal statements if he/she considers they would be helpful.</li> <li>• The LPA and other participants in the examination have around 4 weeks to produce their statements for the hearing session.</li> </ul>
12	<ul style="list-style-type: none"> <li>• Responses and statements from LPA and participants due.</li> <li>• PO circulates written statements from the LPA and other participants well before the hearings commence, so that all parties are fully aware of the evidence/points being made.</li> </ul>
13	<ul style="list-style-type: none"> <li>• PO circulates final detailed agendas for the discussions at each of the hearing sessions to the relevant participants.</li> </ul>
14+ onwards	<ul style="list-style-type: none"> <li>• The hearing sessions form an important part of the examination process; all participants should attend on the relevant day.</li> <li>• It is likely that action points will be agreed after each session. The LPA commences work on 'Matters Arising Changes' it proposes to make to the plan, including Sustainability Appraisal.</li> <li>• Inspector will announce the report delivery date at the last hearing session (taking into account the time required for the internal quality assurance process).</li> </ul>
19+ onwards	<p><b>REPORTING</b></p> <ul style="list-style-type: none"> <li>• After the hearings have concluded and the Inspector is reporting, no further representations/papers will be necessary unless specifically requested by the Inspector (the examination remains open throughout the reporting period).</li> <li>• Consultation on any 'Matters Arising Changes' are carried out by the LPA and responses forwarded to the Inspector.</li> <li>• If the Inspector considers that additional changes are needed to the plan which require consultation/SA, he/she will ask the LPA to undertake the relevant work.</li> </ul>
38	<ul style="list-style-type: none"> <li>• The report will be subject to an internal Quality Assurance process in the Inspectorate before dispatch. This process takes around 2 weeks.</li> </ul>
40	<p><b>FACT CHECK DISPATCH</b></p> <ul style="list-style-type: none"> <li>• LPA has 2 weeks to carry out the fact check.</li> </ul>
42	<ul style="list-style-type: none"> <li>• Inspector will respond to the fact check matters and comments raised by the LPA.</li> </ul>
43	<p><b>FINAL REPORT</b></p> <ul style="list-style-type: none"> <li>• Final report will be dispatched.</li> </ul>