SUBMISSION STATEMENT

in respect of

Flintshire LDP (2015 to 2030) Examination

on behalf of

Gower Homes (ID 1149823)

Matters 10, 12 and 13

April 2021

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This representation is submitted on behalf of Gower Homes.

They have an option agreement with the (single entity) owners of the land.

The site extends to include a single parcel of greenfield land that benefits from direct access off the Ruthin Road, Mold as illustrated on the plan below.

It is located in a highly sustainable and accessible position directly adjacent to the Mold settlement boundary and would offer an ideal residential extension being within easy walking distance of existing services and facilities.

The land to the south east was released from the Green barrier as part of the UDP and this site offers a natural and logical release and development extension to Mold.

A detailed planning application for 90 no. dwellings (including 40% affordable and supported living units) was submitted to FCC in March 2020 (PA ref. 061154), but regrettably refused permission on 28 October 2020 on the grounds that it was considered speculative, was Green Barrier and comprised loss of BMV.

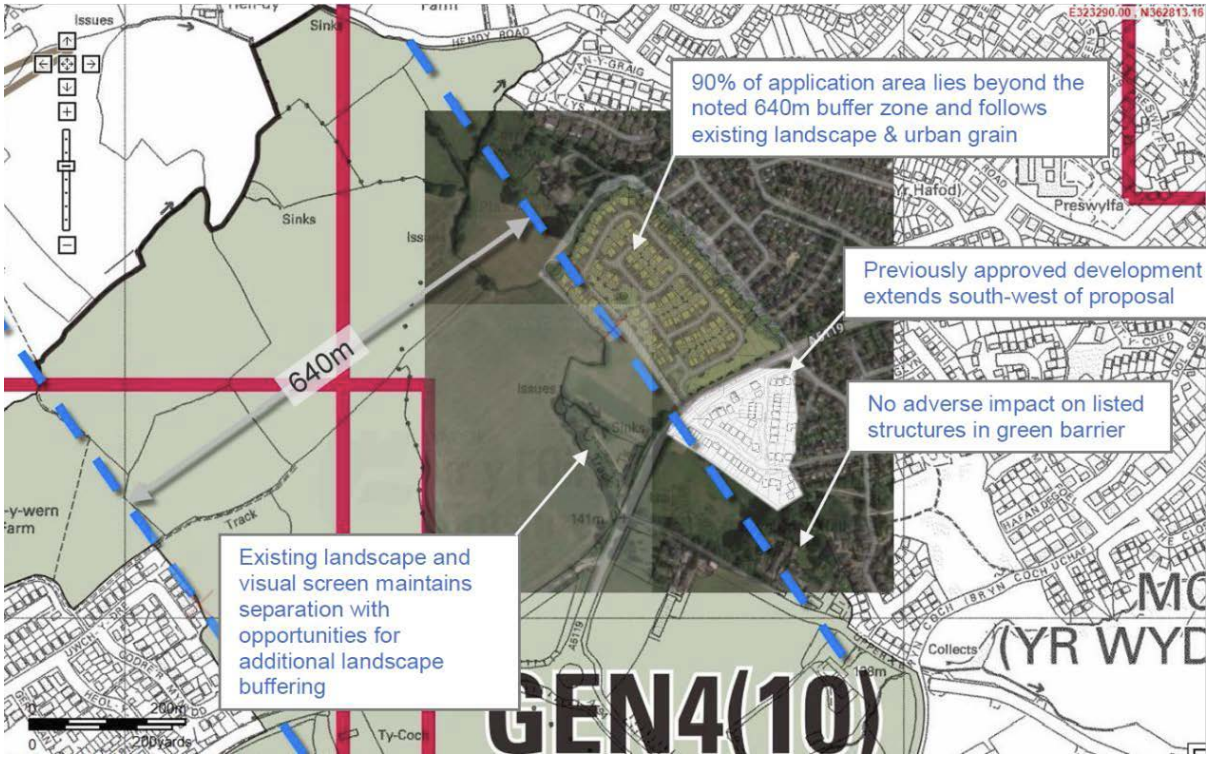
Highway access is available off Mold Road (A5119).

It comprises an area extending to 4.31 ha and is considered to be capable of delivering 90 units (as demonstrated by the detailed planning application) – illustrated by the layout plan below.

As part of our submission we accept its current Green Barrier designation, but we presented an Exceptional Circumstances case as part of our submission, which included its assessment in relation to Green Barrier.

Gower Homes considers that in landscape, visual openness and coalescence terms, the effects of developing this site for housing would be very limited indeed. The scheme would round off the existing settlement, rather than result in encroachment into the wider countryside.

The plan below illustrates that the very obvious and logical rounding off of the Mold settlement this site would offer.



In support of the planning application submission (and as part of our previous LDP representations to the Deposit Plan in 2019) we also appraised the FCC Green Barrier Review document in relation to this site and the "*Mold-Gwernymynydd : Green Barrier no 10".* This will be discussed in more detail under our Matter 16 submission.

At the time of the UDP the site to the south east (known as land west of St Mary's Park) was undeveloped, so reliance upon his findings in relation to this site bear no resemblance to what actually exists now and indeed the UDP referred to two fields when it discussed (part of) this site whereas the proposal only involves a single field, not two.

The second key issue involved in this site is the matter of BMV land. The site extends to 4.31 ha and the Agricultural Land Quality Assessment for the site found that 15% of the site was Grade 2, 71 % Grade 3a (so therefore 86% BMV) and 11% Grade 3b and 3% "other"; as illustrated by the plan below.

These findings were accepted by the WG LQAS service and are not disputed.

However, what whilst BMV land is involved here the points we must make are that:

- We recognise that FCC cannot meet its housing growth needs by using brownfield land alone
- That greenfield land is required for release
- That the sequential search to be followed is to use/identify non-BMV land first as a preference
- Where BMV cannot be avoided that the lower grades be identified first
- That sustainable access and placemaking are significant considerations
- FCC have not considered the options / alternatives in their Agricultural Land Review paper No 9 and have indeed actually ended up identifying higher grade BMV release in its draft housing allocations
- FCC have discounted this site but provided no reasoning

In the absence of any other reasonable alternatives this site offers a suitable candidacy for housing growth, all things considered. In this Tier 1 settlement.

We would invite the Inspector to consider (under the power vested in them and as guided by Para 6.58 of DPM3) to recommend this site be included as a new / alternative site. This is endorsed by the opportunity to identify new sites under Para 3.75 as part of any MACs process.

Matter 10: Implementing Sustainable Development (**Policies PC1, PC2, PC3, PC4, PC5, PC6, PC8, PC10**)

Key Issue:

Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy? Are they based on robust and credible evidence?

Are the policies and requirements clear, reasonable and sufficient?

No they don't: please refer to table below.

POLICY	FCC Approach	Result
PC1 Relationship of development to settlement boundaries	Evidence base has not made proper assessment of settlement boundaries and have ignored issues such as sequentially selecting sites based upon proper and thorough assessment of BMV, a proper Green Barrier Review and considering sustainable placemaking principles	In drawing settlement boundaries as shown and allocating certain sites the result has been that reasonable and relevant alternatives have not been assessed and discounted
PC2 General requirements for development	Certain allocations have ignored principles set out in criteria (e.g. character of landscape, sustainable travel, highway impact, drainage infrastructure problems	Alternatives exist without these challenges but have not been properly assessed and simply discounted
PC3 Design	No comment	No comment
PC4 Sustainability and resilience of new development	The strategic allocations and many of the non-strategic housing allocations do not meet the sustainably located and accessible criteria	Alternatives do exist that do offer and meet sustainable location and access criteria but these have not been assessed
PC5 Transport and Accessibility	As comment for PC4	As comment for PC4
PC6 Active Travel	As comment for PC4	As comment for PC4
PC8 Airport Safeguarding Zone	STR3B Warren Hall has failed to demonstrate it could meet this policy and is not impacted by it	No comment
PC10 New Transport Schemes	Despite constraints associated with certain draft allocations (e.g. Mold) no improvement schemes are promoted to address these	No comment

Please also refer to **J10 POLICY FRAMEWORK Conformity and Consistency Checklist** and the **J10 SOUNDNESS Checklist** for more detail

a) Has the special character of Mold been adequately considered in drawing up the settlement hierarchy/boundaries?

No, it hasn't.

Mold is constrained by floodrisk to its east and Mineral Safeguarding Zones to its south and northwest.

A Green Barrier designation seeks to prevent coalescence with Buckley/Mynydd Isa, New Brighton and Sychdyn (Soughton) to the east/north

Another Green Barrier designation seeks to prevent coalescence with Gwernymynydd to the south west.

The settlement boundary has resulted in FCC proposing an urban extension to its north west but this has ignored:

- Infrastructure capacity (drainage and highway) constraints
- Sustainable access and active travel
- Landscape character assessment (the area offers quality verdant landscape with 'park setting' character) – yet none undertaken
- Mineral safeguarding zone
- Agricultural land quality (BMV) sequential search approach

The Green Barrier Review undertaken is deficient, flawed and inconsistent – Matter 16 will discuss this in more detail.

The Mold Opportunity Sites Assessment (2013) actually suggested that the draft allocation was a long-term opportunity with significant issues to overcome; this "brief" study was clearly ignored as the site has been supported for release.

Meanwhile the same study found my clients site offered a good medium term opportunity and was a logical extension to the urban area, had good quality highway access and could retain mature landscape features and integrate well with existing development.

Reasonable and relevant alternatives exist, but have not been assessed or properly assessed.

b) Is it clear how proposals in the open countryside will be treated, in particular that new building will generally be strictly controlled?

No comment

c) Is the requirement for electric charging points in non-residential development in Policy PC5 consistent with national guidance?

No comment

Matter 12 : New Housing Development Proposals (incl. Density and Mix) (**HN1**)

Key Issue:

Have relevant alternatives been considered; is the identification of the housing sites based on a robust and rational site selection process? Are the sites deliverable within the plan period and will they make an appropriate contribution towards the housing requirement?

Are the policies for the housing sites clear and reasonable?

No, the reasonable alternatives have not been considered; the selection process has not been robust or rational and there is considerable doubt over the viability and deliverability of the draft allocation sites.

Please refer to **J10 POLICY FRAMEWORK Conformity and Consistency Checklist** and the **J10 SOUNDNESS Checklist** for more detail

a) Did the presence, or otherwise, of Best and Most Versatile agricultural land (BMV) influence the selection of housing sites?

Clearly not.

The Council's Background Paper No 9 on "Minimising the Loss of Best and Most Versatile Agricultural Land" was published in September 2019 (after the sites had already been selected – so retrospectively !) which reported the following findings:

- ***CONNAH'S QUAY : HN1.3*** *: Predictive mapping shows the loss of 5.0ha of grade 3a BMV The site was verified by Welsh Government on 11/03/19 as being grade 3b following further on site investigation, but no reporting evidence is provided.*
- ***FLINT : HN1.4*** *: No BMV report available although suggestion is that it involves Grade 2 (5.62ha) and Grade 3a (0.29ha) which is contrary to predictive mapping which shows it as Grade 1 and Grade 2.*
- ***MOLD : HN1.6*** *: Predictive mapping suggests Grade 2, although a Site Survey by Reading Agricultural has identified that due to claimed chemical imbalances arising from a previous development and that the loss would involve land of Grade 3b instead. Verification by Welsh Government is awaited.*
- ***EWLOE : HN1.7*** *: Predictive mapping suggests Grade 3a; report (did not cover entire site) agrees with Grade 3a with small amount of Grade 2.*
- ***HAWARDEN : HN1.8*** *: Report (considered out of date – undertaken in May 2010 and only assessed 6.0 ha out of 10.9 ha of the site) states that it involves Grade 2 (5%), 3a (49%) and Grade 3b (44%). FCC assume a similar pattern across entire site, which is patently wrong to assume.*
- ***HCAC : HN1.9*** *: Predictive data shows the loss of 3.34ha of grade 2 BMV and an on-site survey has been undertaken which identifies the site as grade 2 BMV and 3b*

No attempt to consider non-BMV or land of lesser Grade BMV has been undertaken.

The paper has considered BMV by simply isolating the assessment to the key draft housing allocations and not considering the wider context – it is deeply flawed and fails to consider reasonable alternatives.

The sites which will be discussed at the hearings are:

- HN1.1 Well Street, Buckley
- HN1.3 Highmere Drive, Connah's Quay
- HN1.4 Northop Road, Flint
- HN1.6 Land between Denbigh Rd & Gwernaffield Rd, Mold
- HN1.7 Holywell Rd/Green Lane, Ewloe
- HN1.8 Ash Lane, Hawarden
- HN1.9 Wrexham Road, HCAC
- HN1.10 Cae Isa, New Brighton

For each of these sites, the following will be considered:

a) Is it clear why the sites have been selected over other candidate and alternative sites?

None at all.

They include :

- UDP rollover sites (HN1.1, HN1.3)
- BMV land (HN1.3, HN1.4, HN1.6, HN1.7, HN1.8)
- Sustainable access and active travel credentials are limited/suspect (HN1.6, HN1.8, HN1.10)
- Green Barrier (HN1.4 (past), HN1.7 and HN1.8)
- Quality Landscape Character (HN1.6, HN1.7, HN1.8)
- Drainage capabilities are significant (HN1.1, HN1.6, HN1.7, HN1.8)

All contrary to PPW11 and DPM3 in addressing site search criteria.

Whilst at the same time, reasonable and relevant alternatives have not been assessed and/or been dismissed out of hand without any (proper) rationale.

b) Are the numbers of units identified realistic and achievable?

No. Every proposal needs to factor in a lead-in programming times:

- Optional need to bring landowners together
- Optional need to find a development partner
- Technical assessments to address and overcome issues
- Pre-apps with FCC
- WG DMO formal pre-consultation process
- PA submission to determination
- Outline schemes must then follow and factor in Reserved Matters and Discharge of Condition applications
- Section 106 legal agreement
- Potential refusal and Planning Appeal process (regardless of any attempt to fast-track the democratic process by having a dedicated planning officer appointed
- Optional Hydraulic Modelling
- Optional Tender agreements
- Site mobilisation

And this could vary from a min. of 2 years to maybe 5 years.

So assuming, the plan is adopted by Jan 2022 then it will not be before Jan 2024 that units will start delivering and for most sites it will be a lot later; all of which will undermine the trajectory.

c) What are the various constraints affecting the sites? In the light of constraints, and other matters, where is it set out what the requirements are for each site? Is there sufficient clarity and certainty?

Please refer to site tables below.

No detail for sites is provided.

d) Having regard to constraints, where they exist, as well as the need to provide for affordable housing and infrastructure, are the sites viable?

Please refer to site tables below.

Limited to nil viability evidence has been provided in meeting PPW11 and DPM3 guidance.

e) Are the delivery mechanisms for each site clearly identified? Is the timing and/or phasing of each site clearly set out?

Please refer to site tables below.

The FCC trajectory indicates delivery timescale, but no detail is provided to justify the assumptions made.

Site Ref	HN1.1
Name	Well Street (west), Buckley
Settlement	Buckley
Site area (ha)	5.3
Draft allocation	159
Actual number promoted	150
Developer	CAHA
Owner	WG
Planning Status	DMO and EIA screening 2020 PA has been lodged (awaiting validation)
UDP site	YES : rolled over allocation (HSG1(3)) for 162 units
Green Barrier	NO
BMV	NO : assumed to be 3b but no evidence provided
Delivery	Very Uncertain FCC002 trajectory assumes 53 units per annum from 2022/23 and completion by 2025
Other constraints	No SoCG No viability evidence (sic. education, affordable, open space, drainage) If Warren Hall SoCG is followed then WG will insist on higher than expected levels of affordable (at least 50%) and insist on zero carbon and will also want to manage the delivery – these will significantly impact on viability and deter potential partners (to CAHA) from tendering; unlike Warren Hall it has no additional WG infrastructure funding Drainage issues (HMA needed and unspecified contributions will be sought) as per DCWW SOCG Site has poor track record on not being delivered DMO undertaken - significant local opposition and no support locally No planning approval and no s106
J10 Recommendation	Only allocate as aspirational (due to UDP roll-over) but for a max. of 150 units and with note that highway access must not impede future delivery of Well Street East site and therefore facilitate both sites coming forward We consider that earliest start would be 2025

Site Ref	HN1.3
Name	Highmere Drive, Connah's Quay
Settlement	Connah's Quay
Site area (ha)	5.2
Draft allocation	150
Actual number promoted	Not known yet as no masterplan devised to validate capacity
Developer	Edwards Homes – terms agreed but no signed agreement and legal search does not reveal that there is any pending application registered against the title
Owner	Owner known in the market to be an unwilling seller
Planning Status	185 units applied for by Wimpey Homes in 2007, but refused Appealed in 2008 but withdrawn No current PA
UDP site	YES : rolled over allocation (HSG1(5)) for 162 units
Green Barrier	NO
BMV	Predictive mapping 3a (100%) Assessed then as 3b (100%)
Delivery	Very uncertain FCC002 Trajectory assumes 30 units per annum from 2022/23 and delivery by 2027
Other constraints	SoCG provided No viability evidence (sic. education of £369k, affordable, open space, highway access) No technical evidence apart from a BMV report (suggests 3b) and a highway note BMV report doubted : has not been considered by LQAS, who are likely to dispute No technical work / masterplan No DMO undertaken Significant highway works are likely to be required Adjacent to an SAC On-site TPO's Previous mining activity – no detail provided
J10 Recommendation	Only allocate as aspirational (due to UDP roll-over) but for a max. of 150 units We consider earliest start could be 2025

Site Ref	HN1.4
Name	Northop Road, Flint
Settlement	Flint
Site area (ha)	5.26 + 0.9
Draft allocation	170
Actual number promoted	160 Total : Anwyl (140 units) Edwards (18 units)
Developer	Anwyl and Edwards Homes
Owner	Two separate owners
Planning Status	Withdrawn application (Anwyl) on 15 March 2021 (ref. 058314) Refused application (Edwards) (ref. 061919)
UDP site	NO
Green Barrier	YES : Formerly Green Barrier in UDP where it was identified as white land for future release
BMV	YES : predictive map shows Grade 1 and Grade 2 No BMV report available
Delivery	Very uncertain FCC002 Trajectory assumes 20 units in 2022/23 and delivery by 2027
Other constraints	Uncertain given PA status SOCG states Anwyl were under contract to achieve planning by August 2021 and that contract has been terminated : placing significant doubt over its future SOCG suggests new discussions now needed No viability evidence (sic. education, etc) Refused PA on grounds of not conjoining with main site and two separate accesses Timescale now thrown out of kilter as it will need to involve bringing landowners together (collaboration/equalisation), finding a new developer and new application(s) Technical issues : challenging topography; drainage constraints; highway access sought two entrances Land involves BMV (Grade 1) There is no way 20 units will start on site let alone be delivered in 2022/23 - our estimate is that , at best, it would take until 2025 to start Site capacity is no better than 140 units
J10 Recommendation	Review Allocation in light of BMV and delete Better alternatives exist

Site Ref	HN1.6
Name	Land off Denbigh Road and Gwernaffield Road, Mold
Settlement	Mold
Site area (ha)	11.22
Draft allocation	246
Actual number promoted	238
Developer	Anwyl
Owner	Assumed in single family ownership
Planning Status	PA submitted in Oct 2020 – undetermined
UDP site	NO
Green Barrier	NO
BMV	YES : Grade 2 But claim is made by promoters that this is actually 3b due to chemical imbalances WG LQAS / ADAS report does not agree with such findings
Delivery	Uncertain FCC002 Trajectory assumes 40 units in 2022/23 and delivery by 2028
Other constraints	No SOCG Significant highway (link road) and drainage infrastructure works are required : suggests start is unlikely until at least 2024, which will mean it not being delivered within plan period No viability evidence (sic. education, 40% affordable, open space, drainage, highway access) Indeed PA assumes 30% affordable not 40% Significant drainage issues (e.g. strategic easements cross the site + HMA needed and unspecified contributions will be sought) as per DCWW SOCG
J10 Recommendation	Review allocation in light of BMV Additional alternatives exist

Site Ref	HN1.7
Name	Land off Holywell Road and Green Lane, Ewloe
Settlement	Ewloe
Site area (ha)	9.9
Draft allocation	298
Actual number promoted	No detail available – although masterplan layout might suggest 279 units
Developer	Anwyl : no evidence of agreement
Owner	Multiple owners – no evidence of collaboration/equalisation
Planning Status	No PA (no DMO)
UDP site	NO
Green Barrier	YES : inconsistent approach to release
BMV	YES : but report only assessed 7.5 ha of land not 9.9 ha Predictive mapping indicated 3a Survey results show mostly Grade 3a and very small element of Grade 2
Delivery	Very uncertain FCC002 Trajectory assumes 28 units in 2023/24 and delivery by 2030
Other constraints	SOCG available but far from convincing No viability evidence (sic. education sum of £882k + £960k, 40% affordable, open space incl. a MUGA, drainage, highway access and associated improvements needed) Promoters have raised concerns about level of affordable sought – this naturally undermines any position on viability Ecological value of adjacent SAC Mining activity not determined Significant drainage issues (e.g. strategic easements cross the site + HMA needed and unspecified contributions will be sought) as per DCWW SOCG Trajectory is suspect : no agreements, no DMO or PA yet
J10 Recommendation	Review allocation in light of BMV and Green Barrier There exist better alternatives

Site Ref	HN1.8
Name	Ash Lane, Hawarden
Settlement	Hawarden / Mancot
Site area (ha)	10.9
Draft allocation	288
Actual number promoted	No detail available
Developer	Anwyl
Owner	Hawarden Estates
Planning Status	No PA (no DMO)
UDP site	NO
Green Barrier	YES : inconsistent approach to release
BMV	YES : report (considered out of date – undertaken in May 2010 and only assessed 6.0 ha out of 10.9 ha It states it involves Grade 2 (5%), 3a (49%) and Grade 3b (44%)
Delivery	Very uncertain FCC002 Trajectory assumes 28 units in 2023/24 and delivery by 2030
Other constraints	SOCG available but far from convincing No viability evidence (sic. education sum of £845k + £923k, 40% affordable, open space incl. a MUGA, drainage, highway access and associated improvements needed) Promoters have raised concerns about level of affordable sought – this naturally undermines any position on viability Mining activity not determined but – issues of subsidence identified in BMV report Ecology : badgers and GCN found Significant highway impact issues Heritage impact upon St Deiniols Ash Farm Significant drainage issues (e.g. strategic easements cross the site + HMA needed and unspecified contributions will be sought) as per DCWW SOCG SUDS will not allow for infiltration Promoters have raised concerns about level of affordable sought – this naturally undermines any position on viability Trajectory is suspect : no proof of agreements, no DMO or PA yet
J10 Recommendation	Review allocation in light of BMV and Green Barrier There exist better alternatives

Site Ref	HN1.10
Name	Cae Isa, New Brighton
Settlement	New Brighton
Site area (ha)	
Draft allocation	105
Actual number promoted	92 – but this could be driven down further due to GCN, POS and SUDS solutions
Developer	Stewart Milne
Owner	
Planning Status	Refused PP (ref. 060220) and then Planning Appeal dismissed on 2 Feb 2021 (**APP/A6835/A/20/3260460)**
UDP site	NO
Green Barrier	YES : former Green Barrier
BMV	YES :
Delivery	Some uncertainty due to dismissed appeal FCC002 assumes full delivery of 105 units with a start in 2021/22 and completion by 2024
Other constraints	No SOCG Trajectory is suspect No evidence of viability (sic. education sum, 40% affordable, open space, SUDS, playspace, ecology) Great Crested Newt mitigation Inadequate level of playspace No safe route to school (questionable sustainability credentials) SUDS compliance is uncertain and main drainage easement crosses the site Theis all points towards the need to submit a new application and for the density to be driven down further with increased costs
J10 Recommendation	Review in light of Active Travel, BMV and appeal refusal Better alternatives exist

Matter 13 – Affordable Housing and HMOs (HN3, HN4)

Key Issue:

Will the housing proposed meet the needs of those in the County who have special requirements? Are the assessments for specialist housing based on robust and credible evidence? Is it deliverable?

Are the policies for affordable housing and for houses in multiple occupation clear, reasonable and appropriate?

Please refer to **J10 POLICY FRAMEWORK Conformity and Consistency Checklist** and the **J10 SOUNDNESS Checklist** for more detail

Affordable Housing

a) Is the required level of affordable housing need based on robust evidence? Is the Local Housing Market Assessment (LHMA) sufficiently robust to inform the Plan's housing strategy?

Policy HN3 seeks to split the target levy as follows:

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

This is based upon the LHMA defined housing market areas as illustrated by the Ward map below.

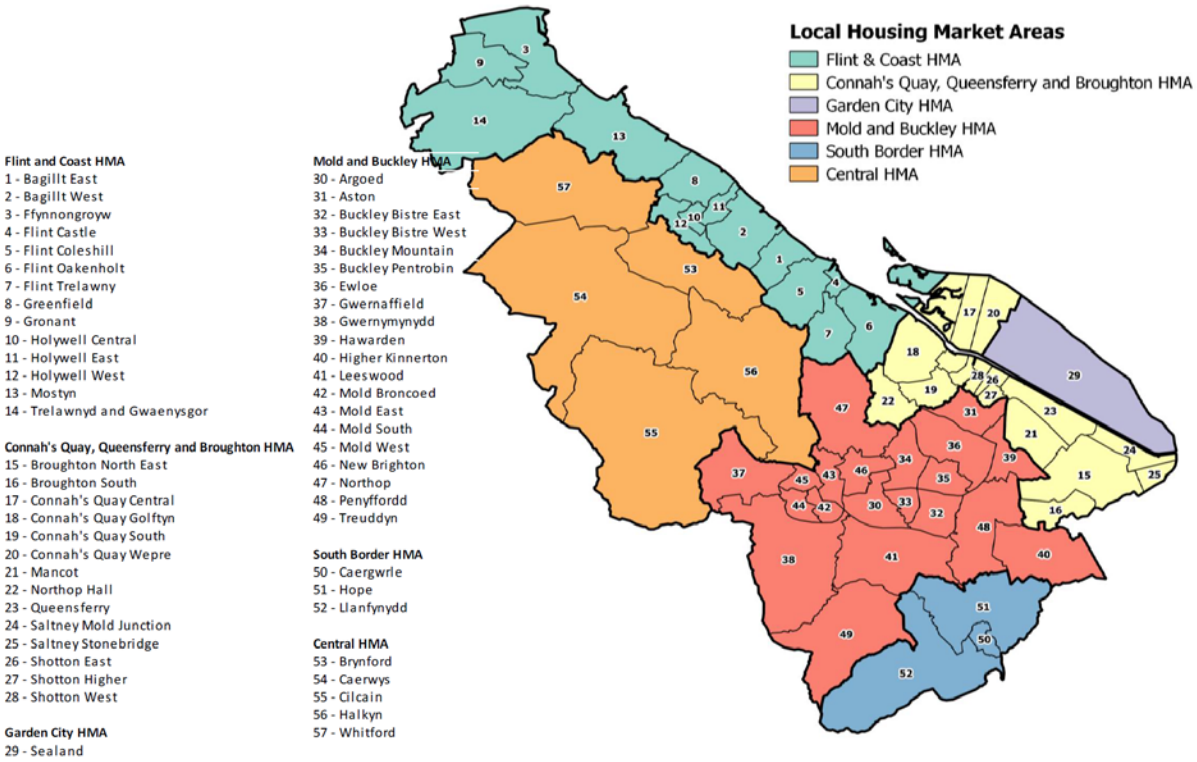


Table 2 of the Council's Background Paper No 7 identifies the anticipated delivery of affordable housing across the draft allocations as follows:

Site	Total No. of Units	Affordable units expected by FCC	HN3 Policy Target	Comment	HMA Area
STR3A Northern Gateway	994	171	20%	elements of affordable not confirmed – if 20% then **c. 199 units**	Garden City
STR3B Warren Hall	300	120	40%	WG committed to at least 50% provision; so at least **150 units** should be affordable	Connah's Quay, Queensferry & Broughton
HN1.1 Well Street, Buckley	159	64	40%	WG committed to at least 50% provision DMO lodged for 150 units; so at least **75 units** should be affordable	Mold & Buckley
HN1.2 Mold Road, Connah's Quay	32	11	35%	PP already granted for **9 units** @ 28%	Connah's Quay, Queensferry & Broughton
HN1.3 Highmere Drive Connah's Quay	150	53	35%	Assume **53 units**	Connah's Quay, Queensferry & Broughton
HN1.4 Northop Road, Flint	170	26	15%	Anwyl 145 Edwards 20 Total 165 so @ 15% max. potential is **25 units**	Flint & Coast
HN1.5 Maes Gwern, Mold	160	64	40%	PP already granted for **48 units** @ 30%	Mold & Buckley
HN1.6 Gwernaffield Road, Mold	246	98	40%	PA proposes 238 houses and assumes 30% affordable so **71 units**	Mold & Buckley
HN1.7 Green Lane, Ewloe	298	119	40%	Developer is challenging quantum	Mold & Buckley
HN1.8 Ash Lane, Hawarden	288	115	40%	Developer is challenging quantum	Mold & Buckley
HN1.9 Wrexham Road, HCAC	80	24	30%	Assume **24 units**	South Border
HN1.10 Cae Isa, New Brighton	105	42	40%	PP refused and appeal dismissed for 92 units : therefore max. potential of **37 units**	Mold & Buckley
HN1.11 Chester Road, Penymynydd	186	74	40%	PP granted for **27 units** @ 15%	Mold & Buckley
Total	**3,499**	**915**		**Actual amount could exceed 915 due to over-concentrations in Northern Gateway, Warren Hall and Well Street; but achieve less in other locations**	

NOTE : Northern Gateway (figures below assume 1,404 units, yet allocation is for 1,325)

Airfields : Praxis : 731 units

- *CPPL + Simple Life : 283 (98 units will be Simple Life)*
- *Anwyl + Bellway : 438*

Corus : Pochin Goodman ; 673 units

- *Clwyd Alyn + Lane End : 104*
- *Keepmoat : 129*
- *Bellway : 365*
- *Other (TBC) : 75*

Trajectory on FCC007 provides no split breakdown as required by DPM3 for affordable delivery

The LHMA (ARC4 Jan 2019) report identifies a net annual shortfall / need for 238 units per annum over the 15 year plan period; this is broken down as follows:

- Central Area : 0 need per annum
- Connah's Quay, Queensferry & Broughton : 186 units per annum
- Flint & Coast : -1 need per annum
- Garden City : 23 units per annum
- Mold & Buckley : 22 units per annum
- South Border : 7 units per annum

The LHMA is unclear as to what the base date of this need but we have assumed that it is for the full plan period 2015 to 2030.

The Housing Allocations alone (less any commitments and windfalls) will potentially deliver the following quantums in each HMA:

- Central Area : 0 units (need is 0/yr)
- Connah's Quay, Queensferry & Broughton : 212 units (need is 186/yr)
- Flint & Coast : 25 units (need is -1/yr)
- Garden City : 320 units (need is 23/yr)
- Mold & Buckley : 492/yr (need is 22/yr)
- South Border : 24 units (need is 7/yr)

What we can make out is that the Garden City HMA and Mold & Buckley HMA may see excessive provision and (over) concentration of social housing tenure.

Conversely, the spread becomes disproportionate even further as the Connahs' Quay, Queensferry & Broughton HMA may well see less than expected delivery.

However, there are flaws in the Councils approach because the LHMA fails to provide finer detail and breakdown on a Ward-by-Ward basis.

Significant concentrations of affordable tenure in certain areas (due to the scale of some of the draft allocation sites – e.g. Warren Hall, Northern Gateway and Well Street) does not make for sustainable placemaking and this could polarise communities and lead to affordable housing ghettos and imbalance.

LHMA evidence on past trends (Table 5.4 page 55) suggests that the average delivery over the past 10 years (2008 to 2018) has been 95 no. affordable dwellings per annum – a total of 950 units. If we assume this were to continue for the remainder of the plan period (2018 to 2030) this would generate an additional 1,140 units; the draft housing allocations are expected to contribute 915 units. But even this risks target levels not being achieved.

More sites are required to deliver mixed and balanced communities.

Putting it into context, Flintshire has a housing stock of 67,090 and of this the extant social housing stock is 10,135 units which equates to c.16% of all stock – one of the highest in the Principality – so to suggest higher levels in already saturated locations (like Garden City) is questionable.

b) Will the affordable housing target meet the local housing need? If not, what other mechanisms are available?

See above

c) Does the plan clearly identify all components of affordable housing supply?

No, the trajectory provides no affordable breakdown.

d) Are the required affordable housing contributions and thresholds in Policy HN3 founded on a credible assessment of viability?

We have reservations about the target of 40% given that neighbouring authorities are promoting lower levies (e.g. Cheshire West & Chester is 30%, Wrexham is 25%, Denbighshire is 10%) which risks making Flintshire uncompetitive and unattractive to develop.

e) Are the requirements of Policy HN3 clear, and consistent with national policy?

The accompanying "zone/area plan" is not entirely clear so this could be better identified on the Proposals Map as to where wards (HMA's) start and finish.

The trouble with published targets is that Officers (and Members + others) will look at the words "starting point for negotiation" and simply assume that the level quoted is the level that should be met and indeed this should be the minimum.

As such no discretion or flexibility will end up being enabled. The danger is that the 40% is what will be expected regardless of any other abnormals and viability issues that might be involved.

Moreover, the policy applies to STR3, HN1 and windfall sites, yet PPW11 and DPM3 expect all draft allocations to be viable having taken into account issues such as affordable housing so it surely cannot be right that an exception can be made for these sites and it should only apply to windfalls.

f) Is the spatial distribution of affordable housing sound and does it adequately reflect local needs?

No : see earlier comments above.

g) How will off-site or commuted sum contributions for affordable housing be secured and managed? What mechanisms are in place to ensure that the level of contributions sought are appropriate?

It is unclear as to what the mechanism might be.

h) Do affordable housing exception sites have to be immediately adjoining settlement limits?

Policy HN4-D provides no ability to promote exception sites on the edge of Tier 1 settlements which is strange.

The lack of any break down of need in the HMA wards will make this Policy difficult to navigate.

i) Why are exception sites not allowed adjoining Tier 1 settlements? How does this reflect the spatial distribution of need for affordable housing?

It doesn't it's perverse.

j) What is the basis for restricting management of exceptions schemes in Policy HN4-D (e)? Will this deliver smaller schemes in rural areas?

No it won't.

k) Should the LDP specify the criteria that will be applied to determine who will qualify for an exception site?

Yes, that might be helpful, although this must recognise the different partner agencies involved, including landowners and open market developers.

l) How will the affordable housing target be delivered and reviewed?

This is unclear as no trajectory is provided.

m) Will the affordable housing policies ensure a balanced mix of house types, tenures and sizes, and is the required density level appropriate?

We fear that balance will not be achieved: see earlier comments above.

It is pure fantasy to expect that the target level of affordable dwellings in certain areas will be achieved and delivered by the market; the Council need to take a reality check because the RSL's will not be capable of delivering this volume and nor will open market housing developers be able to viably deliver higher than viable levels.

Fundamentally, landowners will not release their land with such inflated target rates/thresholds as the land value will drop through the floor and there will be no incentive to develop their land.

We are not suggesting here that no Affordable Housing can be provided, but the level sought must be proportionate and robustly justified. A level closer to 30% for somewhere like Mold would seem to better reflect past delivery rates across Flintshire and likely to be more suitable for most sites, subject to viability testing including potential planning obligations and site-specific requirements.

n) How will housing for people/groups with special needs, such as the elderly, be provided? Should there be a separate policy and/or allocations for such housing?

There is no policy for these groups.

A separate policy is recommended.

HMOs

a) In Policy HN7, what is meant by 'over concentration'; can the policy be implemented without a definition of this term? Is it necessary to include the second part of the sentence in criterion e (…'to the detriment of etc)?

No comment.

PLANNING POLICY FRAMEWORK ASSESSMENT

The following checklist table provides our assessment of National Planning Policy comprising the NDP Future Wales (February 2021) and PPW11 (February 2021) along with the procedural guidance published by WG (DPM3 – March 2020) and the recent WG paper entitled Building Better Places ("Placemaking and the Covid Recovery") published in July 2020.

We have found that the eLDP has failed to follow DPM3 guidance and fails to reflect the policies of the NDP or PPW11, to such an extent that when one considers the tests of soundness you arrive at no other conclusion than to find this plan unsound.

PLANNING POLICY FRAMEWORK : Conformity and Consistency Checklist		
FUTURE WALES (NDP)	**What the policy document says**	**J10 Comment**
Outcome 1	*Emphasis placed upon development being well located in relation to jobs, services and accessible green and open spaces*	eLDP has not made the most of the spatial connection between jobs and homes.
Outcome 5	*Development plans will enable and support aspirations for large towns and cities to grow, founded on sustainability and urban design principles.*	eLDP has not followed this in its hierarchy or site allocations; it has failed to consider the most sustainable places and locations.
Policy 1 : where Wales will grow	Deeside is designated as a National Growth Area, but even beyond this area *large scale growth should be focused on the urban areas and development pressures should be channelled away from the countryside and productive agricultural land can be protected.*	eLDP fails to protect BMV.
Policy 2 : strategic placemaking	*The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure. Urban growth and regeneration should be based on the following strategic placemaking principles: building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other;*	There is nothing compact or walkable about locating development in places such as STR3B (Warren Hall) or indeed some of the other housing allocations (HN1.6 and HN1.7) where reasonable alternatives have not been considered and these will sites have limited credibility associated with sustainability and placemaking aspirations.

Policy 3 : public sector leadership	*The public sector's use of land, developments, investments and actions must build sustainable places that improve health and well-being.*	WG's assets in FCC are not meeting the needs of this Policy; STR3B (Warren Hall) is not sustainable and HN1.1 (Well Street) is not showing it will deliver anything different from mainstream market housebuilders; both failed to come forward in the UDP.
Policy 7 : affordable homes	*Through their Strategic and Local Development Plans planning authorities should develop strong evidence based policy frameworks to deliver affordable housing*	The evidence base is weak and flawed.
Policy 12 : regional connectivity	*Sustainable growth is supported in urban areas where aim is to improve and integrate active travel and public transport. So where there are key nodes, this would suggest growth should be concentrated at these locations; particularly if they are National and Regional Growth Areas.*	Many of the housing allocations (in particular STR3B, HN1.6 and HN1.7) cannot justifiably meet sustainable travel aspirations.
Policy 19 : strategic policy	*Must take account of cross-border relationships and issues.*	eLDP fails to consider key cross-boundary issues (e.g. housing, Green Belt).
Policy 20 : national growth area	*Local Development Plans across the region must recognise the National Growth Area as the focus for strategic economic and housing growth*	Deeside is a National Growth Area, yet the growth and spatial strategy does not concentrate upon this for housing growth.
Policy 23 : North Wales Metro	*Planning authorities should plan growth and regeneration to maximise the opportunities arising from better regional and cross border connectivity, including identifying opportunities for higher density, mixed-use and car-free development around new and improved metro stations.*	This policy is not even registered in the eLDP and spatial growth has certainly not reflected such aspirations.

BUILDING BETTER PLACES (BBP)	What the policy document says	J10 Comment
Introduction	*Plans should not roll forward unsustainable spatial strategies or be identical to neighbouring authorities' plans, rather they should actively embrace the placemaking agenda set out in PPW."*	eLDP has "rolled forward" a number of failed UDP allocations and failed to question them or consider reasonable alternatives
On LDP's (pg 7)	*this does not mean that they should roll forward policies or proposals on sites which do not encourage good places*	As per above point
On Staying Local (pg 14)	*as well as protecting our Best and Most Versatile Agricultural (BMV) land from development.* *……* *We will expect proposals for new communities (in rural and urban areas) and housing sites to integrate with existing services and infrastructure*	Emphasis on protecting BMV is made New development should integrate with existing services, yet some sites (in particular STR3B (Warren Hall) this is freestanding and fails to offer this.
On Active Travel (pg	*The planning system must ensure the chosen locations and resulting design of new developments support sustainable travel modes and maximise accessibility by walking and cycling. New development should improve the quality of place and create safe, social, attractive neighbourhoods where people want to walk, cycle and enjoy. We should not be promoting sites which are unlikely to be well served by walking, cycling and public transport*	Again, some sites (in particular STR3B (Warren Hall) fails to meet this expectation.

DEVELOPMENT PLAN MANUAL (DPM3)	What the policy document says	J10 Comment
Para 3.30 regarding evidence base	*Detailed evidence upfront and early in the plan making process is essential to inform the delivery of the preferred strategy and subsequent plan stages. A greater depth of evidence at the candidate site stage is essential.*	FCC did not undertake detailed evidence for Green Barrier or BMV this has meant that candidate sites were discounted too early in the plan making process and others were taken forward ignorant of their sustainability, deliverability or technical (GB/BMV) credentials. This is a fatal flaw of the plan, along with not considering reasonable alternatives and discounting them too easily and early on.
Para 3.36 regarding key principles behind any evidence to prove and justify allocations	*The evidence must enable the LPA to assess the following:* *• Is the site in a sustainable location and can it be freed from all constraints?* *• Is the site capable of being delivered?* *• Is the site viable?*	These core principles have been ignored in both the consideration of candidate sites but also in selecting sites for draft allocations, many of which are not sustainable and have not proven to be deliverable or viable.
Paras 3.79 to 3.84 regarding evidence base		Evidence base must be relevant, proportionate and focussed. It must be fresh for a new LDP. It must respond to PPW (sic. BMV) and should not be sought after a policy choice has been made (as FCC have done by retrospectively publishing evidence base).
Para 3.43 regarding delivery	*The key objective an LPA should establish is whether a site promoter has a serious intention to develop the site and can do so within the timeframe of the plan …..* *…. Candidate sites should be sustainable, deliverable and financially viable in order to be considered for inclusion in the plan by an LPA. All sites should satisfy the broad parameters and information emitted by the LPA and have sufficient financial headroom to accommodate all of the plan's policy requirements. For the purposes of this Manual ensuring sites in plans are deliverable means both in terms of deliverability and financial viability*	This guidance has not been followed by FCC

Para 3.44 regarding deliverability	*The site promoter (LPA, land owner and/or developer) must carry out an initial site viability assessment and provide evidence that sites can be delivered. As required by national policy, all candidate sites are subject to a viability assessment. However, the level of detail and information required for this assessment should be meaningful and proportionate to the site's significance in the development plan*	This guidance has not been followed by promoters or sought by FCC
Para 3.47 to 3.55 Regarding viability Para 5.87 Para 5.88	 *Viability and deliverability starts at the candidate stage where all submitted sites should be accompanied by a viability assessment* *site specific viability appraisals should be undertaken for those sites which are key to delivering the plan*	FCC have failed to follow the procedures set out in the Manual and not requested such information; the bar being set higher for key strategic allocations. Retrospectively providing this is no substitute for what should have been done at the Candidate site stage where such evidence should have been publicly available. Sadly FCC have a track record in this eLDP in publishing evidence base to retro-fit their preferred strategy and site allocations; this includes seeking statutory consultee reviews at the 11th hour.
Para 3.69 regarding alternatives	*To demonstrate the plan is sound at examination, LPAs will need to justify their criteria and associated site assessments. The criteria must be in accordance with the principles of sustainable development and placemaking as set out in PPW. The SA must document the assessment and provide a reasoned justification for the site status (rejected, reasonable alternative or preferred). Candidate sites should only be rejected outright if they have no potential to be either a proposed site, or a reasonable alternative. This can then inform the plan allocations needed to deliver the strategy. This must be a transparent process clearly documented in the final SA Report for the deposit plan.*	The identification of site allocations has not been done following the principles of sustainable development and reasonable alternatives have not been assessed and were discounted out of hand.

Para 3.75 regarding new sites	*The two avenues for including new sites post deposit stage are Focussed Changes (FCs) at submission or Matters Arising Changes (MACs) post submission proposed though the examination process*	There is an opportunity to include new sites at this stage.
Para 3.76 regarding reserve sites	*In preparation for the examination the LPA should have a prioritised list of potential reserve sites which it considers could be substituted as alternatives and added to the plan, should additional sites be required following consideration of the plan through the formal hearing sessions.*	FCC have not published any list of reserve sites and have no Plan B or contingency.
Para 6.58 regarding new sites	*the Inspector may recommend the inclusion of a new or alternative site if it would be sound to do so*	The Inspector is invited to include new sites at Buckley, Mold and Broughton
Para 5.49 regarding the relationship between jobs and homes Para 5.50	*What is the relationship between the number of jobs generated and the economically active element of the projected population? Will a population provide sufficient homes so as not to import labour and hence increase in-commuting? ……* *This is a symbiotic relationship; it is important to evidence how the assumptions underpinning forecasting for jobs and homes broadly align, to reduce the need for commuting.*	There is a clear disconnect between the two in the eLDP and the ambition of reducing in-commuting has not been addressed.
Para 5.62 Table 18 regarding components of housing supply	***Land Bank Commitments*** *- To be clear, a land bank non-delivery allowance is separate to the flexibility allowance (i.e. 10%) which is applied to the plan as a whole.* *Understanding the proportion of sites that did not come forward in the past can be a useful tool in this respect. Sites can be discounted individually, or applied as a percentage across the overall land bank. The latter is the simplest approach. Non-delivery allowances have ranged from 20-50% to date, dependent on local circumstances.*	The flexibility allowance is different from a non-delivery allowance and FCC must identify an NDA of 37% to address past UDP failed delivery rates, but also identify a 15% FA to reflect their own evidence base (Arcadis UCS study); by their own admission they estimate this should be 14.4%.
Para 5.62 Table 18 regarding components of housing supply	***New housing allocations*** *- These should come forward through the candidate site process. They will need to be supported by robust evidence on delivery, phasing, infrastructure requirements and viability. Allocations should comply with the National Sustainable Placemaking Outcomes, the Gateway Test applied to the site search sequence and the Sustainable Transport Hierarchy (PPW)*	The evidence for site allocation delivery, as already intimated, is less than robust/convincing and has ignored sustainable placemaking and sustainable transport.

Para 5.62 Table 18 regarding components of housing supply	***Rolling forward allocations*** *- Allocations rolled forward from a previous plan will require careful justification for inclusion in a revised plan, aligning with PPW. There will need to be a substantial change in circumstances to demonstrate sites can be delivered and justify being included again. Clear evidence will be required that such sites can be delivered. The sites should be subject to the same candidate site process requirements as new sites i.e. they must be demonstrated to be sustainable and deliverable.* *If an LPA wishes to retain such sites but cannot evidence they will be delivered, i.e. for aspirational or regeneration purposes, they can still be allocated in the plan but not relied upon as contributing to the provision. It will not be appropriate to include such sites in the windfall allowance. They should be treated as 'bonus sites'.*	The eLDP has rolled forward failed UDP allocations without any substantial changes in circumstance; some cannot be considered as being sustainable (e.g. STR3B), whilst others (e.g. HN1.1) has not proven delivery or viability.
Para 5.62 Table 18 regarding components of housing supply (replicated in Para 5.76 regarding economic components)	***Key Sites*** *– Sites key to the delivery of the plan will require greater evidence to support their delivery including schematic frameworks, phasing details, key transport corridors, critical access requirements, design parameters (in order to support SPG/Development Briefs/Master plans), s106 requirements, infrastructure and costs. Requirements essential to deliver these key sites should be elevated into the policy, supported by a schematic framework.*	The bar is set higher for the STR3A and STR3B sites, yet neither the evidence or policy has followed this guidance
Para 5.62 Table 18 regarding components of housing supply	***Viability appraisals*** *- Viability appraisals should be prepared by the LPA in conjunction with developers and site promoters for key sites prior to their allocation. SoCG will be prepared to show where there is agreement/disagreement.*	For all (non-strategic) allocations this level of information should be provided, but it has not been followed.
Para 5.76 Table 22 Regarding components of employment allocations	***'Rolling forward' allocations*** *– Before allocations in previous plans can be rolled forward they need to be evidenced they can be delivered. If not, they should be de- allocated. However, they could be retained and allocated in the plan for aspirational or regeneration purposes, but they should not be relied upon numerically to count towards the provision.*	The eLDP has rolled forward the failed UDP Warren Hall allocation without any substantial changes in circumstance; if they wish to retain it then allocate for aspirational purposes as there is no confidence it will come forward

Para 5.107 Table 18 regarding affordable targets	*If an affordable housing target is set too high it is unlikely that those levels will be delivered and may impact on the delivery of sites and elongate the development management process. The targets chosen must be realistic and align with the evidence base and the assumptions within it.*	FCC's assessment of viability is flawed as it assumes rates of affordable delivery that outstrip those of neighbouring areas (CWAC 30%, Wrexham 0 to 30%, Shropshire 10%).
Para 5.109 regarding infrastructure costs and impact upon site viability	*Where there are costs associated with infrastructure requirements, for example, access improvements or the provision of affordable housing, these should be factored into a viability assessment.*	Significant utility infrastructure has been identified on a number of key sites, yet no evidence is available to show that any viability has been produced to demonstrate deliverability is proven.
Para 5.111 regarding infrastructure partners		Identifies parties such as WG (LQAS – re. BMV); Local Health Boards (need for primary health care facilities), Welsh Water, NRW, etc all of whom should be engaged as early as possible to consider capacity and compliance – yet many have not been engaged at all or if so only at the 11th hour following Deposit and at the point of Submission.
Para 5.119 regarding when investment will happen	New development must bring with it the timely provision of infrastructure. The development plan strategy should identify the phasing of development throughout the plan period, linked directly to the delivery of infrastructure. Evidence needs to be in place to demonstrate how infrastructure supports the housing trajectory.	We can see no evidence of this link and consideration of the strategic and non-strategic housing sites and Promoters do not appear to have factored into account infrastructure either in terms of timing and delivery of the allocations or their viability.

PPW11	What the policy document says	J10 Comment
Para 1.18 : sustainable development	*Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise*	Key aim is to achieve sustainable development – the eLDP spatial strategy and many of the housing sites cannot claim to be sustainable.
Para 1.26 : LDP's	*Evidence is needed to support LDP policies which is tested through the Examination procedure.*	The eLDP evidence base is poor and at best falls woefully short of expectations (sic. BMV, Green Wedge, site, plan and affordable viability).
Para 2.15 : sustainable placemaking	*The national sustainable placemaking outcomes should be used to inform the preparation of development plans and the assessment of development proposals.*	Sustainable placemaking has been forgotten in this eLDP.
Para 3.44 : spatial strategy and search sequence *(see also Para 4.2.16)*	*Where there is a need for sites, but it has been clearly demonstrated that there is no previously developed land or underutilised sites (within the authority or neighbouring authorities), consideration should then be given to suitable and sustainable greenfield sites within or on the edge of settlements. The identification of sites in the open countryside, including new settlements, must only be considered in exceptional circumstances and subject to the considerations above and paragraph 3.50 below. The search process and identification of development land must be undertaken in a manner that fully complies with the requirements of all relevant national planning policy.*	The search sequence has not been followed and BMV is used, Green Wedge is used and more sustainable locations have been discounted for no apparent reasoning.
Para 3.50 : accessibility	*A broad balance between housing, community facilities, services and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Planning authorities should adopt policies to locate major generators of travel demand, such as housing, employment, retailing, leisure and recreation, and community facilities (including libraries, schools, doctor's surgeries and hospitals), within existing urban areas or areas which are, or can be, easily reached by walking or cycling, and are well served by public transport.*	FCC generates significant levels of in and out-commuting but this eLDP fasil to address this and then to compound matters seeks to identify new housing/employment sites (e.g. STR3B and others) in unsustainable and disconnected locations as opposed to considering reasonable alternatives.

3.54 : new settlements	*New settlements should only be proposed where such development would offer significant environmental, social, cultural and economic advantages over the further expansion or regeneration of existing settlements and the potential delivery of a large number of homes is supported by all the facilities, jobs and services that people need in order to create a Sustainable Place. They need to be self-contained and not dormitory towns for overspill from larger urban areas and, before occupation, should be linked to high frequency public transport and include essential social infrastructure including primary and secondary schools, health care provision, retail and employment opportunities. This is necessary to ensure new settlements are not isolated housing estates which require car-based travel to access every day facilities.*	STR3B is effectively a new settlement yet alternatives exist and have been discounted for no valid reason.
3.59 : BMV	*When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.*	The eLDP has flouted this policy and identified BMV on several of its housing allocations, whilst at the same time having ignored all reasonable alternatives.
Para 3.64 : Green Belts and Wedges	*Around towns and cities there may be a need to protect open land from development. This can be achieved through the identification of Green Belts and/or local designations, such as green wedges. Proposals for both Green Belts and green wedges must be soundly based and should only be employed where there is a demonstrable need to protect the urban form and alternative*	No demonstrable need has been provided to justify the Green Wedges and moreover, the review undertaken is unfit for purpose, yet Green Wedge is released to satisfy some housing allocations.

	policy mechanisms, such as settlement boundaries, would not be sufficiently robust. The essential difference between them is that land within a Green Belt should be protected for a longer period than the relevant current development plan period, whereas green wedge policies should be reviewed as part of the development plan review process.	
Para 3.68 : green wedge	*Green wedges are local designations which essentially have the same purpose as Green Belts. They may be used to provide a buffer between the settlement edge and statutory designations and safeguard important views into and out of the area. Green wedges should be proposed and be subject to review as part of the LDP process.*	The site located off Ruthin Road, Mold does not offer or serve the purposes of being designated as such. It has not been robustly reviewed as part of the eLDP and the review is flawed and unfit.
Para 3.70 : green wedge	*green wedge boundaries should be chosen carefully using physical features and boundaries to include only that land which it is necessary to keep open in the longer term.*	There is no justifiable need to keep the site located off Ruthin Road, Mold as open – it serves no purpose in protecting either statutory designations or providing a buffer.
Para 4.1.15 Para 4.1.31 Para 4.1.32 Para 4.1.37 : sustainable transport		FCC have patently failed to address this in identifying certain housing allocations (sic. STR3B and HN1.6), whilst at the same time ignoring and discounting reasonable alternatives.
Para 4.2.10 : deliverability, trajectory and flexibility allowance	*The supply of land to meet the housing requirement proposed in a development plan must be deliverable. To achieve this, development plans must include a supply of land which delivers the identified housing requirement figure and makes a locally appropriate additional flexibility allowance for sites not coming forward during the plan period. The ability to deliver requirements must be demonstrated through a housing trajectory. The trajectory should be prepared as part of the development plan process and form part of the plan. The trajectory will illustrate the expected rate of housing delivery for both market and affordable housing for the plan period. To be 'deliverable', sites must be free, or readily freed, from planning, physical and ownership constraints and be economically viable at the point in the*	Few of the housing allocation sites have proven deliverability. Affordable tenure trajectory is unclear as it is not defined.

	trajectory when they are due to come forward for development, in order to support the creation of sustainable communities.	
Para 4.2.12 : specialist housing	*Planning authorities should also identify where interventions may be required to deliver the housing supply, including for specific sites. There must be sufficient sites suitable for the full range of housing types to address the identified needs of communities, including the needs of older people and people with disabilities. In this respect, planning authorities should promote sustainable residential mixed tenure communities with 'barrier free' housing, for example built to Lifetime Homes standards to enable people to live independently and safely in their own homes for longer.*	There is no policy in the eLDP that supports specialist housing needs or indeed quantifies this.
Para 4.2.16 ; housing search	*When identifying sites to be allocated for housing in development plans, planning authorities must follow the search sequence set out in paragraphs 3.43-3.45, starting with the re-use of previously developed and/ or underutilised land within settlements, then land on the edge of settlements and then greenfield land within or on the edge of settlements.*	The eLDP has failed to follow this search sequence, because had it done so sites at Mold, Buckley and Broughton would not have been discounted in favour of sites that are clearly less sustainable, involve BMV and Green Wedge.
Para 4.1.18 : housing led regeneration sites	*Housing led regeneration sites can sometimes be difficult to deliver, making timescales for development hard to specify. Where deliverability is considered to be an issue, planning authorities should consider excluding such sites from their housing supply so that achieving their development plan housing requirement is not dependent on their delivery. This approach requires planning authorities to put in place a strategy to support the delivery of these sites. The criteria for identifying housing led regeneration sites can include demonstrating the sites have high credentials in terms of sustainable development and placemaking, such as being aligned to transport hubs or addressing contamination or industrial legacy; proven need and demand for housing in that area; and that the proposed intervention is the best means of addressing a site's contamination and constraints.*	STR3A should be excluded due to its clear deliverability constraints. As for STR3B this is not a regeneration site but masquerades to be one whereas in actual fact is it a greenfield site in a wholly unsustainable location involving a new settlement.

Para 4.2.19 : deliverability	*As part of demonstrating the deliverability of housing sites, financial viability must be assessed prior to their inclusion as allocations in a development plan. At the 'Candidate Site' stage of development plan preparation land owners/developers must carry out an initial site viability assessment and provide evidence to demonstrate the financial deliverability of their sites. At the 'Deposit' stage, there must be a high level plan-wide viability appraisal undertaken to give certainty that the development plan and its policies can be delivered in principle, taking into account affordable housing targets, infrastructure and other policy requirements. In addition, for sites which are key to the delivery of the plan's strategy a site specific viability appraisal must be undertaken through the consideration of more detailed costs, constraints and specific requirements. Planning authorities must consider how they will define a 'key site' at an early stage in the plan-making process. Planning authorities must also consider whether specific interventions from the public and/or private sector, such as regeneration strategies or funding, will be required to help deliver the housing supply.*	No financial viability is evidenced in support of the housing allocation sites.
Para 4.2.20 : affordable levy and viability	*Where new housing is to be proposed, development plans must include policies to make clear that developers will be expected to provide community benefits which are reasonably related in scale and location to the development. In doing so, such policies should also take account of the economic viability of sites and ensure that the provision of community benefits would not be unrealistic or unreasonably impact on a site's delivery.*	The affordable housing policy is itself unviable yet the housing allocations do not demonstrate that levels of affordable are viable.
Para 4.2.25 : affordable homes for all communities	*A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on*	The eLDP makes no clear provision for how need can be delivered on anything but a site located within defined settlement limits.

	first occupation and for subsequent occupiers.	
Para 4.2.32 : affordable led housing	*Planning authorities must make provision for affordable housing led housing sites in their development plans. Such sites will include at least 50% affordable housing based on criteria reflecting local circumstances which are set out in the development plan and relate to the creation of sustainable communities.*	The eLDP makes no provision.
Para 5.4.3 Para 5.4.4 : sufficient economic development land	Planning authorities should support the provision of sufficient land to meet the needs of the employment market at both a strategic and local level. Development plans should identify employment land requirements, allocate an appropriate mix of sites to meet need and provide a framework for the protection of existing employment sites of strategic and local importance. Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration.	The eLDP has no policy to enable the expansion of existing employment businesses and yet in certain locations the Green Wedge is a “choke” around existing employment sites.

SOUNDNESS ASSESSMENT

The following checklist table provides our assessment on the soundness of the LDP following the Para 6.26 (Table 27) tests of soundness approach set out in DPM3. We find that the eLDP must, in its current state with its associated evidence base, be found to be unsound. The Inspector is invited to concur with this and recommend FCC withdraw their plan. The only potential way of avoiding this is for FCC to agree with our overall findings, particularly in respect of the way they have approached BMV, Green Barrier, reasonable alternatives and increasing housing land supply, and identify the sites we have identified at Mold, Buckley and Broughton.

SOUNDNESS TEST : Checklist	J10 Response
TEST 1 : Does the plan fit ? (is it clear that the LDP is consistent with other plans?)	
Does it have regard to national policy PPW / NDF and in general conformity with the NDP?	No
Does it have regard to the Well-being Goals?	No comment
Does it have regard the Welsh National Marine Plan?	No comment
Does it have regard to the relevant Area Statement?	No comment
Is the plan in general conformity with the NDP?	No
Is the plan in general conformity with relevant SDP?	Not yet applicable
Is it consistent with regional plans, strategies and utility provider programmes?	No
Is it compatible with the plans of neighbouring LPA's?	No
Has the LPA demonstrated it has exhausted all opportunities for joint working and collaboration on both plan preparation and the evidence base?	No
TEST 2 : Is the Plan Appropriate ? (is the plan appropriate for the area in the light of the evidence ?)	
Is it locally specific?	No comment
Does it address the key issues?	No
Is it supported by robust, proportionate and credible evidence?	No
Can the rationale behind the plan's policies be demonstrated?	No
Does it seek to meet assessed needs and contribute to the achievement of sustainable development?	No
Are the vision and strategy positive and sufficiently aspirational?	No
Have the 'real' alternatives been properly considered?	No
Is it logical, reasonable and balanced?	No
Is it coherent and consistent?	No
Is it clear and focused?	No
TEST 3 : Will it Deliver ? (is it likely to be effective?)	
Will it be effective?	No
Can it be implemented?	No
Is there support from the relevant infrastructure providers both financially and in terms of meeting relevant timescales?	No
Will development be viable?	No
Can the sites allocated be delivered?	No
Is the plan sufficiently flexible? Are there appropriate contingency provisions?	No
Is it monitored effectively?	No comment