

## Development Local Plan Examination: Hearing Statement

Our Ref: 2012-067-EIP/M7

Date: 01 April 2021

From: NJL Consulting (Consultee ID – 1232396) on behalf of Lavington Participation Corp. and Duncraig Investment Corp.

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### **Matter 7: Provision of Sustainable Housing Sites (inc. housing requirement)**

**Key Issue: Is the amount of housing provision set out in the LDP realistic and appropriate and is it founded on a robust and credible evidence base? Will it achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy?**

**a) Is the housing requirement, based as it is on economic and job aspirations, realistic and deliverable within the plan period? How does the amount of housing proposed relate to the most recent Welsh Government household projections? Has the UDP under-delivery been accounted for in the LDP housing requirement figure? If not, should it be?**

The proposed level of economic growth and how this links to the LDP housing requirement is considered in detail in LPC's response to Matter 3a. In sum, there is a need for the housing requirement to properly reflect economic growth opportunities which have been downplayed or unaccounted for in growth scenarios underpinning the LDP, ensuring that affordable housing needs are met, and accounting for an accrued backlog during the UDP.

While the Council have not relied upon new household projection data released by the Welsh Government, it is considered that the housing requirement figure should still go further in order to realise the economic aspirations for Flintshire and the national growth area identified under the National Development Framework and North Wales Growth Deal.

There has however been no allowance made for the accrued shortfall of 2,012 homes that failed to deliver under the previous plan (see response to Matter 3a). This equated for nearly 30% of the overall UDP requirement. These needs do not dissipate under a new plan, instead it is important the LDP housing requirement addresses this shortfall early within the plan (i.e. first five years) and allows for more sustainable, smaller sites to come forward.

PPW11 is clear that *'the planning system must identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures'*<sup>1</sup>. The LDP in its current form shows that the Council are ignoring the needs for open market and affordable housing across the Borough. One way of meeting identified affordable housing needs of 238 dwellings per annum in the LHMAA (2020) is through increasing the housing requirement and thus the proportion of affordable homes secured. This emphasises the need for additional sites to be considered.

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<sup>1</sup> Planning Policy Wales 11<sup>th</sup> Ed. (2021) Para. 4.2.2

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Planning Policy Wales clearly states that when assessing the need for provision that local authorities must take account of the wider housing market area. This reflects our concerns that the Council are treating the Flintshire housing market in isolation.

LPC's concerns are not solely over the requirement itself which is broadly similar to that set under the UDP, which at the time was deemed realistic and deliverable, but the Council's decision-making in allocating the right sites. At present, up to 44% of the total number of dwellings are allocated in the LDP on two large scale strategic sites which comprise more than 1,1,485 dwellings.

**b) Although neighbouring counties each provide for their own housing needs, does the differential in prices, particularly between England and Wales, lead to any cross-border demand for housing? If so, has this been accounted for?**

Drawing upon market evidence, housing affordability ratios<sup>2</sup> for Flintshire and Cheshire West and Chester are 5.5 and 6.9 respectively<sup>3</sup>. This highlights not only the affordability issues within Flintshire, given most financial lenders cap mortgage loans typically at 4.5 times annual salary, but the clear divergence in house prices between both authorities. As a result, areas such as Deeside and Broughton where house prices are more affordable, are often seen as suitable commuter settlements given their relative proximity to Chester. This assertion is also supported by commuter patterns and out-migration data presented within the Council's own evidence base<sup>4</sup> and ONS (see response to Matter 2d). This data shows that 50% of residents live and work in the Borough, with Cheshire West and Chester being the primary destination for commuters.

The Local Housing Market Assessment Addendum (2020) confirms 'a strong connection with the neighbouring areas of Wrexham and Cheshire West and Chester'<sup>5</sup> considering working commuter pattern and each authority's own distinct housing markets. The LHMAA is however reliant upon out-of-date 2011 census data, which notwithstanding, showed that the proportion of residents living and working within Flintshire fell well below the 70% threshold for assessing an authority as a self-contained housing market. The Council's conclusion that Flintshire operates as a contained housing market is therefore contested by LPC given this fails to properly account for cross-border housing demand (see response to Matter 2d). Moreover, this conclusion and approach is contrary to PPW1<sup>6</sup> which explicitly states that 'The evidence to identify suitable areas and sites for development should not be confined by local authority boundaries. It should reflect realities like housing markets, travel to work areas, retail catchments and the nature of activity or development itself'.

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<sup>2</sup> Defined as the ratio of median price paid for residential property to the median workplace-based gross annual earnings for full-time workers.

<sup>3</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/housingaffordabilityinenglandandwales/2019>

<sup>4</sup> Local Housing Market Assessment Addendum (2020) and Employment Land Review (2015)

<sup>5</sup> Local Housing Market Assessment Addendum (2020) Para. 3.42

<sup>6</sup> Planning Policy Wales (2021) Para. 3.45

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Noting the progress of the Wrexham LDP Examination and significant concerns on overall housing requirement within Wrexham, this represents a key cross-border matter for Flintshire to consider especially if in the event Wrexham are unable to address this additional housing requirement.

**c) The 14.4% flexibility allowance is slightly greater than average. On what basis has that percentage been selected?**

The proposed flexibility allowance has been increased from 14.4% to 18.1% over the plan period. While LPC support the proposed increase in flexibility to ensure the LDP can accommodate additional economic growth, there is concern over how this provision is picked up in the Northern Gateway allocation through the inclusion of 191 additional dwellings over the plan period. Up to 75% of this uplift in flexibility allowance is provided by Northern Gateway alone.

There is no robust evidence available to justify this increase and instead alternative sites should be brought forward in order to widen choice and ensure that flexibility is properly built into the Plan should strategic sites fail to deliver as expected. This reliance is constraining to the LPA as opposed to providing genuine flexibility to the Plan.

**d) Is the housing requirement over reliant on the provision of dwellings on windfall and small sites?**

The Council's windfall allowance (large and small sites) is set out Background Paper 10A (BP10A) which states that 480 dwellings (large sites) and 600 (small sites) will be completed over the plan period, a total of 1,085 dwellings. This amounts to circa 15% of the Plan's housing supply being delivered via windfall sites.

Based on past windfall rates the allowance for 120dpa is a conservative assumption, it should be noted however that settlement boundaries remain very tightly defined. Focusing on brownfield development for windfall allowance over the entirety of the Plan Period is therefore unlikely to be sustainable and yield the anticipated level of development. The revocation of TAN1 and requirement to demonstrate a five year housing supply will also reduce the number of potential windfall sites on greenfield sites given the restrictive nature of Policy HN4.

The table below demonstrates the apparent lack of consents issued in the past year which reinforces the challenges with decision-making within Flintshire with just 202 dwellings approved in 2020.

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App Ref	Location	No. Units	Date of Decision
<b>Applications Determined at Planning Committee</b>			
059457	128 Mold Road, Buckley	2	05-Feb-20
060955	Princess Av, Buckley	10	14-May-20
060811	80 - 86 Mold Road, Bistre, Buckley	12	10-Jun-20
061429	2 Wood Green, Mold	1	30-Sep-20
061158	Church Road and Knowle Lane	1	30-Sep-20
058946	Factory 2, Ponybodkin Hill, Leeswood	24	30-Sep-20
060855	Woodside Cottages, Bank Lane, Drury	24	28-Oct-20
061248	Spectrum Home & Garden Centre, Cefn-Y-Bedd	14	28-Oct-20
061230	Lluesty Hospital, Old Chester Road, Milwr, Holwyell	15	28-Oct-20
060783	Ffordd Pandarus, Maes Pennant, Mostyn	20	28-Oct-20
061572	66a Mold Road, Mynydd Isa	56	02-Dec-20
<b>Sub-total</b>		<b>155</b>	
<b>Other Minor Applications – Delegated Decisions</b>			
<b>Sub-total</b>		<b>47</b>	
<b>Total</b>		<b>202</b>	
<b>Decision Notice - TBC</b>			
060411 (still subject to S106)	Land at Former Corus Site, Garden City	129	04-Mar-20

The lack of consents highlights that the Borough cannot accommodate the level of windfall being projected, given that a high proportion of planning permissions will not be developed out (see response to Matter 7f). The high number of refusals and subsequent appeals seen in Flintshire and the associated risks and delays, is another factor which will influence windfall assumptions. As evidenced by the recent refusal of apartment schemes at 15-17 Mold Road<sup>7</sup> and 14 Mill Lane in Buckley<sup>8</sup>, even highly sustainable, brownfield development within the Borough's town centres are being refused contrary to officer recommendations.

In this context, the assumptions over windfall sites contributing to the housing supply cannot be upheld with the level of certainty being proposed by the Council and is contrary to the DPM which states that 'a reliance on large scale windfalls for the plan may not be prudent'<sup>9</sup>.

<sup>7</sup> Application Ref: 060253

<sup>8</sup> Application Ref: 060374

<sup>9</sup> Development Plans Manual 3<sup>rd</sup> Ed. (2020) Para. 5.20

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**e) Do rates of housing delivery over recent years indicate that the housing requirement firstly, could, or secondly, should, be increased?**

Notwithstanding the need to increase the housing requirement to account for the accrued shortfall over the UDP Plan Period, our response to Matter 2i) highlights that meeting the housing requirement is a debate over the Council's track record of delivery but more their record in selecting the correct sites to meet their target. This was evidenced through the UDP which set out a broadly similar target of 7,400 dwellings, 16% below their delivery rates in the five year period running up to the start date of the plan<sup>10</sup>. On this basis it was perceived as a realistic and achievable target however the result was a circa 30% shortfall over the Plan Period.

Delivery rates from 2007 to 2015 under the UDP averaged at 402dpa, only exceeding 600 annual completions once during this period (2014 – 601 homes). While completion rates have increased between 2015 to 2019 these still remain at an annual average of 544dpa.

Under BP10A the Council are now projecting a delivery rate of 795dpa over a condensed Plan Period to meet their requirement, however this is assuming a swift adoption of the Plan following examination and a continued over reliance upon two strategic sites. In the context of the sluggish delivery rates over the past decade, this emphasises the importance of identifying a wider range of smaller, sustainable sites in order to boost delivery and deliver on the economic growth ambitions for the Borough and national growth area.

**f) Should committed sites be allocated? If not, what will happen to such sites if planning permissions lapse?**

While the Council do not strictly apply a non-delivery allowance as recommended by DPM (Table 18) and make reference to the flexibility allowance built into the plan BP10A shows how a 46% non-delivery allowance on committed sites could be accounted for. This is a reasonable assumption against the ranges provided in the DPM which can go up to 50%.

This emphasises the Council's acceptance that sites already with planning permission won't always be built out. This aligns to the DPM which explains that '*including the entire land bank in numerical terms in a housing provision can be a high risk strategy*'.

Sites with planning permission already benefit from an ability to be delivered or an approval on the principle of development. Allocating these same sites will therefore secure no additional benefit in terms of enhancing their viability or deliverability (see response to Matter 3). Those sites which have secured permission in the right locations where there is the right level of demand will naturally come forward for development.

This reinforces the importance of allocating the right sites within the LDP as there are multiple reasons why committed sites may not be developed out. This is evidenced by the Warren Hall site which lapsed planning permission despite securing outline planning permission in 2008 as

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<sup>10</sup> Flintshire UDP (2011) Para. 11.18

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a business park. Likewise, the Northern Gateway site benefitted from outline permission in 2013 yet it wasn't until seven years later in 2020 that the first phase of development commenced. It is thus not realistic to assume 100% of planning permissions granted in any given location will deliver and should therefore not be automatically allocated.

**g) Is it likely that all the committed sites identified as contributing to the housing requirement (LDP Appendix 1), and allocations which are carried over as such from the UDP, will be delivered during the plan period? What is the evidence?**

LPC have reviewed the updated Housing Trajectory and supporting evidence within BP10A and considers there to be discrepancies in the timing and extent of delivery within some allocations over the plan period (see response to Matter 12).

From the outset, the housing trajectory (Appendix 5, BP10A) is already having to resolve unmet housing needs over the past 8-9 years given the delays in plan-making within Flintshire. This policy vacuum has inevitably created uncertainty within the development industry and would explain the tailing off of delivery rates in recent years, trend towards planning by appeal and associated delays.

It is therefore vital that there is real certainty the housing requirement can be met and secondly that the Council can maintain their trajectory over the first 3 years without opening up the need for a plan review. DPM explains in Table 33 that '*2 year under delivery/trend for those key issues such as the delivery of housing and employment that go to the heart of delivering the plan strategy*'<sup>11</sup> would be grounds to trigger a review, albeit this is subject to the Council's own discretion and judgement. This places an increased burden on the plan-making process and ensuring that the housing requirement is realistic and deliverable as required by PPW11<sup>12</sup>.

Looking elsewhere, the recent plan review of the Cardiff LDP (2016), illustrates '*the 'lag' between Plan adoption and homes being completed on new sites allocated in the Plan*'<sup>13</sup>. As the Review Report accepts this was due to the inevitable delays associated with site assembly, legal agreements, securing necessary consents, and logistical factors with landowners and developers. Subsequent delivery rates within Cardiff for the 3 years immediately post-adoption (2016-19) remained consistent with the preceding ten-year average before witnessing a 43% increase as the Plan began to take effect.

Such a lag will similarly apply to Flintshire; however the Council have not properly accounted for this as a key variable within their trajectory. LPC therefore have significant concerns that the housing requirement will not be met over the Plan Period and more specifically disputes the trajectory over the initial 3-4 years of the plan period.

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<sup>11</sup> Development Plans Manual 3rd Ed. (2020) Table 33

<sup>12</sup> Planning Policy Wales 11<sup>th</sup> Ed. (2021) Para. 4.2.4

<sup>13</sup> Cardiff LDP Replacement Plan Draft Review Report (2020) Para. 3.17

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#### **Strategic Allocations**

Concerns expressed on deliverability of Northern Gateway and Warren Hall have already been covered in response to Matters 3c), 3e) and 7a). This is significant given they account for 44% of allocated sites and 21% of the overall housing requirement.

While it is accepted that Northern Gateway will contribute to the housing requirement, delivery rates are questioned given the scale of infrastructure required to open up phases of development and the risk of over-saturating the local housing market within a single location. It is also considered that early delivery rates at the site may also be slow as the development becomes established. As seen in Cardiff, delays such as legal agreements can be an unforeseen factor in stalling development delivery. Indeed, the first phase of residential development on the Pochin-Goodman site of Northern Gateway, is still awaiting a formal decision notice and S106 Agreement to be finalised. This is a year since planning committee approved the 129 homes (Ref: 060411) in March 2020. A more prudent and robust approach to delivery rates is therefore required.

In terms of Warren Hall, it is anticipated to start delivery of units in 2023/2024, despite not benefitting from any form of planning permission and significant concerns raised on technical constraints. Notwithstanding the comments raised in response to Matters 3b), 3c) and 3e), the Statement of Common Ground (SoCG) published between Flintshire Council and Welsh Government (landowner) has raised further questions on the site's deliverability and proposed allocation.

The further Aero-nautical work undertaken re-emphasises the safeguarding concerns and constraints over heights of development. Drawing A093950-15[B]05 highlights a large portion to the south-west of the site will be restricted to less 4m-8m which inherently prohibits the delivery of contemporary, two storey housing. These concerns are echoed by Airbus who have objected to the development through the plan-making process over the safeguarding of the airport.

Despite being required there is no detail on the phasing of the strategic allocation within the Masterplan Document or SoCG. There is a suggestion that enabling infrastructure serving the commercial elements of the site be brought forward in parallel with the residential element, however this would involve the entire extent of the access road off the A5104 being implemented in full. This represents a significant amount of early works and upfront costs of at least £5.5million which will likely lead to further delay to programme.

The Transport Feasibility study is limited and does not provide sufficient detail on highway capacity issues and trip generation which is important for this site given the constraints on vehicular access at Kinnerton Lane and Lester Lane. Both represent narrow, countryside lanes which are not suitably designed to accommodate the proposed scale of growth in this location. Construction delivery and use of HGVs will not be feasible via these two routes and

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as such places an increased reliance on enabling infrastructure being delivered on time and to budget.

The accompanying Phase 1 Geo-Environmental Assessment Desk Top Study recommends that further intrusive ground investigations are required to cover the residential element noting the 'very limited' historic data to base an assessment upon. Considering the site context as a rolled forward allocation, the lack of market interest to date, and the clear requirement set by the DPM to demonstrate deliverability – this is a clear shortfall in evidence. For example, it cannot be confirmed the extent or type of foundations required (piling, strip, combined etc) all of which would have clear viability implications.

#### **Committed Sites**

LPC considers there are some discrepancies with the delivery timescales for allocated sites set out within the trajectory. Without reviewing each site, the examples below illustrate areas of concern:

- Rose Lane/ Synnyside, Mynydd Isa (58 dwellings) at March 2021 has yet to secure planning permission, albeit a Pre-application Consultation report has been published and full application (Ref: 061572) submitted in 2020 on behalf of Clwyd Alyn Housing. The application remains under consideration.
- Bromfield Timber Yard, Mold (122 dwellings) has outline and reserved matters permissions (Refs: 041302; 047039) dating back to 2006 and 2010 respectively. The site appears to have a lapsed reserved matters planning permission with no evidence of a decision notice confirming all pre-commencement conditions were discharged (particularly land contamination).

Research<sup>14</sup> identifies that sites between 50 - 99 units are likely to take approximately 2-3 years to secure planning consent, prepare the site and complete the first unit. In the case of the application at Rose Lane, the developer is still awaiting decision notice subject to resolution of a S106 Agreement after being approved in December 2020. The Council are clearly incorrect in asserting Clwyd Alyn will be starting on-site in November 2020 and that 25 units will be completed in 2021/22. Given the requirement to discharge pre-commencement conditions, resolve legal agreements and install enabling infrastructure, the site will not be able to contribute to the housing supply until 2022 at the earliest.

Larger sites of 100+ units such as Bromfield Timber Yard will take between 4 years to go through the planning and delivery process. The site does not benefit from an implemented permission and should therefore be removed from the trajectory as a committed site. Notwithstanding this, given the lack of market interest and technical constraints it is very likely the site will not contribute to the housing supply till 2026 at the earliest.

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<sup>14</sup> Lichfields (2020) Start to Finish – Figure 4

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LPC therefore suggest that the accuracy of delivery timescales within the trajectory is reviewed further as there are significant reservations about its robustness.

***h) How does the LDP avoid the issue of double counting in respect of large windfall sites?***

It is noted that within the housing trajectory, there is no double counting of large windfalls within the first two years of supply in accordance with the DPM.

***i) What will be the implications for the delivery of the housing requirement of the comparatively short plan period remaining at adoption?***

LPC have set out a response to this issue in Matter 2i).

In order to meet the housing requirement, there cannot be a scenario of history repeating itself whereby an over-reliance is wrongly placed upon strategic sites across a condensed Plan Period. This also places an increased pressure on sites securing planning permission post-adoption, finalising legal agreements, implementing infrastructure and discharging conditions to enable a start on-site (as seen in Cardiff).

It is critical that the Plan is robust, stable and flexible enough to accommodate to changing circumstances over the Plan Period. In its current form the LDP is not flexible but instead restrictive.

Noting the accrued shortfall, it would make sense to roll forward the plan period as a genuine 15-year plan and ensure the requirement over the interim 6-years is addressed positively and at the earliest opportunity within the plan so that needs can be met.

***j) Is the wording of Policy STR11 appropriate, particularly the use of the word 'expected' and the inclusion of the final paragraph?***

LPC have no comments on the wording of Policy STR 11 and support the inclusion of continued monitoring of housing land through the AMR process, particularly those sites deemed to be both sustainable and viable to ensure needs are met.