

**WELSH GOVERNMENT**  
**Examination Hearing**  
**Statement**

**Flintshire County Council**  
**Local Development Plan**

**Matters 13 & 14**  
**Affordable Housing and HMOs and**  
**Gypsy and Traveller Sites**

**14 May 2021**

## **Matter 13 – Affordable Housing and HMOs**

### ***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?**

This is for the LPA.

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

See responses to the specific questions below.

**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?**

PPW (4.2.6) states the importance of the LHMA in LDP preparation when setting housing requirements. The DPM sections 5.14, 5.18 and 5.19 sets out the importance of the LHMA in influencing the spatial distribution of housing in an LDP. The DPM sections 5.31-5.32 (including Table 14) sets out key elements of the LHMA in relation to LDPs, and how this should be used with other elements of the evidence base, particularly affordable housing viability work used to set the percentage targets sought over the plan area. The DPM table 24 sets out the importance of the LHMA tenure mix in viability evidence being consistent with what will be required and what will be sought through the planning application process (in general/broad terms).

In our Deposit representation we raised concerns regarding the inconsistency between the conclusions of the LHMA which stated a tenure split of 60% Social Rented / 40% Intermediate was required and the 70% intermediate and 30% social rented split used as part of the DVS study.

We note that since Deposit the evidence has moved on with the Council producing a new LHMA addendum dated February 2020 (LDP-EB-HP3.1), in conjunction with a document addressing our specific concerns at LDP-EBD-HP3.2. The Council has explained that the previous LHMA did not go far enough and did not adequately convey how affordable housing should be split between tenure types and this resulted in the confusion at Deposit. **The updated LHMA concludes that tenure split need is 40% LCHO, 30% Intermediate rent and 30% social rented** and that this is the tenure split that has been factored into the DVS study (para 2.21).

From a Government perspective it is crucial that an LPA is delivering the type and tenure of housing required in the LHMA, and that those elements are internally consistent with other evidence base documents such as the DVS study for the plan to be considered sound. We have the following questions:

- 1) Is the tenure split in the updated Feb 2020 LHMA robust and does it convey the type of housing needed in the plan area?

- 2) Does the LCHO/Intermediate rent tenures sought align with the definition in the TAN 2 (para 5.1-5.2)?
- 3) Has the correct tenure split been factored into the LHMA?

If the Council can explain/confirm the above then we have no further objections to make on this matter.

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

This is for the LPA to answer.

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

PPW (4.2.5 and 4.2.28) states that LDPs must clearly express the level of market and affordable homes to be delivered over the plan period. DPM (Affordable Housing Policy Framework Checklist) explains that the total units the plan is expected to deliver should be set out in the policy, not the reasoned justification. This should be supported by a table setting out the components of supply of which the target is derived from. This will aid clarity of the plan and assist in effective monitoring of the plan.

Firstly, no affordable housing target is currently included with the plan itself. WG considers that policy STR1: Strategic Growth could be amended to state 'iii 7,950 new homes to meet a requirement of 6,950 **of which x are affordable**'.

Secondly, regarding spatial distribution of affordable housing supply, in the Councils document FCC001 – 'Response to Inspectors Preliminary Questions – Q20' and within Table 3 of BP7 - Affordable Housing (October 2020) the Council has helpfully provided a table setting this out. This should be also be embedded within the plan. Perhaps the most appropriate location for this table could be considered alongside the preceding action point on the PPW/DPM housing and trajectory tables to be embedded in the plan?

Finally, both the target and components of affordable housing supply table should now be amended to reflect the most up-to-date supply situation, aligning with the updated trajectory paper and included within the plan.

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

PPW 5.2.19 states the requirement for a plan wide viability appraisal to support LDPs. The DPM sets out detailed viability guidance 5.86 – 5.108 regarding how to prepare a high-level viability study and how this work should be translated to the affordable housing policies/targets in the plan. We have considered the Councils DVS in line with the inputs set out in Table 24: Viability Modelling Considerations for a plan wide study. The Council has complied with the DPM in this respect (subject to the LHMA discussion) and we can confirm we have no fundamental concerns. The actual values attributed to the specific modelling assumptions such as build costs,

and developer profit is more appropriate for the industry to comment on, not Welsh Government.

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

The Welsh Government has no concerns in this respect.

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

See previous comments on the clarity of affordable housing in spatial terms. The relationship to this distribution of housing and the level of need will be for the LPA to explain.

**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?**

This is for the LPA to explain.

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

Yes. Paragraph 4.2.34 of PPW states that “it should be made clear that the release of housing sites **within or adjoining existing settlements** for the provision of affordable housing to meet local need which would not otherwise be allocated in the development plan, is an exception to the policies for general housing provision”. This is reinforced in TAN 2 para 10.14. Policy STR2 aligns with national policy in this respect. See comments in respect of Policy HN4-D in the following question.

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

It is unclear why affordable housing exception sites will not be permitted in Tier 1 given the level of need identified in the LHMA and Tier 1 being the most sustainable settlement tier?

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

This is for the LPA to answer.

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

Exception sites must meet the need of local people (TAN 2 para 10.13). PPW reinforces this point and states (para 4.2.34) that “affordable housing on exception

sites should meet the needs of local people in perpetuity". TAN 2 paras 10.16 and 10.17 set out the requirements for defining local need and connection criteria where relevant and appropriate. It will be for the LPA to explain how this policy will work in practice and consider whether amendments are required to make it clearer.

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

The DPM contains detailed guidance on the indicators required in respect of affordable housing delivery. This can be discussed in more detail at the monitoring session.

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

This is for the LPA to explain.

**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?**

PPW 4.2.12 sets out the requirements in this respect. It will be for the LPA to explain how this has been taken into account within the plan and supporting evidence base.

**o) Are criteria a), b) and c) of Policy HN4-B reasonable and necessary, taking account of the Plan's approach to employment provision and the costs associated with conversion?**

This is for the LPA to explain.

**p) Is the restriction on infill development to meet a proven local housing need unduly onerous? To what extent will this contribute to the provision of affordable housing in the County?**

In respect of policy HN4-C regarding infill outside settlements, PPW 3.60 states:

*"Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. **Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing** or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled"*

The key point is how settlements are defined, i.e. appropriate settlements should be specifically listed. See also PPW 4.2.23 and 4.2.24 'In the open countryside, away from established settlements.....'. In this case, the settlement hierarchy and 'appropriate settlements' are defined as STR2: Tiers 1-5 of the LDP. It will be for the

LPA to explain and justify why such settlements are appropriate for development in this case and how this policy relates and is consistent with others in the plan.

**PPW is clear that only those settlements that are ‘defined’ in this case those settlements in Tiers 1-5 of this plan apply in this respect. It will be for the LPA to explain how this policy works with others such as HN4 and HN4-D.**

**a) Are criteria i) and iii) of Policy HN6 necessary in order to prevent the creation of self-contained dwellings?**

This is for the LPA to explain.

## **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)?**

The Council will need to ensure that the proposed policy provides an effective basis for determining applications for HMOs in line with the evidence and relevant legislation. In order for a policy of this nature to be effective and implementable in practice ‘over concentration’ should be defined in the policy. It will be for the LPA to justify its approach based on evidence, and ensure it will deliver on the aims of the policy and can be implemented in practice.

## **Matter 14 – Accommodation for Gypsies and Travellers**

### **Sites:**

- **Magazine Lane, Ewloe**
- **Gwern Lane, Cae Estyn, Hope**
- **Riverside, Queensferry**
- **Castle Park Industrial Estate (Transit)**

### **Policy HN9 Criteria for new sites.**

#### ***Key Issue:***

**Will the proposed allocations meet the needs of Gypsies and Travellers in the County? Are the assessments for sites/pitches based on robust and credible evidence? Are the allocations deliverable?**

PPW (4.2.35) states that an LPA should allocate sufficient sites in their development plan to ensure the identified pitch requirements (*as set out in the approved GTAA*) for residential and transit use can be met. LPAs will need to demonstrate that sites are suitable and deliverable in the identified timescales. This is re-enforced by WG Circular 005/2018 paras 35 and 36. DPM (Edition 3, para 5.77) states that LPAs should include a specific policy identifying Gypsy and Traveller allocation(s) making clear the location and total number of pitches to be accommodated. The DPM (Table 29) also mandates monitoring indicators in respect of Gypsy and Travellers to

ensure the need/sites are delivered in the anticipated timescales (WG Circular 005/2018 para 51)

The Welsh Government understands that following Deposit the relevant department responsible for Gypsy and Travellers within Welsh Government (Equality Division) has confirmed that **the 2016 GTAA covering the plan period, signed off by Welsh Ministers, is a valid basis for determining the level of need over this plan period.** This was confirmed in update paper LDP.EBD.BP6.1.

Representations made by Welsh Government at the Deposit stage regarding the level of need was in the context of the draft 2018 study. In addition, we note from the Councils response to the Inspectors Questions Document 27<sup>th</sup> November 2020 and the SOCG with NRW that the situation regarding specific site allocations has also moved on since Deposit. On this basis, the comments made in this statement will relate to the 2016 GTAA, and the updated situation regarding sites, thus superseding those made at Deposit.

**a) Is the approved Gypsy and Travellers Accommodation Assessment (GTAA) robust enough to inform the LDP strategy?**

Yes, see previous comment.

**b) Does the GTAA identify a realistic need for new Gypsy and Traveller pitches, both permanent and transit, in Flintshire over the Plan period?**

The 2016 GTAA covering the plan period concludes there is a need for 19 pitches over the plan period. There is no 'immediate need' in the first five years of the plan up to 2020 and a need for 19 pitches to be delivered by 2030. In addition, there is also a need for a small transit site.

**c) Have a sufficient number of sites and pitches been identified?**

**This is unclear at present.** Policy HN8 currently allocates three sites for permanent residential need of 24-26 pitches. In addition, there is an allocation for transit need for 6 pitches. We note from the Councils update paper to the Inspectors Questions (Question 25) that circumstances have changed since the Deposit:

- **HN8.1 Magazine Lane, Ewloe (currently allocated for 6-8 pitches)** - it is now the intention to re-configure the existing site negating the need to expand beyond the current site boundary and a planning application was being considered at the time of writing. If permission was granted the Council note there would be no need to take forward this site as an allocation in the plan. The Council should provide an update on the net additional pitches to be delivered for the examination and set out any implications for the plan and the remaining level of need.
- **HN8.2 Gwern Lane (currently allocated for 6.8 pitches)** – A planning application for change of use to extend the existing site resulting in 4 net

additional pitches? The Council should provide an update for the examination and set out any implications for the plan and the remaining level of need.

- **HN8.3 Riverside, Queens Ferry (currently allocated for 10 pitches)** – No changes proposed to the allocation.
- **HN8.4 Castle Park Industrial Estate** - No changes proposed, remains an allocation for 6 transit pitches.

The Council need to confirm through an update in respect of allocations HN8.1 and HN8.2 before it can be confirmed that sufficient provision has been made in the plan to meet the residential need for 19 pitches in the remaining plan on the three permanent residential allocations.

**d) Are the sites free from significant development constraints and is there a realistic prospect of these sites being delivered in the short to medium term?**

See questions e and f below relating to sites HN8.1 and HN8.3.

In relation to HN8-4 Castle Park transit site allocation, the proposals map identifies the site located on part of a solar allocation EN13. Background Paper 6, Gypsy and Traveller Site Search (Appendix 3) states that the site has planning permission for 2MW ground mounted solar farm and associated infrastructure which is under construction. This requires clarification. Can both allocations be developed for their intended use, or does one preclude the other?

**e) Does the approach taken to identify sites accord with the requirements of Circular 005/2018?**

The application of the site selection/criteria and the rationale for why the proposed allocations have been chosen is a matter for the LPA to explain.

**f) Is it appropriate that the site at Magazine Lane, Ewloe is in the green wedge?**

Firstly, the Council need confirm the status of the planning application, and the implications for the level of need in the plan. If this allocation is no longer required then the allocation should be proposed for deletion through the MACs. The question of why the boundary of green wedge EN11.11 has been drawn to include existing residential development still remains. Our specific statement covering green wedges (Matter 6) will be in the public domain at the time of this session.

**g) Is it appropriate that the site at Riverside, Queensferry is within C1 flood risk zone?**

Since Deposit the Council have undertaken an FCA on this allocation and have engaged with NRW to prepare a SOCG (SOCG006). This is supported. NRW has been consulted as the technical experts and are content with the mitigation measures proposed relating to land raising and the use of additional land adjoining the site for flood storage.



Additional comment regarding the need for delivery/monitoring indicators

The Welsh Government considers that the plan would benefit from and should include more robust/refined monitoring indicators relating to the specific allocations, akin to other adopted plans in Wales. **Each gypsy and traveller site allocation should have a specific indicator, with key milestones and triggers for delivery set out** in the monitoring framework, i.e. dates for securing planning permission, dates for grant funding etc. (if appropriate) set out in advance of 2030. This will ensure the Council is committed to a timescale for addressing any constraints and the sites can be delivered in the identified timescales.

**h) Does Policy HN9 provide a clear and consistent framework for assessing proposals for additional Gypsy and Travellers sites, and is it consistent with national policy?**

Criterion a) and b) of Policy HN9 and the reasoned justification in paragraph 11.37 are contrary to national policy. Annex B in the Circular notes that policy requirements to demonstrate 'unmet need in the GTAA' would act against freedom of movement for Gypsy and Travellers who may wish to develop their own sites. Such restrictions should not be placed on Gypsy and Travellers. The Circular (005/2018) is clear that criteria based policies must be fair, reasonable, realistic and effective in delivering sites and must not rule out or place undue constraints on the development of sites (para 49).

**i) Having regard to Circular 005/2018, is the approach correct insofar as there is a presumption in favour of new Gypsy & Traveller sites on land outside of defined settlements, subject to the criteria being met?**

The Circular promotes a sequential approach to development in line with sustainable development principles. This does not preclude development in the countryside, but only if there is a lack of suitable locations within or adjacent to existing settlement boundaries (WG Circular, paras 38 and 39). WG consider that the policy could be made clearer in this respect, to better align with policy and better reflect the sequential approach.

**j) Taken together, would Policies HN8 and HN9 allow the identified need to be met?**

See previous comments.

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