



**SUBMISSION STATEMENT**

in respect of

**Flintshire LDP (2015 to 2030) Examination**

on behalf of

**Bartlett / Kitchen (ID 1235343)**

**Matter 20**

May 2021

**This representation is submitted on behalf of Bartlett & Kitchen.**

However, we can confirm that the land promoted also includes another landowner ( [REDACTED] ) and there is agreement between all 3 parties to act collaboratively in promoting their land.

The site extends to include the parcels edged red on the plan below.



It is located in a highly sustainable and accessible position directly adjacent to the Broughton settlement boundary (a Tier 2 settlement) and would offer an ideal residential extension close to the strategic employment centres of Broughton Retail Park, Airbus and Hawarden and Queensferry industrial estates.

Highway access is available off Mold Road (A5104).

The land has been assessed as being largely Grade 3b.

It comprises an area extending to 9.2 ha which is considered to be capable of delivering up to 230 units.

**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 20 – Monitoring Framework

### *Key Issue:*

#### **Does the LDP enable adequate monitoring of its effectiveness?**

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

#### **a) Are clear targets and measurable outcomes in place for effective monitoring of delivery of the development and allocated sites and achievement of LDF objectives?**

Annual Monitoring will illustrate how the trajectories for the AABR are delivering on allocated sites and the overall housing requirement, including whether the quantum of windfalls and extant commitments have also been delivered.

DPM3 states that all indicators must be specific, measurable and realistic.

The trouble is the current trajectory does not provide a breakdown for the delivery of affordable housing.

The same goes for job growth and employment land take-up : this question has been posed during the Examination but no answer has been provided.

Two mechanisms for Review are provided for :

- Short-Form Revision (SFR) : which WG suggest should take no longer than 1.5 years (+ 3mth slippage) from start to finish.
- Plan Review : which the WG suggest must take place no later than 4 years from the date of adoption. So, if the plan is adopted in Jan 2022 then it will have to commence by no later than Jan 2026.

Despite WG stating in Matter 7 that they expect plan monitoring to reflect DPM3 guidance we have limited confidence in WG “holding” FCC (or other Councils) to these timescales and do not believe that even “persistent failure” will carry any penalty.

WG representatives have shown, in this Examination, that they are happy to relax almost every element of PPW11 and DPM3 (sic. plan period, BMV approach, Green Barrier Review, rolled-over UDP sites, NDA and UDP shortfall, viability and deliverability evidence).

We foresee the inevitable excuse coming round the corner ... in that SDP is taking priority over any required Review and WG will sympathetically agree to slippage.

With TAN1 and a 5-year housing land supply requirement abolished there is now no sanction now for under-performance and under-delivery. The entire system is toothless and the message is clear that if a plan fails then the slate can be wiped clean.

In reality, slippage in any SFR or Full Review will happen; FCC’s track record does not instil confidence, so even if, like the UDP Inspector, mention is made by the LDP Inspector of ‘doing this or that’ the messages will be ignored. Moreover, there is little point in seeking/recommending even an ‘early review’ because FCC would have to start that now to have any chance of achieving a new plan before 2030.

b) Are triggers timely and do they allow for an effective response to be made in the event that remedial action is required? In particular, how will additional sites be brought forward if there is a persistent shortfall in housing delivery?

No.

It is unclear how any additional sites will be brought forward.

FCC have suggested during the Examination that they believe they are over-allocating which provides a cushion.

They also suggested that sites in their Urban Capacity Study would come forward as windfalls and indeed that it would be their preference that they do prior to having to allow for any out of settlement boundary windfalls.

However, this approach is flawed since none of the sites have proven deliverability or viability credentials.

c) Are clear arrangements in place for monitoring and reporting the results?

Apart from the AMR there is likely to be nothing more than figures produced as opposed to qualitative information about the status of allocations and why they are not performing and delivering.

d) Have remedial actions been identified?

No "Plan B" contingency has been provided for; we would recommend Reserve/Plan B sites are identified and that additional land be "safeguarded" for future release, but land that has proven deliverability and viability.

Para 3.76 DPM3 states that : *"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."* – however, no list has been published.

Para 3.77 states that *"Reserve sites are not allocations, they are sites that the LPA considers suitable and deliverable in relation to the strategy, but are not required at this point in time. There is no requirement to identify them as such. It is essential that all relevant key stakeholders are informed of any reserve sites and have the opportunity to make comments."* – this has not been undertaken.

Para 3.78 states that *"The SA should demonstrate how reserve sites would fit with the plan's strategy, if they were considered necessary. Such sites are not promoted by the LPA for inclusion in the plan, they would only be included in the plan if the Inspector, through the examination process concludes there is a shortfall of sites and additional or alternative allocations for different land-uses are necessary."*

**We would invite the Inspector to consider (under the power vested in them and as guided by Para 6.58 of DPM3) to recommend that the sites promoted by us at Mold, Buckley and Broughton be included as new alternative sites. This is endorsed by the opportunity to identify new sites under Para 3.75 as part of any MAC's process.**

e) Have the main risks to delivery been identified, and how will contingencies be handled?

No plan for contingencies has been made.

We have identified the risks for delivery throughout this Examination and have raised our concerns about plan soundness (lack of it).

## 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	<i>Emphasis placed upon development being well located in relation to jobs, services and accessible green and open spaces</i>	eLDP has not made the most of the spatial connection between jobs and homes.
Outcome 5	<i>Development plans will enable and support aspirations for large towns and cities to grow, founded on sustainability and urban design principles.</i>	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	<i>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.</i>	eLDP fails to protect BMV.
Policy 2 : strategic placemaking	<i>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;</i>	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	<i>The public sector's use of land, developments, investments and actions must build sustainable places that improve health and well-being.</i>	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	<i>Through their Strategic and Local Development Plans planning authorities should develop strong evidence based policy frameworks to deliver affordable housing</i>	The evidence base is weak and flawed.
Policy 12 : regional connectivity	<i>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.</i>	Many of the housing allocations (in particular STR3B, HN1.6 and HN1.7) cannot justifiably meet sustainable travel aspirations.
Policy 19 : strategic policy	<i>Must take account of cross-border relationships and issues.</i>	eLDP fails to consider key cross-boundary issues (e.g. housing, Green Belt).
Policy 20 : national growth area	<i>Local Development Plans across the region must recognise the National Growth Area as the focus for strategic economic and housing growth</i>	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	<i>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.</i>	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	<i>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."</i>	eLDP has "rolled forward" a number of failed UDP allocations and failed to question them or consider reasonable alternatives
On LDP's (pg 7)	<i>this does not mean that they should roll forward policies or proposals on sites which do not encourage good places</i>	As per above point
On Staying Local (pg 14)	<i>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</i>	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	<i>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</i>	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	<i>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.</i>	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	<i>The evidence must enable the LPA to assess the following:</i> <ul style="list-style-type: none"> <li>• <i>Is the site in a sustainable location and can it be freed from all constraints?</i></li> <li>• <i>Is the site capable of being delivered?</i></li> <li>• <i>Is the site viable?</i></li> </ul>	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	<i>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</i>	This guidance has not been followed by FCC

<p>Para 3.44 regarding deliverability</p>	<p><i>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</i></p>	<p>This guidance has not been followed by promoters or sought by FCC</p>
<p>Para 3.47 to 3.55 Regarding viability</p> <p>Para 5.87</p> <p>Para 5.88</p>	<p><i>Viability and deliverability starts at the candidate stage where all submitted sites should be accompanied by a viability assessment</i></p> <p><i>site specific viability appraisals should be undertaken for those sites which are key to delivering the plan</i></p>	<p>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.</p> <p>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.</p> <p>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 11<sup>th</sup> hour.</p>
<p>Para 3.69 regarding alternatives</p>	<p><i>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.</i></p>	<p>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.</p>

Para 3.75 regarding new sites	<i>The two avenues for including new sites post deposit stage are Focussed Changes (FCs) at submission or Matters Arising Changes (MACs) post submission proposed through the examination process</i>	There is an opportunity to include new sites at this stage.
Para 3.76 regarding reserve sites	<i>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.</i>	FCC have not published any list of reserve sites and have no Plan B or contingency.
Para 6.58 regarding new sites	<i>the Inspector may recommend the inclusion of a new or alternative site if it would be sound to do so</i>	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	<i>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.</i>	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	<b>Land Bank Commitments</b> - <i>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.</i>	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	<b>New housing allocations</b> - <i>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)</i>	The evidence for site allocation delivery, as already intimated, is less than robust/convincing and has ignored sustainable placemaking and sustainable transport.

<p>Para 5.62 Table 18 regarding components of housing supply</p>	<p><b>Rolling forward allocations</b> - 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'.</p>	<p>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.</p>
<p>Para 5.62 Table 18 regarding components of housing supply  (replicated in Para 5.76 regarding economic components)</p>	<p><b>Key Sites</b> – 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.</p>	<p>The bar is set higher for the STR3A and STR3B sites, yet neither the evidence or policy has followed this guidance</p>
<p>Para 5.62 Table 18 regarding components of housing supply</p>	<p><b>Viability appraisals</b> - 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.</p>	<p>For all (non-strategic) allocations this level of information should be provided, but it has not been followed.</p>
<p>Para 5.76 Table 22 Regarding components of employment allocations</p>	<p><b>'Rolling forward' allocations</b> – 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.</p>	<p>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</p>

<p>Para 5.107 Table 18 regarding affordable targets</p>	<p><i>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.</i></p>	<p>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%).</p>
<p>Para 5.109 regarding infrastructure costs and impact upon site viability</p>	<p><i>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.</i></p>	<p>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.</p>
<p>Para 5.111 regarding infrastructure partners</p>		<p>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 11<sup>th</sup> hour following Deposit and at the point of Submission.</p>
<p>Para 5.119 regarding when investment will happen</p>	<p>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.</p>	<p>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.</p>

PPW11	What the policy document says	J10 Comment
Para 1.18 : sustainable development	<i>Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise</i>	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	<i>Evidence is needed to support LDP policies which is tested through the Examination procedure.</i>	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	<i>The national sustainable placemaking outcomes should be used to inform the preparation of development plans and the assessment of development proposals.</i>	Sustainable placemaking has been forgotten in this eLDP.
Para 3.44 : spatial strategy and search sequence  (see also Para 4.2.16)	<i>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.</i>	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	<i>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.</i>	FCC generates significant levels of in and out-commuting but this eLDP fails 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	<p><i>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.</i></p>	STR3B is effectively a new settlement yet alternatives exist and have been discounted for no valid reason.
3.59 : BMV	<p><i>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.</i></p>	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	<p><i>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</i></p>	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.

	<i>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.</i>	
Para 3.68 : green wedge	<i>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.</i>	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	<i>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.</i>	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	<i>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</i>	Few of the housing allocation sites have proven deliverability.  Affordable tenure trajectory is unclear as it is not defined.



	<i>trajectory when they are due to come forward for development, in order to support the creation of sustainable communities.</i>	
Para 4.2.12 : specialist housing	<i>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.</i>	There is no policy in the eLDP that supports specialist housing needs or indeed quantifies this.
Para 4.2.16 ; housing search	<i>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.</i>	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	<i>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.</i>	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.

<p>Para 4.2.19 : deliverability</p>	<p><i>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.</i></p>	<p>No financial viability is evidenced in support of the housing allocation sites.</p>
<p>Para 4.2.20 : affordable levy and viability</p>	<p><i>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.</i></p>	<p>The affordable housing policy is itself unviable yet the housing allocations do not demonstrate that levels of affordable are viable.</p>
<p>Para 4.2.25 : affordable homes for all communities</p>	<p><i>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</i></p>	<p>The eLDP makes no clear provision for how need can be delivered on anything but a site located within defined settlement limits.</p>

	<i>first occupation and for subsequent occupiers.</i>	
Para 4.2.32 : affordable led housing	<i>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.</i>	The eLDP makes no provision.
Para 5.4.3 Para 5.4.4 : sufficient economic development land	<p>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.</p> <p>Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration.</p>	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
<b>TEST 1 : Does the plan fit ? (is it clear that the LDP is consistent with other plans?)</b>	
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
<b>TEST 2 : Is the Plan Appropriate ? (is the plan appropriate for the area in the light of the evidence ?)</b>	
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
<b>TEST 3 : Will it Deliver ? (is it likely to be effective?)</b>	
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