

FLINTSHIRE LOCAL DEVELOPMENT PLAN 2015-2030 EXAMINATION

**MATTER 20:
MONITORING FRAMEWORK**

STATEMENT IN RESPONSE TO INSPECTOR'S QUESTIONS

BY

**GOODWIN PLANNING SERVICES LTD
OLD CHURCH HALL, OLD COACH ROAD,
KELSALL, CHESHIRE, CW6 0QJ**

TEL: 01829 752851

FAX: -01829 752857

EMAIL: s.goodwin@goodwinplanning.com

OUR REF: SG-1324-ST6

Goodwin Planning Services Ltd

Old Church Hall, Old Coach Road, Kelsall, Cheshire. CW6 0QJ

Tel: 01829 752851 Fax: 01829 752857 Email: s.goodwin@goodwinplanning.com

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KEY ISSUE:

DOES THE LDP ENABLE ADEQUATE MONITORING OF ITS EFFECTIVENESS?

A. ARE CLEAR TARGETS AND MEASUREABLE OUTCOMES IN PLACE FOR EFFECTIVE MONITORING OF DELIVERY OF THE DEVELOPMENT AND ALLOCATED SITES AND ACHIEVEMENT OF LDF OBJECTIVES?

1.1 No comment.

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?

1.2 Relevant policy in in this regard includes the following:-

- Planning Authorities should identify when interventions may be required to deliver the housing supply, including specific sites (paragraph 4.2.12, PPW);
- LPAs must clearly set out how variances of under delivery will be considered through future actions and provide clarity on the consequential steps to be taken depending on the magnitude of any variance. If key indicators are not being met, the options could include those set out in Table 30.

1.3 The Council's monitoring section in relation to housing delivery indicates that, where the Plan is not delivering the expected annual build rate for at least 2 consecutive years or where the housing land supply has been below 5 years for at

least 2 consecutive years, the action will be “*keep monitoring – further investigation/review required*”. This is unclear and vague and provides no mechanism for bringing forward sites to meet the identified shortfall other than a review as referred to above.

- 1.4 This is also reflected in the latest Housing Land Supply and Delivery Background Paper (10A) which states at 3.1.4 that “*the housing land supply will be regularly monitored following adoption via the Annual Housing Land Monitoring Exercise and the Plans Annual Monitoring Report (AMR). In practice, other housing sites will undoubtedly become available to boost the supply before the end of the plan period through planning permissions being granted and/or through the review of the LDP*”.
- 1.5 Paragraph 5.59 of the Development Plans Manual advises that is extremely rare that all sites identified in a Plan will come forward in the timescale anticipated and that a Development Plan will not be effective if it cannot accommodate change in circumstances. It advises that sufficient flexibility needs to be built into the Plan to account for non-delivery and unforeseen issues. In our view, in the circumstances where there is a failure to meet the identified need (as there was in the UDP) a mechanism for bringing forward additional sites should be considered as part of the Plan rather than leaving it to planning appeal as resulted from the UDP. A mechanism whereby either a second phase of allocations is included or sites identified as contingency sites are included should therefore be considered. Without such an approach the Plan is insufficiently flexible to meet the guidelines set out in the Development Plans Manual and PPW and therefore fails test 1 in relation to soundness.
- 1.6 The Council’s position is that, if the housing targets are not met then a plan review will be required. This was confirmed by Mr Roberts in his verbal response to a question raised by Mr Paul of J10 Planning in relation to Matter 3. Mr Paul indicated that it was not clear in the Plan what would happen if it fails to deliver in terms of housing supply. Mr Roberts answer was that “*the Plan itself tells him the*

answer to that question". Mr Roberts indicated that the answer was a "*review of the Plan*". No other mechanism was put forward. If the Council's triggers (i.e. 2 continuous years of failing to have a 5 year housing land supply or 2 consecutive years of housing below the trajectory) occur it will therefore take at least 2 years of under delivery before the Council will even consider a review. A review of the Plan (even Short Form Review) is likely to take a considerable period of time as set out below.

- 1.7 If the review involves housing delivery issues the DPM requires a call for sites and for all sites to be considered to demonstrate deliverability and viability of sites to be allocated in the Plan prior to deposit stage (paragraph 8.29).
- 1.8 After assessing all sites the LPA are required to provide a prioritised list of sites they consider suitable for allocation (paragraph 8.30) and this list must be evidenced as deliverable, particularly in terms of viability (paragraph 8.31). The DPM then goes on to state that the evidence supporting the sites must be robust and that all the evidence necessary to prepare a full plan revision, for example the preparation of a housing trajectory taking into account phasing of sites will also need to accompany a Short Form Plan Revision.
- 1.9 Table 34 of the DPM sets out a timescale for a Short Form Plan Revision with a total time from the Delivery Agreement to adoption of 1½ years (with a slippage allowance of 3 months).
- 1.10 Past experience, particularly in Flintshire, plainly demonstrates that expecting to achieve all this within an 18 month timescale is unrealistic.
- 1.11 The UDP (even excluding pre-consultation draft stage) took 11½ years to reach adoption from the consultation draft (May 2000) to final adoption in September 2011.

- 1.12 For the current LDP, initial Topic Papers were published in February 2015. It has therefore taken over 6 years to even reach half way through the Examination.
- 1.13 We acknowledge that these were under different guidance but the guidance in place at the time in no way envisaged Development Plan preparation taking over 6 years and certainly not 11 years (which is over 2/3 of the period the Plan was intended to cover).
- 1.14 In the light of the limited time left on the plan period and the likely time to undertake a review a prioritised list of sites suitable for allocation to address any under-delivery should be included in the Plan now (either as contingency sites or phase 2 sites).
- 1.15 It is a logical solution to the particular case of Flintshire in the light of the limited time left for the plan period and the track record on timescales for the delivery of Development Plan Documents.
- 1.16 This would avoid a situation where delays in the review process lead to planning by appeal. Whilst it is not a specific requirement in the DPM there is nothing in the DPM that rules out such an approach.
- 1.17 Paragraph 8.16 of the DPM is clear that changes to adopted LDP's can only be made through plan revision. It is therefore crucial for the Plan to build in a mechanism (within the Plan itself) which would allow clear actions (such as bringing forward contingency sites or phase 2 sites) in the event that the targets set out in the monitoring framework are not being met. Without such mechanisms being built into the Plan it would be contrary to the Development Plans Manual and would fail the tests of soundness as follows:-
- Test 1 – Failure to have regard to National Policy;
 - Test 2 – Failure to address key issues;
 - Test 2 – Failure to consider alternatives;
 - Test 3 – The Plan will be ineffective;

- Test 3 – The Plan is insufficiently flexible. There are no appropriate contingency provisions;
- Test 3 – The Plan will not be monitored effectively as a result of the lack of appropriate contingency actions.

1.18 In the alternative, alterations could be made to policies PC1 and HN4 to indicate that, when there is a shortfall in delivery against the targets in Section 13 of the Plan, sites on the edge of existing sustainable settlements will be considered for release for housing when they will contribute to meeting the identified shortfall and will cause no harm to the Open Countryside (see our suggested wording from submission in Matter 10).