



FLINTSHIRE LOCAL DEVELOPMENT PLAN 2015-2030 EXAMINATION

**MATTER 7:
PROVISION OF SUSTAINABLE HOUSING SITES**

STATEMENT IN RESPONSE TO INSPECTOR'S QUESTIONS

BY

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MATTER 7: PROVISION OF SUSTAINABLE HOUSING SITES

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 on its 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?

1.1 Relevant policy/guidance in this regard is set out in the latest version of Planning Policy Wales (PPW) and the Development Plans Manual (DPM). This includes the following:-

- Housing requirements in a Plan must be based on evidence (paragraph 4.2.5 PPW);
- The LHMA, together with other evidence should be taken into account (paragraph 4.2.6 PPW);
- The level of unconstrained need is based on current levels of need/demand at a point in time. Evidence will be required to demonstrate the baseline position of the Plan (paragraph 5.28, DPM);
- Past trends over different periods e.g. 5, 10, 20 and 25 years are a consideration in setting out housing need and supply (Table 13, DPM).

- 1.2 In summary therefore, a range of evidence is required to be used by the Council to establish the housing need at the particular point in time for the Plan. This evidence includes projections, the LHMA and other evidence including past trends.
- 1.3 If, at the particular point in time that the assessment is made, part of a previous identified needs remains unmet then that does not simply disappear but becomes part of the current need at that point in time. That current need must be added together with future identified need to establish the true level of need at any particular point in time.
- 1.4 The Council's housing figure of 6950 units over the LDP period fails to take account of unmet identified need left over from the UDP. The Council's response to suggestions in the consultations that there should be an allowance for under provision in the previous plan period is set out in Appendix 1A of the Housing Land Supply and Delivery Background Paper (10A) updated in January 2021. This confirmed that the LDP housing requirement makes no allowance for under provision from the previous Development Plan. The Council's justification for this is that it is unaware of any requirement in National Guidance or any precedent for such provision to be incorporated. However, this fails to take account of policy/guidance referred to in paragraph 1.1 above. It is also common sense that identified need that remains unmet is part of a current need at that particular point in time. If that need is not met it is still there even after the plan period ends. If you start with a deficit against identified past need, then clearly that deficit needs to be addressed before you can meet projected need over the plan period otherwise the Local Authority area will always be in deficit against actual need.
- 1.5 The Council's approach of simply ignoring past under delivery and suggesting that they are unaware of a requirement in National Guidance to take it into account fails to acknowledge the above requirements in PPW and

the Development Plans Manual. It fails to meet soundness test 1 in that it does not have regard to National Policy and also fails to meet test 2 in that the evidence base to identify housing need is not supported by all relevant evidence and specifically seeks to ignore one key element of existing need (current unmet need) at the point in time of the LDP and updated Housing Land Supply Delivery Paper (10A).

1.6 Using the Council's own Settlement Growth Table between April 2000 and April 2015 there was a total delivery of 4645 dwellings over the UDP period. The UDP had identified a need of 7400 dwellings over the plan period (493 units per annum). There is therefore a shortfall against previous identified need of 2755 units.

1.7 As set out in our original submissions to the Council at Deposit Draft Stage, this was addressed in an appeal relating to land at Ewloe (APP/A6835/A/14/2220730 – a copy of which is attached at **Appendix 1**). In that appeal the Inspector acknowledged that the UDP was intended to deliver 7400 units over the plan period but that, in the first 10 years only 3288 had been provided leaving 4112 to be shared over the remaining 5 years (paragraph 47). The Inspector commented that “*clearly a step change was required*” in housing provision. He confirmed that the Plan itself stated that:-

“Any failure (to deliver the required dwellings) was to be identified in the Annual Monitoring Reports and addressed in the Reviews of the Plan or Interim Policies to release more land”.

1.8 In other words, the Inspector was clear that any shortfall could not be ignored in future reviews and any failure to meet identified need must be considered as part of a future review.

1.9 There have been no interim policies produced to release more land by the Council prior to the LDP. The LDP is clearly therefore the only way to address the shortfall in delivery against identified need which was subject to examination.

1.10 In order for the Plan to be sound and for the identification of unconstrained need to be based on current levels of need/demand at this point in time, unmet need left over from the UDP period needs to be incorporated into the housing requirement figure. The shortfall of 2755 units should therefore be added to the 6950 requirement over the plan period giving a requirement of 9725.

B. Neighbouring Counties

1.11 No Comment.

C. The 14.4% Flexibility Allowance

1.12 Table 13 of the Development Plans Manual indicates that past trends over different periods are relevant in determining housing need. We have referred to the need to take account of under delivery in the previous UDP period in relation to point A above. The Council's 14.4% contingency is above the 10% flexibility allowance referenced in the Manual. However, taking account of past build rates against the UDP requirement, this indicates that there was a total under delivery (even with a contingency) of 37% over the UDP period against identified need. The Council also acknowledge that, of the 41 sites which were allocated in the UDP, 13 did not come forward for development over the plan period (32%). In other words, over the previous plan period from 2000-2015 1/3 of the sites allocated for housing delivery did not come forward and the UDP failed to deliver 37% of the identified housing need over that period.

1.13 There is therefore clearly a credible evidence base for a figure over the starting guideline of 10% (and indeed a figure significantly over the 14.4% could be justified on the basis of past delivery).

1.14 This is now recognised in the latest Development Plan Manual which, in addition to the flexibility allowance, refers to a “*non-delivery allowance*”, to be factored into the land bank (sites with planning permission) of somewhere between 20 and 50%. As a number of the allocated sites (including the strategic sites which contribute a substantial amount of the housing land requirement) already have planning permission, including a non-delivery allowance is appropriate in the case of Flintshire.

1.15 Clear guidance on page 118 of the Development Plans Manual on factoring in a non-delivery allowance is that:-

“Understanding the proportion of sites that did not come forward in the past can be a useful tool in this respect”.

1.16 It indicates that sites can be discounted individually, or applied as a percentage across the overall land bank. It advises that the latter is the simplest approach and that non-delivery allowances have ranged from 20% to 50% to date depending on local circumstances.

1.17 This is acknowledged in the latest Housing Land Supply and Delivery Background Paper (10A) at paragraph 2.12 and 2.13. The Council confirm that they have not included a non-delivery allowance but argue that their flexibility allowance of 1000 dwellings (which equates to nearly 14.4%) is above the 10% flexibility allowance referred to in the Manual. In this sense the Council are guilty of double counting in that they are on the one hand counting the 14.4% as a flexibility allowance and on the other hand seeking

to include it as part of a non-delivery allowance. To accord with National Policy and to meet soundness test 1 in this regard, the evidence demonstrates that the Council need not only to make a flexibility allowance but also a non-delivery allowance.

D. Is the Housing Requirement Over Reliant on the Provision of Dwellings on Windfall and Small Sites?

1.18 As set out in our representations on Matter 3, the Council's allocations concentrate on large sites and do not provide a range of sites as required by PPW. In this sense the only way small and medium size sites will come forward over the plan period is through windfalls. Indeed, Table 4A of the Council's latest Housing Land and Delivery Background Paper indicates that (excluding completions, sites already under construction and units with planning permission) the total allocations amount to 3300 units and windfall sites (large and small) amount to 1080 units. The Council therefore rely on 1/3 of the figure for housing allocations to come forward from windfalls. This is not a plan led system as required by PPW. In the light of our comments made under Matter 4 relating to the tight drawing of boundaries around settlements it is questionable whether the amount of windfall suggested by the Council will come forward over the plan period. To be truly plan led, less reliance should be made on windfall sites and increased allocations should be identified.

E. Do Rates of Housing Delivery over Recent Years Indicate that the Housing Requirement Firstly, could, or Secondly, should be Increased?

1.19 The short answer to this is yes, and this is consistent with the suggestions we have previously made that the overall housing figure needs to be increased.

1.20 Table 5A of the Council's latest Housing Land Supply and Delivery Background Paper indicates that over the last 5 years (2015-2020) an average of 522 units have been constructed per annum even in a period with no Development Plan. The Council's requirement of 6950 over the 15 year period would give a target of 463 units per annum. Rates of housing delivery over the last 5 years therefore clearly indicate that the housing requirement could and (on the basis of the additional evidence we have already submitted in relation to housing figures), should be increased. In this sense there is clearly scope to increase the requirement to address the shortfall identified in point A above.

F. Should Committed Sites be Allocated? If not, What will Happen to Such Sites if Planning Permissions Lapse?

1.21 No comment

G. Is it Likely that All 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?

1.22 Past evidence demonstrates that it is clearly unlikely that all committed sites and sites carried over from the UDP will be delivered during the plan period. Indeed, evidence in relation to the UDP period was clearly that around 1/3 of the allocated sites did not come forward over the plan period.

H. How Does the LDP Avoid the Issue of Double Counting in Respect of Large Windfall Sites?

1.23 This is a question for the Council to answer. We are unable to find the

answer in the current LDP or the Housing Supply and Delivery Background Paper. We therefore reserve the right to comment once we see the Council's response to this question.

I. What will be the Implications for Delivery of the Housing Requirement of the Comparatively Short Plan Period Remaining at Adoption?

1.24 No comment.

J. Is the Wording of Policy STR11 Appropriate, Particularly the Use of the Word "Expected" and the Inclusion of the Final Paragraph?

1.25 In our view the use of the word "*expected*" is not appropriate. The policy should be worded so that the delivery of new housing on sites will be "*supported where*" the criteria are met. The policy should also indicate that it is not a requirement that all of the 6 criteria are met in every case as this would be unrealistic. At the moment it is unclear as there is no word "*and*" or "*or*" between criterion v and vi. The appropriate wording should be to include the word "*or*" between criterion v and vi.

1.26 There is no phasing process for the allocations in the Plan and no control over the rate and timing of delivery of commitments. As we set out in our objections in relation to Matter 20 (Monitoring) there needs to be a mechanism whereby under delivery can be addressed later in the plan process. This could either be achieved by the inclusion of additional housing sites as a second phase or through the inclusion of contingency sites which would be brought forward should the housing trajectory fail to be delivered towards the end of the plan period.