

Flintshire Local Development Plan 2015 – 2030 Examination

Schedule of Matters, Issues and Questions

Important Notes:

- The purpose of the examination is to determine whether the Flintshire Local Development Plan 2015 – 2030 (LDP) is sound in accordance with the Local Development Plan Manual, Edition 3. (the Manual). **To be sound the LDP must meet the three tests set out in the Manual¹: is it consistent with other plans; appropriate for the area in the light of the evidence; and deliverable and effective.** In addition, the LDP must have been prepared in compliance with legal and regulatory procedural requirements.
- Participants should only respond to those of the questions below which directly relate to their previously submitted written representations on the plan. Please clearly indicate in your statement(s) the question(s) you are answering.
- Further statements should be proportionate in length to the number of questions being answered and should not, in total, exceed 3,000 words per matter.
- We are examining the LDP as submitted by the County Council. Therefore, we will not, at this stage, be considering the merits for development of sites not included in the plan.
- The Planning Inspectorate issued some preliminary questions about the LDP and its preparation at the end of 2020. They are not repeated in this document. The Council's detailed answers to the preliminary questions² are on the website and may be of interest to participants.
- **If you have questions in respect of this document or any aspect of the examination please contact the Programme Officer, Kerry Trueman, on 07582 310364 or by email at kerry.trueman@flintshire.gov.uk**

1. Matter 1: Plan Preparation – procedural requirements

Key Issue:

Has the Flintshire LDP been properly prepared?

- a) Has the LDP been informed by a robust consideration of reasonable alternatives?
- b) Has the LDP had full regard to the Well-Being of Future Generations Act with regard to the well-being goals and ways of working?
- c) Has the LDP been subject to an Equality Impact Assessment?

¹ The Manual, Table 27

² Ref. FCC001

- d) Is the LDP consistent with *Future Wales: The National Development Framework*, which is likely to be finalised shortly?
- e) How will the LDP be updated in the light of the revocation of TAN1? Will this lead to significant changes in LDP policies?
- f) Were consultation exercises and tools user friendly and easy to engage with?
- g) How were consultation responses considered by the Council and taken into account?
- h) When is the addendum to the HRA and accompanying Statement of Common Ground likely to be submitted to the examination?
- i) Does the HRA take account of NRW's recently published interim advice regarding phosphate levels in river SACs.

2. Matter 2: Plan Strategy

Key issues, vision, objectives

Key Issue:

Is the overall strategy coherent and based on a clear and robust preparation process? Is the strategy realistic and appropriate in the light of relevant alternatives and is it based on robust and credible evidence?

- a) Is the LDP's overall strategy consistent with those of neighbouring authorities? What are the main cross boundary issues and how have these been addressed?
- b) How have the key issues been selected? Are they all addressed directly and adequately by the vision and strategic objectives? What is the relationship between the Key Issues and Drivers (para. 3.30) and the challenges that must be planned for (para. 3.35)?
- c) Is the vision appropriate and sufficiently detailed?
- d) What are the implications, both positive and negative, of Flintshire's gateway location on a national border? How are these accounted for in the LDP?
- e) Does the LDP address the physical and mental health of the population?
- f) What is the purpose of the strategic policies? Are they useful and useable in development control terms?
- g) What is the policy position on Best and Most Versatile Agricultural Land?
- h) Are the Proposals and Inset Maps accurate and user friendly?
- i) In the light of the time which will remain if the LDP is adopted in 2021/2, is the plan period (2015-2030) appropriate?
- j) What will be the status of Place Plans, when prepared, and how will they relate to the LDP?

Strategic Policies

3. Matter 3: Strategic Growth (inc Strategic Sites)

Key Issue:

Is the growth strategy coherent and based on a clear and robust preparation process? Is it realistic and appropriate in the light of relevant alternatives and is it based on robust and credible evidence?

- a) What is the justification for adopting an aspirational growth strategy, led by an ambitious target for new jobs?
- b) When were i) the Northern Gateway site and ii) the Warren Hall site granted outline planning permission? Have circumstances changed significantly since then?
- c) How will their strategic allocation in the LDP improve their viability and deliverability? Are the rates forecast for their delivery in the LDP realistic and achievable?
- d) How advanced is development on the Northern Gateway site? What is the reason for its allocation rather than recording it as a commitment?
- e) Is there enough site-specific guidance and information in the LDP to satisfactorily address the individual circumstances, including constraints, on the two strategic sites? Are there master plans or development briefs for them? How will the principles of placemaking be applied to these sites?

4. Matter 4: Location of Development

Settlement hierarchy, settlement limits.

Key Issue:

Is the spatial strategy coherent and based on a clear and robust preparation process? Are the spatial strategy and relevant strategic policies realistic, appropriate and logical in the light of relevant alternatives and are they based on robust and credible evidence?

- a) What is the purpose of the settlement hierarchy? Will it guide new development to the most sustainable locations? Is it clear what types and amount of development, other than housing, will be appropriate in each tier of the hierarchy?
- b) What is the rationale for the proportions of development split across the tiers?
- c) Why is it necessary to assess the comments of the UDP inspector with regard to the definition of settlement boundaries?
- d) Where is the methodology for the assessment of settlement boundaries described? Has it been applied consistently? Where are the results of the assessment set out?
- e) Are the settlement limits drawn sufficiently widely to enable the predicted amount of growth?
- f) Is it appropriate for there to be a green wedge designation within the Deeside Enterprise Zone? Will it be an unacceptable constraint on the ability to maximise economic opportunities in this area?

5. Matter 5: Principles of Sustainable Development, Design and Placemaking (inc Transport and Accessibility STR5; Services, Facilities and Infrastructure STR6)

Key Issue:

Do the policies and proposals on this matter fully achieve the sustainable development and placemaking objectives of the LDP consistent with national policy? Are they based on robust and credible evidence?

- a) Does the LDP place sufficient emphasis on the benefits to sustainability of the use of brownfield land for development? How does the LDP encourage this?
- b) Is the wording of Policy STR4 unduly onerous; should it be qualified by 'where appropriate'? Will it have a serious, detrimental effect on the viability of development proposals?
- c) Has sufficient consideration been given to the need for Flintshire's transport infrastructure to align with those of neighbouring authorities?
- d) Is it clear that there will be sufficient new facilities, for example for education, health, everyday shopping, public transport and so on, to meet the needs of future residents?
- e) How will infrastructure for new development be provided and through what mechanisms? How will contributions be calculated? What is the position with regard to CIL?

6. Matter 6: Economy and Employment and Enterprise (inc Economic Development, Enterprise and Employment; Employment Land Provision)

Key Issue:

Is the economic strategy coherent and based on a clear and robust preparation process? Will it address the Key Issues and Strategic Objectives effectively and efficiently? Are the strategy and strategic policies realistic and appropriate in the light of relevant alternatives and are they based on robust and credible evidence?

- a) Has sufficient employment land been identified? Will the key strategic sites deliver the number of jobs forecast?
- b) In terms of the economy, what are Flintshire's special characteristics? How will they be harnessed 'to benefit not only North East Wales but the wider geography, east and west', as advised in the Wales Spatial Plan.
- c) What is the cross-border employment relationship? What proportion of the existing jobs within Flintshire are filled by employees from outside the County? How many of Flintshire's residents travel to work outside the County? How has the Council accounted for such movements in its employment forecasts?
- d) What is the status of the Deeside Enterprise Zone? Is it clear which LDP policies will apply to this area and how proposals will be determined? Should it be identified on the Proposals Map?
- e) How will the LDP maintain and enhance the County's tourism, culture and leisure offer?
- f) **Is the assessment of comparison retail need sufficiently robust to inform the Plan's approach to retail allocations?**

7. 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 projections³? Has the UDP under-delivery been accounted for in the LDP housing requirement figure? If not, should it be?
- 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?
- c) The 14.4% flexibility allowance is slightly greater than average. On what basis has that percentage been selected?
- d) Is the housing requirement over reliant on the provision of dwellings on windfall and small sites?
- e) Do rates of housing delivery over recent years indicate that the housing requirement firstly, could, or secondly, should, be increased?
- f) Should committed sites be allocated? If not, what will happen to such sites if planning permissions lapse?
- 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?
- h) How does the LDP avoid the issue of double counting in respect of large windfall sites?
- i) What will be the implications for the delivery of the housing requirement of the comparatively short plan period remaining at adoption?
- j) Is the wording of Policy STR11 appropriate, particularly the use of the word 'expected' and the inclusion of the final paragraph?

8. Matter 8: Natural and Built Environment***Key Issue:***

Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy? Are they based on robust and credible evidence?

- a) Is the wording of Policy STR13 unduly onerous; should it be qualified by 'where appropriate'? Is criterion x) necessary, given that playing fields and open space are covered by Policy EN1?

9. Matter 9: Climate Change and Environmental Protection***Key Issue:***

Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy? Are they based on robust and credible evidence?

³ Subnational household projections (local authority): 2018 to 2043, updated August 2020.

- a) Is the wording of Policy STR14 sufficiently strong, such that it will enable the policy to have a proper and positive influence on development proposals?

Development Management Policies

10.Matter 10: Implementing Sustainable Development

Key Issue:

Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy? Are they based on robust and credible evidence?

Are the policies and requirements clear, reasonable and sufficient?

- a) Has the special character of Mold been adequately considered in drawing up the settlement hierarchy/boundaries?
- b) Is it clear how proposals in the open countryside will be treated, in particular that new building will generally be strictly controlled?
- c) Is the requirement for electric charging points in non-residential development in Policy PC5 consistent with national guidance?

11.Matter 11: Employment Land and Sites

Key Issue:

Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy? Are they based on robust and credible evidence?

Are the policies and requirements clear, reasonable and sufficient?

- a) How would proposals for non-employment, ancillary uses in employment areas be treated?

12.New Housing Development Proposals (inc Density and Mix)

Key Issue:

Have relevant alternatives been considered; is the identification of the housing sites based on a robust and rational site selection process? Are the sites deliverable within the plan period and will they make an appropriate contribution towards the housing requirement?

Are the policies for the housing sites clear and reasonable?

- a) Did the presence, or otherwise, of Best and Most Versatile agricultural land (BMV) influence the selection of housing sites?

The sites which will be discussed at the hearings are:

HN1.1 Well Street, Buckley

HN1.3 Highmere Drive, Connah's Quay

HN1.4 Northop Road, Flint

HN1.6 Land between Denbigh Rd & Gwernaffield Rd, Mold

HN1.7 Holywell Rd/Green Lane, Ewloe

HN1.8 Ash Lane, Hawarden

HN1.9 Wrexham Road, HCAC

HN1.10 Cae Isa, New Brighton

For each of these sites, the following will be considered:

- a) Is it clear why the sites have been selected over other candidate and alternative sites?
- b) Are the numbers of units identified realistic and achievable?
- c) What are the various constraints affecting the sites? In the light of constraints, and other matters, where is it set out what the requirements are for each site? Is there sufficient clarity and certainty?
- d) Having regard to constraints, where they exist, as well as the need to provide for affordable housing and infrastructure, are the sites viable?
- e) Are the delivery mechanisms for each site clearly identified? Is the timing and/or phasing of each site clearly set out?

13.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?

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

Affordable Housing

- 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?
- b) Will the affordable housing target meet the local housing need? If not, what other mechanisms are available?
- c) Does the plan clearly identify all components of affordable housing supply?
- d) Are the required affordable housing contributions and thresholds in Policy HN3 founded on a credible assessment of viability?
- e) Are the requirements of Policy HN3 clear, and consistent with national policy?
- f) Is the spatial distribution of affordable housing sound and does it adequately reflect local needs?
- 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?
- h) Do affordable housing exception sites have to be immediately adjoining settlement limits?
- i) Why are exception sites not allowed adjoining Tier 1 settlements? How does this reflect the spatial distribution of need for affordable housing?
- j) What is the basis for restricting management of exceptions schemes in Policy HN4-D (e)? Will this deliver smaller schemes in rural areas?
- k) Should the LDP specify the criteria that will be applied to determine who will qualify for an exception site?
- l) How will the affordable housing target be delivered and reviewed?

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

Annex Accommodation

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

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)?

14.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?

- a) Is the approved Gypsy and Travellers Accommodation Assessment (GTAA) robust enough to inform the LDP strategy?
- b) Does the GTAA identify a realistic need for new Gypsy and Traveller pitches, both permanent and transit, in Flintshire over the Plan period?
- c) Have a sufficient number of sites and pitches been identified?
- 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?
- e) Does the approach taken to identify sites accord with the requirements of Circular 005/2018?
- f) Is it appropriate that the site at Magazine Lane, Ewloe is in the green wedge?
- g) Is it appropriate that the site at Riverside, Queensferry is within C1 flood risk zone?

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

15.Matter 15 – Natural and Built Environment

Including EN1 Sports, Recreation and Cultural facilities; EN2 Green Infrastructure; EN4 Landscape Character; EN5 Area of Outstanding Natural Beauty; EN6: Sites of Biodiversity Importance; EN7: Development Affecting Trees, Woodland and Hedgerows; EN8: Built Historic Environment and Listed Buildings; EN9: Development In or Adjacent to Conservation Areas; EN10 Buildings of Local Interest.

Key Issue:

Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy? Are they based on robust and credible evidence?

Where appropriate, have alternative strategies been considered, is the identification of any sites based on a robust and rational site selection process?

Are the policies and requirements clear, reasonable and justified?

- a) Should Policy EN1 include more detail on the amounts of new open space required to be provided?
- b) Are the requirements for the provision of open space in new development, as currently set out in the draft SPG, reasonable?
- c) Are the requirements, as currently set out in the draft SPG, reasonable?
- d) Should all open space inc play areas be designated?
- e) What is the up to date position in respect of the open space designation at Maes Gwern, Mold?
- f) Is it clear that the requirements of Policy EN2 relate only to the proposed development site and its immediate surroundings?
- g) Is it correct to identify the Mold cemetery extension as green space? If so, why?
- h) To be effective, should Policy EN4 be supported by a landscape character assessment?
- i) Should Policy EN5 include further references to the setting of the AONB?
- j) Is Policy EN7 sufficiently flexible? What is meant by a 'significant' loss? Is criterion c correct and reasonable?
- k) Is the classification of 'The Fron' as 'Reclaimed Ancient Woodland' accurate and correct?
- l) How are 'Buildings of Local Interest' identified? Does the method allow for contributions from owners and other interested parties? Is it reasonable?

16.Matter 16 – Green Barriers

Key Issue:

Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy? Are they based on robust and credible evidence?

Are the policies and requirements clear, reasonable and sufficient?

- a) Should the green barriers be renamed green wedges?
- b) Is the methodology of the green barrier assessment robust and has it been applied consistently?
- c) What is the relationship between areas of open countryside and areas of green barrier?

17.Matter 17 – Renewable Energy

EN12: New Development and Renewable and Low Carbon Energy Technology
EN13: Renewable and Low Carbon Energy Development

Key Issue:

Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy? Are they based on robust and credible evidence?

Where appropriate, have alternative strategies been considered, is the identification of any sites based on a robust and rational site selection process?

Are the policies and requirements clear, reasonable and sufficient?

- a) How have the search areas for renewable energy been identified? What were the key constraints used? Is the work on a landscape assessment to refine the areas of search complete?
- b) What is the purpose of the search areas? Should they be shown on the Proposals Map? How will potential energy contributions be indicated in the LDP?
- c) Will there be any conflict between the Holway Level SSSI and the nearby search area?
- d) What is the position with Crump's Yard and flood risk?
- e) Is there any conflict between the solar and Gypsy and Traveller allocations at Castle Park, Flint?
- f) Should the floorspace threshold in EN12 be increased to 2,500 sqm as a more reasonable reflection of the scale of development which could support its own low carbon or renewable energy source?
- g) Is EN12 consistent with national policy or more onerous?

18.Matter 18 – Flood Risk

EN14: Flood Risk

Key Issue:

Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy? Are they based on robust and credible evidence?

Are the policies and requirements clear, reasonable and sufficient?

- a) Are all housing, employment and other allocations in the LDP now the subjects of a detailed Strategic Flood Consequences Assessment? Does this result in any significant constraints on the delivery of the allocations?

19.Matter 19 – Minerals

EN25: Sustainable Minerals Development

Key Issue:

Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy? Are they based on robust and credible evidence?

Are the policies and requirements clear, reasonable and justified?

- a) Are the minerals policies locally specific and consistent with national policy?
- b) Is the work with regard to the RTS 2nd Review now completed? Will the LPA be able to meet the higher apportioned need?
- c) Is the proposed extension to Ddol Uchaf proportionate and appropriate?

20.Matter 20 – Monitoring Framework**Key Issue:**

Does the LDP enable adequate monitoring of its effectiveness?

- 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?
- 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?
- c) Are clear arrangements in place for monitoring and reporting the results?
- d) Have remedial actions been identified?
- e) Have the main risks to delivery been identified, and how will contingencies be handled?

Siân Worden and Claire MacFarlane
Inspectors
Feb 2021