

Flintshire Local Development Plan 2015 – 2030

Our ref 60174/06/RCA/TE

Date July 2022

**Subject Representations on behalf of [REDACTED]
[REDACTED] to the Proposed Matters Arising
Change Consultation**

1.0 Introduction

- 1.1 On behalf of [REDACTED] has been instructed to make representations in relation to the Flintshire Local Development Plan [FLDP] Examination Matters Arising Changes [MAC] (June 2022) Consultation. These representations have been written in respect of TW's land interests in Flintshire and focusses on the site at Ffordd Fer, Mynydd Isa, which lies adjacent to the settlement of Mynydd Isa.
- 1.2 This Statement expands upon TW's previous representations made throughout the Local Plan preparation process, including responses to the Matters, Issues and Questions raised by the Inspector for the Examination in Public [EiP] hearing sessions.
- 1.3 TW is seeking to bring forward a high quality sustainable and comprehensively masterplanned residential extension on land at Ffordd Fer, Mynydd Isa. TW considers that the site should be identified as an allocation in the emerging Plan. The site is deliverable and would assist in the delivery of sustainable development within Flintshire by making a significant contribution towards meeting the identified needs for market and affordable housing.
- 1.4 These representations focus on the following key MAC changes:
- MAC 016 & MAC 017–Para 3.65 Table– Update to Housing Growth
 - MAC 026 & 027 – Policy STR1 – Strategic Growth
 - MAC 029 & MAC 030 – Policy STR2 & Para 5.13 Distribution of Development Across Settlements
 - MAC 037 & 038 – Policy STR11 – Provision of Sustainable Housing Sites
 - MAC 074 – Policy HN1 – New Housing Development Proposals
 - MAC 077 – Policy HN3 – Affordable Housing
 - MAC 097 – Policy EN11 – Green Wedges
 - MAC 101 – Policy EN15 – Water Resources
 - MAC 115 – Appendix 3 – Housing Tables



1.5 Where relevant, the comments made are assessed against the tests of soundness established in the Local Development Plan Manual [DPM], Edition 3, which states that to be sound, the LDP must meet the following three tests:

- 1 Does the plan fit?
- 2 Is the plan appropriate?
- 3 Will the plan deliver?

2.0 MAC 016 & MAC 017 – Para 3.65 Table – Update to Housing Growth

- 2.1 MAC 016 and MAC 017 relate to the Table associated with paragraph 3.65 and updates the proposed Housing Growth targets. Through the updates to the Housing Balance Sheet (01/04/20) (discussed in further detail as part of MAC 038) there has been a reduction in the Flexibility Allowance from 14.4% to 13.2%. This creates an overall reduction in the provision of housing required over the plan period from 7,950 dwellings to 7,870.
- 2.2 This reduction in the Flexibility Allowance will reduce the ability of the Council to overcome uncertainties regarding housing delivery and viability particularly in light of the issues surrounding nutrient neutrality being experienced in Flintshire. As TW set out in previous representations¹, it supported the inclusion of a 14.4% Flexibility Allowance as it allowed for an uplift in the total housing supply over and above the housing requirement, which is in excess of the starting point suggested in the DPM.
- 2.3 TW consider a Flexibility Allowance of 14.4% as appropriate, as this would assist in overcoming uncertainties regarding housing deliverability and viability. Whilst the reduction in the Flexibility Allowance is only just over 1% TW would suggest there is a reasonable argument to make the allowance higher given what has happened with nutrient neutrality since the last Hearing Session.
- 2.4 TW has continuously raised concerns with both the proposed housing requirement and Flintshire’s economic growth targets, in its representations to the Deposit FLDP. It is considered that the Council should be planning for a higher housing requirement alongside a more aspirational job growth target, ensuring that the two are aligned.
- 2.5 TW is still of the view that, as a minimum, the Council should be planning for the upper end of the housing requirement (as set out on page 29 of FLDP), which identifies 490 dwellings per annum [dpa]. This would increase the housing requirement to 7,350 rather than 6,950; and a flexibility allowance should be added to this higher figure. This would derive a housing figure of 8,410 (with a 14.4% Flexibility Allowance) or 8,306 (with a 13% flexibility Allowance) for the Plan period. Identifying a higher housing requirement would better align economic growth and housing need.

¹ EiP Statement Matters Paper 7 (Provision of Sustainable Housing Sites (including housing requirement)) Representer ID: 1224983
April 2021



Soundness

2.6 TW does not consider that the FLDP meets:

- 1 Soundness Test 1 as it does not have due regard to national policy contained within Future Wales: The National Plan 2040 [Future Wales 2040] which focusses on growth in Flintshire. The FLDP also lacks clear evidence to justify maintaining a reduced level of housing allocations and additional evidence is required to support this approach.
- 2 Soundness Test 2 as it does not meet the higher end of the objectively assessed housing needs nor does it contribute to the achievement of sustainable development.
- 3 Soundness Test 3 as it is not sufficiently aspirational, and it is not effective or sufficiently flexible to deliver the required amount of housing to support economic growth.

3.0 MAC 026 & 027 – Policy STR1 – Strategic Growth

MAC 026

- 3.1 Policy STR1 sets out the key provisions (new jobs, employment land, and new homes) over the Plan Period in order for Flintshire to meet its economic ambitions. MAC 026 focuses Policy STR1 part ii Employment land which reduces the overall land allocated for employment by 15ha, which reflects deletions of employment allocations and a reduced amount of employment land at Warren Hall. This has occurred due to a lack of sufficient evidence to demonstrate that the effects of flooding can be acceptably managed on these allocations.
- 3.2 Whilst there is clear reasoning as to why these employment land allocations have been removed from the plan, TW considers that even with this reduction (which comprises circa 15ha) there is still a misalignment between the large amount of proposed employment land and the proposed housing allocations.
- 3.3 As TW set out in previous representations² the premise of Flintshire pursuing a job growth target is supported but considers that the Council is not being sufficiently aspirational with its job growth target and the target bears no correlation to the importance of Flintshire in delivering planned economic growth in North Wales.
- 3.4 TW therefore continues to disagree with the contents of Policy STR1 and its supporting text, which remains unchanged. As previously set out³, TW disagrees with the content of §5.6 of the FLDP which sets out that the strategy in the Plan “*is deliberately focused on supporting employment growth*”. This is not the case. The growth being pursued does not align with national aspirations which seek to provide “*a range of well-designed and located homes which are well connected to existing retail and commercial centres situated at the heart of our communities and job opportunities*”⁴.

² EiP Statement Matters Paper 3 (Strategic Growth (inc Strategic Sites)) Representer ID: 1224983 April 2021

³ EiP Statement Matters Paper 3 (Strategic Growth (inc Strategic Sites)) Representer ID: 1224983 April 2021

⁴ Planning Policy Wales: Edition 11 Paragraph 4.0.2



3.5 The supporting statement to Policy STR1 at §5.6 also makes reference to “*a severe period of economic recession and austerity*’ and ‘*an uncertain post-Brexit future*”. This reference clearly reflects a suppressed economic outlook and aspiration underpinning the Plan’s preparation. TW considers that referring to a “*post- Brexit future*” is therefore unjustified and unnecessary. As such, the supporting text for Policy STR1 should not be seeking to justify a suppressed job growth figure and the Council must play its part in driving economic growth.

3.6 Flintshire, alongside five local authorities and other bodies in North Wales, has joined the North Wales Economic Ambition Board [NWEAB] and has adopted ‘A Growth Deal for North Wales’ up to 2035. The NWEAB aims to grow the value of the economy, improve productivity, inward investment and the creation of new jobs, to align with the aspirations of the Northern Powerhouse and build the economic link to the north west of England. Flintshire also forms part of the Mersey Dee Alliance [MDA] which recognises the shared economic interests across the West Cheshire, Wirral and North East Wales area.

MACo27

3.7 There is a strong growth ambition for North Wales based on the North Wales Growth Vision and numerous documents that support this. TW does not consider that the reduced housing figure (7,950 dwellings to 7,870), fully supports the ambitions of growth in the area. There is a mismatch between the basis of employment land policies and the economic aspirations of the Council which should be underpinned by supporting and aligned housing growth. Housing is a driver of economic growth, and a well-functioning housing market is important for an area to remain competitive and attractive to businesses and economic activity which promote growth, in line with the aspirations of the NWEAB and Welsh Government.

3.8 Flintshire (as part of Deeside), alongside Wrexham, is the driving force behind growth in North Wales and makes a significant contribution to the Welsh and UK economies. As such, the Wrexham and Deeside area is identified as the main focus for growth and investment in the North region as set out in Future Wales 2040. The National Plan sets the direction of development in Wales, and Policy 20 looks at strategic development issues across North Wales and identifies areas for growth including Buckley (2.5km from TW’s site at Mynydd Isa). Again, TW does not consider that the Council’s proposed housing figure, which has been further reduced due to a reduction in the Flexibility Allowance, aligns with Welsh Assembly’s aspirations for Flintshire as a key driver of growth in North Wales.

3.9 In conclusion, TW does not consider that Flintshire, within its FLDP, is planning for enough jobs, supported by the allocation of employment land, to fully support the drive from the Government for economic growth in North Wales. As set out above, TW does not consider the FLDP housing figure fully supports the ambitions of growth in the area, with a misalignment between the large amount of proposed employment land and the proposed housing allocations. If the council re-evaluates its jobs growth figures, and allocated employment land, then there would be a corresponding need for increased housing numbers to support job growth. As a result, TW considers that its site in Mynydd Isa,



which is well-located to both Chester and Wrexham would support the Council and the wider strategic focus on this part of North Wales.

Soundness

3.10 TW does not consider that the FLDP meets:

- 1 Soundness Test 2 as the evidence presented is insufficient and it is considered that the Councils Growth Strategy does not align with the with national aspirations to provide well located homes at the heart of communities and job opportunities.

4.0 MAC 029 & MAC 030 – Policy STR2 & Para 5.13 Distribution of Development Across Settlements

4.1 MAC 029 & MAC 030 relate to policy STR2 and paragraph 5.13. The policy remains mostly unchanged, however the proposed apportionment of growth across the settlement tiers has been slightly amended. In addition, MAC 030 seeks to add in an additional table which breaks down the components of housing supply within each tier of the settlement hierarchy.

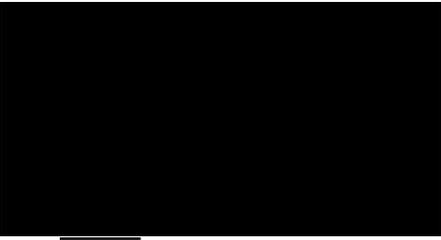
4.2 TW continues to support the application of a settlement hierarchy as this helps to ensure that development is directed towards the most sustainable locations. The 5-tier approach established within Policy STR2 is generally supported and it is appropriate to apportion a higher quantum of development to those settlements identified in Tiers 1 and 2 to ensure that housing development takes place in sustainable locations where sites are viable and deliverable.

4.3 However, the FLDP continues to apportion development spatially using numerical or mechanistic methods. Therefore, it is still unclear what the justification and evidence is for the split between Tiers as the breakdown is largely based on previous delivery, rather than looking forward to promote growth in sustainable settlements.

4.4 Therefore, TW considers that Policy STR2 is not based on sound evidence justifying the breakdown and apportionment of housing development, within each Tier. For the Plan to be sound the Council needs to revisit its evidence base to provide a clear review of the breakdown of development within each Tier. The FLDP should apportion a higher quantum of development towards those more sustainable settlements, including Mynydd Isa, to meet the upper end of its housing need.

4.5 TW maintains that the settlement of Mynydd Isa, which is currently a Tier 2 settlement where ‘modest levels’ of new housing development will be directed, should be re-categorised as a Tier 1 Settlement. This is something that was previously acknowledged by the UDP Inspector, who considered it *“illogical and backward, rather than forward looking”* that settlements that were once separate but form a continuous built-up area are categorised separately within the settlement hierarchy, with the Inspector specifically referencing Buckley (Tier 1) and Mynydd Isa (Tier 2) as examples of this⁵. As Mynydd Isa and Buckley form a continuous built-up area, it follows that Mynydd Isa plays a strategic

⁵ 5 EIP Statement Matters Paper 4: Location of Development Representer ID: 1224083 April 2021



role in the delivery of services and facilities along with Buckley and should be identified as a Tier 1 settlement.

- 4.6 It is clear that no further consideration to the settlement hierarchy has been had within the FLDP and there continues to be discrepancies in the settlement hierarchy.
- 4.7 Mynydd Isa is a sustainable settlement with a number of facilities and in TW's previous representations to the Deposit FLDP, it identified a number of local services and facilities which currently serve the local community which includes a primary and secondary school, pharmacy, convenience shop, cafes, Church, fitness centre, public house and restaurant and post office. The settlement therefore benefits from its own local facilities as well as those provided by Buckley and the Settlement Audit Reports⁶ recognise this distinct interrelationship of service provision:
- “Mynydd Isa has a good level of service provision and benefits from being close to Buckley and Ewloe. As the illustrative map of service provision suggests service provision in Mynydd Isa is very good and the close proximity of Buckley and Ewloe further improve service provision to the benefit of local residents”.*
- 4.8 In conclusion, TW considers that the identification of Mynydd Isa as a Tier 2 settlement fails to reflect the UDP Inspector's comments and take account of the Council's own evidence on the physical connection with Buckley and the benefits provided from shared services and facilities in the area, in combination with the services and facilities which serve the local community. The FLDP should be taking a positive and forward looking approach to the location of future development, which capitalises on the development potential of the most sustainable settlements in close proximity to facilities and services including Mynydd Isa.
- 4.9 For the above reasons Mynydd Isa should be identified within the same settlement boundary as Buckley and re-categorised as a Tier 1 settlement.

Soundness

- 4.10 TW does not consider that the FLDP meets:
- 1 Soundness Test 2 as the evidence presented is insufficient and it is considered that the Council's Growth Strategy does not align with the with national aspirations to provide well located homes at the heart of communities and job opportunities.

5.0 MAC 037 & 038 – Policy STR11 and Para 7.8 – Provision of Sustainable Housing Sites

- 5.1 TW continues to support the inclusion of a policy promoting sustainable housing sites, which should help to ensure that the Council delivers the housing requirement and reduce the likelihood of the need for a plan review. However, TW continues to have concerns over

⁶ LDP-KSD-KM2 Settlement Audit Reports



the generality of the policy, which may cause uncertainty for developers. As set out in previous representations⁷ TW considers:

- 1 Part i of the Policy to be unclear in regard to affordable housing provision. TW again question whether Part i is required, as there is a separate affordable housing Policy (Policy HN3) which covers this provision.
- 2 As currently worded, the Part ii of Policy is vague and ineffective and needs to quantify what is meant by 'appropriate density'.
- 3 With regard to Part iv, it is still not clear from the Council's Local Housing Strategy that the requirement for specific housing has been considered separately to the objectively assessed housing need. It is important that these housing requirements are considered separately, given that the needs of the future occupiers are different. No updates have been made to the latest version of the Viability Assessment⁸. TW maintains their view that it does not appear that the cost of delivering specialist housing has been considered within the Viability Report. It is important that the cost to deliver these requirements are based on robust evidence so as not to impact the viability of development proposals.

5.2 Whilst the final paragraph of the policy has been moved into paragraph 7.8 of the explanatory text, the wording of the text remains unchanged. TW is still of the view that the text should be re-worded to reflect the revocation of TAN1 and the new policy approach set out in National Planning Policy where the housing trajectory, as set out in the adopted LDP, will be the basis for monitoring the delivery of development plan housing requirements as part of LDP Annual Monitoring Reports [AMRs]. The DPM requires that where there is a shortfall of cumulative housing completions for 2 consecutive years, LPAs must consider the scale of any deficiency and set out its conclusion/monitoring action in terms of implications for delivering the requirement level of homes/strategy⁹. The Policy should clearly explain what the Council would do in these circumstances.

5.3 MAC 038 seeks to update the Housing Balance Sheet to reflect a review of large sites whereby only sites with planning permission as of 01/04/20 which are considered to be realistically capable of development, are included; an adjustment in small sites and windfall allowance to reflect the remaining plan period; and an adjustment to reflect the housing trajectory beyond the plan period. There has been an overall reduction in the amount of housing to be delivered during the plan period; an over reliance on Strategic Development Sites; and a plan period which will provide inadequate timescale to achieve the proposed delivery rates.

5.4 TW has significant concerns as to whether the Council will be able to deliver the future needs of the growing population within the current quantum of development proposed for delivery in Flintshire, and with only 8-years left of the plan period (based on likely adoption dates of the FLDP). In the three years since the Deposit Plan was submitted for EIP delivery

⁷ EiP Statement Matters Paper 7: Provision of Sustainable Housing Sites (including housing requirement) Representor ID: 1224983 April 2021

⁸ LDP-EBD-HP6.1 Study Concerning the Economic Viability of Providing Affordable Housing Across Flintshire (June 2020)

⁹ Development Plan Manual March 2020 Page 196



rates have remained close to the 463 dwellings per annum [dpa] set by the FLDP. However, it is difficult to fully determine the true nature of delivery in recent years, given no new evidence has been prepared since April 2020 (as set out within the latest housing Land Supply and Delivery Background Paper 10A, updated January 2021).

Soundness

5.5 TW does not consider that the FLDP meets:

- 1 Soundness Test 3 as Policy STR11 is not effective and remains generalised which may cause uncertainty for developers and impact the delivery of site.

6.0 MAC 074 – Policy HN1 – New Housing Development Proposals

- 6.1 Policy HN1 continues to lack any significant details on the constraints affecting the allocated sites. The requirements for each site continue to be provided in a very short 'Summary Guidance' which is limited in detail and provides little context to what is needed on each site. For example, it makes limited statements such as “*ecological mitigation measures*” and “*strategic landscaping buffer to provide setting to listed building*” without any further expansion to explain what is required and why.
- 6.2 The precise policy requirements for each site are therefore unclear and the FLDP instead partially relies on the generic policy requirements in Policies PC2 to PC5 to inform the development of the sites. In order to ensure that the plan is sound, TW considers that further detail is required to inform the development of the sites to provide sufficient clarity and certainty.
- 6.3 TW is still of the view that the information provided on each allocation in Policy HN1 of the FLDP is limited however, acknowledges that MAC 074 does seek the inclusion of the Site Allocations Policy Table from the Housing Land Supply and Delivery Background Paper¹⁰, which provides details on the delivery mechanisms for each site.
- 6.4 The updated Site Allocations Policy Table identifies an overall reduction in units to be delivered through site allocations by 340 dwellings over the plan period. This reflects the most up to date position in relation to housing allocations and the deletion of Warren Hall. Whilst there has been a clear reduction in the proposed number of units to be allocated as part of the plan, there has been little consideration to the inclusion of additional sites to maintain the same level of delivery. TW therefore consider additional sites should be allocated to increase the number of units to be provided as part of the plan to at least the level set out within the Deposit FLDP and ensure the higher flexibility allowance is maintained.

Soundness

6.5 TW does not consider that the FLDP meets:

¹⁰ FCC002 Housing Land Supply and Delivery Background Paper 10A Updated January 2021

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- 1 Soundness Test 3 as it provides limited information on how each of the allocated site will be delivered. Further details on the delivery mechanisms for each site are required to ensure the FLDP is sound.

7.0 MAC 077 – Policy HN3 – Affordable Housing

- 7.1 MAC 077 seeks to insert a table which sets out the components of affordable housing supply over the plan period.
- 7.2 The need for Affordable Housing as set out in the Future Wales 2040 (Policy 7) is significant, comprising 3,500 homes a year over the five-year period 2019-2024. Across the North Region, the Welsh Government estimates 16,200 additional homes are needed in the region until 2039. Policy 20 states that over the initial five years (2019-20 to 2023-24), 53% of the additional homes needed should be affordable homes. This equates to 2,146 affordable homes over this period or 429 affordable homes per annum.
- 7.3 This huge need for affordable housing can only be delivered by allocating more land for housing and boosting the housing supply. The affordable housing supply table, to be inserted as part of MAC 077, sets out that during the plan period 2265 or 151 dwellings per annum [DPA] of the total housing provision will be affordable. This includes large and small windfall sites and sites completed between 01/04/2015 & 01/04/2020.
- 7.4 Flintshire's Local Housing Market Assessment [LHMA] 2019 identifies an annual shortfall of 238 affordable homes. However, when taking into consideration the remaining plan period (8 years) a delivery rate of 204 dpa would be required to meet the affordable housing target. This would also rely on the affordable housing on large & small windfall sites to be brought forward in full. TW therefore considers that there is uncertainty as to how the Council will ensure the delivery of affordable housing at the proposed level during the remaining plan period.
- 7.5 It is therefore clear that the need for affordable housing is not currently being addressed within the Deposit Plan which does not provide enough affordable housing to cover Flintshire's own need or to support the Future Wales 2040 targets. This will be further suppressed by the reduction in housing delivery figures, which will create a subsequent fall in the overall provision of affordable housing within allocated site.

Soundness

- 7.6 TW does not consider that the FLDP meets:
 - 1 Soundness Test 1 as Policy HN3 is not consistent with national policy contained within Future Wales: The National Plan 2040
 - 2 Soundness Test 2 as Policy HN3 does not meet the assessed needs for affordable housing and does not address key issues of affordability within Flintshire.
 - 3 Soundness Test 3 as Policy HN3 is not effective and does not plan for appropriate level of affordable housing requirement.



8.0 MAC 097 – Policy EN11 – Green Wedges

- 8.1 MAC 097 seeks to reword both Policy EN11 and the supporting explanatory text to reflect the change from ‘Green Barriers’ to ‘Green Wedges’. This update has been undertaken to ensure the FLDP aligns with the wording of the of Planning Policy Wales which refers to Green Wedges as mechanisms for managing settlement form and does not refer to Green Barriers. No further updates have been made to the Policy. TW therefore seeks to reiterate their position, as set out in previous representations.
- 8.2 It is noted that the Green Barrier review has not been updated to reflect the updates to the policy, therefore the use of ‘Green Barrier’ and ‘Green Wedge’ are used interchangeably.
- 8.3 TW considers that the Green Barrier Review fails to robustly assess the boundaries of the Green Barrier area EN11.10 against the five purposes as outlined in PPW and considers that Policy EN11 is not sound. In particular, TW considers that part of the Green Wedge between Mold and Mynydd Isa does not meet any the five PPW purposes and should therefore be removed as a Green Wedge designation.
- 8.4 The land at Ffordd Fer, does not explicitly contribute towards the PPW defined policy purposes of a Green Wedge¹¹. TW considers that the Site is a sustainable urban extension to Mynydd Isa and should therefore be removed from the Green Wedge and allocated for residential development to meet the acute local housing need. The Site would represent a sustainable location for new development on the edge of the existing settlement, and its allocation would align with national planning guidance, in the absence of suitable previously developed land (which is acknowledged in the §7.13 of the FLDP). The Site is supported by excellent local infrastructure and well located to access the existing services and public transport facilities in Mynydd Isa, as well as the wider area, including Buckley to which Mynydd Isa is physically connected.
- 8.5 TW also continues to consider that there are a number of inconsistencies with the Council’s justifications and methodology for preserving or releasing certain segments of this Green Wedge to form Policy ENV11.10 in the FLDP. There are two areas which TW believe should be amended:

Mynydd Isa - New Brighton

- 8.6 The Green Barrier Review recommends the removal of a portion of land to the east of New Brighton and this recommendation has been carried through onto the FLDP Proposals map. In the explanation for removing a portion of land east of New Brighton from the Green Barrier, the Review states¹²:

“The line of the A494(T) forms a firm and defensible boundary to the eastern edge of NewBrighton. The deletion of this part of the Green Barrier will provide scope for residential development without harming the maintenance of a gap between the settlement and Mynydd Isa.”

¹¹ EiP Statement Matter Paper 16 (Green Barriers) Representor ID: 1224983 April 2021

¹² LDP-EBD-BP1 Green Barrier Review September 2020, page 20



8.7 TW agrees that the A494(T) [Mold Bypass] forms a firm and defensible boundary. However, TW considers that the Green Barrier Review takes an inconsistent approach to the function that this firm and defensible boundary serves. It goes on to state¹³:

“The land to the east and west of Bryn y Baal Road forms part of a swathe of land which contributes to the objective of keeping separate the settlements of New Brighton, Mynydd Isa and Mold. This part of the green barrier should be retained”.

8.8 TW’s Ffordd Fer site sits to the west of Bryn y Baal Road. This land is also protected by the A494(T), which forms a firm and defensive boundary between the site and the wider Green Barrier. A Green Barrier would still be retained on the northern side of the Mold Bypass, between Mynydd Isa and New Brighton, if this land was removed from the Green Barrier, and the Bypass would provide a firm and defensible boundary.

Mold – Mynydd Isa

8.9 Under this element of the Green Barrier, the Council set out that the roundabout junction between the A494(T), the A549, and the A541 “*sit within a rural context where open countryside extends right up to the roundabout*”. TW considers that this statement is contradicted by the development which has taken place adjacent to the roundabout, including the extension of the petrol filling station and the conversion of the Pen y Bont farmhouse into a pub/restaurant, both of which are referenced in the Green Barrier Review. Nevertheless, TW’s Ffordd Fer site is clearly bound to the south by a thick mature tree belt which provides a clear physical visual barrier. Therefore, the site has no impact upon the openness of the narrowest portion of the Mold – Mynydd Ida Green Barrier which comprises the roundabout junction.

8.10 For the above reasons, TW considers that the findings of the Green Barrier Review are flawed. It is not robust and has not been applied consistently. TW maintains the view that the site at Ffordd Fer should be removed from the Green Barrier and allocated for residential development. This approach would be consistent with the approach taken to the release of the Green Barrier to the east of New Brighton.

8.11 The Site provides clearly identifiable physical features that can be used to establish defensible boundaries. It is well contained by the existing built environment to the east, by the Mold Bypass to the north and west, which provide a substantial physical barrier to the countryside, and to the south by a thick mature tree belt which provides a clear physical visual barrier. These boundaries disconnect the Site from the wider Green Barrier allocation.

8.12 The Site therefore forms a logical extension to the urban area, consolidating the established pattern of development with strong, permanent boundaries. The Site does not meet any of the five PPW purposes and should therefore be removed as a Green Barrier designation and allocated for residential development.

¹³ LDP-EBD-BP1 Green Barrier Review September 2020, page 20



Soundness

8.13 TW does not consider that the FLDP meets:

- 1 Soundness Test 1 as the boundaries of the Green Wedge have not been appropriately assessed against the five purposes as outlined in PPW.

9.0 MAC 101 – Policy EN15 – Water Resources

9.1 MAC 101 seeks to reword Policy EN15 and its supporting text to ensure new development does not increase phosphorus levels in the River Dee and Bala Lake Special Area Conservation [SAC]. However, the MAC makes no provisions to assess the potential impact on the viability and deliverability of allocations in light of the phosphates issue, something which the Inspector highlighted as a key matter in his letter dated 10 December 2021 (Examination document INSP015). The Inspector stated:

“12. The lack of clarity with regard to timing and viability shortcomings create an environment of considerable uncertainty. We cannot, therefore, be satisfied that development would be viable and that the allocated sites within the sensitive SAC catchment would be delivered.”

13. The amount of detail in the DCPRS and the high level of understanding of the issue give us confidence that it will provide a robust and reliable basis for a strategy which, eventually, will align the protection of the SAC from phosphates with the delivery of LDP allocations. In the meantime, the quandary for the LDP examination is the extent of the problem and thus the possible effect on the plan’s delivery of housing

14. We are aware that there are approximately 550 units anticipated to come forward from the four affected allocations and that this amounts to 7% of the LDP’s total housing requirement. In the first instance we wish the Council to confirm that this is the case. We would also request answers to the following questions, the aim of which is to ascertain the potential overall impact on housing supply.”

9.2 Whilst MAC 101 seeks to address the need for mitigation in relation to increased phosphorus in the SAC, there has been no specific assessment of the viability of each of the proposed site allocations and whether they remain viable. In the Council’s response to the Inspectors comments (Examination document: FCC035) it sets out that:

“6. The Council also wishes to challenge a statement in paragraph 11 of your letter, where it is concluded that “the necessary mitigation costs will seriously affect the viability of sites”. This is on the basis that there appears to be no evidence to substantiate this statement and, given the present position with the LDP examination and the lack of experience of mitigating phosphates in Wales, it is an equally likely proposition that mitigation costs will not seriously affect the viability of sites. At best it is too early to judge with certainty and so it is the Council’s view that to conclude this at present is going beyond the point at which the evidence is available to confirm the position either way”

9.3 Whilst it is acknowledged that in some areas it may be too early to judge the impact on viability, TW considers that an assessment of each site allocation should be undertaken to



fully understand whether there is likely to be an impact on the SAC and the potential requirement for mitigation prior to the adoption of the Plan to ensure only sites that are deliverable are allocated within the FLDP.

Soundness

9.4 TW does not consider that the FLDP meets:

- 1 Soundness Test 2 as it is not supported by sufficient evidence that the sites allocated will come forward in light of the phosphates issue. TW considers that reviewing the current site allocation alongside identifying additional, deliverable allocations (such as TW's site at Mynydd Isa) is the only way of ensuring that the Plan is sound.

10.0 MAC 115 – Appendix 3 – Housing Tables

10.1 MAC 115 looks to insert a number of 'Housing Tables' into the FLDP, as Appendices, which were previously included within FCC002 Housing Land Supply and Delivery Background Paper 10A Updated January 2021. The tables to be inserted into the plan include:

- a The timing & phasing of allocations;
- b The timing & phasing of sites with planning permission;
- c Updated Anticipated Annual Build Rate (AABR) trajectory; and,
- d Trajectory graph.

10.2 The tables have been updated to reflect the removal of the proposed housing at Warren Hall, Broughton (300 Units) and update the total number of units to be delivered, across a number of proposed allocations, to reflect the number of units secured through planning consents.

10.3 Through the hearing sessions the Inspector determined that the Warren Hall site was not suitable for residential development and therefore to ensure the soundness of the plan the residential element of the allocation has been removed. TW would therefore question why additional sites have not been allocated within the Plan to ensure there is no reduction in delivery rates.

10.4 The supporting Addendum Integrated Impact Assessment (IIA) (December 2021) sets out that despite the deletion of the housing at Warren Hall, the Inspector has not identified the need for alternative sites to replace the allocation. This is due to the Plan having a Flexibility Allowance of 13% which will see the provision of a total of 7,870 dwellings, over the plan period, to meet the requirement figure of 6,950. The Inspector therefore considers that the identified housing needs will be met.

10.5 As set out in section 2.0, TW still has concerns that a reduction in the Flexibility Allowance will reduce the ability of the Council to overcome some of the uncertainties regarding housing delivery and viability, particularly in light of the issues surrounding nutrient neutrality being experienced in Flintshire. In addition to this, the reduction in housing delivery figures and subsequent reduction in flexibility allowance will further suppress the delivery of affordable housing within Flintshire. The Deposit Plan does not provide enough



affordable housing to cover Flintshire's own need or to support the Future Wales 2040 targets and a further reduction will only exacerbate this issue. If the Council maintain the reduced Flexibility Allowance, it would therefore be appropriate to allocation additional sites within the FLDP to replace the loss of the 300 units at Warren Hall.

- 10.6 TW considers the site at Ffordd Fer, Mynydd Isa to form a logical extension to the urban area, consolidating the established pattern of development with strong, permanent boundaries. It would result in the natural extension of the existing built-up area of Mynydd Isa and has the potential to provide up to 580 new dwellings within Flintshire. This would therefore replace the units lost at Warren Hall and further support the planned economic growth in North Wales. TW therefore considers that the Ffordd Fer site at Mynydd Isa should be allocated for residential development and included within the settlement boundary.

Soundness

- 10.7 TW does not consider that the FLDP meets:
- 1 Soundness Test 1 as it does not reflect national policy and regional strategies for the promotion of growth in Flintshire.