

Supplementary Planning Guidance Note

Affordable Housing



Draft Supplementary Planning Guidance

Affordable Housing

1. Purpose

- 1.1 The Council has set out in its Local Development Plan (LDP) an intention to prepare a series of Supplementary Planning Guidance Notes (SPG). The purpose of each SPG is to:
- assist the preparation of planning proposals and guide pre-application discussions,
 - guide officers in handling, and officers and councillors in deciding, planning applications,
 - assist Inspectors in the determination of appeals,
 - improve the quality of new development,
 - facilitate a consistent and transparent approach to decision making.

2. The LDP and the need for SPG

- 2.1 The Welsh Government Development Management Manual advises in para 9.1.2 that 'Applications for planning permission must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. The Flintshire LDP was adopted on 24/01/23 and forms the basis for decision making alongside Future Wales: The National Plan. However, the LDP cannot provide all the detailed advice needed to guide development proposals. SPG's can support the LDP by providing more detailed guidance on topics and issues to help the interpretation and implementation of policies and proposals. The Development Plans Manual Ed. 3 advises that 'Supplementary Planning Guidance (SPG) can be taken into account as a material planning consideration provided it is derived from and is consistent with the adopted development plan and has itself been the subject of consultation, which will carry more weight'. The intention of SPG's is not to set out 'policy' as that is the role of the LDP, but to provide more detailed advice and guidance which expands on a particular policy or allocation in the LDP.

3. Status / Preparation Process

- 3.1 The Council indicated in its Delivery Agreement (DA) for the LDP that it intends to prepare SPG. The DA explained that the Council will consult on any draft SPG and, following consideration of representations, and any necessary amendments, seek formal adoption. This approach accords with Welsh Government advice in Development Plans Manual (Edition 3).
- 3.2 This SPG was consulted on for a 6-week period commencing on XX/XX/XX and ending on XX/XX/XX. Representations and responses, together with any amendments to the draft document were considered by Cabinet at its meeting on ZZ/ZZ/ZZ who resolved to adopt this SPG. Consultation comments, responses and any amendments are set out in Appendix 1. This document should therefore be afforded considerable weight as a material planning consideration.

4. Introduction

- 4.1 This guidance explains the approach that the Council will take when dealing with planning proposals for local needs affordable housing, and when seeking to negotiate the provision of affordable housing as part of a larger residential proposal. It offers additional guidance on the interpretation and application of key policies within the Local Development Plan (LDP) specifically:

STR1: Strategic Growth

STR2: The Location of Development

HN3: Affordable Housing

HN4: Housing in the Countryside

HN4-B: Residential Conversion of Rural Buildings (Please see Conversion of Rural Buildings SPG)

HN4-C: Infill Development in Groups of Houses (Please see New Housing in Open Countryside SPG)

HN4-D: Affordable Housing Exception Schemes

5. Background

- 5.1 The lack of affordable housing is a national issue, with rising housing costs making the purchase or rental of housing increasingly unaffordable for many households, and it is no exception in Flintshire. Therefore, the need for more affordable housing was a key issue in the preparation of the LDP. The [Local Housing Market Assessment \(LHMA\)](#) was the main evidence base to inform the delivery of affordable housing via the LDP. This evidence highlighted the quantity of affordable housing needed across Flintshire over the lifetime of the plan. Policies were then shaped following a viability assessment carried out by the [District Valuer Service \(DVS\)](#) to test the level of affordable housing that can be developed on new residential sites across the County. The need for affordable housing is a material planning consideration which must be taken into account when planning applications are determined.

What is affordable housing?

- 5.2 Affordable Housing is defined for the land use planning system by para 4.2.26 of [Planning Policy Wales \(PPW12\)](#) as “*housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.*”
- 5.3 [Technical Advice Note \(TAN\) 2, Planning and Affordable Housing](#) also defines affordable housing as “*housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.*”
- 5.4 Both PPW12 and TAN2 recognise that some owner occupation schemes allow for staircasing to full ownership, which is the case on some schemes in Flintshire, secure arrangements are therefore in place to ensure that funds from this

process are recycled back into replacement affordable housing, therefore ensuring perpetuity.

- 5.5 There are two main types of affordable housing as defined by PPW12 and TAN2:

Social Rented Housing
Social rented housing which is provided by local authorities and Registered Social Landlords (RSLs) where rent levels have regard to the Welsh Government’s guideline rents and benchmark rents.
Intermediate Housing
Intermediate housing is an umbrella term and includes both rented and owner occupation housing, where the rents or purchase price are above those of social rented housing but below market housing rental costs or purchase prices. This category includes intermediate rental and low-cost home ownership models such as shared equity.

- 5.6 There are a number of intermediate housing products available, the following table provides a description of each type:

Intermediate Rent	Intermediate rent is cheaper than private renting but more expensive than social renting. Applicants require an income of between £16,000 and £45,000 to be considered in need of intermediate rental housing.
Low Cost Home Ownership Products:	
Shared Equity	Shared equity is offered on properties purchased directly from a developer, Local Authority or RSL. The properties are sold at an agreed discount below the open market price. This percentage discount is agreed during the planning process. A minimum deposit of 5% is required. The household do not have to pay any rent on the % equity held by the Local Authority or RSL.
Shared Ownership	Households can buy a % of the home and pay rent on the remaining % which is held by an RSL or Local Authority. For example the household may purchase 75% of the property and an RSL will hold the remaining 25%, upon which the household must rent to the RSL. The applicant will remain responsible for maintaining the whole of the property despite paying rent on a % of it. The applicant can increase their share in the property at any time. A minimum deposit of 5% is required.
Discounted Section 106 (S106)	Developers can sell new build houses at a discounted open market price; this discount is agreed during the planning process. A S106 legal agreement will be in place to ensure the property can only be sold to and occupied by eligible households from the affordable housing register on

	<p>first and subsequent occupation. A minimum deposit of 5% is required.</p>
<p>Homebuy</p>	<p>A scheme supported by funding from Welsh Government to help buy a property on the open market.</p> <p>The household will normally contribute 70% of the property purchase price through a combination of a mortgage and personal savings. Homebuy then provides the remaining 30% (equity loan) secured against the property with a legal charge. The purchaser will own the whole property and is expected to repay the 30% (equity loan) at the equivalent value of the property at the time when the property is sold. There are no monthly repayments to be made on the 30% (equity loan) and the household can choose to repay the loan at any time. This repayment would be based upon the value of the property at that time.</p> <p>A minimum deposit of 5% is required. Homebuy is not available in all areas and is subject to local connection criteria.</p>
<p>Self-Build</p>	<p>Applicants who want to build a property on their own land. Households will be required to demonstrate their need for affordable housing in line with the Tai Teg financial and local connection criteria assessment process. Proof of mortgage and savings will be required as part of this process to determine eligibility. A S106 legal agreement will be placed on the land and property to restrict future occupation to eligible households for affordable housing only, it cannot be sold at open market prices on the open market. Further information can be found in the New Housing in Open Countryside SPG which relates specifically to self-build plots of land within the open countryside where only affordable residential units would be permitted by policy HN4 of the LDP. Self-build plots within settlement boundaries supported by policy STR2 which are suitable for market dwellings are not affected by this SPG.</p>

5.7 All other housing is classified as “market housing”, which includes private rent or sale on the open market, where no occupancy restrictions are in place. Affordable housing differs from ‘low-cost market housing’, which is housing available for sale on the open market that may be cheaper than market housing simply due to market demand and performance within that particular area or because of its size, specification or other factors. As there would be no controls on such housing in terms of occupancy restrictions and the level of affordability, it does not constitute affordable housing as set out in the table above. The Welsh Government and Flintshire Council does not recognise low-cost market housing to be affordable housing for the purpose of the land use planning system and will not consider it as provision towards affordable housing delivery as part of

planning applications. Flintshire Council will only accept affordable housing that meets the definition of TAN2 as part of the affordable housing delivery to satisfy the requirements of policies within the LDP. Low-cost market housing is however still an important part of the overall housing provision within the housing market.

- 5.8 There are strict occupancy restrictions in place across Flintshire to ensure that affordable housing is only accessible to eligible households who meet certain financial and local connection criteria. These occupancy restrictions help to protect affordable housing and ensure it is available to those who need it both now and in the future. For a dwelling to be classed as affordable housing and not market housing it must have these occupancy restrictions in place.

Social Housing eligibility

- 5.9 Across Flintshire, Denbighshire and Conwy there is a common housing register known as SARTH (Single Access Route into Housing) which is used to administer the social housing register across all three Local Authorities. RSLs operating in this area also participate within SARTH meaning applicants for social rented housing only need to apply once via SARTH to be considered for social housing across a range of providers. Applicants need to meet certain financial and housing need criteria to join the SARTH register, they will then be placed into one of four bands depending upon their housing needs and local connection to the area. For more information on SARTH and social housing across Flintshire please [click here](#).

Intermediate Housing eligibility

- 5.10 The Intermediate housing register is administered on behalf of Flintshire Council and other North Wales Local Authorities by [Tai Teg](#). To be considered eligible for intermediate rental housing the household must have an annual gross household income of between £16,000 and £45,000 depending upon the size of the property they require to meet their households needs.
- 5.11 To be considered eligible to purchase intermediate owner occupation housing such as shared equity/ownership, discounted S106 or Homebuy then the household must have an annual gross household income of between £16,000 and £60,000. They must also have sufficient savings to be able to gain access to a mortgage but still be unable to purchase on the open market. A typical deposit of 5% will be required.
- 5.12 All applicants through Tai Teg are subject to an in-depth referencing procedure to check their financial status. In addition to this, applicants must also demonstrate that they have at least 12 months local connection to the area they have chosen to live in. For example, the applicant would need to either be currently living in that area, working in the area or relocating to be close to a family member. Please see the [Tai Teg](#) website for more information.
- 5.13 It is intended that affordable housing delivery in Flintshire will fall broadly into the two categories of social and intermediate housing. The split between the two categories will be directly informed by the following evidence, looking specifically

at the local circumstances in that area in order to achieve the most appropriate mix and tenure of affordable housing to meet current and future needs:

- Local Housing Market Assessment (LHMA)
- Current affordable housing registers (SARTH and Tai Teg)
- Recent housing need surveys
- Existing supply of affordable housing stock within a local area

6. Policy Context

- 6.1 ***Future Wales the National Plan 2040*** sets the strategic direction for the planning system across Wales over the next twenty years. The delivery of more affordable housing across the Country is a key priority for the Plan. Policy 7 sets out the national strategic approach to delivering affordable housing and ensures the focus of funding and housing policies is on driving increased provision. The Plan specifically identifies the role of both strategic and local development plans in developing a strong evidence-based policy framework to increase the supply of affordable housing.
- 6.2 ***Planning Policy Wales (PPW) edition 12*** provides the overarching national strategic planning guidance with regards to the development of affordable housing in Wales. PPW (para 4.2.26) states that “*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.*” Flintshire’s LDP and this SPG have been developed to enable the delivery of good quality affordable homes in line with the needs identified in the LHMA.
- 6.3 PPW states that the LDP should set clear targets and thresholds for affordable housing delivery based upon the evidence within the LHMA. This target should be balanced against the need to ensure site viability and deliverability therefore the DVS have tested the thresholds for delivery within the LDP to ensure they are sound.

Local Housing Market Assessment (LHMA)

- 6.4 All Local Authorities in Wales must have a comprehensive understanding of their local housing market and a robust evidence base on which to make informed decisions about future housing provision in terms of both market and affordable housing delivery, therefore PPW12 and TAN2 both require the production of a Local Housing Market Assessment (LHMA) as part of the evidence base to inform the LDP. In 2015 Flintshire Council commissioned independent consultants ARC4 to complete the LHMA for the County which was updated in 2018 to inform the production and examination of the LDP. This high-level strategic assessment of affordable housing need across the County identified the following:
- An annual shortfall of 238 affordable homes over the five year period of the LHMA;
 - Over 57% of affordable dwellings need to be 1 or 2 bedroom properties;
 - The tenure split required is 30% social rented, 30% intermediate rented and 40% low-cost home ownership
- 6.5 Flintshire’s LDP makes provision for the delivery of 7,870 homes over the plan period (2015-2030) to meet an overall housing requirement of 6,950 dwellings. Of these units 2,265 will be affordable housing. This target for affordable housing

delivery has been set using the evidence identified within the LHMA and the viability study. The LHMA shows that Flintshire has a need for 1,190 additional affordable homes (238 per annum) over the lifetime of the LHMA (2018-2023) in order to meet the current and backlog of affordable housing need. The target within the LDP is to deliver 2,265 affordable homes over the plan period (2015-2030), this target meets the need identified within the LHMA over its five year period and also provides for additional need in the long term over the entire LDP period. The Affordable Housing Background Paper provides further detail on Flintshire's approach to affordable housing delivery alongside the LDP.

- 6.6 **Technical Advice Note 2 (TAN2) Planning and Affordable Housing (June 2006)** provides practical guidance on the delivery of affordable housing through the planning system. It sets a strong presumption for on-site affordable housing delivery over off site provision to ensure the creation of balanced and mixed communities. Therefore, the policies within the LDP seek the delivery of on-site affordable housing in the first instance.

Flintshire Local Development Plan (LDP) 2015-2030

- 6.7 The Flintshire LDP sets a target of delivering 2,265 affordable homes over the plan period up to 2030 (Policy STR1). The following policies will direct this affordable housing development across the County.

Strategic Policies (see Appendix One for details):

- STR1: Strategic Growth
- STR2: The Location of Development

Development Management Policies (see Appendix Two for details):

- HN3: Affordable Housing
- HN4: Housing in the Countryside
- HN4-B: Residential Conversion of Rural Buildings
- HN4-C: Infill Development in Groups of Houses
- HN4-D: Affordable Housing Exception Schemes

This SPG should be read in conjunction with the above policies.

7. Affordable Housing Delivery

On site Affordable Housing Provision

- 7.1 LDP policy STR2: The Location of Development directs new residential development to the most sustainable locations first and establishes the settlement hierarchy for Flintshire. Most development is directed towards the first three tiers of the settlement hierarchy (Tier 1 – Main Service Centres, Tier 2 – Local Service Centres, Tier 3 Sustainable Settlements) as these are the most sustainable locations in terms of their size, role, character and provision of services and facilities. Within tiers 1 to 3 affordable housing delivery is directed by policy HN3: Affordable Housing which sets threshold for affordable housing development on sites with 10 or more dwellings within each housing submarket area. The percentage target for each submarket area can be seen in the table below. These percentage targets have been set following a robust viability assessment for the County which tested the amount of affordable housing that can viably be delivered within each sub housing market area. This viability assessment was carried out by the [District Valuer Service \(DVS\)](#). Appendix 4 shows the maps which detail each of the submarket areas listed below.

40%	Central submarket area
35%	Connah's Quay, Queensferry and Broughton submarket area
15%	Flint and Coast submarket area
20%	Garden City submarket area
40%	Mold and Buckley submarket area
30%	South Border submarket area

- 7.2 The approach to new residential development within tier 4 (Defined Villages) and tier 5 (Undefined Villages) reflect the size, character and role of these rural locations, and the limited access to services and facilities on offer. Therefore, within tier 4 Defined Villages, the presumption is for 100% affordable housing on residential sites first, however applications for market housing will be considered where it is essential to deliver affordable housing. Where an applicant proposes to develop a market dwelling to enable the development of affordable dwellings there must be clear evidence to justify this approach. The applicant will be required to submit a viability assessment detailing how the market dwelling will fund the delivery of the affordable dwelling.
- 7.3 Tier 5 Undefined Villages do not have a settlement boundary, therefore new development must relate to the prevailing pattern of existing development through sensitive infilling or rounding off. Illogical and intrusive proposals for new affordable residential development that cause harm to the appearance and character of the open countryside will not be permitted. Within tier 5 Undefined Villages, only affordable housing for local needs will be permitted.
- 7.4 The threshold for the provision of affordable housing within both tiers 4 and 5 is one dwelling. Affordable housing exception schemes will be considered adjoining

the settlement boundaries of tiers 1 to 4 of the settlement hierarchy. For more information on affordable housing exception schemes please see section 5.

- 7.5 The percentages set out in policy HN3 are the target which the Local Authority are aiming to achieve. However, a reduced percentage will be accepted in exceptional circumstances where the developer is clearly able to justify a lower provision through a detailed and independent viability assessment which shows the scheme cannot viably provide the percentages set out under policy HN3. Exceptional circumstances include some abnormal site constraints, costs or challenges that are not normally seen on a typical residential development. Please see section 4.10-4.13 with regards to the viability evidence required to support a reduced percentage in exceptional circumstances only.

Subdivision of Sites

- 7.6 Policy HN3 requires the provision of onsite affordable housing on sites with 10 or more residential units. Proposals which appear to subdivide sites in order to avoid meeting this threshold of 10 units and subsequently evade providing affordable housing will not be granted planning permission. The same approach will be taken towards sites in multiple ownership.

Off-site Provision

- 7.7 The presumption of policies within the LDP is for affordable housing to be developed on site. However, there may be some exceptional circumstances where this is not considered appropriate or viable and should be delivered off site via a commuted sum. In these exceptional circumstances the Local Authority will need to see clear evidence to justify this approach. A commuted sum equivalent to the affordable housing discount off the open market value will be payable to the Local Authority to spend on affordable housing off site. This sum will be secured through a Section 106 (S106) legal agreement, planning permission will not be issued until the S106 legal agreement is signed.
- 7.8 There are also other situations where a commuted sum may be payable, for example where the number of dwellings proposed on the scheme would generate the requirement for a partial affordable unit.

Example – 22 dwellings within the Mold and Buckley Housing Market area

- 40% on site requirement = 8.8 units.
- 8 affordable units provided on site
- 0.8 provided as a commuted sum towards off site affordable housing delivery.

Expenditure of Commuted sums

7.9 Commuted sums should be used to provide affordable housing within the same ward as the application site in the first instance. If this is not possible, then the money should be used within adjoining communities, if this is not possible then the money should be spent within the same submarket area. If none of these options are possible within an appropriate timeframe before the expiry date of the S106, then the Council will spend the money on affordable housing elsewhere within the County. Affordable housing commuted sums can be spent on the following forms of affordable housing delivery;

- New build affordable dwellings including specialist/adapted properties.
- The purchase and refurbishment of long-term empty properties which an RSL or the Local Authority will manage as affordable housing
- The purchase and refurbishment of existing non empty properties to meet special needs housing requirements
- The provision of Homebuy loans to applicants on Tai Teg
- Delivery of the Mortgage Rescue Scheme
- Any other measures that support affordable housing delivery within Flintshire.

Viability Assessments

7.10 Where an applicant believes that the cost of providing the affordable housing required by policy HN3 would make the site unviable to develop, they will be required to provide clear evidence through a viability assessment. This process will include a thorough appraisal of the site economics and will require co-operation and an open book approach between the applicant, developer and/or landowner and the Council. The following evidence will be required;

- Purchase price of land
- Build Costs per m2 based upon the latest BCIS industry standards
- Any additional costs associated with the development
- Proposed market value of properties
- Proposed mix of properties
- Finance costs, professional fees, marketing costs etc.
- Any other planning obligations costs
- Any other relevant information

7.11 This information must be submitted to the District Valuer Service for an independent appraisal. All costs will be met by the developer.

7.12 The Local Authority expect developers to negotiate a realistic purchase price for land which recognises the requirement to provide affordable housing and other relevant planning obligations. These known costs should be factored into their negotiation with landowners from the outset. Inflated purchase prices for land will not be accepted as a reasonable justification for reducing or not providing affordable housing.

Design & Layout

- 7.13 PPW12 (para 4.2.2) promotes the “*provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places.*” Therefore, high quality design is equally important to market and affordable housing, both housing types should be indistinguishable from the other and meet the principles of good design as set out in PPW.
- 7.14 Affordable dwellings should be indistinguishable from market dwellings in terms of their design, specification, and layout within the site in order to promote social inclusion. Developers are encouraged to pepper-pot affordable dwellings around the site to ensure residents are fully integrated into the new community. However, RSLs have experienced difficulties with the management and maintenance of properties that are widely dispersed across a site and would prefer them to be grouped together into clusters. Applications that propose clusters of affordable dwellings rather than pepper-potting will only be considered on an exceptional basis where supported by robust justification.

Dwelling Size

- 7.15 In 2021 the Welsh Government introduced the [Welsh Development Quality Requirements \(WDQR\)](#) which sets out the minimum functional quality and space standards for new and refurbished affordable homes in Wales. The Welsh Government encourages housing providers and their consultants to aim for standards beyond the minimum requirements specified and to adopt a holistic view of quality, recognising the benefit that quality and culturally suitable homes will have on both physical and mental well-being for all. PPW12 (para 4.2.30) states that “*all affordable housing, including that provided through planning obligations and planning conditions, must meet the Welsh Government’s development quality standards.*” Developers providing affordable housing will need to adhere to the space standards set out within WDQR.
- 7.16 All planning applications which include on site affordable housing must specify the size of the proposed affordable dwellings so they can easily be verified against WDQR size standards. Planning permission will not be granted for affordable dwellings that do not satisfactorily meet the WDQR standards.

Tenure & Mix

- 7.17 Policy HN2 of the LDP sets out the requirements for the density and mix of new housing development. In addition to these requirements, the tenure and mix of affordable homes should be guided by the latest LHMA which sets out the need for a tenure split of;
- 30% Social Rent
 - 30% Intermediate Rent
 - 40% Low-Cost Home Ownership

7.18 In addition to the LHMA the latest housing registers (SARTH and Tai Teg) and any recent housing need assessments can also be used to inform the tenure split of affordable housing. This approach will ensure that the right types of affordable homes are developed to meet current and future needs. The Council's Housing Strategy team will assess affordable housing proposals on a case-by-case basis to ensure the tenure mix is appropriate. They will also look at the mix of affordable homes proposed in terms of the number of bedrooms and scrutinise this against the latest available housing needs data and existing affordable housing provision within that particular area. Developers are encouraged to engage with the Housing Strategy team at an early stage in the development process to identify the types, tenure and mix of affordable housing required within that area. Please see contact details at the end of this SPG.

Phasing of Sites

7.19 A phasing condition may also be applied to the planning permission for a residential scheme to ensure that a specified proportion of the market price housing on the site cannot be occupied until the affordable element has been built and allocated to a household in need of affordable housing.

Controlling occupancy/perpetuity

7.20 The Local Authority will secure affordable dwellings in perpetuity through S106 legal agreements which control who can occupy the dwelling. Only eligible households in need of affordable housing can live in these properties. In addition to S106 legal agreements, RSLs, Flintshire Council and/or a bone fide trust or similar management organisation will oversee the management of the dwelling to ensure the initial and subsequent occupancy/ownership of the property is for affordable housing only. Developers are encouraged to engage with their chosen RSL, Flintshire Council and/or a bone fide trust or similar management organisation early in the development process. For self-build affordable dwellings please see the section below.

Self-Build Affordable Housing within Tiers 4 and 5

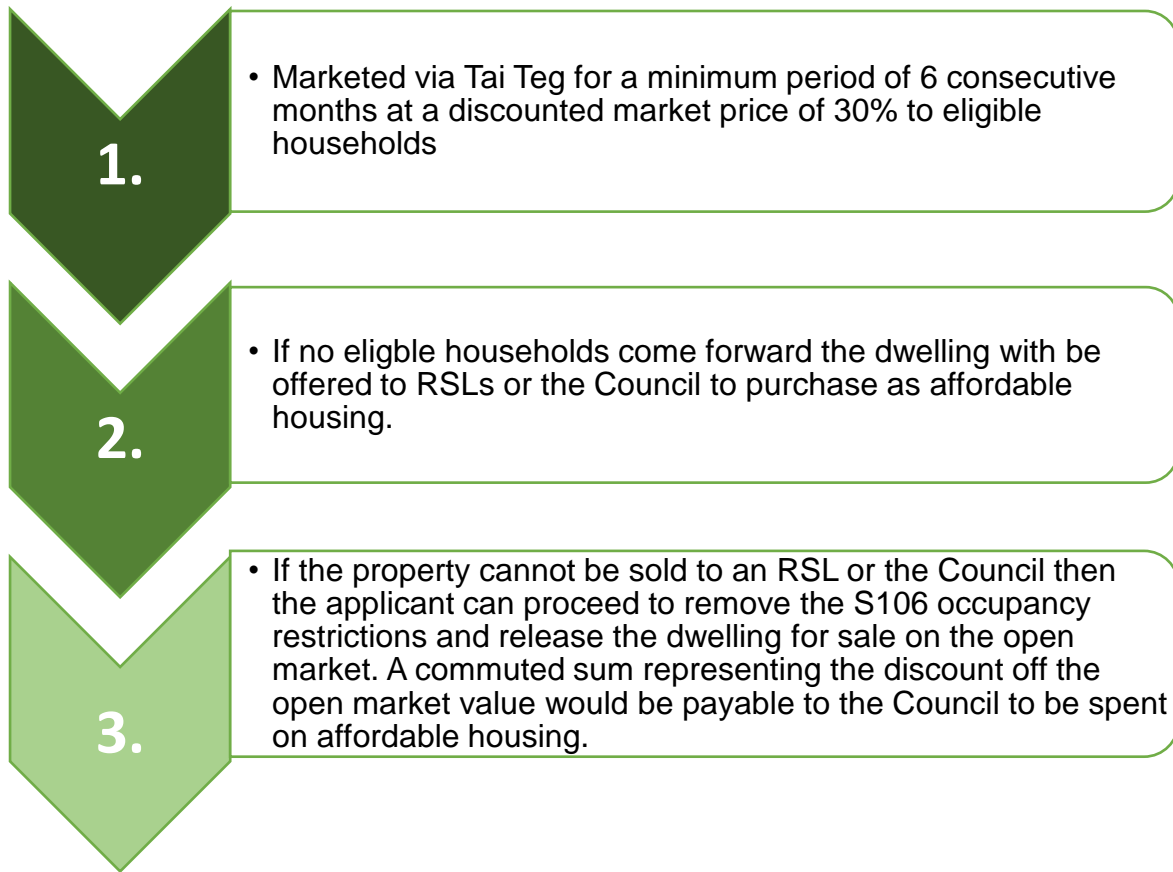
7.21 Applications for self-build housing within tiers 1, 2 and 3 are permitted for market dwellings subject to suitable sites being identified, therefore the following guidance does not apply in these tiers. Within tiers 4 and 5 the presumption is for affordable housing only.

7.22 Applications for self-build affordable housing will need to demonstrate their eligibility for affordable housing by registering with Tai Teg, this ensures they have been through the necessary financial and local connection assessment process. A fee of £75 is payable to Tai Teg for this assessment. The applicant will need to sign a S106 legal agreement securing the dwelling as affordable housing in perpetuity, meaning that it cannot be sold or rented on the open market at open market prices.

7.23 Self-build affordable dwellings will need to be designed and built so that they are affordable on both initial and subsequent occupation. The size of self-build

affordable dwellings must not be excessive in relation to the size of the property required to meet the current housing need, or it may not be affordable both now and in the future. Applicants should have regard to the WDQR minimum space standards as a benchmark for the appropriate size of dwelling to accommodate their household need. To allow reasonable space for future household growth applicants can exceed their current household requirement where this is justified and reasonable.

- 7.24 The size of the curtilage should be the minimum necessary for reasonable domestic use and householder permitted development rights may be withdrawn so that control can be exercised over the enlargement or alteration of the dwelling in ways that would change the affordability of the property for future occupiers.
- 7.25 The applicant should submit at least two independent valuations of the open market value of the proposed dwelling as part of their planning application. This valuation must be based upon the architects plans for the house. The valuations must be carried out to the Royal Institute of Chartered Surveyors definition of open market value, ignoring the S106 restrictions relating to affordable housing. This is so the Local Authority can work out what the affordable housing discount would be on the open market value. The financial costs in relation to obtaining the valuation will be borne by the applicant.
- 7.26 Should the dwelling no longer be required by the applicant then the property will be made available to eligible households from the affordable housing register at an affordable price for sale or rent. The Local Authority will resist the removal of affordable housing occupancy conditions and or legal agreements that would result in the property becoming an open market dwelling. However, where a detailed assessment can justify that the dwelling is no longer required as affordable, and no eligible household can be found to occupy the dwelling as affordable housing then an application for the occupancy conditions and or legal agreement to be removed will be considered.
- 7.27 The applicant would need to clearly demonstrate that the property has been actively marketed by a minimum of two estate agents for sale or rent at an affordable price to eligible households for a minimum period of 6 consecutive months. This must be at a discounted price below the market value of 30%. If the Local Authority has any concerns over the value of the property, then the District Valuer will be required to carry out their own assessment at a cost to the applicant and not the Local Authority. The following cascade approach will be applied to applications for removal of occupancy conditions and or legal agreements from affordable self-build properties.



8. Affordable Housing Exception Sites

- 8.1 Affordable housing exception schemes are an exception to the general principle that new housing will not be permitted outside of settlement boundaries. PPW12 (para 4.2.35) supports the development of affordable housing exception sites within or adjoining existing settlement boundaries where a need for affordable housing has been identified as they ensure the viability of the local community. PPW12 explicitly states that “*Affordable housing exception sites are not appropriate for market housing.*” Therefore, proposals which include market housing will not be supported.
- 8.2 Policies STR2 and HN4-D of the LDP provide the detailed criteria by which a proposal for an affordable housing exception scheme to meet identified needs will be assessed. Affordable housing exception sites can be located immediately adjoining the settlement boundaries of tier 1 to 4 settlements. Tier 5 settlements, Undefined Villages, do not have settlement boundaries, however sensitive proposals for small scale affordable housing in the form of infill or rounding off will be supported where they meet all other criteria.
- 8.3 Affordable housing exception schemes will only be permitted where they meet the criteria of policy HN4-D of the LDP. The following guidance is set out against each criteria requirement of this policy;

a. There is evidence of genuine local need for affordable housing;

Applications must provide detailed evidence of the need for affordable housing within that location, this evidence must clearly show the type and scale of affordable housing need within that area. This can be done through evidence contained on the most up to date housing registers and through local housing need assessments verified by the Housing Strategy department. The scale of the proposal must also reflect the needs identified within the evidence base and not represent an over provision of affordable housing within that area.

The methodology for conducting a local housing need assessment must be agreed by the Local Authority. Where a survey is required, the applicant will need to agree the following matters with the Council:

- The extent of the area to be surveyed
- Appropriate methodology for collecting information i.e. questionnaires, public meetings or drop in events
- A copy of the questionnaire and any other materials prior to distribution
- An agreed methodology for analysis and interpretation of the results.

b. There are no suitable alternative sites or properties within settlement boundaries to meet the need;

The applicant must also demonstrate that there are no suitable alternative sites or properties available within settlement boundaries. This can be done through an assessment of existing properties and parcels of land within the settlement boundaries of the proposed area and the wider Community Council area, clearly identifying any constraints to delivery such as viability, environmental or physical. The Local Authority will need to be satisfied that the applicant has conducted a thorough investigation to demonstrate that there are no suitable alternatives sites or properties available.

c. Schemes abut settlement boundaries and form logical extensions to settlement, avoiding ribbon and fragmented development;

Affordable housing exception sites must abut settlement boundaries and form logical extensions to the settlement. Proposals which present a fragmented development to the existing settlement boundary will not be supported, nor will proposals which create a ribbon of development or form an illogical extension to the existing settlement boundary. Immediately adjacent to or abutting the settlement boundary means that the proposed exception site should be in direct contact with the existing settlement boundary.

d. the scale, design, and layout of the proposed development are sympathetic and appropriate to the size and character of the settlement and its landscape setting, and reflect the scale of need identified;

The impact of the proposed site on the landscape and open countryside will be an important consideration in judging its suitability. Careful consideration will be

given to whether the proposal is a reasonable extension to the existing built form of the settlement or whether it forms an unacceptable intrusion into the open countryside. The scale, design and layout of the proposed exception site must be sympathetic to the existing settlement, including its size, character and landscape setting. It must also reflect the role of the settlement and the services and facilities it currently has available. Proposals which are large and out of balance with the existing settlement and the services and facilities it has to offer will not be supported.

e. Houses will remain affordable in perpetuity for those in need, managed by a housing association, the County Council, a bone fide trust or similar management organisation;

In line with the requirements of PPW12 affordable housing exception sites should meet the needs of local people in perpetuity. Therefore, an organisation such as the Local Authority, an RSL or bone fide trust must be in place to manage the properties. The applicant will also need to enter into a S106 legal agreement to secure the current and future occupation of the dwellings for households who meet the strict eligibility criteria for affordable housing and meet the relevant local connection criteria.

Planning applications for affordable housing exception sites must also meet other relevant LDP policy criteria including and not limited to:

STR1: Strategic Growth
 STR2: The Location of Development
 STR4: Principles of Sustainable Development
 STR5: Transport and Accessibility
 STR6: Services, Facilities and Infrastructure
 STR11: Provision of Sustainable Housing Sites
 STR13: Natural and Built Environment, Green Networks and Infrastructure
 STR14: Climate Change and Environment
 PC1: The Relationship of Development to Settlement Boundaries
 PC2: General Requirements for Development
 PC3: Design
 PC4: Sustainability and Resilience of New Development
 PC5: Transport and Accessibility
 PC6: Active Travel
 HN1: New Housing Development Proposals
 HN2: Density and Mix of Development
 HN4: Housing in the Countryside
 HN4-D: Affordable Housing Exception Schemes
 EN1: Sports, Recreation and Cultural Facilities
 EN2: Green Infrastructure
 EN4: Landscape Character
 EN5: Area of Outstanding Natural Beauty
 EN6: Site 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
 EN11: Green Wedges

EN12: New Development and Renewable and Low Carbon Energy Technology
 EN14: Flood Risk
 EN15: Water Resources
 EN16: Development on or near Landfill Sites or Derelict and Contaminated Land
 EN17: Development of Unstable Land

9. Planning Applications

9.1 Applicants for residential development are encouraged to submit a pre-planning application to gain constructive informal advice ahead of a full or outline planning application. This will help to shape the scheme positively before a full planning application is submitted, which is likely to save the applicant time as the Local Planning Authority can help to identify any issues at an early stage.

9.2 Developer Check list/matters for consideration;

- ✓ All planning applications which include on site affordable housing must specify the size of the proposed affordable dwellings so they can easily be verified against WDQR size standards.
- ✓ The proposed tenure of affordable housing should be clearly identified on the site plan.
- ✓ The design and layout of the proposed affordable housing, both in terms of the site and individual housing units, will be in character with the locality and should be designed to ensure that the proposed affordable units, any existing housing, and proposed market housing blend together.
- ✓ The affordable housing should be dispersed across the site and phased into the development of the site as a whole in order to create mixed and balanced communities.
- ✓ The size of individual dwellings should be suitable to meet the established need and not too large, or it may become unaffordable. A condition removing permitted development rights may be appropriate, so that they are not extended and thereby become unaffordable.
- ✓ The provision of affordable homes does not substitute the need for the developer to make provision for other reasonable planning requirements. For example, where there is a requirement for public open space this will be in addition to requirements for affordable homes.

Section 106 Agreement Checklist

9.3 In negotiating the provision of affordable homes the Local Authority will seek to secure a legal agreement with the applicant, with the following legal expectations:

- a) Where it is anticipated that a RSL will be involved in the scheme that they be a signatory to the legal agreement between the LPA and the developer.
- b) The type and quantity of affordable housing provision will be specified within the legal agreement.

- c) The location of affordable housing will be shown by the inclusion of a map within the legal agreement.
- d) The legal agreement will contain provisions to ensure the completion of affordable units before the completion and occupation of the remainder of the development.
- e) The legal agreement should explicitly state how the properties will be maintained in an affordable state to meet future housing need within Flintshire.
- f) To ensure that affordable homes are allocated to local households in genuine housing need it will be important that the legal agreement shows how households in affordable housing need will be assessed.
- g) The legal agreement should include criteria which determine initial sale prices together with a protection mechanism for future re-sales and the terms under which re-sales will be subject to. Provisions should also be included to calculate initial rents together with future rental increases which should be restricted to inflationary rises only.
- h) The legal agreement will specify the appropriate trigger during the development when the ownership of affordable homes should be transferred to the care of an RSL or other specified management body.
- i) That the legal agreement make provision for alternative means of securing affordable housing to allow for those unforeseen instances where efforts to secure RSL funding fails.

Contacts

Housing Registers:

To apply for Intermediate Rental or low-cost homeownership please contact Tai Teg

Tai Teg
PO Box 167,
Caernarfon,
LL55 9BP

Phone: 03456 015 605

E-mail: info@taiteg.org.uk

Website: <https://taiteg.org.uk/en/>

To apply for social housing (SARTH) please call 01352 703777.

Flintshire Housing Strategy:

Phone: 01352 703830

E-mail:

Flintshire Planning Policy:

Phone: 01352 703213

E-mail: developmentplans@flintshire.gov.uk

Flintshire Development Management:

Phone: 01352 703331

E-mail: planningadmin@flintshire.gov.uk

Appendix One – Flintshire LDP Strategic Policies

STR1: Strategic Growth

In order to meet Flintshire's economic ambition between 2015 and 2030, the Plan will make provision for:

- i. 8,000 – 10,000 new jobs;
- ii. 124.97 hectares of employment land;
- iii. 7,870 new homes to meet a housing requirement of 6,950 of which 2,265 will be affordable.

The focus of this development will be at sustainable employment locations and in accordance with the sustainable settlement hierarchy and spatial distribution strategy.

STR2: The Location of Development

New development will be directed to the following locations:

- i. **Allocated Sites;**
- ii. **Principal Employment Areas as detailed in policy PE2;**
- iii. **Sustainable settlements based on the first three tiers of the settlement hierarchy, as detailed in the attached table:**
 - a. **Tier 1 - Main Service Centres** will be the main locations for new housing development which reinforces and contributes to sustainable settlements. Provision will include:
 - i. Allocations
 - ii. Windfall market housing
 - iii. Affordable housing on sites above an area / units threshold
 - iv. Exceptions schemes for Affordable Housing adjoining settlement boundaries
 - b. **Tier 2 - Local Service Centres** will be the locations for more modest levels of new housing development. Provision will include:
 - i. Allocations
 - ii. Windfall market housing
 - iii. Affordable housing on sites above an area / units threshold
 - iv. Exceptions Schemes for Affordable Housing adjoining settlement boundaries
 - c. **Tier 3 - Sustainable Settlements** will be the locations for housing development related to the scale, character and role of the settlement. Provision will include:
 - i. Allocations
 - ii. Windfall market housing
 - iii. Affordable housing on sites above an area / units threshold
 - iv. Exceptions Schemes for Affordable Housing adjoining settlement boundaries
 - d. **In Tier 4 Defined Villages** housing development will only be permitted within settlement boundaries related to the scale, character and role of the settlement and which delivers local needs affordable housing. Provision will include:
 - i. Windfall market housing (only permitted when essential to delivering affordable housing)
 - ii. Exceptions Schemes for Affordable Housing adjoining settlement boundaries
 - e. **In Tier 5 Undefined villages** housing development will be limited to sensitive small scale housing development in the form of infill or rounding off where local needs affordable housing only is provided.

Appendix Two – Flintshire LDP Development Management Policies

HN3: Affordable Housing

Affordable housing contributions will be sought on developments of 10 or more units in accordance with the following quotas which should be taken as a target for negotiation on a site by site basis subject to detailed viability considerations:

- 40% in the Central sub market area;
- 35% in the Connahs Quay, Queensferry and Broughton sub market area;
- 15% in the Flint and Coast sub market area;
- 20% in the Garden City sub market area;
- 40% in the Mold and Buckley sub market area;
- 30% in the South Border sub market area.

Affordable housing will be expected to be delivered on site in the first instance and only in exceptional circumstances will off site or commuted sum contributions be accepted in lieu of on-site provision.

HN4: Housing in the Countryside

Proposals for housing development outside defined settlement boundaries will only be permitted where:

- a. it is for the purposes of agriculture, forestry or other rural enterprise as defined in TAN6,
- b. it involves the replacement of an existing dwelling (see policy HN4-A), or
- c. it involves the subdivision of an existing dwelling, provided the dwelling is capable of subdivision without major extensions tantamount to the erection of an additional dwelling or dwellings, or
- d. it involves the conversion of an existing non-residential building (see policy HN4-B), or
- e. it involves sensitive infill development within an appropriate group of dwellings in the countryside (see policy HN4-C)
- f. it is for affordable housing exception sites on land adjoining the settlement limits (see policy HN4-D), or
- g. it is for a One Planet Development as defined in TAN6.

HN4-B: Residential Conversion of Rural Buildings

The change of use to a dwelling of an existing non-residential building outside settlement boundaries will only be permitted where:

- a. if suitable for employment use, the building has been advertised at a reasonable price for sale or lease for an employment generating use, for a period of at least one year without success; or
- b. residential conversion is a subordinate part of a scheme for business re-use; or
- c. the resultant housing would contribute to an identified need for affordable housing to meet local needs.

provided that:

- i. the building is structurally sound and capable of conversion without significant extension, extensive rebuilding, or external alteration, as evidenced by an independent structural survey;
- ii. the building has a traditional character due to its form, bulk and general design, in keeping with its surroundings, and is worthy of retention and re-use;
- iii. the scheme of conversion does not prejudice the character of the building or the rural character of the locality and retains any inherent traditional architectural and historic features which merit retention;
- iv. The creation of a residential curtilage does not have a harmful effect on the character of the countryside;
- v. reasonable standards of living conditions are provided by the proposal.

HN4-C: Infill Development in Groups of Houses

Outside settlement boundaries infill development for one or two housing unit(s) may be permitted, provided that the proposal is to meet a proven local housing need and:

- a. comprises a small gap which is not an important landscape, nature conservation, historic or other amenity feature within a clearly identifiable small group of houses within a continuously developed frontage;
- b. does not constitute, or extend existing ribbon development which would be detrimental to the character and appearance of open countryside, and does not create fragmented development; and
- c. respects adjacent properties and the surrounding area in terms of its siting, form, design and scale, and does not represent overdevelopment of the site.

HN4-D: Affordable Housing Exceptions Schemes

Outside settlement boundaries proposals to develop affordable housing will only be permitted, where:

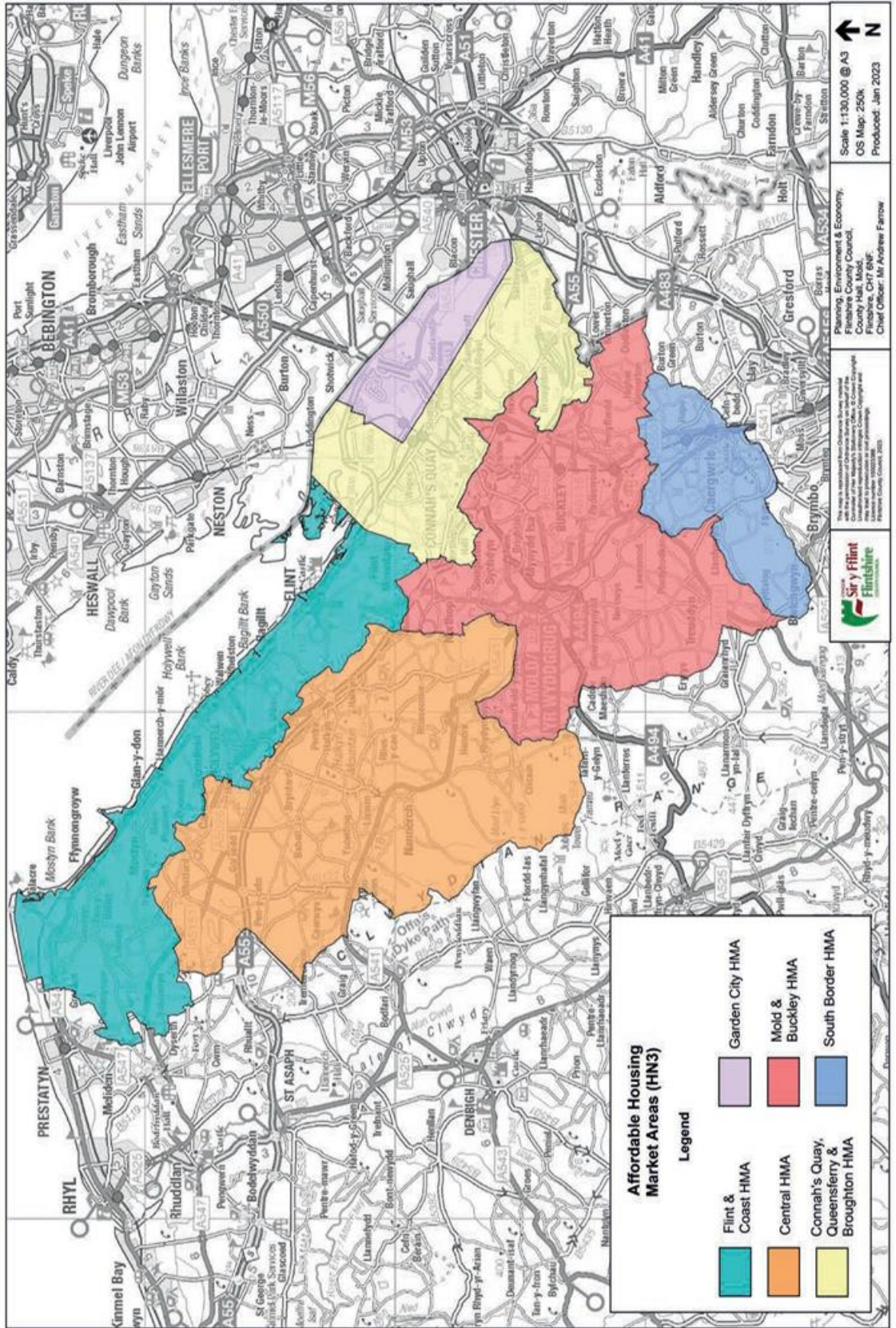
- a. there is evidence of genuine local need for affordable housing;
- b. there are no suitable alternative sites or properties within settlement boundaries to meet the need;
- c. schemes abut settlement boundaries and form logical extensions to settlements, avoiding ribbon and fragmented development and incorporating suitable boundary treatment and landscaping measures;
- d. the scale, design, and layout of the proposed development are sympathetic and appropriate to the size and character of the settlement and its landscape setting, and reflect the scale of need identified; and
- e. houses will remain affordable in perpetuity for those in need, managed by a housing association, the County Council, a bone fide trust or similar management organisation.

Appendix Three - The Settlement Hierarchy (Policy STR2)

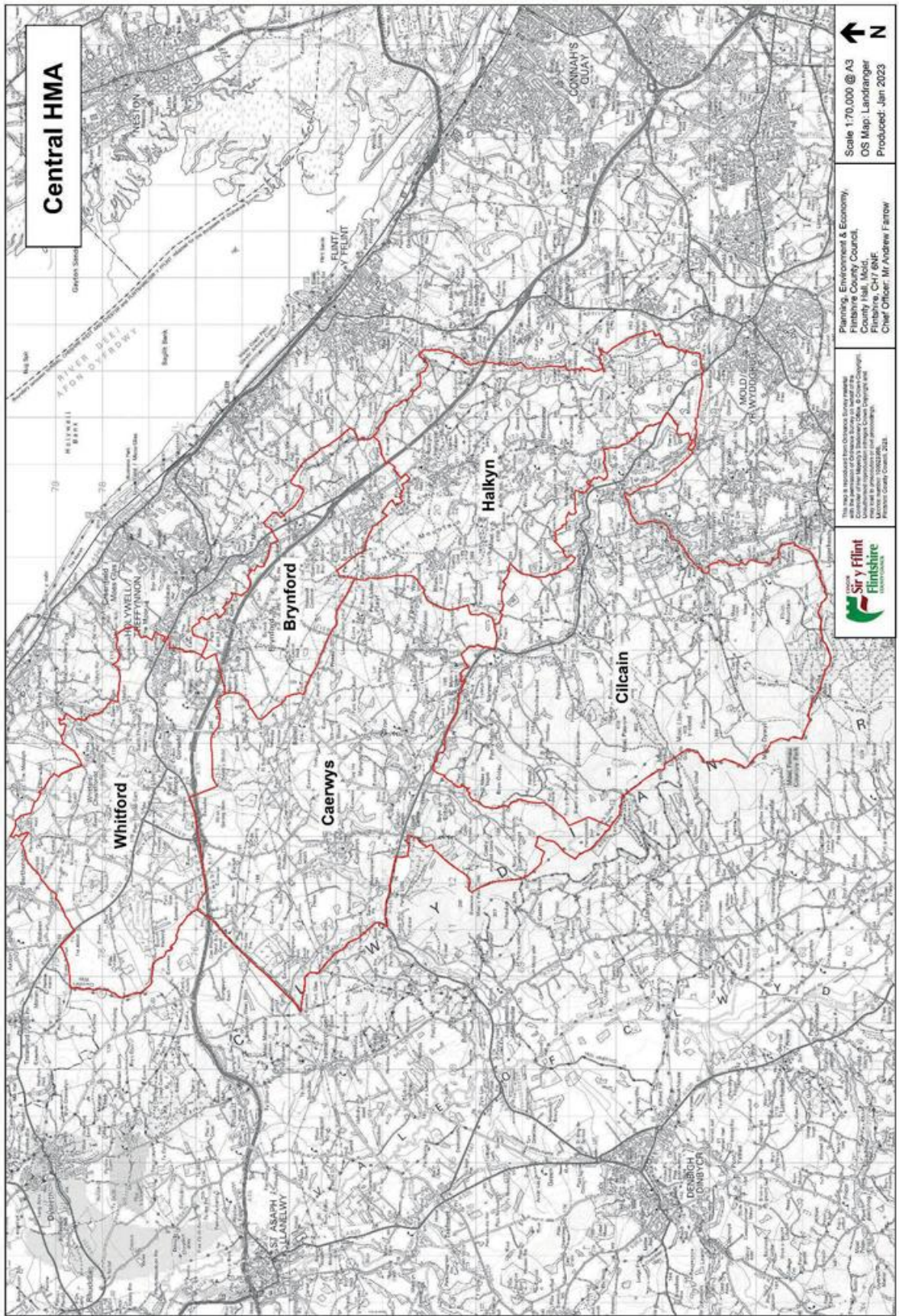
Settlement Tier	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5
	Main Service Centres	Local Service Centres	Sustainable Villages	Defined Villages	Undefined Villages
Description	Settlements with a strategic role in delivery of services and facilities	Settlements with a local role in the delivery of services and facilities	Settlements which benefit from some services and facilities and are sustainably located	Settlements which benefit from some services and facilities with which to sustain local needs	Settlements which have few or no services and facilities and which are not of a size or character to warrant a settlement boundary
Settlement boundary	Yes	Yes	Yes	Yes	No
Settlements	Aston & Shotton Buckley Connah's Quay Flint Holywell Mold Queensferry Saltney	Broughton Ewloe Garden City Greenfield Hawarden HCAC Mynydd Isa	Alltami Bagillt Bretton Brynford (Calcoed & Dolphin) Caerwys Carmel Coed Talon / Pontybodkin Drury & Burntwood Ffynnongroyw Gronant Higher Kinnerton Leeswood Mancot Mostyn (Maes Pennant) New Brighton Northop Northop Hall Pentre Penyffordd / Penymynydd Sandycroft Sychdyn Treuddyn	Cilcain Flint Mountain Gwernaffield Gwernymynydd Lixwm Nannerch Nercwys Pantymwyn Pentre Halkyn Pen-y-Ffordd Rhosesmor Rhydymwyn Talacre Trelawnyd Trelogan & Berthengam Whitford Ysceifiog	Afonwen Cadole Cymau Dobs Hill Ffrith Gorsedd Gwaenysgor Gwespyr Halkyn Llanasa Llanfynydd Pontblyddyn Rhes-y-Cae Rhwyl Mostyn

Appendix Four - Maps Showing Affordable Housing Submarket Areas

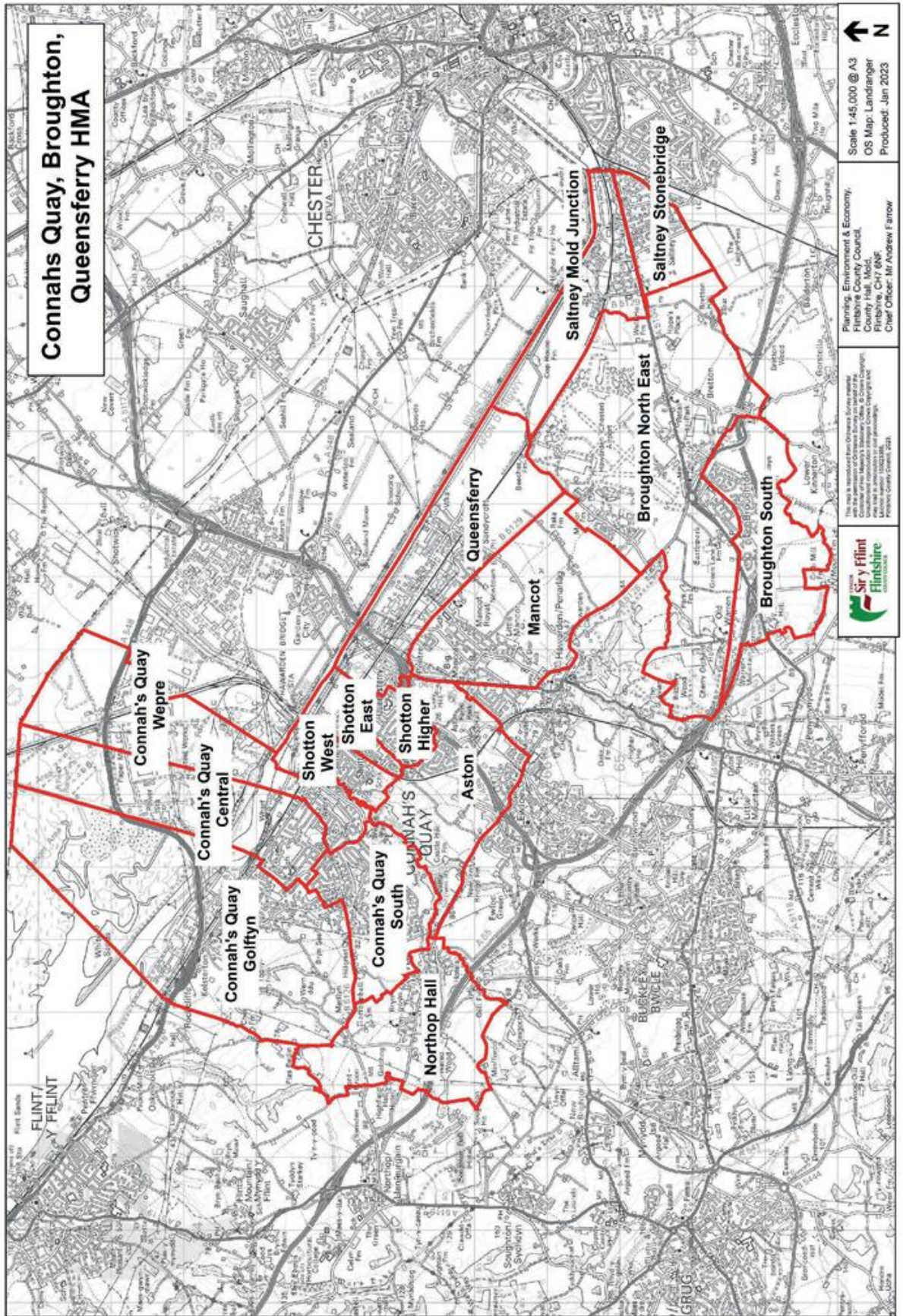
Appendix 4 - Affordable Housing Sub Market Area Maps



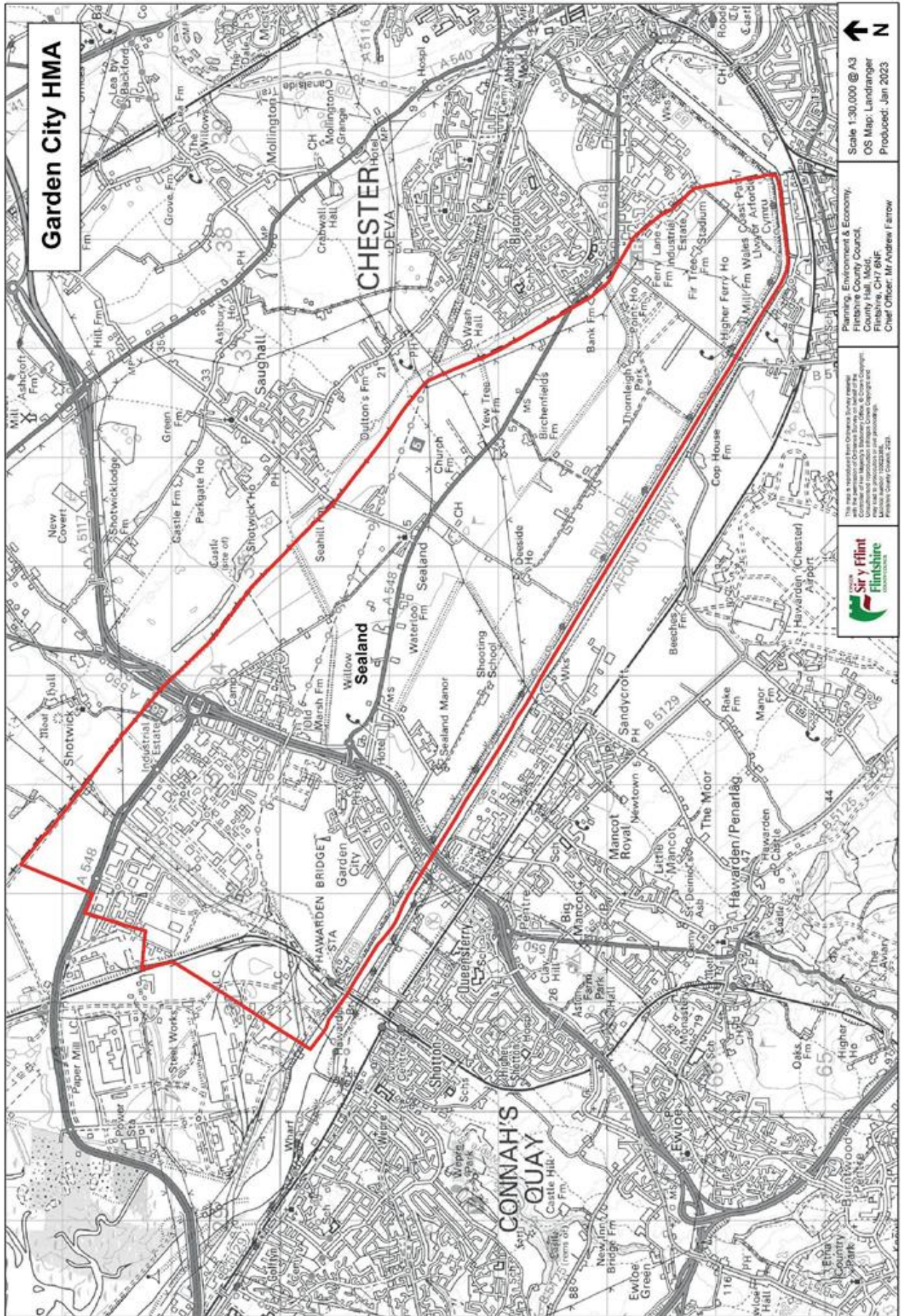
Appendix 4 - Affordable Housing Sub Market Area Maps



Appendix 4 - Affordable Housing Sub Market Area Maps



Appendix 4 - Affordable Housing Sub Market Area Maps



Appendix Five: Impacts of Supplementary Planning Guidance Notes on the Welsh Language

The Flintshire Local Development Plan (LDP) was adopted on 24/01/23. An Examination of the Plan took place between 2021 and 2022 and the binding Inspectors Report received on 15/12/22. The adopted LDP now represents the adopted statutory Local Development Plan for the County and should be read alongside Future Wales: The National Plan. The Plan has been prepared in the context of Planning Policy Wales 11 and Development Plans Manual 3. The Plan covers the 15 year period ending on 31/03/30.

An Integrated Impact Assessment was carried out as part of the LDP at the Preferred Strategy stage in 2017, this was updated in 2019 for the plans Examination in Public and in January 2023 when the plan was adopted. All the policies in the plan were assessed and impacts on the Welsh Language were considered.

See this link to the IIA 2023:-

<https://www.flintshire.gov.uk/en/PDFFiles/Planning/Examination-Library-Documents/Final-Sustainability-Appraisal-Report.pdf>

As part of the Deposit LDP a consultant was employed to carry out further work to consider the Welsh Language in Flintshire. Subsequently the Background Paper No 12 Welsh Language, was produced which addressed the issues and carefully considered the implications of the LDP policies on the Welsh language. The consultant's report is included in the background a paper. <https://www.flintshire.gov.uk/en/PDFFiles/Planning/Evidence-Base-Documents/Background-Papers/LDP-EBD-BP12-Welsh-Language.pdf>

This demonstrates how, as the plan progressed, the Welsh Language was considered. There have also been several opportunities for people to comment on the issue at each engagement and consultation stage as the Plan has progressed. The issue of Welsh Language was not referenced in the Inspectors' Report as being a key issue.

The Council has set out in the LDP an intention to prepare a series of Supplementary Planning Guidance Notes (SPG).

The SPGs do not set out new policy but expand upon and give guidance on the policies in the LDP and as explained above, the impact of those policies on the Welsh Language has already been considered and examined, and the Plan found to be sound. Consultation being carried out at the present time therefore only relates to the supporting information and guidance in the SPG and should not bring about any additional implications for the Welsh Language .

Affordable Housing

This guidance explains the approach that the Council will take when dealing with planning proposals for local needs affordable housing, and when seeking to negotiate the provision of affordable housing as part of a larger residential proposal. It offers additional guidance on the interpretation and application of policy HN3 Affordable Housing within the Local Development Plan (LDP).

Impacts on the Welsh Language

The ability to speak Welsh is not a requirement or a qualifying criteria in terms of accessing affordable housing so the provision of this type of housing is likely to bring about the need to consider only indirect impacts on the Welsh Language.

Positive Impacts The main function of the provision of affordable housing is to provide for the housing needs of local people in the area or community council in which the development is located. In areas where eligible people for affordable housing are also Welsh speakers, the provision of affordable housing could have a positive effect on the Welsh language. Affordable housing is more likely to be occupied by younger people possibly with school age children, this could have the effect of increasing school numbers, particularly in rural areas, thereby helping to retain a school which is an important place where children learn Welsh. Affordable housing could also have the effect of providing houses for young people who might otherwise have left their home communities, so in Welsh communities it could help to retain more Welsh speakers in an area.

Negative Impact If inadequate or no affordable housing provision is made this could negatively impact on Welsh speakers if they are unable to live in their local community.

Neutral Impact If no Welsh speakers in the county require affordable housing, there would be a neutral impact on the language.

