

Development Local Plan Examination: Hearing Statement

Our Ref: 2012-067-EIP/M1

Date: 26 April 2021

From: NJL Consulting (Consultee ID – 1232396) on behalf of Lavington Participation Corp. and Duncraig Investment Corp.

Matter 12: New Housing Development Proposals (inc Density and Mix)

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

a) Did the presence, or otherwise, of Best and Most Versatile agricultural land (BMV) influence the selection of housing sites? The sites which will be discussed at the hearings are:

HN1.1 Well Street, Buckley

HN1.3 Highmere Drive, Connah's Quay

HN1.4 Northop Road, Flint

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

HN1.7 Holywell Rd/Green Lane, Ewloe

HN1.8 Ash Lane, Hawarden

HN1.9 Wrexham Road, HCAC

HN1.10 Cae Isa, New Brighton

LPC note that Background Paper 9 (Agricultural Land) sets out the Council's methodology and assessment of BMV in the site selection process. There is however a lack of information on how the Council have applied the sequential approach to directing development to land of the lowest grade as required by PPW11¹. This is particularly importance as PPW11², states that agricultural land falling under the classification of BMV '*should be conserved as a finite resource for the future*'.

There are other candidate sites which only comprises of Grade 3 agricultural land value. In contrast to other housing allocations³, such sites would be considered more favourably by aligning with the PPW11 requirement for a sequential approach to be taken which protects BMV agricultural land.

a) Is it clear why the sites have been selected over other candidate and alternative sites?

The context behind the Council's housing requirement, failure to deliver under the UDP and continued reliance on strategic sites is covered in detail in our responses to Matters 3 and 7. This sets the backdrop for assessing the Council's site selection process, the extent to which this

¹ Planning Policy Wales 11th Ed. (2021) Para. 3.59

² Planning Policy Wales 11th Ed. (2021) Para. 3.58

³ Site Allocation Refs: STR3A, HN1.4, HN1.6, HN1.8 and HN1.9

Flintshire County Council

Development Local Plan Examination: Hearing Statement

Our Ref: 2012-067-EIP/M1

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provides flexibility to the Plan in order to ensure that past mistakes are not repeated and that the LDP housing requirement can be delivered.

The Council continue to rely upon 44% of housing allocations to be met through strategic sites. As highlighted by the significant concerns raised over the deliverability of Warren Hall as well as the delivery rates proposed at Northern Gateway, this is a matter which LPC continue to have significant reservations over.

It is not clear why more non-strategic sites have not been allocated to meet the required housing needs. Smaller, sustainable sites can come forward quicker as they require less upfront infrastructure and are more straightforward to deliver. To address this issue LPC considers the Council needs to allocate additional housing sites to ensure this need is met. In addition to this, LPC has a number of concerns with the housing requirement not accounting for previous housing shortfall or being underpinned by a robust economic analysis which accounts for the economic initiatives (e.g. AMRC Cymru and MDA Growth Prospectus) which have emerged since the strategic options stage of the LDP (see response to Matter 3). The length of the LDP plan period remaining following adoption also places further importance on the need to identify a wider range of suitable sites.

To address these issues and given the local context, LPC considers that the primary solution is to allocate more non-strategic sites in sustainable settlements such as Broughton to meet the housing need in Flintshire. LPC has significant concerns that there is a lack of contingency in the Plan particularly with regards to Broughton which should be given more site allocations given its location at the heart of a national growth area. This becomes a particularly acute issue given the concerns over the deliverability of Warren Hall.

The Broughton and Chester area is identified by the Council for more significant growth over the Plan Period. Where sites are suitable for development, LPC argue they should be brought forward in order to support this growth agenda. In addition this also reduces risks of any non-delivery linked to nominated sites, such as Warren Hall which cannot be relied upon. As highlighted in our response to Matters 3, 7 and 12 there are fundamental concerns on the deliverability of housing at the Warren Hall site which by virtue quashes this point of objection and reinforces the candidate site's credentials to deliver much needed housing in Broughton to support the national growth area.

b) Are the numbers of units identified realistic and achievable?

The projected delivery rates on all allocations is set out in the Housing Trajectory in BP10A. Enclosed is LPC's critique of this evidence and the updated Statements of Common Ground and has been informed by conservative assumptions on build out rates being achieved elsewhere in Flintshire (see Redrow Homes at HN1.11 - Chester Rd and Countryside at STR3A –

Flintshire County Council

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Northern Gateway) and delivery timescales identified under national market research⁴ as follows⁵:

- 50-99 units – 3.3 years
- 100-499 units – 4.0 years

The outcome of this analysis highlights significant shortcomings in housing delivery, particularly over the first 3-4 years of the LDP period. This correlates with trends seen in other LPAs such as Cardiff (see response to Matter 7g)) where the recent plan review of the LDP (2016) acknowledged '*the 'lag' between Plan adoption and homes being completed on new sites allocated in the Plan*'.

Our commentary on various housing allocations is provided below which should also be read in conjunction with the enclosed NJL Housing Trajectory. Detailed comments have already been raised in response to the deliverability of the two strategic sites (see Matters 3 and 7) which have been reflected in the updated Trajectory.

HN1.3 – Highmere Drive, Connah's Quay

While there is a developer attached to the site, it is understood that only pre-application has been undertaken with no planning permission in place on the site. Progress on the adoption of the LDP will undoubtedly influence timescales for planning submission and housing delivery. We would therefore urge caution on the number of completions anticipated on the basis of a 2023 start date.

HN1.4 – Northop Road, Flint

Based upon the latest Position Statement submitted to the examination, it is clear that there is no longer a developer attached to the site with the outline application for housing being withdrawn in March 2021 (Ref: 058314). Given this uncertainty, the scale of the site and the need to secure a comprehensive approach with the adjacent landowner (as exemplified by the recent refusal of 18 dwellings under Ref: 061919), it is clear that delivery cannot come forward so soon in 2022 and instead a more sensible projection of 2024 should be applied.

HN1.6 – Land between Denbigh Road and Gwernaffield Rd, Mold

The Council continue to project that the site, which is subject to a full planning application (Ref: 061994) submitted by Anwyl Homes will deliver in 2022. This is however subject to progress on the adoption of the LDP and would therefore urge caution on the number of completions anticipated on the basis of a 2022 start date.

HN1.7 – Holywell Rd/ Green Ln, Ewloe and HN1.8 – Ash Lane, Hawarden

⁴ Lichfields (2020) Start to Finish

⁵ From outline planning permission to first completion

Flintshire County Council

Development Local Plan Examination: Hearing Statement

Our Ref: 2012-067-EIP/M1

Date: 26 April 2021

From: NJL Consulting (Consultee ID – 1232396) on behalf of Lavington Participation Corp. and Duncraig Investment Corp.

There is currently no developer attached to either site however Statements of Common Ground confirm negotiations are still ongoing with Anywl Homes. There is however no planning permission in place and disagreement between parties on the deliverability and viability of affordable housing. This could further delay any future land agreement, application submission and S106 negotiations. In this context and given the scale of development (288 and 298 units respectively) it is reasonable to assume completions will not be delivered until 2024.

HN1.9 – Wrexham Rd, HCAC

It is noted in the Statement of Common Ground that a preferred developer is anticipated to enter into an Option Agreement shortly albeit this has yet to be formally completed. The assumption that a start on site can be made by 2022 is however over optimistic given the site is without planning permission. It is considered that a 2023 start on site is a far more realistic timescale.

HN1.10 – Cae Isa, New Brighton

Despite being recently refused at appeal (Ref: APP/A6835/A/20/3260460) in February 2021, the Trajectory is still showing the allocation as delivering later this year. Clearly this will not happen given the time it will take for the LDP to be adopted, submission and determination of an application and conditions discharged to enable a start on site. Progress on the adoption of the LDP will undoubtedly influence timescales for a further planning submission and housing delivery. We therefore urge caution on the number of completions anticipated on the basis of a 2023 start date.

Given the above, one cannot rely on the numbers currently being proposed in the Council's Housing Trajectory. Despite being submitted 5 months apart, there is a significant variance between the trajectories submitted with the LDP under Background Paper 10 (BP10) with that under Background Paper 10A (BP10A), particularly the first 3 years of the LDP Plan Period. The Trajectory forms part of the submission LDP and therefore the revised trajectory under BP10A needs to be considered in that light. This latest position demonstrates that the Council previously over-estimated their Anticipated Annual Build Rates (ABBR) by 412 dwellings for the first 3 years post-submission with housing delivery being pushed back to later in the Plan Period.

	2020-21	2021-22	2022-23	Total
BP10A	434	452	581	1,467
BP10	672	662	545	1,879
Cumulative Difference				-412

Even with the optimism still being shown by the Council regarding housing delivery, the above comparison demonstrates the need for greater certainty on delivery and the robustness of the Trajectory. As enclosed within our Additional Submission (Ref: 2012-067-EIP/AS) our analysis on Housing Trajectory shows a worsening position in the early period of the LDP.

Flintshire County Council

Development Local Plan Examination: Hearing Statement

Our Ref: 2012-067-EIP/M1

Date: 26 April 2021

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c) What are the various constraints affecting the sites? In the light of constraints, and other matters, where is it set out what the requirements are for each site? Is there sufficient clarity and certainty?

HN1.10 – Cae Isa, New Brighton

While the technical matters raised through the Cae Isa application and appeal are not insurmountable they are symbolic of the type of points which inevitably arise through the application process. These can lead to financial implications (e.g. by way of additional open space contributions) or lead to longer negotiations between parties and statutory consultees over detailed design matters.

In the case of the appeal, we would question why the Appellant chose not to pursue the necessary SUDS approval and demonstrate the deliverability of the scheme from a technical drainage perspective if there were no fundamental that would have meant the requisite standards couldn't have been met.

HN1.4 – Northop Rd, Flint

It is noted through Background Paper 8 (Candidate Alternative Sites) that while the Council's Highways team were 'generally supportive' of development at the site, this response was caveated with the need for further technical work and requirement for what appears to be large infrastructure requirements. This included the construction of a new junction or roundabout onto Northop Road in order to serve the development without being constrained by the existing petrol filling station given Halkyn Road is deemed as being unsuitable.

The Council have recently refused an application (Ref: 061919) by Edward Homes for 18 dwellings on the basis that they are seeking a comprehensive and joined up approach on the site between the two ownerships. Furthermore, the decision notice highlights constraints relating to further ecological mitigation being required, single highway access, a site-wide drainage strategy, affordable housing provision and a more respectful layout that responded to the character of the area. There are clearly constraints that will require further negotiation and collaboration between parties in order to resolve matters over the equalisation of land values and assembly. The fact that there is no identified developer attached to the main site means that further delays on delivery will be inevitable.

Other Allocations

LPC have concerns that there is an absence of technical work submitted as part of the LDP evidence base and updated Statements of Common Ground to support numerous housing allocations⁶. There is currently a lack of technical evidence available to fully understand site constraints and further work is required in this regard. For example, while sites such as Well Street, Buckley (HN1.1) is a rolled forward UDP allocation, the question remains why this site has

⁶ Site allocations HN1.1, HN1.4, HN1.5 and HN1.10

Flintshire County Council

Development Local Plan Examination: Hearing Statement

Our Ref: 2012-067-EIP/M1

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not already been delivered if the principle was secured and there were no technical constraints to frustrate delivery.

This context reinforces the need for the Council's Trajectory to clearly demonstrate how the key milestones such as the application process has been factored into lead-in times and the anticipated annual build rates. As set out under Question 12e) this evidence remains outstanding.

d) Having regard to constraints, where they exist, as well as the need to provide for affordable housing and infrastructure, are the sites viable?

LPC has concerns over the robustness of the Council's Viability Study (LDP-EBD-HP6.1) as it is not clear how 'other contributions' towards S106 or infrastructure contributions were included in the assessment. The Council have also not confirmed if they will pursue a CIL Charging Schedule in the future which could have significant viability implications. It can be assumed that housing allocations will require significant education, highways, sustainable transport initiative, health care and/or other contributions. These need to be fully considered to demonstrate that the sites are viable and deliverable.

The Viability Study prepared by the District Valuer only provides a high-level assessment which makes use of assumptions across housing market areas and Borough-wide. There is no site-specific evidence which robustly tests the deliverability and viability of the proposed housing allocations. The DPM states that '*To support delivery of the plan, **site specific testing in the form of a viability appraisal** should be undertaken for sites which are key to delivering the plan, demonstrating they are deliverable in principle*'.⁷ The DPM continues that such information should be undertaken at the candidate site stage.

Given the importance of housing allocations to the delivery of the LDP housing requirement, we would anticipate all allocated sites to be supported by robust viability testing to demonstrate delivery on a policy compliant basis. Failure to publish this information undermines certainty on these key sites. This may result in the delivery of non-policy compliant allocations for example by reducing affordable housing provision.

HN1.7 – Holywell Rd/ Green Ln, Ewloe and HN1.8 – Ash Lane, Hawarden

Representations⁸ submitted by respective parties for both allocations, have maintained concerns on the deliverability of affordable housing based on the levels proposed under the LDP. The Statement of Common Grounds for both sites set out an expectation for circa £1.8m and £1.75m of contributions respectively towards local education infrastructure. These represent significant contributions which, given the concerns already expressed on affordable

⁷ Development Plans Manual (2020) Para. 3.52

⁸ Statements of Common Ground – Refs: SOCG002 and SOCG003 (2021) Para. 5.4

Flintshire County Council

Development Local Plan Examination: Hearing Statement

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Date: 26 April 2021

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housing provision, may similarly undermine viability and the provision of key local infrastructure on a policy compliant basis.

HN1.10 – Cae Isa, New Brighton

While marginal in the context of the LDP requirement, it is worth noting that the application and subsequent appeal was on the basis of a 97 dwelling scheme despite the site being allocated for a total capacity of 105 homes. Increasing the number of smaller house types may well have led to this capacity being achieved but will inevitably have viability implications by reducing the overall Gross Development Value. This in turn could impact upon the site's ability to provide key infrastructure, such as open space contributions, which could not be committed to under the application or appeal.

The examples above therefore highlight the clear implications a lack of robust viability testing would have on the Council's ability to deliver key objectives of the Plan (also see response to Matter 13). This reinforces the need for more site-specific evidence in order to provide greater certainty on the deliverability of new homes and infrastructure.

e) Are the delivery mechanisms for each site clearly identified? Is the timing and/or phasing of each site clearly set out?

The projected delivery rates on all allocations is set out in the Housing Trajectory in BP10A, however this falls short of providing key evidence on projected lead in periods which should be broken down into the following milestones as required by DPM:

1. Time period for pre-application discussions/ PAC consultation
2. Time between submission of planning application and determination
3. Time taken from planning consent to the discharge of relevant conditions to enable site construction

In addition, to the above requirements we would recommend a time allowance for S106 negotiations is also factored in given the extent to which this can influence development programmes. This has been evidenced by the Keepmoat Homes application on Northern Gateway (Ref: 060411) which has seen protracted negotiations extend beyond 12 months.

Any non-delivery of units on housing allocations undermines the delivery of the LDP and jeopardises the supply of housing throughout the plan period. LPC consider a more conservative approach grounded upon realistic assumptions should be adopted in the Trajectory in order to avoid repeating the mistakes made over the UDP which resulted in a significant housing shortfall. The condensed plan period exacerbates the need for a robust trajectory and for the Council to adopt a more flexible approach through the consideration

Flintshire County Council

Development Local Plan Examination: Hearing Statement

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of alternative sites and policy wording for residential development on the edge of settlement (see response to Matter 10).