



# Hearing Statement – Flintshire Local Development Plan (LDP) 2015-2030 examination

Matter 7 – Provision of Sustainable Housing Sites

for [REDACTED] (Rep ID: 1233028)

Emery Planning project number: 14-065

Project : 14-065  
Hearing : Matter 7 – Provision of  
Sustainable Housing Sites  
Client : [REDACTED]  
[REDACTED] (Rep ID:  
1233028)  
Date : 5 April 2021  
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## 1. Introduction

- 1.1 This hearing statement is prepared by Emery Planning on behalf of [REDACTED] (Rep ID: 1233028) in relation to Matter 7 – Provision of Sustainable Housing Sites.

## 2. Response to Matter 7

**Key Issue: Is the amount of housing provision set out in the LDP realistic and appropriate and is it founded on a robust and credible evidence base? Will it achieve the relevant objectives of the LDP in a sustainable manner consistent with national policy?**

**a) Is the housing requirement, based as it is on economic and job aspirations, realistic and deliverable within the plan period? How does the amount of housing proposed relate to the most recent Welsh Government household projections? Has the UDP under-delivery been accounted for in the LDP housing requirement figure? If not, should it be?**

### UDP under-delivery

- 2.1 The LDP covers a plan period of 2015-2030. The adopted UDP covered the period 2000-2015. During the UDP plan period, only 5,388 completions were achieved against a requirement of 7,400, leaving a very significant shortfall of approximately 2,000 homes. This under delivery of housing creates significant social and economic issues, including increased housing market pressures, a shortfall in affordable housing delivery and the suppression of household formation.
- 2.2 Over a 15-year plan period, addressing the previous shortfall would equate to increasing the requirement by 134 dwellings per annum. Although this would be challenging in the context of a plan that has less than 9 years remaining, that only serves to further underline that the proposed plan period is too short. But in any event, the proposed LDP proposes very little new land for housing, with the requirement to be met predominately through the existing land bank (including the Northern Gateway site which was allocated in the UDP) and windfall development. In our view the LDP should positively plan to address the shortfall, including through additional allocations which are deliverable in the short term.

**c) The 14.4% flexibility allowance is slightly greater than average. On what basis has that percentage been selected?**

- 2.3 The flexibility margin has increased to 18% based on the update of the Plan's Housing Balance sheet (FCC002, Appendix 1A). Whilst this figure is higher than the 10% 'starting point' suggested at paragraph 5.59 of the Development Plans Manual Edition 3 (DPM3), on the circumstances of the Flintshire LDP we consider that the amount of flexibility provided is inadequate.
- 2.4 Firstly, Flintshire has a track record of under-delivery. As set out above, during the UDP plan period of 2000-2015, only 5,388 completions were achieved against a requirement of 7,400. This equates to a shortfall of 27% against the adopted housing requirement.
- 2.5 Secondly, a 14% flexibility allowance has already been proven to be inadequate for Flintshire. The UDP included a flexibility allowance of 14%, which at the time was considered by the Council and the UDP Inspector to be sufficient. Paragraph 3.5.28 of the UDP Inspector's report states:
- "From the comparison table set out below, it is evident that if my recommendations are accepted there will be sufficient land allocated to ensure the delivery of 7400 new homes within the plan period, a 5 year supply of land, and a healthy flexibility allowance of about 14% to ensure that if there is slippage the housing industry will still have the potential to deliver sufficient homes to ensure people have the opportunity to live in good quality affordable homes."*
- 2.6 Therefore, despite the inclusion of the 14% flexibility allowance, actual delivery was 27% below the requirement.
- 2.7 Thirdly, very significant reliance is placed on the Northern Gateway strategic site to deliver. Some 1,185 dwellings are anticipated from the site. That is approximately a quarter of the remaining housing requirement (the residual requirement at 1 April 2020 is 4,341 dwellings). As we have identified in our representations elsewhere, we do not consider the proposed delivery projections from that site to be realistic. If there is any slippage in the delivery of the site, there will be significant implications for the delivery of the housing requirement.
- 2.8 Fourthly, there are already less than 9 years remaining in the plan period. By the time that the plan is adopted, there will almost certainly be 8 years or less remaining of the plan period. Consequently, should there be any issues with the delivery of sites, the pool of sites to bring forward from later in the plan period is significantly diminished. This severely limits options in the event of a housing land supply shortfall.

- 2.9 Fifthly, the Council has not applied a non-delivery allowance. DPM3 makes clear that “a land bank non-delivery allowance is separate to the flexibility allowance (i.e. 10%) which is applied to the plan as a whole”.
- 2.10 Paragraph 2.1.3 of the Housing Land Supply Update (FCC002) claims that the total flexibility allowance in the plan equates to a 10% flexibility allowance plus a 46% non-delivery allowance, and is therefore sufficient. However, we consider the proposed flexibility allowance to be insufficient for Flintshire before the additional non-delivery allowance is factored in.
- 2.11 The Council derives the 46% figure from a land bank of 1,221 dwellings. However, DPM3 defines the land bank as housing completions since the start of the LDP period, units under construction and those with planning permission at the base date. DPM3 also states that:
- “Understanding the proportion of sites that did not come forward in the past can be a useful tool in this respect. Sites can be discounted individually, or applied as a percentage across the overall land bank. The latter is the simplest approach. Non-delivery allowances have ranged from 20-50% to date, dependent on local circumstances.”*
- 2.12 Therefore, correctly applying the DPM3 definition, the land bank that should be discounted is significantly greater than 1,221 dwellings, as the allocated sites trajectory at Appendix 3A of FCC002 includes several sites with planning permission, including the Northern Gateway site.
- 2.13 Furthermore, the need for a significant non-delivery allowance in Flintshire is amplified by the reduced length of the proposed plan period, which is below the DPM3 minimum of 10 years.
- 2.14 Sixthly, the plan already makes a significant allowance for windfall delivery of some 1,080 units for the period 2020-2030. If the supply fails to deliver as anticipated, there are no additional sources of supply to address the shortfall. The only remedy is to have sufficient flexibility built into the plan.

**d) Is the housing requirement over reliant on the provision of dwellings on windfall and small sites?**

- 2.15 Yes.
- 2.16 Firstly, we question the principle of including a large site windfall allowance in the LDP at all given the circumstances of this LDP. DPM3 advises that some large sites may be more appropriate to take forward as specific allocations in the plan, not windfall sites. As discussed previously, the plan period for the Flintshire LDP is already less than 9 years old. If large sites are suitable for

development and realistically deliverable between now and 2030, they should be capable of being identified and allocated for development. The Urban Capacity Study by Arcadis (LDP-EBD-HP8) identified 28 potential large windfall sites, but this provides no certainty that they are suitable and will be developed during the plan period. The fact that these sites are not allocated suggests that they are unlikely to provide a reliable source of supply over what remains of the plan period.

- 2.17 Secondly, the large windfall site allowance applied by the Council is 60 dwellings per annum. However, the Urban Capacity Study recommended an allowance of 50 dwellings per annum. It is not clear why a higher rate has been applied. If anything, given the passing of time since the Urban Capacity Study was produced and the diminishing plan period, the allowance should be reduced.
- 2.18 Thirdly, and notwithstanding the above, we consider that there is double counting in the supply from windfall sites. Please see our response below to question h).
- 2.19 Fourthly, placing such great reliance upon windfall development to deliver the housing requirement means that the plan is simply reacting to land supply rather than proactively and positively planning to meet development needs. In our Matter 4 statement we have highlighted the example of Northop, which is a 'Sustainable Settlement', but it does not benefit from any allocations. We have also appraised the urban capacity of Northop and consider the realistic supply of land for housing to be virtually nil. Therefore, whilst it is correct to assess the supply of windfall sites, the starting point for the plan should be identifying how much land is needed for development, and where those needs should be met. Allocations can be appropriate in settlements even if there is a sufficient supply of housing land to meet the overall requirement across the County.

**e) Do rates of housing delivery over recent years indicate that the housing requirement firstly, could, or secondly, should, be increased?**

- 2.20 FCC002 identifies that, over the first 5 years of the plan (2015-2020), there have been 2,609 completions at an average of 522 dwellings per annum. This demonstrates that a higher housing requirement is achievable. A higher housing requirement would assist in addressing the previous

shortfall and contribute to meeting the identified need for 238 new affordable homes per annum<sup>1</sup>.

**g) Is it likely that all the committed sites identified as contributing to the housing requirement (LDP Appendix 1), and allocations which are carried over as such from the UDP, will be delivered during the plan period? What is the evidence?**

2.21 As set out in our response to question c), we consider that a significant allowance needs to be made for non-delivery of the land bank, in addition to the flexibility allowance.

2.22 We have commented on the delivery of the Northern Gateway in our response to Matter 3. The proposed build rates and lead-in times for later phases are not realistic. There is insufficient evidence to assume that the site will deliver 1,185 dwellings during the plan period. The delivery projections from the site should be significantly reduced.

2.23 We also consider that the proposed lead-in times on other sites are too optimistic. There are numerous stages to account for, all of which are often subject to significant delays:

- Preparation, submission and determination of an outline application.
- Section 106 negotiations and completion.
- Disposal of the site to a developer.
- Preparation, submission and determination of applications for reserved matters.
- Discharge of conditions.
- Site remediation (if required) and delivery of key infrastructure required before dwellings can be completed, such as the site access and utilities.

2.24 In terms of Warren Hall, the Council assumes that the site will start delivering in 2023/24. However, the site has an extensive record of delays and non-delivery. The site was allocated for employment use in the UDP. Planning permission was granted in 2008, but this has since lapsed. The site does not benefit from planning permission and it is not controlled by a developer. All of the above stages still need to take place. It is not realistic to assume that completions will be achieved in 2023/24. We consider that it is likely to be 5-7 years before first completions are realised on that site.

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<sup>1</sup> Local Housing Market Assessment Update 2018 (LDP-EBD-HP3)

2.25 Turning to build rates, 45 dwellings per annum has been applied to several sites (FCC002, Appendix 3A). Paragraph 1.2.6 of the FCC002 states that the proposed build rates are based on information received from developers & landowners. However, this information is not provided, and even if it were to be, it cannot be taken on face value. The Council needs to apply realistic rates based upon the local delivery record (i.e. sites previously built out and under construction). Appendix 3A shows that the actual completion rates achieved on allocations in 2019/20 were:

- Maes Gwern, Mold: 27 dwellings
- Chester Road, Penymynydd: 27 dwellings

2.26 The Council does not present any evidence in BP10 or FCC002 to suggest that completion rates as high as 45 dwellings per annum are being consistently achieved across sites of this scale. In our view, completion rates as high as 45 dwellings per annum should only be applied to individual sites if they are being built out and already achieving those rates on the ground. The application of more realistic build rates would result in the following sites not completing in full during the plan period:

- Warren Hall, Broughton
- Holywell Rd/Green Lane, Ewloe
- Ash Lane, Hawarden
- Land between Denbigh Rd. & Gwernaffield Rd, Mold

#### **h) How does the LDP avoid the issue of double counting in respect of large windfall sites?**

2.27 Paragraph 2.5.1 of the Housing Land Supply Update (FCC002) defines windfall sites as:

*“sites which did not have planning permission at 1/4/20 and which become available for development but are not specifically allocated for housing in the LDP”.*

2.28 Therefore, as these are sites which do not currently benefit from planning permission, a lead-in needs to be applied before any reliance is placed upon these units. The housing trajectory at Appendix 4A of FCC002 anticipates 60 dwellings per annum from large windfall sites from 2022/23 (year 3 from the base date).

2.29 LDP3 recommends against including a large windfall allowance rate within the first 2 years of projected supply to avoid issues of double counting. However, LDP3 is also clear that the total of all elements of supply must align with the housing provision, and therefore the windfall allowance must be realistic having regard to what is likely to be delivered from the land bank. It is plainly unrealistic to assume that 60 dwellings per annum will be achieved from year 3, as most completions from non-allocated sites in the first 3 years will be from sites which already benefit from planning permission.

2.30 The previous trajectory at Appendix 4 of BP10 showed delivery rates from large windfall sites transitioning from 20 dwellings per annum to 60 dwellings per annum. If a large site windfall allowance is to be allowed for, then we consider that it should transition as such from years 3 onwards.

**i) What will be the implications for the delivery of the housing requirement of the comparatively short plan period remaining at adoption?**

2.31 We have discussed this issue elsewhere within this statement. In summary, the application of a short plan period (likely to be 8 years or less from adoption) has the following implications for housing land supply:

- Slippage on any sites or sources of supply means that units will fall outside of the plan period, rather than coming forward later in the plan. Consequently, there is a need for a very significant non-delivery allowance.
- Should there be any issues with the delivery of sites, the pool of sites which could be brought forward from later in the plan period is significantly diminished. This severely limits options in the event of a housing land supply shortfall.
- Less reliance can be placed on windfalls, particularly large sites, due to the reduced timescales for such sites to come forward. If such sites are going to deliver before 2030, they ought to be identified and in the planning system now.

### 3. Conclusions

3.1 In relation to the proposed supply of land for housing, the LDP fails the following soundness tests:

**Test 2: Is the plan appropriate**

- The housing land supply position is not justified by robust, proportionate and credible evidence.
- The proposed plan will fail to provide an adequate supply of housing land to meet assessed housing needs.

**Test 3: Will it be effective?**

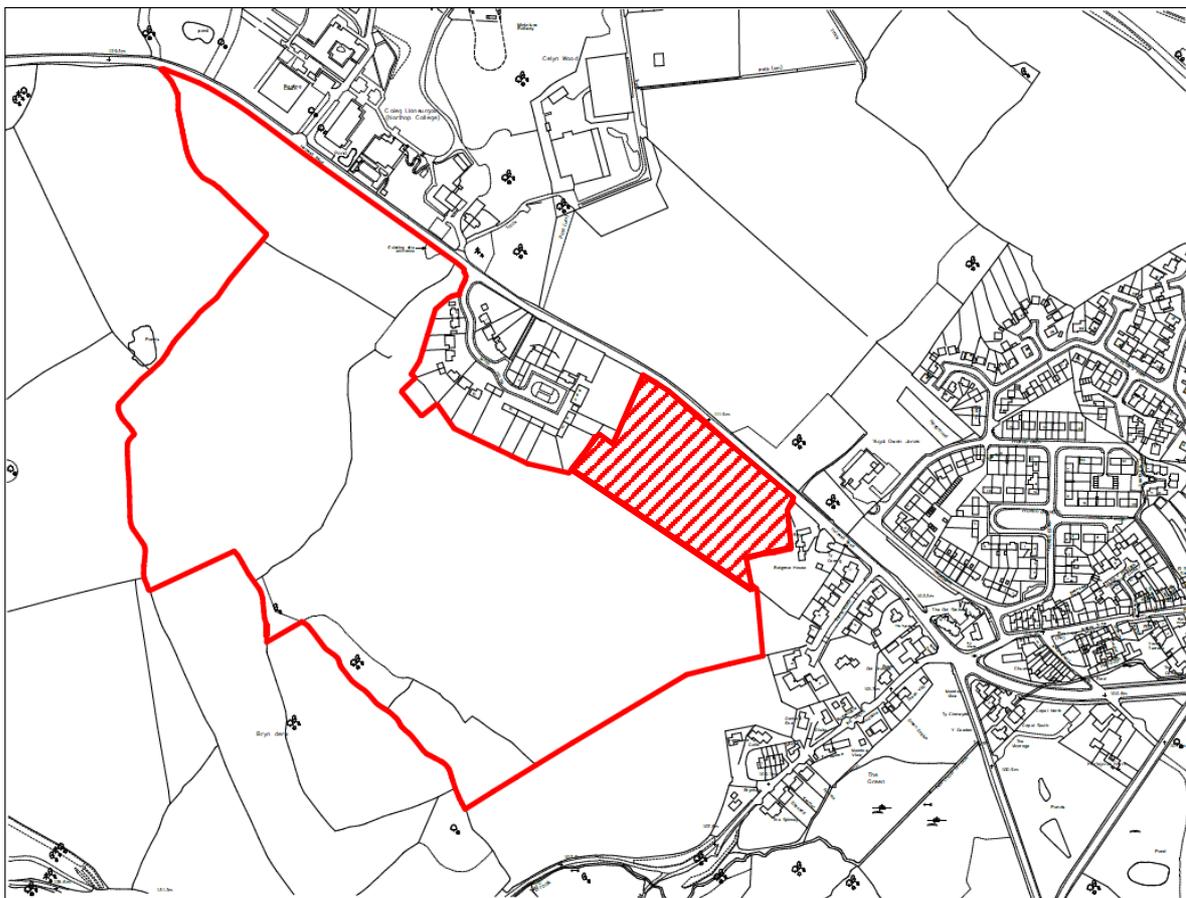
- The plan will not be effective as the housing requirement will not be delivered.
- The plan is not sufficiently flexible, and there are no contingency provisions if the housing trajectory fails to deliver as anticipated.

3.2 We therefore consider that there is a need to allocate additional sites for housing. The omission site promoted by our client is summarised below.

Omission site: Land adjacent to Maes Celyn, Holywell Road, Northop

3.3 Our client is promoting the land adjacent to Maes Celyn, Holywell Road, Northop as an allocation for residential and/or mixed-use development. The site can contribute to the addressing the housing land supply shortfall.

3.4 A site location plan is provided below. The site has been promoted for two alternative options: a large-scale development across the whole site (land edged red), or a small-scale extension to the village infilling the area between the settlement and Maes Celyn (land hatched red).



**Figure 1:** Site location plan - Land adjacent to Maes Celyn, Holywell Road, Northop

- 3.5 The site comprises a sustainable location adjoining the settlement boundary of Northop, which is a Tier 3 Sustainable Settlement. It is well related to the existing village, and all key services and amenities would be within easy walking distance. The site could deliver community facilities close to the village centre, including a village car park, public open space and a community building / health centre, enhancing the vitality and sustainability of the village. In addition, the site is well related to the adjacent Coleg Cambria, and could deliver education and related employment infrastructure (such as business incubator units) that would benefit the college and local community as part of a mixed-use scheme.
- 3.6 Our client has put forward further information on the site through our representations to the Deposit LDP, including an indicative masterplan, illustrating out one way in which the site could be developed. The development of the site can enhance the vitality of Northop, and it provides a sustainable and deliverable option for addressing the shortfall in housing land supply.