

Dear Members

Flintshire Local Development Plan

LDP Examination in Public: Inspector's decision in relation to her concerns about aspects of the Strategic Mixed Use Development Allocation at Warren Hall

I am writing to you regarding the above and in line with the approved LDP delegation process of consulting Local and Adjacent ward Members on a change to the LDP arising from the Examination that relates to your area.

As you will be aware the Examination of the Flintshire LDP began on 13th April 2021 and the main programme of 20 scheduled hearing sessions was completed on 20th May 2021.

Following the end of the main Examination sessions, there were two outstanding matters to be dealt with by the Inspector which relate to:

- The Warren Hall Strategic Mixed use Development Site comprising 22 hectares of high quality B1 and B2 employment land, 300 homes, a commercial hub, and strategic landscaping and green infrastructure network;
- Phosphate levels emanating from the Plan and their impact on the River Dee and Bala Lake Special Area of Conservation (SAC) designated rivers.

The second matter above is more of a technical or procedural nature, requiring the Council to update the Plan's Habitats Regulations Assessment to demonstrate that the Plan will not adversely affect SAC protected rivers in relation to new phosphate target levels. This work is nearing completion and will be submitted to the Inspector for agreement shortly.

Of greater relative significance to the soundness and progress of the Plan to adoption is the outstanding matter relating to the Warren Hall Strategic Mixed Use Development site. Following an intervention by Airbus at an original Examination session relating to concerns about aerodrome safeguarding, and other concerns raised by third party objectors, the Inspector issued a post hearings letter to the Council on 2nd June 2021. This covered the specific concerns raised by Airbus, as well as a range of more general questions directly from the Inspector relating to site sustainability and delivery.

The Council responded to the letter providing a detailed statement as well as a statement of common ground which it had agreed with Welsh Government as site owners, and Airbus, relating to the proper consideration of the safeguarding matter.

The Inspector then held a further Examination session on 8th September 2021 which sought to address and hear further evidence in relation to the concerns set out in her post-hearings letter. This was a difficult session for officers in terms of following the Inspector's rationale behind her concerns, further un-evidenced objections made by Airbus, and further points made by objectors promoting alternative housing sites as alternatives to Warren Hall.

What did become clear was that the Inspector's concerns seemed to focus on the sustainability of the housing element of the mixed use site, rather than the strategic employment proposed for the site and supported by Growth Deal funding.

Whilst originally stating that she would release her decision on this site soon after the further hearing session, the Council only received her written decision in a letter dated 25th October 2021 (copy attached). In essence the Inspectors have concluded that:

"the site is not a sustainable location for housing development and that the soundness of the Plan requires this to be omitted. We intend, therefore, that the site should be retained as an allocation in the LDP but for employment uses (B1 & B2) and a commercial hub only" (Officers emphasis in bold).

This is very disappointing for a number of reasons: the rationale behind her decision is not completely clear; it removes the opportunity for Welsh Government to bring forward sustainable affordable housing, and it changes the focus for this site as set out in the North Wales Growth Deal.

That said, from a purely development plan perspective, whilst the loss of the *whole* site would have impacted on soundness and the ability to continue to achieve the adoption of the LDP, the loss of the housing element alone does not impact on this. This is because:

- the key element of the site in relation to the Plan's strategy is retained i.e. the delivery of high quality employment development;
- the number of housing units lost had already been reduced to 240 as a result of seeking agreement with Airbus on safeguarding and maximum height of development;
- the Plan's housing flexibility allowance is sufficient to 'absorb' the loss of units and still maintain a level above that prescribed in the Development Plans Manual.

What is clear from the Inspector's letter is that she does not make any reference to needing to replace the housing units by seeking to identify a site (or sites) elsewhere, as there is no reference to holding a further session to consider alternative sites proposed by objectors. This is also supported by the reference to including the change to the site allocation in the Matters Arising Changes (MACs) schedule which is the very last stage in the examination process before the Inspector issues her report.

Considering the above pragmatically therefore, it is the advice of officers that this change is acceptable as:

- there is little scope to challenge having already discussed the site with the Inspector at three hearing sessions, and to do so would add months to the Examination with no guarantee of change, or success;
- the change does not affect plan soundness or the ability to progress to adoption;
- the loss of housing can be absorbed as there is sufficient flexibility and the Plan remains on track in terms of housing delivery;
- it resolves the outstanding matters with the Plan and hopefully prompts the receipt of an Inspector's report in time to facilitate Plan adoption.

The Inspector has asked for her letter to be published on the Examination website, but prior to that it was important for officers to make you aware of this Inspector change under the LDP scheme of delegation.

Members are asked to note the above briefing and outcome and direct any questions they have to either Andy Roberts Service Manager Strategy or Adrian Walters Team Leader Policy. Members should note that the change proposed will be incorporated into a schedule of changes arising out of the examination called Matters Arising Changes (MACs) which will be approved by the Cabinet to go out for public consultation prior to receipt of the Inspector's report.

I hope that the above is clear in updating you on the position with the LDP and this specific matter.

Regards Andy

Andy Roberts

Service Manager Strategy, Flintshire County Council