

Conwy Local Development Plan Review

Anwyl Construction Co Ltd
Beech Developments (NW) Ltd
Macbryde Homes Ltd

Conwy LDP Review Report.

Denbighshire LDP Review Draft Delivery Agreement

Consultation Response.

Prepared: December 2017
For: Anwyl Construction Company Ltd, Beech Development (NW) Ltd, Macbryde Homes Ltd.



PLPlanning: 6 Knyd Drive, Knos on Sea, LL28 4NE. (m) 07877 748995
(e) plplanning1968@gmail.com.



Contents

1.0 Conwy LDP Review Consultation	2
Appendix . Further Comments Table.	9

1.0 Conwy LDP Review Consultation

1. This joint response is prepared on behalf of the following 3 homebuilders “the developers”

Anwyl Construction Co Ltd
Beech Developments (NW) Ltd
Macbryde Homes Ltd

All three homebuilders are rooted in the social, environmental and economic fabric of the community delivering houses throughout County to meet need.

2. The developers welcome the opportunity to comment on the Review Report at an early stage. Furthermore they are willing to engage throughout the Review Process as a Local Stakeholders as a group or individually. PPW Para 2.12.6 promotes “*Early engagement opportunities at the pre-deposit stage will enable any dissenting views on the scope of a proposed revision to be expressed and considered by the local planning authority*”. The developers strongly support early and collaborative engagement to ensure views and evidence is secured and robust at all Review stages to deliver a sound replacement plan.
3. The developers note the Written Statement of the Cabinet Secretary of 14 December 2017 inviting Conwy and Denbighshire to submit proposals to prepare a Joint LDP and further invitation to Local Authorities inviting them to submit proposals for a Strategic Development Plan for North Wales. The developers agree with the Cabinet Secretary that the cost and time taken to prepare LDP's to date is excessive and that resources should be used efficiently. However, the Statement of 14 December 2017 is likely to lead to additional delay and uncertainty in the immediate future and a lengthened Development Planning process yet again as a result of the requirement under S.62(3A) of the Act for the LDP to be in general conformity with an SDP.
4. Notwithstanding that the current LDP would remain in force until formally replaced, the developers have very serious concerns that the current unsatisfactory housing land supply position in the County will, as a consequence of additional delay, only worsen. Delay increases uncertainty, risks much needed investment and fundamentally is likely to prevent the delivery of market and affordable homes which are very much needed in the

County in the short term. Unless resolved quickly this could lead to the unsatisfactory situation of planning by appeal.

5. It is crucial of course to state that Deposit Conwy Local Development Plan is the Council plan, built on the Council's evidence base having regard to national planning policy contained in Planning Policy Wales [PPW] . PPW states that a Local Planning Authority should *only place on deposit and subsequently submit an LDP for examination which it considers to be 'sound'*.¹
6. Rather than the Review Report using language which suggests a need to reduce the housing supply the Council should be taking positive and continuing steps to enable delivery of housing, including in a replacement LDP.
7. In accordance with statute (LDP Regulations) and the expectancies of Planning Policy Wales and the Local Development Plan Manual, the replacement LDP (or joint Conwy-Denbighshire LDP) must be developed on credible, objective up to date evidence. It is, given the Statement of 14 December 2017 possible that the LDP will need to demonstrate general conformity with a north Wales Strategic Development Plan which will need to address regional growth issues across all sectors of the economy.
8. The developers are concerned that the Review Report particularly seeks to set out an early case and assumption for reducing the quantum and delivery of housing. The Review Report should be written in clear, objective and balanced language that, at the very least acknowledges, there are (policy and other) barriers to delivery the homebuilding sector faces. The Review Report suggested reasoning for failure to deliver needs to be more balanced including in respect of the following:

Para 4.4. - Failure to deliver the envisaged number of windfalls: The windfall allowance was calculated by using a 5 year past trend and doubling it. As the Inspector reported (para 5.35) "simply doubling this figure by way of extrapolation to 2022 introduces a greater degree of uncertainty...". The Plan also relies on a high percentage of windfalls (29%) coming forward. The risk of failure from windfall not being achieved was therefore reasonably predictable. See para 9 below for further evidence and reasoning of why sites aren't coming forward.

¹ PPW Para 2.7.2

Para 4.9. The LDP housing target was not unrealistic. It was evidence based, consulted upon at Deposit, Examined and found to be Sound. This should be explicitly acknowledged.

Para 4.9. The revision to TAN1 (2015) has not exacerbated the housing land supply position. It provided a standardised method of calculating housing land supply. The consequence is that Local Authorities cannot not use alternative methods of calculation (such as previous build rates) to rely on past performance a measure of success nor to continue to set aside their responsibilities to plan for the delivery of housing in accordance with National Planning Policy.

Para 4.10. PPW para 9.2 does not state that Local Authorities *should reduce the emphasis given to WG household projections when determining LDP housing requirements*. In fact para 9.2 states they **must** *work in collaboration with housing authorities, registered social landlords, house builders, developers, land owners and the community and must take account of...* the Welsh Governments later household projections. The must also also take account of a number of other sources including local housing needs and demands, the needs of the local and national economy and social considerations (including unmet need). The Review Report must reflect this. The change in PPW (S 9.2) since the LDP was prepared is an amendment to emphasise more explicitly that when local planning authorities are assessing housing requirements and planning the provision for new housing, local evidence and other key issues such as what the plan is seeking to achieve, should be considered **alongside** the latest Welsh Government Household Projections.

Para 4.11. There is no mention of the suitability of sites allocated for housing in the plan or indeed their potential to become available. For example there has been subsequent research on the need to look at deliverability and viability far more closely than in previously LDPs ((WG study 'Longitudinal Viability Study of the Planning Process').

Furthermore case studies (including in Conwy) suggest permissions not being released as a result of delays in signing S106 agreements. [Stalled Sites and

S106 Agreements Welsh Government 2015]. In the two Conwy case-studies in that research, it took between 9 months and 2 years to sign and over 2 years respectively to complete S106 agreements.

9. The economy has been buoyant since the LDP was adopted with the local housing market and demand particularly strong. The Review Report wrongly states the economy/economic downturn has had a significant effect on the delivery of housing allocations and this is considered to be principal reason for not achieving a 5 year land supply since 2009/10. On the contrary, the graph at para 5.2.1 suggests the since the plan was adopted in 2013 delivery has fallen despite the economy being out of recession since. A number of key issues have however resulted in sites - both allocated and windfalls - not coming forward to meet need. Examples include.

- Disproportionate (29%) reliance on windfall sites.
- Public land control: Conwy CBC owns or controls delivery through ransom approximately 1080 of the 1919 allocated urban area sites under policy HOU/1. None are yet released yet alone delivered.
- Technical constraints on allocated sites: E.g. Llanrwst - 200 units have unresolvable drainage issues according to Welsh Water;

There is evidence that other policy requirements (LDP and national) or local issues play a key role in preventing or delaying delivery(of both windfall and allocated sites). Examples include:

- Flood risk: the delay to completion of updated Conwy Tidal Flood risk study and the almost certain NRW objection to any new housing even in defended areas.
- Employment land retention requirements: Impose delays pending additional study work, marketing etc when it is a paper exercise to tick a policy box. Such requests are frequently more onerous on small sites where the costs are proportionately greater.
- Affordable housing requirements: the Council aspiration for affordable housing and in particular use of a "one land value fits all" approach to assessing viability remains a significant barrier.
- Highways delays and wish-lists: Clear evidence of delayed responses to pre-application engagement and in-application consultations. Unreasonable wish lists and late changes of position preventing or at the very least delaying delivery.

- Local opposition to development. There is considerable evidence of local opposition to new housing schemes despite very clear need. It is not too strong to state at this early stage of the LDP review that the developers fear an underlying political culture of opposition to housing growth underpins the language of the Review Report. Conwy was, for example a lead authority writing (unsuccessfully) to Welsh Government seeking review of TAN1 and early LDP review (Cllr D Roberts letter of 11 January 2016).
- Implications of LDP and other policy requirements (eg high levels - up to 35% affordable housing, Highway demands for on and off site works, uncertainties of the introduction of CIL in the County, sprinkler systems etc)

10. There is by contrast clear evidence that where sites are released and viable they are developed quickly and meet **local** housing needs. The success of intervention tools such as Help to Buy demonstrate how housing delivery can be supported and accelerated.

11. The developers consider the environment and setting of Conwy makes it highly desirable place to live (and work). However additional, suitable, viable land attractive to the market in sustainable places where people want to live is available and capable of contributing to housing delivery. The Review should proactively set out the intent to review all such sources and to deliver land to address the existing undersupply and unmet need and deliver new housing alongside the economic growth agenda.

12. The developers do not consider that starting with an assumption of reducing the level of planned-for growth (and by extension the number of homes) is the way to resolve a lack of housing supply and/or housing land availability. Furthermore it clearly contradicts the Councils economic growth agenda which cannot be divorced from housing supply and delivery.

13. The Review should reflect on the requirement for General Conformity with the emerging National Development Framework for Wales, the potential for a North Wales Strategic Development Plan and take full account of the vision of the North Wales Economic Ambition Board, The latter aspiration for 120000 new job opportunities in north Wales to 2035, associated Growth Bid activities. Regional Growth aspiration clearly points towards a requirement for significant additional housing to support employment and job creation. The Conwy Economic Strategy 2017-2027 seek to deliver 3500 new jobs to the County - a significantly higher number than the current LDP.

14. The delivery of housing embraces key Wellbeing Objectives² and requirements of Planning Policy Wales to deliver sustainable development in the following ways

- A prosperous Wales: housing promote prosperity through the construction of new homes which TAN 23 recognises can provide economic benefits to the local economy.
- A resilient and healthier Wales: well-being is acknowledged to be achieved through the provision of housing, including affordable housing, with health and resilience further being secured by the development being accessible by public transport, walking and cycling to a range of services and facilities;
- A more equal Wales: housing development can provide equal opportunities for local people to access an increased choice of family and other housing including a significant proportion of affordable housing which have direct social benefits and provide additional homes for people who wish or need to live in the County.
- A Wales of cohesive communities: locating development in accessible locations available to different modes of transport, and seeking to minimise the demand for travel.
- A globally responsive Wales: providing new homes in a way that encourages a move towards a lower carbon economy.

15. Seeking to restrict housing growth (and therefore land supply), contradicts regional and national economic growth objectives and may have severely negative impacts for the growth agenda and Wellbeing Objectives. The Review and Background Papers should therefore examine and explore all sources of evidence of housing need, including the starting point of Welsh Government household protections, the Local Housing Market Assessment **and** needs arising from the North Wales Economic Ambition Board to ensure that sufficient housing land to deliver all these objectives is identified and planned for with sufficient freeboard for flexibility and change to reduce the risk of a second failure.

16. The developers consider that the Review Report should consider the appropriateness of higher levels of growth and greater additional flexibility through the allocation of additional land in sustainable locations where people

² Well-being of Future Generations (Wales) Act 2015

want to live and where existing social and physical infrastructure exists to support or be enhanced by it.

17. The developers welcome the opportunity to engage further with Officers given its key stakeholder interest in the Plan Area.

18. Further brief comment on elements of the Review Report are appended in the table overleaf.

Appendix . Further Comments Table.

Para	Comment
5.1.3	A further review of CIL has now been announced by central government. CIL powers will be devolved to Wales in April 2018.
5.2.1	The build rate is not 'extremely ambitious'. The evidence at Examination supported it including capacity in the housebuilding industry along with housing need. The current LHMA (2016-2021) shows a need for at least 199 affordable housing units per year.
5.2.2	The UK has not been in recession since 2013. The Review report should reflect this and look to the other reasons (many of which are identified above) why the plan has not delivered. Help to buy should be referred to in this section.
5.2.5	Other appeal decisions in the area have not been allowed despite the lack of five year land supply. A balanced view should therefore be given to avoid the wording suggesting housebuilders will be able to win any appeal - which is clearly not the case. The lack of success on appeal where the council has less than a five year land supply is a cross-Wales issue.
5.2.8	It would be helpful to provide a table of developed sites along with the level of affordable housing achieved. Where below policy requirement provide a reason to give a balanced view.
5.2.9	Other Councils in north Wales now actively delivering affordable housing units through their own delivery vehicles and through the delivery to those companies of "gifted units" as part of developments. This provides early delivery to known needs.
5.2.10	ath
5.2.11	This additional affordable housing need should not automatically mean the Affordable Housing policy requirement will be set higher than previously. Viability is critical and any increase in affordable requirement may potentially reduce the overall number of houses delivered .
5.5.3	The developers strongly welcome and support full review of existing employment allocations to identify any that could be released to housing.
7.6	TAN1 is not the reason why the plan must be reviewed. TAN1 provides the nationally accepted measure of genuinely available housing land and performance against the plan. This paragraph should be reworded to acknowledge that housing land supply is constrained by a number of factors. It should also address the likely requirement for a Joint LDP with Denbighshire
8.1	The developers object to the conclusion that the way to measure and demonstrate improved performance in delivering homes is to seek fewer at the outside. Housing provision should be set taking account of the identified need as advised in PPW as well as providing for any economic or other aspirations linked to housing need. The plan must not set housing need at a low level just to allow for the numbers to be delivered.