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# Bridgend County Borough Council Preferred Strategy First Review: Regulation 15 Consultation: Welsh Government Response

Our response to the Replacement Local Development Plan (LDP): Preferred Strategy consultation.

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Richard Matthams  
Development Planning Manager  
Bridgend County Borough Council  
Development Planning Communities Directorate  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

04 November 2019

Dear Richard,

## **Bridgend County Borough Council - Replacement Local Development Plan - Preferred Strategy Consultation: Welsh Government Response**

Thank you for consulting the Welsh Government on the Bridgend County Borough Council Replacement Local Development Plan (LDP) - Preferred Strategy consultation. It is essential the authority is covered by an up-to-date LDP to give certainty to local communities and investors.

Without prejudice to the Ministers' powers, the Welsh Government is committed to helping Local Planning Authorities (LPAs) minimise the risk of submitting unsound plans by making appropriate comments at the earliest stages of plan preparation. The Welsh Government looks for clear evidence that the tests of soundness (as set out in the 'LDP Manual') are addressed.

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Planning Policy Wales (PPW) Edition 10 establishes the key national planning priorities as the need to deliver high quality, sustainable places through place-making. PPW also requires a wider, sustainable and problem solving outlook, which focuses on integrating and addressing multiple issues to deliver effective planning outcomes. This means a move away from the traditional approach of considering policy areas in isolation and encourages more placed based policies. The seven well-being goals must also be demonstrated, together with the five ways of working which encourage everyone to think in an integrated and collaborative way about policy making and drawing-out long term trends. The implementation of core policy areas in PPW such as ensuring a sustainable spatial strategy, housing and economic growth levels, infrastructure delivery and place making is further articulated in the Development Plans Manual (Edition 3) (DPM). The WG expects the core elements of the Manual, in particular the guidance set out Chapter 5: Preparing an LDP - Core Issues and the 'de-risking checklist' to be adhered to when preparing the plans evidence base, and to be taken account of within the content and presentation of the plan itself.

The Welsh Government has published the National Development Framework (NDF) for consultation. The NDF is due to be adopted prior to Bridgend's LDP. **The LDP will need to be in general conformity with the NDF when adopted. The Council should assure itself that general conformity can be achieved.**

**The Welsh Government is broadly supportive of the spatial strategy and level of homes and jobs proposed, subject to the clarifications sought in the attached Annex.**

As a replacement plan, it is disappointing that some key background documents on issues including strategic site delivery, viability study and renewable energy assessment were not completed to inform the Preferred Strategy. A robust evidence base is critical to fully understand the plan. Whilst the consultation states that further work will be undertaken for the Deposit plan, it is difficult to provide meaningful comments on some topic areas at this point in time as the studies have yet to be completed.

Demonstrating delivery of the strategy, strategic sites and 'rolled forward' allocations will be critical and this should be supported by your authority's evidence in the Deposit plan. Further comments are set out in the annex to this

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letter with additional detailed guidance contained in the DPM.

The Planning and Compulsory Purchase Act (PCPA) 2004, DPM, the tests of soundness and PPW, all emphasise the importance of collaborative working between neighbouring authorities to secure the best possible planning outcome for communities. The Council has strong relationships with adjoining authorities, particularly Rhondda Cynon Taf and Neath Port Talbot and Vale of Glamorgan. The plan must clearly demonstrate how these relationships have influenced the strategy and at later stages the plan policies, proposals and site allocations.

Our representation also includes more detailed issues in the annex to this letter. Collectively, our comments highlight a range of issues that in our opinion need to be addressed if the plan is to be considered 'sound'. We have indicated where evidence of soundness is not immediately clear and where the evidence base should be improved or strengthened going forward. Key areas include:

- The scale of employment land and relationship to housing
- Delivery and implementation
- Affordable housing
- Gypsy and Traveller provision
- Renewable energy
- Best and Most Versatile (BMV) agricultural land

We strongly advise that these matters are addressed in order to maximise the potential of your LDP being considered 'sound' at the Deposit stage.

As always, we would urge you to seek your own legal advice to ensure that you have met all the procedural requirements, including Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) as responsibility for these matters rests with your authority. A requirement to undertake a Health Impact Assessment (HIA) arising from the Public Health (Wales) Act 2017, if appropriate, should be carried out to assess the likely effect of the proposed development plan on health, mental well-being and inequality.

The Welsh Government is committed to ensuring a plan-led approach to development in Wales. I trust these representations will assist you in preparing

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your Deposit plan and ensuring your LDP can be found 'sound' and adopted following independent examination. My colleagues look forward to meeting with you and your team to discuss matters arising from this formal response.

Yours sincerely,

**Mark Newey**

**Head of Plans Branch**

**Planning Directorate**

## **Annex**

### **Annex to Welsh Government Letter 04 November 2019 in response to Bridgend County Borough Council's Replacement LDP - Preferred Strategy**

#### **Growth Levels: Homes and Jobs**

National policy states that LDPs must include a spatial strategy covering the lifetime of the plan which establishes a pattern of development improving social, economic environmental and cultural well-being to deliver sustainable development and the place making approach. The planning system must focus on the delivery of the housing requirement and the related land supply.

The LPA has tested a range of demographic, employment and dwelling led scenarios to inform the plan. The level of housing growth proposed (requirement) is 7,575 homes (505 dpa), plus 10% flexibility resulting in a provision of 8,333 units. Over the plan period (2018-2033) provision is also be made for 71.7ha of employment land to deliver up to 4,995 additional jobs. The level of housing proposed is 3,700 units above the Welsh Government (WG) 2014-based principal projection and 2,400 units above the WG 10 year migration

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variant. The Council has concluded that the 2014 based projections are heavily influenced by recessionary trends and would significantly increase out-migration, especially amongst the economically active, which would not deliver on the range of issues the plan is seeking to address. In context, the level of housing growth (505 dpa) is above the past 10-year build rate (422 per annum) but in line with the past 5 year trend (503 dpa). The housing requirement is a reduction of 2,115 units from the adopted LDP of 9,690 homes.

The preferred growth option ( POPGROUP - short term - 'Mid Growth') is a demographic led scenario derived from the 2014 based principal projection, recalibrated to include three additional years of mid-year estimates 2014-2017. This is considered to demonstrate more positive population growth/trends (migration) linked in part to the number of dwelling completions across the County Borough in recent years. The Council concluded this growth scenario will lead to less out migration of economically active people and counter balance an ageing population. The Council's economic analysis has projected the increase in the working age population from the preferred growth option will provide the scope for residents to live and work in the area, reduce out commuting and deliver 333 jobs pa (60ha of employment land).

The Welsh Government supports the principle of this approach, subject to the following clarification where there is an inconsistency between the plan and evidence base. The Welsh Government considers the latest projections have been taken into account by the Council, along with other relevant policy considerations set out in paragraphs 4.2.6 - 4.2.8 (PPW, Edition 10). **The Welsh Government is broadly supportive of the level of homes and jobs proposed, subject to the following clarifications**, and explanation of the implications for the level of homes and jobs in the plan.

The demographic-led economy strategy results in a need for up to 60ha of employment land to deliver 4,995 jobs (333 pa) in the County Borough. This is not disputed, and is consistent and aligns with the preferred growth option. However, Strategic Policy 1 allocates 71 hectares of employment land to deliver 60 hectares. While the WG does not object to the principle of a 'buffer' to provide a range and choice of sites and issues of non-delivery were they to arise, this approach is inconsistent with the conclusions of the economic analysis. Paragraphs 4.87-4.89 and 4.101 of the PBA Economic Evidence

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Base Study state the Council should plan for 60ha of Class B employment land. Given this assumption is already very positive, there is currently **no need to make an additional margin/buffer** and that **no more land is needed** to accommodate potential workers from the increased population targeted by the mid growth demographic led option. In essence, the 60ha is inclusive of flexibility as it is on the 'upper end' of what could be achieved. These conclusions are stated within the plan at paras 5.4.16-5.4.17. On this basis the rationale for this over allocation which adds an apparent 'double flexibility' **is not clear and requires explanation and justification. In particular, given the level of homes and jobs are linked, what are the implications for this approach on the level of homes and jobs in the plan?**

## **Spatial Strategy - Scale and Location of Growth**

The Council's preferred spatial option (Option 4: Regeneration and Sustainable Urban Growth Strategy) seeks to prioritise the development of land within or on the periphery of urban areas, directing the majority of growth towards areas that benefit from, or already have the capacity to deliver good infrastructure, services and facilities. The strategy will prioritise the development of brownfield land at Regeneration Growth Areas in Porthcawl, Maesteg and the Llynfi Valley. However, due to the limited amount of deliverable brownfield sites in the County Borough, additional land will be required, including some greenfield releases in the Sustainable Growth Areas of Bridgend, Pencoed, Pyle, Kenfig Hill and North Cornelly. The plan identifies Bridgend as a Primary Key Settlement with a further 5 Main Settlements and 23 Local Settlements, which together comprise the plans settlement hierarchy. 54% of growth will be directed to Bridgend and 42% to main settlements, and 4% Local Settlements. The settlement hierarchy has been informed by a Settlement Assessment Paper, the methodology of which is detailed, sensitive and weighted towards sustainability criteria, in particular the proximity to and frequency of public transport at peak times, employment opportunities and services and facilities. **The WG is broadly supportive of this approach.**

The Housing Balance Sheet 'Table 6' explains the components of housing supply, and states that 1,822 units will be 'rolled over' deliverable allocations at

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Porthcawl and Parc Afon Ewenni. The number of homes needed on new allocations is 2,950 homes. Appendix 2: of the Plan includes an assessment of potential key and strategic growth areas/sites that, in the Council's opinion, are strategy compliant and subject to further refinement, may be included in the Deposit Plan. In summary, **the Welsh Government is broadly supportive of the spatial strategy and the scale and location of growth.**

## Delivery and Implementation

The delivery of the strategy will be reliant on the authority allocating sites which are viable and deliverable and sited in accordance with the spatial strategy and settlement hierarchy. The draft DPM (Edition 3) sets out the key issues that must be addressed (Chapter 5) and the Council should ensure all relevant aspects are covered in the Deposit plan, with particular attention on the de-risking checklist. To demonstrate site delivery and implementation, **the Deposit plan must be underpinned by viability work, an infrastructure plan and a robust housing trajectory included in the plan appendix.** The Deposit plan must address the following:

- With a focus on developing large key/strategy sites, the authority must demonstrate sites are financially viable and deliverable over the plan period. Key sites must be supported by evidence including schematic frameworks, information on viability, costs, phasing, key infrastructure requirements, an Infrastructure Plan and evidence of commitment from developers through Statements of Common Ground (SoCG).
- Evidence the delivery of all other allocated sites, including sites 'rolled forward' from the extant LDP.
- The delivery of sites should be evidenced through a detailed articulation of their timing, phasing, costs and infrastructure requirements including the preparation of SoCG, where necessary, to demonstrate delivery.
- Prepare a high level viability study to inform affordable housing targets and site specific viability work, where appropriate, ensuring consistency with tenure split within the LHMA.
- The plan should clearly articulate the spatial distribution of components of housing provision in line with the tables set out in the DPM (Table 4 and

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Appendix 2-5) which collectively set out the spatial distribution of housing provision in the plan, the housing trajectory and the timing and phasing of all components of supply by settlement tier.

- Prepare a housing trajectory supported by an analysis and understanding of lead-in times, the relationship between sites, potential constraints, costs, infrastructure requirements, density and funding streams with robust assumptions on windfalls.
- The DPM states 10% flexibility is a starting point, with any variation being robustly evidenced. It is not the role of Welsh Government to comment on the merits or the timing of individual sites in the plan. The key point is that the LPA demonstrates that there is sufficient flexibility at key points in the plan period through the trajectory. Statements of Common Ground will assist in clarifying the timing and phasing of all sites. The trajectory should illustrate the degree of flexibility throughout the plan period.
- With pooling restrictions on S106 agreements, the authority should ensure it is able to fund any necessary infrastructure requirements.

## **Affordable Housing and the Local Housing Market Assessment (LHMA)**

The authority's LHMA (2019/20) concluded a total need for 411 affordable homes pa over the next 5-years, which equates to 6,165 units (411 x 15 years) over the plan period (2018-2033). The LHMA identifies the majority of this need is for 2 and 3 bed units, with 68% being social rented and 32% intermediate need.

The plan has considered a number of growth and spatial options yet there is no discussion or conclusion on how these options have been informed by findings in the LHMA. The Deposit plan should clearly **explain how the level of affordable housing need in the LHMA has influenced the scale and location of growth in the plan**. It is essential the authority demonstrates it has maximised affordable housing delivery to meet Key Issues and Objectives. No broad level affordable housing viability assessment has been submitted to support the Preferred Strategy. **It is therefore unclear how viability has informed the plans spatial distribution and the scale of housing sites.**

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The DPM (Edition 3) sets out the affordable housing policy requirements (in Chapter 5) and must include:

- A policy target for the provision of affordable housing. The affordable housing target in the plan should be derived from all components of supply to ensure it is realistic in its aspiration and for monitoring purposes.
- Indicate how the plan target will be delivered using identified policy approaches that will include site specific targets and thresholds. Challenging policy targets need to be grounded in the viability evidence and applicable to the majority of applications, and
- Include a table clearly identifying the affordable housing components and their spatial distribution in the settlement hierarchy.

## Gypsy and Traveller Provision

The Council's Gypsy and Traveller Accommodation Assessment (GTAA) covers the period 2016-2031. To ensure compliance with legislation and planning policy, **a GTAA must be prepared and agreed by Welsh Ministers in advance of the Deposit stage for the whole plan period (2018-2033) with provision made for appropriate and deliverable site allocations to meet an identified need within the required timescales**, if appropriate. Failure to prepare a GTAA and meet the required need is likely to result in the plan being unable to be found 'sound'. We would therefore urge the authority to work with Welsh Government Equalities Division to ensure the evidence is in place by Deposit.

## Strategic Policy 7: Gypsy and Traveller Accommodation

The reasoned justification should refer to the most up-to-date Welsh Government Circular 005/2018. **Criterion 1 and (b) are contrary to national policy**. Annex B in the Circular notes that policy requirements to demonstrate 'unmet need in the Gypsy and Traveller Accommodation Assessment' would act against freedom of movement for Gypsies and Travellers who may wish to develop their own sites. Such restrictions should not be placed on Gypsies and Travellers. The circular is clear that criteria-based policies must be fair,

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reasonable, realistic and effective in delivering sites and must not rule out or place undue constraints on the development of Gypsy and Traveller sites (paragraph 49). Annex B in the Circular notes that policy requirements to demonstrate 'unmet need in the Gypsy and Traveller Accommodation Assessment' would act against freedom of movement for Gypsies and Travellers who may wish to develop their own sites. Such restrictions should not be placed on non-Gypsies and Travellers.

In addition, the sequential approach to site selection set out within the Circular has not been adequately reflected within the policy. It identifies that sites outside of settlement boundaries (i.e. in the countryside and 'away' from existing settlements) could be granted permission if there are no realistic, suitable sites 'within or adjacent' to settlement boundaries and subject to meeting sustainability criteria. As worded, Strategic Policy 7 does not give equal weighting to sites that may come forward 'within or adjacent' to settlement boundaries and does not set out criteria to assess proposals for Gypsy and Traveller sites in the countryside. The policy is too restrictive and should be amended accordingly to align with national policy.

## Renewable Energy

A proportion of the authority is within Priority Area 14 for solar and wind energy in the draft NDF. On this basis, the authority should ensure that it is in general conformity with the NDF once it's adopted. Whilst it is disappointing that the Preferred Strategy is not supported by a Renewable Energy Assessment (REA), the plan is clear that the assessment is currently being prepared and supported by the Council's Smart Energy Plan (2019) will identify specific areas of search or the potential for particular types of renewable and low carbon energy including district heat networks.

The Deposit plan should:

- Be informed by an REA to provide the areas "significant potential" to contribute to maximising renewable energy production. From the REA, the authority should explain how their renewable energy policy approach has been developed in line with PPW and the Welsh Government's Toolkit for

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Planners (2015) taking account of all relevant issues and, where appropriate, making evidence-based decisions where the Toolkit facilitates this approach.

- Demonstrate how the REA has been embedded into the candidate site process and explain how renewable energy and low carbon opportunities have informed the scale and location of growth including the key sites.
- Include in policy and as part of the monitoring framework the contribution of the plan area towards developing and facilitating renewable and low carbon energy, and
- Include in the policy framework opportunities for local renewable and low carbon energy schemes as proposed in Appendix 1 of the plan.

## Best and Most Versatile Agricultural Land

Planning Policy Wales (Edition 10) is clear that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification (ALC) system is the best and most versatile (BMV) and should be conserved. When considering the site search sequence and development plan policies considerable weight should be given to protecting such land from development early in the process (PPW, paragraph 3.55). In the Preferred Strategy, it is **unclear how the authority has taken account of BMV land in developing the spatial strategy, site selection process and new allocations** as significant amounts of BMV land (totalling 186ha) cover key sites in the Sustainable Growth Areas at Island Farm, Bridgend, Pencoed Campus and Land east of Pyle. We would urge the authority to work with the Welsh Government's Natural Environment and Agriculture Team moving forward to Deposit using the most up-to-date Predictive ALC Map for Wales.

## Flooding

The findings in the Council's Strategic Flood Consequences Assessment (SFCA) should inform the Deposit plan supported by advice from Natural Resources Wales (NRW) where appropriate. The Council should ensure no highly vulnerable development is allocated in C2 Flood Plain. Where development is located in zone C1, while the principle of development may be

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appropriate in national policy terms, the key consideration for the LPA will be to demonstrate that allocations are suitable and deliverable in line with any mitigation measures that may be required to meet the requirements of national policy. The LPA will need to undertake a sufficiently detailed Flood Consequences Assessment (FCA) where appropriate and relevant, and seek advice from the statutory body, NRW prior to the examination. The authority should keep abreast of the emerging Welsh Government Technical Advice Note 15 (currently subject to consultation) with regards to allocations and the policy framework within the plan.

## **Employment - Clarity and presentation in line with DPM and national policy**

The Deposit LDP should:

- Clearly list the strategic and local employment allocations in LDP policy including the scale of each employment site (ha) it's proposed Class B use and contribution towards the job growth, as well as an explanation of their spatial distribution and delivery.
- Include in a separate safeguarding policy a list of key existing employment sites to be retained for employment use. As worded, it is unclear if the safeguarded sites are listed in Table 7 as the terminology for safeguarded / allocated employment sites is used interchangeably.
- Include criteria-based policies to assess new employment applications in urban and rural areas and provide support to the rural economy through the expansion of existing businesses, re-use or adaption of existing buildings, self-employment and micro businesses (TAN 6).
- Include a separate policy on farm diversification, if appropriate, and
- Identify the employment sites that are suitable for waste management facilities.

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