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# Bridgend County Borough Council Deposit Plan First Review: Regulation 17 Consultation: Welsh Government Response

Our response to the Replacement Local Development Plan (LDP): Deposit Plan First Review.

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

26 July 2021

Dear Richard,

## **Bridgend County Borough Council Replacement Local Development Plan (LDP) Deposit (Regulation 17) Consultation: Welsh Government Representation**

Thank you for consulting the Welsh Government regarding the Bridgend County Borough Council Replacement Local Development Plan (LDP) Deposit plan and supporting documents. We acknowledge the preparation of an LDP and the supporting evidence is a significant undertaking and recognise the amount of work your Authority has undertaken to date in moving the plan forward from the Preferred Strategy to Deposit stage.

The development planning system in Wales is evidence led and demonstrating how a plan is shaped by the evidence is a key requirement of the LDP

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examination including responding to national planning policy, the place making agenda, climate change emergency and demonstrating delivery of the strategy will be essential.

LDPs must demonstrate they are in 'general conformity' with Future Wales. After considering the key issues and policies in Future Wales, the **Welsh Government considers that the Deposit Plan is in general conformity with Future Wales: The National Development Framework (Annex 1)**. Specific comments are set out in the annex to this letter with additional guidance contained in the Development Plans Manual (3rd Edition, March 2020) – 'the DPM'.

Without prejudice to the Welsh Minister's intervention powers, the Welsh Government is committed to assisting Local Planning Authorities (LPAs) throughout the LDP process. The Deposit LDP has been considered in accordance with the tests of soundness as set out in the DPM (Table 27, page 166). **Our representations are separated into three categories set out by topic area, with further detail in the attached Annex 2.**

**Category A:** Fundamental issues that are considered to present a significant degree of risk for the LPA if not addressed prior to submission stage, and may have implications for the plan's strategy.

None.

**Category B:** Matters where it appears that the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely:

- **Flood risk – Updated TAN15 due to be published September 2021**

**Category C:** Whilst not considered to be fundamental to the soundness of the LDP, we consider there to be a lack of certainty or clarity on the following matters:

- **Gypsy and Travellers – status of assessment and delivery**
- **Affordable Housing Exception Sites**

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- **Delivery and Implementation**
- **Minerals**
- **Monitoring**

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.

The Welsh Government is committed to ensuring a plan-led approach to development in Wales. I trust these representations will assist you in moving your plan forward to submission and examination. My colleagues look forward to meeting with you and your team to discuss matters arising from this formal response. If you have any queries in the meantime, then please do not hesitate to make contact.

Yours sincerely,

**Mark Newey**

**Head of Plans Branch**

**Planning Directorate**

## **Annex 1**

### **Statement of General Conformity**

**The Welsh Government is of the opinion that Bridgend's Replacement Local Development Plan (2018-2033) is in general conformity with the National Development Framework: Future Wales, as set out in paragraphs 2.16 – 2.18 of the Development Plans Manual (Edition 3).**

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## Reasons

**Scale of growth:** The National Development Framework: Future Wales identifies Bridgend and the valley areas as being within a National Growth Area, specifically Policy 33 (NDF, page 164). The policy states this area is to be the focus for strategic economic and housing growth within the South East region. Under the Welsh Government central estimates 66,400 additional homes are needed in the region until 2039 and over the initial 5 years (2019/20 to 2023/24) 48% of the additional homes needed should be affordable homes. The level of household growth proposed in the deposit LDP is 7,575 dwellings over the plan period, an uplift of 1,905, or 33% over the 2018 principal projections. This degree of aspiration aligns with Bridgend being within a national growth area. This is supported by 71.9ha of employment, looking to deliver 7,500 jobs, thereby retaining the younger cohort of employees. Collectively, these approaches support Bridgend as having a key role in the national growth area, aligning with the NDF.

**Distribution of growth:** The LDP has undertaken a settlement hierarchy analysis, concluding that Bridgend is the primary settlement, identifying secondary settlements, as well as directing regeneration to Porthcawl and Maesteg. The Valleys (including Maesteg) are identified in Policy 1 (NDF). The approach of focusing growth in the relevant tiers of settlements, according to service and facility provision is in direct alignment with Policy 2 (NDF) assisting the regeneration of under-performing settlements. This urban focussed approach, based on strategic place making, whilst also seeking to redress regeneration issues compliments the approach set out in the NDF.

**Affordable Homes:** A key priority of the Welsh Ministers is the delivery of affordable homes, as set out in Policy 7 (NDF). The LDP should maximise the potential to deliver affordable housing through the selection of sites and how they relate to the housing need on a spatial basis. The LDP is supported by a robust, high-level assessment with Statements of Common Ground on the majority of technical aspects with the industry. This aligns with the approach set out in the NDF, combined with the higher level of housing in the plan, aligning with the national growth area. The Welsh Government suggests that where

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further evidence has been undertaken on strategic and the remaining allocations, this is placed in the public realm before the examination of the plan.

**Resilient Ecological Networks:** The Environment Act (Section 6) set out a framework for planning authorities to maintain and enhance biodiversity to provide a net benefit for biodiversity through a proactive and resilient approach. Central to delivering net benefit is the production of a robust Green Infrastructure Assessment which informs the scale and location of growth and individual site selection. Policies SP17 and DNP6 of the LDP set the framework to deliver on this premise, as set out in Policy 9 (NDF). The Welsh Government notes the specific reference to biodiversity net gain in policy DNP6 (LDP) which, whilst achieving the broad outcomes should be based on a net benefit approach. Although there is broad alignment with the policy approach in the NDF, this is an area where further refinement would be advantageous. This does not impact on the issue of general conformity and can be corrected through the statutory process.

**Heat Networks/Renewable Energy:** Decarbonisation & renewable energy is a key aspect to achieve climate change targets and reduce the reliance on fossil fuels and CO2 emissions. The LDP has undertaken extensive technical work in this area, setting out targets for a multitude of different renewable sources and identifying spatial areas for specific sources. Energy Masterplans for major developments and exploring heat networks directly align with Policy 16 (NDF).

## Comments for Consideration

The comments below are intended to provide assistance to the authority and ensure the plan and supporting evidence better aligns with the requirements in the National Development Framework (NDF). If the authority wishes to discuss these comments in more detail, we advise you contact the Welsh Government's Planning Policy team on [PlanningPolicy@gov.wales](mailto:PlanningPolicy@gov.wales).

- The aspiration in the NDF is for new developments in well-connected and serviced urban areas to have higher densities (Policy 2). It should be clear how the plan has sought to increase development densities, where appropriate.

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- Background Paper 17: NDF Conformity Assessment could usefully be improved to make clear how the policies in the LDP conform to the 11 outcomes and policies in the NDF.
- Policy SP3 in the LDP should include the need for high speed digital infrastructure in all new developments. Similarly, the reasoned justification in Policy COM14 should make clear that broadband infrastructure is a requirement as set out in the NDF.
- Whilst the intentions of Policy SP17 and DNP6 are broadly in line with national policy the framing of these policies has diverged subtly from national policy (specifically net benefit for biodiversity). PPW11 responds to the Section 6 Duty of the Environment Act by setting out a framework for planning authorities to maintain and enhance biodiversity in the exercise of their functions (providing a net benefit for biodiversity) and calling for a proactive approach towards facilitating the delivery of biodiversity and resilience outcomes. The policy in Wales is firmly one of net benefit based on maintaining and enhancing biodiversity and taking account of ecosystem resilience. It is not based on net gain and its associated metric, which is the proposed approach in England. PPW and Future Wales have been framed deliberately in terms of net benefit so as to avoid inadvertent consequences which may emerge through a net gain approach, including for example, where tick box approaches may encourage the notion that enabling loss for uncertain future gain is the acceptable norm. Whilst the intentions of the LDP are broadly in line with PPW it will be important to ensure that the mechanics of delivery are correctly expressed to ensure a net benefit approach is fully embedded in the plan.

## Annex 2

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### Category A

Objections under soundness tests; fundamental issues considered to present a significant degree of risk if not addressed prior to submission.

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**Category B**

Objections under soundness tests; matters where it appears the Deposit Plan has not satisfactorily translated national policy to the local level or there are tensions within the plan.

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**Category C**

Objections under soundness tests; whilst not considered being fundamental to the soundness of the LDP, there is a lack of certainty or clarity on the matters which can be usefully addressed.

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## **Support in principle - Spatial Strategy - Scale and location of growth**

The Council's Spatial Strategy ('Regeneration and Sustainable Urban Growth Strategy') directs the majority of growth to land within or on the periphery of urban areas, towards areas that benefit from, or already have the capacity to deliver good infrastructure, services, facilities, regeneration opportunities and connecting more widely with the opportunities afforded by the Cardiff and Swansea City Regions. As per the Council's analysis (Settlement Assessment 2021) on the role of function settlements (reflected in the settlement hierarchy in Policy SF1 and Table 6 and 7) the majority of development is proposed in the higher tier more sustainable settlements. Around 75% of housing and 90% of employment is proposed to be located in settlement/growth area/tiers 1 and 2 with 46% of housing and 70% of the employment located in the primary settlement of Bridgend. **The Welsh Government has no fundamental concerns on the spatial distribution of housing and employment growth, which is in 'General Conformity' with Future Wales.**

## **Support in principle - Growth Strategy – Level of homes and jobs proposed**

The plan makes provision for 9,200 dwellings to deliver a requirement of 7,575 units (505 dpa), of which 1,977 are affordable. The flexibility allowance in the plan is 20%. The level of employment land provision is 71ha to deliver 7,500 jobs.

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The level of housing proposed is 1,900 units above the Welsh Government 2018-based principal household projection. The 2018 principal projection would equate to an annual build rate of 378 units per annum, which is below recent and long-term trends. The housing requirement (7,575) is a reduction of 2,115 units from the adopted LDP of 9,690 homes.

The proposed level of housing growth (505 dpa) is above the past 5 and 10-year build rates (440 and 460 per annum respectively). The Councils Housing Trajectory (Appendix 1, Table 3, Row K) states completions in the plan period to date average 467p/a, broadly in the line with what is proposed. The level of housing proposed is in general conformity with the National Development Framework: Future Wales (see Annex1).

Policy ENT1 allocates 71.7ha of employment land to deliver 7,500 jobs (500 per annum) over the plan period. This represents an increase of approximately 2,505 jobs over the Preferred Strategy. The increase in jobs is attributed to the 2018-based Welsh Government projections and 2019 Mid-Year Estimates, which increased the working age population in Bridgend, specifically the return of the student cohort (Economic Evidence Base Update, Feb 21). Applying the growth in the younger age cohort to Experian's economic forecast model generated an increase of 7,500 employed people over the plan period. The Council has sought to plan positively for this number by ensuring there are employment opportunities for all 7,500 extra residents over the plan period, building on its role as a major regional employment hub and capitalise on the expanded labour supply to support the expansion of existing businesses/new start-ups.

On balance, the Welsh Government considers the Council, along with other relevant policy considerations set out in paragraphs 4.2.6 – 4.2.8 (PPW, Edition 11), has taken the latest projections into account. **The Welsh Government is of the opinion that the level of homes and jobs proposed is appropriate to the role of Bridgend as part of the South East Wales National Growth Area.**

## Support in principle - Best and Most Versatile Agricultural Land

Bridgend have engaged with the Welsh Government regularly throughout the development of the LDP on land quality information, validation of surveys and Predictive ALC Map information. The plan notes a significant loss of 102.7ha. The Council has taken a pragmatic approach to protecting BMV land and minimising its loss in the plan. Allocations that would represent a loss of BMV have been well evidenced (Background Paper 15) for an overriding need (sequential test) and a balanced judgement has been made. In conclusion, the Welsh Government is of the view that the Council has demonstrated a pragmatic approach to considering BMV loss in the context of national planning policy and on that basis, **no objection** is offered.

## Category B - Flooding

The Strategic Flood Consequences Assessment (2020) identifies that some of the strategic sites and housing allocations are subject to flood risk. These sites are categorised as 'amber' in the assessment where it 'may' be possible to develop the site in line with the requirements in TAN15 subject to a detailed site-specific Flood Consequence Assessment and satisfaction of the Justification Tests as required by Policy DNP9. The flood risk for each Strategic Site is clearly set out in Appendix 5 of the plan, where the Council is of the view the risk of flooding can be overcome through flood defence schemes and master planning. The Infrastructure Delivery Plan identifies key flood defence infrastructure required before key sites can be delivered. We strongly advise the LPA continue to engage with NRW on these key aspects and work towards a Statement of Common Ground (SOCG) making clear NRW's view on any sites affected and mitigation measures proposed. A SOCG of this nature has worked well in other examinations in Wales to assist all parties to understand the issues, potential/outstanding conflicts with national policy and the implications of the timing, phasing and delivery of infrastructure / mitigation measures.

The Council should continue to ensure no highly vulnerable development is

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allocated in Zone C2. Whilst development in Zone C1 may be acceptable in policy terms, the LPA will need to demonstrate allocations are suitable and deliverable in line with mitigation measures. The LPA should take account of the revised TAN15 and its implication on policies and allocations in the plan. **If housing sites or units are affected by flood risk and are no longer considered appropriate for allocation in the plan, the authority should ensure that any housing lost is replaced** with an equal number in the same strategy area to deliver on the plan requirement. The revised TAN15 is anticipated to be published September 2021.

## **Category C - Gypsy and Traveller Accommodation Assessment (GTAA) – Status and the delivery of sites – Policy SP7**

The Council's Gypsy and Traveller Accommodation Assessment 2020 (GTAA) covers the period 2018-2033 identifying a need of 7 pitches. To ensure compliance with legislation and planning policy, the study should be formally agreed by the relevant Welsh Government Minister prior to the examination. The Council has clarified via Background Paper 18: Gypsy and Traveller Site Options (para 4.4) and Table 9 of the Deposit plan the most up to date need figure stands at 6 pitches, of which 5 pitches are immediate (by 2025). Policy SP7 allocates two permanent sites of three pitches to meet the remaining need identified over the remaining plan period. The Council will need to demonstrate at the examination that the sites can be delivered in the identified timescales.

## **Category C - Affordable Housing Exception Sites**

The Welsh Government has the following observations on Policy COM5:

- Planning Policy Wales (PPW, Edition 11) identifies that the release of exception sites can be “within or adjoining” existing settlements. Policy COM5 only permits exception sites outside settlement boundaries and should be amended in this respect.
- TAN2 requires authorities to set out the definition of ‘local need’ in the plan

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and the area within which the need will be considered 'local'. The reasoned justification to Policy COM5 should be amended accordingly.

## Category C - Delivery and Implementation

The Council has undertaken a significant amount of engagement and technical work in respect of place making, viability, delivery and infrastructure to inform the Deposit Plan in line with the DPM (Edition 3). This is supported (subject to the comments in this annex) and puts the LPA in a good position moving to examination, namely:

- Engagement work with key housing and viability stakeholders groups to achieve broad consensus on the timing of phasing of sites and the viability development costs for the plan wide appraisal;
- The completion of site specific viability testing. However, we note these appraisals do not form part of the evidence base and should be made available, in an appropriate format, when the plan is submitted for examination;
- The inclusion of detailed Strategic Site policies and placemaking principles supported by an Infrastructure Plan setting out the costs, funding and phasing of each Strategic Site, including social and physical infrastructure requirements over the plan period;
- A clear articulation of the spatial distribution of housing and supply by component and settlement category;
- The inclusion of a housing trajectory and supporting tables on the timing and phasing of all allocations and sites;
- Detailed urban capacity study to support the assumptions on small and windfall sites.

The examination will need to consider whether the plan and its appendices contain sufficient information in relation to the delivery of all housing allocations, including non-strategic housing sites. Specifically, whether key information in the Infrastructure Plan and other background papers should be included in the plan and/or its appendices. We have the following comments:

- The Council considers many of the allocations are well advanced in the

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master planning/ pre-application process. The plan would benefit if there were a visual element to the Key Site PLA 1-4 policies through masterplans/ concept/schematic frameworks as set out in the DPM (Table 11, page 92). This will enable all parties to understand how the sites will be developed in broad terms, such as proposed land uses, access, infrastructure requirements, constraints and areas of protection. We would direct the LPA to adopted plans which have embedded this approach (Swansea, Cardiff, Neath).

- The Infrastructure and Delivery Appendix (Appendix 5) sets out key site-specific information for the Strategic Sites only. More detailed information should be included on all remaining housing allocations listed in Policy COM1 and employment sites. This will set out what is expected from the development and the costs in bringing the site forward.
- The Infrastructure Plan identifies that housing allocations in Maesteg and the Llynfi Valley (COM1(3) to COM1(5)) have limited capacity at the wastewater treatment works and upgrades will be costly. The Council, through the Implementation Appendix, should explain what infrastructure is required and the implications on the timing and phasing of housing allocations in these areas. The appendix should also explain any implications arising from capacity issues at Junction 36 of the M4.
- Statements of Common Ground (SoCG) with developers on the Strategic Sites and the relevant statutory bodies such as NRW and Welsh Water would be advantageous to support the plan at examination.

## Category C - Minerals

The second review of the Regional Technical Statement (RTS2) has been endorsed by Bridgend Council identifying no allocations are required in the plan for the production of crushed rock or sand and gravel. It is a requirement of the RTS2 for all authorities, including Bridgend Council, to agree a Statement of Sub-Regional Collaboration (SSRC) on their contribution to the future provision of aggregate production. All authorities in the Cardiff City Sub-Region (LDP, paragraph 5.4.107) have agreed a SSRC **but the SSRC does not form part of the Council's evidence base** and this must be included when the plan is submitted for examination.

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Policy ENT14 seeks to control development within mineral buffer zones around existing quarries and mineral operations. Whilst the quarries and their buffer zones have been identified spatially on the proposals map, there is no corresponding list in Policy ENT14. This list should usefully be included in the policy to clearly identify the location of the mineral operations and their buffer zones.

## **Category C - Monitoring Framework**

The Council's monitoring framework provides a good starting point and it is clear the authority has considered the monitoring and review Chapter of DPM (Ed. 3), which will need to be refined through the examination sessions. The Welsh Government will work the LPA on the content of the monitoring framework as the plan progresses through the examination.

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