



Mr Graham Fry
Principal Planning Officer (Policy)
Newport City Council
Civic Centre
Newport
NP20 4UR

Eich cyf • Your ref
Ein cyf • Our ref APP030-01-016

5th March 2010

Dear Mr Fry

**Newport County Council Local Development Plan: Preferred Strategy Regulation 15
Consultation
Welsh Assembly Government Response**

Thank you for consulting the Welsh Assembly Government regarding Newport City Council's Local Development Plan pre-deposit documents.

Continued progress to achieve an adopted plan to steer and influence development over the next 10 to 15 years will assist your authority in maximising the opportunities and benefits to the community as a whole. I would encourage you to maintain your current momentum.

It is for the statutory consultation bodies and their equivalents to contribute to Sustainability Appraisal (SA) including Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment exercises and your expert group to help you assess if they are fit for purpose. As always, we would urge you to seek your own legal advice to ensure that you have met all the procedural requirements, including screening for SEA, because responsibility for these matters rests with your Council.

In respect of the other pre-deposit documents we would refer firstly to the new approach to examining LDPs and the way we address this stage of pre-deposit documents involving the preferred strategy, options and other background material from a policy perspective. Please note that there will be a need to obtain and consider advice and representations from other relevant Assembly Government Divisions regarding candidate site proposals or aspects of detailed site assessment.



In the past our comments at UDP pre-deposit draft stage would have been in the form of specific objections to policy omission, relevance or wording which, if not addressed at deposit or pre-inquiry changes, would be considered by the Inspector in arriving at the recommendations in the Inspector's Report.

Under the new system, the responsibility rests with the local planning authority to ensure that a submitted LDP is sound in procedural terms and enshrines the principles of early community engagement, transparency, consistency, coherence and compatibility to neighbouring authorities. If these principles have not been addressed adequately at the earliest stages of preparation, then the deposit LDP may be considered unsound and unfit for examination. Front loading the evidence base and making this publicly available at all plan preparation stages will be essential.

Without prejudice to the Minister's discretion to intervene later in the process and to the independent examination, the Assembly Government is committed to helping local planning authorities minimise the risk of submitting unsound documents by making appropriate comments at the earliest stages of document preparation, and particularly at the Regulation 15 pre-deposit consultation stage.

To do this, the Assembly Government looks for clear evidence that the ten tests of soundness (as set out in 'LDP Wales' and the 'LDP Manual', and explained further in guidance issued by the Planning Inspectorate) are being addressed.

Having considered the submitted Preferred Strategy provided by Newport CC under Regulation 15, the Assembly has substantial concerns about the Preferred Strategy. There is a risk that the consultation does not fulfil the requirements of the Regulation 15 of The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 which requires the authority to consult on its pre-deposit proposals. The term 'pre-deposit proposals documents' is defined under Regulation 2 as;

"the LPA's preferred strategy, options and proposals for the LDP and the implications of these, with earlier alternatives and implications made explicit, together with such supporting documents as in the opinion of the LPA are relevant to those documents".

The Assembly Government is concerned that the **coherence and structure** of the Preferred Strategy does not clearly articulate the preferred strategy, options and proposals of the LDP. Section 2 details 'trends, issues, options and preferred options' under the same chapter and fails to clearly articulate the key issues that have informed the vision and objections of the plan and the options that have been considered by the authority.

The authority needs to provide a robust, transparent and analytical **evidence base**. It is disappointing that no background papers or evidence were submitted to support the Preferred Strategy. There are numerous areas where further work will be required, e.g. evidence the spatial and growth options considered; evidence to support the level of housing provision, consideration of the implications for the new M4 not proceeding and the implications for commitments and allocations along this corridor, as well as the relationship to adjoining local authorities. Undertaking additional studies such as the affordable housing viability testing as well as clarifying the implications for the strategy arising from the strategic flood consequences assessment and the Gypsy and Travellers Accommodation Needs Assessment will be required.

We have noted a number of areas of concern, both where the documentation has not made clear certain matters, as well as in relation to certain strategy and policy issues. We consider that on-going self-assessment by the authority throughout the process of LDP preparation is important (as recommended at para 6.5.1 of the LDP Manual) and note that a self-assessment was not provided.

We consider that you need to address some substantive matters, as outlined below, before you produce a deposit plan:

- Ensure the chosen **strategy** (both growth and spatial aspects) are firmly founded on a **robust evidence base** and that the key elements can be **delivered**. The spatial options and growth options considered by the authority should be clearly articulated with the preferred options adequately justified.
- Ensure the **level of housing provision** is justified and deliverable. Ensure that information is justified to support the deviation from the regional housing apportionment figure and why that level of growth is appropriate.
- The housing strategy relies on a high number of **existing commitments**. The plan should examine the implications of relying on existing commitments and the effect this may have upon the delivery of affordable housing, etc
- A numerical (in addition to a percentage) **affordable housing target** needs to be set with evidence that all the options for providing a maximised target have been explored, and provide reasons for and viability of the thresholds chosen to deliver affordable housing. The implications of not achieving this will require explanation.
- Under sections 225 and 226 of the Housing Act 2004, local authorities have a duty to assess and consider the needs of **Gypsy Travellers**. If pitches/sites are required they should be identified.
- The plan needs to be suitably **flexible** to respond to changing circumstances. In particular, the implications of the M4 not proceeding should be examined and the impact this may have upon housing and employment allocations.
- **Employment land** requirements (numerically and spatially) need to be clarified.
- Requirements for an adequate network of **waste** management facilities must be met.
- The influence on the final strategy from **climate change** and **flooding** issues must be made clear.
- **Minerals safeguarding** and any potential conflicts with other development must be taken into account in the strategy at an early stage.
- The delivery of **infrastructure** to support development should be integral to the plan and articulated accordingly. This should have regard to, in broad terms, the scale, location, timing and funding of infrastructure to demonstrate sufficient certainty of delivery over the plan period.
- **Strategic policies** in the deposit plan must provide greater detail and clarity, being well aligned to the objectives and chosen strategy with supporting justification to indicate **delivery mechanisms** and **timescales for implementation**.
- Provide evidence of **joint working** with neighbouring local planning authorities and cross border issues. Consider the implications of neighbouring authorities' LDPs.
- The **monitoring framework** needs to be developed.
- The deposit plan will need to be **flexible** enough to respond to circumstances such as emerging regional work (WSP, RTP, etc.) and evolving national / regional population / housing numbers and to include **contingency** approaches if the private sector are unable to deliver or the planned infrastructure required cannot be funded.

The annex to this letter sets out the detailed comments of the Assembly Government on the Preferred Strategy document; some comments relate to more than one test of soundness and we have provided cross-references where most appropriate. (A number of these issues were brought to the attention of your LDP team in earlier responses and meetings relating to draft versions of the papers). We consider that this comprehensive response should be of assistance in moving forward with the LDP.

Given the scope and extent of the concerns expressed by the Welsh Assembly Government, we recommend you give serious consideration to how you progress the LDP.

Providing that the information exists to respond positively to our comments, including where there appear to be gaps in the evidence base and the linkages between the Preferred Strategy and earlier pieces of technical work, such as the rationale for the Council's agreement of the housing apportionment figure and the level of provision identified in the Preferred Strategy, we believe much of our comments can be addressed. However, your authority is best placed to consider if this is achievable, bearing in mind your detailed knowledge of the technical work undertaken to date. If this is not the case, you will need to consider what other action may be appropriate to maximise the prospect of your LDP being considered 'sound' by an independent Inspector through the examination process.

You should document your response to our comments in your Consultation Report.

To assist your authority in taking forward the LDP, we would be happy to meet with you and your colleagues to discuss our response. If you have any queries in relation to the response, please contact Hywel Butts (on 029 2082 1619) or myself.

Yours sincerely



Mark Newey
Joint Head of Plans Management and Performance Branch
Planning Division

(enclosure – annex)

Planning Division <i>Rosemary Thomas - Head of Planning</i>	
Plans, Management and Performance Branch (PMP) <i>Mark Newey – (Joint Head of Branch) 029 2082 3732</i>	
West and South Wales	North and Mid Wales
<i>Elaine Ancrum 029 2082 3710</i>	<i>Robert Newton 01492 542102</i>
<i>Hywel Butts 029 2082 1619</i>	<i>Heledd Cressey 01492 542108</i>
<i>Emma Gladstone 029 2082 3734</i>	
<i>Carole Morgan 029 2082 3877</i>	