

Amgylchedd a Datblygu Cynaliadwy
Environment and Sustainable Development



Llywodraeth Cymru
Welsh Government

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8th September 2011

Dear Sue,

Welsh Government response to Bridgend County Borough Council's Local Development Plan 2006-2021 – Deposit Version

Thank you for your recent correspondence of 4th July, copies of the Deposit Local Development Plan (LDP) and accompanying documentation.

We recognise your achievement in progressing the LDP to deposit stage in accordance with the revised timetable of your Delivery Agreement (DA) and appreciate the extensive technical and associated work undertaken.

The matter of whether a plan is considered 'sound' will be for the appointed Planning Inspector to determine. We have considered the Deposit LDP in accordance with the consistency/coherence and effectiveness tests, and principally in accordance with whether satisfactory regard has been given to national planning policy (test C2). Our representations are separated into **4 categories** which are supported with more detail in the **attached annex**.

- A.** Objection under soundness tests C2, CE2: Fundamental issues that we consider present a significant degree of risk for the authority if not addressed prior to submission stage, and may have implications for the plan's strategy:

No Issues

- B.** Objections under soundness tests C2, CE1, CE2: 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:

Housing Provision – The background paper 'Examining Alternative Demographic and Labour Market Projections', Cambridge Econometrics (April 2010) identifies a level of housing provision higher than set out in the LDP The



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Welsh Government considers that increasing the level of housing provision in the plan, albeit not dramatically and following the existing strategy, would assist the delivery of affordable housing, maximise economic opportunities and better reflect the objectives of the plan.

Deliverability - Greater clarity will assist demonstrating deliverability of the plan. It may also be appropriate to consider how any relevant policy would influence the phasing of development.

Employment - Further clarification is required on what level of employment provision is appropriate and its inter-relationship in determining/influencing the provision of housing required, taking into account the background evidence.

Affordable Housing – The authority needs to ensure that it has maximised the yield of affordable housing given the identified need within the authority, assessing thresholds, commuted sums and exception policies.

Temporary Development/Minerals Safeguarding – Policy REG4 ‘Former Stormy Down Airfield’. It would not be prudent to perpetuate and expand a cluster of activities on a known resource which could sterilise the resource, contrary to national minerals planning policy (MPPW, paragraph 13).

Gypsies and Travellers – The LMHA has identified a need for a transit site (6 pitches) but no site has been allocated. Provision should be made to reflect the level of need.

- C. In relation to soundness tests CE2, CE3, CE4: 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 which we consider we can usefully draw to your attention to enable you to consider how they might be better demonstrated:

Housing Distribution – Greater clarity of how/why growth levels at the named settlements have been determined, including commitments, and the relationship to the evidence base (‘Settlement Role and Function’, December 2009) would be beneficial.

Monitoring - The monitoring framework needs to contain indicators sensitive to local circumstances whilst also delivering national policy.

Waste - The plan should make it clear that waste treatment is an acceptable use on relevant employment sites.

- D. Matters relating to clarity of the plan generally which we consider may be of assistance to your authority and to the Inspector in considering suitable changes.

Welsh Language

Policy wording, consistency in background documents

We have raised some of these issues with you on previous occasions. It is for your authority to ensure that the LDP is sound when submitted for examination and it will be for the Inspector to determine how the examination proceeds once submitted.

We advise that you consider how you could maximise the potential of your LDP being considered ‘sound’ through the examination process. If you would like to meet to discuss any matters arising from our formal response to your deposit LDP, please contact me.

Yours sincerely

Mark Newey
Head of Plans Branch
Planning Division
Welsh Government
Annex

Annex to WG letter (8th September 2011) in response to Bridgend County Borough Council's Deposit LDP

- A. Objection under soundness tests C2, CE2: Fundamental issues that we consider present a significant degree of risk for the authority if not addressed prior to submission stage, and may have implications for the plan's strategy:**

No Issues

- B. Objections under soundness tests C2, CE1, and CE2: 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:**

Housing Provision

The Welsh Government 2006 & 2008 based projections indicate that approximately 11,700 and 11,400 dwellings respectively would be required over the plan period, based on trend assumptions. Planning Policy Wales (PPW) paragraph 9.2.2 states that these should form the starting point, as reflected in the evidence base.

The Deposit LDP makes provision for 9,000 dwellings over the plan period, Policy SP12, with an additional 995 dwellings identified for flexibility requirements. In essence, the total supply identified in the plan is 9,995 dwellings. (It would be helpful if allocations and commitments were separated in Policies COM1 & 2, pages 56 & 57, and table 3.1, page 20).

The additional technical work carried out by Cambridge Econometrics, 'Examining Alternative Demographic and Labour Market Projections' (April 2010), summarised in background paper 2 'Population and Housing' (June 2011) complements the evidence base to support the plan. This assesses the various trend based models, highlighting areas where if different assumptions were made, different conclusions can be drawn. Reassuringly, a key conclusion drawn from the report is:

"However, the differences between the three trend-based projections (this includes the 2006 based Welsh Government projections) are in our opinion within the margin of error of any method."

The issue for the plan to address is not that the level of provision is wildly inappropriate, rather, if slightly different assumptions were considered, is there an opportunity to increase the level of housing provision, assisting the delivery of affordable housing. Cambridge Econometrics who carried out the further technical work concluded that a slightly higher level of provision (an additional 900 dwellings) would better reflect matters such as migration rates, household formation rates and economic circumstances. Theoretically, this would equate to a level of housing provision of approximately 9,900 dwellings (the difference between the CE (July 2009) projections and the BCBC 'trend based projections) as set out in Table 2, page 18, 'Background Paper 2'. Retaining the same degree of flexibility allowance would add approximately a further 1,100 dwellings, giving a total supply of approximately 11,000 dwellings.

The Welsh Government acknowledge the conclusions from Cambridge Econometrics in that assumptions can be varied to accommodate local circumstances in the population/household modelling, and concur with their conclusions in this instance. It appears appropriate that the base assumptions for all models is consistent, i.e. a population of 132.6k (not 131.6k as assumed in the initial BCBC dwelling led modelling), as well as taking account of the current mid-year population estimates and stronger trends in natural population change which indicate a higher population level than in the deposit LDP projections. The ability to constrain population growth through assuming lower migration rates and differences in average household size assumptions (WG 2.14 by 2021 compared to 2.20 used in BCBC) have implications for the level of housing provision.

In summary, the Welsh Government are of the opinion that there is an opportunity to take a more positive approach, reflecting on the technical work commissioned by the local authority, thereby increasing the provision of housing overall, albeit not dramatically. The current strategy, sustainability benefits of settlements, regeneration strategy and delivery of affordable housing can accommodate such an approach. This is not considered to go to the heart of the plan, but something the plan can respond to.

Deliverability

Although Chapter 9 of the plan 'Delivery and Implementation' provides a helpful context illustrating the phasing and delivery issues associated with each site, this is not true in all cases. For example, PLA3(3) (page 80) identifies 140 dwellings at Coity Road Sidings to be implemented and funded through the private sector. Whilst this is phased during the later two thirds of the plan period there is no information regarding possible constraints, relevant infrastructure or costings/funding source. It is not expected that the minutiae should be identified, rather the generality. However, there do appear to be instances where greater clarity will assist demonstrating deliverability of the plan. It may also be appropriate to consider how any relevant policy would influence the phasing of development.

Policy SP14 Infrastructure (page 65) seeks infrastructure delivery through planning conditions, obligations or the Community Infrastructure Levy (CIL). Paragraphs 6.3.5 – 6.3.9 provide some clarification in relation to the CIL. However, further clarification is required on how the CIL will be taken forward when pooled s106 contributions are no longer allowed after 6th April 2014 (5 or more), particularly in delivering the necessary infrastructure to support the plan and the timing of any transition to a CIL. The deliverability of the plan could come under question if there is no mechanism in place to capture the financial benefits arising from development which can be used to assist the provision of appropriate infrastructure.

If a CIL is not in place until after April 2014 there could be a vacuum in the plans ability to capture financial receipts to support development. This should not be left to an early review of the plan. It is not in the interest of the plan to create a policy void. Further explanation is required to demonstrate how this is not an issue or, if it is, how it is to be resolved. The implications of infrastructure delivery on the housing provision and employment allocations in terms of phasing should be clarified and could be included in Chapter 9/ Appendix 3.

Employment Provision

The Bridgend LDP Employment Land Review (June 2010) concludes (paragraph 7.19, page 77) that the most prudent method of calculating the need for new employment land is to base this on past completion rates (6.33 ha/annum). Assuming this were applied to

the whole plan period would equate to 94.95 Ha, although taking into account completion rates between 2006-2009 the outstanding requirement reduces it to approximately 76 Ha. Policies REG1 and SP9 of the plan provide for 84 and 69 Ha respectively, giving a total provision of 153 Ha. It is unclear as to why a higher level of provision is identified in the plan and does this higher figure have implications relating to housing provision and deliverability. Furthermore, the technical work undertaken by Cambridge Econometrics 'Examining Alternative Demographic and Labour Market Projections' (April 2010) concludes that the economy may not grow as successfully as previous years. This has implications for the quantity of employment land provision upon which assumptions relating to household growth are based, as well as the level of provision for employment land over the plan period. Further clarification is necessary on what level of employment provision is appropriate and its inter-relationship in determining/influencing the provision of housing, taking into account the aforementioned background evidence.

Affordable Housing

Paragraph 6.1.26 expresses the affordable housing target for the plan. It is unclear how this compares to the level of need over the plan period. The LHMA Main Report (December 2009) appears to indicate an annual level of need of 1,514 units, i.e. 22,710 over the plan period. (This appears a very high figure, is this correct?) Furthermore, the plan does not clarify whether the level of need has taken account of the private rental sector, given that this sector could be affordable to some who could not afford to buy or obtain a mortgage for market housing. The LMHA suggests that there are some areas where this could be the case. This should be factored into calculating the level of need. Clarification on what the level of need is over the plan period would be beneficial.

The Affordable Housing Background Paper shows that a unit of affordable housing will be sought from multiples of 5 dwelling units. The plan should clarify the position with regard to thresholds and commuted sums in order to optimise affordable housing delivery and the number of units that can be delivered through S106 agreements e.g. table 1 of Background paper 8 on Affordable housing states that 389 dwellings were delivered on sites of 1 to 4. Based on this evidence reducing thresholds could increase the supply of affordable housing. A lower threshold should be considered against the relevant percentage sought through the viability testing to ensure a pragmatic and deliverable outcome is achieved.

The LMHA has assessed the social rented/ intermediate mix although this is not referenced in the LDP. Ensuring that the plan delivers the appropriate balance to meet identified needs is prudent.

An exception policy could assist the delivery of affordable housing and should be considered.

Gypsies and Travellers

Paragraph 17, Circular 30/2007 "Planning for Gypsy and Traveller caravan sites" states that: *"Where there is an assessment of unmet need for Gypsy and Traveller accommodation in the area, local planning authorities should allocate sufficient sites in LDPs to ensure that the identified pitch requirements for residential and transit use can be met."* Paragraph 6.1.30 of the LDP, states that the LMHA identified a need for 6 transit pitches. It is unclear as to why the authority has not included a specific site, but rather chosen a "peripatetic" approach towards transit sites, neither is it clear what this approach might mean to Gypsies and Travelers. Further justification is required to the

policy to explain what the 'peripatetic' approach might mean to the Gypsies and Travelers. If a need is identified it should be met.

Temporary Development/Minerals Safeguarding

Policy REG4 'Former Stormy Down Airfield'. Whilst it is noted that suitable development proposals are couched in terms of being temporary, there is a potential conflict in granting temporary permissions for a period of 35 years on an acknowledged high quality limestone resource. It would not be prudent to perpetuate and/or expand a cluster of activities on a known resource which could sterilise the resource, contrary to national minerals planning policy (MPPW, paragraph 13).

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- C. In relation to soundness tests CE2, CE3, CE4: 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 which we consider we can usefully draw to your attention to enable you to consider how they might be better demonstrated:**

Housing Distribution

Whilst it is acknowledged that background papers 1 & 3, as well as 'Settlements Role and Function' provide information regarding service, facilities and constraints at the various settlements across the County; further clarity on how the level of growth for settlements has been influenced by such factors would be beneficial. In addition, the link between the information contained in the background papers and the final strategy appears unclear. This should not result in an alternative approach, rather confirm the current. In addition, clarity on the levels of growth envisaged at the smaller settlements to demonstrate that the strategy is being delivered would be beneficial, including how they will be controlled. This could be best achieved through specific examples citing opportunities and how policies would be applied to influence the outcome.

As a general point, greater read across between housing tables and policies would clarify delivery of the strategy, i.e. Table 3.1, policies COM 1 & 2 (separating windfalls and commitments) paragraph 6.1.5 with regards to small site distribution and linking this to the settlement hierarchy as set out in policy PLA1.

Monitoring

Chapter 7 provides the monitoring framework for the plan. Whilst the Welsh Government recognises the commitment to ensure that the key objectives and policies of the plan are monitored and the work undertaken to date, it considers there is merit in reviewing the indicators to determine if they and the trigger points categorising performance are appropriate, in all instances. For example, there appears to be no indicator monitoring the delivery of the strategy, spatially. It would be helpful if the plan could demonstrate that the appropriate scale of growth is being delivered in line with the spatial hierarchy set out in the plan. Likewise, some of the indicators themselves may require further refinement, such as ensuring the provision of a 5 year housing land supply throughout the whole plan period, and being able to respond if affordable housing is not being delivered. Other indicators could better reflect national planning policy (e.g. TAN15 'Development and Flood Risk') which states that residential Class C3 development should not be permitted in C2 flood risk areas. The monitoring framework does not seem to include trigger points for housing in the SRGAs only for employment and as

long as the plan is delivering 500 dwellings per annum it does not matter where they are located.

Waste

The plan's employment site provisions (REG 1, 2) should complement policy SP7 and make it clear that waste treatment is an acceptable use on relevant employment sites. The background papers should demonstrate that there is sufficient land identified in the plan to accommodate both waste treatment and employment needs, and better explain/justify the lack of a specific allocation/s to provide for the disposal of inert waste.

D. Matters relating to clarity of the plan generally which we consider may be of assistance to your authority and to the Inspector in considering suitable changes.

Welsh Language

Welsh Language should form part of the overall assessment when preparing the plan, ensuring that the principle of development is not decanted to the planning application stage. We note that the plan is silent on this matter and seek clarification that in this instance the matter has not been overlooked.

Consistency

The consistency of information in background documents e.g. Bridgend's population varies from one document to another - Background paper 1 & Allotment study.

Policy Wording

The policy wording in some instances makes the application of policies to future proposals potentially difficult, i.e. Policy COM 14. It is not clear how the policy would be applied to increase the provision of allotments.

Cross referencing

Clarity would be much improved if the LDP would contain cross references to information placed elsewhere. This is also true for the background papers as well.

Coal resources

Change 'reserves' to 'resources' in Policy NR 7.

Paragraph 4.1.2 and paragraph 4.1.4

It would be beneficial if paragraph 4.1.2 was redrafted to reflect differing levels of nature conservation policy protection. As drafted it covers all development, in all locations, that has an adverse impact on sites designated for nature conservation. The impact and policy tests for development on a local SINC will be different from that on a SAC.

Policy ENV5 Green Infrastructure

A timetable for the production of the Green Infrastructure SPG would be helpful.

Policy ENV6 Nature Conservation

The application of the Policy should be clarified. As drafted it has a very wide remit (all development/redevelopment proposals) and would be somewhat burdensome for some of the very small scale developments that require planning consent. A threshold may help or further clarification given in the supporting text.