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Dear Tom,

**Swansea City & County Local Development Plan (LDP) – Deposit - Regulation 17  
Consultation: Welsh Government Representation**

Thank you for consulting the Welsh Government regarding the Swansea City & County Local Development Plan (LDP) Deposit documents. We acknowledge that the preparation of a 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 the Deposit stage.

The Welsh Government is supportive of the approach your plan is taking. The strategy ensures a range and choice of sites in terms of scale and location across the plan area. It is a bold and ambitious strategy that capitalises on the role of Swansea within the Swansea Bay City Region. **The Welsh Government is supportive of the strategy, the level of housing and jobs, the positive approach to planning and the ethos of good urban design, master planning and place making which is embedded strongly within the plan.**

However, as you can appreciate demonstrating delivery of the strategy will be critical in which we elaborate within the Annex to this letter. The development planning system in Wales is evidence led and demonstrating how a plan is shaped by the evidence is a key requirement of an LDP examination. The demonstration of delivery and viability of all sites in the LDP is key, in particular those sites that are integral to the delivery of the strategy and objectives. We acknowledge the work undertaken to date which is to be commended. These issues will no doubt be crucial to the examination discussions and I would recommend you continue to refine your position

Without prejudice to the Minister's powers to intervene later in the process and to the independent examination, the Welsh Government is committed to helping local planning authorities throughout the LDP process. I have considered the Deposit LDP in accordance with the tests of soundness

as set out in PPW/ LDP Manual. The **Welsh Government's representations are separated into three categories which are set out by topic area in some detail in the attached annex.**

**Category A:** Fundamental issues that are considered to 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:

- **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:

- **Gypsy and Travellers – Level of Need and Provision / Site(s) Suitability & Provision**
- **Affordable Housing ( Target, Viability, Exception Sites)**
- **Deliverability - General**
- **Employment – Level of Need and Clarity of Provision**
- **Renewable Energy – Spatial Designation**
- **Green Belt**

**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 which we consider we can usefully draw to your attention to enable you to consider how they might be better demonstrated:

- **Spatial Strategy**
- **Housing Provision – Methodology / Clarity of housing components**
- **Affordable Housing Need**  
**Employment - Delivery**
- **Minerals**
- **Waste**
- **Built Heritage & Natural Environment**
- **Welsh Language**

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. You should consider how you could maximise the potential of your LDP being considered 'sound' through the examination process. **I would be happy to meet to discuss matters arising from this formal response to your Deposit LDP** and I would encourage you to contact me to arrange a mutually convenient time.

Yours sincerely,

**Mark Newey**  
**Head of Plans Branch**  
**Planning Directorate**

*(Annex)*

**Annex to WG Letter (26<sup>st</sup> August 2016) in response to the City & County of Swansea Deposit LDP 2010-2025**

<b>Category A</b>	Objections under soundness tests; <u>fundamental issues</u> that are considered to present a significant degree of risk for the authority if not addressed prior to submission, and may have implications for the plan's strategy.
<b>Category B</b>	Objections under soundness tests; 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.
<b>Category C</b>	Objections under soundness tests; whilst not considered to be fundamental to the soundness of the LDP, there is considered to be a lack of certainty or clarity on the following matters which can usefully be drawn to your attention to enable you to consider how they might be addressed.

**SPATIAL STRATEGY**

The Council has concluded (Spatial Options Assessment, 2013) that a 'Hybrid Strategy' incorporating the benefits of all options is the most appropriate to meet all LDP objectives. The strategy intends to strike a balance between economic development, regeneration, affordable housing need, rural areas, infrastructure and masterplanning. The Hybrid strategy ensures a range and choice of sites in terms of scale and location across the plan area. It is a bold and ambitious strategy that capitalises on the role of Swansea within the Swansea Bay City Region. **The Welsh Government is supportive of the strategy, the level of housing and jobs, the positive approach to planning and the ethos of good urban design, masterplanning and place making which is embedded strongly within the plan.** The approach is to secure comprehensive development that will deliver the infrastructure requirements for key development sites. **Demonstrating delivery of the strategy** will be critical and we make some comments within this annex in this respect.

**Category C Spatial Strategy – Clarification of Policy Approach (PS1, CV1) and Settlement Boundaries**

In order to manage the spatial growth across the County we note the authority has not adopted a specific settlement hierarchy; rather the policy approach within PS 1 is that development is directed within the settlement boundary of the urban and key villages. The Welsh Government does not object to the principle of the approach; however it considers that clarification is required in respect of the following:

- PS 1: Sustainable Places – states that 'development to be directed to the most sustainable locations within the defined settlement boundaries of the urban area and key villages'. However, without a specific settlement hierarchy how will the authority ensure that this aim is delivered? Do all locations within a settlement boundary have equal status in terms of sustainability? Clarification on the policy intention and how it will be implemented in practice is required.
- Policy CV 1: Key Villages lists 18 villages that have a corresponding settlement boundary on the proposals map. However, there appear to be other 'peripheral settlements' separate to villages and the urban areas that also have boundaries? For example, Kittle and Manselfield? It is unclear which policy (PS1 or CV1) would apply in these places?
- Explanation of what constitutes the 'Swansea urban area' and what are key villages is required. It should be clear from both the policy and the spatial manifestation on the proposals map, which policies apply to which places.

## HOUSING

### **Category C - Housing Provision – Methodology**

At the Preferred Strategy stage the Council's dwelling requirement and job target were derived from the Peter Brett (PB) Study (2012). The Welsh Government made representations to the plan highlighting that the base assumptions within the model were incorrect, in that they did not accurately reflect the 2008 projections (e.g. household size, base population), nor did the model include a conversion factor from households to dwellings. Using the Council's own economic model, and inputting the correct figures from the 2008 projections, and the Council's own household to dwelling conversion factor of 5%, the Welsh Government considered that this would result in base housing requirement of 19,000 units, and a total housing provision of 20,900 to reflect a notional flexibility allowance of 10%. In its representation the Welsh Government alerted the Council to forthcoming publication of the 2011-household projections and the need to consider their implications at the Deposit Stage.

**Planning Policy Wales (paragraph 9.2.2) requires LPAs to use the latest Welsh Government (WG) Household Projections to inform the evidence base in respect of housing provision** in conjunction with the Local Housing Market Assessment, economic factors, delivery and the criteria set out in paragraph 9.2.1 of PPW. The LPA should set a level of housing provision that is appropriate for the area, linked to the key issues the plan is seeking to address, while also having regard to PPW. The latest WG projections are 2011-based, published in February 2014. The then Minister for Natural Resources in his letter to local authorities dated April 2014 provided a clear message that it is not appropriate for authorities to replicate such a period of poor economic performance that underpins the 2011 projections. The message is therefore clear that authorities should plan positively for the future and not replicate these negative trends going forward.

We note the Council has considered the implications of the latest projections in its Population and Household Projection Update Paper (2014). The paper (Tables 5 and 6) re-runs the model taking into account the inaccuracies highlighted by Welsh Government and confirms the dwelling requirement would have been 19,000 based on the 2008 projections. In addition, the PB model is also re-run to include the demographic components of 2011 projections. The 2011-based projections are the most up to date projections, and it is correct that the model uses the components that underpin them, therefore, this approach and clarification is supported and is in line with national policy. The 2014 Update Paper concludes that the PB economic model, using the 2011-based projections, 14,700 dwellings would be required over the plan period, or 15,000 based on the 10-year migration variant demographic components.

The Council has also tested the implications of both the principal projection and the 10-year migration scenario of the 2011-based projections which would result in a dwelling requirement of 14,600, and 15,600 respectively. **The Council has concluded that the 10 year migration scenario (15,600 dwellings) is the most appropriate to deliver the Councils aspirations for economic growth in view of Swansea's role as the regional hub for the City Region.** The Council also consider that the 10 year variant includes both periods of economic growth and decline which would account for any cyclical variations in the market, and therefore consider it offers a more positive and robust assumption than the principal projection, in line with the Minister's Letter, April 2014.

**On balance, the Welsh Government supports the Council's positive approach to planning in this respect, and does not object to the housing requirement in the plan.** All plans need a level of flexibility to ensure the requirement is met; therefore the provision in the plan is a matter for the authority to determine which includes a flexibility allowance. However, while we note the demographic and economic led models are not directly comparable, it would be helpful if the authority could explain, how the level of housing in the plan relates to the job target of 14,700 which has remained unchanged.

**Category C - Housing Provision and Requirement: Clarity of housing components and the level of flexibility**

The Welsh Government considers there is a lack of clarity between Policy PS3: Sustainable Housing Strategy, the reasoned justification text and Table 1: Components of Housing Requirement and Supply. The plan appears to confuse the terms requirement and provision and uses these terms interchangeably. In this respect the level of housing provision in policy PS3 is numerically incorrect. The level of housing provision in the plan should be the mathematical total of all components of supply identified within the plan, including the flexibility allowance. It should include completions to date, commitments (land bank), new allocations, and windfall development. The plan should be clear as to what the housing requirement is, and this should be specified in the policy. In addition, it is not appropriate to add the flexibility allowance within the ‘requirement figure’. The point of a flexibility allowance is to allow for non delivery of sites, therefore it should not be included within the requirement, it must be included within the provision. In order to achieve numerical accuracy that reflects all components of supply identified in the Deposit LDP the Welsh Government considers, the plan needs to be amended as follows:

- PS3: Sustainable Housing Strategy – The plan makes provision for 20,106 to deliver a housing requirement of 15,600. This is particularly important as PS3 as currently worded only includes reference to 17,106 dwellings which is the numerical total of commitments and allocations and does not include windfall supply. It should do, especially as criteria iii of the policy refers to windfall development being required to deliver the strategy and based on the Council’s own evidence, they will come forward at the rates stated over the plan period.
- Table 1: Components of Housing Requirement and Supply – the table should be amended (see below) to reflect the numerical total of all components of supply set out in the plan.
- Reasoned Justification – the components of supply and their numerical contribution should be altered to reflect the above amendments. The level of flexibility is a matter for the authority to justify, taking into account issues of non delivery.
- The plan should include a table showing the spatial distribution of all housing components, by Housing Policy Zone. We note this information is already within multiple places (i.e. Appendices, Urban Capacity Study) in the plan or evidence base yet it is not drawn together in one place. This will ensure clarity and enable effective monitoring of the plan.
- The figures in Table 1 appear to be from a base date of 2015? Yet appendix 8 is from 2016. The base date in relation to the components of supply should be consistent for both clarity and to avoid double counting.
- It would be helpful if completions to date were separated from housing commitments in order to be clear what has been delivered in the plan to date, and what the remaining land bank is.

Components	Number of Units
Housing Commitments (including completions)	5,306
Allocations	11,800
Windfall Supply (Small 900, Large 2100)	3,000
Total Housing Provision in the Plan	20,106
Housing Requirement	15,600
Flexibility Allowance (29%)	4,506
Total Housing Provision	20,106

## **Category B - Gypsy & Travellers - Level of Need and Provision**

In order to comply with the statutory duties (Housing (Wales) Act 2015) and national planning policy, the Council should allocate sufficient sites to ensure that the identified pitch requirements for residential need can be met. The Gypsy & Traveller Accommodation Assessment (Table 6) states that the level of need over the plan period is for 29 residential pitches. When comparing this table to the pitch requirements in the Deposit LDP (p134-135) the Welsh Government understands the level and type of need to be as follows. For the purposes of our comments we have differentiated between normal residential need and that of Travelling Showpeople.

<b>Type of Need</b>	<b>2016-2021</b>	<b>2021 – 2025</b>	<b>Total Need LDP Plan Period</b>	<b>Allocation in LDP?</b>
Residential <i>(to meet the need of the existing 'tolerated site')</i>	7		7	Policy H6 allocates an extension to Ty Gwyn, Pant y Blawdd Road to accommodate the need. It is unclear if the allocation will accommodate 7 pitches. See below comments.
Residential <i>(to meet the need of new household growth at existing authorised site at Ty Gwyn)</i>	6	6	12 (-6 pitches due to existing capacity/churn)  6	No. The need for 6 pitches up to 2021 will be met on the existing site, through existing capacity/churn. However, it is not clear whether the site is sufficient to accommodate with entire need over THE plan period.
Travelling Showpeople	11 (+5 from outside area) 16?		16	No. It is unclear how this need will be met. See below comments.
<b>Total Pitches LDP Plan Period</b>			29	

**Residential Need** - Policy H6 allocates an extension to the existing site at Ty Gwyn to meet the need for the 7 pitches arising from the 'tolerated site' as set out in the table above. However, the policy needs to be explicitly clear how many pitches are being allocated at the site. This is essential in order to determine whether or not the site has sufficient capacity to meet the need for 7 pitches. This is particularly pertinent as para 2.5.39 of the Deposit Plan refers to the expansion of Ty Gwyn as meeting 'most' of the newly arising need. In summary, the authority needs to clarify the number of pitches being allocated under Policy H6 and explain whether the proposed allocation is sufficient in scale to meet the need over the entire plan period. In addition, what remains unclear is how 6 pitches required up to 2025 on the existing Ty Gwyn parcel will be accommodated. As a minor point of clarity, the proposals map refers to the two separate parcels under Policy H7 (criteria based policy), whereas it should refer to the site allocations Policy H6.

**Travelling Showpeople** - The plan states that there is an immediate need for 11 Travelling Showpeople pitches. However, it is unclear whether the need for the additional 5 pitches is immediate or after 2021. This is a matter that requires clarification. The Deposit LDP states that 11 pitches 'could be accommodated' on the existing established site at Railway Terrace, Gorseinon, however, the GTANA (para 6.14) states that the lease has expired and a current planning application to renew the lease is subject to a FCA being undertaken.

The Welsh Government considers that at the present time no provision has made within the LDP to meet the level of identified need (at least 11 pitches, subject to the above clarification). While we note the intention to gain a planning permission on the existing site in the future, it is unclear as to whether the site is suitable, or deliverable. See comments in respect of site suitability.

### **Category B - Gypsy and Traveller Provision - Site Suitability**

**H6 Allocation (Expansion of Ty Gwyn)** – The expansion at Ty Gwyn is situated in Flood Zone C1. Whilst the Welsh Government does not object to the principle of the proposed use in this respect, the Council need to explain how the site meets the requirements and justification tests set out in TAN 15. We note that the site would require a FCA. It is essential that this work is undertaken prior to the examination to demonstrate that the site can be delivered in line with the requirements in TAN 15. For example, what flood mitigation measures would be required and how would this relate to the timing, phasing and delivery of the site?

**Travelling Showpeople (Railway Terrace, Gorseinon)** - It is clear from the plan and the GTANA that the site is the preferred option to meet the identified need, albeit we note the site is not allocated in the Deposit Plan. As stated above there are documented issues of flooding which require a FCA. It is unclear whether the site is within flood zone C1 or C2. The authority will need to demonstrate that the site is suitable and deliverable and accords with PPW (13.3), and TAN15 (6.2) especially in relation to flood risk (C2 flood risk category). This clarification is essential to ensure that the site is both suitable in terms of compliance with national policy and deliverable.

**Welsh Government considers that the plan should demonstrate that the proposed allocations comply with national policy, have sufficient capacity to accommodate the stated use, and that they can be delivered in the identified timescales set out in the GTANA.**

### **Category C - Policy H7: Gypsy and Traveller Accommodation**

The Welsh Government considers the following amendments to the criterion of the policy are required to ensure compliance with Circular 30/2007:

- Criterion i - states that proposals for sites may be permitted where there is unmet need in the GTAA. However, this does not appear reasonable as it implies Gypsies and Travellers have restricted freedom of movement to develop sites in other local authorities. Such a restriction on site development would be more reasonable in relation to local authority site development but should not restrict private site applications coming forward. Would non-Gypsy and Traveller development be controlled in the same manner? In addition, para 2.5.51 requires an unmet need in a GTAA to permit a site development application but this is unreasonable as stated above. The paragraph also says the GTAA must demonstrate that the need is required in the specific location. However, the GTAA will not identify locations for new sites as this is not part of that process. Therefore, this will never be achieved.
- Criterion (v) the requirement to have 'no impact' on surrounding land uses could be construed as being too onerous.
- Part (b) - states that any site proposal must meet an identified local need. This could be deemed as indirect discrimination under the Equality Act 2010 as Gypsies and Travellers are less likely to have a local connection to any particular local authority.

### **Category C - Affordable Housing Need and Authority-Wide Target:**

The Local Housing Market Assessment (LHMA) identifies a need for 7400 affordable homes of which 3420 will be delivered over the plan period. The total need of 7400 homes appears low for this type of local authority when compared to others across Wales. It would be helpful if the authority could explain why the level of affordable housing need appears to be constrained by the

plans housing provision, which takes account of recent house building trends and future land availability (paragraph 1.10). The level of affordable housing need should be fixed and grounded in robust evidence. Further explanation is required on the core modelling assumptions updated from the 2013 LHMA (paragraph 7.22) and whether the identified need of 7400 units takes account of backlog, the current need and anticipated need over the plan period.

The authority-wide affordable housing target of 3420 units (Policy H2) should account for the whole of the plan period and not just the remaining years from 2017 to 2025 (Affordable Housing Topic Paper, 2016). The Council should ensure the affordable housing target covers the 15-year plan period and does not “assume completion of committed schemes” (paragraph 7.5), although it would be appropriate to reflect this in supporting update table, similar to that in Housing Table 1.

### **Category B - Policy H3 - Affordable Housing Targets and Thresholds / Affordable Housing Viability Study (2016)**

The Welsh Government supports the publication of the updated 2016 Affordable Housing Viability Study (AHVS). The Welsh Government considers that the following points in relation to the Policy and evidence base require justification, clarification, and in some cases amendments to the plan will be required to ensure compliance with national policy. This is essential to ensure the policy aligns with the evidence base, and the LPA demonstrates that it is maximising provision through the LDP given the high level of need, and its stated priority for the plan:

- In the first instance the AHVS tests house price areas but it is not always easy to understand how these then align with the Strategic Housing Planning Zones (SHPZ) identified in Policy H3 or the Local Housing Market Assessment (LHMA). Clarification in this respect is required to ensure that all parties understand how the AHVS aligns with, and has informed the thresholds in Policy H3. The following two points are examples in this respect.
- The 2016 AHVS identifies a 40% affordable housing target in both the City Centre and Swansea West sub-market areas (Table 5.2). The Council should explain how this aligns to Policy H3; most notably the 20% contribution in the City Centre. Whilst the Welsh Government recognises the Council’s aspiration for significant regeneration, it would be useful for the authority to pinpoint the evidence that demonstrates a 20% affordable housing contribution in the City Centre.
- The viability evidence suggests that viability in Swansea North is challenging which is reflected in the benchmark land value (Table 5.2). The Council should justify how a 15% contribution aligns with the viability evidence.
- The 2016 AHVS supports a 15% contribution across all sub-market areas on sites of three units and above (Table 4.3). The authority should justify how a five unit threshold in Policy H3 aligns with the viability evidence and maximises the delivery of affordable housing.
- Include reference to site viability negotiations in the policy and not the justification text (PPW, paragraph 9.2.19).
- If the authority intends to secure commuted sums below the site thresholds this should be included in the policy and not the justification text.
- To ensure that authorities are well informed in negotiating the required mix of dwellings, in line with the LHMA, the justification text to the policy should include an appreciation of the different dwelling sizes and types of housing (PPW, paragraph 9.2.15).
- Clarity is required in the justification text (paragraph 2.5.16) on what is meant by the statements that “adjacent and related residential proposals result in combined numbers meeting or exceeding the specified thresholds will be treated as a single proposal and trigger the relevant target levels”. What is the intention of this policy, and how will it be implemented in practice?
- The 2013 AHVS included an assumption of £5000 per unit for S106 contributions yet the 2016 update study assumed “no S106 contributions other than affordable housing” (paragraph 3.11). The Council should clarify if an allowance has been made for financial

contributions, and if not, how the supporting infrastructure listed in Policy IO1 will be funded and its impact on site viability.

- It is unclear if the AHVS has tested the impact of the 'sprinklers' (£3,100 per dwelling). While we note the AHVS includes a viability 'margin' within the model, it is unclear if this is sufficient to absorb the impact of these costs. The Welsh Government considers the Council need to explain the impacts of 'sprinklers' on viability, in particular the impact on viability in the 15% target zone. It is essential the viability evidence is up-to-date and takes into account all known costs, including an allowance for appropriate infrastructure and facilities. This is particularly pertinent in respect of our comments on delivery.

### **Category B - Rural Exception Sites (H5)**

Policy H5 allocates six rural exception sites in the Gower and Gower Fringe Strategic Housing Policy Zones (SHPZ) for a mix of affordable and market dwellings. Whilst the Welsh Government supports the principle of a rural exception site policy, the Councils approach in this respect does not accord with the requirements of TAN 2. Rural exception sites should be small and solely for affordable housing (paragraph 10.13), not large allocations with a minimum of 51% affordable housing. Indeed, this is only 1% more than would be expected under Policy H3. The Council's own LHMA specifically states that the need in the Gower and Gower Fringe is for affordable housing only. It would appear that the Council's own policy does not accord with its own evidence. The Council should amend Policy H5 to remove the enabling element of market housing and indicate the amount of affordable units that will be delivered on each site.

From the options discussed in the Affordable Housing Topic Paper (2016), it is unclear how including the sites within the settlement boundary; and not as rural exception sites, could lower the 50% affordable housing contribution prescribed in Policy H3 given the significant headroom and residual land values in the Gower sub-market area (AHVS Table 5.2). In this respect the Welsh Government considers there are three options in this respect. 1) delete the allocations within the policy (H5) as they do not align with national policy or if appropriate, 2) include the sites within the settlement boundary to which policy H3 would apply, or 3) allocate the sites for 100% affordable housing.

### **Category B - Off-Site Affordable Housing (H4)**

Whilst the Welsh Government does not object to the principle of off site contributions, the robustness of the policy, its purpose and how it will be implemented in practice is unclear. How does this policy align with Policy H3, and the viability evidence, i.e. is it appropriate that the contribution should be 'increased' or 'greater' than would be achieved on site? Why does the policy have completely different thresholds to policy H3? How will you deliver off site first given this is an upfront cost? The authority should clarify how this will impact on site viability and delivery and provide direct mitigation through S106 agreements.

### **Category C – Policy H9: Houses in Multiple Occupation**

The policy would be strengthened if criterion iii clearly detailed what the LPA considers to be a "harmful concentration or intensification". It is noted that paragraph 2.5.60 states that SPG will define what will be deemed to be a harmful concentration or intensification. However, in the absence of the SPG it is difficult to see how this policy will operate in practice and therefore does not provide clarity and certainty.

## **DELIVERY AND IMPLEMENTATION**

### **Category B - Deliverability: General**

As previously stated the Welsh Government is supportive of the Spatial Strategy. A critical element for the plan will be the phasing, timing and delivery of sites, ensuring that the plan delivers

the scale of growth in locations to meet the needs across the entire plan period. The Welsh Government considers that there is already a significant amount of detail embedded in the plan which should be commended. The work on the SDA's in particular includes site details and constraints, schematic frameworks, developer and infrastructure requirements and confirms the master planning approach to ensure good design and comprehensive development. Phasing and additional information in respect of SDAs is set out in Table 5 (p329) and Appendix 3.

However, the Welsh Government is concerned that many of the key sites are dependent on infrastructure improvements which do not appear to have been costed, in particular relation to sewerage capacity and transport, the significance of which may have a detrimental impact on the viability/timing of sites. The Council will need to demonstrate that both individual sites and sites in combination are genuinely available and deliverable. It is important that site promoters continue to be involved in the process and understand the importance of demonstrating delivery, specifically:

- **Strategic Development Areas (SDAs) and Infrastructure Delivery** - para 2.4.9 of the plan states that SDAs need specific viability assessments; however, the broad generality of delivery should be determined through the plan making process. Such as the delivery and viability of key principles to deliver the sites i.e. key infrastructure as set out through the masterplanning process. Statement of Common Grounds would be advantageous to demonstrate the sites will come forward in the identified timescales. These comments also apply to key non strategic housing sites.
- **Phasing / Interrelationship of Sites / Components of Supply**– While the plan includes some phasing information on SDAs, there is limited phasing information on non-strategic sites and commitments. A simple housing trajectory would assist all parties to understand and consider the ability of all sites in the plan to be delivered. The trajectory should also include robust delivery rates for windfall and small sites and demonstrate that there is sufficient flexibility throughout the entire plan period to deal with unforeseen circumstances and non delivery of sites. An understanding of the interrelationship between all elements of the plan is essential to ensure that a five year supply can be demonstrated from adoption and throughout the plan period.
- **Planning Obligations and the Community Infrastructure Levy** - The Council should be certain that without a CIL charge in place and an inability to 'pool' future S106 agreements (beyond 5 per specific infrastructure item), the delivery of sites and key infrastructure will not be inhibited.
- **Sewerage Infrastructure / Drainage Capacity** – This is noted as a key constraint to development, in particular the lack of infrastructure capacity in the Gowerton Waste Water Treatment Works (WWTW) catchment area. It is unclear how many sites are affected, and how this impacts on delivery of the plan. We noted previously that it was unclear as to whether the AHVS incorporates an 'amount' for S106 contributions. This is essential given that developers are expected to contribute to SUDS to help mitigate this situation. The Council should clarify if the Memorandum of Understanding (MOU) has been reviewed to ensure sufficient capacity to accommodate proposed plan allocations in the catchment area (paragraph 2.33). All allocations in the Gowerton WWTW area should be financially viable and deliverable over the plan period. This authority in conjunction with Welsh Water should provide site-specific information on necessary upgrades to the sewerage and water infrastructure along with their cost, timing and inclusion in the rolling Asset Management Plan (AMP). The impact of such works should be explained in relation to the phasing and delivery of sites.

## **EMPLOYMENT**

### **Category B - Level of Employment Provision (New and Safeguarded Sites)**

The plan identifies the potential for up to 14,700 new jobs over the plan period (Policy PS4) of which 45% or 6615 new jobs will be accommodated on 16ha of B-Class employment land

(paragraph 2.2.33). The 16ha employment need appears to have been met solely on Strategic Development Areas (SDAs) as listed in Policy RC10. The authority should identify the scale (ha) of available employment land on each site and identify the total employment provision (ha) in Policy RC10. The authority should consider that to aid clarity of the plan, a stand alone policy may be appropriate. At present, it is unclear why new allocations and safeguarded sites are included within the same policy (see below).

The Employment Land Review (2012) highlights two 'new' regionally significant sites in Felindre (177ha) and a further seventeen existing safeguarded employment sites (58.2ha), all of which are capable of development and total in excess of 235ha. The Council should explain how these sites have been accounted for in the plan. While the Welsh Government supports a 'flexibility allowance' to allow for non-delivery, the scale of this over-provision and the relationship to the job target requires clarification. What would be the implications if these jobs came forward on other sites and not key allocations? What sites would relate to the job target? The following amendments are required to ensure clarity to plan users and effective monitoring of the strategy. Policy RC10 should be split into three policies as follows:

- New allocations, which should include those within the flexibility allowance i.e. 'employment land is provided on xx ha to deliver xx ha';
- Safeguarded employment sites in line with ELR, and
- Criteria based policy for new employment sites.

### **Category C - Employment Allocations on Strategic Development Areas (SDAs)**

There are six SDAs identified for employment use in Policies SDA A to L. The employment elements of the SDAs include the retention and enhancement of existing businesses, the expansion of new employment areas and land with the potential for either residential or employment use (SDA H). It is difficult to understand the delivery of sites identified in the ELR to those allocated in the SDAs (i.e. no clear alignment of names, site boundaries and numbers). It would be helpful if the Council could provide an update on the employment elements of the SDAs in terms of their delivery and new job creation (if applicable).

### **Category C - Rural Employment**

The development plan should facilitate diversification of the rural economy by accommodating new and traditional industries whilst minimising impacts on the local community and the environment. Whilst the plan references the rural economy it does not currently meet the requirements of planning policy and for the examination it is advised the authority considers the following in accordance with TAN 6:

- The need for a rural employment exception site policy that sets out criteria, against which, planning applications for unallocated employment uses on the edge of settlements can be assessed;
- The plan policy should promote the enhancement of infrastructure networks and adopt a positive approach to home based working, and
- Promote the expansion of established businesses in the countryside.

## **WASTE**

### **Category C - Sites for Waste Management Facilities**

The Welsh Government is generally supportive of the plans waste policies and it's compliance with TAN 21. The authority has sought to identify 'Preferred Areas' for in-building waste management facilities on the Proposals Map at Felindre, but for clarity, the site should also be identified in Policy RP7 as suitable for a Combined Heat and Power (CHP) facility. The authority should

explain why the baling plant site at Swansea Enterprise Park (paragraph 2.14.18) has not been identified as a 'Preferred Area' for waste management facilities in a policy.

### **Category C - Landfill Sites**

The Welsh Government has a long term aim of eliminating landfill as far as possible, especially as new waste prevention, recycling and other recovery activities develop (TAN 21). With this in mind, the purpose of Policy RP8 to develop new or extend existing landfill sites is unclear, especially as the one active landfill site at Tir John has adequate capacity (Waste Topic Paper 2013). The Council should explain the rationale for Policy RP8.

## **RENEWABLE ENERGY**

### **Category B - Policy EU 1**

The Ministerial letter 10 December 2015 set out the Welsh Government's expectation for local planning authorities to use Renewable Energy Assessments to quantify and guide renewable and low-carbon energy development, including the designation of spatial areas in LDPs. The LDP Baseline: 'Renewable Energy Assessment' (October 2015) identifies opportunities for wind and solar energy within the plan area, but these are not shown spatially on the Proposals Map. This evidence should be reflected in the plan. There is also no statement of the contribution that renewable energy can make towards energy and heat production as set out in the assessment.

Policy EU 1 is negative and does not appear to facilitate renewable and low carbon energy development; specifically, it does not take into account the different scales of development set out in PPW (Figure 12.2, page 182). Policy EU 1 only refers to large projects and then 'others', not differentiating between medium and small scales of renewable energy. The authority should consider differentiating the policy in terms of the scale, as set out in PPW.

### **Category B - Policy ER 5**

Policy ER5 predominantly covers the area identified as SSA E (TAN8, Map 1, page 15). It is unclear as to why a SLA designation is considered appropriate; appearing to preclude large scale wind energy projects from coming forward, particularly as landscape was considered when defining the SSAs in TAN8.

The constrained approach through ER5 appears at odds with the LDP Baseline Renewable Energy Assessment for wind energy per se, Figure 10 (Page 22) potentially limiting the delivery of wind energy. The same principle applies to solar energy potential, as set out in Figure 29 (LDP Baseline Renewable Energy Assessment, page 51).

### **Category C - Policy EU 2**

Policy EU 2 requires the submission of an Energy Assessment which is supported, but the reasoned justification should clearly articulate what is required to inform and determine proposals. Paragraph 2.13.12 of the plan is unclear on this point. Greater clarity is required.

## **MINERALS**

### **Category C - Policy RP11**

The policy explicitly refers to not supporting the development of land based unconventional oil or gas exploration. The policy should enable the extraction of Coal Bed Methane, as supported by the Topic Paper: Minerals (August 2013) specifically, paragraph 3.9 (page 9). This would reflect

the position taken in the UDP. This would ensure compliance with national policy and the position in the adjoining Neath Port Talbot LDP (Policy M4, paragraph 5.3.79). Paragraph 2.14.63 of Swansea's Deposit LDP should be amended to reflect this position with regards to Coal Bed Methane. It should be noted that the national policy position may change before the examination stage of the LDP. Consequently, if this were to be the case, this objection would be withdrawn.

### **Category C - Policy RP13**

The policy needs to reflect national policy, set out in MTAN2 'Coal' (paragraph 49) which cites exceptional circumstances where a buffer zone of less than 500m may be permissible. Whilst Policy RP13 states coal operations would not generally be acceptable within 500m clarification by reference to exceptional circumstances in the policy would be advantageous.

### **Category C - Policy RP14**

National policy states that buffer zones should be established around permitted and allocated mineral extraction sites (MTAN1, paragraph 70, page 29). The Welsh Government is seeking clarification that the only remaining permitted quarry stated as being unworkable (Topic Paper: Minerals, August 2013, paragraph 5.17, page 14) is the one buffer shown on the Proposals Map, to which policy RP14 would apply. However, the Mineral Buffer Zone appears to overlay part of Kittle, a defined settlement with a boundary. Buffer zones should not encompass defined urban areas. The spatial designation needs to be amended accordingly to omit the urban area of Kittle from RP14. If other anomalies exist these should be amended likewise.

Paragraph 2.14.73 – An HIA is only a requirement in support of applications for coal and not all mineral development. The paragraph should be amended accordingly.

## **WELSH LANGUAGE**

### **Category C - Policy HC3**

The Welsh Language Sensitive Areas (WLSAs) are currently shown on the Constraints Map. As they are referred to in paragraph 2.6.25 of the plan, supporting Policy HC3, they should be shown on the Proposals Map, due to their spatial implications and relevance when applying Policy HC3 to a proposal.

In addition, Topic Paper: Culture and Heritage (August 2013) paragraph 11.39 (page 34) sets three bands to define the significance of potential implications on the Welsh language from future development. These are less than 15%, 15% to 19% and above 19%.

Paragraph 2.6.25 of the Deposit LDP seeks to protect the integrity of the Welsh Language within identified areas where an average of over 18% of the population speaks Welsh. Diagram 2 (page 35, Topic Paper: Culture and Heritage (August 2013) and Figure 6 (page 29, SA Report of the City and County of Swansea Deposit LDP (June 2016) show identical maps highlighting these three bands. However, there appears to be a disparity between the wards identified in paragraph 2.6.25 of the plan and those shown as being over 18% on the two diagrams referenced above. Namely, it appears that the following wards appear to have less than 16% of Welsh Speakers: Kingsbridge; Gowerton; Lower Lougher; Penellergaer and Penenyrheol.

The Welsh Government is not objecting to setting a threshold of 18%, rather the evidence to support the threshold should align with the wards identified and then shown on the Proposals Map. The wards in paragraph 2.6.25 of the plan should have over 18% Welsh Speakers. This position needs to be clarified.

Confirmation that Policy HC3 will not be used to preclude all known forms of development from coming forward, including any windfall assumptions, would be beneficial. The policy wording appears to confirm this is correct, using WLIA as a means of mitigation, rather than restricting the plan delivering the growth it has identified, particularly, as the plan states, these wards are subject to 'significant areas of residential and economic growth'.

## **NATURAL HERITAGE AND ENVIRONMENT**

### **Category B - Green belt**

Policy ER 3 proposes a Green Belt on land between Penllergaer / Kingsbridge and Gowerton/ Waunarlyydd/ Fforestfach. Before designating land around an urban area as Green Belt, local planning authorities must consider and justify why such a route would be the most appropriate means of protection. Taking into account the principle of no development (generally) outside of settlement boundaries, particularly as the plan accommodates development to meet its needs up to 2025, there already is an existing policy framework within which to refuse inappropriate development e.g. policy CV2, if considered inappropriate. The Council needs to demonstrate why the situation has changed from the UDP where there was no Green Belt. The Welsh Government considers that a Green Belt designation in the current circumstances is inappropriate; albeit it may be that a Green Wedge may be a better expression.

The Welsh Government considers that in light of a more strategic approach to planning as identified in the Planning (Wales) Act 2015 the Green Belt allocation could prejudice any conclusions arrived at through a more strategic approach. This would enable a more robust and strategic consideration of the long term issues.

### **Category C - Green Wedges**

The second set of criterion in policy ER 3 broadly repeats national policy (PPW, paragraph 4.8.16). It does not include limited infilling and affordable housing for local needs in the list of acceptable development types. The second set of criterion should be removed and a cross reference to PPW (4.8.16) in the supporting text. The authority need to demonstrate why this additional layer of protection is necessary in light of the existing policy framework, i.e. settlement boundaries and countryside policies, where there is a presumption against development in the countryside.

### **Category C - Biodiversity (Policy ER6)**

Policy ER6 is more restrictive than the Habitats Regulations which allows for imperative reasons of overriding public interest. PPW (paragraph 5.4.5) states that development plans should set out criteria by which development affecting different types of site should be assessed; no criteria are provided within the policy for national and international sites. This should be rectified. Policy ER6 is titled Designated Sites of Importance for Nature Conservation (SINCs). The policy should be reworded to addresses all tiers of biodiversity designation.

### **Category B - Flooding**

There are various allocations partially within flood zones C2 and C1. The LPA should demonstrate that it has complied with national policy and that all allocations can accommodate the scale of growth proposed and are deliverable.

### **Category C - Open Space and Recreation**

Policy SI 6 sets out the policy for provision of new open space; the relevant standards should be expressed in the policy, as per Table 3, page 161 of the plan. The second paragraph of Policy S1

6 should be redrafted to ensure contributions are made, rather than be optional; specifically replace the word 'may' with 'will'.

### **Category C - Landscape**

Paragraph 2.9.41 (Policy ER 5) does not accord with national policy. There is no requirement to consider SLA on the impact of development proposals outside SLAs. Welsh Government has objected to a SLA designation which covers SSA E; see comment in renewable energy section.

### **RETAIL**

#### **Category C – Retail**

It is not clear policy RC2 strictly follows the sequential test in terms of its wording and would suggest it also refers to retail need given the overall limited demand (apart from the City Centre) for new retail in Swansea. Para's 2.8.6 to 2.8.8 about sequential approach is not explained very clearly.

### **MONITORING**

The Councils monitoring framework provides a good starting point and it is clear the authority has looked at other monitoring frameworks in adopted plans when formulating it. However it will need to be refined through the examination sessions. The Welsh Government is happy to work the authority on this basis.

### **Text for Development Management purposes**

The following should be incorporated into policy:

- Paragraph 2.9.72 tree survey and arboricultural impact assessment
- Paragraph 2.9.73 contains policy which should be elevated to policy text if it is criteria against which an application would be determined.
- Paragraph 2.9.51 requires all proposals to take into account any management plans or schemes for the protected areas.
- Paragraph 2.6.4 requires a statement of significance.
- Paragraph 2.7.14 sets out a requirement for evidence of marketing and advertising carried out to support an application.
- Paragraph 2.9.40 sets out a requirement or potential requirement for management of landscape features of importance.
- Paragraph 2.11.6 requires applications for tourism facilities to be supported by a Tourism Needs and Development impact assessment.
- We refer to others within this representation under specific topics.

### **Policies Not Spatially Reflected on the Proposals Map or Constraints Map**

- Policy ER1: Geological and Geomorphological Sites of Value
- Policy ER7: Undeveloped Coast
- Policy RP6: Land Instability, refers to the defined Slip Area of Graig Trewyddfa; which is not identified on the proposals or constraints map, neither is unstable or contaminated land, landfill sites, hazardous installations, as stated in the background paper (section 4).

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