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Your ref:
Our ref: qA907986/1
Date: 09th March 2011

Dear Cath

**Pembrokeshire Local Development Plan – Deposit Version
: Response**

Thank you for your recent correspondence of 25 January, 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:

- i. Scale and location of growth** – household projections, settlement strategy, housing
- ii. Affordable housing** – need, maximising delivery, target
- iii. Gypsy traveller sites** – criteria, allocations



- iv. **Welsh language** - Welsh Language should form part of the overall assessment when formulating the plan's strategy. Clarification on whether it is appropriate to influence individual proposals, the legal basis and the relationship to Equality Impact Assessment would be beneficial.
 - v. **Minerals** – landbank, safeguarding (including buffer zones around safeguarding zones)
 - vi. **Deliverability of the strategy and policies** – including infrastructure requirements
- 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, that:
- i. the plan is **flexible** to enable it to deal with changing circumstances
 - ii. the mechanisms for **implementation** and **monitoring** are sufficiently clear
 - iii. **waste** management facilities sites are appropriate
 - iv. **flood risk** has been taken account of in the strategy and allocations
 - v. **renewable energy** study findings in relation to larger development sites have been taken account of
- 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.
- i. **policy wording** - policy and text clarification
 - ii. **biodiversity** - text clarification

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 strongly 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 at an early date** to discuss any matter arising from our formal response to your deposit LDP, please contact me.

Yours sincerely

Mark Newey
Head of Plans Branch
Welsh Assembly Government

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, 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:

B.i. Scale and Location of Growth (Category B Objection):

- Scale and Location of Growth: Population and Household Projections

Doc HC2: 'Scale & Location of Growth' (para 2.10ff; especially table 2.1 & 2.2 on pages 12-13; para 2.25) shows that the Council has decided to use Welsh Assembly Government 2006-based projections (issued in 2009, and taking account of the Assembly's population projections for PCNP issued March 2010) as the basis for the scale of growth.

The Council's projections give a slower rate of growth than the Assembly's for 2011-21; for Pembrokeshire (i.e. excluding the PCNP area): -

- PCC own figs give growth of 5,865 population / 4,500 households;
- WAG gives growth of 8,800 population / 5200 households.

Planning Policy Wales (paragraph 9.2.2) says that the latest Assembly Government household projections should form the starting point for assessing housing requirements. However, no real explanation has been provided in the LDP Background Paper (Doc HC2: 'Scale & Location of Growth') or the LDP itself as to why the Assembly Government's projections are appropriate, especially given that the evidence base outlines that they differ from the Council's own projections (i.e. representing an increase of 15% from the Council's own household projection).

The Council consider this as 'steady rate of growth' (Doc HC2, 4.2); it would appear to be to meet trend projections but there is no evidence that it is intentionally policy-led.

The relationship between these figures and the identified issues that the LDP strategy seeks to address is not clear.

The Assembly Government published 2008-based projections last year and the Council needs to clarify any implications of these for the LDP.

- Scale and Location of Growth: Settlement Strategy

The settlement strategy aims to achieve a 'balanced distribution' of new development between urban and rural Pembrokeshire (para 5.2) which is in line with the distribution of completed dwellings historically although a move away from the JUDP strategy of a 70% urban / 30% rural split (para 3.5 of Doc HC2: 'Scale & Location of Growth').

All settlements have been classified according to their functional characteristics and provision of services and facilities as set out in **Policy SP12 'The Settlement Hierarchy'**.

The Council consider this approach to be compatible with that of the neighbouring PCNP

with the addition of another level in the hierarchy for small villages (para 3.31 of Doc HC2: 'Scale & Location of Growth').

It is not clear from the LDP what is meant by a 'balanced distribution' of new development, nor why it is justifiable for the LDP strategy to move significantly away from that of the JUDP which hasn't delivered that strategy's urban/rural split; this could imply that decision-making has not been in accordance with the JUDP strategy.

It is also unclear as to how the settlement hierarchy based upon functional characteristics and provision of services and facilities fits together with the 'balanced distribution' strategy and the wider key issues the plan is seeking to resolve.

It is not necessary to include category 2e 'small local villages' settlements, nor indeed to have defined settlement boundaries from them (Policy SP13). A criteria based policy against which applications can be assessed would be better for these settlements (TAN 6: Planning for Sustainable Communities, paragraph 2.2.4) and would still enable those types of development considered suitable, including affordable housing (para 5.6.1 of the LDP).

- **Scale and Location of Growth: Housing**

Policy SP7 'Housing Requirement' provides land for **5,600** new dwellings required from 2011-21. This is to accommodate 5,200 projected new households for 2011-21 together with a 400 household requirement shortfall from 2006-11 (Doc HC2: 'Scale & Location of Growth' – para 2.25, 2.32 & 2.43). (We note that Doc HC2 para 2.33 considers this build rate of 560pa to be achievable given past build rates.)

However, the plan says it makes provision for **7,350** dwellings to allow for choice, flexibility etc (para 5.38), ie. **1,750** over the requirement which represents a **31% overprovision**. This is in addition to the 15% increase from the Council's own household projections to the Assembly Government projections (see representation above on Population and Household Projections). In addition Appendix 3 'Housing Requirement and Supply 2011-21' giving projected supply as **7,440**, which indicates a further increase.

This would appear to be an excessive allowance for flexibility with no clear justification. In addition, there is no clear information on the location of the land for the 1,750 additional units, on whether the Council has locational preferences for development throughout the plan period (e.g. the earlier versus the later years – to seek 'balanced growth' across the area in line with the strategy), nor on the implications for the LDP strategy, including the settlement strategy, should take-up during the plan period favour this additional land rather than certain of the LDP allocations.

The level of commitments, and the distribution of allocations and commitments spatially across the plan area is not clear from plan's Written Statement.

Policy GN28 'Residential Allocations' is unclear about the number of new dwellings from allocations in the plan period; allocations are provided for a minimum of 5,062 units (although the total minimum number of units from the allocations is not specified in the policy), but the plan advises that 3 of the sites listed (with asterisks) will not be fully built out in the plan period without providing clarification on how much is included in the plan period (is it the 561 'less units' in Appendix 3 right hand column?).

It would assist clarity for plan users if the list of allocations in policy GN28 could be grouped under the 4 appropriate settlement category headings.

Doc SPG1: 'Development Sites' is referenced from the policy GN28 justification (para 6.115). The only phasing relating to housing allocations (post 2016) appears to be determined by Dwr Cymru Welsh Water's Asset Management programme (AMP6) rather than specifically being determined in accordance with delivery of the LDP strategy (para 2.5 of Doc SPG1).

LDP Appendix 3 'Housing Requirement and Supply 2011-21' (page 93) should provide the key to the figures in the plan's housing policies, but fails to provide sufficient clarity; it is not made clear how the sub-totals and totals have been derived from the various figures provided (equations would assist understanding).

B.ii. Affordable Housing (Category B Objection):

The LDP should optimise the opportunity for affordable housing.

- Affordable Housing: Need for Affordable Housing

Planning Policy Wales (para 9.2.16) states that development plans must include an authority-wide target for affordable housing based on the Local Housing Market Assessment (LHMA).

However, Doc HC2: 'Scale & Location of Growth' questions the robustness of very high backlog figures in the LHMA and concludes that the most reliable source of evidence for **need** is the Common Housing Register together with use of the Rural Housing Enabler (paras 2.37-39). The LDP itself fails to clarify the level of need identified in the LHMA; instead it refers to the level of need (**2,427** at January 2010) being informed by the Common Housing Register, the LHMA 2007 and the Pembrokeshire Housing Strategy 2007 (para 5.40). Doc HC2 advises that 2,427 is the backlog need at 2008 and doesn't include future need (para 1.13).

The LDP itself should quantify the level of need as identified in the LHMA; it should then provide clarification as to why the Council considers this level of need to not be robust and how the level of need (based on backlog and future need) used as a basis for the plan's affordable housing target has been derived, especially given that the Common Housing Register doesn't include an assessment of future need. (Given the expressed concerns of the Council, it is not clear why the 2007 LHMA has not been updated with regard to need assessment to improve its robustness.)

- Affordable Housing: Maximising affordable housing delivery.

The conclusions of the **Affordable Housing Viability Assessment** (using the 3 Dragons development appraisal toolkit), which are at section 5 and Appendix 5 of Doc HC4: 'Affordable Housing Viability Assessment', are largely reflected in LDP policy.

However, the assessment conclusion on the target is that it should be above 1,150 (20%); the LDP has not made clear why the specific target in Policy SP8 'Affordable Housing Target' of 'approximately 1,450' has been chosen (26%).

There is no mention in the LDP of use of **commuted sums** which is an approach that the Assessment advises could be considered as a policy option (Doc HC4, para 5.11); Planning Policy Wales para 9.2.16 states that 'in principle all new market housing may contribute to meeting the need for affordable housing'.

- Affordable Housing: Affordable Housing Target

TAN2 'Planning and Affordable Housing' states that development plans must include an authority-wide target for affordable housing to be provided through the planning system based on the housing need identified in the LHMA and identify the expected contributions that the policy approaches identified in the development plan will make to meeting this target (para 9.1).

Policy SP8 'Affordable Housing Target' – provides a target of “approximately 1,450” to meet newly arising need and to contribute to existing identified need, i.e. approx 26% of the 5600 new dwellings. Paragraph 5.42 gives Social Housing Grant (SHG) as one means of delivery. However, SHG shouldn't be counted as contributing to the number of Affordable Houses delivered through the planning system by the LDP.

Policy GN29 'Local Needs Affordable Housing Provision' – whilst the LDP does set thresholds and indicative percentages for affordable housing provision based upon the viability assessment, the indicative percentages contained in paragraph 6.117 (i.e. 25%, 50%,100%) need to be included in the policy.

B.iii. Gypsy Traveller Sites (Category B Objection):

Gypsy Traveller Sites: Policy GN32 'Gypsy Traveller Sites and Pitches'

- **Criteria:** WAG Circular 30/2007 '*Planning for Gypsy and Traveller Caravan Sites*' requires that criteria based policies be fair, reasonable, realistic and effective in delivering sites, and that policies should not rule out or place undue constraints on the development of sites (para 25). This criteria policy would appear to conflict with this requirement:

- first criterion: appears overly restrictive. It covers two requirements; firstly proof of need, and secondly, evidence that the need cannot be met on existing authorised sites. Identification of evidence of need should not be a determiner for consideration of a proposed site, and there should not be unreasonable restrictions implied in policy to choice.

- third criterion: the policy justification at para 6.130 advises that the WAG site design guidance will be used as the model standards by the authority; however, this is just one available standard and is essentially intended for WAG grant purposes rather than binding standards for each and every site. It is the site licensing regime operated under the Caravan Sites and Control of Development Act 1960 which is the primary means of regulating standards on caravan sites including those used by Gypsy Travellers.

- para 6.127 contains the incorrect definition of gypsy traveller for planning purposes; this is the definition used for Housing Assessment rather than the definition for planning purposes at para 3 of WAG Circular 30/2007 '*Planning for Gypsy and Traveller Caravan Sites*'.

Gypsy Traveller Sites: Policy GN32 'Gypsy Traveller Sites and Pitches'

- **Allocations:** identifies 33 pitches at 3 existing sites considered by the Council to be accessible to existing facilities and to be the most sustainable and deliverable. The LDP advises that the allocations are to meet this need and that the Council will identify suitable sites should any shortfalls be revealed through monitoring (para 6.126). Doc HC9: 'Gypsy Traveller Sites LDP' Background Paper identifies the need to provide 33 additional pitches over the 5-year period 2011-2016 (based on the findings in the 'Pembrokeshire Gypsy Traveller Accommodation Needs Assessment 2010': Doc HC8).

However, the background documents identify a possible constraint to development at the **Kingsmore Common, Kilgetty site** requiring the de-registration of Common Land (as outlined at appendix 3 of Doc HC9, page 227 of Doc G10: 'Site Assessment Report', and, page 44 of Doc SPG1: 'Development Sites'). This means that the success of the allocation is based upon a separate process outside the LDP for which the outcome is unknown.

The LDP itself should not be silent on this constraint and should contain a formal commitment to review the matter given that these allocations are intended to meet need in

the first 5 years of the plan period; in addition, the monitoring framework should include a clear trigger specific to this site and related, for example, to failure to commence the necessary deregistration process by a specified time.

The LDP should also contain the advice that there is no evidence of current need for **transit sites/pitches** (penultimate bullet on page 4 of DocHC8).

B.iv. Welsh Language (Category B Objection):

In preparing the LDP it is appropriate for the local authority to consider the implications of development, both in terms of scale and location, on the Welsh language.

However, it is not clear:

- what the impact of the incidence of Welsh speakers (Figure 4 on page 35) has had on the development of the plan strategy in terms of scale and location of development; and,
- how **Policy SP9 'Welsh Language'** and **criterion 5 of Policy GN1 'General Development Policy'** would be implemented and their impact measured.

We note that the Sustainability Appraisal (SA: Doc SD1) has an objective to protect and enhance the role of the Welsh language and culture. The assessment of the compatibility between this Welsh language and culture SA objective and the plans objectives, strategy and hence allocations should ensure that the development proposals contained in the plan, particularly related to housing, either through specific allocations or growth levels for settlements or linked settlements, confirms the principle of the development across the county.

However, the criterion 5 of Policy GN1 appears to place an additional burden on development proposals by effectively assessing the impacts on an individual basis when they should have already been assessed through the formulation of the strategy, as indicated above. Clarification on whether this approach is appropriate, the legal basis and the relationship to Equality Impact Assessment would be beneficial.

Monitoring: Given that the SA work should have led to the right locations and scale of development taking account of the Welsh language objective, the need to provide specific monitoring related to the Welsh language is questioned. Irrespective of this point, the monitoring indicators for Policy SP9 'Welsh Language' include planning permissions requiring phasing to take account of the Welsh language (page 101); it is not clear how this would be a measure of the plan's success. (The implementation agent 'minerals operators' requires amending.)

B.v. Minerals (Category B Objection):

- Minerals: Landbank

Policy SP6 'Minerals' aims to maintain a reserve of hard rock and sand and gravel during the plan period. The policy justification, based upon information in Doc E10: 'Mineral Landbank Calculations Summary Statement', outlines an issue with regard to the sand and gravel landbank and to the 'in-principle agreement' between the County and the PCNP to a 'whole county approach' to the minerals landbank (para 15 of Doc E10). It advises that the LDP presents an interim position and identifies an Area of Search for future sand and gravel working as the safeguarded resource area in which applications would be assessed against

Policy GN24 if a shortfall is revealed through annual monitoring. Clearly, if this position is acceptable, it is important that the plan's monitoring framework contains suitable triggers.

- **Minerals: Safeguarding**

Policy SP6 'Minerals' safeguards known reserves of hard rock and sand and gravel areas outside settlements; the policy justification advises that the **extent of safeguarded areas** is shown on the Proposals Map (para 5.32). However, the safeguarded areas are not differentiated by different mineral category on the Proposals Map (2 notations are given, one for the Proposals Map and one for inset maps); rather, references are given to the BGS Mineral Maps and the intended SPG on mineral safeguarding buffer zones (paras 5.32 and 5.34). Whilst the draft SPG (Doc SPG3 'Mineral Safeguarding Buffer Zones') does differentiate on its maps the different resource areas safeguarded, this differentiation should be shown on the Proposals Map.

The LDP (para 6.103) says that **buffer zones around safeguarding zones**, (of 500m coal, 200m hard rock, 100m sand and gravel) are proposed at the outer edge of the outcrop area and also around the edges of settlements with the physical extent being in SPG (Doc SPG3: 'Minerals Safeguarding Buffer Zones' maps their extent and advises on their purpose at para 3.3.4). Protecting buffer zones around safeguarded resources and settlements is not a requirement in national policy; however, there would appear to be no justification for the application of rigid buffer zones within any plan area; we do not consider this concept suitable for mapping. (The use of the term 'buffer zones' in national minerals planning policy relates to permitted and proposed mineral workings.)

B.vi. Deliverability of the Strategy and Policies (Category B Objection):

The LDP needs to be clear that the Strategy and Policies can be implemented and delivered.

The plan would benefit from a more explicit demonstration of how and when development will be realised over its lifetime; greater clarity on timing (including on priorities), on linkages to infrastructure and on funding sources, albeit at a strategic scale would assist clarity and certainty.

A significant aspect of deliverability of the plan is **infrastructure delivery**:

- Para 6.23 the justification to **Policy GN3 'Infrastructure and New Development'** provides examples of types of infrastructure (including affordable housing) requirements for contributions, (S.106 and CIL). Para 6.24 says SPG will detail required contributions, including priorities; however, it doesn't clarify when this SPG will be published. Irrespective of that, the LDP itself should indicate the Council's main priorities for contributions, linked to the key issues and delivery of the plan's strategy.

In relation to infrastructure delivery and CIL, it would be helpful to provide a visual consideration of deliverability by showing a trajectory of development related to barriers to development.

- **Policy GN38 'Transport Routes and Improvements'** does not identify in its justification or elsewhere in the plan the necessary funding and timing information for new schemes as required by TAN 18: Transport, para 2.8.

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 it might be better demonstrated, that:

C.i&ii. (Category C Objection):

- the plan is **flexible** to enable it to deal with changing circumstances,
- the mechanisms for **monitoring** are sufficiently clear.

The monitoring framework (chapter 7 and Appendix 4) provides a number of indicators in relation to strategic policies and several general policies, together with some related targets, triggers for further investigation, implementation bodies and information sources. The indicators would appear to cover the appropriate core output indicators contained in section 9.5.4 of the LDP Manual (aimed at assessing implementation of national policy). We note that para 7.17 advises on key questions for the AMR, para 7.18 provides the key monitoring outcomes from Fig 2 page 23 of LDP, and, that para 7.22 says the monitoring framework won't generally identify specific triggers for review, but list 5 factors that will be considered. However:

- the framework would benefit from more local indicators with targets and triggers that reflect the desired achievement of the plan's strategy, both numerically over the plan period and spatially across the plan area;
- indicators, targets and triggers should be meaningful and relate to the achievement of the plan's strategy, (for example, policy GN3 has an indicator of the number of planning obligations completed which would provide no clarity; some policies have no clear targets or triggers);
- greater clarity in relation to the individual strategic employment sites (policy SP3) should be provided in the monitoring framework;
- see previous comment on monitoring of the Kingsmore Common site under Policy 32 Gypsy Traveller

C.iii. Waste (Category C Objection):

- **Doc ET2: 'Waste Planning Background Paper'** focuses heavily on the Wales Waste Strategy (Zero Waste) with little mention of the Regional Waste Plan (RWP); it does present a more up-to-date position than the RWP which is a good basis for the LDP.

The LDP (para 5.51) refers to the regional requirement from the RWP; what would assist clarification is the provision of the specific requirements for Pembrokeshire contained in the RWP and a brief outline reference to the further work beyond the RWP resulting in the LDP policy content.

- **Policy GN39 'New Waste Management Facilities'**: The LDP should make clear that B2 sites have been assessed leading to the allocations in Policy GN39 'New Waste Management Facilities' which are appropriate for waste and can accommodate a range of facility types of different sizes so as to contribute to an overall adequate network of facilities. Whilst the policy provides site areas the text could clarify actual availability on the sites for 'new in-building handling and treatment of waste'.

C.iv. Flood Risk (Category C Objection):

Flood risk is a stated issue for the LDP (p18), to minimise development on areas of land at flood risk is a sub-objective (page 23) and further brief information is provided at para 3.31.

According to the para 6.8, criterion 8 of **Policy GN1 ‘General Development Policy’** covers flooding concerns. Doc G10: ‘Site Assessment Background Paper’ evidences that no housing development allocations (highly vulnerable development) are entirely within C1 or C2 flood zones (pages 7-8), and that employment allocations take suitable account of flood-risk.

However, the LDP itself should clarify how the strategy and allocations have taken account of flood-risk and the relationship of allocations to the DAM zones C1 or C2, with suitable justification where there are allocations.

C.v. Renewable Energy (Category C Objection):

Policy GN4 ‘Resource Efficiency & Renewable & Low Carbon Energy Proposals’.

Doc E8: ‘Renewable Energy Study’ concludes at para 6.1 that on selected larger development sites the use of District Heating Networks will be encouraged; it is not clear from the LDP whether this is followed through in the LDP.

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.

D.i. Policy Wording (Category D Objection):

Policies and their justifications should enable sufficient consistency of interpretation. Policies containing terms such as, for example, ‘promoting’ (policies SP14 -16) and ‘supported’ (policies SP5, GN4), could lend themselves to inconsistent interpretation.

D.ii. Biodiversity (Category D Objection):

Policy GN.36 ‘Protection and Enhancement of Biodiversity’

Para 6.148 states that “development proposals that could potentially have an adverse effect on a European, internationally, or nationally important sites will need detailed assessment before progressing”. This should be redrafted to reflect TAN 5: Nature Conservation and Planning and the Habitats Directive and Regulations; these make clear that if a plan or project is likely to have a significant effect on a protected site (either alone or in combination with other plans or projects) it shall be subject to an Appropriate Assessment of its implications for the site in view of the site’s conservation objectives. Likewise, para 6.149 should refer to “likely significant effects”.

(Para 6.148 – Footnote 106 title of TAN 5 should be corrected to Nature Conservation and Planning.)
