

Amgylchedd a Datblygu Cynaliadwy
Environment and Sustainable Development



Llywodraeth Cymru
Welsh Government

Mr R Hughes Pickering
Planning Service
Ceredigion County Council
Neuadd Gyngor
Penmorfa
Aberaeron
SA 46 OPA

Eich cyf : Your ref FC&Sub
Ein cyf : Our ref APP 030-01-007/2
Dyddiad : Date 15.2.2012

Dear Sir,

Ceredigion Local Development Plan – Focused Changes

Thank you for the Focused Changes consultation dated 22.12.2011 and the delivery of LDP submission documents (29.12.2011).

The matter of whether a plan is considered 'sound' will be for the appointed Planning Inspector to determine. We have considered the Focussed Changes (FCs) in the light of the representations we made to the Deposit Plan and in accordance with the consistency and coherence & effectiveness tests (principally in accordance with whether satisfactory regard has been given to national planning policy - test C2).

In particular, we still have reservations regarding:- the clarity of the policy basis intended to deliver the strategy particularly at the smaller settlements, the need to demonstrate how the plan has addressed the Habitats Regulation Assessment in terms of plan implementation and delivering infrastructure. These concerns and other issues are explained in the attached annex which also indicates whether the FCs meet the matters raised in our deposit representations. We have not provided any representation where a FC or Minor Editorial Change does not address our earlier deposit plan representations and we do not object to the change proposed.

Yours sincerely,

Mark Newey
Head of Plans Branch
Planning Division
(enclosure – annex)



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Cyngor Sir Ceredigion
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Annwyl Syr,

Cynllun Datblygu Lleol Ceredigion – Newidiadau Ffocws

Diolch am eich llythyr ymgynghori ynghylch y Newidiadau Ffocws dyddiedig 22.12.2011 ac am gyflwyno'r dogfennau CDLI (29.12.2011)

Mater i'r Arolygydd Cynllunio a benodir fydd penderfynu a fydd cynllun yn cael ei ystyried yn 'gadarn'. Rydym wedi ystyried y Newidiadau Ffocws yng ngoleuni'r sylwadau a wnaed ynghylch y Cynllun wedi'i Adneuo ac yn unol â'r profion ynghylch cysondeb, cydlynad ac effeithiolrwydd (yn bennaf i fesur a roddwyd ystyriaeth foddhaol i'r polisi cynllunio cenedlaethol - prawf C2).

Y mae gennym dal amheuan penodol am: eglurder y polisi i gyflawni'r strategaeth a fwriedir, yn enwedig ar gyfer yr aneddiadau bychain; yr angen i egluro sut y mae'r cynllun wedi delio â'r Asesiad Rheoliadau Cynefinoedd yn nhermau gweithredu'r cynllun ac sut y bydd y cynllun yn darparu isadeiledd. Eglurwn y pryderon hyn a rhai eraill yn yr atodlen sydd ynghlwm, sydd hefyd yn nodi a yw'r newidiadau ffocws yn ateb 'i'r materion a godwyd yn ein sylwadau ynghylch y cynllun wedi'i adneuo. Nid ydym wedi gwneud unrhyw sylw lle nad yw newid ffocws neu newidiadau golygyddol bychain yn ymateb i'n sylwadau blaenorol ynghylch y cynllun wedi'i adneuo a lle nad ydym yn gwrthwynebu'r newid sydd wedi'i gynnig.

Yn gywir

Mark Newey
Pennaeth y Gangen Cynlluniau
Yr Is-adran Gynllunio
(atodiad yn amgaaedig)



Annex to WAG letter in response to the Ceredigion LDP Statement of Focussed Changes

Housing Distribution:

Although it is recognised that several focused changes (FC 002, 003, 007 – 014, 023, 103 and 104) are proposed in relation to the strategy and housing distribution and that the background papers have been reviewed and updated, the levels of growth for the settlement groupings and types of settlement still remains unclear. Whilst we do not disagree in principle with the approach being followed as indicated at deposit, further clarity is necessary, particularly in respect of the policy structure and wording. It is crucial that the policies and wording deliver what the authority is seeking to do and that policies are in place to ensure control over crucial aspects of the delivery of housing in line with the strategy. Policy SO6 (FC01) needs to be sufficiently robust to control the pattern/distribution of development in accordance with the plan strategy. It needs to be redrafted so as to explicitly state the level of housing provision the plan is identifying, the overall level of flexibility and then the level of growth being delivered. There also needs to be greater clarity on the phraseology, i.e. 'allowance' and 'gross allowance'. (FCs 013/014).

Windfalls, Allocations and Contingency:

Policy LU01 places importance on settlement limits (numerical provision) a key element of the strategy. However, this is not made clear by the use of the phrase 'does not undermine the settlement strategy.' Equally the limitation on the number of windfalls suggested in paragraph 7.9 might be better reflected in LU01 (3) and it is not clear whether criterion (1) relates to service centre proposals.

It is accepted that there is no need for a contingency allowance on the provision made for the linked settlements as the sites are unallocated and there are numerous potential opportunities. Flexibility in the main settlements comes from over allocating sites above the numerical provision, although in some settlements the scale of allocations proposed does not seem to bear this out. The nature and scale of flexibility provided in all settlements and how this relates to the delivery of the strategy needs to be demonstrated. The plan needs to ensure that the strategy is delivered, not an alternative strategy derived from too much flexibility in inappropriate locations.

It would be more prudent to add a contingency percentage to the numerical allowance figure and then grant permissions up to that level to allow a degree of flexibility within the consents granted. It is vital if the alternative approach proposed in Ceredigion is to prove successful and capable of application in practice that the policies and related wording are clear and can be readily understood. In order to maintain the proposed distributional balance of the spatial strategy the headline wording in the relevant policies must stress clearly that permissions will be granted in line with the specific settlement provision. The policies then need to set out clearly which types of site will be considered, how they will be considered and in what



order. There needs to be very strong control over the release of sites and a clear mechanism for monitoring/broad phasing to avoid skewing the preferred strategic distribution. FC 032 deletes phasing criterion 2(i) from policy LU 05 but does not propose a more appropriate alternative.

As mentioned previously, there is a similar concern regarding the policy fragmentation relating to the individual linked settlements and whether the resulting degree of control is adequate in respect of the timing and numbers of houses that could come forward.

Affordable housing:

It is important that viability work supporting the plan is up-to-date and takes account of the current on-going economic climate and the resulting market situation that can be anticipated, at least, for the medium term. The corresponding plan target may need to be reviewed accordingly.

Policy LU 03 (bullet 1) is over prescriptive. It would be better to indicate a general preference for an approximate balance of affordable tenures with guidance on the method to establish the precise proportion in relation to each specific location at the time of application being detailed in SPG. Bullet 2(ii) refers directly to SPG – the policy should indicate the basis for the SPG e.g. ‘to a value equivalent to on-site provision as set out in detail in SPG’

There still appears to be inconsistency between the target ratio 9:32:59 in paragraph 6.94 and the numerical breakdown in paragraph 6.97 which equates to 31:20:49.

FC 024 introduces Appendix 4 which deals with occupancy requirements. Page 68 (policing mechanism, fifth sentence) could be misleading and should be redrafted to emphasise that occupancy requirements and discounts on both initial and any subsequent occupation will be rigorously policed and enforced. Paragraph 7.14 of the plan indicates that for the purpose of policy LU03 'affordable' is as defined in TAN 2. However it must also be made absolutely clear in the policy itself that the intermediate affordable housing is to remain affordable (i.e. discounted) in perpetuity. Criterion 4 of the policy should be amended to ensure that discounts, as well as occupancy requirements, are to be in perpetuity.

Welsh language:

Although some additional text (FC 067) is proposed for DM02 the changes still imply that windfall sites will need to be assessed. The plan makes provision for windfall type applications in the linked settlements on the basis of local requirements. The impact of meeting local requirements should by definition be minimal and it is assumed this has been considered as part of the plan preparation process. Larger windfalls in the main settlements are also anticipated especially in Aberystwyth and again the impact should be an integral part of plan formulation. Apart from studies that might detail mitigation requirements rather



than look at the basic principle of development then it is only in terms of wholly unforeseen situations – maybe a very large windfall in a rural service centre or a proposal out of line with the plan – that a linguistic study should be necessary.

Wind energy:

The deposit version of the plan issued before the latest edition of PPW consequently a renewable energy assessment is not a requirement. However when the plan is reviewed an assessment will need to be undertaken and the policy revised as appropriate. In the interim where policy LU 26 addresses medium size turbines the relevant national policy background is PPW (Edition 2) and Tan 8 paragraph 2.13.

It is for the authority to be able to justify the precise boundary shown for the SSA in line with Tan 8 paragraph 2.4 and Annex D. The authority must also be able to confirm that Policy LU 26 will not constrain the delivery of the maximum capacity specified for the SSA (212MW) as set out in the letter to County Planning Officers, July 2011, 'Commitment to Tan 8'. Paragraph 7.185 of the plan should reflect this maximum capacity.

European Sites:

The LDP (paragraph 8.132) refers to the potential of numerous allocations, policies and types of settlement to have HRA 'significant effect' impacts. It must be clear that after considering mitigation the strategy and plan allocations will not have significant effects that would prejudice the integrity of the resource, otherwise they should not be included in the plan. Consequently paragraphs 8.131 & 8.132 should be deleted and re-written to confirm that the principle has already been addressed at the plan level and explain that detailed issues can be resolved through the planning application stage. Policy DM 14 dealing with the application stage should relate to unforeseen development, the precise details of a proposal or necessary mitigation.

Open Space:

The local approach being taken to open space has not been clarified in the focused changes. The overall plan requirement for open space of 2.8 ha (paragraph 7.158) is higher than that included in Technical Advice Note 16. Paragraph 7.158 states that the 2.8ha requirement equates to 0.8ha play space and 2ha accessible natural green space. This breakdown of provision does not appear to match the Fields in Trust (FIT) standard as it only provides for 0.8ha rather than 2.4ha for children's play space and playing fields. (CL-02-11 - Technical Advice Note 16: Open Space – Interpretation of Fields in Trust "Benchmark Standards" in Local Development Plans, provides the Welsh Government's up to date position regarding the Fields in Trust "Benchmark" Open Space Standards). The background document at paragraph 3.2.25 refers to 4 categories for open space. Natural green space is listed as a landscaping area which does not seem to be consistent with the FIT guidance.

Delivering infrastructure:



FC068 makes text changes to paragraph 8.34 which appear to recognise the impact of the new CIL regulations in respect of direct, individual requirements and broader strategic schemes which would involve pooling resources. The change suggests that the policy differentiates between these situations although this is not clear in the policy wording itself. It is also not clear if there is still an intention is to seek funding for strategic schemes where pooling would be involved and if so how this will be achieved without a CIL scheme in place.

FC 070 deletes criteria 3 of DM05, in relation to affordable housing but it is not clear why this has been proposed. Additionally criterion 1 now repeats criterion 5.

FC074 - The CIL Regulations and Circular 13/97 set out the tests applied to development proposals when seeking contributions. It may be prudent to refer to the legislation rather than specify a limited range of examples.

Developable Areas:

FC038 - Clarification is required that the designations identified as not being appropriate for development cover the relevant area and that when detailed planning applications are received the areas correlate. If not there is a danger there could be increased levels of housing delivered which may not reflect the strategy.

Landscape:

FC095 – Policy DM 17 It should be made clear that part of the intention of this policy is to control development within Ceredigion which may have an unacceptable visual impact when viewed from the national park and it is not to trying to control development beyond the plan area.

Policy Wording:

It would be beneficial to review the policy wording in the plan so that options are available should it be deemed necessary to ensure that they:-

- are actually land use policies orientated towards making planning decisions e.g. SO1 might be better expressed simply in terms of granting permission for development which accords with the plan strategy as summarised in paragraph 6.7 and the key diagram’.
- refer to the proposals maps wherever appropriate
- convey what the plan is seeking to achieve and the meaning is clear
- do not repeat other plan policies as criteria but when there is an essential link this is clearly flagged up.
- are merged or rationalised as far as possible to help avoid overlap, conflicts and gaps
- are essential and necessary to make the plan sound



- are not inadvertently more restrictive than normal where the plan is seeking to encourage certain types of development
- are clear as to whether all, or just some, of the criteria need to be met.
- do not rely indirectly on SPG that will not be available at adoption
- make it clear, when reference is made to settlements or communities, precisely what area is relevant.

General points in the deposit representations response refer.

The reference in the plan to the previous Welsh Government programme 'One Wales' is now out of date. It is probably unnecessary to refer to the current programme, 'Programme for Government' as any relevant implications would be carried into PPW or other strategy documents. The points raised in our deposit response remain.



Other issues raised in Welsh Government's Deposit Representation

WGs response	Ceredigion's response
Gypsy & Traveller site provision	FC 031 – Clarifies that a needs study has been carried out and that there was no evidence of a requirement in Ceredigion.
Affordable housing	FC 027 clarifies the approach regarding contributions for fewer than 5 dwellings.
Waste	As confirmed verbally the plan text or background papers should clarify that the capacity of employment sites is sufficient to cater for the additional waste needs.
Settlement boundaries	FC06 provides clarification of the position and the LPA should be in a position to demonstrate that there is no 'white land' within settlement boundaries.
Retail: need within town centres.	FC 49 – 51 – provides clarification
Undeveloped coast.	Para 7.196 of the original plan refers to the coast and says coastal matters are covered in Section 8 Development Management Policies. There do not appear to be any new changes but this is not considered to be crucial.
Minerals safeguarding: unnecessary within settlement boundaries.	FC 66 and 185 – 210 makes the necessary changes.
Flood Risk	FC 76 & 81 – the plan text has been amended and provides clarity however it is not clear if all the site schedules have been updated and made consistent. The LPA should confirm that that highly vulnerable development and Emergency Services in zone C2 should not be permitted.