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Our Ref: QA980858
Your Ref: P/POL/AMW/LDP3
Date: 20 December 2013

Dear Rob,

**Vale of Glamorgan Local Development Plan – Revised Deposit LDP
Welsh Government Representation**

The Welsh Government is supportive of the LDP strategy, particularly maximising the economic opportunities offered by the St Athan – Cardiff Airport Enterprise Zone, illustrating the essential role that the Vale of Glamorgan plays in the success of the wider geographical context. However, we do have concerns regarding delivery of the plan and the scale of growth being insufficient.

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. There are numerous allocations which are subject to significant constraints, such as sewerage infrastructure, that would appear to impact on the viability, timing and delivery of key sites. **We therefore consider that if such concerns remain unanswered, additional sites will be required to ensure the plan makes sufficient provision to meet the identified need, potentially from alternative sites, candidate sites or those in previous versions of the plan, having been subject to a sustainability appraisal.**

The implications arising from the economic growth strategy and the relationship to housing provision have not been fully explored. The scale of economic growth sought through the plan would suggest increasing the housing provision. We are also concerned that the Council's approach to the phasing of residential allocations is too restrictive, not sufficiently flexible or justified by evidence. **It is considered that the phasing policy will compound further housing land supply issues in the Vale.**

The Welsh Government's 2011 population projections indicate a potential downward trend in population growth for the Vale of Glamorgan, albeit the official household projections have not yet been formally released. This could result in a housing requirement below the Welsh Government 2008 household projection. However, it is considered that such a

reduction would considerably hinder the plans ability to deliver on the strategy, infrastructure and particularly economic goals. It would be inappropriate to plan to replicate a period of economic decline. The level of housing proposed is not considered sufficient to deal with changing circumstances, particularly if sites were to be delayed. Based on the Council's evidence we consider there **is a shortfall of 500 homes, resulting in raising the housing provision in the plan to approximately 10,950 dwellings over the plan period.** The housing provision in the Deposit Plan should be an absolute minimum as any further reduction would not align with the evidence base and would impact negatively on the soundness of the plan.

The current consultation on the Draft Planning Bill makes reference to end dates of development plans, after which it is proposed they no longer remain extant. This would apply to the Vale of Glamorgan's Unitary Development Plan (UDP) which expired in 2011. This could result in the authority having no extant development plan in place to make decisions before adoption of the LDP. It is therefore imperative that LDP preparation moves forward as swiftly as possible incurring no further delay. We would wish to avoid a situation where your local authority is in a vulnerable position for an extended period of time.

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

Category A: Objection under soundness tests C2, CE2: 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: 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:

- B1. Scale and Location of Growth – Flexibility and spatial strategy**
- B2. Deliverability - Phasing, infrastructure, flooding and sewerage capacity**
- B3. Gypsy and Traveller Provision**
- B4. Employment - Distribution, provision and deliverability**
- B5. Minerals**

Category 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:

- C1. Affordable Housing - Thresholds, targets, commuted sums and evidence**
- C2. Gypsy & Traveller Criteria Based Policy**
- C3. Monitoring Framework**
- C4. Best and Most Versatile Agricultural Land**

Category 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:

Please refer to annex.

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. An early meeting is considered advantageous 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

Candice Coombs
Planning Manager
Planning Division (Plans Branch)
Welsh Government

Annex to Welsh Government Letter 20th December 2013 in response to the Vale of Glamorgan Revised Local Development Plan.

Category A - Objection under soundness tests C2, CE2: 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:

No Issues.

Category 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:

B1. Scale and Location of Growth

a) Housing Provision & Methodology - Policy SP3 & MG1

Planning Policy Wales (PPW, paragraph 9.2.2) states that the latest Welsh Government (WG) household projections should form the starting point when assessing the housing requirement for a plan; currently the 2008 based household projections. Using the Council's own conversion ratio (households to dwellings) of 4.95% this equates to approximately **10,035 dwellings over the plan period 2011-2026.**

The Deposit plan makes provision for 10,450 dwellings which includes a 5% flexibility allowance, with a housing requirement of **9,950 dwellings** set out in Policy MG1. We note that the requirement (Appendix E, Population & Household Projections Paper) incorporates the ONS mid year estimates for 2009 and 2010. We do not disagree with the approach taken. However, **we object to Policy SP3 and MG1 on the basis that the level of housing proposed does not include an adequate flexibility allowance.**

Further clarification is also required to explain the interrelationship between the level of housing provision and the Council's economic and employment proposals, and the role and function of the Vale of Glamorgan within the wider geographical context. In addition, it is considered that the level of housing provision and phasing policy is not sufficiently flexible to deal with the myriad of constraints on many of the proposed allocations. Further explanation is required as to why the overall level of housing provision has been **reduced by 500 homes from the previous Deposit Plan given the strategy and objectives remain the same.**

b) Flexibility Allowance - Policy MG1

The LDP should include a flexibility allowance to demonstrate that the plan can respond to economic challenges, unforeseen circumstances associated with delivery. The Welsh Government has indicated that a notional flexibility allowance of 10% may be appropriate to allow for uncertainty regarding the delivery of sites and unforeseen issues. The first Deposit Plan (February 2012) included a 10% flexibility allowance consisting of two 'reserve sites' of 995 dwellings. The flexibility has been reduced to 5% (one reserve site) in this Deposit Plan. The rationale for such a reduction has not been explained or justified given the identified constraints. **We object to the 5% flexibility level set out in Policy MG1. The plan should be amended to include a 10% flexibility resulting in an overall housing provision of around 10,945 dwellings, 490 units more than the current plan provision.**

c) 2011 Based Household Projections

Whilst the WG 2011 based population projections have been published, the equivalent household projections have not yet been released. We anticipate those to be available in the New Year. The Council will need to explain both the implications and the appropriateness of the 2011 household projections, and how the various components, such as migration, relate to the strategy and the issues that the LDP is trying to address.

Planning officials consider that the WG 2011 population projections will indicate a potential downward trend in population growth for the Vale of Glamorgan (a planning not statistical assessment). This could result in a housing requirement significantly below (around 2800 units) the WG 2008 household projections. However, it is considered that such a reduction would considerably hinder the plans ability to deliver on the strategy, infrastructure and economic goals. The authority should not plan for declining economic activity. The current housing provision expressed in the Deposit Plan should be an absolute minimum. **It is considered that any further reduction will not align with the evidence base and will impact negatively on the soundness of the plan.**

d) Spatial Strategy - Policy MG 2

It is unclear how the role and function of settlements has been reflected with regard to the scale of housing proposed. While the scoring matrix focuses on 'functional links' (Sustainable Settlements Appraisal 2013) the services and facilities in many of the minor rural villages themselves appear poor. Allocations in some minor rural settlements, for example, 100 units at St Nicholas and 120 units at Bonvilston appear disproportionate to current services and facilities. The proposed level of housing provision has increased in totality within Minor Rural Villages from 787 units in the first Deposit Plan to 946 units. Further clarification is needed to explain whether provision matches need in the appropriate locations and how the proposed allocations align with the objectives of the plan. For example, scale of growth and commuting patterns.

We consider that the proposed spatial distribution could potentially encourage reliance on the car and compound infrastructure problems in rural locations. **While it is acknowledged that one of the aims of the plan is to support facilities in minor rural villages, it is not clear that the rationale for allocating over 940 units in such areas has been fully evidenced.** The level of housing provision in Barry has reduced significantly from 3052 units from the previous Deposit Plan to 2360 units. **The current spatial distribution is potentially in conflict with Key Objectives 2 and 3 of the LDP. It may be necessary to allocate additional housing sites in the Key and Service Centre Settlements.**

Settlement Hierarchy	Total New Allocations	% split
Key Settlement: <i>Barry</i>	2360	30%
Service Centre Settlements: <i>Cowbridge, Llantwit Major and Penarth,</i>	1606	21%
Primary Settlements (incl. reserve site) <i>(Dinas Powys, Lanndough, Rhoose, St Athan, Sully Wenvoe)</i>	2917	37%
Minor Rural Settlements	946	12%
Total	7829	

The rational for not including settlements boundaries at minor rural villages and the relationship to the scale of growth requires further justification. Paragraph 7.29 (and Policy MD6 Development within Minor Rural Settlements) states that development will *“generally comprise infilling or limited small scale extensions to the minor rural settlements, in particular where they meet the need for affordable housing”*. The policy appears to be in direct contrast with the scale of allocated units within some minor rural villages. Policy MD6 gives criteria for future development but does not restrict numbers. No settlement boundary in these locations could result in additional housing sites in less sustainable locations.

e) Spatial Strategy – Affordable Housing/Local Housing Market Assessment (LHMA)

The LHMA (2010) concludes that the affordable housing need is 915 dwellings per annum, equating to 13,725 over the plan period. We note that this includes the backlog (i.e. existing households in need of accommodation) and an analysis of household type and tenure. The LDP will contribute towards meeting the identified need through the provision of **2694 affordable homes** over the plan period (Policy SP4).

The LHMA (Table 6.13) highlights that the greatest areas of need are Barry, followed by the coastal zone and Penarth. Allocations have changed substantially to that set out in the previous Deposit Plan. For example, Policy MG 2 (Housing Allocations) shows that 2740 units are allocated in Barry and Penarth. However, the level of housing provision within Barry and Penarth has decreased significantly (by 912 units) from the 3652 units that were previously allocated in the first Deposit Plan. **The LHMA has not changed between the two Deposit Plans. It is unclear as to what extent the LHMA has informed the spatial distribution in this Deposit Plan or how the need for affordable housing has influenced the number and location of sites in the plan.**

B2. Deliverability

a) Deliverability: General

We support the aspirations of the strategy to deliver the level of growth and the strategic employment opportunities. However, such a dispersed pattern of growth does pose problems for infrastructure delivery, in particular sewerage infrastructure. The majority of development sites rely on private sector investment and implementation and many are subject to significant development constraints.

The Welsh Government is concerned about deliverability as many of the sites are dependent on infrastructure improvements which do not appear to have been costed, the significance of which may have a detrimental impact on the viability sites. This is potentially compounded when viability of development is considered in the round, a restrictive phasing policy and a lack of sufficient flexibility in the housing provision.

b) Deliverability and Implementation: Phasing of Allocations - Policy MG

Policy MG1 ‘Housing Supply’ and The Housing Supply Background Paper (2013) state that the Council is proposing to release housing allocations over three successive five year periods, prioritising brownfield allocations and those that deliver key infrastructure. Appendix 4 of the Deposit Plan sets out the proposed phasing for housing allocations as follows: 2011-2016 = 1537 (307pa); 2016-2021 = 3197 (639pa); 2021-2026 = 2595 (519pa). **We object to Policy MG1 on the basis that the rational for controlling the phasing of sites in favour of brownfield land is not clearly justified**, particularly as the Council has consistently struggled to maintain a five year housing land supply over recent years. (The County has only managed to achieve a five year housing land supply on one occasion in the past five years. Such a deficiency is contrary to national policy.)

Joint Housing Land Availability Studies (JHLAS 2012 & 2013) show that completion rates have been slower than anticipated (415 units) leading to a potential shortfall of 200 units. The authority should provide an update on sites with planning permission, sites under construction and housing completions prior to the examination.

Attaining higher build rates will only be feasible if the large strategic sites come forward as phased, especially in the early years of the plan. These sites account of 38% of site allocations. If construction is delayed on key sites it is likely to affect the plans ability to deliver the housing requirement. **It is vital that the monitoring framework identifies any significant shortfalls and is sufficiently robust to ensure the strategy is delivered. We have concerns regarding the appropriateness of the monitoring indicators.**

PPW (paragraph 2.5) advocates that phasing strategies should be flexible to allow for choice and to ensure that housing markets are effective. It states that phasing policies in the plan should only give a broad indication of the timescales for the release of the main development areas or identified sites, rather than an arbitrary numerical limit on permissions, or a precise order of release of sites in particular periods. **On this basis we consider policy MG 1 does not comply with national policy. It would not be appropriate to delay sites that are not constrained or integral to the delivery of key infrastructure in the plan** where there is a high level of demand for private and affordable homes. Such an approach would compound the existing problems of housing land supply.

Reserve Site (Land West of Swanbridge Road)

We object to the classification of Land West of Swanbridge Road as a reserve site. The site should be allocated and the timing of its release should not be restricted. The Welsh Government does not consider it appropriate to impede housing provision, as long as it accords with the plan's strategy and sustainability appraisal, particularly where it will resolve key issues identified in the plan.

c) Deliverability and Implementation - Infrastructure

We note the authority has produced a Draft Infrastructure Plan (September 2013). The aim of this document is to inform the CIL charging schedule and to demonstrate that the LDP is both realistic and deliverable. We note that the Council intends to produce a second phase to this work, which will include detailed feasibility, viability and costing information. **Without this detailed work, we consider there is a considerable gap in the evidence which needs to be addressed. The authority need to demonstrate that all allocations and related infrastructure are financially viable and deliverable within the plan period.**

d) Community Infrastructure Levy / Planning Obligations

Deliverability of the plan is inextricably linked to infrastructure delivery. We note the Council has commenced work of a CIL schedule which will be subject to independent examination prior to adoption of the plan. Clarity on the implications for development arising from an inability to 'pool' future S106 agreements after 6th April 2015 should be carefully considered. As per the timescales set out in the current Delivery Agreement, and subject to the outcome of the examination, the Council will not be in a position to adopt a CIL charge until 2017.

Annex 1 of Draft Infrastructure Plan notes the infrastructure that is likely to be required through CIL. Appendix 2 sets out schemes that will be required through a CIL. **The Council should be certain that without a CIL charge in place, the required infrastructure is not beyond the tests set out in the CIL Regulations (R122) and delivery of sites and key infrastructure in the plan will not be inhibited.**

Policy MD4 – Community Infrastructure and Planning Obligations

Policy MD4 includes an expansive list of various planning obligations that may be sought from development through S106 agreements or CIL. The interrelationship between Policy MD4 and the Draft Infrastructure Plan is unclear. Where funding for related infrastructure is to be sought through planning obligations, the plan should specify the Council's priorities to inform the provision of infrastructure/mitigation and avoid development being unviable. This will also give clarity to applicants and developers.

e) Flood Risk

Paragraph 3.2.8 of the background paper 'Plan Preparation & Assessment of Flood Risk' (2013) states that four sites (which incorporate zone C2 land) have been included only where the Council is satisfied that built development would be sited outside of such zones, and/or the impacts of flooding would be able to be 'acceptably managed'. The following allocated sites are for residential and highly vulnerable uses are partly located in the Zone C2 flood plain.

MG2 (5) Land to the East of Eglwys Brewis, St Athan (250 units)

MG2 (7) Land Between new Northern Access Road and Eglwys Brewis (375 units)

Land at Hayes Road Sully (Gypsy and Traveller Allocation) 18 Pitches

The authority should provide clear evidence of how flooding policy has been considered in the site selection process. PPW (Section 13.3) and TAN 15: 'Development and Flood Risk' clearly states that **highly vulnerable development (including residential and gypsy and traveller sites) and emergency services should not be allocated within Zone C2, regardless of a FCA.** The Welsh Government issued revised Development Advice Maps (DAMs) in March 2013. It is imperative that the authority confirms that the latest DAM maps have informed the site selection in the Revised Deposit Plan.

f) Sewerage / Drainage Capacity

The Draft Infrastructure Plan does not explain in sufficient detail how sewerage/drainage infrastructure will be delivered over the plan period. Appendix 5 of the LDP lists at least 28 housing allocations sites (including key sites) that have some or significant sewerage or water capacity issues requiring further modelling/consultation to determine what infrastructure improvements are required.

The authority should explain the scale of sites affected and the timing of how current constraints will be resolved.

B3. Gypsy and Travellers

a) Gypsy and Traveller Provision

Local authorities have a statutory duty under sections 225 & 226 of the Housing Act 2004 to consider the needs of Gypsies & Travellers, resulting in the identification of suitable sites in the LDP to meet identified unmet need (paragraph 17, Welsh Government Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites'). **The LDP should make provision to meet the identified need over the plan period to 2026 which currently is unclear.**

The evidence base is also unclear as to what and who the 18 pitch requirement relates to: Gypsies, New Travellers and/or Travelling Show people. **The evidence base should be clarified further to explain both the need and resulting pitch requirement as relates to the appropriate definition in WAG Circular 30/2007.**

b) (Policy MG 5 Land at Hayes Road Sully) - Suitability of Site

The site is partly situated in zone C2 flood plain. Evidence will be necessary to demonstrate that appropriate infrastructure to enable access and egress would be unaffected by the C2 designation. **The Welsh Government considers that the plan should demonstrate that the area has sufficient capacity to accommodate the stated use and scale to avoid conflict with regard to flood risk.**

Appendix 2 of the Draft Infrastructure Plan states that delivery of the site is in part reliant on the funding from Welsh Government. **The authority should clarify to what extent the deliverability of these sites is reliant on Welsh Government funding and in the absence of such funding, what are the implications for deliverability.**

c) Transit Provision

The authority has not made provision for a transit site in the LDP, and suggests that this should be dealt with at a regional level. The GTAA suggests there is a gap in provision of around 10 pitches close to the M4. **The plan should make provision for identified need, where the evidence indicates there is a need. Publication of the Consultation Paper and Draft Planning Bill may provide a statutory plan based approach to resolve this matter. The Welsh Government considers that a more strategic approach to land use planning, as highlighted through the Independent Advisory (IAG) Report, would resolve transit site matters along the M4 corridor in the medium to long term.**

B4. Policy SP5: Employment Requirements / MG 9 Employment Allocations

a) Strategic Employment Land Provision

Policy MG9 allocates 433.5ha at strategic employment sites to deliver 12,000-15,000 jobs in the key sectors; aerospace, high tech manufacturing, logistics and distribution. The aim of the strategic employment allocations is to support and provide a catalyst for new employment in the wider capital region. Such an approach is supported. **However, it is unclear how this significant uplift in job growth relates to the level of housing provision in the plan.** For example, how do the assumptions regarding base population, migration, and the working age profile relate to this increase in job growth and key objectives of the plan such as reducing out commuting?

Such a high level of employment growth may indicate that the population (working age profile) will need to increase and additional homes will be necessary to enable people to live in close proximity, delivering on the key objectives. **Given the scale of employment at St Athan & Cardiff Enterprise Zone the authority should consider allocating additional homes in line with the strategy to enable more sustainable communities and reduce current levels of out-commuting.** (See response B1.a)

There is a lack of evidence to explain the strategic employment allocation totalling 34.9ha (net) at Hensol (Policy MG 9.1 & MG 9.11). This settlement is not identified in the hierarchy and the evidence base concludes '*it is not clear what demand exists*' for the allocation.

b) Local Employment Land Provision

The Council has based their local employment supply on historic take-up rates for the period 2007-2011 (2.65ha per annum). Policy MG9 allocates 53ha of local employment land up to 2026 (with the inclusion of a 5-year buffer). We note that a longer period (1996-2007) would indicate a higher rate of 4.1ha per annum. Further clarification is required to explain that by projecting forward employment take up rates from a period of economic decline this will not adversely impact on the delivery on the economic objectives of the plan.

c) Spatial Distribution of Employment

Whilst it is difficult to demonstrate a direct and precise relationship between the level of housing and employment provision in a plan, it appears that there is limited employment provision in the key and service centre settlements.

The strategy aims to match existing and planned housing developments with new employment opportunities. However, there appears to be a misalignment with employment provision in relation to the settlement hierarchy. It is unclear why there are no employment allocations in the Service Centre Settlements to coincide with the proposed housing allocations. The Key Settlement of Barry and the wider South East Zone has been identified in the plan as having a significant residential population that will act as a focal point for growth over the plan period. Despite the high population density, just 7% of all employment allocations have been identified here to meet local need. **Additional employment sites in the South East Zone to meet local expansion and investment may be required.**

d) Deliverability of Employment Sites

Several employment allocations have significant constraints (Appendix 6, Deposit Plan). Constraints appear likely to affect the timing, viability and developable area of allocations, albeit some sites appear to be at a greater risk than others.

Based on the Council's evidence we have concerns regarding the deliverability of local employment allocations, many of which have been carried forward from the adopted Unitary Development Plan (UDP). For example, the employment site of Ffordd y Mileniwm, Barry (MG 9.5) is subject to flood risk, has no current sewage provision, contains archaeological resources and land value issues. This raises questions on deliverability and timing of release. Such constraints could reduce the net developable area and the authority should update Policy MG 9, total (net) local employment to account for this.

Further issues that exasperate deliverability are the estimated availability of local employment sites. Just 9% (approximately 2ha) of allocations will be available and serviced during the period 2014-2018; after this period many of the available sites will still not be served by utilities and road access. Table 32 of the Employment Land Study identifies that Barry will have little immediate supply, with 25.6ha unavailable for at least another 5 years. This limits the choice and flexibility to meet local demand.

It is vital that the monitoring framework identifies any shortfalls in delivering the level of employment in the plan period, including appropriate triggers that will inform how these issues will be addressed to maximise economic opportunities.

B5. Minerals

a) Housing allocations in minerals safeguarding areas

Further evidence is needed to support the rationale for allocating several housing and employment sites within Category 1 safeguarding areas which contain resources of national (UK and Wales) importance and Category 2 safeguarding areas. The Minerals Planning Background Paper (paragraph 4.27) states that the allocation will take precedence over the safeguarding requirement as the Council has considered the impact on the resource. Criteria (i) to (v) provide a justification for the allocation of sites affected by minerals safeguarding. However, the authority needs to demonstrate how the criteria have been applied to the assessment of sites in order to show how the allocations are acceptable and relative to the protection of the resource.

b) Policy SP9 Minerals

Clarity is required on how the land bank and Regional Technical Statement (RTS) requirements are being satisfied. The reasoned justification for Policy SP9 states that the assessment of the land bank has been based on MTAN 1: 'Aggregates' and the RTS 2008 requirements. The RTS 2008 suggests that whilst the Vale of Glamorgan did not have to make further provision, the situation should be kept under review as most of the reserves are in Bridgend. The Minerals background paper states that the RTS 2008 figures are high and that sufficient resources exist, such that there is no requirement to share reserves with Bridgend. However, it does recognise that the situation is economically depressed and monitoring is required. Clarity is required as to how reserves at Forest Wood Quarry have been counted as part of the land bank calculation and how this reserve has been 'shared' with Rhondda Cynon Taf.

c) Draft Regional Technical Statement (RTS) First Review

Table 5.3 of the draft First RTS Review shows that the Vale of Glamorgan has a shortfall of 13.55 million tonnes of crushed rock aggregates over the period 2011 to 2036. Whilst we acknowledge this document is in a draft form and the assessment is not strictly in accordance with MTAN 1: 'Aggregates', it would be prudent for the authority to demonstrate that the apportionment requirements over the LDP period can be satisfied. A criteria based approach is only likely to be appropriate where no future allocations are necessary over the plan period. It may be that the requirements indicated in the draft First RTS Review can be accounted for, but clarity would be beneficial given the Vale of Glamorgan's importance as a production area for limestone.

d) Policy MG20 - Development in Minerals Safeguarding Areas

Clarification on the application of the criteria would be beneficial. Are the criteria stand alone or should they be read in conjunction? For example, the application of criterion 4 relative to criterion 3 is unclear. If geological evidence on the quality and quantity of the resource shows it to be geologically poor and limited in extent, then it is not clear what value the application of criterion 4 would add. Criterion 4 could apply as a stand alone test.

Criterion 1 suggests that development should not proceed unless prior extraction occurred. This is undermined by the reasoned justification (paragraph 6.128) which suggests that market demand will be a factor in defining whether prior extraction is feasible. To be in accordance with national policy the reason for the safeguarded area and the long term benefit of the resource should be considered relative to the need for development and any short term economic arguments.

e) Policy MG23 Mineral Working

The supporting text (paragraph 6.138) states that "*priority will be given to the use of recycled material and secondary aggregates before new sources of primary materials are developed*". To aid clarity this should be included as a criterion in the policy if it is to be applied successfully.

Category C - In relation to soundness tests CE2, CE3, CE4: 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:

C1. Affordable Housing - Target, thresholds and commuted sums

a) Affordable Housing: Thresholds

We support lower thresholds and the use of commuted sums where the evidence indicates it is financially viable, particularly as affordable housing is considered to be a key issue for the plan to maximise delivery. This point is further reinforced by the proportion of small sites that could be captured under Policy MG4.

However, the conclusions of the report are not reflected in the policy. The report recommends that the Council should adopt a 10 unit threshold in Barry and Penarth. This reflects that brownfield sites in Barry and Penarth are generally more constrained. Whilst challenging, targets needs to be grounded in evidence and applicable to the majority of applications, whilst allowing site specific negotiations to occur, if/where necessary (on a limited number of sites). **The authority should explain how the 5 unit threshold that is contrary to the report findings will not prejudice the delivery of sites in Barry and Penarth.**

b) Affordable Housing: Commuted Sums

The policy position in respect of commuted sums is confusing. The reasoned justification (paragraph 6.28) explains that contributions in Barry, Llantwit, Rhoose and St Athan will provide an on site contribution of affordable housing. The position for other areas is unclear. Paragraph 6.30 states that new residential developments (within Cowbridge, Penarth, Dinas Powys, Wenvoe, Minor Rural and the Rural Vale) involving a net gain of 1-2 units will require a commuted sum. Paragraph 6.31 states that while the Council's preference is for on-site provision, the council may allow affordable housing to be delivered off site via a commuted sum. Does this apply to all areas? In addition paragraph 6.33 of the plan states that for sites of 3 or more dwellings, on site provision will be sought. This requirement is omitted from the policy.

Reference to commuted sums and as to what thresholds they apply to should be included in the policy and made more explicit in the supporting text. This will aid the clarity of the plan and give certainty to developers.

c) Affordable Housing: Target

The word "*minimum*" in the policy is inappropriate as there may be cases where a lower figure is all that can be achieved, based on viability and site specific considerations. The policy should include a reference to facilitate viability discussions, as is the case with other local authority plans/policies in those instances where the set level sought cannot be achieved due to viability matters. This will then allow viability evidence to influence a different outcome, based on evidence, not inhibiting development from coming forward.

d) Affordable Housing: Viability Work / Ministerial Statement (July 2013)

The Council should update the financial viability work to take into account the implications of the recent Ministerial Statement (July 2013) which makes it clear that Part L will have a close to cost neutral effect on building costs. Based upon the domestic fire safety requirements costs outlined in the Consultation Regulatory Impact Assessment, equate on average to £3,100 per domestic property (Previous examinations assumed £7,300).

The Council's delivery agreement states adoption of the plan in January 2017. At the time of the examination the overarching viability study will be five years out of date. It will be important for the Council to monitor any significant change to requirements which could have a consequential impact on viability. **The authority should consider providing an update to the viability evidence prior to examination, as has been the case in the other authorities.**

C2. MD 18 Gypsy & Traveller Accommodation Criteria Based Policy

Welsh Government Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites' requires criteria based policies to 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 (paragraph 25). The following criteria of Policy MD18 appear overly restrictive:

Criterion 1 –Gypsy and Travellers should be treated the same as others. It is not reasonable that an application for a new site would be refused if residents could be accommodated on another site. This is not in line with national policy.

Criterion 2 – Is not in line with the freedom of choice to make individual private Gypsy and Caravan site provision (Circular, paragraph 5). Sites may be on the outskirts of built up areas as well as in rural & semi rural settings (Circular, paragraph 26).

Criterion 3 – Could be expressed more positively (Circular, paragraph 26)

Criteria 4 – For private Gypsy and Travellers the caravan site licensing system (and related model standards) deal with public health on site services and arrangements.

Criteria 5 – The phrase “adequacy of the existing highway network to serve the site” may go beyond the guidance with the Circular (Para 21 and Annex B, Para 4).

C3. Monitoring Framework (Chapter 9)

Mechanisms for implementation and monitoring need to be sufficiently clear and sensitive to provide an early alert to avoid non-delivery. The Monitoring Framework needs to be clear and sensitive to ensure the plan is delivered. A transparent and comprehensive monitoring framework should be an integral part of an LDP. Currently, the LDP monitoring framework has shortcomings regarding trigger points and unspecified actions to redress matters. We object to the following assessment trigger (2021) for the following topic areas:

PT2, PT19, PT20, PT22, PT 23 - Housing, affordable housing and gypsy and traveller site related indicators

PT3, PT24, PT25 – Employment related indicators

The assessment trigger point of 2021 (phase three of the plan) for many of the indicators is not appropriate. To ensure delivery of the plan and compliance with national policy shorter timescales should be included to ensure that a review could be triggered if sites are not coming forward as anticipated in time to rectify the problem.

The affordable housing monitoring should include an indicator relating to affordable housing thresholds in the plan.

The LPA should consider the merits of expanding on the list of key housing sites, infrastructure, and employment schemes that are required to deliver the strategy.

This could aid the delivery of the key sites and infrastructure within the plan.

Employment - Monitoring Framework

The Council does not formally record employment land take-up (Employment Land Study, paragraph 8.5). The authority should explain how the land bank is updated by evidencing supply and identifying areas of demand.

Employment land monitoring: PT3 and duplicated in PT25 (part). The assessment trigger should be reduced from 10% to 5% reduction in the target of 26.5ha of local employment land developed by 2021.

Strategic employment site monitoring: PT24. Trigger weak and requires amendment to quantify the scale of employment land to be developed in the Enterprise Zone by 2021. Unclear why the Strategic Site at J34 M4 has been omitted from the monitoring.

St Athan Enterprise Zone: PT34. As the Northern Access Road is significant to the delivery of the site, there should be an additional trigger (inline with the master plan in 2018) to ensure construction commences by 2020.

An additional indicator should be included to monitor the supply/demand of employment sites in Cowbridge. If a shortage of premises/sites is evidenced the Local Authority need to identify a viable location.

C4. Best and Most Versatile (BMV) Agricultural Land

The quality of agricultural land has been highlighted in the plan as a potential constraint to development (75 hectares, 1,800 units). This includes four strategic housing sites, one site in a primary settlement and five allocations are in the minor rural villages. Some of the sites have either increased in capacity or are new additions to the revised Deposit Plan.

The Welsh Government accepts that greenfield land will be required to meet the scale of growth identified over the plan period. However, the Welsh Government considers that the scale of loss is of national significance and should not be disregarded lightly. **The Welsh Government considers that the LPA should thoroughly evidence the selection of sites and demonstrate that any loss of BMV agricultural land is minimised, only used when fully justified, as set out in PPW, paragraph 4.10.1.** The authority should also explain the rationale for allocating new sites in these areas, especially as they were not included in the previous Deposit Plan.

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

Policy MD 15 – New Employment Proposals

Paragraph 7.71 - Clarify why applicants may need to consider alternative employment sites outside the plan area and the scale and nature of the proposal that could warrant this.

Policy MD 16 – Protection of Employment Land and Premises

LPA should identify key employment sites for protection on the Proposals Map. Last sentence of policy needs to be re-written for clarity. It appears contrary to the need to safeguard employment sites and it's unclear how the Council will seek 'the provision of equivalent on-site employment uses and/or premises' for the 'other use'.

Flooding: Site MG32 Llandough Landings

Site falls within Zone C1 and needs to be justified in accordance with TAN15 (Para 10.5).

Renewable Energy (Policy MD 19 – Low Carbon and Renewable Energy Generation/ Background Paper

Further consideration needs to be given to locations identified in the Energy Study and Assessment documents as potentially viable areas or sites for different renewable energy technologies. It is recommended that these areas be incorporated on the proposals map.

Renewable energy targets

The Renewable Energy Assessment identifies increases by 2020 in the percentage of the Vale of Glamorgan's electricity and heat met by renewable energy sources. Objective 2 could benefit from further clarification in relation to the background evidence.

Policy MD10 – Promoting Biodiversity Page

Remove "where possible" from the policy to reflect its aim.