

Amgylchedd a Datblygu Cynaliadwy
Environment and Sustainable Development



Llywodraeth Cymru
Welsh Government

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Our Ref: qA930131
Your Ref:LFH/20.14

Date: **16th June 2011**

Dear Lynda

**Blaenau Gwent Local Development Plan 2006-2021 – Deposit Version
: Response**

Thank you for your recent correspondence of 04th May, 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. Deliverability: Housing & Infrastructure Provision**
- ii. Affordable Housing**

- iii. **Gypsies and Travellers**
- iv. **Minerals**

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:

- i. **Implementation and Monitoring**
- ii. **Housing – new dwelling requirement**
- iii. **Natural Environment – Policy SP10**

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.

Neighbouring Plan Areas, Welsh Language, Policy Wording (National Policy Repetition), Policy SP3, Policy SP11, Affordable Housing Exception Sites, 'The Works' Learning Zone, Housing Distribution (typo?)

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

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

Yours sincerely

Mark Newey
Head of Plans Branch
Planning Division
Welsh Government

Annex

Annex to WG letter (16th June 2011) in response to the Blaenau Gwent Deposit LDP

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

- No Issues

B. **Objections under soundness tests C2, CE1, and CE2: Matters where it appears that the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely:**

B.i. Deliverability

-i. Deliverability: Housing

Whilst we support the growth aspirations of the LDP strategy, we consider that deliverability of housing within the plan period should be a matter that is considered at examination. We note that there appears to be a good mix of sites and a reasonable degree of confidence in delivery with the major funding sources outlined in chapter 9 and with the progress with masterplanning of the key strategic sites.

The key issue requiring further clarification is the ability to deliver the scale of development proposed when compared to past **build rates** (paragraph 6.37) particularly in light of the housing market being less buoyant than some neighbouring authorities. It should be noted that we are not criticising such a positive approach, albeit seeking to ensure that the plan is deliverable, in broad terms.

The Population and Housing Background Paper advises that build trends between 2004-09 average 113 per annum (paragraph 3.9ff). An average rate of 244 dwellings per annum would be required to enable delivery of the required 3,666 new dwellings for the LDP's growth strategy (**Policies SP4 Delivering Quality Housing and SP5 Spatial Distribution of Housing Sites** – pages 31&33). Clearly, this is ambitious given that, according to Table 9, since 1980 this annual rate has only been achieved 4 times. The LDP has phased housing delivery over three 5-year periods with rates progressively increasing; Policy SP5 Spatial Distribution of Housing Sites provides dwelling numbers (part c) which would translate to build rates of 164pa rising to 264pa then 305pa. Attaining these higher build rates would only be feasible if the planned large strategic sites in particular, which account for 33% (1,220 units) of the housing allocation, successfully come forward.

In addition, whilst there is some **phasing** information in relation to allocated sites at chapter 9 (Delivery and Implementation); it would be useful to have an understanding from the reasoned justification to Policy SP5 Spatial Distribution of Housing of how the phasing will be reflected within the four hubs as well as how phasing will be used to manage development over the plan period.

It is vital that the **monitoring** framework identifies any significant shortfalls in the progress towards delivery to trigger consideration of a review.

-ii. Deliverability: Infrastructure Provision

Policy DM4 Infrastructure Provision (page 56) seeks infrastructure delivery through planning conditions, obligations or the Community Infrastructure Levy (CIL). Paragraphs 7.31-7.32 provide some clarification in relation to the CIL. However, further clarification is required on how the CIL will be taken forward when pooled s106 contributions are no longer allowed after 6 April 2014 (5 or more), particularly in delivering the necessary infrastructure to support the plan and the timing of any transition to a CIL. The deliverability of the plan could come under question if there is no mechanism in place to capture the financial benefits arising from development which can be used to assist the provision of appropriate infrastructure. If there is no CIL in place until a date after April 2014 there could be a vacuum in the plans ability to capture such financial receipts. This should not be left to an early review of the plan. It is not in the interest of the plan to create a policy void. Further explanation should be provided to demonstrate how this situation is not an issue or, if it is, how it is to be resolved.

B.ii. Affordable Housing

- i. Affordable Housing Need

The reasoned justification to Policy SP4 Delivering Quality Housing at paragraph 6.32 says that the LHMA 2006 “identifies that 86 units per annum need to be provided which equates to 1,290 over plan period”. The plan should make clear whether this will deal with backlog and current need as well as anticipated need over the plan period. Given the definition of affordability in paragraph 4.1 of TAN2: Planning and Affordable Housing (i.e. ability to purchase or rent without subsidy), it should also be clarified whether the level of need has appropriately taken account of any impact of the private rental sector given that this sector could be affordable to some who could not afford to buy or obtain a mortgage on market housing.

- ii. Affordable Housing Target

Policy SP4 Delivering Quality Housing (page 31) identifies that approximately 800 affordable and special needs housing will be delivered, of which 327 will be delivered through S106 Agreements.

- **a.** The policy should only identify the target for delivery through the planning system (in accordance with TAN2: Planning and Affordable Housing – paragraph 9.1); with the broader total being deleted but retained in the policy justification.

- **b.** We are pleased to see the Affordable Housing Viability Study work (paragraph 6.32), but the plan’s target should be based on an ambition to maximise delivery of affordable housing through the planning system:

- Policy SP4 Delivering Quality Housing, as drafted, is insufficiently flexible to promote a higher level of provision. To overcome this, and given that affordable housing delivery is an identified issue for the LDP to address, the policy should be redrafted to delivery of ‘at least (327?) units’. (Also see objection relating to Affordable Housing Threshold - commuted sums.)

- The plan itself needs to be clear about sources of contributions to meeting this target. For example: i) The Affordable Housing Background Paper identifies contributions from allocated and committed sites at its Tables 4&5 (the plan itself does not do so). It is not clear what contribution is included for sites above 10 units that don’t fall neatly into multiples of 10 units, for example it would be reasonable that a site of 19 dwellings should have a greater level of contribution than on of 10 dwellings. ii) There is also an anomaly within the

Affordable Housing Background Paper with regard to contribution from windfall dwellings and from small sites. It would appear that contributions will be sought from windfalls (paragraph 3.23 of the Background Paper), whilst nothing is to be sought from small sites under 10 dwellings. iii) Also, it would be reasonable to factor into the target some contribution from the affordable housing exceptions sites policy (policy DM9).

- Whilst it would be unreasonable to review delivery through existing commitments, there should be a statement in the plan that any renewal applications would be considered under the plan's policy requirements.

- iii. Affordable Housing Thresholds

Policy DM8 Affordable Housing (page 63): The Affordable Housing Viability Study (page 30) recommends that the authority should set a target of at least 10% on all sites of ten or more units and 15% on all sites over 100 units.

- **a.** Policy DM8 Affordable Housing requires 'at least' a 10% affordable housing requirement. For consistency and clarity, paragraph 7.61 should be amended to 'at least 10%..'

- **b.** Four housing site allocations (listed in Policy H1 Housing Allocations – page 87) exceed 100 units, i.e. MU1: Ebbw Vale Northern Corridor (700 units), H1.4 Jesmondene Stadium (184 units), H1.6 Land Adj to Chartist Way (101 units) and, H1.20 Land at Farm Road (130 units). In this respect it is not clear why paragraph 3.18 of the Affordable Housing Background Paper states that there is only one large site. It is not clear why Policy DM8 Affordable Housing and its justification fail to require at least 15% affordable housing on sites which exceed 100 units. (We note that one of the committed sites, allocation MU2 The Works which exceeds 100 units has a stated higher affordable housing requirement of 20% (paragraph 8.12).

- **c.** The Affordable Housing Background Paper shows that a unit of affordable housing will only be sought from multiples of 10 dwelling units (Table 4) (see also our objection in relation to the affordable housing target). The plan should clarify the position with regard to commuted sums in order to optimise affordable housing delivery and the number of units that can be delivered through S106 agreements.

B.iii. Gypsies and Travellers

i. Need & Provision: The Blaenau Gwent Gypsy and Traveller Housing Needs Assessment 2007 has informed the content of the Deposit LDP and resulted in the allocation of an additional 6 long-term pitches (Policy SP4 Delivering Quality Housing and Policy GT1 Gypsy and Traveller Accommodation – pages 31&90; and referred to at section 6 of the Affordable Housing Background Paper). There are a several matters relating to this Assessment that are unclear:

- a. whether it utilised the wider Gypsy and Traveller definition which applies for Gypsy and Traveller housing needs assessment purposes (paragraph 1.2), given the definition in WAG Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites' (paragraph 3), including the extent of consultation with the Gypsy and Traveller community and their preferences for site locations, as well as whether there is a need for transit pitches;
- b. whether the need is appropriate for the plan period given that the report is dated June 2007, focuses on the period 2006 to 2011 and appears to be silent on provision beyond 2011 (paragraph 5).
- c. given that this assessment was not based on WG guidance (as advised at paragraph 1.2), it should be made clear whether there are any significant implications of not having done so.

ii. Policy DM 10 Sites for Gypsies and Travellers (page 65)

- a. The policy should more clearly apply to Caravan Sites for Gypsies and Travellers.
- b. Interpretation of provisions contained in criteria (b) and (e) relating to “appropriately screened” / “adequately screened” / “well defined boundaries” could be questionable given the point made in WAG Circular 30/2007 ‘Planning for Gypsy and Traveller Caravan Sites’ at paragraph 25 and the last sentence of paragraph 4 of Annex B.

B.iv. Minerals

i. Minerals: Policy DM20 Mineral Safeguarding (page 76) –

The criteria to policy DM20 Mineral Safeguarding are given as alternative scenarios by the use of the link word 'or'; however, criteria b requires an overriding need for the proposed development, whereas criterion c does not. The policy needs redrafting to remove this anomaly; whilst the term 'overriding need', if retained, should be defined in the policy justification for clarity.

ii. Minerals: Sand and gravel - No sand and gravel resource has been identified and ‘sand and gravel’ is not specified in Policy M1 'Safeguarding of Minerals' (page 106). The plan’s Written Statement, supported by evidence, should state if it is considered that there are no relevant sand and gravel resources to safeguard. (MTAN1 Aggregates paragraph 32, 4th bullet.)

iii. Minerals: Dormant / Inactive minerals sites - It is not clear from the Deposit LDP or the Minerals Background paper whether there are any dormant / inactive minerals sites. To accord with the requirements of MPPW paragraphs 19 and 40, and MTAN1 Aggregates paragraphs 70-71, buffer zones should be defined around all permitted and proposed / allocated mineral sites; this includes dormant/inactive sites, with clarification of the Council’s approach to these sites including intentions in relation to making prohibition orders.

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:

C.i. implementation and monitoring

The mechanisms for **implementation and monitoring** need to be sufficiently clear and also sufficiently sensitive to provide an alert of any lack of activity in particular on key sites including at early pre-application stages. Whilst it is good to see an appropriately detailed monitoring framework within the LDP, the framework doesn’t appear to be sufficiently clear, for example with regard to the monitoring targets and trigger points for review. Specific examples are:

- o e.g. for Policy SP1 it is not clear as to the timescale for the 85% target and when the ‘less than 20%’ trigger point (would assume the target for the plan period would be 100%) will kick in;

- e.g. for Policy SP2 a trigger of 0% by 2021 will be meaningless for the monitoring of progress within the plan period;
 - e.g. for Policies SP4 and SP5 the trigger ranges for additional dwellings are too great (e.g. +/- 50% etc), whilst there is also an evident anomaly between these and the triggers provided for population increase (+/-1%) for Policy SP4.
- In addition it is not clear that this framework will provide monitoring information specific to progress on the three strategic site allocations MU1-3.

C.ii. Housing

- New dwelling requirement (Policy SP4 Delivering Quality Housing – page31)

The WG supports the strategy for regeneration and it is good that the plan is seeking to achieve a higher level of provision. Whilst provision of the requirement for (about?) 3,666 dwellings is based upon the WG 2006-based projections (paragraph 6.30), further clarity on its relationship to the WG 2008-based projections would be of assistance within the LDP Written Statement even though there may only be a nominal difference. (We note that the Population and Housing Background Paper does provide some limited discussion in relation to households at its paragraphs 4.8 & 4.9.)

C.iii. Natural Environment

- Policy SP10 Protection and Enhancement of the Natural Environment (page41)

The policy states that, “Blaenau Gwent’s unique, natural environment and designated landscape will be protected, preserved and, where appropriate enhanced”; this policy drafting is at odds with Planning Policy Wales (paragraph 5.4.5) which provides for the conservation and enhancement of the natural environment. The requirement to “preserve” should be deleted.

The justification of policies SP10 and DM11 should be sufficiently clear to enable identification of the sites that these policies relate to (e.g. there is no mention of the 2 SSSIs that are within the County Borough boundary).

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. Neighbouring Plan Areas – the plan’s Written Statement should clarify the relationship between this plan area and its neighbours. It would be useful for the plan to clarify its relationship with the existing and emerging LDPs of neighbouring plan areas with regard to the mapping of areas such as: Green Wedges (ENV1), Special Landscape Areas (ENV2) and Mineral Safeguarding Areas (M1&M2).

The Written Statement should also make clear that this LDP excludes the national park and that the BBNP Authority is preparing an LDP for the whole area of the park (we note that the proposals map makes the distinction).

D.ii. Welsh Language – The plan’s Written Statement does not clarify how the needs and interests of the Welsh language have been taken into account in plan preparation (Planning Policy Wales paragraph 4.12.2).

D.iii. Policy Wording (National Policy Repetition) – LDP policies should not repeat national planning policy and that there shouldn’t be specific references to national planning policy within the policies, for example, Policy SP10(a) & (c), Policy SP11(a).

D.iv. Policy SP3 The Retail Hierarchy and Vitality and Viability of the Town Centres (page 29) - part 2b of the policy says that opportunities to improve the retail offer will be explored; this implies a procedural action rather than land-use policy.

D.v. Policy SP11 Protection and Enhancement of the Built Environment (page 43) - The policy and its title refer to the built environment; yet the policy appears to relate to the broader historic environment.

D.vi. Affordable Housing Exception Sites - Policy DM9 Rural Exception Sites (page 64). The policy title should be amended to accord with Planning Policy Wales, i.e. *affordable housing* exception sites.

D.vii. ‘The Works’ Learning Zone - the plan advises that the proposed Learning Zone at ‘The Works’, is subject to ‘Ministerial Decision and Judicial Review’ (paragraphs 6.61 and 8.12). We understand that this position has been resolved; the decision by the Minister for Children, Education and Lifelong Learning (31 March 2011) gave approval to the schools proposals subject to the condition that the local authority obtains the necessary planning consent for all phases of the project by 31 August 2011.

D.viii. Housing Distribution (possible typo?) – paragraphs 5.5&5.13 give 81% of new housing in the Northern Strategy Area and 11% in the Southern Strategy Area; it is not clear where the remaining 9% will occur. We note that the monitoring framework gives a split across the 4 hub areas that does total 100% (for Policy SP5).
