

Amgylchedd a Datblygu Cynaliadwy
Environment and Sustainable Development



Llywodraeth Cymru
Welsh Government

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Cwmbran
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Our Ref: QA962972
Your Ref: WG/LDP/Deposit

Date: 18th November 2011

Dear Martin,

Monmouthshire Local Development Plan – Deposit LDP: Response

Thank you for your letter of 28th September including copies of the Deposit Local Development Plan (LDP) and accompanying documentation.

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**.

Category 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:

i. **Housing Provision, Flexibility & Ceilings on Strategic Sites**

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: -

- i. **Distribution of Growth**
- ii. **Deliverability**
- iii. **Monitoring Framework**
- iv. **Gypsy and Traveller Sites**
- v. **Renewable Energy**

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:

- i. **Affordable Housing Target**
- ii. **Migration Rates**
- iii. **Agricultural land quality & strategic sites**
- iv. **Employment**

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.

Minor Points

We have raised many 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. We consider that an early meeting is important to discuss matters arising from our formal response to your deposit LDP and would encourage you to contact me.

Yours sincerely

Mark Newey
Head of Plans Branch
Planning Division
Welsh Government

Annex

Annex to WAG letter (18th November 2011) in response to the Monmouthshire County Council Deposit LDP

Category 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:

Ai. - Housing Provision

The Welsh Government (WG) notes the Council's agreement to the methodology used to prepare the 2008-based household projections, including the average net migration flow of approximately 360 people/year. The WG 2008 based projections revised down the projected household needs for the County, primarily by utilising a lower net inward migration rate (2006 based on approximately 520 people/year). The WG's concern relates to what period the projections are applied to, i.e. 2006/08 or 11-2021 and the level of housing provision in the plan.

Extrapolating the WG2008 projections over the period 2008-2021 equates to a total of 5,200 units. Taking into account actual completion rates between 2008-2011 (average build rate 2006-2011 = 235/year) there would be a shortfall in provision of 495 units, as opposed to the assumptions underpinning the LDP. If the methodology used in the WG2008 projections were extrapolated back to 2006, the same base date as used in the regional apportionment exercise and consideration of growth levels and options in the LDP Preferred Strategy (Policy S2 of the Preferred Strategy (p51) indicates that the housing provision is for the fifteen year period 2006-2021) this shortfall would increase to 825 units. Whilst it is acknowledged that Monmouthshire's adopted UDP covers the period up to 2011 and, in general terms, built out its identified housing provision (approximately 5,000 units 1996-2011) it is unclear as to how this apparent discrepancy between the assumptions underpinning the WG2008 projections and those supporting the UDP have been addressed in this overlapping period, particularly as the methodology in the 2008 projections is accepted by local authority. Accepting the WG2008 projection methodology implies that the local authority agrees that the issues driving the methodology are actually happening during this overlapping period, which is at odds with the UDP position. In effect there appears to be an under provision which should be addressed through the plan of between 495 to 825 units.

Flexibility

Policy S2 does not include a flexibility allowance to allow for sites that may not come forward during the plan period. This is a key concern; all LDPs should ensure that a range and choice of sites can be brought forward within the plan period in order to ensure that the plan is sufficiently flexible to respond to economic changes and unforeseen circumstances. This lack of flexibility in the Plan could potentially impact on the deliverability of market and affordable housing. The LDP should be sufficiently flexible to enable it to deal with changing circumstances (such as a key site not coming forward for development), and identify contingencies. A 10% flexibility allowance on the housing provision in the plan would equate to an additional requirement of between 400 and 600 units (based on the provision of 4,000 units over the period 2011-2021 and 6,000 units 2006-2021).

Policy S2 should be amended to incorporate a degree of flexibility. Whilst we have suggested 10% there have been variations proposed in adopted LDPs. The matters regarding the precise level of flexibility should be discussed further. Combining the apparent under provision during the periods 2008-2021 and 2006-2021 with a notional 10% flexibility allowance equates to a potential under provision of between 895 to 1,425 units. In order to reflect the above comments the housing allocation in Policy S2 should be amended to make provision for 4,900/5,425 units in order to deliver 4,500/4,825 over the plan period.

Ceilings on Strategic Sites

Strategic site policies (*Policy SAH1, SAH2, SAH3, SAH4, SAH5*) contain 'ceilings' and restrict the number of dwellings that can come forward in the plan period. It is unclear why this approach has been followed as this could further exasperate the limited flexibility within the plan. In addition, there

may be site constraints that will need to be overcome including, sewerage infrastructure, contamination, the undergrounding of pylons, and environmental issues which could benefit from flexibility numerically in delivery.

The Strategic Sites monitoring indicator (p196) states that further investigation will only be warranted if planning permission is not granted on the strategic sites by 2015. Given that this half way through the plan period this raises questions regarding the ability of the plan to respond if these sites are unable to be delivered in full within the plan period.

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:

Bi. – Distribution of Growth

Policy SP1, amplified by paragraph 5.15, sets out the spatial distribution of housing as follows, Main Towns (42.45%), Severnside Sub Region (22.24%) Rural Secondary Settlements (7.56%): (Rural General) (27.75%). There are potential conflicts between this 'hybrid spatial option' with the key LDP objectives in relation to 'promoting a sustainable economy' and 'achieving sustainable accessibility'. The SA of the 'hybrid' option also notes the issues, environment impacts and the potential unsustainable travel patterns of this spatial option. Given that Monmouthshire has issues relating to large commuting distances, limited facilities and poorer public transport infrastructure within rural areas it could be argued that a dispersed growth option could potentially encourage reliance on the car. While it is acknowledged that that one of the aims of the plan is to support facilities in rural areas, it is not clear that the reasons for allocating over 35% of housing in such areas have been explored fully.

Bii. - Deliverability

To demonstrate that the plan/policies can be implemented and delivered the plan needs to be more explicit how and when development will be realised over its lifetime; greater clarity on timing/phasing (including on priorities), on linkages to infrastructure and on funding sources, albeit at a strategic scale, to assist clarity and certainty.

Deliverability of the plan is inextricably linked to infrastructure delivery. Policy S7 - Infrastructure Provision (p.67) contains a list of planning obligations. The policy is generic and does not refer to specific infrastructure, or the phasing to deliver the strategy. In addition, it is not clear what infrastructure is needed to deliver the strategic sites. Paragraph 5.5.2 states: "*Guidance on the implementation of this policy will be detailed in SPG on Planning Obligations*". It is unclear as to the timescales for preparation, main priorities for contributions or potential implications for delivery.

a. - Community Infrastructure Levy (CIL)

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). The deliverability of the plan could come under question if there is no mechanism in place to capture the financial benefits arising from development to provide the appropriate infrastructure. If a CIL is not in place until after April 2014 there could be a vacuum in the plan's 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. In relation to infrastructure delivery and CIL, it would be helpful to provide a delivery trajectory indicating key requirements, linked to timing, to ensure development is delivered.

b. - Supplementary Planning Guidance

The Deposit LDP lists potential SPG that is to be prepared after adoption of the LDP. There is a lack of clarity in the LDP in relation to key matters, for example, affordable housing, infrastructure, design guides / development briefs / planning obligations, these being decanted to SPG. Where SPG is essential to deliver the plan this should be brought forward in parallel with the plan.

Biii. - Monitoring Framework

The mechanisms for implementation and monitoring need to be sufficiently clear and sensitive to provide identify where policies/key sites are not being delivered according to the plan and specify any relevant action. An appropriately transparent and comprehensive monitoring framework should be an integral part of an LDP. The LDP monitoring framework (Chapter 8) has some shortcomings regarding ranges, trigger points and unspecified appropriate remedial actions.

Biv. Gypsy and Traveller Sites

There is uncertainty and lack of clarity regarding the evidence base relating to level of need. The central finding of the Gypsy and Traveller Needs Survey identifies a need for four pitches in Monmouthshire. Consequently, this need should be provided for to reflect national policy. In addition, it appears little consideration has been given to provision beyond 2014, with the granting personal permissions raising questions regarding the plans ability to meet the wider need.

Policy H8 – Traveller and Travelling Show people are included within the same policy. If the Council believe that provision for Travelling Show people is needed, they would be better covered through a free-standing policy as their needs is different. The wording of Policy H8 suggests that need, in the sense of having to show a demonstrable need for a particular development at a particular location, is a planning consideration when it is not usually a planning consideration.

- **Criteria (d)** Paragraph 35 of the G&T Circular indicates that local landscape and local nature conservation designations should not be used in themselves to refuse planning permission.

- **Criteria e** the emphasis here should clearly be not locating sites in areas at high risk of flooding given the particular vulnerability of caravans.

- **Criteria g** It would not appear to be fair and reasonable to have such a prescriptive detailed list of criteria within this policy when aspects duplicate the existing caravan site licensing regime (section 5(1) (f) of the Caravan Sites and Control of Development Act 1960) which is the primary means for covering this issues.

Bv. Renewable Energy - Policy SD1 Renewable Energy

Paragraph 6.3.4 of the deposit LDP states that “*In accordance with TAN8, therefore, Policy SD1 indicates that planning permission will not be granted in Monmouthshire for wind farms greater than 5MW in capacity other than in exceptional circumstances*”. The policy justification makes reference to the guidance on the restriction of wind energy developments larger than 5MW contained in paragraph 2.13 of Technical Advice Note 8; Renewable Energy (2005).

This policy approach is inconsistent with the updated national planning policy on planning for renewable and low carbon energy contained in *Planning Policy Wales* (Edition 4) (2011). This states that local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy and tackle the causes of climate change. This includes authority-wide renewable energy in development plans, defined for planning purposes as “*Between 5MW and 25MW for onshore wind and between 5MW and 50MW for all other technologies*”.

In effect, the restriction that operated in paragraph 2.13 TAN8 is superseded by the clear emphasis in Edition 4 of *Planning Policy Wales* for LPAs to facilitate low authority-wide renewable energy in development plans, without any restriction to certain land types. Monmouthshire should utilise their Renewable Energy and Energy Efficiency Study (May 2010) which identified a practical potential of between 40 and 80MW and unconstrained zones where potential wind energy development could take place. Policy SD1 places a clear restriction on these types of development.

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 it might be better demonstrated:

Ci. - Affordable Housing Target

Policy SP4 (Affordable Housing p61) sets a delivery target of 960 affordable housing units (96 p.a.). Paragraph 5.20 of the LDP indicates that the affordable housing target was based on an annual completion rate for Monmouthshire of 350/year over the period 2011-2021. The LDP now has a delivery rate of 400/year over the same period. Consequently, the target figure in Policy S4 should be amended upwards to reflect this change in position.

There have also been changes to the distribution proposed for adjoining local authorities, i.e. Torfaen's housing provision reducing to 5,000 over the plan period as opposed to 6,000 set out in paragraph 5.20. Presumably, as the distribution of affordable housing is based on the proportion of overall market housing, in response to such changes the target in policy S4 will require further amendment upwards. It is also unclear as to how levels of backlog have been addressed in the level of need.

Paragraph 5.27 of the LDP refers to the contribution from windfall sites towards affordable housing provision. Policy S4 is applicable to windfall sites and as such an assessment of their contribution towards the policy should be quantified, as per the categories set out in paragraph 5.26.

Cii. - Migration Rates

The Justification for Level of Housing Background Paper (JLHBP) explores the WG2006 and WG2008 projections and suggests that the WG2008 projections are more robust as they more closely align to the long term in migration trends experienced since 1981. The WG2008 projections from the period 2003-2008 note an average net migration of 360 people/year, compared to the WG2006 projections which indicate a much higher figure of 520 people/year. Paragraph 3.4.4 (JLHBP) illustrates seven different net migration rates for Monmouthshire, varying between 270 (1996-2006) and 540 (1991-2006) people/year.

Whilst we accept Monmouthshire's use of the WG2008 projections, previous historic trends suggest higher in-migration rates, raising questions regarding the plans ability to respond to possible future increases in migration rates, the ability of planning to control migration and the implications of potentially restricting housing provision and affordability issues. This is pertinent reflecting on paragraph 3.4.11 (JLHBP) which suggests that the policy environment of the early 1990's encouraged high levels of in-migration and states *"it is considered entirely reasonable, therefore for the Council to seek to reduce these levels of in-migration, depending on the priorities established in the LDP."*

Bearing in mind that planning cannot control in-migration, restricting supply potentially has the effect of displacing local communities and inhibiting access to local markets through higher house prices. The implications on the plan if net migration rates increase requires further exploration, particularly reflecting on historically higher trends. Other key objectives of the plan, such as the delivery of affordable housing could also benefit from addressing such issues, as recognised in the sustainability appraisal of the three growth options.

Ciii. Agricultural Land Quality in relation to the Strategic Sites

In general, we note the evidence base in relating to agricultural land quality is sufficient, however it is considered that evidence is required to demonstrate how the policy towards to conservation of BMV agricultural land (PPW 4.9.1) has been rigorously applied to two of the strategic sites.

Policy SAH2 Crick Road – The site was previously allocated for employment use in the UDP where the economic need and locational requirements of a prestige employment development were considered to override the need to conserve BMV land. The allocation in the LDP has now changed

to residential development. Without demonstrating how PPW 4.9.1 procedures have been addressed there are questions over the decision to allocate the land for residential development.

Policy SAH4 Wonastow Road – Approximately 6.4ha of the land is un-surveyed for ACL purposes. It is considered moderately likely that at least 2ha of this area will be BMV agricultural land and the planning authority should justify the decision to allocate according to PPW 4.9.1. The residential development is on mostly grade 3b/4 agricultural land and as such is not an issue. However, a potential extension to this proposal is a candidate site (CS/0111) which has been subject to detailed ALC survey, forming the 17.6 ha Drewen Farm (13.8 ha Grade 2, 1.4 ha grade 3a, 2.4 ha grade 3b). Any significant extension to the site would impact on the BMV resource and would need to be justified in accordance with PPW 4.9.1.

Civ. - Employment

The Employment Land and Premises Review (Aug 2008) identified an imbalance in the type and location of employment land genuinely available, in particular a shortage of land in Chepstow. It is unclear whether the employment allocations have addressed this issue given the lower level of allocations in Abergavenny, Chepstow and Monmouth.

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.

(Di.) Policy S14 – Waste: The strategic policy should be more robust, as drafted it is an administrative arrangement and should be rephrased to state that “5.6ha are allocated for new in-building waste management facilities through identifying allocated and protected class B2.....”

(Dii.) Policy LC1 - New Built Development in the Open Countryside: There appears to be a typo within criterion b), an extra ‘or within’ has crept into this criterion and should be removed.

(Diii) Policy GI1 - Green Infrastructure: Criterion a) refers to ‘appropriate compensation of the lost assets will be sought’ – this needs further explanation to clarify what is meant by the use of the phrase ‘appropriate compensation’, i.e. financial compensation or replacement land/planting?

(Div) Policy W5 - Waste Disposal by Landfill or Landraising: The wording as currently drafted is a hybrid between a statement of intent and a unclear policy and requires re-wording.

(Dv) Policy SD3 – Flood Risk: The wording of this policy is not sufficiently robust to ensure compliance with the provisions of TAN 15. In particular it does not identify the need to ensure safe access and egress from a development (particularly if this is on upper floors) nor does it identify a flood frequency threshold (i.e. 1 in 100 year) that protection from engineering works or other flood protection measures will need to achieve. Therefore the wording of the policy is unclear and would benefit from the inclusion of criteria in order to provide certainty to developers and the public as to what standards they should need to achieve in such circumstances

(Dvi) SPG: Green Infrastructure and Landscape Character - It would be helpful if this was available now to aid understanding how a number of the Environment Policies in the Plan (namely, GL1, NE1 and DES1) will be implemented.
