

Amgylchedd a Datblygu Cynaliadwy
Environment and Sustainable Development



Llywodraeth Cymru
Welsh Government

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Your Ref: RM/SH/LDP/FC
16 May 2012

Dear Rob

**Torfaen Local Development Plan
- Consultation on Statement of Focussed Changes**

Thank you for your letter of 30 March and the related documentation you have provided. We note that the Statement of Focussed Changes (& minor changes / amendments) is accompanied by an updated SA Report which considers the proposed changes and HRA Screening Report.

The matter of whether a plan is considered 'sound' will be for the appointed Planning Inspector to determine. We have considered the proposed Focussed Changes in the light of the representations we made to the deposit plan (RepNo:0067) 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). **I wish to draw your attention specifically to the removal of the South Sebastopol site (SAA6) and our serious concerns regarding the 'soundness' of the plan if this decision is not reversed.** On the basis of the absence of evidence to support such a decision the Welsh Government considers an Exploratory Meeting appropriate to determine the implications of such a decision and how/if the plan can move forward.

Accordingly, the annex includes:

1. representations with regard to 1 of the proposed changes;
2. 13 matters raised in our deposit representations that have not been adequately met by the proposed changes.
3. 8 matters raised in WG deposit representations have been adequately met by the proposed changes

We have used the deposit representation reference numbers that you have provided in the Deposit LDP Report of Responses (its Appendix A) (on your web-site), together with the related reference contained in the originating WG deposit response letter which clarifies the categories A-D we use (27 May 2011- RepNo:0067).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Newey', with a stylized flourish at the end.

Mark Newey
Head of Plans Branch
(enclosure – annex)

Annex to WG letter (16 May 2012) in response to the Torfaen LDP Statement of Focussed Changes

The statement of Focussed Changes has been considered in the light of the representations we made to the deposit plan (RepNo:0067) 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).

1. WG representations with regard to 1 of the proposed changes:

Focussed Change FC16 (policy SAA6 South Sebastopol Strategic Action Area) – FC16 deletes South Sebastopol Strategic Action Area from the plan. The plan's dwelling target in policy H4 has been reduced accordingly from 5,000 to 4,310 (excluding the 20% flexibility over allocation) by FC16l; whilst FC16j, & FC16m amend paragraphs 4.3.4 and 5.5.1, advising that a reduced dwelling target is appropriate *'on reflection and in light of the extremely difficult economic circumstances and the Council's priority to favour brownfield development over intrusion into the countryside'*. The urban boundary has been redrawn on the proposals map by FC16q (we note there is no green wedge alternative).

This change has been proposed by the Council against officer recommendations; the Statement of Focussed Changes simply refers to the 'details included in Council minutes' of the meeting on 21 February 2012. Despite the guidance contained in LDP Wales paragraphs 4.29-4.30, there is no planning rationale provided in the Council minutes, nothing to support it in the evidence base, and, there is no evidence of this change having been considered through the sustainability appraisal; (the SA Report 'Draft Assessment of Focussed Changes' Feb2012 does not include this change).

The implications of the proposed housing deletions for affordable housing have not been accounted for, quite the contrary. Removal of this site will reduce the overall level of housing provision which does not reflect the significance of providing such accommodation according to the issues identified in preparing the plan. This also conflicts with Welsh Government's objectives of maximising the delivery of affordable housing. Furthermore, the reduction in the overall level of housing provision has not been adequately justified, particularly bearing in mind that the quoted economic circumstances prevailed when the plan was signed off for deposit. There is no evidence/justification for the change in position between deposit and focused changes.

Setting aside other representations stated below, we consider that this specific change must now make the plan 'unsound' and the original position should be reflected in the plan. It is perverse that a site included in the preparation of the plan for over 7 years, signed off by the council in the deposit version of the plan, a plan the council considered to be 'sound', included in the adopted Local Plan and subject to signing off of a Section 106 agreement on a planning application, does not now appear in the plan. The Welsh Government has serious concerns regarding the approach taken in reaching this position in the absence of any evidence and the implications on financial resources for the council, particularly if the plan is not found 'sound'.

2. The following 13 matters raised in WG deposit representations have not been adequately met by the proposed changes:

WG Deposit Rep0067/01,02&03 re WG Deposit Letter Rep A.i. Deliverability: Strategic Action Areas; (Report of Responses – SAA1etc, page 61etc).

The Report of Responses includes reference to our deposit representation in relation to Strategic Action Area policies SAA1 & SAA6, but not to SAA2,3,4,5,7. The proposed changes to the plan in relation to these policies do little to address our representation. We note that in relation to SAA1 (Eastern Strip Central SAA Cwmbran) a planning permission has been granted and the associated s106 agreed (FC12c).

WG Deposit Rep0067/35 re WG Deposit Letter Rep A.ii. Deliverability: Policy S8 Planning Obligations; (Report of Responses – S8 issue 1, page 49).

We note that MA10b proposes that paragraph 5.8.6 be amended, including the following:-
"...The Council has resolved to adopt a CIL Charge by the 6th April 2014; noting that planning obligations designed to collect pooled contributions from 5 or more developments may not be used to provide infrastructure which could be funded from CIL."

The LPA needs to demonstrate that they are able to comply with this resolution by April 2014 to ensure that there is no financial void enabling the provision of appropriate infrastructure to support delivery of the plan. Currently this is not the position and is an inadequate basis to move forward on. The Welsh Government is not convinced there is sufficient commitment or time to comply with this resolution.

There is no indication of the implications arising from the removal of the South Sebastopol site (SAA6) from the plan and how this may impact on finance raised and infrastructure required. This does not appear to have been addressed in the implications of removing this site from the plan, particularly as this site would appear to be one of the more deliverable larger sites in the plan.

WG Deposit Rep0067/04 re WG Deposit Letter Rep B.i. Scale & Location of Growth: Housing Delivery; (Report of Responses – S5 issue 14, page 35).

Rep0067/04 – has not been met. We note the Report of Responses Council response that it does not consider this objection to be a matter of soundness; our deposit representation was clear in listing it under our category B objections which relate to soundness tests C2, CE1 and CE2. The response fails to address the key matters that we have raised relating to deliverability.

WG Deposit Rep0067/05-08 re WG Deposit Letter Rep B.i. Scale & Location of Growth: Settlement Strategy; (Report of Responses – S1, S5 issue 15&16, page 7, 35, 36, + RoRAppA).

Rep0067/05-6 – whilst we note that a new LDP background paper, 'Scale & Location of Growth Background Paper' Feb2012, has been provided, the spatial distribution in the plan itself across the 3 housing sub-market areas at policy S5 (as amended by the proposed FCs) has been changed by the deletion of SAA6 South Sebastopol, yet with no clarification as to why this revised spatial distribution is appropriate (i.e. Cwmbran reduced, whilst Pontypool & North increased). Again, the evidence does not support the plan.

Rep 0067/07 – Report of Responses at S1 doesn't refer to our rep.

Rep 0067/08 – we note that MA7b & MA22 propose the provision of appropriate tables in the plan; however, these tables have not yet been made available for scrutiny.

WG Deposit Rep0067/09 re WG Deposit Letter Rep **B.ii. Affordable Housing;** (Report of Responses – H4 issue 1&2, page 207).

Rep0067/09 – FC26c partially meets our representation with regard to **need** (para 9.5.2); however, whilst the Report of Responses advises that it includes backlog etc, there doesn't appear to be a related FC to provide clarity within the plan's written statement.

FC26a,b&e address to some extent our representation with regard to **target**; however, the AHVS and implications for the LDP should be scrutinised through the examination process.

WG Deposit Rep0067/10-13 re WG Deposit Letter Rep **B.iii. Gypsy Traveller Sites;** (Report of Responses – H7 issue 1&2, H8, page220&230).

Rep 0067//10 -.FC29 meets our representation on **need**

Rep 0067/11-12 - We note the Report of Responses update in relation to ongoing work on **provision & allocation**, with the commissioning of a consultant in relation to the suitability of the Shepherds Hill site to enable the Council to make its final decision prior to the examination hearings. Clearly it is important that the Council comes to a suitable conclusion as soon as possible. As the evidence has identified the need for such an allocation, an allocation should be included in the plan.

Rep 0067/13 (H8 **proposals**) - has not been met (no FC/MA proposed).

WG Deposit Rep0067/14&15 re WG Deposit Letter Rep **B.iv. Employment: Rqnl Empl Allocations;** (Report of Responses – EET4/1 & EET4/2, H8, page240&245).

Rep 0067/14 & 15 - have not been met (no FC/MA proposed).

WG Deposit Rep0067/17 re WG Deposit Letter Rep **C.i. Flexible;** (Report of Responses – AppA, page327).

Rep 0067/17 – Report of Responses doesn't provide any reasoning or clarity.

WG Deposit Rep0067/18 re WG Deposit Letter Rep **C.ii. Implementation & Monitoring;** (Report of Responses – Ch10, issues 1&2, page338).

FC35 (monitoring framework – new Appendix) does provide improvements to the proposed monitoring framework. Rep 0067/18 is maintained; whilst FC35 does provide improvements to the proposed monitoring framework, we suggest that it is for the examination to consider the content.

WG Deposit Rep0067/19 re WG Deposit Letter Rep **C.iii. Minerals;** (Report of Responses – M1, page283).

Rep0067/19 is maintained with regard to the buffering inclusion and the criteria issue.

WG Deposit Rep0067/22 re WG Deposit Letter Rep **C.v. Green Wedges;** (Report of Responses – C1, page320).

Rep0067/22 is maintained. We note that FC16 deletes SAA6 South Sebastopol and amends the urban boundary; however, there is no clarification in relation to consideration of a green wedge.

WG Deposit Rep0067/24 re WG Deposit Letter Rep **D.ii. Housing & Employment Allocation Statistics;** (Report of Responses – AppA.).

Rep0067/24 is maintained. We note that MA7b & MA7c proposes the provision of 2 tables at Appendix 11 of the Plan; however, these have not been made available for scrutiny.

WG Deposit Rep0067/33&34 re WG Deposit Letter Rep **D.iv. Maps & diagrams;** (Report of Responses – M1; page 283 & AppA.).

Rep0067/33 is not considered with regard to M1, nor reported with regard to C1 & C2, so is maintained.

Rep0067/34 – AppA to the Report of Responses advises of changes to the key diagram; however, it has not been made available for scrutiny.

3. The following 8 matters raised in WG deposit representations have been adequately met by the proposed changes:

WG Deposit Rep0067/16 re WG Deposit Letter Rep B.v. Strategic Opportunity Areas; (Report of Responses – SOAs, issue 4, page142).

Rep 0067/16 is met by FC18-21 which delete the allocations, policies & justification at chapter 8, and instead includes a statement at para 4.2.55 detailing the future opportunities.

WG Deposit Rep0067/20 re WG Deposit Letter Rep C.iii. Minerals; (Report of Responses – M2, page287).

Rep0067/20 is met by FC36

WG Deposit Rep0067/21 re WG Deposit Letter Rep C.iiv. Waste; (Report of Responses – W1, issue 1, page306).

Rep0067/21 is met by FC39.

WG Deposit Rep0067/23 re WG Deposit Letter Rep D.i. Policy Wording; (Report of Responses – M2etc, page287etc).

Rep0067/23 is met by FC36, 37b, 40b..

WG Deposit Rep0067/25 re WG Deposit Letter Rep D.iii. Retailing / town centres; (Report of Responses – S9, page53).

Rep0067/25 is met by FC10b.

WG Deposit Rep0067/26&27 re WG Deposit Letter Rep D.iii. Retailing / town centres; (Report of Responses – RLT2/1 issue3 & RLT3 issue1, pages 257 & 262).

Rep0067/26 & 27 are withdrawn based upon the reasoning provided in the Report of Responses; (no FC/MA proposed).

WG Deposit Rep0067/28&29 re WG Deposit Letter Rep D.iv. Historic Environment; (Report of Responses – S7 & 7.6.4, page46).

Rep0067/28 is met by FC9.

Rep0067/29 is met by MA14b.

WG Deposit Rep0067/30-32 re WG Deposit Letter Rep D.v. Environment etc; (Report of Responses – BW1 issue 4, C2 issue2; page59, 323, AppA).

Rep0067/30 is met by MA11c.

Rep0067/31 is met by FC41.

Rep0067/32 – clarification is provided at App A of the Report of Responses.