



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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Adran yr Amgylchedd, Cynllunio a Chefn Gwlad
Department for Environment, Planning and Countryside

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Dyddiad . Date: 6 December 2006

|Dear Sir

Thank you for consulting the Welsh Assembly Government regarding the Conwy LDP pre-deposit documents. The Assembly is pleased to see progress being made in furthering a development plan for the area within the Delivery Agreement timetable. Your Authority's LDP is the first of the new style plans to be submitted to us. A lot of thought obviously went into the presentation and production of the documents; the minimal use of jargon within text is commendable.

The following comments are a strategic assessment of your documents and are intended to assist you secure a sound plan in due course.

Before setting out our comments, it is important to refer to the new approach to examining LDPs and how the Assembly proposes to address this stage of pre-deposit documents involving the preferred strategy, options and other background material.

In the past our comments at UDP first draft stage would have been in the form of specific objections to policy omission, relevance or wording which, if not addressed at deposit or pre-inquiry changes, would be dealt with at inquiry.

Under the new system, the responsibility rests with the local planning authority to ensure that a submitted LDP is sound in procedural terms and enshrines the principles of early community engagement, transparency, consistency, coherence and compatibility to neighbouring authorities. If these principles have not been addressed adequately at the earliest stages of preparation, then the deposit LDP may be considered unsound and unfit for examination.

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Without prejudice to the Minister's discretion to intervene later in the process and to the independent examination, the Assembly is committed to helping local planning authorities minimise the risk of submitting unsound documents by making appropriate comments at the earliest stages of document preparation, and particularly at the pre-deposit consultation stage.

To do this, the Assembly looks for clear evidence that the ten tests of soundness (as set out in the LDP Wales and the LDP Manual and explained further in guidance issued by the Planning Inspectorate) are being addressed. Where evidence of soundness is not immediately clear we will seek further discussions for clarification

Having considered all the submitted documents provided by Conwy CBC under Regulation 15, the Assembly has substantial concerns about the Preferred Strategy. Outlined below are the main issues that have the potential to render your Local Development Plan unsound. Examples of why these main issues are of concern are provided in the text below. An expanded appendix is annotated to assess the LDP pre-deposit documents with respect to the soundness tests. (A number of these issues were brought to the attention of your LDP team in earlier responses and meetings relating to draft versions of the papers.) We consider that this comprehensive response should be of assistance in moving forward with the LDP.

In terms of **process**, it is for the statutory consultation bodies and their equivalents to contribute to Sustainability Appraisal (SA) including SEA and Habitats Regulation Assessment exercises and your expert group to help you assess if they are fit for purpose.

As always, the Assembly would urge you to seek your own legal advice to ensure that you have met all the procedural requirements, because responsibility for these matters rests with your Council.

However, we have considered how these processes have informed plan preparation and the preferred strategy. While some issues raised in the SA seem to have been taken into account in your strategy, other conclusions appear to be outstanding. The documents do not appear to explain the reasoning about what aspects of the SA have or have not influenced the strategy. This may be a drafting omission; however, the assessment should be integrated and be seen to inform the selection of the preferred option.

Also the submitted documents do not identify how early engagement with stakeholders has influenced the development of options and the preferred option selected. This could usefully be addressed in your future consultation report as well as in the summary at the start of the LDP.

The preferred strategy currently appears very **insular**. The document needs to be more outward looking with reference to the impact of neighbouring and collaborative activity and to set the LDP aspirations in a regional context. The appearance of insularity could be because your cross boundary work is not well documented or represented in your strategy, or perhaps it may be as a result of not following required processes, such as the collaborative work required by the MIPPS on Housing. This

inward looking approach suggests that the implications of the current Wales Spatial Plan and emerging area projects, regional transport, minerals and waste planning have not been fully considered in preparing your options and preferred strategy. Background papers on option selection and relevant processes should be more analytical and the LDP should make clear how they have set the local context.

The preferred strategy needs to be more **coherent and integrated**. The basics are well presented in terms of the derivation of the strategy's objectives, and reducing the plan's insularity may strengthen the LDP objectives. However, there should be a more transparent relationship between a plan's objective, policy and then indicator. There needs to be more clarity in what the policies and proposals are meant to achieve and how you intend to track their achievement through **monitoring**.

The various policy areas, both in terms of option assessment and policy content, need to be better integrated. The connection between the employment growth options, both in terms of levels and locations, and the consequential implications for housing and transport, the Welsh Language, retail and leisure needs more development. For example, there needs to be more recognition of how employment growth and housing provision may interact. This weakness may have developed from the approach taken to the options, which also appears fragmented. A further example is that the preferred population/housing target is lower than any of the trend-based projections, yet there appears limited justification for this in terms of the social, environmental or economic context and content of the options.

The preferred strategy could also be strengthened in terms of its spatial implications and **local distinctiveness**. It should be as place-specific as possible so that each location identified for change on the proposals map has a written outline of the implications for local communities and places. This problem may have been compounded by the delay in identifying candidate sites to the next stage, and the potentially heavy reliance on SPG for elaboration of policy content. It is also a possible result of the repetition of broad national policy in the preferred strategy without developing the depth of the strategy and its application to the local area as recommended in the PPW Companion Guide. An example of a local distinctive policy, could be identification of Welsh Language Sensitive Areas based on locally appropriate criteria and an outline of the potential impact on site selection.

Some proposed policies need a more robust transparent and analytical **evidence base**. For example, the SA identifies a need for regional and local assessment of employment land. This should include both existing commitments and future sites.

This lack of evidence may impact on the perceived **realism and actual delivery** of the preferred strategy. For example, it is not apparent from the submitted documents, that the commendable strategic flood risk assessment relating to the selected sub area towns has been taken into account, nor is there a transparent indication that this will influence site selection. There needs to be a better fit between policy and delivery, setting out what the time-scales may be. This could include for example, phasing of housing allocations depending on any infrastructure or risk assessments that may be required.

and given the low housing growth rate proposed, monitoring arrangements should be in place to assess the speed of take up.

As a related issue, the strategy should also set out how it will address uncertainty and yet achieve the identified objectives. For example, reliance on one or two major sites begs the question of what the contingency approach would be if the private sector failed to deliver or the planned required infrastructure could not be funded. The strategy needs to be **flexible** enough to respond to such circumstances and to emerging regional work.

The preferred strategy currently has some substantive **omissions** and is very broad brush. It should be recognised that if the document is too strategic with the local spatial implications unclear, then the SA is less comprehensive, there are more limited topics for early engagement, and more issues need resolution at the Examination. Early engagement is a fundamental theme of the LDP system and if key issues or policies are introduced only at deposit stage there is less opportunity for the community to influence the LDP. For example, an affordable housing target should be included at this stage of the LDP process. You should also note that the Minister for Environment, Planning and Countryside will be announcing major policy requirements related to climate change before Christmas that will impact on your LDP.

Given these concerns, the Assembly considers that the local planning authority now has two options in terms of making further progress on the plan, namely to consider:

- if it is possible to deliver a sound deposit plan given the nature and extent of the above issues, or
- reconsulting on revised Reg 15 documents.

It is appreciated that the Conwy's Preferred Strategy documents are the first to be published and as such the LPA is to be congratulated for its role in breaking new ground. We wish to be as supportive as possible in helping you to address the concerns raised above.

Although the first course of action would keep you on course with your Delivery Agreement and the 4-year LDP target, the fact that the LPA has developed the first preferred strategy without the benefit of all the Assembly Government's LDP guidance means that the associated risks were high.

The second course of action would allow you to take into account emerging regional and area work and to collaborate more effectively under the terms of the Housing MIPPS.

The implications of the above choices in terms of the Council's desire to deliver an adopted plan as soon as possible are appreciated but there is no point in wasting resources and submitting an unsound plan, which is likely to be dismissed as such by an Inspector. You will be aware by now of the Planning Inspectorate's Guide to the

Examination of Local Development Plans, which recently issued. To avoid having a plan rejected as unsound, you are advised to consider the second option above.

Given the significance of these issues the Head of Planning has written to your Chief Executive, a copy of which is enclosed. It is important that we have an early meeting to discuss and explain the issues and potential options in more detail (we also have a list of more detailed comments which we can share with you). I should, therefore, be grateful if you would contact Stacey Pritchard on 029 2082 3877 to arrange a convenient date.

|Yours faithfully

Lesley Punter
Development Plans Team

cc. John Palmer, Local Government Division

Encl.
Annex
Letter from the Head of Planning Division to the Chief Executive