



Duncan Smith  
Chief Officer Planning & Public  
Protection  
Torfaen CBC  
County Hall  
Cwmbran  
NP44 2WN

Eich cyf • Your ref  
Ein cyf • Our ref A-PP030-01-021  
10 March 2008

Dear Mr Smith

**TORFAEN LOCAL DEVELOPMENT PLAN (2006-2021):  
PREFERRED STRATEGY REGULATION 15 CONSULTATION  
WELSH ASSEMBLY GOVERNMENT RESPONSE**

Thank you for consulting the Welsh Assembly Government regarding the Torfaen Local Development Plan pre-deposit documents. We are pleased to see progress being made in furthering a development plan for the area.

It is for the statutory consultation bodies and their equivalents to contribute to Sustainability Appraisal (SA) including Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment exercises and your expert group to help you assess if they are fit for purpose.

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

In respect of the other pre-deposit documents we would refer firstly to the new approach to examining LDPs and the way we address this stage of pre-deposit documents involving the preferred strategy, options and other background material from a policy perspective. Please note that there will be a need to obtain and consider advice and representations from other relevant Assembly Government Divisions regarding candidate site proposals or aspects of detailed site assessment.



In the past our comments at UDP pre-deposit 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 considered by the Inspector in arriving at the recommendations in the Inspector's Report.

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.

Without prejudice to the Minister's discretion to intervene later in the process and to the independent examination, the Assembly Government 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 Regulation 15 pre-deposit consultation stage.

To do this, the Assembly Government looks for clear evidence that the ten tests of soundness (as set out in 'LDP Wales' and the 'LDP Manual', and explained further in guidance issued by the Planning Inspectorate) are being addressed.

Having considered all the submitted documents provided by Torfaen CBC under Regulation 15, we acknowledge the amount of work undertaken by the authority to reach this stage. We also appreciate that the LDP system is new and that authorities are having to learn as they progress.

To ensure your authority secures a sound plan in due course, we have provided a strategic assessment of the Preferred Strategy document (as supported by the other documentation you have provided). We have indicated where evidence of soundness is not immediately clear. The annex to this letter sets out the detailed comments of the Assembly Government on the Preferred Strategy document; some comments relate to more than one test of soundness and we have provided cross-references where most appropriate.

We have noted some areas of concern, both where the documentation has not made clear certain matters, as well as in relation to certain strategy and policy issues. We consider that on-going self-assessment by the authority throughout the process of LDP preparation is important but would note that it hasn't, at this stage, been evidenced to us (as recommended at para 6.5.1 of the LDP Manual). We consider that you need to address some substantive matters, as outlined below, well before you produce a deposit plan:

- Provide clear links between the **evidence base** (including availability of evidence) / contextual background studies and the robustness of the preferred strategy, both within the plan area and within the wider region; greater evidence in relation to the **deliverability** of the strategy is required.
- The LDP would be better informed by a strengthened identification of **key issues**, and by the **vision** and **objectives** being more spatially distinct, focussed on the plan period, and better related to the area's unique local characteristics and key issues.
- The **strategic policies** need to be better related to the spatial strategy and to certain national planning policy requirements (e.g. climate change matters).
- The **housing** figure needs to be adequately evidenced and justified, both in terms of the overall figure, and in relation to the deliverability of affordable housing.
- Requirements for an adequate network of **waste** management facilities must be met.
- **Minerals safeguarding** (aggregates and coal) and any potential conflicts with other development must be taken into account in the strategy at an early stage.

- The deposit plan will need to be **flexible** enough to respond to circumstances such as emerging regional work (WSP, RTP, etc.) and evolving national / regional population / housing numbers and to include **contingency** approaches if the private sector are unable to deliver or the planned infrastructure required cannot be funded.

Providing that data exists and work has been undertaken where apparent gaps in the evidence base have been identified, we believe that much of this advice can be accommodated by refining and including emerging background material, for the deposit plan and its supporting documentation. This should not delay deposit plan preparation and should improve the prospects of the plan being deemed sound.

You should document your response to our comments in your Consultation Report.

To assist your authority in taking forward the LDP, we have agreed to meet with you and your colleagues to discuss our response on Tuesday. If you have any queries in relation to the response, please contact Elaine Ancrum (on 029 2082 3710) or myself.

Yours sincerely

**Mark Newey**

Joint Head of Plans Management and Performance Branch  
Planning Division

**(enclosure – annex)**

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