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Eich cyf : Your ref:
Ein cyf : Our ref: A8054784

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Dear Mr Morris,

Powys County Council – LDP Deposit Consultation (Regulation 17): Welsh Government Representation

Thank you for consulting the Welsh Government regarding the Powys Local Development Plan Deposit documents. Without prejudice to the Minister's discretion to intervene later in the process and to the independent examination, the Welsh 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. The Welsh Government looks for clear evidence that the ten tests of soundness (as set out in 'LDP Wales') are addressed.

We acknowledge and commend the amount of work that has gone into preparing the consultation documents in line with the Delivery Agreement timetable. As always, we would urge you to seek your own legal advice to ensure that you have met all the procedural requirements, including Sustainability Appraisal (SA) including Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA), as responsibility for these matters rests with your local planning authority.

Having considered all the submitted documents provided by Powys County Council on 28 July 2014 we have **significant concerns regarding the soundness** of the plan. In particular, the policies arising in relation to economic growth and housing provision have not been fully evidenced in accordance with Regulation 17.

Housing Provision & Methodology:

We have fundamental concerns that critical evidence underpinning the plans assumption to support a provision of 5000 dwellings has not been published. The absence of a Housing Viability Assessment and updated Local Housing Market Assessment makes it difficult to understand the base assumptions and their relationship to the strategic growth options including the allocation of 900 affordable homes. The plan also refers to an Affordable Housing SPG that has not been made available.

Evidence to support the plan's conclusions is essential not only to justify the plan, but also to enable stakeholders to comment on its validity. Due to the absence of this key evidence the Welsh Government is not able to comment on whether the level of market and affordable housing is appropriate, to what degree and the assumptions underpinning affordable housing viability assessments are appropriate.

The Welsh Government's 2011 population and household projections indicate a downward trend in population growth for Powys. Basing the LDP housing requirement solely on these figures could considerably hinder the plans ability to deliver a sustainable growth strategy for Powys. It would be inappropriate to plan to replicate a period of economic decline, as reflected in the Ministerial letter CL-01-14 'The use of the Welsh Government 2011 household projections for land use planning purposes' (10 April 2014). The evidence base supporting the level of housing proposed is not considered sufficient and therefore **raises serious concerns regarding the soundness of the plan**. A stronger link between the economic growth ambition of the plan and the areas of housing, employment and retail needs to be presented.

Further Evidence:

Our representation also contains **other concerns** regarding the LDP evidence base. The following provides an outline of the unavailable/emerging evidence that needs to be addressed if the plan is to be considered 'sound'. Key areas include:

- **Candidate Site Register** (unavailable at the start of the statutory consultation period on 28 July 2014)
- **Gypsy and traveller site provision** (no evidence as to whether provision meets need)
- **Strategic Flood Consequence Assessment** (appendices documenting site assessments not submitted)
- **Renewable And Low Carbon Energy** (does not reflect national policy, Strategic Search Areas In Powys need to be reconciled with the policy approach in the plan)
- **Open Space Assessment** (not submitted)

Given the nature and extent of the concerns identified above the local planning authority must seriously consider whether it is possible to demonstrate a sound deposit plan. **We are of the opinion that the LDP would be rendered unsound as there are key elements of the evidence base which should be present to justify the plan which are currently absent. We question whether the plan complies with Regulation 17 that ensures all the evidence to support the plan is available at the time of the statutory deposit consultation.**

Accordingly, **the Welsh Government strongly recommends that Powys County Council repeat the statutory consultation period** with a comprehensive suite of evidence to support the plan, thereby enabling conformity with LDP Regulation 17 and the ability of all stakeholders to engage and comment on the plan/evidence. This course of action would

allow you to take into account the most up to date and accurate evidence to the benefit of all consultation stakeholders.

The implications of this course of action in terms of the Council's desire to deliver an adopted plan as soon as possible are appreciated. However, it is considered that this would be a more resource efficient method than the alternative of submitting a potentially unsound plan, which we have serious concerns over its ability to progress through the examination process. It is important to note that the Welsh Government reserves its right to formally object to any aspect of the plan once the statutory deposit consultation process has been repeated.

The current consultation on the Draft Planning Bill makes reference to end dates of development plans, after which it is proposed they no longer remain extant. This could apply to the Powys Unitary Development Plan (UDP) which expires in 2016. Potentially, this may result in the authority having no extant development plan in place to make decisions before adoption of the LDP. It is therefore imperative that LDP preparation moves forward as swiftly as possible to avoid a situation where your local authority is in a vulnerable position for an extended period of time.

We wish to be as supportive as possible in helping you to address the concerns raised above. It is important that we meet to discuss and explain the issues and potential options in more detail. We should, therefore, be grateful if you would contact us on the address above to arrange a convenient date.

Yours sincerely

Kristian Morgan
Plans Branch
Planning Division
Welsh Government