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Eich cyf : Your ref
Ein cyf : Our ref A-PP030-01-003
Dyddiad : Date 6th January 2011

Dear Ms Nettleton,

Brecon Beacons National Park – Deposit Version

Thank you for your recent correspondence and copies of the deposit LDP and accompanying documentation.

We recognise your achievement, progressing the deposit LDP in accordance with the revised timetable of your Delivery Agreement (DA) and appreciate the extensive technical and other work undertaken. The DA timetable will need to be reviewed to confirm the dates of the indicative post deposit stages.

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.

- 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:-**
- **The level of affordable housing provision does not address the level, or geographical distribution of need.**
 - **The distribution of growth between settlements does not reflect the identified role and function of the key settlements.**
 - **It is unclear how the level of housing growth relates to the evidence base.**



- 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. Minerals** – safeguarding and dormant sites
 - ii. Gypsy Traveller site provision**
 - iii. Waste**
 - iv. Flood Risk**
- 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, that:
- i. the strategy and policies are **deliverable**,
 - ii. the plan is **flexible** to enable it to deal with changing circumstances,
 - iii. the mechanisms for **implementation** and **monitoring** are sufficiently clear.
- 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.

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 strongly advise that you consider how you could maximise the potential of your LDP being considered 'sound' through the examination process. If you would like to **meet at an early date** to discuss any matter arising from our formal response to your deposit LDP, please contact me.

Yours sincerely

Mark Newey
Head of Plans Branch
Welsh Assembly Government

annex

Annex to Assembly Government letter 6th January 2011, in response to Brecon Beacons National Park Deposit LDP

A Objection under soundness tests C2, CE2, CE4: Fundamental issues that we consider present a significant degree of risk and that may have implications for the plan's strategy:

Fundamental issues identified are:

- i. **The level of affordable housing provision does not address the level, or geographical distribution of need.**
- ii. **The distribution of growth between settlements does not reflect the identified role and function of the key settlements.**
- iii. **It is unclear how the level of housing growth relates to the evidence base.**

We consider these 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.

Affordable Housing

The summary of key issues identifies *"the need to provide a mix of dwelling types to meet the housing needs of the Park and in particular the need to meet affordable housing needs"* (Key issue D). The plan's strategy in response to this issue is based on providing housing *"to support the vitality of communities"*, which should reflect the need for affordable housing. The plan does not deliver on this key issue.

'Planning Policy Wales' requires local planning authorities to make appropriate provision for affordable housing (paragraph 9.2.14). Increased provision of affordable housing is a key policy goal for the Assembly Government (as expressed in section 5.1 of 'One Wales – a progressive agenda for the government of Wales', June 2007).

The 'Housing Issues Paper' (paragraph 4.1.10) estimates a need of about 800 affordable dwellings over the first 5 years. In the LDP this figure is increased to 989 for the first 5 years (paragraph 6.3.1.2) an additional 38 units/year. The LDP does not set an affordable housing figure over the plan period, as required by national policy (PPW, paragraph 9.2.16). The affordable housing policies do not refer to onsite provision of affordable housing (as a percentage); it is set out in the reasoned justification (BBNP LDP, paragraph 6.3.9.1). Any percentages sought should be included in policy.

Policy SP6 provides for 269 units and states that some of the affordable housing will be also delivered through rural exception sites (although expected numbers are not specified). The basis of the 269 figure is unclear. Tables 6.1 and 6.2 include a total of 194 for the plan period. The identified need for the first 5 years (989) means that the Park would need to deliver around 198 per annum. Policy SP6 equates to approximately 1.33 years of identified need. There is no explanation as to why the Park has decided to deliver such a low yield of affordable units, especially as one of its key issues is to provide affordable homes, or how the geographical distribution correlates spatially with the level of need.

Overall, we surmise there is a need for approximately 2970 affordable units over the plan period (198 x 15 years). The Park's Affordable Housing Delivery Statement (AHDS, June 2009) stated that the identified need for affordable homes was 27/year, as opposed to

198/year in the LDP. Affordable housing delivery for the period 2009/10 BBNPA was 35 units, with a forecast delivery of 24 units in 2010/11 and 41 units in 2011/12.

The Park's 'Settlement Assessment Process' approach results in 647 of the 841 allocated units delivered through the LDP being market housing which cannot be restricted to the local community. Housing provision in general appears to provide very low yields of affordable housing, particularly in comparison to the apparent high level of need (2970). The large proportion of the housing proposed seems to be for the open market and therefore will not address one of the main aims of the plan identified at 'Key Issues D.

The plan should also identify the demand for different dwelling sizes/types in relation to supply (PPW, paragraph 9.2.15). However, the background evidence does not identify the differing needs and therefore it is unclear as to how the authority will know what size/types of dwelling will be required "to support the vitality of communities" across the plan area. TAN 6 paragraph 4.1.2 states that in rural areas where there are environmental constraints or social or cultural considerations, planning authorities may wish to give priority to affordable housing. Due to the expressed constraints indicated by the Park, it is unclear as to why the plan does not restrict the housing in category level 3 to affordable housing.

Policy 15 refers to general market housing not being permitted at Level 4 settlements, stating any net gain in housing will only be permitted for affordable local housing (although it is unclear how the evidence for affordable housing spatially aligns with such settlements). The policy then indicates that local needs housing, not affordable, could be permitted where it is proven there is no need. This is potentially contradictory within the policy itself and does not appear to accord with the definition of affordable housing, as set out in TAN2. If, as Policy 15 states that a dwelling could "become, and remain an affordable house in perpetuity" it implies that it does not have to be an affordable house from the outset. TAN2 (paragraphs 5.1 to 5.3) defines affordable housing which should be reflected in the policy. It is also unclear what is meant by "no longer needed by the initial occupier or subsequent occupiers" as presumably the house would have to be sold to have subsequent occupiers who may, or may not be local, and there may still be no identified 'need' in the area and would therefore be sold on the open market?

Distribution of Housing

The Park has produced evidence for each settlement considering environmental constraints. However, it is not clear from this work how the authority has determined the distribution of growth taking into account the role and function of settlements and the wider key issues the plan is seeking to resolve. In addition, whilst there is analysis of individual sites, it is unclear as to if, and how any comparative site analysis has been undertaken.

The policies do not appear to deliver the strategy. For example Level 3 settlements include 2 settlements which together (Gilwern 112, Govilon 93) deliver 205 units, more than the allocations at the key settlements of Talgarth, Hay-on-Wye and Crickhowell deliver in total (142). Allocations for all level 3 settlements totals 438 units, nearly 10% more than allocations at Brecon and the other 3 key settlements combined which suggests a dispersed pattern of development. It is unclear as to the sustainability of such an approach or the relationship to growth at the key settlements and their role and function. The plan needs to explain why the authority considers level 3 settlements more sustainable than the key settlements, and why these villages/ towns need such a high proportion of housing.

The difference in the wording of policy between the levels is also unclear. It is not clear why level 3 settlements have settlement boundaries and level 4 have 'settlement extent'. If, as indicated in paragraph 3.10.3.5 (BBNP LDP) the settlement extent is not a "Development Boundary" it is unclear as to its purpose. Paragraph 3.11.2 of the BBNP LDP appears to further confuse this issue. A criteria based policy would be better for the level 4: limited growth settlements (TAN 6, paragraph 2.2.4).

Several locations identified as appropriate for housing development in the plan make reference to further clarification on the ability to provide infrastructure, particularly water. Whilst this may be acceptable for a limited number of sites phased during the later part of the plan period, the plan should provide sufficient certainty that such infrastructure can be delivered in principle so allocations can come forward in the short to medium term. It would be inappropriate for this not to have been considered when formulating the plan, or if the collective scale becomes significant.

Housing Provision

The relationship between the evidence and the level of housing growth is unclear. The provision of housing through the LDP is based on the 'Settlement Assessment Process' and environmental capacity. This is described as a synthesis of the desires of the local community with the environmental capacity of a settlement. However, the relationship between this approach and WAG's household projections, including any implications arising, is not explained. The WAG household projections should be the starting point (as set out in PPW, paragraph 9.2.2) when preparing a LDP. Whilst the 'Housing Issues Paper' suggests that the latest (2006 based) WAG projections available for the Park are not reliable. The background evidence does not explain what components of the projections are considered inappropriate, the different basis upon which the projections and the LDP growth level is predicated, nor the implications arising from either deviating from the projections conclusions or constituent parts of the methodology.

Housing Issues Paper (paragraph 6.3.3.) states: *the current housing strategy as having identified a level of growth which is deliverable within the constraints present during the current plan period*". It is questioned as to whether the environmental capacity expressed in the plan is indeed the environmental capacity, or how potential tensions have been reconciled reflecting all the available evidence and delivering on the key issues that the plan itself identifies.

Other choices, albeit difficult, may be required. It would be prudent to have a 'league table' of all assessed sites with commentary to explain why sites are, or are not appropriate for inclusion, or what may have to be in place to address any issues. This presumably would include candidate and alternative sites. Pressure for affordable housing will no doubt continue, alongside addressing changing demographic structures and economic circumstances. Further exploration of what constitutes environmental capacity in this instance and the ability of the plan to respond to current issues and those within the plan period would be beneficial. It would not be appropriate to leave this to a formal review of the plan. The LDP needs to plan for the whole plan period.

The LDP makes provision for 841 dwellings (although Chapter 3 includes a figure of 839) over the plan period, based on their 'Settlement Assessment Process' with 106 units delivered before 2016 (13%), and the remaining 87% delivered after 2016. There are

several concerns in relation to the level of provision. We presume that existing commitments will need to be included to give the overall provision, which remains unclear.

The plan appears to deliver most of its housing provision in the last 6 years of the plan period. It is not clear how this meets the identified need either in total or through phasing. The delivery of 13% of the housing provision (although this appears to be just the allocation component) in the first 8 years of the plan appears unbalanced with no explanation of how this meets the identified need. The implications and rationale why the greater proportion of housing provision is delivered later in the plan period is not explained. It is unclear what proportion of the later sites will actually come forward due to potential water issues which do not appear to have been resolved at this stage, raising questions regarding delivery.

106 dwellings are described as “Current Residential Allocations”. It is unclear as how existing commitments relate to this plan period, or the remainder. The ‘Housing Issues Paper’ states a further 269 units (identified in their JHLAS) and 285 small sites are also provided over the period up to 2016. This brings the total housing provision to 1395 (assuming no commitments after 2016 come forward). It is unclear why commitments are not included in the housing provision, or why the LDP does not have one overall level of provision, in a policy (PPW, paragraph 9.2.24). It is also unclear as to the contribution of housing from mixed use sites will deliver. These sites are not included in the figures provided in the tables. It is also difficult to understand the distributional relationship between commitments and allocations, i.e. are they similar, or not, and why? The affordable housing viability study includes further figures, for extant permissions and allocations (April 2009). The LDP should set out a clear breakdown of the overall housing provision over the plan period, giving a clear breakdown to include units completed (as LDP period started 2007), under construction, those with planning consent i.e. commitments and then allocations.

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. Minerals – safeguarding and dormant sites

MPPW (paragraph 13) states that areas to be safeguarded should be identified on proposals maps. Whilst the LDP proposals maps do not show sand and gravel safeguarding, as per Policy 45, we note an addendum is included, stating it will be illustrated on the Proposals Map. However, we wish to be reassured that this addendum provides sufficient clarity (scale and location) enabling users of the plan to express their views and raise any relevant matters.

The policy does not identify hard rock for safeguarding (limestone and sandstone resources being present in the National Park) stating it is the intention of the authority to move the working of such minerals out of the National Park. Whilst the Park may seek to move the workings outside its boundaries, national policy still requires the resource to be safeguarded. The plan is currently deficient in this respect and should safeguard both limestone and sandstone resources, showing them on the proposals map.

ii. Gypsy Traveller site provision

The plan states that there is a requirement to identify a Gypsy and Traveller site within Brecon Beacons National Park boundaries, but has not allocated a specific site. Paragraph 17 of Circular 20/2007

(<http://wales.gov.uk/topics/planning/policy/circulars/gypsycircular/?lang=en>) states that:

“Where there is an assessment of unmet need for Gypsy and Traveller accommodation in the area, local planning authorities should allocate sufficient sites in LDPs to ensure that the identified pitch requirements for residential and transit use can be met. Local planning authorities will need to demonstrate that sites are suitable, and that there is a realistic likelihood that the specific sites allocated in LDPs will be made available for that purpose.” The plan does include a criteria based policy, and is required in case of future need. The plan is currently deficient and contrary to national policy in that it should also allocate a specific site for the Gypsy and Traveller accommodation as need has been identified in the Park (PPW, paragraph 9.2.21).

iii. Waste

It is unclear as to how the remaining capacity of existing locations, in terms of scale and plot size, provides sufficient capacity to meet the required need.

iv. Flood Risk

TAN15 (paragraph 11.1) identifies that the Environment Agency will assist Planning Authorities in coming to their decision on whether the consequences of flooding are acceptable. Therefore the text under part J of table 3.1 (page 19) should be amended to read:

“In accordance with PPW and TAN15 vulnerable development should only be permitted within the area if the risk can be managed to the satisfaction of the National Park Authority”.

In addition, Part J refers to consulting EA flood maps not TAN15 Development Advice Maps, which are the trigger in relation to flood risk policy and land use planning. The text should be altered to refer to Development Advice Maps rather than EA flood risk maps.

Table 3.6 (Settlement Constraints) identifies 348 proposed housing allocations within smaller settlements where flood risk is identified as an issue. This represents 25% of the proposed 1395 dwellings being proposed within the plan period. However, the supporting evidence on flood risk (Strategic Flood Risk Assessment) is basic and does not consider other settlements other than the Primary and key settlements of Brecon, Crickhowell, Talgarth, and Hay on Wye. Given this level of uncertainty regarding flood risk it is unclear as to whether the housing allocations are realistic and founded on robust and credible evidence, and whether the stated 348 units can actually be delivered in the plan period.

Other (non key) Level 3 settlements would benefit from a broad level flood consequence assessment to demonstrate that either land at risk of flooding can be mitigated appropriately, or sufficient developable land in Zones A & B exists to accommodate the proposed allocation of housing within each settlement, in order to demonstrate that the deposit plan is based upon robust evidence and capable of being implemented.

C In relation to soundness tests CE2, CE3: 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, that:

- i. the strategy and policies are **deliverable**,
- ii. the plan is **flexible** to enable it to deal with changing circumstances,
- iii. the mechanisms for **implementation** and **monitoring** are sufficiently clear.

i. Deliverability

The plan proposes mixed use sites but the anticipated balance of uses on these sites should be indicated in the plan itself to provide a clear framework for development. The largest proportion of housing is to be delivered post 2016. It is unclear whether this phasing corresponds with need and whether these sites are deliverable post 2016, particularly with regard to water and flooding issues.

ii. Flexibility

The plan includes 5 levels of settlements. However, there are 3 sub-levels then within levels 3 & 4 giving a total of 10 different settlement categories. There is no reflection to the distribution of growth at various settlements within these sub-levels. Although the plan at 3.9.1.4 explains that this has been done to provide flexibility, it is questioned as to how these categories provide such flexibility and what purpose they have.

iii. Monitoring

It is suggested that the Park look at examples of monitoring frameworks included in other adopted LDPs across Wales to develop a more effective monitoring framework. These adopted plans include trigger points which are essential to monitor the policies. The Park will also need to consider how it will monitor its affordable housing delivery without the inclusion of targets in its policies.

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.

The plan sometimes repeats national planning policy. In addition, the formation, grouping and content of policies has led to repetition and lack of clarity in certain areas. The 'LP Policies' for the specific levels of settlement very often cover many of the subjects under 'Policy', and therefore repeat each other. In some instances the wording of the policies may not deliver what the planning authority is seeking to achieve, sometimes open to interpretation. All policies need to be evidence-led, clear and deliver on the Park's strategy. In some instances the reasoned justification seems to include information that should be included in policies.

Some information contained in the LDP would be better placed in the background papers and key information is missing from the LDP e.g. the housing figures. An evidence paper (Issues Paper – Natural Resources, Ecosystem Services and Food Security) seems to be

missing; it is referenced in the footnote on page 71 of the LDP, but can neither be found on the NP's website nor in the consultation documents received.

It is not clear how agricultural land quality has been assessed. The all-Wales Provisional Agricultural Land Classification map is only suitable for strategic purposes and NOT site specific assessment. Whilst this should not be a problem for the park, clarification regarding what evidence has been used to determine the quality of agricultural land would be beneficial.

Paragraph 6.3.1.3 of the plan refers to 5 year review, this should be 4.
